



Grassroots Lobbying
Network

Week in Review (November 21 – 27, 2010) (No. 47)

GENERAL ASSEMBLY SESSION SCHEDULE FOR NOVEMBER:

Senate: 17 (Ceremonial Session to elect an interim President Pro Tempore)

- Special Session (Senate): None

House: 8 (non-voting), 9 (non-voting), 10 (cancelled), 15, 16 (non-voting)

- Special Session (House): None

NOTABLE NEWS ITEMS FROM THIS (LAST) WEEK:

Governor Vetoes Firefighters Workers Compensation Cancer Bill

Gov. Rendell on Saturday vetoed [House Bill 1231](#) which would have expanded additional workers' compensation coverage to firefighters with certain types of cancer. PSATS opposed this legislation which would, among other things, have opened up local governments to an unmanageable onslaught of such claims, restrict municipalities' abilities to adequately review them, and increase costs to taxpayers to provide for public safety. According to his veto message, the Governor agreed with PSATS' assessment and vetoed the bill.

In his message to the legislature, Gov. Rendell said that while he respects the sacrifices made by Pennsylvania's firefighters, the legislation threatens public safety by raising the specter of cuts to essential services, or of forcing local governments to raise property taxes at the same time that Pennsylvania families are struggling economically. This is the same position that PSATS took throughout the legislative process.

Indeed, in his veto message to the legislature, Gov. Rendell specifically referenced PSATS' opposition to the bill saying, "As the Pennsylvania State Association of Township Supervisors wrote in their letter urging me to veto this bill; [reduce] commitment to public safety or raise property taxes? Those are the choices left to local governments if HB 1231 (PN 4393) becomes law."

Gov. Rendell said that local governments would be placed in a position of proving a negative – "proof of conduct or activities outside of firefighting duties that posed a substantial risk of causing the cancer." He further said that safeguards and protections are already in place to protect firefighters and that the costs to implement this legislation would have been felt through tax hikes, cuts to local services, or both, including cuts to firefighting activities.

Thank you to everyone that reached out and contacted your legislators and/or the Governor's office and fought against the passage of this legislation.

The Governor also took the axe to two other bills over the weekend. He vetoed [House Bill 1926](#) which would have expanded the right to use deadly force outside of one's home. This proposal, also known as the "Castle Doctrine," would have removed the

requirement that an individual, who is in a place he has a legal right to be, must first “retreat” from an attacker before using deadly force to protect himself. The bill would have also required transient and homeless sex offenders and predators to register their physical locations with authorities. In his veto message, the Governor expressed his regret in vetoing the bill since it contained the needed update to Megan’s Law, but said that he felt compelled to reject the entire bill because of the expansion of the Castle Doctrine, which would, he said, have threatened, not enhanced, the public safety of Pennsylvania citizens.

He also vetoed a bill ([House Bill 2477](#)) which would have amended the County Code to, among other things, eliminate the position of jury commissioners and restrict access to coroner’s records. It is the latter provision of “restricting public information” that prompted the Governor to veto this bill.

While it is conceivable that the legislature could come back to Harrisburg to attempt a veto override on any of these bills, it is extremely unlikely that such an action will occur. [Click here](#) to read the Governor’s veto messages on HBs 1926, 2477, and 1231.

Lame Duck Congress Gets Back to Work

[According](#) to Reuters, congressional lawmakers face a lengthy to-do list, topped by a dispute over expiring tax cuts, when they return to work on Monday. They reconvene in a session that offers an early gauge of the chances for bipartisanship when the new Congress convenes in January.

Perhaps most pressing on the agenda is addressing the “Bush Tax Cuts” which are set to expire at the end of this year. Republicans would like the cuts to be made permanent while Pres. Obama and Democrats prefer to see taxes increase for those making \$250,000 or more a year. The tax clash promises to be an early test for Obama and Republicans, who take control of the House of Representatives in January after gaining 63 seats in November’s elections. Republicans also gained strength in the Senate, where Democrats will retain a majority in the new Congress.

Also, as mentioned in last week’s W.I.R., the U.S. Senate may consider legislation ([S.3194](#)) mandating collective bargaining for local emergency responders. PSATS opposes this bill because it would grant the Federal government authority over fundamental employment decisions historically reserved to the states and local governments. Pennsylvania currently has reasonable procedures already in place protecting local emergency services personnel and allows them to collectively bargain. PSATS feels that additional Federal regulations would be superfluous and unnecessary.

