

Malady & Wooten, LLP

Legislative Report

April 19, 2013

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Pennsylvania Golf Course Owners Association

LEGISLATIVE UPDATE

Session Schedule:

2013 HOUSE SESSION SCHEDULE

April	22, 23, 24
May	6, 7, 8, 13, 14, 15
June	3, 4, 5, 10, 11, 12, 17, 18, 19, 20, 24, 25, 26, 27, 28

2013 SENATE SESSION SCHEDULE

April	29, 30
May	1, 6, 7, 8, 9, 13, 14
June	3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26, 27, 28

PENNSYLVANIA BULLETIN ANNOUNCEMENTS

DELAWARE RIVER BASIN COMMISSION Notices

[Meeting and public hearing](#)

FEE BROACHED FOR PA. WATER EXTRACTION, REMOVAL

PITTSBURGH — The head of the Pennsylvania Fish and Boat Commission says he's considering seeking a new fee on water extracted by industry and permanently removed from the environment.

Commission executive director John Arway said that with a \$9 million budget shortfall expected in 2017 at the agency, which is funded mostly by anglers and boaters, he's "searching high and low" for alternative funding, according to The Pittsburgh Post-Gazette (<http://tinyurl.com/cdwjjj3>).

Officials say a fee on "consumptive use" of water, with revenues going to the commission and the state Department of Environmental Protection, may have legal precedent and tentative bipartisan support.

"When people drink water or take a shower, it's returned through the sewage system," Arway said. "When farmers irrigate fields it drains back into the ground. The Pennsylvania Constitution says we, the citizens, own the water. Some of these companies take it out of the environment, use it for free and it's gone, never returned to Pennsylvania's environment."

The bottled water industry, for instance, pays nothing to remove the water that it treats, packages and mostly ships out of the state. The Marcellus Shale natural gas industry also extracts water for free, since the process of hydraulic fracturing pumps water so far below the water table it is rendered unusable. There are other industries that make similar permanent use of water, Arway said.

"That's our water they're taking for free," Arway said. "They're stealing the resource from us, and that makes me mad."

While land ownership in the western United States usually includes water rights, rules dating back to English common law in the eastern states including Pennsylvania reserve most flowing water and its aquatic life in a trust owned by the citizens of the state. Arway cites a 1940s state law requiring dredging companies that remove sand and gravel from the Allegheny and Ohio riverbeds to compensate the state as a precedent for a new regulation that would compensate the state for permanent extraction of water.

A resolution introduced in the state Senate would allocate money to study the issue and recommend a fee structure for permanent use and degradation of water.

Chris Hogan of the International Bottled Water Association said that while the industry supports regulation of industrial use of water, the trade group oppose the kind of state fees Arway has proposed.

"The consumptive use of water for bottled water is arguably one of the highest and most appropriate consumptive uses of water in a product, since it quite literally is then directly consumed by consumers," Hogan said. He said bottlers are already subject to permit and inspection fees and taxes, and since much of the product is returned to the environment the industry is actually a "net importer of water into states in the region."

Steve Forde, a spokesman for the Marcellus Shale Coalition, said that in 2011 in Pennsylvania drilling operations used 8 million to 10 million gallons of water per day, among the least used by water consuming

industries. Fracking operations accounted for 0.1 percent of 9.5 billion gallons of water extracted daily from the state, according to a 2011 U.S. Geological Survey report.

In addition, new cost-saving technologies developed in the past three years enable operators to reuse water used in fracking, reducing the industry's need for water, Forde said.

"There's a good business case to be made for reducing water withdrawal. Transporting it to the well and then disposing of it - it's expensive," he said. "In our business, hydraulic fracturing is where water is utilized, and the truth is we're not using as much water as we did just a few years ago."

A spokeswoman for the Department of Environmental Protection department said the resolution is under review. Arway said the commission, which gets most of its money from license and permit fees and a federal excise tax on fishing and boating gear and fuel, will see a shortfall in four years due to employee pension obligations and growing infrastructure expenses, and water usage revenues would help make up the difference.

DEP TO BEGIN BLACK FLY AERIAL SPRAY PROGRAM ON APRIL 22

HARRISBURG -- The Department of Environmental Protection will begin its annual black fly control aerial spray program on Monday, April 22, starting with nearly 120 stream and river miles in four eastern counties.

