

United Methodist Advocacy in Pennsylvania

August 31, 2017

Following is my UM Advocacy report for August 2017:

Since his inauguration, President Donald Trump has supplied the media with a regular source of news and entertainment possibilities. August was no exception. Though my focus is primarily on Pennsylvania, the President cannot be ignored. In as few words as possible, here are some Presidential highlights from August: North Korean sabre rattling; declared opioid crisis, Charlottesville “blame on both sides;” manufacturing council dissolves; Bannon, Gokra and Hemming resign; transgender military ban; pardon for Joe Arpaio.

At the state Capitol, the front-and-center issue is the unbalanced budget and resultant cash flow problems. However, as described below, there were other matters worthy of attention and relevant to Pennsylvanians.

This month I met with other faith-based political advocates in Harrisburg, to compare notes. I participated in a two-part webinar regarding the opioid crisis, as recommended by the General Board of Church and Society. I began preparations for the United Methodist sponsored legislative prayer breakfast to take place October 24, in Harrisburg.

On August 9, I participated as part of a panel discussion on a Berks County public access TV program, *Take a Deep Breath*. The topic was fracking and the environment. The program is slightly less than one hour in length. The program can be found on YouTube—In the site’s search box enter the words: MORALtorium on fracking in Pennsylvania

On August 28, I attended a forum at the Pittsburgh Jewish Community Center. The purpose was to call for racial justice. Over 160 were in attendance, mostly religious leaders from many faith traditions. The program consisted of a presentation of three historic sermons on racial justice and the signing of a joint statement decrying racism, anti-Semitism, Islamophobia and white supremacy. The assembly moved outside where representatives of different faiths declared solidarity with the call for racial justice.

For this report I have done something new. I have devoted more than usual space to one of the items. It is first on the list, *Revenue Package Benefits the Gas Industry*. I believe this to be the most important issue caught in the wheeling and dealing for a state revenue package.

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Revenue Package Benefits the Gas Industry

The state budget revenue package approved by the state Senate on July 27—currently in the House and waiting for action—would levy, for the first time, an extraction severance tax on Marcellus Shale natural gas drilling in Pennsylvania. However, in an effort to give the oil and gas industry something to offset the burden of the tax, this measure would change the permitting process to favor the industry. The package also imposes a gross receipts tax on consumers.

The tax code bill, HB542, narrowly passed the Senate 26-24. It received 14 votes from Republicans and 12 from Democrats. The Senate expects to take in about \$100 million a year from the severance tax and \$400 million annually from the gross receipts tax on natural gas, electric and telecommunications bills—everyday consumers will be impacted much more than the oil and gas industry.

The compromise to industry is three-fold. *First*, the Pennsylvania Department of Environmental Protection (DEP) would be required to contract with outside “licensed professionals” to handle applications for any kind of permit. Permit applicants could select any approved reviewer. *Second*, the DEP would be forced to approve well permit applications, general air quality permit applications and earth disturbance permit applications within a set time, or the permit would be automatically approved. *Third*, a politically appointed Air Quality Permit Advisory Committee would be created with veto or revisionist power over new permits being written by the DEP that impose limits on methane emissions at natural gas well and transmission sites.

This legislation would also include a \$20 million allocation to the Natural Gas Optimization Program from the gross receipts tax on natural gas. The program is intended to expand residents’ access to natural gas, promote the use of natural gas in residential areas and defray some of the costs associated with exploring natural gas. An additional \$20 million from the natural gas tax would be allocated to reduce the energy bills of low-income Pennsylvanians. Another \$6 million would be moved from the Building Pennsylvania program to the Natural Gas Infrastructure Development Fund, a program supporting high-volume users.

Following is my opinion:

This bill is significantly bad for the environment.

Republicans in both legislative chambers have resisted raising taxes, especially a severance tax on the oil and gas industry. So, this revenue proposal from the Senate is a surprising and somewhat radical action. But, not radical enough.

They are acknowledging that balancing the budget will require increased revenue. Which will require raising taxes, somewhere. A severance tax on natural gas drilling is the most obvious source. However, the influence of the oil and gas industry is too strong to be ignored—the industry provided over \$883,000 in campaign contributions to key legislators last year, and spent millions on lobbying. In trying to do what is realistically needed, the Senate still could not unfetter itself from the industry's influence. Consequently, the implicit compromise in this legislation is no compromise at all. It undercuts environmental protection and hands the oil and gas industry potentially great privilege. The bill ends up giving away much, for little gain.

The tax rate approved by the Senate would change, based on the average annual price of natural gas, ranging from 1.5 cents per thousand cubic feet to 3.5 cents. The \$100 million the severance tax is expected to produce this year is intended to help plug a \$2.2 billion budget hole. That is 4.6 percent of the need. It also represents only .7 percent of all revenue from gas production in Pennsylvania. It represents one quarter of one percent of overall state revenues. This is better than nothing, perhaps. But, certainly not worth enough to offset the consequences.

