



Business Recap

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At 1:25 p.m. on Wednesday, May 23, 2018 the Senate stands in recess until Monday, June 4, 2018 at 1:00 p.m., unless sooner recalled by the President Pro Tempore.

At 10:41 a.m. on Thursday, May 24, 2018 the House stands adjourned until Monday, June 4, 2018 at 1:00 p.m., unless sooner recalled by the Speaker.

UPCOMING SESSION DAYS

House

June 4, 5, 6, 11, 12, 13, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30 (*Note: the House will convene at 10:00 a.m. on Tuesday through Friday for session days scheduled in June*)

Senate

June 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, 28, 29, 30

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AROUND THE ROTUNDA

PLS coverage of Capitol events including press conferences, bill signings, & media availabilities

CHESAPEAKE BAY FOUNDATION RELEASES ANALYSIS OF ITS BLUEPRINT MIDPOINT ASSESSMENT

By Kimberly Howells, Pennsylvania Legislative Services | May 30, 2018

The Chesapeake Bay Foundation (CBF) hosted a conference call this morning to discuss the findings of its 2017 [midpoint assessment](#). The assessment of the principal bay states' efforts to implement the Chesapeake Clean Water Blueprint documents progress but also finds troubling trends.

CBF President William Baker explained the TMDL (Total Maximum Daily Load) is the Clean Water Act term that defines the pollution reduction target that they are working to achieve by a 2020 deadline. He indicated the Blueprint includes pollution limits, state-specific plans to achieve those limits, two-year milestones to evaluate progress, and consequences for failure. It also commits to implementation of 60 percent of the practices necessary for bay restoration by 2017 and finishing the job by 2025. Baker called the two-year milestones a "game changer" that ensures progress is checked every two years, plus a midpoint assessment. Today, he said, is to see how the midpoint assessment matches up to the target. He also cautioned that delaying the deadline, as has been rumored, would be damaging to the bay and pledged to use all means available, including litigation, to oppose any attempt to delay that deadline. Baker stated unequivocally that the blueprint is working and the midpoint assessment shows that there is a great deal yet to be done to meet the targets of the blueprint. He stated water quality is improving, but reminded everyone "that the recovery is fragile." He offered the cautionary tale of what happened in Lake Erie. Of the three primary states, he said, Pennsylvania falls short of the mark but Maryland and Virginia are doing well, though all three states are behind regarding agriculture and runoff.

CBF Director of Science and Agricultural Policy Beth McGee reviewed the charts posted online and reported that watershed-wise, the states have achieved goals for phosphorus and sediment, but fall short on nitrogen. She reiterated Pennsylvania is falling behind in a number of areas and said the state is relying heavily on farmers complying with existing regulations and more work needs to be done to be sure the plans are implemented. Pennsylvania has also begun work with local communities and "appears to be ahead of Maryland and Virginia" in that regard.

Overall, McGee reported:

- **Maryland** has achieved its overall 2017 goals for phosphorus and sediment but still falls short on nitrogen reductions. This progress was achieved largely by relying on reductions from wastewater. Nitrogen and phosphorus pollution from urban and suburban areas and nitrogen pollution from septic systems continue to increase. Nitrogen reductions from agriculture are also off track. While seeing success in reducing pollution from wastewater treatment plants, Maryland is significantly behind in reducing polluted runoff from urban and suburban areas. None of the state's most populated counties or Baltimore City has met goals for reducing this type of pollution. The goals are established in regulatory permits. To get back on track, Maryland must strengthen the next round of permits and Watershed Implementation Plans (WIPs), adhere to deadlines and requirements in approving individual jurisdictions' Financial Assurance Plans, and reduce forest loss from development. To improve progress in agriculture, Maryland should focus

its cost-share investment dollars in targeted areas, and restrict such dollars for new or expanding poultry operations. Maryland also needs to better account and plan for pollution increases from sprawl growth in rural areas and an expanding poultry industry.