The Schuylkill River in Berks and Schuylkill counties; Manatawny Creek in Berks and Montgomery counties; and the Delaware River in Bucks and Northampton counties will be sprayed.

DEP uses Bti, a naturally occurring bacterium, to target the larval stage of four specific human pest black fly species. This bacterium degrades quickly in the environment and does not harm the aquatic ecosystem, fish, birds or other insects.

This effort greatly reduces the black fly population, making it easier for Pennsylvanians to enjoy outdoor activities during the warmer months of the year.

From now through August, 45 rivers and streams spanning more than 1,500 miles in 32 counties will be monitored and treated as needed. Spraying activities will be performed by helicopter and the frequency will depend on black fly surveillance results and weather conditions. Treatments cannot occur during periods of heavy rain or when water levels are high. Fast-moving water can carry away the spray product too quickly, making the treatment ineffective.

DEP will notify county and local emergency management officials prior to any spraying activity to make them aware that helicopters seen flying over creeks, streams and rivers are working on behalf of the state's black fly program. Anyone with concerns about the sight of a helicopter is encouraged to call their county emergency management office to verify that a black fly treatment is taking place in their area on that day.

For more information about Pennsylvania's Black Fly Suppression program, visit www.dep.state.pa.us or call 717-346-8238.

Editor's Note: Below is a list of the 45 waterways in 32 counties to be sprayed for black flies during 2013:

Armstrong: Allegheny River, Kiskiminetas River, Mahoning Creek, Redbank Creek

Beaver: Connoquenessing Creek

Berks: Manatawny Creek, Schuylkill River, Tulpehocken Creek

Bradford: Chemung River, North Branch Susquehanna River

Bucks: Delaware River, Tohickon Creek

Butler: Slippery Rock Creek

Clarion: Allegheny River, Clarion River, Redbank Creek

Clearfield: Chest Creek, West Branch Susquehanna River

Columbia: Fishing Creek, North Branch Susquehanna River

Cumberland: Conodoguinet Creek, Susquehanna River, Yellow Breeches Creek

Dauphin: Juniata River, Mahantango Creek, Susquehanna River, Swatara Creek

Elk: Clarion River

Fayette: Youghiogheny River

Forest: Allegheny River, Clarion River, Tionesta Creek

Huntingdon: Aughwick Creek, Frankstown Branch Juniata River, Juniata River

Indiana: Conemaugh River, Kiskiminetas River

Juniata: Juniata River, Susquehanna River, Tuscarora Creek

Lawrence: Connoquenessing Creek, Neshannock Creek, Slippery Rock Creek

Lehigh: Lehigh River

Lycoming: Loyalsock Creek, Pine Creek, West Branch Susquehanna River

Mifflin: Juniata River

Northampton: Delaware River, Lehigh River

Northumberland: Mahantango Creek, North Branch Susquehanna River, Susquehanna River, West Branch Susquehanna River

Perry: Juniata River, Sherman Creek, Susquehanna River

Schuylkill: Schuylkill River

Snyder: Middle Creek, Penns Creek, Susquehanna River

Union: Penns Creek, West Branch Susquehanna River

Venango: Allegheny River, French Creek, Oil Creek, Sandy Creek, Sugar Creek

Warren: Allegheny River, Brokenstraw Creek, Conewango Creek

Westmoreland: Conemaugh River, Kiskiminetas River, Youghiogheny River

Wyoming: North Branch Susquehanna River, Tunkhannock Creek

York: Conewago Creek, Susquehanna River, Yellow Breeches Creek

COMMITTEE MEETINGS

House Environmental Resources and Energy

WEDNESDAY - 4/24/13

9:00 a.m., Room 205, Ryan Office Building

To consider:

HB 1171 Dunbar, George Amends the Alternative Energy Investment Act repealing provisions relating to the Alternative Energy Production Tax Credit Program.