The gas severance tax is small stuff. Daniel Raimi, a senior research associate at Resources for the Future has observed, "The (Pennsylvania) state government doesn't collect as much from oil and gas production as other states do." The tax is not nearly enough to deter investment decisions by the oil and gas industry. Though the industry routinely complains about costs or barriers. It is a ruse. They will gladly pay the severance tax in exchange for the benefits granted by the Senate's revenue proposal.

The point calling for outsourcing of the permit approval work will add a layer of separation to the DEP, in its responsibility to protect the environment. It would allow businesses to shop for favorable outside contractors to issue environmental permits. It does not provide for public hearings. The bill lacks provisions to guarantee that the outside professionals are appropriately experienced, free from conflicts of interest and required to abide by the DEP's procedural guidelines.

"It's no different than putting a fox in charge of the henhouse as it gives a convenient path for industry to request their chosen permit reviewers to accept potentially deficient permits," wrote Matthew Stepp, director of policy for PennFuture. Joanne Kilgour, director of the Sierra Club's Pennsylvania chapter, noted, "This radical bill amounts to the privatization of oil and gas permitting and puts our public health and air quality in the hands of political appointees rather than trained professionals."

The point calling for permit applications to be approved after a set time could result in permits getting through with inadequate review, or no review at all. The DEP is already understaffed and unable to handle the load. The only safe option would be to deny all applications that are nearing the time limit and have not been renewed. But, don't count on this. Especially if industry-partisan contractors are reviewing the permit applications. David Masur, executive director of PennEnvironment, said the permitting package, "Seems like a larger effort to cut the knees out from DEP."

The point calling for an air quality advisory committee will undercut the mission of the DEP. The committee would be composed of lawmakers appointed by the governor and legislative caucus leaders. It would make decisions based on political considerations and most likely be industry friendly. Matthew Stepp observed, "This Committee is gamed in such a way that it would stop Pennsylvania from implementing methane rules for new oil and gas drilling operations...It provides the Legislature veto power over a General Permit, which we believe is dangerous and potentially illegal."

Two former secretaries of the DEP, David Hess and John Quigley, oppose this legislation. Mr. Hess, a Republican, said that "this proposal is so far away from the norm that it is almost incomprehensible and, I think, irresponsible." Mr. Quigley said of the bill, "It's dangerous to the public health and the environment and a degradation of the public trust."

Though Governor Wolf was elected with the support of environmentalist organizations, he is not likely to be much help. The Governor's talk about environmental protection has typically been tougher than his action. At the moment, his main concern is to get a revenue package to balance the budget and stabilize the state's financial condition. Consequently, he is supporting the Senate's revenue bill.

The revenue bill must still be approved by the House of Representatives. This is a place where the tax package can be defeated. A non-severability clause has been included in the bill, precluding the passage

of the tax without the other measures, and vice versa. This means that the bill cannot be amended, but must be thrown out and completely redrafted.

For the General Assembly, Gov. Wolf and his administration the main issue is the budget problem—to which they all have contributed and brought a crisis down on their own heads. My concern is that in the rush to alleviate the state's financial situation we do not also significantly weaken the constitutional mandate to protect and preserve our environment.

The House is being maligned by both the Senate and the Governor. It will reconvene in September. We will have to wait and see what happens. Will the House be able to resist the pressure to knuckle under? If not, and the House approves the bill, the last step to reverse this legislation will have to come from environmental groups attempting a court challenge.

There are several reasons for opposing this legislation. I have chosen its environmental impact. If you feel strongly about this issue, contact your state representative and ask that HB 542 be defeated. One can also seek to learn from and associate with environmentalist organizations. Furthermore, engage others in conversation about this issue.

The Book of Resolutions of the United Methodist Church, 2016 contains strong statements regarding environmental matters, including the responsibilities of industry and government. It is well indexed. Check it out.

Unbalanced Budget

The state budget remains unbalanced. On the last day of June, the state General Assembly approved a \$32 billion spending plan for 2017-18, not to mention a \$1.5 billion shortfall from last year. But, they did not create a way to pay for it. Gov. Tom Wolf allowed the spending plan to lapse into law without his signature.

Near the end of July, the Senate passed a revenue package—as described above—to balance the spending plan. However, the House is not in agreement with this package. The House is not scheduled to convene until September 11, though in the meantime they are working on the matter.

Balanced Budget or No Pay

Pennsylvania's state budget is critically unbalanced nearly two months after it was due. But, the paychecks and per diems keep flowing at the Capitol. Sen. Andrew Dinniman (D-Chester County) would like to change that with a bill that would halt pay and per diems after June 30 for the legislature, the governor and their staff members if there is no deal in place. The bill would also require the legislature to stay in continuous session until the budget is done.

