



June 5, 2010

**VINTAGE SNOWMOBILE REGISTRATION: House Bill 1171.** This legislation would amend Chapter 77 of the Vehicle Code to create an additional registration for vintage snowmobiles. Vintage snowmobiles, under the bill, are those that are 25 years of age or older. The vintage snowmobile registration would allow the owner the opportunity to ride their vintage sled and control events.

Under the bill as amended, a vintage snowmobile registered under the act would be required to have liability insurance and could only operate their vintage sleds and announced events and on predesigned courses. Under the bill, the owner would be required to pay a one-time registration fee of \$35. Any subsequent owner wishing to ride their vintage sled would be required to pay the fee obtain liability insurance and abide by the terms of the act.

I am hopeful that the legislation will be reported from the Appropriations Committee within the next few weeks. Additionally, conversations have been held with House and Senate transportation staff in an effort to have the provisions of this bill included in any omnibus transportation bill to be considered during the remainder of the session. PSSA continues to be concerned about the level of the fee contained in the legislation. When the bill is reported from the House Appropriations Committee and amendment will be offered to reduce the registration fee for \$10 as was originally proposed in House Bill 1171.

**LEAD RESOLUTION: House Resolution 572.** This resolution was unanimously reported from the House Consumer Affairs Committee on May 3 and was placed on the House Calendar June 6<sup>th</sup>. I would anticipate House consideration sometime during the month of June. In addition, to the movement of the resolution Rep. Mike Hanna sent a letter a copy of the resolution and a copy of that Senate passed resolution two members of the Pennsylvania delegation and to the members of the House Congressional Committee on Commerce.

**CAPITAL BUDGET: House Bill 2291.** This bill is a 207-page compilation of economic development projects around the state administered by the various departments requesting funds for the projects. Contained on page 201 Section 12 of the bill are to DCNR projects to be funded from the Snowmobile/ATV restricted receipts account. The first project is for the construction of the Carvolth Snowmobile Trail in Lackawanna County the project allocation is for \$300,000. The second project is to construct the missing link bike trail in the southern portion of the Oil Creek State Park the project allocation is for \$300,000.

I asked Matt Beaver if snowmobiles or ATVs were permitted on any portion of this bike trail. He referred me to the director state parks that informed me that no motorized recreation takes place

in Oil Creek State Park. Since the bill had already passed the House, I spoke to the Executive Director of the Senate Appropriations Committee who indicated to me that at this point in time no Capital Budget bill is going to be considered by the Senate. He did indicate however, that it is still early in the budget negotiations and that anything is possible. He also stated he would make the chairman aware of the constraints on the use of funds from the snowmobile and ATV restricted receipts account with respect to funding this project.

**COMMONWEALTH BUDGET:** As of this writing, and after conversation with Appropriations Committee staff is my belief that the \$1 million in gas tax funding required to be transferred to the restricted receipts account will take place when the budget is finalized. You may recall that when the budget was considered last year all gas tax refunds were considered as 'executive authorizations.' You may also recall that when I address this issue subsequent to the passage of the 2009-10 budget executive authorizations are recognized as payments to be made first prior to other budget considerations.

**TAX BILL:** You have no doubt heard and/or read of the various tax proposals considered by the administration. Recently, the Governor indicated that he is no longer considering expanding the sales tax to include more than 74 products and services and reducing the sales tax rate from 6% to 4%. He is however, looking to have tax apply to gas extraction from Marcellus Shale wells, smokeless tobacco and a repeal of the vendor allowance provided in the tax code.

One interesting twist with regard to a repeal of the vendor allowance that you should be aware of and to some extent concerned about is that the snowmobile/ATV restricted receipts account is the beneficiary of the vendor allowance provided for in the tax code. I am not familiar with the reasoning or rationale as to why this is, I only know that a decision was made in the late 90s to allow the fund to benefit from that portion of the sales tax on snowmobiles and all-terrain vehicles.

Should the Governor be successful, though I doubt it, the financial impact to the fund good in a good economy in a loss of as much as \$150,000.

**RUWLA: House Bill 2180.** Legislation introduced by Rep. Mike Hanna would provide successful defendant landowners the ability to recover the cost of their attorney's fees. This legislation continues to reside in the house tourism and recreational development committee. Efforts to meet with the chairman of the committee have not been successful to this point. Efforts will continue to meet with Chairman as well as to secure a sponsor in the Senate.

**OPEN RECORDS:** I have had several meetings with House and Senate staff in an effort to develop legislation to counter DCNR objections to allowing PSSA access to snowmobile registration data. I recently met with a member of Sen. Mike Waugh's staff and provided him with language that I believe will help change the fact pattern in favor of PSSA. This changes would implement a recent middle District Court opinion that stated 'ATV's are not motor vehicles required to be registered PennDOT