House Tourism and Recreational Development (INFORMATIONAL)

THURSDAY - 4/25/13

11:00 a.m., Seminary Ridge Museum, 111 Seminary Ridge, Gettysburg

Presentation from local tourism officials on the upcoming 150th anniversary of the Battle of Gettysburg

Joint Legislative Conservation Committee

MONDAY - 5/6/13

12:00 p.m., Room G-50, Irvis Office Building

Environmental Issues Forum with presentation entitled, "PA Fish and Boat Commission Fiscal Slop: Spending Reallocation Plan and Revenue Generating Options"

House Tourism and Recreational Development (INFORMATIONAL)

WEDNESDAY - 5/8/13

9:00 a.m., Harrisburg Hilton, 1 North Second Street, Harrisburg

Informational meeting on tourism industry policy priorities

House Tourism and Recreational Development (PUBLIC HEARING)

THURSDAY - 5/16/13

9:00 a.m., Room 140 Main Capitol

Public hearing on:

- | | | |
|---------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HB 871 | Day, Gary | Amends Title 53 (Municipalities Generally), in other subjects of taxation, further providing for excise tax on hotel room rental. |
| HB 872 | Day, Gary | Amends the Tax Reform Code, in sales and use tax, further providing for definitions. |
| HB 873 | Day, Gary | Amends the County Code, in fiscal affairs, further providing for authorization of certain hotel room rental taxes; & in grounds & buildings, further providing for certain hotel room rental taxes. |
| HB 874 | Day, Gary | Amends the Community and Economic Improvement Act further providing for definitions relating to tourism and marketing tax. |
| HB 875 | Day, Gary | Amends Title 64 (Public Authorities & Quasi-Public Corporations), in PA Convention Center Authority, further providing for hotel room rental tax and continuation of existing tax. |

House Democratic Policy Committee (INFORMATIONAL)

THURSDAY - 6/6/13

10:00 a.m., Room 418 Main Capitol (Rescheduled from 3/21/13)

Informational public briefing on PA Fish & Boat Commission's Fiscal Slope:
Spending Reallocation Plan and Revenue Generating Options

BILL REPORT

ATTACHED TO THE REPORT

STATE NEWS

ONE STEP CLOSER TO ALLOWING ONLINE VOTER REGISTRATION

A bill to allow Pennsylvanians to register online to vote is on its way to the House of Representatives. The vote in the Senate was unanimous on a bill that would bring Pennsylvania into the growing ranks of states that allow the practice. The National Conference of State Legislatures says 16 states have approved online voter registration and it's a hot topic in more than a dozen other states.

CORBETT UPDATES TRADE MISSION PROGRESS

Gov. Tom Corbett spoke with reporters via conference call, offering an update on the progress of his South American trade mission. The governor also commented briefly on the transportation funding plan introduced today by Sen. John Rafferty (R-Montgomery), and on the bombing at the Boston Marathon. Detailing the events and meetings conducted by the trade mission team, Gov. Corbett expressed optimism

that a number of deals will result, bringing jobs and economic development to Pennsylvania and increasing trade between the commonwealth and countries in South America.

MARCH TABLE GAMES REVENUE SETS RECORD

Pennsylvania's casinos have set a new monthly record for gross revenue from table games. The state Gaming Control Board says the 11 casinos generated \$67.4 million in gross revenue from table games last month. That was up 9 percent from March 2012, when the casinos set the previous monthly record of \$61.9 million. Combined with March slots revenues announced earlier this month, total gross revenue from gaming in Pennsylvania was up one percent over last March, to \$296.7 million.

IN THE NEWS

Discover PHL: Philadelphia Convention & Visitors Bureau Launches New Websites To Drive Growth Of Conventions And International Travel To City

PHILADELPHIA, April 18, 2013 /PRNewswire-USNewswire/ -- The Philadelphia Convention & Visitors Bureau (**PHLCVB**) today announced the launch of the destination's official convention and international visitor website, www.discoverPHL.com. The new website, which brings the vibrancy of Philadelphia to life through striking full-screen photography, extensive content and fresh branding, is designed to meet the demands of key Philadelphia travel audiences – international visitors, convention attendees and meeting planners.

The **PHLCVB** also launched www.discoverPHL.cn, a fully translated Chinese website hosted in China – a first for any U.S. travel destination, a robust mobile site, fully translated websites in four languages (French, German, Spanish and Portuguese) and a mobile application on the iOS platform.

"We are always excited and eager to tell Philadelphia's story to the world and discoverPHL.com does just that," says Philadelphia Mayor Michael A. Nutter . "Philadelphia is ranked 12th in terms of international visitation to the U.S. and the launch of these new online tools is just one of the things we're doing to attract even more international visitors to our modern renaissance city."

