

**Malady & Wooten, LLP**

Legislative Report

May 3, 2013

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**Pennsylvania Golf Course Owners Association**

**LEGISLATIVE UPDATE**

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**Session Schedule:**

**2013 HOUSE SESSION SCHEDULE**

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**

May 6, 7, 8, 9, 13, 14

June 3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26, 27, 28

## **PENNSYLVANIA BULLETIN ANNOUNCEMENTS**

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### **FISH AND BOAT COMMISSION Notices**

[Additions to list of Class A wild trout waters](#)

[Classification of wild trout streams; additions to the list](#)

### **SUSQUEHANNA RIVER BASIN COMMISSION Notices**

[Public hearing](#)

## **DEP RELEASES 2012 SUSQUEHANNA RIVER SAMPLING REPORT**

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Agency Will Discuss Results in Webinar on May 9

**Harrisburg** – The Department of Environmental Protection today released the 2012 Susquehanna River Sampling Report, explaining the latest results from an aggressive sampling effort across the Susquehanna River. Work is continuing across the watershed this spring and summer as the scope of the study broadens to include more tributaries of the three main sections of the Susquehanna watershed: the Juniata River, Main Stem and West Branch of the Susquehanna.

“The results of the 2012 report speak to the complexity of this issue and the need to continue to keep pushing forward with our partners at the Fish and Boat Commission, the Susquehanna River Basin Commission and the U.S. Geologic Survey,” DEP Acting Secretary Chris Abruzzo said.

“We’re not at a place yet where data supports one theory over another as it relates to the conditions experienced by the smallmouth bass, but we’re leaving no stone unturned as we continue to search for answers,” Abruzzo said. “Water quality data does not at this time support an impairment designation of the lower Susquehanna, and such a designation does not come with any guarantee of federal funding or resources.”

DEP will hold a webinar to discuss the results on Thursday, May 9, from 2 to 3 p.m.

The 2012 report, available online, discusses what data DEP biologists collected at eight sites in the Susquehanna basin, two of which were along the Juniata River, and at one control site in the Delaware River. DEP staff spent 187 days on the river last year collecting hundreds of samples.

All dissolved oxygen levels across the eight sites were acceptable compared with the current dissolved oxygen criteria. Phosphorus, nitrogen and nitrate levels were higher at the Delaware River control site than at any site in the Susquehanna River. Within the Susquehanna River basin, sample results for these pollutants were higher at the Juniata River sites.

DEP biologists also applied an established water quality index method that uses the number and diversity of aquatic insects as a barometer. The results indicate the Susquehanna River north of Harrisburg water quality is between fair and good, according to the index, with greater richness of aquatic life than the Delaware River site. DEP recognizes this sampling method and results are only a starting point, as many more sites need to be sampled and the fish community as a whole needs to be evaluated throughout the river.

Samples taken near Harrisburg show that water quality can vary greatly across one cross-section of the river, representative of the three large waterways that make up the Susquehanna watershed: the Juniata River, Main Stem and West Branch.

DEP recently announced its work plan for 2013, broadening the scope of the study and the 2012 sampling. The 2013 work plan includes greater study of the Juniata and additional sampling across the tributaries of the three major waterways. DEP is providing regular updates on its website about it and PFBC's ongoing efforts, which include analysis of water quality, water flow, sediment, pesticides, hormones, invertebrates, fish tissue and other areas of study. Portions of the study focus on areas of the river or its tributaries where smallmouth bass reproduce.

DEP continues to wait for final approval from the U.S. Environmental Protection Agency of its final 2012 Integrated Waters report, a biannual assessment of the state's rivers and streams that the federal Clean Water Act requires. The report describes the health of various waterways in the state and, where appropriate and based on sound science, DEP proposes listing waterways as impaired.

For more information, to view DEP's 2012 River Sampling Report and to register for the webinar, visit [www.dep.state.pa.us](http://www.dep.state.pa.us) and click the "Susquehanna River Study Update" button.

## **COSPONSOR MEMOS**

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Sen. Vogel

- [Competitive Bidding - Low-Cost Watershed Nutrient Reduction](#)

## **COMMITTEE MEETINGS**

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### **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

### **Senate Consumer Protection & Prof. Licensure**

**WEDNESDAY - 5/8/13**

**10:30 a.m., Room 461 Main Capitol**

To consider:

**SB 869 Tomlinson,  
Robert**

Amends the Real Estate Licensing & Registration Act further providing for the definition of "comparative market analysis," for continuing education, for qualifications for license & for comparative market analysis disclosure.