- **Pennsylvania** is significantly behind in meeting its goals for nitrogen and sediment, but close to meeting its phosphorus goal. The commonwealth is significantly off track in reducing nitrogen, phosphorus, and sediment pollution from agriculture and urban and suburban runoff. Progress in reducing pollution from sewage treatment plants is ahead of schedule toward meeting the 2025 goal, but it is not enough to make up for the overall shortfalls. Success of the commonwealth's Clean Water Blueprint depends on farms keeping nitrogen, phosphorus, and soil on the land instead of flowing into the water. Since 2016, the Department of Environmental Protection and county conservation districts have inspected more than 3,600 farms, or 15 percent of agricultural land in the commonwealth, for required sediment and erosion control and manure management plans. About 65 percent of farms inspected had the required plans. Although the commonwealth is meeting the programmatic commitment of ensuring that farms have plans, the inspection program should begin verifying implementation of practices in the plans. It is obvious from current levels of agricultural pollution, and even more importantly the almost 6,800 miles of streams impaired by agricultural activities, that implementation is falling far short of what is needed. Future compliance efforts must transition toward technical assistance and implementation. Pennsylvania's Phase III Watershed Implementation Plan will focus on counties, intending that the largest reductions come from local areas contributing the most pollution to the bay. Guiding the planning process will be technical data for each county including existing pollution by source, local water quality, agricultural production, and reductions achieved and still needed. The statewide Keystone 10 Million Trees Partnership is expected to have a positive impact on reducing agricultural and urban and suburban pollution by achieving as much as two-thirds of the Blueprint goal of 95,000 acres.
- **Virginia** has achieved its overall 2017 goals for nitrogen and phosphorus reduction but did not reach its goals for sediment. Nitrogen and phosphorus pollution from urban and suburban areas and nitrogen pollution from septic systems continue to increase. Nitrogen reductions from agriculture are also off track. On the positive side, Virginia has exceeded its pollution-reduction goals for wastewater and achieved its phosphorus pollution goal for agriculture. While Virginia has made substantial progress, many challenges remain. Looking forward, Virginia must focus on reducing pollution from stormwater, agriculture, and septic systems. Continued strong commitment on the state and local levels is vital to success. Virginia's Agricultural Cost Share Program supports cost-effective practices that help farmers keep valuable nutrients and topsoil on the farm and out of waterways. For urban and suburban areas, Virginia's Stormwater Local Assistance Fund addresses polluted runoff through matching grants to localities for effective projects that reduce pollution. This year, local governments will also have an important opportunity to weigh in on local clean water plans being developed to reduce pollution in waterways in our own backyards. Communities are encouraged to be part of this effort by supporting these Phase III Watershed Implementation Plans.

Looking at challenges moving forward, Baker reiterated it is "especially unacceptable" to hear any discussion about delaying the implementation deadline.

"At the end of the first half, it's clear that Maryland and Virginia are carrying the team and mostly by tackling wastewater. As the clock counts down to 2025, we know the second half is going to be tougher," Baker said. "Unless the states and their federal partners expand their playbooks and push harder, the Bay and its rivers and streams may never be saved."

Baker emphasized the importance of the "teeth" in the blueprint, but lamented empty threats that could come if the Environmental Protection Agency (EPA) does not impose those penalties.

"The Chesapeake Clean Water Blueprint beats out all previous failed attempts because it has teeth. But if EPA remains unwilling to impose consequences on states that are lagging, the potential for sanctions will be no more than empty threats. At the very least EPA needs to exert its authority in Pennsylvania, while also putting Maryland and Virginia on notice. Pollution from rural and urban runoff must be addressed now, not pushed down the road yet again," Baker said.

Further, Baker argued that the bay may never be saved unless the EPA and its partners push harder. He said a plan must be

developed to address pollution from the Conowingo Dam, to factor in climate change, to mitigate new sources of pollution, and to address the adverse actions of the Trump administration.

Chanté Coleman, director of the Choose Clean Water Coalition, said her members will hold the states accountable in meeting the 2025 goals and urged the EPA to keep funding on track for on-the-ground restoration projects. She announced the coalition will be pushing for a funding increase from \$73 million to \$90 million, and reiterated the need to address agriculture runoff. She pledged to work with the EPA to keep the clean up on track.

What are you hearing and from whom about expanding the deadline?

Baker said he has heard “from a number of different sources” that there is discussion about pushing the 2025 deadline back. “We don’t know how far back and we don’t know why,” he added, though noted some have indicated it may be because of new things learned, but he pointed out that is the intent of the midpoint assessment.

Can you expand on the backstop actions you’ve seen from EPA and what more you’d like to see?