"We have taken every measure to ensure that our website and supporting products are robust and accessible to all our audiences," says **PHLCVB** president and CEO Jack Ferguson . "Whether serving meeting planners, or welcoming convention attendees and international visitors, our websites will serve as a starting point for inspiring people to discover Philadelphia."

Some of the site's new features:

- **Meeting and Convention Resources.** New tools for meeting planners preparing events at the Pennsylvania Convention Center and other venues.
- **Booking Engine.** New hotel booking engine powered by Booking.com. The booking engine was chosen because of its global reach and availability to consumers in 41 languages and currencies.
- **Member-generated Events and Deals–** **PHLCVB** members can now add searchable events and deals, increasing their exposure and driving traffic.
- **Maps and Itineraries.** Plot an itinerary, search for hotels by categories, view restaurants in particular neighborhoods and more, via a new interactive map.
- **Favorites.** Create an account and map Favorites – restaurants, attractions, hotels etc., which can be saved and accessed at a later date, including from a mobile device.

MMGY Global, one of the world's largest travel marketing firms, was engaged to build discoverPHL.com. They specialize in digital travel programs and web site development for global travel brands.

- 04-19-2013 **South Lebanon Township fertilizer maker has long history of safe operation**
 A South Lebanon Township fertilizer company is working pretty much around the clock this time of year. Lebanon Seaboard Corporation, 1600 East Cumberland St., makes fertilizer products for consumers, landscapers and golf courses. And spring is its busy season, said Katherine Bishop, the company's president.... - [Harrisburg Patriot-News](#)
- 04-18-2013 **Philadelphia tourism focuses on local preferences**
 Philadelphia's newest tourism campaign is zeroing in on pleasing the locals. The Philadelphia Neighborhoods campaign, which the Greater Philadelphia Tourism Marketing Corporation rolled out on April 5, highlights 14 areas all within a 15-minute walk or ride from Center City hotels that are... - [Daily Pennsylvanian](#)
- 04-18-2013 **Positive outlook for Valley's commercial real estate**
 The Lehigh Valley's commercial real estate market is improving, encouraging the construction of new manufacturing plants and warehouses, according to experts who spoke Thursday at a real estate outlook forum hosted by the Greater Lehigh Valley Chamber of Commerce.... - [Allentown Morning Call](#)
- 04-17-2013 **Agreement ends labor protest over U.S. Open at Merion**
 The U.S. Golf Association has made deals with two local labor unions, ending protests over preparations for the U.S. Open at Merion Golf Club. Union representatives said Friday that the deal would bring full-time work for about 40 Philadelphia-area carpenters and a handful of stagehands... - [Philadelphia Inquirer](#)
- 04-16-2013 **U.S. Open security under review for upcoming June tournament at Merion Golf Club**
 Area golf fans will soon have a major event in their backyard, as the U.S. Open is staged at Merion Golf Club in Haverford Twp. near Ardmore June 13-16. With as many as 200,000 people expected that week, security is under review by the U.S. Golf Association in the wake of the Boston Marathon bombings,... - [Harrisburg Patriot-News](#)
- 04-15-2013 **Fee broached for Pa. water extraction, removal**
 PITTSBURGH — The head of the Pennsylvania Fish and Boat Commission says he's considering seeking a new fee on water extracted by industry and permanently removed from the environment... - [AP](#)
- 04-15-2013 **Group pushes bills to end school taxes**
 While some local legislators still have reservations about bills that would eliminate school property taxes, a petition drive is pushing forward to change their minds. Thousands of people in Luzerne County and communities throughout Northeastern Pennsylvania are rallying behind HB76 and Senate Bill... - [Wilkes-Barre Times Leader](#)
- 04-15-2013 **'Coolest Small Town' label bringing more visitors to Lititz**
 So, are new faces showing up in Lititz these days, checking out the "Coolest Small Town in America?" "I voted — that's why you won," laughed Rose Anne Manfredi of Long Island, N.Y., Sunday afternoon as she and her husband, Ron, both 62, strolled through Lititz Springs Park.... - [Lancaster Intelligencer Journal](#)
- 04-15-2013 **Meetings are 'good business' for tourism boards**
 For three days this week, Peddler's Village played host to about 5 dozen right-of-way agents, people whose job it is to evaluate and purchase land or easements for public works projects. It was a small meeting, and one that wouldn't have been noticed by the general public. But for county tourism officials, the biannual regional... - [Levittown Intelligencer](#)
- 04-15-2013 **Gypsy moth spraying to target parts of Venango**
 The spraying for gypsy moths this spring in Venango County will take place in certain residential and high-use public areas in Cornplanter and Victory townships. The spraying is a joint effort of the Venango Conservation District, the Pennsylvania Department of Conservation and Natural Resources-Bureau of... - [Oil City Derrick](#)

