

## **United Methodist Advocacy in Pennsylvania**

### **June 30, 2017**

Following is my UM Advocacy report for June 2017:

On the national scene, in June we saw the Trump-Comey episode, the shooting of a congressman at a baseball practice, the partial reinstatement of a Trump travel ban, a continuation of the Russian influence affair, and an unsuccessful attempt to replace the ACA.

In Pennsylvania's government, June marks the end of the fiscal year and is a month of intensive budget activity. Though, plenty of other legislation has also taken place. Some of that activity will be described, below.

My work this month has been quite varied. I participated in an ongoing criminal justice group at the Pennsylvania Council of Churches, met with an Israeli consul, joined a planning meeting of the Clean Air Council, attended a Ramadan iftar as a guest, met with a staff member of Sen. Toomey, addressed the WPAUMC Annual Conference and introduced legislation, addressed the EPAUMC Annual Conference, met with planners at the Thomas Merton Center in Pittsburgh, preached at Mifflin Ave. UMC in Pittsburgh, not to mention other meetings and conference calls.

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## **Human Trafficking of Minors**

As I described in last month's briefing, the purpose of Pennsylvania Senate Bill 554, Safe Harbor, is to move minors who have been trafficked into the care of the Department of Human Services, instead of being placed in the criminal justice system—as is presently the case. Early in 2016, the three Pennsylvania United Methodist bishops signed a letter of support for this legislation.

The bill was passed in the Senate on April 25, 2017 by a vote of 50-0. It moved to the House where it is now under consideration in the Judiciary Committee. The bill has not moved out of committee since my last report.

Consequently, this month I sent a letter to six members of the House Judiciary Committee, encouraging them to report the bill to the full House. How did I identify these particular individuals? They were chosen because of their past response to our annual United Methodist Legislative Prayer Breakfast.

A copy of my letter is attached separately.

## **Rally Opposed to Gas Industry Expansion**

On June 20, I acted as the opening speaker at a rally and march in Pittsburgh opposed to expansion of the gas industry. This opposition includes development, drilling, hydraulic fracturing and piping of shale gas in Pennsylvania. The rally was titled "Stop the Madness." This event coincided with an unconventional (fracking) gas conference in downtown Pittsburgh.

I spoke at this rally on my own time and dollar. I challenged the gas industry on four ethical tests. I did not participate in the march.

I can provide a word-for-word transcript of my speech to anyone interested.

## **Boycott, Divestment and Sanctions**

On June 6, I had the opportunity, as part of a small group of faith leaders, to meet with the spokesperson of the Consulate General of Israel of New York, during one of his visits to Pittsburgh.

Since all topics were declared to be open, I expressed my displeasure at what I perceived to be an unfair characterization of the Boycott, Divestment and Sanctions movement aimed at Israel, behind legislation signed by Governor Wolf, earlier this year. The legislation prohibits companies involved in the BDS movement from doing business with the state of Pennsylvania. There was a Jewish lobby involved in this legislation.

This briefing is not the place for details. However, the meeting ended on a cordial note. Furthermore, it led to me gaining a positive connection with the Pittsburgh Jewish Federation.

## **Harrisburg UMs Oppose GOP Health Care Legislation**

Fifteen people gathered Sunday evening, June 25, at the Harrisburg office of U.S. Sen. Pat Toomey, for a prayer vigil and to protest the recently unveiled U.S. Senate Republican health care bill, The Better Care Reconciliation Act. The demonstrators reconvened the next morning at Sen. Toomey's Federal Building office.

The peaceful demonstration was organized by Liz Salsgiver and her husband, Rev. Brent Salsgiver of Paxton United Methodist Church. The Salsgivers recognized the GOP health care overhaul as a step backward. Rev. Salsgiver opposed the bill's changes to Medicaid funding, which he said would most harm lower income people. Referencing his congregation's efforts in recovery ministry and a

partnership with Daystar Center for Spiritual Recovery, Brent noted the harmful effect Medicaid cuts would have on opioid epidemic treatment.

At the protest on Monday, the United Methodists invited concerned citizens to sign a three-page letter that was delivered to Sen. Toomey's office, along with paper prayer chains and personal cards for the senator and his office staff. Rev. Salsgiver presented the senator's office manager with a copy of the *United Methodist Book of Resolutions*, with the section on health care bookmarked.

On June 28, I had a phone conversation with Liz about this demonstration. She is one of the folks in Harrisburg who responded to the General Board of Church and Society's health care initiative in Pennsylvania.

