

Malady & Wooten, LLP

Legislative Report

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Pennsylvania Golf Course Owners Association

LEGISLATIVE UPDATE

Session Schedule:

2013 HOUSE SESSION SCHEDULE

June 17, 18, 19, 20, 24, 25, 26, 27, 28

2013 SENATE SESSION SCHEDULE

June 17, 18, 19, 24, 25, 26, 27, 28

PENNSYLVANIA SET TO HOST 113TH UNITED STATES OPEN GOLF CHAMPIONSHIP AT HISTORIC MERION GOLF CLUB

Harrisburg– The top professional golfers in the world will tee off in the opening round of the 113th U.S. Open Golf Championship at one of Pennsylvania’s most historic and marveled golf destinations, Merion Golf Club in Ardmore.

The 2013 U.S. Open is estimated to draw close to 200,000 visitors and bring \$100 - \$125 million to the Greater Philadelphia region over the four-day period. The hotel occupancy for the week is anticipated to be 90 percent, with potentially 110,000 hotel nights booked by visitors coming to the region.

“It truly will be an exciting week when thousands of spectators will travel to Merion to watch some of the best golfers in the world compete for a major championship at one of Pennsylvania’s iconic golf courses,” Department of Community and Economic Development Secretary C. Alan Walker said. “Beyond the competition itself, hosting the tournament will undoubtedly deliver a significant economic boost to the Philadelphia region.”

Established in 1896, Merion Golf Club unveiled the club’s 6,996-yard East Course in 1912, designed by Merion member Hugh Wilson. Merion has a rich history of United States Golf Association (USGA) championships, including hosting the U.S. Open four times prior to this year’s championship. The East Course is also where legendary golfer Bobby Jones completed a “Grand Slam” in golf, winning the 1930 U.S. Amateur Open and where Ben Hogan won the 1950 U.S. Open, only 16 months after surviving a near-fatal automobile accident.

Pennsylvania offers a wide range of opportunities for golf enthusiasts with more than 500 public courses throughout the state including America’s oldest golf course, Foxburg Country Club, founded in 1887. Oakmont Country Club located in Allegheny County has hosted more major golf championships than any other course in the U.S. and is considered to be one of North America’s most challenging golf courses. Visitors also have the potential to bump into golfing legend Arnold Palmer at his home course, Latrobe Country Club.

“Pennsylvania’s collection of championship golf courses has positioned the commonwealth as a top destination for thousands of golfers every year,” Walker said. “With renowned courses such as Merion, Oakmont and Foxburg, it is no wonder people travel from throughout the world to experience what hundreds of golf’s biggest names have experienced in the past.”

Pennsylvania is home to more than 600 public and private golf courses, providing nearly 49,000 jobs and more than \$1 billion in direct economic benefit to the state.

In May 2013, the USGA announced that Lancaster Country Club was named as the location of the 2015 U.S. Women’s Open.

For more information on specific courses, visit www.golfinpa.com or to plan a golf-related summer roadtrip visit www.visitpa.com/fairwaydrives.

PSU GRADS ENJOY SUCCESS AT GOLF MAJORS

By Mark Dent / Pittsburgh Post-Gazette

UNIVERSITY PARK, Pa. -- Green, at least during the summertime, envelops State College. The mountains just beyond the roads, Old Main's lawn, the myriad T-shirts leftover from State Patty's Day -- they're all green. Green splashes so much of this town that the greenest and most lush part of the spectrum is likely to go unnoticed, this particular area being an acre or so on the northeastern edge of campus.

There, at the Penn State University's Center for Turfgrass Science, grasses grow in all sizes and shades. Patches of synthetic turf also have their place. Near the front, the shortest, most subtle kind of grass rises barely above the ground. This is the grass manicured for the greens of a golf course.

For years, Penn State has produced many graduates who eventually take care of some of the world's best golf courses, and the 113th U.S. Open at Merion Golf Club in suburban Philadelphia this week further illuminates that connection. Matt Shaffer, a 1974 Penn State graduate, is director of golf course operations there. He maintains the course, continuing the circle of influence that has bound Merion and the Penn State turfgrass program.

At this point, you might equate the position of golf course manager/superintendent with Bill Murray's character from the movie "Caddyshack." In real life, Carl Spackler likely couldn't find such a job (unless a course needed someone who specializes in gopher extermination). In real life, the best managers must learn a mixture of agronomy and business management when they're in college. At Penn State, students can learn how to develop and manage turfgrass in a general way or for sports surfaces or with a focus on golf.