McGee replied the EPA has done a few things, including in Pennsylvania the withholding of grant money until Pennsylvania submitted a plan to get farmers into compliance or the hold of Clean Water Act permits. Coleman added that many members of her coalition are not supportive of backstop actions, particularly in Pennsylvania which is so far behind in the cleanup. Baker commented “it does seem like cutting off your nose to spite your face” when taking money away for not doing enough, but he remarked it did get Pennsylvania’s attention. He said most of the permitting authority is delegated to the states and to lose that authority would be a “black eye,” which could be threatened in Pennsylvania if the state does not meet its promises to EPA.

What should everyone do?

Baker said Pennsylvanians can urge their elected officials to get behind Sen. Bob Casey’s Farm Bill amendment to provide more funding to help farmers to put in the best management practices that are effective in reducing pollution. Coleman encouraged Pennsylvanians to volunteer with their local watershed groups, which Baker agreed with and said CBF can help with planting trees.

Why is it so difficult to get the agriculture nitrogen cuts and what can be done?

McGee pointed to progress on wastewater, which is regulated, whereas most of agriculture is not regulated under the Clean Water Act. She said a big part of Pennsylvania’s plan is to let farmers know what their obligations are and to implement the practices to comply, all of which she pointed out “costs money.”

What are some of the things that need to be done?

Baker explained the goal is to keep soil and chemicals in the soil on the farm, which is good for water and for the farmer’s bottom line. In urban areas, he said, the goal of getting water off the land as quickly as possible is no longer the ideal and instead there should be a focus to filter the water through green spaces, which also beautify the city. McGee added agriculture needs better nutrient management, so applications occur in ideal amounts and at appropriate times, as well as planting winter crops. Coleman remarked on the recent flood in Ellicott City, Maryland, and said that’s an extreme example of what will happen without best management practices.

Where are you hearing about delaying the plan beyond 2025?

Baker declined to reveal his sources but stated there has been “considerable talk.” He encouraged the media to inquire with elected officials to see if they will recommit to the 2025 deadline.

What would be the biggest challenge for Virginia agriculture and did West Virginia achieve their agriculture goals? Any blueprints for other states?

McGee applauded West Virginia for meeting its goals, but noted they were smaller than those of other states. In Virginia, she noted the “hotspot” of the Shenandoah Valley, where she indicated there are a lot of animals, and called for stream fencing and manure management in that state.

What exactly do you want EPA to do in terms of backstopping?

Baker replied CBF does not see a problem with withholding funding because it gets the attention of the states. He pointed out that doing so in the past got Pennsylvania's attention quickly. Further, he noted simply having the federal government call out Pennsylvania had a real impact and said the most serious sanction EPA can put on a state is the withdrawal of permitting authority, something he said may be warranted down the road if Pennsylvania continues to fall further behind.

In Pennsylvania most of the pollution is from ag runoff, but that's not federal permitted, so how would taking away state permitting authority help with that?

Baker clarified some agriculture pollution is not regulated under the Clean Water Act, but some of it is. It depends on the size of the operation, he noted. He added that Pennsylvania and the other states have signed binding agreements with the federal partners to meet the TMDL by 2025 in two-year increments which must be published, monitored, and reported upon. Pennsylvania, he said, has not held up their end of the agreement, and opined it seems entirely appropriate "to carry through on the backstop mechanisms that everyone agreed should be used."

In closing, Baker discussed stream bank fencing and commented that he first learned of it from a large animal veterinarian who advocated it for the benefit of the animal for the reduction of foot disease, mastitis, and other related problems. So, it has benefits for the health of the herd as well as the environment, he concluded, as well as economic benefits for the farmer.

Coleman also urged the media to connect with local partners.



NEW LEGISLATION

HB 2446 Stephens, Todd (R)

(PN 3582) The Franchisor-Franchisee Employment Relationship Act provides for purposes of applicable labor and employment laws a franchisor is not considered to be an employer of a franchisee or a franchisee's employees except as specifically provided in the franchise agreement between a franchisor and franchisee. Effective in 60 days.

May 30, 2018 - H-Introduced and referred to committee on House Commerce

SB 1181 Reschenthaler, Guy (R)

(PN 1803) Amends the Public School Code, in school health services, providing for early intervention depression screening for students in grades 6 onward. Effective August 1, 2018.

May 30, 2018 - S-Introduced and referred to committee on Senate Education

SB 1183 Hughes, Vincent (D)

(PN 1804) Amend the Tax Reform Code, in entertainment production tax credit, adding that "postproduction expense" includes the purchase of music rights if the purchase is from a resident of this Commonwealth and the purchase is from an entity subject to taxation in this Commonwealth and the transaction is subject to taxation under Article III, IV or VI. Effective in 60 days.