The Salsgivers should be commended for their effort in organizing this demonstration. It was pulled together quickly, under the urgency of the short time between the June 22 announcement of the plan and its scheduled vote only days later. As it turned out, the vote was suspended, but nobody could have known that. On short notice, the Salsgivers gathered a critical mass of people, collected materials and acquired media coverage. They then conducted a meaningful protest, based in love. Pretty amazing.

By delaying the vote on their health care bill, U.S. Senate Republicans hope to build future support for a revised version.

### **UMs Visit Toomey's Pittsburgh Office**

On June 13, I conducted a small group from Fayette County in a meeting with Sen. Pat Toomey's Pittsburgh regional manager. The meeting was part of the General Board of Church & Society's Pennsylvania health care initiative.

The topic of the meeting was to emphasize the need for a better national health insurance system, to state concern for possible changes to the Medicaid system, and to support the United Methodist position that health care is a human right. We mixed personal experience with position statements. The meeting lasted about 35 minutes.

As I like to do with lawmakers, I gave our host a copy of the *United Methodist Book of Resolutions*.

At the time of this meeting, the Senate GOP health care plan had not yet been unveiled. However, we knew that Sen. Toomey was part of the team drafting the legislation.

### **Dream Care**

At its Annual Conference this month, WPAUMC adopted a resolution in support of the Dream Care movement. Dream Care is the initiative to get the estimated 24,000 undocumented children residing in Pennsylvania covered by CHIP (Children's Health Insurance Program). At this time, undocumented children are not covered by CHIP in Pennsylvania.

Both the Susquehanna and EPA Annual Conferences adopted similar resolutions in 2016. Consequently, all three Pennsylvania UM Conferences officially support this initiative.

I have contacted *Public Citizens for Children and Youth*, to inform them of this action. PCCY is the nonprofit leading the way on this issue and maintaining the coalition of organizations and agencies that support Dream Care. I have offered to assist with advocacy on this issue, if they desire.

### **Gender Parity**

*Representation2020* has released its latest analysis regarding the underrepresentation of women in elected office, based on the Gender Parity Index (GPI). Pennsylvania was given the second-lowest grade.

The GPI rates women's recent electoral success at the local, state, and national levels on a scale of 0 (no women in major elected offices) to 100 (women hold all such offices). These scores also translate to a letter grade. The goal of gender parity is a score of 50 and an A grade, which indicates that women and men are equally likely to hold office.

The 2017 GPI finds that women are underrepresented at all levels of government. The median Gender Parity Score is 18.6, barely up from the 2015 score of 18.1. The GPI ranks New Hampshire first and Mississippi last in women's political representation. Out of all 50 states, 33 have a Gender Parity Score below 25, giving them a grade of D or F.

Pennsylvania's 2017 Gender Parity Score is 6.5, earning an F and ranking it 49th in the nation. Pennsylvania's low scores can be attributed largely to a lack of representation on the federal level. There are currently no women serving in the Pennsylvania congressional delegation, and there has never been a female senator from Pennsylvania.

## **Sec. Murphy Leaving**

Pennsylvania Health Department Secretary Karen Murphy is leaving her position to take a job at Geisinger Health, an integrated hospital and insurer system in the middle of the state. The 12-hospital system faces a wave of competition in the region from UPMC. Ms. Murphy will be an executive vice president, chief innovation officer and founding director of the Steele Institute for Healthcare Innovation at Geisinger.

Ms. Murphy is a nurse with graduate degrees in business administration. She directed a Centers for Medicare and Medicaid Services program before joining the Wolf administration. Before that, she was president and chief executive officer of the Moses Taylor Health Care System in Scranton.

## **Police Videos**

Senate Bill 560 passed the state Senate on June 27. It passed the House on June 28 and the same day was sent to Governor Tom Wolf.

With SB560, Pennsylvania is poised to begin a policy that exempts police audio and video recordings from the public-record and gives law enforcement agencies broad discretion over when to refuse requests for copies. It removes police body camera and dash camera recordings from the Right to Know Law and imposes a cumbersome process that will make it very difficult for the public to gain access to these recordings.

The new law would put conversations with uniformed police in the realm of the public arena, meaning officers will not have to advise people that they are being recorded.

The bill also requires departments that use bodycams to have policies governing officer training, recording procedures and data storage approved by the Pennsylvania Commission on Crime and Delinquency.

The bill does not address when a police camera must be turned on and how long data must be stored before it is erased, although it tasks the state police with writing guidelines for the storage of the recordings.