Congress also may consider making updates to the START treaty, which regulates the United States’ and Russia’s nuclear weapons stockpiles and consider reversing the “Don’t Ask-Don’t Tell” provision which excludes openly gay individuals from serving in the Armed Forces.

Local Impact Fees Discussed as Possible Severance Tax Alternative

[According](#) to an article in the *Scranton Times-Tribune*, Senate Republican leaders are giving consideration to letting local governments charge impact fees to offset the impact of natural gas drilling operations. Senate President Pro Tempore Joseph Scarnati (R-Jefferson) is the latest to broach the subject, suggesting impact fees would help municipalities and counties deal with road repairs, water usage, accident cleanup, and

other issues related to drilling. “Marcellus Shale issues aren’t going away,” said Scarnati aide Drew Crompton on Monday.

The impact fee concept is seen as an alternative to a state severance tax on natural gas production, a proposal recently pushed by Gov. Rendell. Efforts to pass a severance tax prior to the election were unsuccessful despite a written agreement in July between House and Senate leaders declaring their intent to do so. Gov.-elect Tom Corbett has said that he does not support a severance tax and has publically opposed raising any taxes in general.

PSATS, along with the Counties and Boroughs Associations, have long pushed for a fair and adequate share of any tax or fee levied on the extraction of natural gas in Pennsylvania. These groups have said that at least 30 percent of any severance tax should be returned to local governments. [Senate Bill 1155](#) (PN 2232) the latest attempt at creating such a tax met resistance in the Senate, including opposition from local government groups over inadequate tax distributions (only 16 percent), restrictions on the use of the tax revenue, and increased and unnecessary auditing and reporting requirements.

In the past, incoming House Speaker Sam Smith (R-Jefferson) said that support does exist among House GOP lawmakers for an impact fee on the drilling industry, but the caucus has not taken a position on it yet.

How other gas drilling-affected groups feel about such a proposal is unclear. However, according to one environmentalist, local impact fees are no substitute for a state severance tax. “Local officials lack jurisdiction over waterways and state roads that can be impacted by drilling so an impact fee would have limited reach,” said Jan Jarrett, president of PennFuture, a statewide environmental group. “It’s an inadequate solution,” she added.

Bad Roads and Bridges are Very Costly to Pennsylvanians, Report Finds

[According](#) to an article in the *Philadelphia Inquirer*, a study by a research group sponsored by insurance companies, labor unions, and construction companies, concluded that Pennsylvania’s deteriorated roads and bridges cost drivers statewide about \$8.2 billion a year. Also last Tuesday, the likely new chairman of the state House Transportation Committee called on Gov.-elect Corbett to make funding for the state’s transportation needs a top priority in his new administration. Citing a \$3.5 billion-a-year gap between the state’s transportation needs and its current resources, Rep. Richard A. Geist (R-Blair) told a highway contractors’ trade association that the state’s problem “is both immediate and massive.”

Pennsylvania’s College Graduates Have the Highest Debt in the Nation

[According](#) to an article in the *Pittsburgh Tribune Review*, Pennsylvania’s Class of 2009 graduated with \$27,066 in debt, more than \$3,000 above the national average, according to The Project on Student Debt. The average debt rose by more than \$10,000 since 2001. The state’s public and private four-year institutions ranked seventh highest in the nation for debt among graduates. About 72 percent of 2009 graduates carry student loans, ranking fifth-highest in the country. Experts believe borrowing to complete a college education often is a wise investment that most can repay. But they caution students and parents not to overextend themselves with debts.

Veteran Luzerne County Legislator Faces Corruption Charges

[According](#) to the *Wilkes-Barre Citizens Voice*, veteran state Senator Raphael Musto (D-Luzerne), who also served one term in Congress in the '80s, was indicted by a Federal grand jury last week on charges that he accepted tens of thousands of dollars in bribes and kickbacks from an unnamed company after supporting the company's efforts to secure state grants. Sen. Musto, who is retiring this year after almost 40 years in the legislature, also received a \$3,000 payment from an unnamed official with a municipal authority in October 2009 as a reward for supporting state support for the authority, the indictment says. If convicted, Musto faces up to ten years in prison and a \$250,000 fine.