The significant stature of Penn State in the golfing realm has been demonstrated this year. In addition to Shaffer, the people in charge of taking care of the golf courses for the Masters -- Marsh Benson and Brad Owen at Augusta National Golf Club in Georgia -- and the PGA Championship -- Jeff Corcoran at Oak Hill Country Club in Rochester, N.Y. -- are graduates of Penn State. It is considered to be the first time alumni from the same school are superintendents at the three U.S. golf majors in the same year.

To understand how Penn State became synonymous with some of the world's best-kept golf courses, you must travel back to 1928, to Merion Golf Club. Around this time, heat and humidity depleted Philadelphia area golf courses. An invasion of Japanese beetles made the grass more prone to disease.

Joseph Valentine, an Italian immigrant who spent his teenage years in a monastery, was forced to cope with these problems as Merion's course superintendent. He came up with a proactive plan. Rather than eradicate a few bugs and bring temporary moisture to certain grasses while still facing the prospect of similar issues in the future, why not educate golf managers to build courses and use breeds of grass that wouldn't be as vulnerable to nature?

Such a lofty goal would require funding and organization. Along with the superintendent of the Reading Country Club and a higher-up for Toro -- the lawn-mower company -- in Philadelphia, Valentine traveled to State College. According to stories passed down through Penn State's turfgrass program, the three men entered Penn State president Ralph Hetzel's office, telling him the school should initiate a turfgrass program. He wanted Penn State to do for golf course superintendents what it had been doing for farmers since its inception.

John Kaminski, current director of Penn State's golf course turfgrass management program, is impressed by the boldness of this action: "If somebody came up from any industry and knocked on [current university president] Rodney Erickson's door, I'm sure he would say, 'Get the heck out of my office.' "

Hetzel didn't.

Though members of the state legislature with ties to Merion might have provided an extra push, Penn State ended up with \$10,000 to start a turfgrass major, becoming one of the first universities to offer one.

The 80-plus years since have seen Penn State and its graduates involved with all kinds of courses and all kinds of grasses. Joe Duich, a Penn State alumnus from the 1950s and a retired professor, spent 10 years breeding grasses in hopes of finding a type less susceptible to weather and disease. His experiments led to a breed known as Penn A and Penn G. This type of grass is used on many high-end courses in the United States, including Merion. The royalties he and the university made from the sale of Penn A and

Penn G helped the university build the current Center for Turfgrass Science, that expansive patch of green tucked away in the corner of campus.

Under a tree at the research center is a small stone engraved with a message dedicating the center to Valentine. The Merion Golf Club introduced Penn State to the golfing world, and Penn State continues to return the favor.

COSPONSOR MEMOS

Rep. Sonney

- ["County Property Tax Reduction & Diversification Act"](#)

COMMITTEE NEWS

Senate Agriculture and Rural Affairs Committee

12:00 p.m., 6/11/13, Room 8E-A, East Wing

SB 994 Vogel, Jr., Elder - Watershed Improvement Program consisting of the purchase of verified total maximum daily load parameter credits in PENNVEST to be administered by PENNVEST and the Department of Environmental Protection. The legislation provides parameters regarding contracting with credit providers and factors to be considered in determining requests for proposals. The legislation also creates the Major Watershed Improvement Fund to be funded by federal and state appropriations as well as any appropriation made to the fund. The fund is to be used for purchase of total maximum daily load credits. The department is given the ability to promulgate regulations. - The bill was **reported as amended** by a vote of 8 to 3. Senators Andrew Dinniman (D-Chester), Shirley Kitchen (D-Philadelphia), and Judy Schwank (D-Berks) voted against the bill.

Sen. Schwank discussed the State Agriculture and Rural Leaders conference she attended with Sen. Michael Brubaker (R-Lancaster). She said the contents of the bill were discussed at the conference and that she is concerned that there have not been hearings to thoroughly discuss the possible effects of the bill. Sen. Schwank said the bill could still be passed in a timely manner if hearings would occur before it is moved out of committee. "I don't think we are ready to go forward with this legislation," warned Sen. Schwank.

Sen. Tim Solobay (D-Washington) said that he likes the competitive bid process involved in the bill that would decrease costs. He said that agricultural world often offers solutions that are far less expensive than solutions created in a municipal environment. Sen. Solobay agreed with Sen. Schwank that the bill has been rushed through committee, but said that he thinks it is a good bill.

