

**PACD Legislative Committee
The Penn Stater Conference Center Hotel
State College, PA
July 26, 2006**

Welcome

Committee Chairman Larry Kehl called the meeting to order and welcomed everyone to the meeting.

Committee members in attendance:

Larry Kehl, Berks
Donna Fisher, Blair
Donald Koontz, Mercer
Harold Kulp, Chester
Ron Rohall, Westmoreland
Paul Sell, Lehigh
Patricia Sueck, York
Carl Urbanski, Luzerne

Also in attendance were:

Susan Marquart, PACD
Molly Burns, PACD
Brenda Shambaugh, PACD
Tom Matticks, NRCS
Stephen Scott, Centre
Gordon Hiller, Lycoming
William Smith, Tioga
Gerald Breininger, Lehigh
Bob Ritchey, Cambria
Victor Cappucci, Wyoming
Jim Spontak, DEP
Rusty Diamond, DEP
Scott Williamson, DEP
Jay Braund, DEP
Mark Dubin, DEP
Bill Zett, DEP
Malcolm Crooks, DEP
Karl Brown, SCC
Larry Martick, Adams
Piper Sherburne, Berks

Minutes from Previous Meetings

- January 19, 2006 meeting

It was moved by Pat Sueck and seconded by Harold Kulp to approve the minutes from

the January 19, 2006 meeting as presented. Motion carried.

- May 3, 2006 conference call

It was moved by Donna Fisher and seconded by Carl Urbanski to approve the minutes from the May 3, 2006 conference call as presented. Motion carried.

Proposed PACD Legislative Program

Brenda Shambaugh reported that we received about fifteen or so comments from districts, and the main concern expressed was that district directors and employees may not be able to accomplish everything that is included in the program, or might want to vary from the program to continue with current activities that are bringing success. Brenda said that it is important for districts to remember that the proposed legislative program is designed to act as a guide, rather than a directive.

It was moved by Pat Sueck and seconded by Don Koontz to adopt the Annual PACD Legislative Program. Motion carried.

Update on SB 1224 and the State Budget

- **SB 1224**

Brenda Shambaugh reported that SB 1224, introduced by Senators Wenger and Waugh, was passed unanimously by the legislature and is now Act 110. Act 110 creates a non-lapsing fund that allows districts to receive money up front instead of having to be reimbursed. It also exempts districts from state contracting requirements, which relate to the flow of money. Brenda noted that we were fortunate to have a great deal of support from the legislature. She stated that the State Conservation Commission is now working to set up the details of running the account and moving funds.

- **State Budget**

Brenda reported that we were able to obtain over \$190,000 in additional funds for districts in this year's budget. She said that we were hoping to receive even more, but we are pleased to have received an increase and are looking at this as an opportunity to look for an even greater increase for next year.

Other Changes to Act 217

Brenda Shambaugh reported that PACD has been working on other changes to Act 217 with Senator Wonderling, who is the Senator who commissioned the Legislative Budget and Finance Committee report on districts that was released in June of 2005. There have been many revisions to the draft of the legislation. Brenda explained that, while the legislature saw SB 1224 as very important, the legislature does not appear to see this as major legislation, and as a result there is not nearly as much momentum in the legislature to move it forward. There are two items that PACD requested on behalf of the districts that are not reflected in the current draft of the legislation. The first of these is the elected chair of the State Conservation Commission (SCC); the legislature wishes to maintain the

rotating chair. The other is that the legislature will not combine all of the pieces of legislation relating to Act 217 into one piece of legislation; anyone wishing to get the full picture regarding Act 217 and its amendments will have to review each document separately.

Susan Marquart pointed out that, on Page 12, lines 427-431, it should be specified who is to provide contact information to the SCC. She noted that there are also some conflicts within the verbiage that need to be straightened out and there are some things that need to be fine-tuned. Susan explained that, if the committee determines that we move forward with this piece of proposed legislation, we should vote to move it forward with the understanding that we will be making some adjustments for the sake of clarity and consistency throughout the document. Susan and Brenda both noted that there are very few legislative days left in this session, and reminded the committee that if this proposed legislation does not pass between now and the end of November, it will have to go back to the beginning of the process.

Brenda and Susan explained that PACD is looking for guidance as to whether PACD should move forward with the legislation. In particular, the staff need to know how important it is to push for the elected chair of the SCC. The committee discussed the issue and did not seem to feel that the elected chair should be a stopping point for the legislation.

It was moved by Pat Sueck and seconded by Harold Kulp to support the preliminary draft of Act 217 amendments, with the understanding that PACD will be working with the Senator's office to make some changes and adjustments for the sake of clarity and consistency throughout the document. Motion carried.