The indictment is "not the end of the process," the 81-year-old Musto said. "I want my day in court. I'll be heard in court." He said he would not address the "merits" of the case on the advice of his attorney, but said the charges had nothing to do with his decision to retire after his term ends.

Hollywood Actor Finds His Name on Pennsylvania Terror Watch List

Actor Mark Ruffalo, known for his roles in *Zodiac* and *Shutter Island* can add one more credit to his resume, inclusion on Pennsylvania's Office of Homeland Security's terror watch list. [According](#) to the San Francisco Chronicle, the 43-year-old actor, who is active in liberal causes, arranged showings for the documentary "[GasLand](#)" earlier this year and voiced his concerns about gas drilling in relation to national water supplies.

The creation of the watch list, which was compiled at the behest of the state's Homeland Security Office in response to anti-Marcellus Shale drilling protests, caused equal levels of government embarrassment and public outrage when made known this summer. However, according to the article, Ruffalo thought his inclusion on the list was rather funny (*you can read his actual quote in the article*).

*******Have anyone else in your township who would like to be a part of the Grassroots Lobbying Network and receive the Week in Review? Please respond back to this email so that we can add their names to our list (remember, there is no official obligation).*******

For Your Information:

Once legislation has been passed by the General Assembly, it is then transmitted to the Governor, where one of four things can happen: (1) the Governor can sign it, whereupon it becomes a law, (2) the Governor can veto the bill...in this case, the General Assembly can choose to vote on it again (a two-thirds vote of all members in both houses will override the veto), (3) the Governor can hold it for a time without taking action, either signature or veto (10 days while the General Assembly is in session or 30 days after final adjournment), after which it will automatically become law. The Governor's refusal to sign a bill may indicate disapproval of the measure but with an acknowledgement that a veto is either useless or politically unwise. It may also indicate that the Governor is undecided about the bill's constitutionality. The final (4) action that the Governor can employ is a line-item veto. This procedure can be used to disprove any portion of a bill that appropriates money for a particular use while allowing for remaining parts of the bill to become law. Those items vetoed by the Governor can still be restored by a legislative override.

Did You Know...

...that while the City of Bethlehem, which straddles the Lehigh-Northampton County line, is by far the largest municipality located in more than one county, is not the only Pennsylvania municipality that calls more than one county home? The others are the Boroughs of Adamstown (Berks/Lancaster), Ashland (Columbia/Schuylkill), Ellwood City (Beaver/Lawrence), Emlenton (Clarion/Venango), Falls Creek (Clearfield/Jefferson), McDonald (Allegheny/Washington), Seven Springs (Fayette/Somerset), Shippensburg (Cumberland/Franklin), Telford (Bucks/Montgomery), Trafford (Allegheny/Westmoreland), and Tunnelhill (Blair/Cambria).

County Spotlight

Lehigh County was created on March 6, 1812 from part of Northampton County and named for the Lehigh River. The name "Lehigh" is derived from the German "*Lecha*," which comes from the Delaware Indian "*Lechauwekink*," meaning "where there are forks," referring to the river. *Allentown*, the county seat and largest municipality, was laid out in about 1762 and named for Chief Justice of Pennsylvania William Allen, a local landowner. It was incorporated as the Borough of Northampton in 1811, renamed in 1838, and chartered as a city on March 12, 1867. The county adopted a home rule charter in November 1975. Due to its central location, accessible roads, and powerful yet navigatable rivers, Lehigh has made its history and fortune on farms, mills, industry, and mercantilism, and in the present day, on modern technology and services. Lehigh County has 25 municipalities (11 second class townships, eight boroughs, four first class townships, and two cities). It is also home to ten school districts. The county's population of 312,090 makes it a third class county, and it is the 11th most populous county in the Commonwealth. 11 legislators (seven representatives and four senators, seven Republicans and five Democrats) have all or a portion of their districts within the county. It also has parts of two congressional districts. It is the only "Lehigh County" in the union.

What's in a Name?

The Borough of Coopersburg, Lehigh County was settled in about 1730 and was called Freyburg after local tavern owner and judge Joseph Frey. By the time the town was incorporated, it had been renamed Coopersburg, after Judge Peter Cooper. The town was once the site of famous cattle sales at the estate of Tilghman S. Cooper.

