

United Methodist Advocacy in Pennsylvania

February 28, 2017

Following is my UM Advocacy report for February 2017:

February was an eventful month in the realm of politics.

On the national-level, the Trump travel ban on seven Middle Eastern nations and actions against undocumented immigrants took center stage. The question of Russian influence on the President and his election campaign was also a prominent news story. The spontaneous popular reactions, demonstrations and confrontations of legislators on these and other issues has been unprecedented. On the last day of the month, the President made his address to a joint session of Congress, laying out an agenda that emphasized “America first” and reaffirmed the platform on which he was elected.

This month has also been significant in state government. Gov. Tom Wolf delivered his budget address. The General Assembly started introducing both new and old legislation, as a new session gets underway. The Senate was especially busy. However, as March begins, attention will become focused on budget matters—to that end, many legislators will be displaying their skill as slight-of-hand magicians.

I was in Harrisburg several times in February, as well as Philadelphia and Washington, D.C. I had meetings with the Clean Air Council, Interfaith Justice Coalition, Pennsylvania Council of Churches Public Witness Commission, EPAUMC Church & Society, WPAUMC Poverty Team, General Board of Church & Society, and made a couple legislative visits.

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DHS and Undocumented Immigrants

On February 21, the federal Department of Homeland Security (DHS) issued orders to implement President Donald Trump's plan to increase immigration enforcement. The idea is to unsettle the eleven million undocumented immigrants living in the USA. Supporters of this effort believe that the DHS is attempting to gain control of a situation that is out of control

The orders instruct all immigration-related agents to capture and deport every undocumented immigrant they encounter. White House spokesman Sean Spicer said that this is not intended to be a mass deportation. Of course, undocumented immigrants "who have committed a crime or pose a threat" will be prioritized—so far, the term "crime" seems to include everything from a parking ticket to murder.

Previously, undocumented immigrants caught at the southwest border were processed and released, with an order to appear for a court hearing. This was called "Catch and Release." The new orders seek to end this practice.

However, one category of undocumented immigrant is being protected from this deportation activity. A program enacted in 2012 by President Obama, known as the Deferred Action for Childhood Arrivals Program (DACA), protects more than 750,000 who were brought into the country as children—the so called "Dreamers." So far, this program is still in effect.

There are five significant changes to national immigration policy made by the Trump Administration:

- Undocumented immigrants who arrived less than two years previously are subject to "expedited removal," without appearing before an immigration judge.
- Undocumented immigrants caught entering the country will be incarcerated until their cases are processed. This will require hiring 10,000 agents, hiring more immigration judges and staff, and building infrastructure to support this effort.
- Undocumented immigrants can be sent to Mexico, even if Mexico is not their country of origin. The USA and Mexico will need to cooperate to set up this system.
- Immigration and Customs Enforcement will be able to deputize local police as immigration agents.
- The uncompleted 700 miles of fences and walls, along the US/Mexican border, of the 2006 Secure Fence Act, will be finished. Planning will begin for a \$10 billion expansion.

From a logistical and financial standpoint, how realistic is all of this? I'm not sure that realism matters. This is about ideology.

Abortion

In February, the state senate passed Senate Bill 3, which would change abortion law in Pennsylvania. The bill would ban elective abortions after 20 weeks from a pregnant woman's last menstrual period, compared with 24 weeks in current law. 16 states have a similar ban, and an Ohio law will take effect in March. The bill leaves in place exceptions to protect the mother's life. It does not offer exceptions for pregnancies caused by rape and incest, or for serious fetal abnormalities.

The bill passed along partisan lines 32-18, Republicans voted 31-3 in favor; Democrats voted 15-1 against. The bill was passed days after being introduced without a hearing or input from medical organizations, a number of which have expressed concerns about its potential impact on decisions made between doctors and patients.