May 30, 2018 - S-Introduced and referred to committee on Senate Finance

SR 373 Rafferty, John (R)

(PN 1800) Concurrent Resolution establishing a special bipartisan, bicameral legislative commission to recommend safety, oversight and interagency coordination improvements for the transport of oil, natural gas and other hazardous liquids through pipelines in this Commonwealth and develop and promote legislation in furtherance of its recommendations.

May 30, 2018 - S-Introduced and referred to committee on Senate Environmental Resources and Energy



SR 374 Farnese, Lawrence (D)

(PN 1801) Concurrent Resolution urging the Pennsylvania Gaming Control Board to study loot boxes and report to the Community, Economic and Recreational Development Committee of the Senate and the Gaming Oversight Committee of the House of Representatives its findings.

May 30, 2018 - S-Introduced and referred to committee on Senate Community, Economic & Recreational Dev

UPCOMING MEETINGS

THURSDAY - 5/31/18

Senate Law and Justice and House Liquor Control

11:00 a.m., Room 156, Main Capitol

Joint public hearing for the PA Liquor Control Board to present their annual report on product pricing

MONDAY - 6/4/18

Local Government Commission

10:00 a.m., Room 461, Main Capitol

Assessment Task Force meeting

*****House Education (New)**

11:00 a.m., Room 205, Ryan Office Building

To consider: [HB 85](#) Lawrence, John Amends Public School Code re Keystone Exams [HB 2052](#) Reese, Mike Amends Public School Code re military service [HB 2215](#) Kavulich, Sid Mi Amends Public School Code re evacuation drills [HB 2327](#) Fee, Mindy Amends Public School Code re exec. sessions [SB 776](#) Tomlinson, Rober Amends Public School Code re dyslexia program

House Human Services

11:00 a.m., Room 60, East Wing

Informational meeting with a presentation by the PA Coalition of Medical Assistance Managed Care Organizations on ways they assure timely access to quality care at an affordable price

*****House Insurance (New)**

11:00 a.m., Room G-50, Irvis Office Building

To consider: [HB 2434](#) DeLuca, Anthony Amends Insurance Company Law re annuity

*****House Appropriations (New)**

Off the Floor, Room 140, Main Capitol

Agenda TBA

*****House Labor and Industry (New)**

Off the Floor, Room G-50, Irvis Office Building

To consider: [HB 1840](#) Kauffman, Rob Amends Workers' Compensation Act re IRE [SB 676](#) Gordner, John Amends Workers' Compensation Act re fund

TUESDAY - 6/5/18

House Agriculture and Rural Affairs

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

Public hearing on: [SB 792](#) Alloway, Richard Amends Title 3 re Fertilizer Legislation

*****House State Government (New)**

9:00 a.m., Room B31, Main Capitol

To consider: [HB 1531](#) Christiana, Jim Amends Title 65 re meeting notice



*****House Health (New)**

9:00 a.m., Room G-50, Irvis Office Building

To consider: [HB 2211](#) Ward, Judith Act re prescription drug pricing [HR 944](#) Corbin, Becky Resolution re Shingles Awareness & Improvement

Senate Veterans Affairs & Emergency Preparedness

11:00 a.m., Room 8E-A, East Wing

Public hearing to consider promoting Colonel James G. McCormack and Colonel Terrence L. Koudelka to the rank of Brigadier General

*****House Appropriations (New)**

Off the Floor, Room 140, Main Capitol

Agenda TBA

*****House Judiciary (New)**

Off the Floor, Room G-50, Irvis Office Building

To consider: [HB 2226](#) Rapp, Kathy Amends Title 18 re vaping products to minors [HB 2268](#) Mullery, Gerald Amends Title 18 re tobacco in schools [HB 2321](#) Bloom, Stephen Amends Title 42 re witnesses [HB 2324](#) Barbin, Bryan Amends Title 18 re rape shield law [HB 2325](#) Everett, Garth Amends Title 42 re witnesses [SB 554](#) Greenleaf, Stewa Amends Title 18 re safe harbor [SB 1011](#) Reschenthaler, G Joint Resolution re rights of victims [SB 1090](#) Corman, Jake Amends Titles 18 & 42 re antihazing

