

# United Methodist Advocacy in Pennsylvania

November 30, 2020

November 30 marks the end of a two-year legislative session of the Pennsylvania General Assembly. Any legislation that has not been sent to the governor will cease to be. Essentially, no state legislative body will exist in Pennsylvania during December. The new General Assembly session will convene on January 1.

Though legislative action has come to an end, there are still unsigned bills remaining on Gov. Tom Wolf's desk.

Of course, November 3 was the date of the General Election. A closely watched issue, nationally, was the handling of mail-in ballots. This was especially true in Pennsylvania, where ballot counting required a few days—the consequence of a Legislature suspicious of mail-ins and unwilling to expand provisions for more efficient counting.

Most notably, in national news, was the fact that incumbent Republican President Donald Trump lost the election to former Vice President Joe Biden. However, in Pennsylvania, Republicans fared well at the state-level.

By the end of the month, Trump Administration and other challenges of the Pennsylvania election results have been dismissed in the courts—the last court decision issued on November 28. Nonetheless, almost four weeks after the election, a small group of state House Republican lawmakers continue to dispute the outcome.

On November 24, Gov. Tom Wolf signed a third extension to his emergency disaster declaration for the COVID-19 pandemic. The new 90-day order will be in effect through February 2021.

As for the pandemic, November witnessed a sharp increase of cases, hospitalizations and deaths, both nationally and in Pennsylvania. Be prepared for more. Public health experts are anticipating a renewed surge to occur as a result of Thanksgiving travel and gatherings. Wearing a mask is an act of love.

Noted below are developments in state government during November:

- **State Budget Approved**
- **Three Bills Vetoed**
- **Small Games of Chance Fundraising During Pandemic**
- **Rural Broadband Development Grant Program**
- **Resolution to Conduct Election Audit**
- **First Mini-Casino Opens**
- **Senate Democrats Choose Leadership**
- **Senate Republicans Choose Leadership**
- **House Democrats Choose Leadership**
- **House Republicans Choose Leadership**

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## State Budget Approved

On November 20, both chambers of the Pennsylvania General Assembly approved legislation to fund the state budget for the remaining seven months of the 2020-21 fiscal year. The budget for the entire fiscal year amounts to \$35.5 billion—including coverage of a 3.8 billion deficit left over from 2019-20.

In a reaction to the COVID-19 pandemic, the General Assembly approved a unique 5-month budget in July. That short-term budget was in effect only through November 30. Consequently, a supplemental

budget needed to be enacted to complete the year. Though the Legislature waited until the last moment, a budget was completed.

The budget bill, **Senate Bill 1350**, and the fiscal code, **House Bill 2536**, balance the state budget. However, the balanced budget requires taking money from over two dozen state funds and using the Commonwealth's remaining \$1.3 billion in CARES Act funding for state payroll.

On November 23, Gov. Tom Wolf signed both bills into law.

State Senate Majority Leader Jake Corman (R-Centre) said of the legislation, "Despite all of the challenges we faced this year, we have passed a balanced budget that stands up for taxpayers and will help us move our economy forward."

Senate Minority Leader Jay Costa (D-Allegheny) observed, "This is not the budget we wanted. It's not a budget that provides enough assistance to those struggling with the economic woes caused by COVID-19. But it is a budget that reflects the crisis that we are in. ...this was the version that had the support needed to pass both chambers, keep state government programs in operation and prevent massive furloughs and layoffs of state workers." Costa voted for the bills.

The House voted 104-97 for SB1350, with most Republicans voting for the bill and most Democrats voting against it. However, the House Democratic Caucus leader voted for the bill. The Senate voted 31-18 along mostly party lines, though three Democratic Caucus leaders voted for the bill.

HB2536 won House approval with a 108-92 vote and passed the Senate with a 33-16 vote.

Those voting against the budget bills expressed opposition to raiding dedicated funds.

### **Three Bills Vetoed.**

On Nov. 25, Gov. Tom Wolf signed 25 bills into law, that were sent to his desk the previous week. However, there were three bills that the governor vetoed. **Senate Bill 790** and **House Bills 1747** and **2440** were rejected on the governor's claim that they put public health at risk.

Gov. Wolf had previously said that he would veto SB790. The bill would have created a new Conventional Oil and Gas Wells Act, with provisions separate from those governing unconventional (fracking) wells. Wolf has said that the conventional oil industry is incurring violations at three-to-four times that of the unconventional industry.