Sen. Dinniman's bill does not have a single co-sponsor.

Two State Operating Loans

On August 3, Pennsylvania Treasurer Joe Torsella and Auditor General Eugene DePasquale, signed a short-term line of credit to the state. The \$750 million loan covered the 10-day stretch from August 14-23. Without the line of credit from the state treasury, Pennsylvania's general fund would have dipped into the red.

The state government repaid the loan on time—August 23—along with \$141,000 in interest. Treasurer Joe Torsella said that the state hasn't had to borrow that much money so early in the fiscal year in 25 years. He warned that the general fund would again dip below zero on August 29.

On August 29, as predicted, the state needed to take another loan. Governor Tom Wolf authorized what he called "a very short-term" loan from the state's Motor License Fund. He said he expects that a lack of action will affect state programs and cause outside agencies to downgrade Pennsylvania's credit rating, increasing borrowing costs.

House GOP spokesman Steve Miskin said, "His (Wolf's) continuing to spend when the revenues aren't there is what put us in the situation to begin with."

Joe Torsella said the fund transfer was not a solution but just a way to buy time for lawmakers. The administration said the state Transportation Department will make \$459 million in advance payments of Motor License Fund revenue to the general fund for state police costs. An additional \$241 million will be loaned from the Motor License Fund to the general fund, repaid with interest by March 1. The administration said it had authority to make the loan without legislative approval.

The transfer will keep the state's general fund solvent until September 15.

Lawmakers' Funds

In crafting its revenue package the Senate included a provision that would give them more leverage during any future budget standoff with the governor. The bill would define in law the power for lawmakers to borrow money to pay salary, benefits and bills if their reserves run dry.

Two years ago, lawmakers were about four months into the new fiscal year when their money began to run out during their budget standoff with Governor Wolf. The proposed changes to the Fiscal Code allows loans from lending institutions, to the House or Senate, to be considered "augmenting revenues" to be used to pay bills and fund paychecks for lawmakers and their staffs.

The new language in the Fiscal Code is intended to address concerns about the propriety of such action. About 80 percent of the Senate's budget goes for salaries and benefits. Courts have ruled that public employees still on the job must be paid, even if the budget to fund their salaries hasn't been passed.

Fund Raiding

Pennsylvania legislators want to seize \$200 million of surplus funds from a nonprofit medical malpractice insurance company that was founded to serve as a medical liability insurer for doctors in the state. The company, called the Pennsylvania Professional Liability Joint Underwriting Association (JUA) was created by a 1975 state law. However, it is an independent nonprofit entity, neither a part of state government nor funded by the state. The JUA's members are the 621 companies that write all forms of liability insurance in the state. House Bill 118 was approved by the Senate and referred back to the House, where it awaits action.

If the seizure of money from the JUA were to succeed, it could create a precedent for the state to take money at other state-created nonprofits, such as the billions in endowments at Pennsylvania State University or the University of Pittsburgh.

In recent years, Pennsylvania has made a habit of using onetime budget actions to pay for recurring expenses, said William Glasgall, director of the state and local program at the Volcker Alliance, a nonprofit founded in 2013 by former Federal Reserve Board Chairman Paul A. Volcker, to build public trust in government.

In the three fiscal years ended June 30, Pennsylvania transferred \$1.03 billion from special revenue funds to the general fund. Last year, the state budget allowed the transfer of \$65.5 million from six funds controlled by the state. Glasgall said, "It's basically just a way of looking under the couch cushions for spare change without solving the underlying problem, which is that the revenue that the state collects from taxes and fees and fines and whatever is not adequate to pay the bills that the state is running up."

The bill requires that the JUA pay the state \$200 million by Nov. 1. If it does not, the bill abolishes the JUA and turns the organization's \$268 million surplus over to the Pennsylvania Insurance Department,

which would “administer” the business and annually transfer “excess” surplus to the state. The main argument to justify the move is that the JUA has outlived most of its functions.

Property Tax Referendum

This item elaborates on an issue mentioned in my July 2017 report:

At the polls this November, Pennsylvania voters will decide on a referendum to amend the state constitution, regarding property tax relief for homeowners. The amendment to Article VIII of the constitution would increase the exclusion level up to 100 percent of the value of each "homestead" (i.e., one's primary residence).

The current exclusion level, adopted in 1997, is capped at 50 percent of the *median* assessed value of all homesteads in a local taxing authority. So, for example, in a school district where the median assessed value of a home is \$100,000, 50 percent or \$50,000 can be excluded from the property tax. In this example, the property tax of a home assessed at \$200,000 could be \$150,000. A home assessed at \$50,000 could have no property tax.

Consequently, if this 100 percent amendment is ratified by voters, it becomes possible that no home owner would pay a property tax on the home. However, this is an option for taxing authorities, it is not mandatory. No authority is close to applying the full 50 percent maximum homestead exclusion, currently in effect. And each authority could still set its own limits.