MOVEMENT ON LEGISLATION OF INTEREST THIS WEEK (REGULAR SESSION):

- [HB 174](#) (Carroll)(PN 4473): Amends Title 3 (Agriculture) codifying the Public Eating and Drinking Place Law and the Food Act, provides for the protection of public health and for regulations, requires licensing, further provides for organic foods, for maple products, for food employee certification and for farmers' market, provides for penalties, and makes related repeals. All retail food facilities are required to be licensed except those specifically exempt under the act. Exempt facilities include food banks, soup kitchens, school cafeterias, and certain facilities owned by charitable nonprofits. The act provides for registration of business and products, cleanliness standards, certification programs, and certification of employees, inspections, and reports. A chapter on food safety is added. The act also repeals chapters 59 and 63 of Title 3. (*Effective January 22, 2010*) **Last action:** Approved by the Governor (11/23/10) – **Act 106 of 2010**

- [HB 708](#) (Ross)(PN 4465): The Covered Device Recycling Act prohibits a manufacturer or retailer from selling or offering to sell a new covered device unless the brand is included on the list of registered manufacturers and their brands maintained by the Department of Environmental Protection. "Covered device" is defined as a covered

computer device and covered television device marketed and intended for use by a consumer. No later than six months after the effective date, the department shall maintain a list of each registered manufacturer, the brands of all covered devices reported in each manufacturer's registration, and the brands of covered devices for which no manufacturer has registered and post the list of the department's website. The act requires a manufacturer of new covered devices to pay a registration fee of \$5,000 and provides for powers and duties of the Department of Environmental Protection. The Environmental Quality Board is authorized to adjust fees through regulation. Any manufacturer that fails to label its new covered devices with a brand may be assessed a penalty of up to \$10,000 for the first violation and up to \$25,000 for the second and each subsequent violation in addition to paying for any fees, payments and penalties. The act further establishes the Electronic Materials Recycling Account in the state General Fund. All proceeds resulting from the manufacturer's registration fees, renewal fees, penalties, and judicial actions shall be deposited into the account. The department may expend the moneys from the account only to carry out the duties imposed on the department under this act. (*Effective January 22, 2010*) **Last action:** Approved by the Governor (11/23/10) – **Act 108 of 2010**

- [HB 1231](#) (Murphy)(PN 4393): Would amend the Workers' Compensation Act to further define "occupational disease" to include cancer suffered by a firefighter which is caused by exposure to a known carcinogen which is recognized as a Group 1 carcinogen by the International Agency for Research on Cancer. Compensation pursuant to cancer suffered by a firefighter would only be to those firefighters who have served four or more years in continuous firefighting, who can establish direct exposure to a carcinogen relating to cancer by a firefighter, and have successfully passed a physical examination prior to asserting a claim or prior to engaging in firefighting duties and the examination failed to reveal any evidence of the condition of cancer. The bill would further provide that this presumption could be rebutted by a preponderance of the evidence that shows the firefighter engaged in conduct or activities outside of firefighting duties that posed a substantial risk of causing the cancer, including the continuous use of tobacco products for two or more years for cancers primarily caused by smoking or a tobacco product. It would also provide a claim made by a member of a volunteer fire company would need to be based on the evidence of direct exposure to a known carcinogen which is recognized as a Group 1 carcinogen by the International Agency for Research on Cancer as documented by reports filed pursuant to the Pennsylvania Fire Information Reporting System. (Prior Printer Number: 1458, 1780, 2547) **Last action:** Vetoed by the Governor (11/27/10)

- [HB 1394](#) (Houghton)(PN 4467): Amends the Pennsylvania Farmland and Forest Land Assessment Act to provide that the wind power generation system shall include the foundation of the wind turbine and the area of the surface covered by appurtenant structures. Also the utilization of a portion of the land for a wind power generation system shall not invalidate the preferential assessment if it continues to meet the requirements contained in the act. The act also provides for removal of land from preferential assessment. Penalties for ineligible use are provided. (*Effective November 23, 2010*) **Last action:** Approved by the Governor (11/23/10) – **Act 109 of 2010**