WEDNESDAY - 6/6/18

House Professional Licensure

9:00 a.m., Room G-50, Irvis Office Building

To consider: [HB 1805](#) Ward, Judith Act re surgical technologists certification [SB 764](#) Gordner, John Amends Board of Vehicles re RV Law

Joint Legislative Budget & Finance Committee

9:00 a.m., Room 8E-B, East Wing

Officers meeting to discuss various projects and office updates

*****House Commerce (New)**

9:15 a.m., Room 205, Ryan Office Building

To consider: [HB 2429](#) Heffley, Doyle Amends Credit Services Act re payment [HB 2453](#)

*****House Veterans Affairs & Emergency Preparedness (New)**

9:15 a.m., Room B31, Main Capitol

To consider: [HB 2274](#) Donatucci, Maria Amends Title 35 re Fire Safety Advisory Cmte [HB 1878](#) Day, Gary Amends Title 51 re employment protections [SB 798](#) Alloway, Richard Amends Title 12 re PA Military Commission

*****House Local Government (New)**

9:30 a.m., Room G-50, Irvis Office Building

Informational meeting on: [SB 1005](#) Eichelberger, Jo Amends County Code re extensive revisions (Note: Bill is not in committee)

Joint Legislative Budget & Finance Committee

9:45 a.m., Room 8E-B, East Wing

Meeting to release four reports: Feasibility of Establishing a Water Use Fee in PA, Interim Report on the Establishment of the Northern PA Regional College, PA Game Commission Compliance with Strategic Plan, the Impact of Tavern Gaming on the PA State Lottery



*****House Appropriations (New)**
Off the Floor, Room 140, Main Capitol
Agenda TBA

THURSDAY - 6/7/18

House Consumer Affairs
9:30 a.m., Room 140, Main Capitol
Public hearing on [Act 164 of 2016](#)

MONDAY - 6/11/18

House State Government
10:00 a.m., Room 205, Ryan Office Building
Public hearing to receive testimony from individuals and entities that are regulated by the Delaware River Basin Commission (DRBC) and to investigate concerns of the impact of DRBC policies and actions on business growth and economic vitality in the basin and the rights of property owners within the basin. Also highlight findings from the committee's 2017 hearings on the Susquehanna River Basin Commission (SRBC) and identify common issues involving both entities

WEDNESDAY - 6/13/18

House Labor and Industry
9:00 a.m., Room 60, East Wing
Public hearing on: [HB 861](#) Grove, Seth Amends Title 53 re Local Labor Mandates

THURSDAY - 6/14/18

House Game and Fisheries
10:00 a.m., Room 60, East Wing
Public hearing on chronic wasting disease

MONDAY - 6/18/18

House State Government
10:00 a.m., Room 205, Ryan Office Building
Public hearing on: [SB 748](#) Argall, David Act re Public Safety Facilities

House Consumer Affairs
11:00 a.m., Room B31, Main Capitol
Public hearing on competitive energy supplier sales and marketing practices

TUESDAY - 6/19/18

House Children and Youth
9:00 a.m., Room 205, Ryan Office Building
Public hearing on: [HB 1311](#) Petri, Scott (Re Amends Title 23 re Child Advocate

THURSDAY - 6/28/18

*****Independent Regulatory Review Commission (Agenda updated)**
10:00 a.m., 14 Floor Conference Room, 333 Market Street, Harrisburg
To consider: Pennsylvania State Police #17-85: Procedures & Specifications for Firearm Record Forms Under the Uniform Firearms Act 3170 Pennsylvania Liquor Control Board #54-91: Return of Liquor 3173 Environmental Quality Board #7-492: Control of VOC Emissions from Industrial Cleaning Solvents; General Provisions; Aerospace Manufacturing and Rework; Additional RACT Requirements for Major Sources of NOx & VOCs 3177 Environmental Quality Board #7-521: Safe Drinking Water; General Update and Fees 3200 Department of Transportation #18-479: Access to and Occupancy of Highways by Driveways and Local Roads



The Business Recap, formerly known as The Pennsylvania Letter, is a selective daily report on legislative and executive actions affecting business interests and is compiled and edited by PLS.

For subscription information, questions or more information contact PLS at mypls@mypls.com or 717-236-6984. Thank you, Lynn, Kim, Jeff, Mike, Matt Hess, Nina, Matt Hykes, Deborah, Kara, Cheryl, Andre, Aaron, Sarah, Becky, Amyra, Nick, Jessica, Nicole, Stephen, and Robert.

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