In his veto message, the governor wrote, "While this legislation attempts to address the distinct challenges associated with the conventional oil and gas industry, it does so in a manner that does not adequately protect the environment and the public health and safety of the citizens of the Commonwealth, and would contribute to a legacy of environmental degradation."

HBs 1747 and 2440, would seek to assert firearms rights during disaster emergencies.

Supporters of HB1747 say it was introduced in response to efforts by the governor, during the early COVID-19 outbreak, to suspend gun sales as part of the larger shutdown of businesses deemed to be "non-life sustaining."

HB1747 would remove the current prohibition of carrying a firearm in public during an emergency proclamation from the State or a municipal government. It would remove gubernatorial authority to limit the sale, dispensing or transportation of firearms during a disaster emergency declaration.

In his veto message, the governor wrote, "Tough choices must be made during a disaster emergency in order to protect the public safety and welfare of the people of Pennsylvania in accordance with the Emergency Management Services Code and our constitution."

HB2440 would have designated shooting ranges, sportsman clubs, hunting facilities and firearm and ammunition product manufacturers, retailers, importers and distributors as life-sustaining businesses. The legislation provided that those businesses would never be shuttered or limited in their ability to produce, provide, sell or otherwise offer firearms, ammunition, firearm accessories, component parts of

firearms, ammunition and firearm accessories, services, training, safety and practice related to firearms and hunting.

In his veto message, the governor wrote, “This bill represents another meaningless attempt to alter the necessary tools for fighting the pandemic.” He said that a “carve out” for “shooting ranges, sportsman clubs, hunting facilities and the firearm industry from any mitigation efforts” would be detrimental to ongoing effort to control the spread of the virus.

### **Small Games of Chance Fundraising During the Pandemic**

On November 25, Gov. Tom Wolf signed 25 bills into law. One of those was **House Bill 777**, that would permit local clubs and organizations to keep more of their profits from small games of chance during the COVID-19 pandemic.

The measure would boost the share of revenue that the clubs can keep from 40 to 60 percent, to meet a club's operating expenses, including rent, payroll, and utilities. The remaining 40 percent of proceeds must go to support the club's charitable purposes. This reverses the current split that requires 60 percent of proceeds to be used for charitable purposes.

The law will remain in effect a year after the emergency has ceased. Bill sponsor, Rep. Kate Klunk (R-York) said that it is intended to help social organizations that closed during the pandemic and couldn't raise funds for charity through small games of chance.

### **Rural Broadband Development Grant Program**

On November 25, Gov. Tom Wolf signed 25 bills into law. One of those was **Senate Bill 835**, to create a new \$5 million state grant program to support broadband development projects.

This is part of an effort to make broadband available in all parts of the Commonwealth. The state Senate bill was passed unanimously in the House.

Funding for the grant program would be acquired through the repeal of an existing annual \$5 million state Mobile Telecommunications Broadband Investment Tax Credit. The grant would direct investment to unserved regions. It would limit eligibility to “non-governmental” entities that commit a minimum 25 percent of a company’s private capital to finance a project. A House amendment to the bill requires that grantees use technology with the minimum speed capacity adopted by the Federal Communications Commission.

### **Resolution to Conduct Election Audit**

On November 19, the state House approved Republican-backed **House Resolution 1100**, by a vote of 112-90, to conduct a risk-limiting audit of Pennsylvania’s 2020 General Election. A risk-limiting audit applies statistical methods to election outcomes to detect possible irregularities.

Democrats opposed the resolution and criticized it as being unnecessary and partisan. However, Democrats were outnumbered. A resolution does not need the governor’s approval.

The resolution would allow the Legislative Budget and Finance Committee (LBFC) to contract an outside agency to conduct the audit.

The resolution states that inconsistencies arose from court decisions and administrative guidance concerning the election and says, “Pennsylvania citizens have questioned the process by which the 2020 general election has been conducted.”

Prime sponsor of the resolution, Rep. Jesse Topper (R-Bedford) said the point of the audit is to improve the election process. If accomplished early in the next session, the audit could serve as a template for changes to be made in time for the next primary, in April.

The LBFC consists of equal numbers of Republicans and Democrats.

## **First Mini-Casino Opens**

On November 24, Pennsylvania’s first mini-casino conducted a grand opening. The Live! Casino Pittsburgh opened at the Westmoreland Mall in Greensburg, 30 miles east of Pittsburgh.