- [HB 1609](#) (Freeman)(PN 2269): Amends PA Municipalities Planning Code to further define "traditional neighborhood development," providing for the grant of power to municipalities by stipulating that a zoning ordinance may authorize and provide standards, conditions, and regulations for traditional neighborhood development, for standards and conditions for traditional neighborhood development designations, and for

manuals of written and graphic design guidelines. The act also provides for subdivision and land development ordinance provisions applicable to traditional neighborhood development. (*Effective January 22, 2010*) **Last action:** Approved by the Governor (11/23/10) – **Act 111 of 2010**

- [HB 1926](#) (Taylor, R)(PN 4477): Would amend Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) to further provide for the registration of offenders and sexually violent predators who are homeless. These offenders would be required to register with the PA State Police at an approved registration site within the jurisdiction of the area where the person may be found. The offender would be required to register his "habitual locale" every 30 days. Failure to register would be penalized. The bills would also provide for a sentence for failure to comply with registration of sexual offenders. The bill would stipulate, in general principles of justification, certain circumstances and situations in which protective and/or deadly force is justified. The bill would provide for presumptions of intent, for reasonable belief, for exceptions, for definitions and inconsistencies, and for public officers outlines justifications for the use of force in the performance of duty. Increased penalties for non-compliance with sex-offender registration provisions would be provided. (Prior Printer Number: 2573, 3800, 3854, 4390, 4412) **Last action:** Vetoed by the Governor (11/27/10)

- [HB 2139](#) (Myers)(PN 4267): The Pennsylvania Agricultural Surplus System Act authorizes the Department of Agriculture to establish the Pennsylvania Agricultural Surplus System (PASS) as a system for the Commonwealth's food industry to donate, sell, or otherwise provide food products to the charitable food organizations in existence within this Commonwealth. Preemption is also provided for. (*Effective January 22, 2010*) **Last action:** Approved by the Governor (11/23/10) – **Act 113 of 2010**

- [HB 2321](#) (Fairchild)(PN 4469): Amends Titles 4 (Amusements), 18 (Crimes and Offenses), and 35 (Health and Safety) to consolidate the Public Safety Emergency Telephone Act, establish the State Firemen's Training School to effectively train firefighters for the practical control and extinguishing of fires to which all paid and regularly enrolled volunteer firefighters shall be eligible for admission to the school and shall be chosen for enrollment by each political subdivision, and consolidates numerous public safety and emergency management laws into one code. (*Numerous provisions take effect immediately, with the entirety of the act becoming effective by July 1, 2011*) **Last action:** Approved by the Governor (11/23/10) – **Act 118 of 2010**

- [HB 2477](#) (Fabrizio)(PN 4471): Would amend the County Code to further provide for the governing board of the convention center authority by stating that the board would be composed of eleven members (increased from nine). The bill would provide for how these members would be appointed and increases the number of members it takes for a quorum to six. The bill would also eliminate the position of jury commissioner in all counties, with the exception of Philadelphia, and provides for the financial security of certain county officers and employees through bonding requirements. (Prior Printer Number: 3677, 3882, 3956) **Last action:** Vetoed by the Governor (11/27/10)

- [SB 906](#) (Folmer)(PN 2121): Amends Titles 3 (Agriculture) and 18 (Crimes & Offenses) to provide for definitions of "agricultural biosecurity area" and for "posted notice," and to further provide for keeping and handling domestic animals, ecoterrorism, and trespassing by incorporating language related to agricultural biosecurity areas. Grading of the offense is also provided. (*November 23, 2010*) **Last action:** Approved by the Governor (11/23/10) – **Act 125 of 2010**

ON LEGISLATION OF INTEREST THIS WEEK (SPECIAL SESSION):

- None

--(For PSATS official position, detailed analyses, and the up-to-date status of these bills and others, please contact, cadams@psats.org)--

The PSATS Capitol Hill Report on Selected Bills of Interest

A LOOK AHEAD TO NEXT WEEK

Committee Meetings of Interest to Townships

None.

PSATS-TRACKED BILLS ON THE CALENDARS NEXT WEEK:

REGULAR SESSION:

House: None

Senate: None

SPECIAL SESSION:

House: None

Senate: None

For more information, including past "Weeks in Review," please visit the PSATS Grassroots website, <http://grassroots.psats.org>. Remember, your username is the first initial of your first name and your last name. The password is "townships."

If you would like to be removed from the Grassroots Network, please reply to this email.