The bill is based on model legislation from the Washington-based National Right to Life Committee and is making its way through the nation's most conservative statehouses and, potentially, the U.S. Congress. In Pennsylvania, it is opposed by the state's largest doctors' group, the Pennsylvania Medical Society, and the Pennsylvania section of the American Congress of Obstetricians and Gynecologists.

The bill would also sharply curtail the use of a procedure known as dilation and evacuation (D&E) that medical professionals consider one of the safest ways to perform late abortions. The D&E procedure accounts for little more than 1 percent of all abortions performed each year, but it is the most common form of second-trimester abortions. The legislation calls the D&E procedure a "dismemberment abortion," described by the bill's sponsor, Sen. Michele Brooks (R-Crawford) as ripping a fetus apart in the womb while alive, and leaving it to bleed to death. Performing the procedure would expose a doctor to a third-degree felony charge, punishable by up to seven years in prison. Democrats referred to this aspect of the bill as "criminalizing abortion." The term "dismemberment abortion" is not used by medical professionals. Seven states have a "dismemberment" ban.

Supporters of SB 3 say that they are standing up for the humane treatment of the unborn and that the 20-week limit reflects medical advances that make fetuses viable at earlier stages of pregnancy.

Opponents say viability has barely budged in decades. They also argue that Pennsylvania's current law is appropriate because it gives families time to have key ultrasounds and other tests at the 20-week period where fetal developmental issues are frequently first diagnosed. The sixth month of fetal development is not a time for abortions of convenience, but a time when families and doctors need the ability to make very painful decisions.

Gov. Tom Wolf said he would veto the bill and characterized it as being unconstitutional. In addition to opposition from medical organizations, this legislation has received pushback from women's groups and members of families who have had to make difficult medical decisions about continuing a pregnancy.

House Speaker Mike Turzai (R-Allegheny) issued a statement praising the Senate for passing SB 3 and applauding a similar measure that will be introduced in the House of Representatives—Rep. Kathy Rapp (R-Warren) has said she plans to reintroduce the abortion legislation that the House passed last June, 132-65. The Senate Bill now moves to the House for further consideration.

If either version of this legislation is enacted, it would be the first significant change in abortion policy in Pennsylvania since 1992.

Sanctuary City Penalty

On February 7, the Pennsylvania Senate passed Senate Bill 10, by a margin of 37-12, that would cut hundreds of millions of dollars in state subsidies to cities, counties and law enforcement agencies that do not honor detention requests from federal immigration authorities. Every Republican and three Democrats voted for the bill. Sen. Guy Reschenthaler (R-Allegheny) is the bill's primary sponsor. The legislation will now go to the House.

There is no uniform definition of what constitutes a "Sanctuary City." Essentially, the term means that a municipality will not use its resources to aid federal immigration authorities in tracking, apprehending or retaining non-criminal undocumented immigrants. Municipalities have not been mandated to perform these functions and sanctuary cities are not engaging in illegal activity by not cooperating with federal immigration authorities.

Supporters of the bill said that not supporting federal immigration enforcement was a dangerous practice jeopardizing public safety. Opponents countered that forcing cities to honor detention requests that are not backed by a warrant could trample on civil rights and expose local governments to lawsuits.

The House and Senate each passed similar bills last year, but the bills died amid disagreements between the chambers. Gov. Tom Wolf's office said it was monitoring legislative and federal government activity on the issue. A spokesman said the office has concerns about the bill, including whether states can legally require municipalities to assist with the enforcement of federal immigration policy.

Philadelphia, Pittsburgh and possibly 30 counties could lose access to state subsidies that last year totaled \$1.3 billion, according to a Senate Appropriations Committee analysis. The bill does not specify which state agency would determine which municipalities and counties qualify as sanctuary cities.

Sanctuary Churches

I suspect that there is confusion in the minds of many in regard to Sanctuary Cities and the Sanctuary Church Movement.