It was asked for the notes to reflect that the Legislative Committee should be kept in the loop regarding any changes and/or progress with the bill.

Potential Impact of the Fall Elections

Brenda Shambaugh explained that the districts will be losing a number of agricultural supporters this Fall, including Senator Brightbill, Senator Jubelirer, and Senator Wenger, either because they are retiring, or because they were not endorsed in their primary. This means that we will have many new legislators in the Fall, and districts are going to have to put forth a concerted effort to get to know them. Many of these new legislators may know nothing about districts, while others may be coming from strong district supporting roles, such as former county commissioners who have served on district boards. Brenda asked that districts let her know if they have a strong relationship with a new legislator so that she can keep this in mind when making initial contact with that individual.

Federal Legislative Issues

- **NACD**

Pat Sueck reported that NACD is working hard on the 2007 Farm Bill. She said that there is a general feeling that that bill is not going to be passed until 2008 at

the earliest, and promised to be sure to keep PACD and the districts in the loop with any changes or updates. Pat took a moment to remind those in attendance that the Northeast has an excellent representative on the NACD Executive Board, namely Joe Lomax, who was in attendance at the Conference.

- **AML Fund**

Ron Rohall reported that an extension to the Surface Mining Control and Reclamation Act (SMCRA) was passed, so the current legislation is not in danger of expiring for another year or so. In terms of long-term legislation, Ron reported that Senator Santorum has introduced SB 2616. Ron explained that the bill does not give us everything that we want, but it looks like our best bet at this time. On the positive side, the bill extends the Act for fifteen years, and takes the AML fund off-budget, which takes the funds out of the appropriations process. The funds due to Pennsylvania have not made it through appropriations in the past, so taking the fund off-budget should make it much easier for Pennsylvania to receive the funds due to us. On the negative side, the bill reduces fees on mined coal over the fifteen year life of the legislation. Ron reported that SB 2616 will likely be attached to the pension reform bill. He said that Pennsylvania Senators Santorum and Specter and West Virginia Senators Byrd and Rockefeller are supporting the bill. The minority and majority chairs for the Senate's Environmental Resources and Energy Committee are also supporters. Ron said that districts should be vocal about their support for the bill and let their legislators know that this issue is important to them. He commented that Senator Santorum has done an excellent job in drumming up support for the bill. Ron noted that CONSOL coal is in favor of the bill, and that a number of districts have passed resolutions in favor of the bill. Ron said that he will let districts know when critical times arrive, so that they can put forward additional letters of support.

- **PACD Position on the 2007 Farm Bill**

Brenda Shambaugh presented the proposed PACD policy position on the 2007 Farm Bill. She noted that it is a broad position statement, designed to serve as a starting point. Brenda noted that the policy includes wording addressing the inequity between Pennsylvania and some other states.

It was noted that PACD should try to include some aspect of forest conservation in the policy statement. The committee decided to include FLEP in the list of successful programs so that the proposed policy would address forestry concerns.

It was moved by Pat Sueck and seconded by Paul Sell to approve the following policy regarding the 2007 Farm Bill:

Conservation programs are going to be an integral part of the 2007 Farm Bill. Overall, PACD has been pleased with most of the conservation programs instituted in the current Farm Bill, but have found that the existing funding levels for a number of programs have hindered conservation progress. Most notably,

EQIP, CSP, CRP, CREP and FLEP have been successful programs and should have increased funding.

Since technical assistance is the key component to implementing sound conservation practices, PACD supports significant funding increases for NRCS and Conservation Districts to provide landowners with technical assistance. Additionally, PA Farmers do not receive their fair share of federal farm bill funding. Farmers across the country should receive the same percentage of available agricultural production and conservation dollars. A more equitable distribution of funds per producer is needed so all farmers nationwide have an equal opportunity to participate in voluntary government conservation programs.

Motion carried.

DEP South Central Region Update

Rusty Diamond, Director from the DEP South Central Region office, reported that DEP has reorganized the region offices to include a Bureau of Water Management and Bureau of Watershed Management. She said that the Department is working with the new CAFO regulations and the South Central office is in the process of hiring a new CAFO specialist. It has been noted that each DEP region is implementing conservation district responsibilities a little differently, so the regions are working together to create some consistency between them. Rusty said that DEP is also working with the nutrient trading program as a result of the Chesapeake Bay Tributary Strategy. There are reports from many different workgroups addressing point source strategy, what levels point sources need to reach to be in compliance, and how they are going to implement the nutrient trading program.

It was moved by Harold Kulp and seconded by Carl Urbanski to adjourn. Meeting adjourned at 8:10 am.