The American Civil Liberties Union of Pennsylvania and the trade association representing news groups do not support the bill. They argue that letting police departments decide what's public and what's not negates the accountability gains provided by the cameras themselves. Vince Hughes (D-Philadelphia) cast the lone 'no' in the Senate's 49-1 vote on this bill, because of his concern about the public's lack of access to the videos.

Supporters of SB560 say that it gives police freedom to do their job. Cameras provide evidence, moderate the behavior of both officers and subjects, and provide an objective eye. Prime sponsor, Sen.

Steward Greenleaf (R-Montgomery) believes that the law will encourage more departments to use cameras.

Previously, police departments in Pennsylvania have been slow to adopt bodycam technology because of a law that places officers in violation of state wiretap laws if they record inside a private residence. This bill now permits officers to gather bodycam footage inside a private residence, while on duty.

In Pennsylvania there is currently limited use of bodycams—locations include Carlisle, York, one police district in Philadelphia and a pilot program in Pittsburgh. The state police do not use bodycams.

A Wolf administration spokesman said that the governor would prefer a law that allows more transparency in the release of police video, but that he believed the bill is a good first step toward encouraging police departments to use body cameras to increase accountability without concerns over violating state law.

In mid-June, the Pennsylvania Supreme Court affirmed the public's right to access videos recorded by the police. In *Commonwealth v. Grove*, the Supreme Court ruled that the Right to Know Law guarantees access to police dash camera video. That right has limits—provisions allow law enforcement agencies to prevent access to investigative material. However, the court determined that the Right to Know Law strikes a balance between the need for confidentiality and the importance of public access. But, with SB560 that balance is likely to disappear.

### **Reduced Sentences = Reduced Costs**

As the month of June—and the fiscal year—were drawing to an end, Governor Tom Wolf and legislative leaders received a last-minute idea for saving \$100 million in coming years by reducing the sentences of some non-violent offenders, by five months.

According to a Justice Reinvestment report, eliminating time, streamlining state sentencing guidelines and providing county probation services with more state aid, would trim the state Corrections Department's budget. Justice Reinvestment is a bipartisan group of state, county and local legislative, criminal justice and judicial officials. Savings would come from the shorter sentences for inmates convicted of drug or property crimes, who did not get into additional trouble while incarcerated.

The savings would not be able to impact the 2017-18 budget, but would start the next year.

The Senate is re-examining the state's Justice Reinvestment program. This program was launched in 2012, under Governor Tom Corbett and Corrections Secretary John Wetzel. The program's goal was to reduce inmate numbers via more intervention and less punishment. In fact, it saved the state \$51.3 million and reduced the prison population by 1,500 inmates, enough to close a prison this year.

Wetzel doesn't think the state can turn its back on a program that has shown its value since 2012. Inmates who go to county prison tend to do the minimum sentence. Inmates who go to state prison tend to stay five months longer than their mandatory minimum, even though the additional confinement does not have a positive impact on recidivism. That extra five months cost the state \$73 million in 2015. The state could save that money if the Legislature passes a bill that requires state prisons to use the same threshold as counties in releasing inmates when their mandatory minimums are up.

If all ideas are adopted, the Justice Reinvestment report estimates 1,032 fewer inmates by 2022-23, saving the state \$108 million.

However, the House this year passed a bill to increase prison time for some drug and violent crime offenders. That bill, now in the Senate, would drive up taxpayer costs by \$85 million annually and increase the prison population by 2,200 inmates, reversing a six-year decline, the Corrections Department estimates.

## **Climate Change**

State Rep. Leanne Krueger-Braneky (D-Delaware) rallied support for the adoption of her resolution (H.R. 421) urging Pennsylvania to join the U.S. Climate Alliance. Rep. Krueger-Braneky's resolution currently has 36 co-sponsors.

Members of the U.S. Climate Alliance are committed to reducing greenhouse gas emissions by 26-28 percent from 2005 levels and meeting or exceeding the goals of the federal Clean Power Plan. The alliance was formed in response to President Donald Trump's recent decision to withdraw the U.S. from the Paris Climate Agreement.

Members of the Climate Alliance include Connecticut, Delaware, Hawaii, Massachusetts, Minnesota, Oregon, Rhode Island, Vermont, Virginia and Puerto Rico. More than 1,200 local officials, businesses and educational institutions have also stated that they will uphold the Paris Agreement. Pittsburgh Mayor Bill Peduto has declared his support for the alliance and the Paris Agreement.

If adopted, the resolution will be sent to Gov. Tom Wolf, President Trump, the presiding officers of each chamber of Congress, and each member of the Pennsylvania congressional delegation.