The sanctuary church movement began in the 1980s to protect refugees fleeing civil war in Central America. It has taken on renewed impetus since the election of President Donald Trump. Since that time, according to Church World Service, the sanctuary network has doubled to more than 800 congregations—a fraction of one percent of all U.S. congregations. Congregations that participate in this movement give long-term protection and shelter to undocumented immigrants. This is can be an act of civil disobedience.

Congregations which engage in sanctuary activity will usually have made at least four determinations: 1) God is the highest authority, not the state; 2) Providing sanctuary is a biblical mandate; 3) The person receiving sanctuary is being victimized by the immigration system; 4) The danger is worth the effort.

The renewed sanctuary movement references a 2011 Obama policy that limits Immigration and Customs Enforcement action at “sensitive locations,” including churches, hospitals and schools. This policy continues to be in place.

Many congregations that are welcoming to refugees and immigrants, but are unwilling to offer sanctuary, have still provided support in less extreme ways, including:

- Organizing a response team to warn undocumented immigrants of an impending ICE raid.
- Providing temporary shelter in “safe” locations.
- Showing up to protect people or places from hate speech or actions.
- Donating money or supplies to sanctuary churches.
- Helping undocumented immigrants enculturate and navigate the system.
- Preparing contingencies for the children of undocumented parents who might be apprehended.

Governor’s Budget

On February 7, Gov. Tom Wolf delivered his annual budget address to the General Assembly and unveiled a \$32.3 billion spending plan for the fiscal year 2017-1018. The plan would attempt to cut Pennsylvania's daunting deficit through cuts and agency consolidation. He avoided the large-scale tax hikes of his budget plans of the previous two years, that were rejected by the legislature. "Yes, some of these reforms involve gritting our teeth and tightening our belts," said the Governor. However, his plan would use some new taxes and fees to help raise nearly \$1 billion

His speech struck a more conciliatory tone than last year's. This time, he praised lawmakers for working with him during the last year to legalize medical marijuana and modernize the sale of wine and beer in Pennsylvania. He urged continued cooperation, saying, "The people who put us here want to see progress."

Mr. Wolf’s budget blueprint would increase spending over the current year's \$31.5 billion budget by about 2.5 percent. Not included in that number is an additional \$230 million that the governor and the legislature need to balance the current year’s books.

On the spending side of the ledger, Mr. Wolf’s proposal would provide \$100 million more in basic education funding, an additional \$25 million for special education, \$75 million more for early childhood education, and an \$8.9 million boost for the 14 universities in the Pennsylvania State System of Higher Education. The state-related universities would not receive any additional dollars.

Mr. Wolf also called for \$10 million to expand access to naloxone, which is used to revive drug overdose victims.

To offset costs, the governor proposed more than \$2 billion in cuts, consolidations, savings and efficiencies. He proposed merging the Department of Corrections and the Board of Probation and Parole into a new Department of Criminal Justice, as well as consolidating the Departments of Health, Aging, Human Services, and Drug and Alcohol Programs into a single department.

He is also pushing to cut a \$30 million grant to the University of Pennsylvania's veterinary school; slash \$50 million from school transportation aid because of what his office said was declining fuel costs and fewer students being transported.

To generate revenue, he called for raising new dollars by selling off unused state-owned property and leasing a landmark Harrisburg-area exposition hall to a private entity for an upfront payment - and then having it leased back to the state.

His budget also counts on \$150 million in revenue from expanding gambling.

Another new proposal would raise \$63 million by imposing a \$25-per-person fee on municipalities that rely on state police services. According to the administration, more than 65 percent of towns rely on the state police.

The governor also proposed raising the hourly minimum wage to \$12, which he suggests could increase state revenue by \$95 million.

He revived another proposal, that has repeatedly failed to win GOP support, to levy a 6.5 percent tax on natural gas drilling to raise nearly \$294 million. The tax would go into effect July 1.

The Governor's Budget Address formally launches the process that consumes the Capitol each spring and continues until the budget passes. It appears that this year's budget will be especially difficult to craft.