**House Finance (INFORMATIONAL)**

**MONDAY - 6/3/13**

**10:30 a.m., Room 60, East Wing**

Informational meeting on property tax reform

**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

**COMMITTEE NEWS**

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**Senate Environmental Resources and Energy Committee**

*5/1/13, 10:30 a.m., 461 Main Capitol*

The committee met to consider bills.

**SB 738 Yaw, Gene** - (PN 823) The Natural Gas Consumer Access Act provides that each natural gas distribution utility submit a plan to the Pennsylvania Public Utility Commission within two years after a franchise territory is awarded that includes data on the service area. The commission will review the plan and implement periodic reviews of the distribution system. Natural gas distribution utilities will also provide residential, commercial and industrial customers with customer contribution criteria for extension and expansion, as well as notifications of its distribution system extension and expansion plan and customer contribution criteria once a year. - The bill was **reported as amended** with Sen. Daylin Leach (D-Montgomery) voting in the negative.

Chairman Gene Yaw (R-Lycoming) explained the purpose of the bill is to require distribution system extension and expansion plans to increase natural gas usage in Pennsylvania. He explained the Center for Rural Pennsylvania held a hearing about two years ago on natural gas service and as the center investigated it was found that many pockets of population throughout Pennsylvania, even populous counties, do not have access to natural gas. He stated approximately 50 percent of Pennsylvanians do not have natural gas service.

**A01295** by Yaw, updates that the report shall be issued within nine months, stipulates that the Public Utility Commission (PUC) shall hold information confidential at request of utility if deemed proprietary, keeps the customer contribution period at ten years or greater but allows for agreement of a lesser period of time, and requires the PUC to consider saturation rate and other characteristics of each utility during the plan approval process. The amendment was unanimously **adopted**.

Minority Chairman John Yudichak (D-Luzerne) offered his support for the intent of the bill, lamenting the lack of a comprehensive strategy to build out the natural gas market in Pennsylvania, and said he will support moving the bill out of committee. However, he expressed concern that the expansion is "squarely on the back of the customers," explaining that businesses are looking for natural gas service to be in place before they will move to a location. He indicated he would like to see this addressed as the bill moves through the legislative process and said an amendment will be offered to create a \$25 million fund to provide for such projects.

Sen. Jim Ferlo (D-Allegheny) noted his support for the legislation generally, but questioned why the committee is not waiting to receive a study on the issue and why a public hearing was not held on the

legislation. Chairman Yaw confirmed the Center for Rural Pennsylvania is doing a study focused on the cost that people are willing to pay for conversion and indicated that he decided the two pieces could move forward together. Barry Denk, executive director of the center, said the center has contracted with a researcher to develop the survey and is in negotiations with a university to do the study. He said the center will consider geographic disparity in the study and is looking at in-house data on socio-demographics and economic information. Denk said the report must be submitted by August 1 and the center is on target to do so. Sen. Ferlo remarked his experience has been that situations get difficult once service line extensions begin. He explained some people along the route may be willing to pay, but others may not and cautioned that he does not want to see some ante up and others benefiting from that. He expressed his wish that a public hearing had been held on the legislation.

**SB 739 Yaw, Gene** - (PN 824) Amends the Alternative Energy Investment Act, allocating \$15 million for grants to schools, hospitals and small businesses to obtain access to natural gas. The grants can provide for up to 50 percent of the cost of the project. Priority will be given to applications that will result in adjoining commercial or residential properties utilizing natural gas. - The bill was **reported as amended** with Sen. Ferlo and Sen. Leach voting in the negative.

Chairman Yaw explained the act provides a \$25 million appropriation for alternative energy programs, but the money in that fund has not been utilized. His goal with the legislation is to amend the act to take \$15 million of that and put it into projects to extend natural gas service. He said the program will focus on extensions to public buildings, such as hospitals and schools, with preference given to those that would serve residential or commercial customers along the route.

**A00739** by Yaw, clarifies that this is not an additional appropriation of money. The amendment was unanimously **adopted**.

Sen. Ferlo remarked the fund was created with the hope that regulations would be forthcoming for high performance building grants, but that has not happened. He noted he has introduced legislation, SB 226, that would correct the act and open the program to residential homes. He remarked the fund has not been administered properly and that is why the money is still in the account.