"Scientists, environmentalists, business leaders and the majority of Americans all understand that climate change threatens our health, economy, environment and future," said Ms. Krueger-Braneky. "I thank my colleagues who have already signed on as co-sponsors and strongly encourage others in elected office to step up and fill the leadership void created by President Trump when he decided to withdraw."

## **Gerrymandering Lawsuit**

On June 15, a lawsuit was filed in Pennsylvania's Commonwealth Court, contending that the map of the state's 18 congressional districts is unconstitutional because it was created through partisan gerrymandering. The districts favor Republicans and violate the rights of Democratic voters.

The suit asks the court to throw out the map, prevent its use in the 2018 election and order the creation of a new map that complies with the constitution. Defendants include many top state officials, both Republicans and Democrats. A lawyer for Senate President Pro Tempore Joe Scarnati (R-Jefferson), called the lawsuit "baseless" and said Scarnati would fight it.

The Philadelphia-based Public Interest Law Center filed the suit, along with the Arnold & Porter law firm of Washington, D.C., on behalf of the Pennsylvania chapter of the League of Women Voters and a registered Democratic Party voter from each of Pennsylvania's congressional districts.

The lawsuit calls partisan gerrymandering "one of the greatest threats to American democracy today" and contends that Pennsylvania's district map is one of the worst partisan gerrymanders in the country. Under that map, Republicans now fill 13 of Pennsylvania's 18 seats in the U.S. House (72 %) despite receiving roughly half of the statewide congressional votes in the last three congressional elections, the lawsuit says.

The current map received heavy criticism from most Democrats when it was unveiled in 2011, although some Democratic lawmakers voted to approve it. Some Republicans acknowledged at the time that the map was drawn to ensure the re-election of incumbents through the creation of politically safe districts while producing another Republican-held seat.

Though this suit is in the state court, its fate might be influenced by the U.S. Supreme Court, which is being asked to uphold a lower court's finding that Wisconsin's redistricting was unconstitutional.

In addition to this court action, legislative efforts have experienced growing grassroots support. Legislative redistricting reform bills in both the state House and Senate would restrict the role of politicians in the process, ensure public input and promote a nonpartisan outcome.

These are Senate Bill 22, co-sponsored by Mario Scavello (R-Monroe) and Lisa Boscola, (D-Northampton) and House Bill 722, co-sponsored by Steve Samuelson (D-Northampton) and Eric Roe (R-Chester). HB722 now has the names of 93 legislators.

Each of the three Annual Conferences of the United Methodist Church in Pennsylvania have passed a resolution calling for legislative redistricting reform in Pennsylvania. Western PA in 2016, Susquehanna and Eastern PA in 2017.

## **Animal Cruelty**

Legislation designed to curb animal cruelty is on its way to Gov. Tom Wolf. On June 20, the Senate voted 49-0 to pass “Libre’s Law,” House Bill 1238. The House approved the bill in April by a vote of 167-20. The bill is named after Libre, a formerly abused and neglected Boston Terrier.

The bill overhauls the state’s animal abuse statutes and increases penalties for animal abuse. Introduced by Rep. Todd Stephens (R-Montgomery), the bill makes five major changes to current Pennsylvania animal abuse laws.

1) Convicted abusers would have to forfeit their animals; 2) tethers would need to be triple the length of a dog’s body and dogs could only be tethered for nine hours before a mandatory 30-minute break; 3) horse abuse convictions would result in a misdemeanor charge; 4) heinous animal abuse would result in felony charges; 5) vets and humane society officers would be granted civil immunity, granting them the freedom to report cases of abuse without fearing legal ramifications.

The law protects not only animals, but also people, Rep. Stephens wrote in his memo on the bill, citing a 2014 study from the National District Attorneys Association, which shows links between animal abuse and future abuse of humans.

Gov. Tom Wolf indicated that he would sign the bill into law once it hits his desk.

## **Marijuana Grower Permits**

On June 20, the state Health Department awarded permits to 12 applicants to grow and process medical marijuana. This is another step in the process to make the drug available to patients sometime next year.

The twelve businesses selected by the Health Department are spread among six geographic regions. The permits were awarded in Allegheny, two locations in Berks, Clinton, Franklin, Fulton, Greene, Jefferson, Lackawanna, Lawrence, Luzerne and Montour counties.

The state posted the names of the principal owners. One of these is John Hanger, former policy chief under Gov. Tom Wolf and former environmental protection secretary under Gov. Ed Rendell.