Sen. Mike Waugh (R-York) first explained that he is a member of the Chesapeake Bay Commission and therefore has acted as an advisor on the bills issues in the past. He said he thinks the program created by the legislation is worth the Senate's consideration. "I'll support the bill with the caveat that it is my indication of wanting to move the process along while still having hearings on the particulars of the program," stated Sen. Waugh.

Sen. Gene Yaw (R-Lycoming) said that some of the municipalities in his district are concerned about citizens paying twice for the system created by the bill. He said he thinks the amendments offered to the bill will be helpful in allaying the fears of his constituents. Sen. Yaw said that with the commitment to hold hearings on the bill he feels more confident in supporting it.

Sen. Schwank said that it seems out of order to hold hearings on a bill after it is passed.

A02072 by Vogel, was said to create a definition of "sediment" and "unmet TMDL parameter" as well as creating a dedication of 25 percent of any funds for farms with gross revenue under \$75,000. The amendment was unanimously **adopted**.

A02071 by Waugh, the amendment removes the authority for the creation of temporary regulations. The amendment was unanimously **adopted**.

Sen. Waugh said that he knows that there are concerns with the bill, but that the amendments address the greater concerns regarding temporary versus permanent regulations put in place through the usual Independent Regulatory Review Commission (IRRC) process.

House Environmental Resources and Energy Committee

6/11/13, 9:00 a.m., Room 205, Ryan Office Building

HB 343 Miller, Ron - (PN 350) Amends Title 27 (Environmental Resources) adding a new chapter authorizing the Environmental Quality Board to establish water well construction standards through the adoption of rules and regulations by the Department of Environmental Protection. Provides for water well construction standards; decommissioning of abandoned wells; water well completion reports; and inspections. Also provides for the powers and duties of the EQB and DEP under this new chapter and for penalties for violations of this new chapter. - The bill was **reported as amended** with Representatives Martin Causer (R-McKean), Tim Krieger (R-Westmoreland), Carl Metzgar (R-Somerset), Donna Oberlander (R-Clarion), Kathy Rapp (R-Warren) voting in the negative.

On the bill, Chairman Ron Miller (R-York) noted the bill has been a long time in the works and detailed the water contamination issues that can occur under the current system. He said to address some of the issues, the bill provides for the adoption of minimum standards for water well construction as well as dealing with abandoned wells. He said the legislation does not provide for charging for the use of a person's water well and indicated a number of studies indicating regulation is needed for the construction of water wells.

Rep. Bryan Barbin (D-Cambria) said the work done by the chairman on water well standards will help Pennsylvania. He asked why, in the definition of water well, there is subsection two. He said he is worried the subsection sounds like the subject matter of an injection well. He said he is concerned the state is not regulating wells that have water in them, but have fracking materials. Committee Majority Executive Director Jonathan Lutz said the language applies to hydraulic fracturing and not a disposal well or may refer to an enhanced recovery well. He clarified again that it does not refer to a disposal well. Rep. Barbin said the standards for water wells are absolutely necessary, but expressed concern that injection well standards are included with water wells. He said he wants to be clear the language does not deal with injection wells. Chairman Miller said it does not and said it deals only with water wells. Rep. Barbin again asked what is to be regulated by subsection two. Lutz said to specifically exclude other wells, which have their own regulation. Rep. Barbin said his only problem with the bill is that if this is the intention, there is probably better language that can be used.

Rep. Krieger asked what is involved in the decommissioning of a well and who is involved. Chairman Miller noted national standards are being drafted in this regard, but noted if there is a dry well drilled, there will be standards providing for the closing of those wells. He said homeowners drilling wells are responsible for closing the well. He said if public water came into the situation, it is his opinion the well should be kept. He said the bill is saying they will adopt the national standards.

Rep. Barbin asked if section two is a standard provision in other states. Chairman Miller indicated he is not sure, but the section is intended to ensure no other wells other than water wells are included. Rep. Chris Ross (R-Chester) said there are extensive and much more rigorous standards relating to wells for hydraulic fracturing and noted if there was ambiguity in the law, those engaging in hydraulic fracturing

might want to move under these less stringent standards, which is why those wells are included. Rep. Barbin said there should be concern this could apply to injection wells. Chairman Miller said he believes the bill ensures it is not.