WEEK IN REVIEW

- 04-19-2013 **Pa. high court upholds jury commissioner decision**
HARRISBURG, Pa. — Races for the county offices of jury commissioner won't appear on the primary ballot under a Pennsylvania Supreme Court ruling Thursday that lets parties decide who will be candidates in the fall election... - [AP](#)
- 04-19-2013 **Hearing in Pa. House of Representatives examines school safety**
A committee in the Pennsylvania House of Representatives addressed school safety and security in a public hearing yesterday, Rep. Gary Day, R-Berks and Lehigh, said. The Select Committee on School Safety was formed as a result of House Resolution 53, co-authored by Day and Rep. Cherelle Parker, D-Philadelphia,... - [Penn State Daily Collegian](#)
- 04-18-2013 **Bills in Harrisburg aim for transparency, ease of registering to vote**
HARRISBURG - Pennsylvanians could register to vote online, and get quicker access to data about who funds their legislators' campaigns and who spends money to influence policy-making in the Capitol, under a trio of bills passed unanimously Wednesday in the state Senate.... - [Philadelphia Inquirer](#)
- 04-18-2013 **Pa. House committee approves bill protecting social media privacy from employers**
HARRISBURG, Pa. (WHTM) - A bill to prohibit employers from seeking the Facebook usernames and passwords of workers and job seekers is headed to the state House of Representatives. HB1130, also known as the Social Media Privacy Protection Act, was approved 25-0 by the House Labor and Industry Committee on Tuesday.... - [Carlisle Sentinel](#)
- 04-17-2013 **Pennsylvania Democratic legislators push for early-voting measure**
Pennsylvania should join the 35 other states that have some form of early voting in order to increase voter participation and turnout, a group of Democratic legislators contend. "I think it's time for Pennsylvania to become the 36th state," said state Rep. Tony DeLuca, D-Penn Hills.... - [Pittsburgh Post-Gazette](#)
- 04-17-2013 **House Republicans propose abolishing Pennsylvania Turnpike Commission**
HARRISBURG -- A group of House Republicans have proposed abolishing the Pennsylvania Turnpike Commission, ceding all operations, maintenance, construction and other responsibilities to the state's Department of Transportation. The legislation, put forth by Rep. Donna Oberlander, R- Clarion, comes in... - [Pittsburgh Post-Gazette](#)
- 04-16-2013 **Lawmaker calls for directing liquor privatization dollars to transportation**
Gov. Tom Corbett's proposal that uses money from the sale of the state's liquor system for educational programs isn't a bad idea, but Rep. Jerry Knowles, R-Schuylkill, said his is better. Knowles has introduced legislation that would direct the liquor money toward the state's \$3.2 billion annual transportation funding needs. He... - [Harrisburg Patriot-News](#)
- 04-16-2013 **Bipartisan Pennsylvania Senate plan offers \$2.5 billion in road, bridge and transit repairs and upgrades**
HARRISBURG — In a mass display of bipartisan and community support, Republicans and Democratic lawmakers were joined by bicyclists, Teamsters, military officials and senior citizens to unveil the largest transportation funding proposal in decades. The estimated package would total \$2.5 billion — about \$700 million... - [Allentown Morning Call](#)
- 04-15-2013 **Bill makes towns pay for using Pennsylvania troopers**
HARRISBURG -- When he gets on a roll, there's a hint of evangelical zeal in Rep. Mike Sturla's sales pitch for legislation to charge municipalities that use state police coverage rather than hiring their own officers. Mr. Sturla, D-Lancaster, said he has tried for 15 years to enact... - [Pittsburgh Post-Gazette](#)
- 04-15-2013 **Many Pennsylvania state websites down on tax day**

HARRISBURG, Pa. -- Many of Pennsylvania's state government websites are offline, and officials aren't providing many details about the cause or its likely duration... - [AP](#)