In practically, the money lost to property tax exclusions would have to be replaced from somewhere. New taxes would need to be imposed or old taxes increased. It has not been determined from where this replacement would come.

If this referendum is ratified by voters, it could be meaningless, in that it provides an option that no taxing authority will really use. One the other hand, it could potentially lead to the opening of major evaluation and restructuring of taxing at all levels in the state. Spin the wheel.

VGTs

The Pennsylvania Senate and House have different ideas on how to pay for the \$32 million state spending plan for 2017-18. Needless to say, this is why the budget remains unbalanced.

The Republican-controlled House, led by Speaker Mike Turzai (R-Allegheny), wants to gain revenue by privatizing the liquor store system and placing thousands of video gaming terminals (VGTs) in locations that have liquor licenses. The House estimates VGTs will bring \$400 in new revenue. The Senate opposes these measures—opting for taxing, loans and fund-raiding.

In defense of the VGTs, some House members claim that a bill is necessary to regulate and tax the numerous illegal machines already operating in the bars and private clubs across the state. In response to this claim, chairman of the Senate Law & Justice Committee, Sen. Chuck McIlhinney (R-Bucks) declared, “I guess we should thank the House for bringing this issue to light, though I find it disturbing that members of this Legislature may have known about possible illegal gaming machines and done nothing about it.” He said further, “We will be holding hearings on the issue of legal gaming machines and, as part of that process, will focus significant energy on addressing and ending this scourge of illegal VGT’s across the commonwealth.”

A hearing will indeed be held on September 19, in the Capitol.

Constitutional Convention

Two lawmakers have submitted proposals for a constitutional convention in Pennsylvania. These moves were undoubtedly prompted by the state's stalled budget. A constitutional convention is a long and involved process to reevaluate and rewrite the constitution.

In the Senate, John Eichelberger (R-Blair) and in the House, Stephen Bloom (R-Cumberland) have both submitted proposals for a constitutional convention. Both say that "citizens are increasingly concerned about the size, cost and inefficiency of their government," and both list "spending without an enacted budget" as a problem.

Because the process is so complicated, conventions are rare. Such proposals usually don't survive the legislative process. The last convention was held in 1967.

Released from Detention

A Honduran woman and her 3-year-old son who spent nearly two years in the Berks Detention Center, used by the U.S. government to house asylum-seeking immigrants, have been freed by a York County immigration judge. The judge ordered the immediate release of Wendy Osorio Martinez and Diego Rivera Osorio after a hearing, August 7.

The judge took into consideration two recent federal court opinions that children apprehended near the U.S.-Mexico border have due-process rights. Osorio Martinez's lawyer says she was released because she's the child's only caretaker. They plan to relocate to Houston to live with family.

We have been following developments at the Berks Center for over a year.

Wolf Stands Against Hate Groups

The following was part of an August 14 press release from Governor Tom Wolf:

Governor Tom Wolf and his advisory commissions on African American Affairs, Asian Pacific American Affairs, and Latino Affairs, and the Pennsylvania Commission for Women stand united in condemning the hatred and bigotry of white supremacists demonstrated in the Charlottesville, Virginia rally this past weekend... But, our differences are our strengths as a country and a commonwealth, and have made Pennsylvania a desirable place for people from all walks of life to live and work. Our diverse views, cultures, religions, and shared life experiences contribute to the creation of this melting pot we call home.

"Let's be clear: white nationalists are racists and the hateful beliefs that these groups espouse are un-American," Governor Wolf said. "In America, no one group is supreme - but rather we are equal - no matter our race, gender or religion. The white supremacy rally in Charlottesville does not reflect the values we hold as Pennsylvanians or as Americans. America will always be a nation built by people of diverse backgrounds united by shared rights and freedoms – and we are stronger for it."

PSSA Tests

On August 14, Gov. Tom Wolf announced that his administration will shorten the timeframe in which schools administer the Pennsylvania System of School Assessment (PSSA), beginning next spring. This change will affect students in third through eighth grades.

Currently, schools allot eight hours in April for PSSA testing. The time will be shortened to six-and-a-half hours. Younger elementary students will see further testing time reductions. "This change will allow students and teachers to focus their classroom time on learning skills they need to get a complete

education rather than preparing for one exam,” said Mr. Wolf at a press conference at Susquehanna Middle School in Harrisburg.

The plan to reduce the PSSA testing window was a result of talks with stakeholders, including teachers and school administrators, regarding the state’s plan to comply with the federal Every Student Succeeds Act (ESSA), said Pennsylvania Department of Education Secretary Pedro Rivera. However, Wolf and Rivera pointed out that the PDE will preserve the assessment “as a real measure of student progress” and school accountability.