Those who were chosen survived a three-month competitive process involving 177 applicants. They were judged on such aspects as security, storage, processing and extraction, and community impact. Furthermore, they had to pay a nonrefundable fee of \$10,000, a permit fee of \$200,000 and show proof of \$2 million in capital.

The 12 growers will have six months to demonstrate they have met operational standards. Once the standards are met, the state will give them permission to begin growing. Regulations require the growing to be indoors in an enclosed facility.

The law enacted in April 2016 makes medical marijuana available for 17 serious medical conditions, including epilepsy, intractable seizures and cancer. It allows patients to take the medicine by pill, oil, vapor, ointment or liquid, but not in a form that can be smoked.

The department can issue up to 13 more grower permits in the future.

The Philadelphia Inquirer reported that some of the losing candidates for the 12 medical marijuana grower permits are considering filing lawsuits over the evaluation process.

## **Marijuana Dispensary Permits**

On June 29, the state Health Department issued 27 permits allowing businesses to sell medical marijuana to patients. The dispensary permits are spread across six geographic regions in Pennsylvania.

Each permittee can sell the product at up to three locations, typically in storefronts, but not all plan to operate to that extent initially, officials said. Dispensary permits were awarded in 23 counties: Berks, Bucks, Chester, Delaware, Lancaster, three locations in Philadelphia and two locations in Montgomery in the Southeast region; Lehigh, Lackawanna, Luzerne and Northampton in the Northeast region; Blair, Cumberland, Dauphin and York in the Southcentral region; Centre and Lycoming in the Northcentral region; two locations in Allegheny, Butler, Washington and Westmoreland in the Southwest region and Erie and McKean in the Northwest region.

The department received 280 applications for dispensary permits. The applicants were scored by a task force of state officials on various criteria, including their background, financing plans, plans to hire a diverse workforce and impact on the local community. Applicants had to undergo a federal and state criminal background check and provide other background information. In addition, applicants had to pay a \$5,000 nonrefundable fee, pay a permit fee of \$30,000 and show proof of \$150,000 in capital.

## **Patriots and Sanctuary Municipalities**

On June 13, House State Government Committee Chair, Daryl Metcalfe (R-Butler) urged members of his committee to vote to move a bill by saying “(this is) an easy vote for any patriotic American.” He was referencing House Bill 28, Sanctuary City Legislation.

Rep. Metcalfe’s choice of words angered the Democratic members of the committee, eliciting shouts of “Shame on you!” from Rep. Brian Sims (D-Philadelphia), because of the implication that to be a patriotic American is to support the bill.

HB28 would hold “sanctuary” municipalities liable for damages due to an injury to persons or property caused by criminal activity by an individual living in the country illegally. The bill would also require a law enforcement officer who has reasonable cause to believe that an individual who is being arrested is illegally living in the United States, to immediately report that individual to Immigration and Customs Enforcement.

Supporters of the bill argue: (1) municipalities should not be allowed to decide which laws they wish to uphold and which ones they will ignore and (2) allowing municipalities to willfully disobey federal law puts the citizens of that municipality at risk – something for which the municipality should bear the liability.

Oponents of the bill argue: (1) there is no evidence being a “sanctuary” municipality encourages added criminal activity, (2) that imposing the proposed penalties would reduce potential crimes committed by illegal immigrants, (3) the provisions of HB28 could result in the violation of the rights of some American citizens improperly identified as potential illegal immigrants and (4) this would likely hamper the ability of law enforcement in local municipalities to do their jobs.

A “sanctuary municipality,” as defined under this legislation, prohibits or restricts its officials or employees from:

- Sending or receiving from federal immigration officials any information regarding citizenship or immigration status of an individual;
- Exchanging such information with other federal agencies, state agencies or municipalities;
- Inquiring about an individual’s name, date, place of birth and immigration status while enforcing or conducting an investigation of a violation of Pennsylvania law; or
- Requesting an applicant for state or local benefits to provide proof of eligibility.

The penalty for violating this legislation would be loss of state funding.



A similar bill, Senate Bill 10, has already been approved by the state Senate and is waiting for consideration by the House Judiciary Committee.

HB28 has been referred to the House Rules Committee.

## **Law Abiding Philly**

On June 22, Philadelphia officials asserted that their “sanctuary city” policies do not run afoul of a federal law that bars them from withholding residents’ immigration statuses from federal agents.

Mayor Kenney said that some of the city’s sanctuary policies date to 2001 and that they have allowed immigrants to “pursue the American dream” while police tackle crime. “More importantly, they do not break a single federal law.”

