

Pennsylvania Society of Land Surveyors Summary of Legislation September 2011

CE Exemption for Retirees Moves Forward

The bill that will exempt retired professional engineers, land surveyors and geologists from meeting the continuing professional competency requirements cleared another hurdle on September 27th when it was reported from the Senate Consumer Protection and Professional Licensure committee. House Bill 1054 creates a new license category for licensees who wish to continue to use their professional title but are no longer practicing for remuneration. Before the Senate committee voted on the bill there was debate about whether the legislation created a loophole so that a retired licensee could still practice as long as he/she was not paid. Despite that, the bill was unanimously reported from committee, but with the understanding that the language may need to be tweaked to resolve the questions raised in committee. The next step for the bill is to be referred to the Appropriations committee for a fiscal note and then passage by the Senate.

PennDOT Rescinds Consultant Highway Design Errors Chapter

The Department of Transportation rescinded Chapter 455, whose purpose was to establish the official position of the Department regarding design errors committed by its consultants and to establish a uniform procedure for reviewing and responding to errors when they occurred. The Department has found the process in Chapter 455 to be unduly burdensome and cumbersome to implement. The rescission of Chapter 455 is effective upon publication in the *Pennsylvania Bulletin*. For more information contact Gary Kleist, P.E., Acting Section Chief, Consultant Agreement Section, Bureau of Design, PO Box 3060, Harrisburg, PA 17120-0094, (717) 783-9309.

DEP Renews Pennsylvania National Pollutant Discharge Elimination System General Permit for Stormwater Discharges From Municipal Separate Storm Sewer Systems (PAG-13)

The Department of Environmental Protection announced the renewal of Pollutant Discharge Elimination System General Permit (PAG-13) (issued in 2003), the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s), for another five years, through midnight on March 15, 2018. The renewal PAG-13 permit is available by contacting the Department's Bureau of Watershed Management, Rachel Carson State Office Building, PO Box 8775, 10th Floor, Harrisburg, PA 17105-8775, (717) 787-6827, ra-epwater@state.pa.us. The renewal PAG-13 permit also is available on the Department's website at www.depweb.state.pa.us.

DEP Extends Current Pennsylvania National Pollutant Discharge Elimination System General Permit for Stormwater Discharges From Municipal Separate Storm Sewer Systems (PAG-13)

The Department of Environmental Protection extended the availability of PAG-13, the current National Pollutant Discharge Elimination System general permit for stormwater discharges from regulated small municipal separate storm sewer systems (MS4s) through midnight on March 15, 2013. Permittees covered by an individual permit shall continue to implement the requirements of their permits and shall request a renewal of coverage based on the expiration date and terms and condition of their permits. Permit documents can be obtained by calling (717) 772-5807 or accessing the DEP's website at www.depweb.state.pa.us (DEP Keyword: Storm- water).

Legislative Activity

The following bills were introduced by the General Assembly this month.

[HB 1054](#) RE: Retired Licensees (By Rep. Mark Mustio, et al)

Amends Engineer, Land Surveyor and Geologist Registration Law providing a licensee may request exemption from the continuing professional competency requirements if the licensee lists his occupation as retired and certifies to the board that he no longer receives any remuneration for their licensed profession. Further provides if the licensee intends to return active practice, then the licensee must complete the number of professional development hours required for each

year exempted, not to exceed the annual requirement for two years. Requires retired licensees to hold themselves out as such.

Reported as committed from Senate Consumer Protection & Prof. Licensure Committee, and read first time, 9/27/2011

[HB 1349](#) RE: Regulatory Impact Statements (by Rep. Tina Pickett, et al)

Amends Regulatory Review Act requiring an impact statement for any proposed regulation that may have an adverse impact on small business; providing guidelines for regulatory flexibility analysis.

Reported as committed from House State Government Committee, read first time, and laid on the table, 9/27/2011

Removed from the table, 9/28/2011

New Bills Introduced

The following bills have been introduced in the General Assembly this month.

[HB 1834](#) RE: Public-Private Transportation Partnership (by Rep. Dwight Evans, et al)

Amends Titles 72 (Taxation and Fiscal Affairs), 74 (Transportation) and 75 (Vehicles), in taxation and fiscal affairs, imposing an eight percent oil company gross profits tax to be deposited in the Oil Company Gross Profits Tax Account; in sustainable mobility options, further providing for Public Transportation Trust Fund, for application and approval process and for asset improvement program; providing for imposition and allocation of surcharges, for minimum qualifications for governing board members, for best practices for transit-oriented development and for Legislative Budget and Finance Committee reviews; in transportation, providing for public-private transportation partnership; establishing the Public-Private Transportation Account and the Public-Private Transportation Partnership Board; in vehicles, further providing for various vehicle fees and for the imposition of the **oil company franchise tax for highway maintenance and construction**; providing for an annual adjustment to fees; and making a related repeal. Initially, \$1 million shall be appropriated to the Office of Attorney General to carry out the provisions of section 2206(c) (relating to cost of tax and penalties); \$17,500,000 shall be transferred from the account to the General Fund, 80 percent of the money remaining in the account shall be transferred to the Public Transportation Trust Fund, and the remainder to the Motor License Fund. All money transferred to the Motor License Fund is to be allocated as follows: (1) 87 percent to be used for state roads and bridges; (2) 11 percent for municipal roads and bridges distributed to municipalities pursuant to the Liquid Fuels Tax Municipal Allocation Law; and (3) Two percent for county roads and bridges distributed to counties. All money transferred to the Public Transportation Trust Fund is to be allocated as follows: (1) 85.8 percent for financial assistance under 74 Pa.C.S. 1514 (relating to asset improvement program); and (2) 14.2 percent for financial assistance under 74 Pa.C.S. 1513 (relating to operating program).

Introduced and referred to House Finance Committee, 9/26/2011

[HB 1865](#) RE: Unconventional Well Impact Fee Act (by Rep. Curt Schroder, et al)

Imposes an unconventional well impact fee which shall be deposited in the newly established **Marcellus Shale Impact Fund and Marcellus Shale Roadway Repair Account**. The Department of Environmental Protection shall calculate the fee by using a formula which adds the total eligible environmental costs from the prior calendar year and the total eligible transportation costs from the prior calendar year, as determined by the Department of Transportation, divided by the total number of unconventional wells operated within this Commonwealth in the prior calendar year. The Secretary of the Budget shall annually transfer an amount equal to the total costs to the Commonwealth and its municipalities for eligible transportation costs for the prior calendar year, as determined by the Department of Transportation, from the fund to the account. The Department of Transportation shall make available a minimum of 25% of the funds in the account through a grant program to counties and municipalities for the maintenance and repair of highways, roadways and bridges or transportation problems determined to have been impacted by or caused by the process of drilling unconventional wells and may use up to 70% of the account for maintenance and repair of state-owned or interstate highways, roadways and bridges or transportation problems determined to have been impacted by or caused by the process of drilling unconventional wells. The Departments of Environmental Protection and Transportation shall annually report on the projects and services provided by the money.

Introduced and referred to House Environmental Resources and Energy Committee, 9/26/2011

Upcoming meetings of Interest

2011 SENATE SESSION SCHEDULE

October 17, 18, 19, 24, 25, 26, 31
November 1, 14, 15, 16
December 5, 6, 7, 12, 13, 14

2011 HOUSE SESSION SCHEDULE

October 3, 4, 5, 17, 18, 19, 24, 25, 26, and 31
November 1, 2, 14, 15, 16, 21, 22, and 23
December 5, 6, 7, 12, 13, and 14

Copies of all bills of interest can be accessed via the Internet at:

<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>