The Governor's complete address to the General Assembly is attached as a separate document.

Pension Liability

The General Assembly seems to be unable to agree on action to deal with the state pension liability issue. It has been the proverbial elephant in the room, which is ignored, avoided or discounted. But, the need to address this issue is becoming palpable.

Tens of billions of dollars in unfunded liabilities exist in the state's two biggest pension funds, the State Employee Retirement System (SERS) and the Public School Employee Retirement System (PSERS). Because of ill-advised benefit increases in the early-2000s and years of insufficient payments, the state faces more than \$60 billion in pension liabilities over the coming decades.

A 2010 bill made the situation a little better, and this fiscal year, the state met its required debt payment for the first time in 15 years. But those payments are a strain. Currently, pensions are one of the commonwealth's single biggest expenses and much of that weight falls to taxpayers and schools.

Since Act 120 of 2010, costs for new pension plans have been low. But, this leaves the legislature with the problem of finding the money to pay off the debt.

Gov. Tom Wolf, who didn't include any pension overhauls in his latest budget proposal, indicated he'd be willing to sign a GOP-sponsored bill that would create a tiered plan, combining the current defined benefit model with a 401k-style plan. But, that bill would not make a dent in the existing debt.

There is no getting around it, the legislature has failed on this matter.

PA University System

On February 23, Frank Brogan, Chancellor of the Pennsylvania State System of Higher Education (PASSHE), the state's university system, told the Senate Appropriations Committee that the system needs a shake-up to remain solvent. "Everything has to be on the table," he said, "If sacred cows are created along the way, they will stack up...and nothing will happen." After years of declining income and enrollment the system is facing a \$60 million deficit. The need for change is urgent.

As part of his budget proposal, Gov. Wolf has asked for an \$8.9 million boost for the system's 14 universities, for a total of \$453 million. But that's just a fraction of what the system has said it needs after years of largely stagnant funding. Since 2010, the system has seen its student population drop from 120,000 to the 105,000, a 12.5 percent decrease.

Mr. Brogan said that his agency was on the verge of hiring a consultant to look at everything from enrollment trends to college facilities, to make recommendations on streamlining operations. The study, expected to cost up to \$500,000, will be completed by the summer. At that point the system will announce its proposed changes.

Financial woes were one reason behind last fall's short-lived faculty strike, the first in the system's 34-year history. Officials have not ruled out merging or closing some of the 14 colleges or universities.

The system's board of governors approved an \$8 million line of credit for Cheyney University. The Chester County school has been plagued by financial struggles as well as failures in managing financial aid to students. But, Brogan warned that using funding from other colleges in the system to prop up one institution "is mathematically no longer possible."

Nearly a quarter of those attending the State System schools are from Philadelphia, Montgomery, Bucks, Chester, and Delaware Counties.

Justice Consolidation

Much attention has been focused on Gov. Tom Wolf's proposal to consolidate four current agencies to form the Department of Health and Human Services (see my January report). However, the governor has also proposed moving the Department of Corrections, the Board of Probation and Parole, and other crime-related entities into an agency called the Department of Criminal Justice.

The merger creating the Department of Criminal Justice would not be a melding of agencies, but the forming of an umbrella organization. It would contain the current duties of the Secretary of the Department of Corrections and three independent entities—the Board of Parole and Probation (BPP), the Office of Victim Advocate (OVA) and the Sexual Offenders' Assessment Board (SOAB). "It's not a merger of the three departments exactly, it's more of a merger of the field supervision aspect of the Parole Board and enhanced independence of the other entities," said Department of Corrections Secretary John Wetzel, likening the BPP, OVA and SOAB to "brother or sister agencies" that share resources and information under the newly created DOCJ. The BPP, OVA and SOAB would have significant operational independence.