## **BILL REPORT**

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**\*ATTACHED TO THE REPORT\***

## **STATE NEWS**

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### **GOVERNOR HAS 90 DAYS TO FILL COURT SEAT**

The resignation of suspended state Supreme Court Justice Joan Orié Melvin became effective Wednesday, leaving Gov. Tom Corbett 90 days to fill the vacancy on Pennsylvania's highest court. Ms. Orié Melvin submitted a letter to the governor on March 25, announcing "with deep regret and a broken heart" May 1 as her resignation date. Once the governor has chosen a nominee, the Senate must confirm the person by a two-thirds vote.

### **SENATE BEGINS CONSIDERATION OF LIQUOR STORE PRIVATIZATION PROPOSALS**

The Senate kicked off consideration of liquor store privatization and/or reform proposals when the Senate Law and Justice Committee held the first of three anticipated public hearings on the issue. The first hearing had the committee receiving testimony from public health and safety organizations. All testifiers were either neutral or opposed to the legislation either due to increased safety or social costs that they believe will stem from any privatization proposal allowing for easier access to alcohol.

## IN THE NEWS

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### Nation's Governors Encourage Passage of the Water Resources Development Act of 2013 May 02, 2013

**WASHINGTON**—As Congress seeks to address the nation's water infrastructure needs, the National Governors Association (NGA) today released [Recommendations for Reauthorizing the Water Resources Development Act](#). The NGA Natural Resources Committee also sent [a letter to Congressional leadership](#) urging passage of legislation to address these needs.

The principles recommend that legislation ensures long-term certainty and stability, implements direct communications with governors and modernizes water resource management.

"Governors understand how important water infrastructure resources are to the safety, environmental protection and economic development of state and local economies," said **South Dakota Gov. Dennis Daugaard**, chair of the committee. "A partnership among all levels of government is critical to good federal water resources policy."

"Governors appreciate the Senate's bipartisan approach to develop the Water Resources Development Act of 2013 and urge Congress to move forward with legislation to address the nation's water infrastructure needs," said **California Gov. Jerry Brown**, the committee's vice chair.

The letter also encourages passage of legislation that authorizes qualified projects and implements mechanisms that strengthen federal-state coordination in managing the nation's vital water infrastructure resources.

- 05-03-2013     **[The river that binds us needs attention before it's too late](#)**  
The Susquehanna River is the tie that binds our region, stretching throughout its boundaries and feeding into the tree-lined creeks that are the signature of natural beauty we take for granted. We need to stop taking it for granted before it is lost amid pollution... - [Williamsport Sun-Gazette](#)
- 05-03-2013     **[Give river impaired status; begin process of restoration](#)**  
The Chesapeake Bay Foundation and the Pennsylvania Fish & Boat Commission don't know exactly what is causing the disfigurement of smallmouth bass throughout the southern stretches of the Susquehanna River. But they do know this: the lower Susquehanna formally should be declared "impaired" so... - [Shamokin News-Item](#)
- 05-01-2013     **[What's wrong with the river?](#)**  
The Chesapeake Bay Foundation and the Pennsylvania Fish & Boat Commission don't know exactly what is causing the disfigurement of smallmouth bass throughout the southern stretches of the Susquehanna River. But they do know this: the lower Susquehanna formally should be declared "impaired" so... - [Hazleton Standard-Speaker](#)
- 05-01-2013     **[Area tourism partnership launches cultural sites mobile app](#)**  
@MarcusRauhutPO A new mobile app highlights some of the historical, natural and cultural attractions in Franklin, Adams, Cumberland, and York counties. On Monday, the Franklin County Visitors Bureau and other regional partners unveiled the new South Mountain PA app, which is available on both the... - [Chambersburg Public Opinion](#)
- 05-01-2013     **[Impairment status will enable fix for ailing Susquehanna \(Editorial\)](#)**  
Strangely enough, it turns out that ignoring gross abnormalities with fish in the lower Susquehanna River in 2011 somehow failed to make them go away. So officials with the Chesapeake Bay Foundation and Pennsylvania Fish and Boat Commission are citing the condition of smallmouth bass as a good... - [Chambersburg Public Opinion](#)