Gerrymandering

We have been closely following the movement to reform legislative redistricting/gerrymandering:

Presently, there are several lawsuits attempting to get various state legislative and congressional maps declared unconstitutional on the basis of partisan gerrymandering—the idea that one political party unfairly drew legislative district boundaries in a way that benefited them.

The lawsuits rely on a set of tools that could convincingly identify skewed maps. A federal court has ruled Wisconsin’s state legislative map unconstitutional. That decision used one of several new mathematically-based tests to help measure the map’s bias. The Supreme Court will hear that case in the fall.

There are five of these widely-used tests. They are called: efficiency gap, seats-to-votes, mean-median, lopsided wins, simulated elections. Pennsylvania is the only state to score among the five worst in each measure.

“No matter what concept you care about in partisan gerrymandering, Pennsylvania is going to be an outlier,” said Eric McGhee, a research fellow at the Public Policy Institute of California who helped develop the “efficiency gap” test.

Pennsylvania’s map is facing a court challenge. The League of Women Voters of Pennsylvania sued the state, in June, using the “efficiency gap” as part of its legal argument that partisan gerrymandering had occurred.

Rep. Gergely

On August 15, state Rep. Marc Gergely (D-White Oak), pleaded guilty to charges of conspiracy and an illegal campaign contribution connected to a ring of illegal gambling devices. Mr. Gergely will retain his House seat until sentencing, Nov. 6, when he must step down as part of the plea deal. Gergely helped Ronald “Porky” Melocchi place illegal gambling devices in various bars and other establishments in the Mon Valley.

Following the charges last year, Mr. Gergely stepped down from his position as the ranking Democrat on the House Labor and Industry Committee. He was re-elected to his House seat last November. It is common for convicted Pennsylvania legislators to keep their seats until sentencing—the theoretical point at which convictions become final.

In January, the House passed a new rule that would make it possible to expel convicted representatives before sentencing. Republican and Democratic leaders on the House Ethics Committee would need to ask the parliamentarian to prepare a resolution seeking to expel Mr. Gergely from the chamber.

Whenever Mr. Gergely leaves his seat, Speaker Mike Turzai (R-Allegheny) would then have ten days to set a date for a special election, which would have to occur a minimum of 60 days after that.

Study the Changing Workplace

Rep. Mike Schlossberg (D-Lehigh) is calling for a full-scale study of the impact that workplace automation and a wave of retail store closings is having on Pennsylvania's economy. He recently introduced House Resolutions 438 and 439 authorizing two economic studies on automation and store closings, respectively, by the Legislative Budget and Finance Committee.

Rep. Schlossberg said the studies could produce solutions to help the economy weather the changes and outline the type of education and skills needed by future workers. His legislation would create an advisory committee to consider the impact of automation.

Pennsylvania counts more than 500,000 manufacturing workers, but if estimates by some researchers are accurate, 212,000 to 280,000 manufacturing jobs could be lost due to automation during the next two decades, according to Schlossberg's office.

The number of retail jobs statewide increased by an estimated 2,800 from May to June based on a sample of employers, according to the Department of Labor & Industry. "Despite the June gain, retail jobs declined in eight of the past twelve months resulting in an over-the-year decline of 5,600 from June 2016," said L&I spokeswoman Lindsay Bracale.

Pennsylvania lost 8,861 manufacturing jobs and 8,768 mining jobs in 2016. However, Pennsylvania's health sector added more than 21,000 jobs in 2016.

DACA

Dozens of protesters gathered outside U.S. Sen. Pat Toomey's Pittsburgh office August 15 in support of the *Deferred Action for Childhood Arrivals* (DACA) program. The future of this policy is unclear.

DACA grants temporary benefits and deportation relief to more than 800,000 children of illegal immigrants. The program was challenged when Texas Attorney General Ken Paxton and officials from nine other states urged President Donald Trump, in June, to end the policy and threatened to file a lawsuit if he didn't.

Neither the White House nor the Justice Department has said whether it will defend the program. Mr. Trump indicated during his campaign that he would revoke President Obama's DACA executive order. In December, however, Trump said he might find a way for child immigrants to remain.

The policy has allowed people to work legally in the U.S., get a driver's license and apply to American universities, among other benefits. To be eligible, a person had to have been physically present in the U.S., not have legal status and be under the age of 31 on June 15, 2012. According to the Pew Research Center, more than 1 million people qualified and 78 percent applied and received the benefits.

But, the program does not grant immigrants the same rights as citizens or permanent residents, and its removal could mean deportation. Beneficiaries are not allowed to leave the country without first applying for permission and have to reapply for the program every two years. That means paying application fees each time they apply. The fees are \$495 for an application to receive benefits and \$575 for a travel application.

In contrast to the opponents of DACA, there are some lawmakers who are supportive of the program. On July 21, Sen. Richard Durbin, D-Ill., and Sen. Lindsey Graham, R-S.C., introduced the "Dream Act," which would give permanent legal status to the more than a million people who came to the U.S. before turning 18.