To undocumented Philadelphians, Kenney promised, “I know this is a very scary time, and there are a lot of rumors flying around. I will treat you like any other citizen of this city.”

Last year, under President Barack Obama, the Department of Justice informed Philadelphia officials that to keep a \$1.67 million policing grant, they would have to certify they were complying with a federal law that restricts cities from enacting their own laws banning communication with Immigration and Customs Enforcement, regarding the immigration status of people encountered by city authorities.

In April, under President Donald Trump, the department sent a letter to nine cities—including New York and Chicago—reminding them they had until the end of June to certify their compliance. In May, Attorney General Jeff Sessions threatened that noncompliant cities could have grants withheld or be barred from future grants.

In June, Philadelphia sent a letter to the Department of Justice stating that the city was in compliance with the law. “We have not had to revise or change any policies,” City Solicitor Sozi Pedro Tulante stressed.

Philadelphia police policy forbids officers from asking about anyone’s immigration status, Tulante explained. When officers inadvertently learn about someone’s immigration status, that information will make it into a police report only when that person is suspected of a crime. That’s to protect victims and witnesses of crimes who would otherwise be afraid to come forward. “We can’t imagine the federal government having interest in someone who’s law-abiding,” Tulante added.

And because Philadelphia police upload reports to crime databases that ICE can access, the city argues in its letter, it isn’t restricting communications with ICE.

## **Supreme Court directs Environmental Money**

On June 20, the state Supreme Court ruled that Pennsylvania's legislative and executive branches can't divert money from the state's Oil and Gas Lease Fund for purposes that don't involve conservation of the environment. The decision overturns a Commonwealth Court ruling that dismissed a challenge to the use of the lease fund.

The challenge was made by the Pennsylvania Environmental Defense Foundation to contest the siphoning of hundreds of millions of dollars in lease fund money to the state's general fund. The foundation also challenged the expansion of leasing of public lands for Marcellus Shale drilling, arguing that such transfers violate the law, especially the Environmental Rights Amendment to the state constitution.

In a majority decision by Justice Christine Donohue, the high court sent the dispute, including the issue regarding the parameters for legislative use of the money that comes from renting state lands to oil drillers, back to Commonwealth Court for further consideration.

Chief Justice Thomas G. Saylor and Justice Max Baer dissented from the high court’s majority decision.

## **Experimental Treatment for the Terminally-Ill**

In April, House Bill 45, Right-to-Try, was unanimously passed in the House and moved to the Health and Human Services Committee of the Senate. In June, the amended bill was reported to the full Senate, where it is close to receiving final approval.

The bill is an attempt by state Rep. Robert Godshall (R-Montgomery), a bone marrow cancer survivor, to turn his own experience into a lifeline for other Pennsylvanians. Rep. Godshall's bill would allow terminally-ill patients to access medical treatments or products not yet approved by the U.S. Food and Drug Administration. It would allow a manufacturer of an investigational drug, biological product or device to make an unapproved product available to terminally-ill patients. Likewise, it would allow terminally-ill patients to request a non-approved product.

## **No charges in Wagner Scuffle**

State Attorney General Josh Shapiro's office has announced that it has decided no criminal charges will be filed against state Sen. Scott Wagner (R-York)—a candidate for governor—or the political tracker with whom he scuffled during a private event at the Country Club of York, in May. York County District Attorney Tom Kearney, who is a friend of Wagner, requested the Office of Attorney General assume jurisdiction due to a conflict of interest. I previously reported the details of this altercation in my briefing for May.

## **Recycling**

The state Senate unanimously approved legislation on June 13, to renew the state recycling fee. Senate Bill 646, sponsored by Tom Killion (R-Delaware), eliminates the Jan. 1, 2020 sunset (ending) date for the fee, established under the current law. No future sunset dates are established under SB646. The \$2 per ton recycling fee will continue to be collected on trash disposed in landfills and waste-to-energy facilities. Most of the fee revenue goes to municipalities and counties to run local recycling programs. The fee generated \$38 million last year.

A panel heard ideas for updating the law that established recycling programs across Pennsylvania nearly three decades ago. Sen. Killion's strategy is to first renew the recycling fee, to keep the revenue flowing to recycling programs, before addressing a rewrite of Act 101, the 1988 Municipal Waste Planning and Waste Reduction Act.

Act 101 was one of several that brought greater state and local regulation to trash disposal, better managed landfills, and a reduction in the flow of trash to landfills through household and commercial recycling.