The proposed consolidation requires legislative approval and has failed in past years. This year's attempt to merge the agencies will come in the form of a Senate bill to be introduced by Sen. Stewart Greenleaf (R-Montgomery), who proposed identical legislation last session. His previous bill, SB 859, passed the Senate 37-10, but was not brought up for a vote in the House.

Ultimately, the proposal is being floated as a cost-savings measure for next fiscal year. A note attached to last session's bill claimed the DOCJ merger would save \$10.3 million after the first year of implementation.

Rep. Ron Marisco (R-Dauphin), Majority Chairman of the House Judiciary Committee, through which the merger bill must pass, opposes the measure. It's unclear whether House Republican leaders share Marisco's opinion.

House Minority Leader Frank Dermody (D-Allegheny), supports the measure, calling it a "great idea." However, he said he is unsure where most members of his caucus stand on the issue as they have not had the opportunity to discuss the legislation.

Senate Majority Leader Jake Corman (R-Centre) said, "In general, we support looking at cost-saving measures when it comes to balancing the state's budget. At the same time, we will fulfill our role to thoroughly examine the proposal to be sure safety and security are not compromised."

Like Dermody, Senate Minority Leader Jay Costa, D-Allegheny, is supportive of the measure.

Leaders of the Pennsylvania Prison Society share Costa's sentiments. Claire Shubik-Richards, director of the Prison Society, argues that the proposed changes to share administrative resources and inmate information would benefit both those incarcerated and those working within the department.

The Pennsylvania District Attorney's Association remains opposed to the merger. "We've had significant concerns with the proposal. Probably the most significant reason is that we believe that there'd be insufficient independence of Probation and Parole," said Richard Long, director of the PDAA.

Minimum Wage

The minimum wage in Pennsylvania has not increased in eight years. However, Gov. Tom Wolf is proposing hiking the minimum wage from \$7.25 to \$12/hour. This would be the highest minimum wage in the nation. The governor is justifying his proposal as a way to provide more tax revenue and help fix the state's financial deficit.

Though Republican legislators have customarily been wary of the idea, they are likely to become more flexible since most of the nation has moved beyond Pennsylvania on this matter. Twenty-nine states have increased their minimum wages above the national \$7.25/hour minimum, according to U.S. Department of Labor data. The hourly rate ranges from \$7.50 in New Mexico to \$11.50 in Washington, D.C. Every neighbor of Pennsylvania has increased its minimum wage — from \$8.15 an hour in Ohio to \$9.70 an hour in New York. Eighteen states have indexed their minimum wage to inflation, to keep pace with the cost of living.

Many conservative lawmakers still believe that an increased minimum wage will result in business owners having to reduce hiring, hours and benefits. Some argue that raising the minimum wage would also limit job opportunities for unskilled workers. However, many will probably be willing to compromise with the governor during the coming budget negotiations.

When Tom Wolf ran for governor in 2014, he supported increasing Pennsylvania's minimum wage to \$10.10 over a two-year period and indexing it to inflation. His revised proposal of \$12 an hour reflects what he thinks is now fair, said Wolf's press secretary J.J. Abbott. The governor's office says a \$12 minimum would also bring an extra \$95 million in income taxes into the state treasury. Democratic lawmakers also argue that the higher wage will save money in taxpayer-paid benefits programs.

A number of moderate Republicans support an increase in the minimum wage. Rep. Nick Miccarelli (R-Delaware), said he thinks Republicans could accept a negotiated increase as part of a budget deal with the governor. In return, Republicans could ask for a reduction in corporate taxes, for example.

Sen. Scott Wagner (R-York) plans to reintroduce legislation to raise the minimum wage to \$8.75 an hour in three 50-cent increments over three years. Last year, this same proposal drew five Republican co-sponsors. Wagner is running for the Republican nomination for governor in the 2018 election.

The Pope and Fair Wages

On February 23, during an improvised homily at his Vatican residence, Pope Francis criticized Catholics who were leading what he called a "double life." As an example of this, he cited Catholics who go to Mass, participate in different church associations, but refuse to pay employees a fair wage. He said, "But to be a Catholic like that, it's better to be an atheist."