On August 29, Susan Henry-Crowe, General Secretary of the United Methodist General Board of Church and Society, released a statement encouraging United Methodists to call their members of Congress to appeal directly to President Trump to keep DACA and support legislation that protects DACA recipients. In doing so, she cites the *2016 Book of Resolutions*, #3281 and #3164.

Immigrants Help the Future

According to a study released this month, from the Penn Wharton Budget Model, the *Reforming American Immigration for a Strong Economy Act*, supported by President Donald Trump, would weaken the U.S. economy over the next three decades. This federal bill is intended to reduce overall immigration while increasing the number of highly educated immigrants.

Based on the study, in 2040 the U.S.A. would have 4.6 million, or 2.1 percent, fewer people employed if immigration were cut in half. The size of the nation's economy would be 2 percent smaller. The key factor is the reduction in the overall number of immigrants, including the non-college educated immigrant population—whose contribution to the economy would be significant.

The Penn Wharton Budget Model, led by Kent Smetters, a professor in the department of business economics and public policy at the Wharton School of the University of Pennsylvania, was launched last year with the goal of using “advanced economic modeling, big data science, cloud computing, and visualization tools to provide a ‘sandbox’ in which different policy ideas can be tested before legislation is drafted.”

Fast Track Infrastructure Construction

As part of his broad executive order on infrastructure, President Donald Trump revoked an executive order put in place by President Obama in 2015, that bolstered protections for federally funded projects like roads and bridges, from the impact of flooding, rising sea levels and dangerous storms caused by climate change. The President announced the move on Aug. 15, at a press conference revealing plans to fast track the building of roads and bridges. He said the current environmental rules governing federal infrastructure projects created delays and costs.

One group that supports Trump’s move is the National Association of Home Builders. But, environmentalists and climate researchers criticized the move as short-sighted and dangerous. Franco Montaldo, an environmental engineering professor and climate researcher at Drexel University said, “It would be a shame if local governments would have to choose between accepting federal dollars which allows them to build infrastructure in the first place and accepting those dollars but not building what the scientific community would tell you is a prudent choice.”

Mr. Montaldo noted that saving money on the front end could mean having to spend more later when the infrastructure is damaged. “According to a NOAA report originally published in 2013, and revisited and statistically reconfirmed in 2015, there has been an increasing trend in ‘billion dollar disasters’ in the United States,” Montaldo said. “It is also true that efforts to reduce climate risks now will reduce the need for disaster relief and recovery.”

ACLU Sues Trump Regarding Trans Soldiers

On August 28, The American Civil Liberties Union sued President Donald Trump, seeking to prevent implementation of his ban on transgender individuals serving in the military. The federal lawsuit says that the order violates the rights of transgender individuals to equal protection and due process. It was filed in Baltimore by the ACLU of Maryland on behalf of six transgender individuals currently serving in the Army, Navy, Air Force, National Guard and Naval Reserve.

President Trump directed the Pentagon on August 25 to implement a ban on transgender individuals from enlisting in or continuing to serve in the military, which he first announced in a tweet. The ban, which would take effect next year, also orders a halt to the use of Defense Department resources to fund sex-reassignment surgeries for military personnel, except if needed to protect the health of an individual who already has begun a course of sex-reassignment treatment.

Similar litigation was filed in federal court in Seattle on the same day, by the Human Rights Campaign and the Gender Justice League, on behalf of a 12-year Army veteran and two young transgender men who hope to enlist.

On August 23, before Mr. Trump formally issued his directive, GLBTQ Legal Advocates and Defenders (GLAD) and the National Center for Lesbian Rights sued in Washington, D.C., on behalf of five transgender service members with nearly 60 years of combined military service. Jennifer Levi, director of GLAD's Transgender Rights Project, said that the filing of multiple lawsuits is a good thing, because Trump's policy is a "slap in the face to service members who have devoted their lives to protecting the country."

The ACLU claims the administration has provided no evidence to justify the reversal in policy, which has been criticized by some Republican lawmakers, including Rep. Scott Taylor of Virginia, a former Navy SEAL; and Sen. John McCain of Arizona, a former Vietnam prisoner of war.

The lawsuit says an estimated 8,800 or more transgender people currently serve in the military. It asserts that Trump's concerns about military preparedness, unit cohesion and medical costs are baseless. According to a Rand Corp. study issued last year, there would be "minimal" impacts on readiness, with only 10 to 130 active-duty members having reduced deployment availability because of gender transition-related treatments. The lawsuit also notes that 18 other countries, including 11 NATO members, allow transgender people to serve openly in the armed forces, and that the Rand study found no significant effect on their operational effectiveness.

Clarify Sex Trafficking Law

Pennsylvania Attorney General Josh Shapiro and a coalition of 49 other state Attorneys General are asking the U.S. Congress to amend federal law to make clear that state and local prosecutors have the authority to investigate and prosecute child sex traffickers, including those operating online.