Rep. Steve McCarter (D-Montgomery) said it is clear wells being decommissioned will have a year to be completed. He asked if newly discovered abandoned wells will have two years to be decommissioned. Chairman Miller said that is correct. Rep. McCarter said that number could be as high as in the hundreds of thousands. Chairman Miller said that is correct. Rep. McCarter asked who would be responsible for taking care of these wells on leased properties. Chairman Miller said he does not know who would be responsible, particularly as it relates to state-owned land. Rep. Ross said it would be the landowner under the legislation. Chairman Miller said the state could assume responsibility if they are the owner of record at the time.

A02067 by Miller, was described as providing for rather than the Environmental Quality Board developing standards, they will adopt the National Groundwater Association standards. It was said the amendment limits the rulemaking power of the Department of Environmental Protection and provides that the law will not be used to issue permits or charge for private water wells. The amendment was **adopted** with Representatives Causer and Rapp voting in the negative.

Rep. Rapp asked who the National Groundwater Association is. Chairman Miller said it is not a function of any government entity and is a trade association of water well drillers across the country with a number of representatives on their board, one of whom was recently from his district. He said the association makes recommendations and comes up with and submits regulations to the American National Standards Institute. He likened the association and regulations to the National Fire Protection Regulations, which is how fire codes are adopted. Rep. Rapp asked how many members the association has from Pennsylvania and rural Pennsylvania. Chairman Miller said he does not know.

A02044 by Gabler, was **withdrawn**.

A01658 by Miller, was **withdrawn**.

On the bill as amended, Rep. Krieger asked how many abandoned wells there are. Chairman Miller said this is not known due to poor prior record keeping. He estimated there are thousands of them out there. Rep. Krieger asked how much it will cost to decommission a well. Chairman Miller said he does not know, but will provide Rep. Krieger with that information.

BILL REPORT

ATTACHED TO THE REPORT

STATE NEWS

CORBETT FOCUSING ON THREE KEY PIECES OF LEGISLATION

Gov. Tom Corbett has been steadfast that he wants the state Legislature to finish three important pieces of legislation along with a new budget by June 30: transportation funding, liquor privatization and pension reform. But in response to a question at a news conference in Pittsburgh Friday, the governor said for the first time he would be willing to sign a budget after June 30 if it meant finishing the legislation. "I want to get [the bills and budget] done," the governor said during a news conference pushing transportation under the rust-stained Liberty Bridge, Downtown. "I also have room left on my schedule in July. I'm confident we'll get it done [on time]."

PA EXPERIENCING UNEVEN ECONOMIC RECOVERY

More than three years after the start of the Great Recession, Pennsylvania is still struggling to emerge from the plunge employment took in 2009. In fact, the state's annual unemployment rate remains virtually unchanged at 7.9 percent, with an estimated 513,000 residents unemployed. When annual unemployment data is taken in comparison, many counties — including those in the midstate — actually had a higher percentage of their workforces unemployed in 2012 than in 2009.

FEES INFLATING COST OF COLLEGE IN PA

State universities and community colleges often are the lowest-cost option for higher education in Pennsylvania, but student fees are inflating costs even at those institutions. Under pressure from the state to mute tuition increases, institutions are adding fees and jacking up ones for technology services, student activities and buildings such as recreation, sports and health centers. Fees remain a small part of the equation, but in some instances, they are increasing faster than tuition. And it is not unusual for mandatory fees to add as much as 20 percent to 30 percent on top of the cost of tuition.

IN THE NEWS

- 06-14-2013 **Beware: West Nile makes Pa. return**
Two mosquitoes and one bird tested positive last month for the West Nile Virus in Pennsylvania, much earlier than the typical first positives are reported but much later than the first positive was registered in the state last year. The mosquitoes were collected in Erie County on May 22 and Adams County on... - [Wilkes-Barre Times Leader](#)
- 06-14-2013 **Are we headed for disaster?**
On May 20th, New Jersey, Delaware, Pennsylvania, New York State, and New York City voted to keep the New York Delaware Reservoirs 100 percent full from May 1 to July 1 as part of the Flexible Flow Management Program for the Delaware River. Those five entities are responsible for the management... - [Levittown Bucks County Courier Times](#)
- 06-13-2013 **Saxbys, Furyk link in to U.S. Open promotions**
Corporations that set up hospitality tents at the U.S. Open at Merion Golf Club to entertain clients, employees, and prospects are paying at least \$100,000 for the privilege - sometimes up to \$300,000, including passes, bars and bartenders, and other perks. The recession that slowed all kinds of corporate advertising a few years... - [Philadelphia Inquirer](#)
- 06-10-2013 **Farms must support clean water, too**
Last week the Chesapeake Bay Foundation and the Environmental Protection Agency announced an agreement to make sure that dairy farms, poultry growers and other farm animal operations have plans in place to reduce pollution flowing into the bay. The plans are a means to support the... - [Pocono Record](#)
- 06-10-2013 **Haverford set to welcome golf world; eyes economic boom from hosting U.S. Open**
HAVERFORD — While many residents have expressed concerns about traffic congestion, road closings, detours and other hassles they'll have to endure during the week of the U.S. Open at Merion Golf Club, there's a silver lining, officials say. An inaugural electronic newsletter distributed to residents Saturday... - [Primos Delaware County Daily and Sunday Times](#)