This is the first mini-casino to open in Pennsylvania following Act 42, the 2017 law authorizing up to 10 mini-casinos and legalizing a wide range of gambling forms. The Pennsylvania Gaming Control Board regulates the law and has implemented an auction process to award mini-casino licenses. At this point in time, five mini-casino licenses have been granted.

The Live! Casino Pittsburgh cost about \$150 million and is operated by Cordish Companies. The casino offers 750 slot machines, 30 table games and FanDuel sports betting.

## **Senate Democrats Choose Leadership**

On November 19, the state Senate Democratic Caucus announced its leadership team for the 2021-22 legislative session, beginning January 1.

Sen. Jay Costa (Allegheny) will remain as Senate Minority Leader.

Sen. Anthony Williams (Philadelphia) will remain Minority Whip.

Sen. Vince Hughes (Philadelphia) will remain Senate Appropriations Committee Minority Chair.

Sen. Wayne Fontana (Allegheny) will remain Minority Caucus Chair.

Sen. Maria Collet (Montgomery) will become Minority Caucus Secretary.

Sen. Katie Muth (Montgomery) will become Minority Policy Committee Chair.

## **Senate Republicans Choose Leadership**

On November 12, the state Senate Republican Caucus announced its leadership team for the 2021-22 legislative session, beginning January 1.

Sen. Jake Corman (Centre), Senate Majority Leader, was elected by the full Senate as interim Senate President Pro Tempore—replacing retiring Joe Scarnate (Jefferson) through the end of 2020. When the state Senate convenes for the new 2021-22 session in January, it will again need to choose its President Pro Tempore. Sen. Corman will undoubtedly be elected to the position.

Sen. Kim Ward (Westmoreland) will become the Senate Majority Leader, replacing Corman. Sen. Ward is the first woman to hold the Majority Leader position in either chamber of the Pennsylvania General Assembly

Sen. John Gordner (Columbia) will remain Majority Whip.

Sen. Pat Browne (Lehigh) will remain the Senate Appropriations Committee Majority Chair.

Sen. Bob Mensch (Montgomery) will remain Majority Caucus Chair.  
Sen. Ryan Aument (Lancaster) will remain Majority Caucus Secretary.

### **House Democrats Choose Leadership**

On November 12, the state House Democratic Caucus announced its leadership team for the 2021-22 legislative session, beginning January 1.

Rep. Joanna McClinton (Philadelphia) will become the new House Minority Leader. Rep. McClinton is the first woman to hold the Minority Leader position in either chamber of the Pennsylvania General Assembly. McClinton will replace Rep. Frank Dermody (Allegheny), who was narrowly defeated in this fall's General Election.

Rep. Jordan Harris (Philadelphia) will remain the Minority Whip.

Rep. Matt Bradford (Montgomery) will remain the House Appropriations Committee Minority Chair.

Rep. Dan Miller (Allegheny) will become Minority Caucus Chair, replacing McClinton.

Rep. Tina Davis (Bucks) will become Minority Caucus Secretary, replacing retiring Rep. Rosita Youngblood (Philadelphia)

Rep. Mike Schlossberg (Lehigh) will become Minority Caucus Administrator, replacing retiring Rep. Neal Goodman (Schuylkill).

Rep. Ryan Bizzarro (Erie) will become Policy Committee Minority Chair, replacing Rep. Mike Sturla (Lancaster).

### **House Republicans Choose Leadership**

On November 10, the state House Republican Caucus announced its leadership team for the 2021-22 legislative session, beginning January 1.

House Speaker Bryan Cutler (Lancaster) was nominated without opposition to resume as Speaker when the new legislative session begins. Rep. Cutler will need to be formally elected by the entire House on opening day.

Rep. Kerry Benninghoff (Centre) will remain House Majority Leader.

Rep. Donna Oberlander (Clarion) will remain House Majority Whip.

Rep. Stan Saylor (York) will remain the House Appropriations Committee Majority Chair.

Rep. Kurt Masser (Northumberland) will remain Majority Caucus Administrator.

Rep. Mike Reese (Westmoreland) will become Majority Caucus Chair, replacing retiring Rep. Marcy Toepel (Montgomery).

Rep. Martina White (Philadelphia) will become Majority Caucus Secretary, replacing Rep. Reese.

Rep. Martin Causer (Bradford) will remain as House Republican Policy Committee Chair.

### **Dai Morgan**