In a letter to Congress, the Attorneys General asked for a change in the Communications Decency Act (CDA) to clarify that states and localities have the authority to prosecute companies that profit from the online promotion of child sex trafficking. Some court rulings have interpreted the CDA to allow online companies that profit from child sex trafficking to escape the reach of state and local law enforcement.

Classified online ad companies like Backpage.com have been linked to the promotion of child sex trafficking and violence. In Pennsylvania, the Office of Attorney General actively pursues sexual predators who seek out potential victims on online apps. The change in federal law sought by the Attorneys General would assist these law enforcement efforts.

Social Media Public Record

On August 16, the state Office of Open Records determined that what appears on a public official's FaceBook page is subject to the state's Right to Know Law. This decision was based on an appeal by Noel Purdy for the Borough of Chambersburg to provide her with the posts and associated threads, including those deleted, that appeared on Mayor Darren Brown's official FaceBook page. The Borough of Chambersburg initially denied her request for the information.

Erik Arneson, director of the Office of Open Records, acknowledged that this was the first appeal of a records denial his office has received about a FaceBook page of an elected official. "Social media is new in terms of the Right to Know Law," he said. "We haven't had very many cases at all that deal with it but we expect to have more and believe in a lot of cases it's going to be ruled as a public record subject to the same exemptions as any public record ... but a public record nonetheless."

New Secretary of Human Services

Governor Tom Wolf has nominated Teresa Miller as the new secretary of the state's Department of Human Services. Ms. Miller was previously the commissioner of the state's Insurance Department. The governor had hoped to merger the departments of Human Services, Health, Aging and Drug and Alcohol Programs at the start of the fiscal year. However, the Legislature has determined that consolidation needs more time.

Ms. Miller, 42, is an attorney and previously served in federal government with the U.S. Centers for Medicare and Medicaid Services, and as administrator of the insurance division for the Oregon Department of Consumer and Business Services.

Ms. Miller's predecessor, Ted Dallas, has been away on medical leave since mid-June. Dallas is expected to join Wolf's executive office staff when he returns. The governor said that he will nominate Insurance Department chief of staff, Jessica Altman, to succeed Miller.

Both Miller and Altman will need Senate confirmation to assume their new roles permanently. But, they can start as the governor's nominees in the interim.

Crime and the Cost of Government Services at Demonstrations

State Senator Scott Martin (R-Lancaster) has introduced Senate Bill 754, making anyone convicted of crimes related to a public demonstration responsible for paying for police, fire and EMT costs associated with the event. The bill has been referred to the Senate State Government Committee. Sen. Martin expects the committee to discuss the bill this fall.

Sen. Martin said he wanted to deter potentially violent and destructive protests of a proposed natural gas pipeline in his county and to ensure that emergency response costs paid by local or state government are recouped. But, this bill would also apply to a broader spectrum of public demonstrations in the state, ranging from small public speeches to massive disturbances.

Sen. Martin said he wanted to "strike a balance" between first amendment rights and holding people accountable. Upon a person's conviction of a crime related to a demonstration, a judge would order the person to pay the "reasonable costs" of police and fire response, emergency medical services or emergency preparedness response. Martin said the courts would determine how to break down the costs.

Elizabeth Randol, legislative director for the American Civil Liberties Union of Pennsylvania, said the bill attempts to make some people liable for a wide array of emergency response costs, therefore unconstitutionally making a few people responsible for the actions of potentially many others. She noted it would also have a "chilling effect" on the right to free speech and assembly.

1/3 of Pennsylvanians Approve of Trump

One-third of Pennsylvanians say they approve of President Donald Trump's job performance, according to a new NBC News/Marist poll, conducted in mid-August. The pollsters found 52 percent of Pennsylvania adults do not approve of his job performance. In Michigan and Wisconsin, Trump's approval ratings also are below 40 percent.

Among his core constituencies, the president has retained stronger support, with 71 percent of Pennsylvania Republicans and 81 percent of state voters who supported him in the November election reporting their approval.

But his support is upside down in regions of the state that contributed to his victory last year: In northeastern Pennsylvania, 43 percent disapprove and 40 percent approve, and in the western part of the state, 45 percent disapprove and 41 percent approve.

More Pennsylvania voters think the economy has strengthened under President Trump than believe it has weakened. But, a majority say he has not shown signs of delivering on his promise to restore manufacturing jobs, and say America's standing on the world stage has been weakened during his tenure.

Asked how Trump's conduct as president makes them feel, 62 percent of Pennsylvania adults responded that they are "embarrassed," 26 percent said "proud," and 12 percent were unsure.

Folks are saying, "How is it that one third of people approve of the President?!" Some of them mean, "How is it that anyone approves of the President?!" Some of them mean, "How is it that everyone doesn't approve of the President?!" Go figure.