Online Gaming

Gaming proponents supporting legalization of online betting are seeing opportunity in the legislature's desire to raise revenue without raising taxes. Gov. Wolf's budget proposal projects \$150 million in new revenue from gaming without specifying the source. Online gambling, operated by the casinos, appears to be the most likely candidate for increased gaming revenue.

New Jersey, Delaware and Nevada have legalized online gambling. Pennsylvania is one of a few more states looking to do the same. Last year the state budgeted \$100 million in revenue from expanded gaming and the House voted to allow online betting. But, the measure died in the Senate and the money never materialized.

Last year, New Jersey experienced its first increase in casino revenue in a decade, due to online betting. However, through the first seven months of this fiscal year, slots revenue has been down in ten

Pennsylvania casinos. With Pennsylvania casino revenue lagging, gaming proponents are looking at New Jersey's experience. They suggest that there is more money to be made from online gamblers, who are a distinct population from casino patrons. Furthermore, online gaming could provide a marketing opportunity for casinos to connect with younger players, said Sen. Patrick Stefano (R-Fayette), vice chairman of the Community, Economic Development and Recreation committee—which oversees gaming bills in the senate.

Complicating the issue, last summer the state Supreme Court ruled that methods to share money with communities where casinos are located are unfair. It gave the General Assembly until May to rewrite the law. Putting together a bill to do that will involve horse-trading, said Sen. Stefano, and online gaming and state-sanctioned fantasy sports betting will need to be part of the package.

Complicating the issue even more is the possibility that the federal government could disallow online gambling. In November, ten attorneys general asked the Trump transition team to reconsider a 2011 interpretation under the Obama White House that made way for legalized online gambling. Legal opinions at the state Capitol are divided over whether Pennsylvania might be allowed to maintain online gaming if the Trump administration moves to shut it down. Pundits say they doubt that the Trump administration would crack down on state-sanctioned gaming. Trump has a history of building casinos and his administration is vocal about erasing regulations that slow business growth.

Legislative committees will begin holding hearings on changes to the gaming law, beginning in March.

Online gambling has not turned out to be the panacea that proponents had hoped, but they can't give up on the idea. As they say, "it's been a crap shoot," and the state seems to be throwing snake eyes. Maybe their luck will change.

Paycheck Protection

On February 8, the Senate passed SB 166 that would prohibit public employers (the source of whose payrolls are taxpayer dollars) from deducting union dues, used for political purposes, from workers' paychecks. Deductions of political contributions could continue under existing collective bargaining agreements, but future contracts could not require the deductions.

The concept has been called "paycheck protection." The bill was sponsored by Sen. John Eichelberger (R-Blair). The legislation passed 28-22, with six of the 34 Republicans voting against the measure.

Supports of the proposal argue that the state, school districts and other public employers should be barred from deducting political contributions from wages.

Union officials have said the contributions are voluntary, and Democrats argued in the Senate that the proposal is intended to silence workers.

Mr. Eichelberger said, "This bill, very simply, contains language that would prevent the deduction of political money from a government payroll."

"This shuts down their voice," said Sen. Vince Hughes (D-Philadelphia), referring to state employees from whom union dues are collected on behalf of labor unions representing those employees. Senate Minority Leader Jay Costa (D-Allegheny), referencing comments made by Sen. Scott Wagner (R-York), stated that this legislation is primarily targeting the Pennsylvania State Education Association, the labor union which represents more than 187,000 teachers and school employees. He said, "The motive behind this legislation is clearly, clearly, to undermine the political activities of labor unions in this state." Mr. Hughes declared, "If you say you're for the working men and women of Pennsylvania, you should be a 'no' on this."