The panel heard testimony about how changes in markets for recycled goods, an increase in illegal dumping of certain items like TVs and a steady decline in recycling fee revenue should be addressed in any rewrite of Act 101.

## **Anti-Anti-Sharia**

On June 10, about 60 people participated in the "Harrisburg March against Sharia." The demonstration took place in front of the State Capitol. A counter demonstration of about 30 opposed the march. Police kept the two groups separated.

The "Harrisburg March Against Sharia" was planned by ACT for America, which calls itself the "NRA of national security" and is classified as an anti-Muslim extremist group by the Southern Poverty Law Center. The group planned similar events in cities across the country.

Some of the people opposing the march were provocatively dressed in all black with their faces covered, and some had flags with "Anti-fascist Action" written on them.

At the same time, more than a mile away, another rally was taking place. Though also organized as a counter to the March against Sharia, it possessed a different tone. About 200 community members gathered at Goodwin Memorial Baptist Church Family Life Center. The event featured singing and speeches from various faith and community leaders.

Rev. Dr. James D. Jackson, Goodwin's senior pastor, said they wanted to "show a sign of support" for the community against the anti-Sharia march. "It was a peaceful expression of unity against expressions of anti-unity," he said. "There isn't room for hate anymore. We have to learn to get along."

The unity rally was organized by the Community Responders Network, a Harrisburg-based anti-hate group. Ann Van Dyke, who helped organize the event, said the energy in the room was positive. "So often, counter protests are focused on hating them more than they hate us," she said. "Our event didn't want anything to do with hate, it was about affirming equality and nonviolence."

Atika Syed, who spoke at the unity rally, said she didn't want to feed into the anti-Sharia march. "We decided to do something in the name of love," she said. "It reaffirms our belief in humanity."

## **A Budget for a New Year**

On June 30, the last day of the fiscal year, the Pennsylvania General Assembly adopted a spending plan for the 2017-18 state budget—the Senate voted 43-7, the House voted 173-27. The bipartisan spending plan provides hundreds of millions of dollars more for education (at all levels), pension obligations and services for the intellectually disabled, but demands belt-tightening across state government agencies and in Medicaid. It also depends on savings from a shrinking prisons population.

A complete budget for Pennsylvania government consists of three elements: a spending bill (General Appropriations), revenue bills and code bills (Public School, Administration, Welfare, Fiscal). The state constitution requires a balanced budget.

In overall cost the new \$32 billion general appropriations bill isn't much different from what the state spent during the 2016-17 year. While it falls short of the roughly \$32.6 billion in spending Gov. Tom Wolf proposed in February, the governor supports this plan.

By comparison with 2016-17, the budget for 2017-18 has an increase of approximately \$54.3 million, or about two-tenths of one percent. While the 2016-17 budget was originally identified at \$31.63 billion, that budget's underestimation of the funding needed for various human services necessitated adding nearly \$400 million in supplemental appropriations during the year, bringing the end-of-year spending for 2016-17 to \$31.94 billion.

The hard part is yet to come—figuring out where to find the revenue to pay for it all. Under the constitution, the governor has ten days to sign the budget, veto it, or allow it to become law without his signature. Wolf plans to wait, hoping to receive the enabling legislation, shortly. Lawmakers plan to return to the Capitol after the Fourth of July, to complete the budget process.

## **Revenue and the Gas Industry**

The General Assembly will be trying to find sources of revenue to balance the 2017-18 state budget and fill the deficit remaining from the newly ended fiscal year. The new budget is coming in at \$32 billion, with the deficit at \$1.5 billion. The state Constitution requires a balanced budget at the start of the fiscal year—though recent legislatures have taken this as more of a suggestion. In this regard, almost every source of income is being considered—except one.

Pennsylvania's Marcellus shale gas drillers seem to be untouchable. Governor Wolf has recommended levying a 6.5 percent tax on drillers. In his proposed budget, the governor projected income of \$293 million from an extraction/severance tax on gas drilling.

But, the General Assembly refuses to consider it. As has been the case for each of the three previous years, the gas industry argues that the tax would be a job-killer. Though, such a tax has not seemed to affect jobs in any other gas and oil-producing state. Consequently, the politically connected and wealthy gas industry manages to evade paying for the lucrative resource that it is removing from under the feet of the taxpayers.

## **More Gambling Revenue**

Republican lawmakers are struggling over how much more gambling to legalize. Gambling has emerged as a key piece of the revenue package that Republicans are trying to assemble. However, Senate Majority Leader Jake Corman (R-Centre) said House Republican leaders will not sign off on gambling legislation unless it allows slot machine-style video gambling at thousands of bars, truck stops and liquor license holders.