Lt. Gov. and Expenses

On August 23, the House State Government Committee reviewed the heavy spending of taxpayer money by Lt. Gov. Mike Stack. The meeting was called by the committee chair, Rep. Daryl Metcalfe (R-Butler). This review is a spinoff from the investigation of the lieutenant governor and his wife's treatment of state employees, earlier this year. Stack declined to appear at the meeting, sending Metcalfe a letter saying there is nothing wrong with his spending.

The Republican-controlled committee was attempting to establish whether Mr. Stack's spending is out of line, and whether laws should be changed to limit how much money the lieutenant governor can use. Much of Stack's spending is listed as having gone toward groceries and other personal expenses. It does not appear to exceed his budget allowances. But Rep. Metcalfe said it still deserves scrutiny. "What should the taxpayers be required to pay for?" Metcalfe asked.

Right-to-Know reports revealed that Mr. Stack spent \$34,000 on food and \$73,000 total between January 2015 and March of 2017.

The committee members decried the lack of transparency in records of Mr. Stack's purchases—particularly the fact that costs the lieutenant governor accrued over the course of his state duties aren't explicitly differentiated from money he spent for personal use. They also noted that it's difficult to tell how Stack's spending compares to that of previous lieutenant governors.

The bottom line is that Metcalfe put Stack's expenses under the microscope and discovered that there is not enough oversight or control over those expenses. Metcalfe said he wants to hold further hearings.

Argall as Lt. Gov.

In June, Sen. David Argall (R-Schuylkill) proposed a constitutional amendment to change the process by which the lieutenant governor is selected. This proposal was a reaction to the aforementioned brouhaha surrounding Lt. Governor Mike Stack.

Sen. Argall says that he is now considering running for lieutenant governor, himself, in 2018. "I've been asked to look at a candidacy for lieutenant governor by some of my traditional supporters. So, we are exploring that possibility...I think there's a desire for change. Certainly, you can make more of an impact on state government as lieutenant governor than you can as one of 50 senators," said Mr. Argall. "The key is to have a good relationship with the governor."

The lieutenant governor is elected for a term of four years, and is president of the Pennsylvania State Senate and the Board of Pardons. The lieutenant governor presides over the Senate, but has no vote unless the Senate is equally divided. The lieutenant governor is also next in succession to the governor.

Sen. Argall is a United Methodist.

Barletta Challenges Casey

On August 29, Republican U.S. Rep. Lou Barletta officially announced his plans to challenge Democratic U.S. Sen. Bob Casey in 2018. Mr. Barletta has been hinting about this move since May. He has received encouragement from President Donald Trump.

In an allusion to his support from the president, Barletta urged supporters to contact his campaign to join “the effort to make Pennsylvania, and America, great again.” Barletta was an early and visible supporter of Trump during his presidential campaign last year.

Before he can run against Sen. Casey, Mr. Barletta must win a primary election against a field of four other Republican contenders, including Montgomery County real estate developer Jeff Bartos, state Reps. Jim Christiana and Rick Saccone, both of western Pennsylvania, and Trump critic and former energy executive Paul Addis.

Congressman Barletta represents a district that stretches from south-central through northeastern Pennsylvania, including parts of Carbon County. He won his House seat during the Republican midterm wave of 2010 after drawing national attention when, as mayor of Hazleton, he pushed an ordinance meant to punish businesses that hire undocumented immigrants and landlords who rent to immigrants. He supports President Donald Trump’s proposal for a wall along the U.S.-Mexico border. He is a member of the House Transportation and Infrastructure Committee.

Clean Coal?

President Donald Trump invoked "clean coal" at his August 22nd rally in Phoenix. However, the term is ambiguous and deceptive. It is often used in coal industry rhetoric to create a positive image. But, is there such a thing as clean coal?

The president took credit for the opening of a coal mine in Pennsylvania that will produce coal used to make steel. Mr. Trump said, “We've ended the war on beautiful, clean coal, and it's just been announced that a second, brand-new coal mine, where they're going to take out clean coal—meaning, they're taking out coal, they're going to clean it—is opening in the state of Pennsylvania, the second one.”

The most literal use of “clean coal” refers to coal that's washed as it leaves the mine to remove impurities such as dirt and rocks, a standard industry procedure. It's clean on the outside, but still burns dirty.

The term is also used to refer to coal burned in some modern power plants equipped with costly “scrubbers” to remove air pollutants such as nitrogen oxide and mercury. However, only a handful of coal plants worldwide have technology in place to capture and separate carbon dioxide, a significant greenhouse gas. This includes the Petra Nova plant in Texas that came online earlier this year—that plant was partially funded by a Department of Energy program for which Trump has proposed deep cuts.

Even the best of this technology is limited. For the time being, coal is necessary. But, there ain't no such thing as clean burning coal.

Dai Morgan