WEEK IN REVIEW

- 06-14-2013 **Pennsylvania Governor Tom Corbett names Democrat-heavy package of state appointees**
Pennsylvania Gov. Tom Corbett nominated two former Democratic office-holders and a Democratic Senate staffer to high-ranking state regulatory posts today. In one fell swoop the announcements revived a longtime midstate politician's governmental career, promoted a career legislative attorney... - [Harrisburg Patriot-News](#)

- 06-14-2013 **Counties and towns to share in \$202 million in drilling impact fees**
Bradford County will again get the largest check when the state distributes the \$202.5 million it raised from impact fees on unconventional natural gas wells in 2012, according to data released Thursday by the Public Utility Commission. The Northern Tier county and its neighbors are among the largest... - [Scranton Times](#)
- 06-13-2013 **Gov. Corbett makes final push for liquor privatization before budget deadline**
Melissa Daniels, PA INDEPENDENT HARRISBURG — With 17 days left until the state budget deadline, Gov. Corbett is in the home stretch trying to clinch one of his top priorities — liquor privatization. But opponents aren't letting that happen without a fight. The next three weeks promise to culminate a decades-long emotional debate... - [Philadelphia Inquirer](#)
- 06-13-2013 **Pennsylvania House approves \$28.3 billion budget**
HARRISBURG — The state House has approved the Republican majority's \$28.3 billion budget bill along party lines. The 108-92 vote — and the roughly four-hour debate that preceded it — was just one of several budget-related issues that kept the Capitol hopping Wednesday.... - [Allentown Morning Call](#)
- 06-12-2013 **McCord starts committee for Pa. governor's race**
HARRISBURG — Pennsylvania state Treasurer Rob McCord is taking a significant public step toward running for governor in next year's crowded Democratic Party primary... - [AP](#)
- 06-12-2013 **Senators split on rising student loan rates**
Pennsylvania's senators are split on what do to about a key student loan interest rate set to double soon unless Congress intervenes. Democratic Sen. Bob Casey Jr. backs his party's plan to extend current rates, affecting subsidized Stafford loans, for two years.... - [Allentown Morning Call](#)
- 06-11-2013 **Exclusive: FBI probing Justice McCaffery over referral fees**
The FBI is investigating Pennsylvania Supreme Court Justice Seamus P. McCaffery over fees his wife received for referring clients to personal-injury law firms, The Inquirer has learned. The investigation is examining 19 referral fees paid to Lise Rapaport, the... - [Philadelphia Inquirer](#)
- 06-11-2013 **Pension reform: It's probably too complicated to get done quickly**
Of the three big policy issues Gov. Tom Corbett put on the General Assembly's to-do list along with budget passage, the governor told an audience in Ephrata the \$47 billion unfunded liability in the state's two pension systems is the most worrisome to him. He said failure to reform the pension systems will lead to a "nightmare... - [Harrisburg Patriot-News](#)
- 06-10-2013 **Litigation Over NCAA Sanctions Against PSU Lives On**
PHILADELPHIA (CBS) – A federal judge has tossed Governor Corbett's lawsuit, but that doesn't mean litigation over NCAA sanctions against Penn State is over. Still hanging out there is the question of where the \$60-million in fines against Penn State will be spent.... - [KYW News Radio 1060](#)
- 06-10-2013 **State budget action takes center stage this week in the House, but will it get done on time?**
The House today is expected to begin debate on a \$28.3 billion state spending plan for next year. It is the House Republicans' 2013-14 budget proposal, one of three that has been put on the table along with ones from Gov. Tom Corbett and Senate Democrats. None of the three plans call for any increases in in broad-based taxes,... - [Harrisburg Patriot-News](#)