- 04-30-2013 **Impairment status will enable fix for ailing Susquehanna (Editorial)**  
Strangely enough, it turns out that ignoring gross abnormalities with fish in the lower Susquehanna River in 2011 somehow failed to make them go away. So officials with the Chesapeake Bay Foundation and Pennsylvania Fish and Boat Commission are citing the condition of smallmouth bass as a good... - [Chambersburg Public Opinion](#)
- 04-30-2013 **Area tourism partnership launches cultural sites mobile app**  
A new mobile app highlights some of the historical, natural and cultural attractions in Franklin, Adams, Cumberland, and York counties. On Monday, the Franklin County Visitors Bureau and other regional partners unveiled the new South Mountain PA app, which is available on both the... - [Chambersburg Public Opinion](#)
- 04-29-2013 **River impaired**  
The Chesapeake Bay Foundation and the Pennsylvania Fish & Boat Commission don't know exactly what is causing the disfigurement of smallmouth bass throughout the southern stretches of the Susquehanna River. But they do know this: the lower Susquehanna formally should be declared "impaired" so... - [Scranton Times](#)
- 04-29-2013 **Pa. wind energy soars in 2012, but total is small**  
PITTSBURGH - Wind energy installations almost doubled in Pennsylvania last year, but the industry still provides only about 1 percent of the state's electricity, far behind Iowa, Texas and others... - [AP](#)

## WEEK IN REVIEW

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- 05-03-2013 **Pa. slots revenue down for 5th straight month**  
PHILADELPHIA - Gross revenue from slot machines at the state's 11 casinos declined for the fifth straight month in April, down 4 percent from the same period the year before, state gambling regulators reported Thursday... - [AP](#)
- 05-03-2013 **Legislator's bills aim to increase availability of gas to consumers**  
The Senate Environmental Resources and Energy Committee, chaired by state Sen. E. Eugene Yaw, R-Loyalsock Township, approved two bills Wednesday designed to make natural gas service available to more Pennsylvanians. Senate bills 738 and 739, sponsored by Yaw and Senate Majority Leader... - [Williamsport Sun-Gazette](#)
- 05-02-2013 **Pennsylvania fiscal office projects \$520M revenue shortfall**  
HARRISBURG -- An estimate released Wednesday by the state's Independent Fiscal Office shows a \$520 million shortfall between projected general fund revenues and Gov. Tom Corbett's proposed budget through the end of the next fiscal year. The state will likely bring in \$28.5 billion for the fiscal year ending... - [Pittsburgh Post-Gazette](#)
- 05-02-2013 **Kane: Lottery deal must have Assembly role**  
Pennsylvania Attorney General Kathleen Kane said Wednesday that she expected to receive the Corbett administration's revised contract to privatize the Pennsylvania Lottery any day now - but signaled that she likely will not approve the proposal unless the legislature gets to sign... - [Philadelphia Inquirer](#)
- 05-01-2013 **Pa. Senate hears testimony on liquor bill**  
HARRISBURG -- The effort to privatize Pennsylvania liquor sales landed Tuesday in a committee hearing room full of skeptical witnesses, and Senate leaders made clear the path forward could involve major revisions negotiated in the late-June budget flurry. The chairman of the Senate Law & Justice Committee, Chuck McIlhinney,... - [Pittsburgh Post-Gazette](#)
- 05-01-2013 **Furlough notices going out to state employees at Labor & Industry and Auditor General's office**  
By the end of this week, 108 employees at the state Department of Labor and Industry will have

received notice that they are being furloughed. Department of Auditor General employees got their own bit of bad news today as well. Between 50 to 75 of them are likely to face furloughs, effective July 1.... - [Harrisburg Patriot-News](#)

- 04-30-2013 **Unemployment drops in Pa., but fewer seek work**  
Eric Boehm, PA Independent HARRISBURG — Beneath an optimistic top line, several bothersome facts lurk inside Pennsylvania's jobs report for March. The unemployment rate in the Keystone State slipped to 7.9 percent, from 8.1 percent in February. While that reduction leaves the state three ticks... - [Philadelphia Inquirer](#)
- 04-30-2013 **Sluggish tax collections could complicate state budget**  
HARRISBURG - Resolving the state budget is becoming more challenging, with signs that tax revenue collections will be sluggish for the key month of April, a top Senate Republican leader said Monday. The April revenue report due out Wednesday could show that overall tax... - [Wilkes-Barre Citizens' Voice](#)
- 04-29-2013 **State approves Highmark-West Penn Allegheny Health System merger**  
The Pennsylvania Insurance Department today gave conditional approval for insurer Highmark Inc. to affiliate with the financially ailing West Penn Allegheny Health System, laying the foundation for Highmark's plans to establish an integrated health care delivery system to compete with UPMC.... - [Pittsburgh Post-Gazette](#)
- 04-29-2013 **Corbett's approval ratings still dismal, new poll says**  
Gov. Tom Corbett's approval numbers are still underwater and three leading Democrats each pile up nearly double-digit leads over him, according to the latest Quinnipiac University poll. Pennsylvania voters disapprove of the first-term Republican's job performance 47-38 percent (which follows a four-month trend of bad numbers... - [Pittsburgh Post-Gazette](#)