Earlier this month, the House narrowly approved HB271, that would allow liquor license holders and truck stops to operate video gambling terminals. This would allow as many as 40,000 VGTs statewide.

Both chambers have backed gambling legislation that would make Pennsylvania the first state to allow both its casinos and lottery to take its games online. But, the Senate is taking a narrower perspective than the House. Corman said he had been unable to find enough support in the Senate for a compromise gambling bill that includes gambling in bars. So, the House bill is on hold in the Senate.

Supporters say the machines will raise hundreds of millions of dollars for the state and local governments, benefit a wider range of small businesses and break the hold that the casinos have on Pennsylvania's gambling industry. The issue is being heavily lobbied in the Capitol, and people with interests in video gambling machines have given campaign contributions to House Republicans. Casino interests are prohibited from giving campaign contributions in Pennsylvania and most casinos oppose gambling expansion into bars.

Gov. Wolf is counting on an extra \$250 million in cash from new forms of gambling. However, the Department of Revenue told lawmakers that allowing gambling in so many new locations would inflict losses on revenue the state gets from the Pennsylvania Lottery and licensed casinos. Wolf has warned that he wants to avoid a gambling expansion that cannibalizes other state revenue streams.

With the start of a new fiscal year, July 1, the absence of a revenue package to match the new spending bill is a problem that needs to be settled, soon. Somehow, to some degree, the General Assembly figures gambling is part of the answer. Stay tuned. This matter will come to a head in July—or maybe not.

## **Local Gambling Share**

House Republican lawmakers are looking at a new proposal to earmark money from the casino Local Share Assessment for the state General Fund. With legislative agreement on gambling expansion continuing to be elusive, Rep. Brian Ellis (R-Butler) has circulated a bill cosponsor memo to redirect the \$140 million in annual local share money that goes to municipalities hosting casinos, to the General Fund, as well as levying new annual fees on casinos.

The goal is to generate \$270 million in recurring annual revenue for the General Fund. New revenue sources from casinos should be considered if other revenue options, like legalizing video gaming terminals, are ruled out, said Rep. Ellis. The Republican caucus is looking at the Ellis proposal.

House Bill 271 would legalize tens of thousands of video gaming terminals (VGTs) in bars, taverns, clubs and at truck stops statewide; as well as legalize internet gambling run by casinos, bets on fantasy sports games, airport tablet gambling and slot machines at off-track betting parlors. The bill would also create a local share assessment for some of the revenue from the VGTs. But, the Senate does not agree with the extent of HB271. Consequently, with lack of movement, Rep. Ellis's idea might gain traction.

As I have pointed out in many previous monthly briefings—the local share assessment was declared unconstitutional by the state Supreme Court last fall on grounds it wasn't levied uniformly on casinos. The need to satisfy the court and rewrite the local share assessment guidelines has stimulated lawmakers like Ellis, who represent districts that have never received money from casinos.

### **National Democratic Convention Spending**

Former Pennsylvania Gov. Ed Rendell has responded to House Republicans who accused him of spending "frivolously" during last summer's Democratic National Convention in Philadelphia.

In a letter to state House Majority Leader, Dave Reed (R-Indiana) and Speaker Mike Turzai (R-Allegheny), Rendell denied that the convention's Host Committee, which he chaired, finished 2016 with a reported \$4 million surplus. In an earlier letter to Rendell, the two Republicans said the taxpayers "want and need our money back."

The host committee was not obligated to return any surplus money to the state from its \$10 million grant—that lawmakers approved and Gov. Tom Wolf doled out—Rendell told Turzai and Reed. While he was sympathetic to their efforts to balance the state's books, that solution rested with them, not with him and the host committee. "As to not having State funds to spend frivolously, I understand the Commonwealth's dilemma. A \$3 billion deficit will only be bridged by making hard choices to both raise revenue and take money out of the budget as we did when I became Governor and inherited a \$2.4 billion deficit from the prior administration," Rendell wrote.

The House Appropriations Committee, chaired by Rep. Stan Saylor (R-York), will hold a July 13 hearing on the host committee's spending. Rendell has indicated he will attend. Furthermore, state Auditor General Eugene DePasquale is currently examining the host committee's books.

Rendell concluded by telling the Republicans that, if the state needed to scrape together some cash, "I would suggest that it is time for Pennsylvania to join every other shale state in the Union and enact a severance tax."

Dai Morgan