Eichelberger responded, "This bill in no way interferes with the operations of unions, in no way." Sen. Scott Martin (R-Lancaster) said, "Creating a firewall between politics and our official business is critical. The fact of the matter is there is not one thing in this bill at all that would prevent any working man or woman in this Commonwealth from being able to give to any political party or a political belief of their choice."

Before the final debate and vote on the bill, Costa failed to win Senate approval for two amendments to the bill. One sought to prohibit lobbyists from collecting a contingency fee for grants, loans, capital

projects and other awards sought from the Commonwealth. The other would have required the majority of shareholders of any corporation organized in Pennsylvania to approve any corporate expense of \$10,000 or more on political activities, as well as require all shareholders be notified of that corporation's political activity.

Saccone Challenging Casey

Rep. Rick Saccone (R-Allegheny/Washington) has declared that he has filed candidacy paperwork to run for the U.S. Senate, challenging Democrat Robert Casey, Jr. in 2018. Senator Casey intends to seek a third six-year term.

First elected to the Pennsylvania House of Representatives in 2010, Rep. Saccone is considered to be, perhaps, its most conservative members. He is a staunch gun rights advocate. A few years ago, Mr. Saccone sponsored legislation to declare 2012 the "Year of the Bible" in Pennsylvania. He also wanted to have all public school buildings display the motto, "In God We Trust."

My interactions with Mr. Saccone have been cordial. I would categorize him as being a hard-and-fast "Evangelical" Christian.

"I thought our country was going in the wrong direction, and I was going to step up and do something about it," said Rep. Saccone. "I want to be there to help our new president secure the agenda that our people voted for."

Several other Republicans are thought to be considering statewide election runs next year, including House Majority Leader Dave Reed (Indiana), Senate Majority Leader Jake Corman (Centre) and Montgomery County businessman Jeff Bartos.

Rep. Vitali and the Gas Industry

Following are excerpts from a February 21, online *Pittsburgh Post-Gazette* article by Karen Langley:

For the third straight year, Gov. Tom Wolf is proposing an extraction tax on Marcellus Shale natural gas drillers. For the third straight year, Republican leaders in the Legislature are balking.

...On Friday, Wolf was asked if the third time will be the charm for an extraction tax. He smiled. "I have no idea. I'm hoping."

Don't hold your breath, governor, says Rep. Greg Vitali (D-Delaware/Montgomery). "Every term I'm thinking, of course it's gonna pass this year. This makes total sense and it never does," Vitali said as he gave a PowerPoint presentation in the Capitol Media Center.

He blames money in the pipeline for the lack of an extraction tax. Pennsylvania is the only major gas-producing state without an extraction tax. He said his staff and Common Cause Pennsylvania have analyzed campaign finance reports, lobbying disclosure and ethics statements and it shows why, in his estimation, gas drillers have gotten favorable treatment in the Legislature. He used the old Watergate saw, "follow the money."

Vitali says in 2016, the gas industry made \$883,181 in campaign contributions to the Pennsylvania Legislature. House Speaker Mike Turzai (R-Allegheny) got \$78,700 of it, the House Republican Campaign Committee collected \$56,800 and Sen. Joseph Scarnati (R-Pro Tempore) \$51,500.

"The money goes, frankly, to those people who are in a position to control the flow of legislation," Vitali said. There's also a geyser of lobbying at the Capitol. Vitali's analysis shows there are currently 203 lobbyists working on behalf of the gas industry in Pennsylvania. He notes wryly that's equal to the number of state representatives. He says that since 2007, the total spent on lobbyists is \$62,639,327.

"I think that's startling. That's a lot of money." He also quoted former state senator Clarence Bell who said, "People who give money to politicians are not philanthropists."

While there's lots of money flying around, there's too little oversight, according to Vitali. He points to 2016 when lobbyists report spending \$79,743 on gifts, hospitality, transportation and lodging for lawmakers.

...He insists that campaign finance laws and lobbyist disclosure laws are too lax and oversight too difficult. He thinks there should be a gift ban and dollar-one reporting on anything received. Currently, lawmakers don't have to report any gift valued under \$250 or any transportation, lodging or hospitality under \$650. His suggestions aren't new but, like an extraction tax, aren't likely to pass anytime soon.

It should be noted that the gas drilling industry is well within its right to lobby and to contribute to campaigns. Vitali alleges no illegality. His criticism is directed more at the system.

But as the former chair of the House Environmental Committee, he has been a frequent critic of natural gas drillers and they of him. Marcellus Shale Coalition spokeswoman Erica Clayton Wright released this statement to ABC27 News following Vitali's presentation at the Capitol. "We're not particularly surprised by Rep. Vitali's efforts today aimed at generating a few headlines. He's always been a harsh critic of the tens of thousands of hardworking men and women across Pennsylvania's natural gas industry."

...There are, no doubt, lots of hardworking Pennsylvanians in the natural gas industry. But the fact that there's no extraction tax or stronger regulations, Vitali insists, is because of the industry's hardworking lobbyists. By pumping dollars into Harrisburg's ruling class, drillers avoid pumping more dollars into Pennsylvania's treasury.

Fracking Earthquakes

Pennsylvania environmental regulators have found a likely correlation between a natural gas company's fracking operation and a series of tiny earthquakes in western Pennsylvania. The quakes were detected on April 25, 2016 in Mahoning Township, Lawrence County, about 50 miles north of Pittsburgh, close to a natural gas well pad owned by Hilcorp Energy Co. The tremors were too weak to be felt by humans and no damage was reported. Hilcorp stopped fracking at that well pad, after the quakes.

Fracking has been tied to earthquakes in neighboring Ohio and other states, but never before in Pennsylvania. Pennsylvania rarely experiences strong tremors. Historically, most earthquakes have been recorded in the southeastern part of the state, far from the shale gas fields in western and northeastern Pennsylvania.

The Pennsylvania Department of Environmental Protection has required Hilcorp to operate its own seismic monitors in the townships, to notify the agency within 10 minutes of any quakes of 1.0 or greater magnitude and to suspend fracking in the event of larger quakes. Hilcorp's fracking operations were also blamed for causing 77 earthquakes in Poland Township, Ohio. In 2014, one of the Ohio tremors was recorded at magnitude 3.0, strong enough to be felt by residents and "potentially one of the largest earthquakes induced by hydraulic fracturing in the United States," Miami University (Ohio) geologists wrote in a 2015 study.

Pennsylvania is second only to Texas in the volume of natural gas produced.

Pennsylvania's Drinking Water

Regulators in the federal Environmental Protection Agency (EPA) have criticized the Pennsylvania Department of Environmental Protection (DEP) for failures in the DEP's Safe Drinking Water Program.

A letter from the EPA to the DEP noted that a lack of funding has caused staffing cuts, significantly reducing the number of public water system inspections, creating a situation that "can have serious public health implications as major violations could be going unidentified." If the state Safe Drinking Water Program can't meet minimum federal inspection and regulation requirements, the letter warned, the EPA would need to take control of the program.

DEP budget cuts have caused staffing reductions of more than 20 percent in the DEP's Bureau of Safe Drinking Water.

While most other state drinking water programs in the EPA's Mid-Atlantic Region have also suffered budget cuts, only Pennsylvania has been sent a letter outlining multiple program deficiencies and been required to submit a written action plan, detailing how the state will provide the resources to meet the minimum federal water program requirements.

A DEP spokesman issued a statement saying the department agrees with the federal critique. The DEP is discussing how best to address the programmatic and staffing shortfalls with its technical advisory committee.

The EPA said that over the past six years the number of drinking water program inspections has "significantly declined," dropping from 3,177 in fiscal 2009-10 to 1,847 in fiscal 2015-16. The DEP is supposed to do a full sanitary survey of each public water system every three years.

Because of staff reductions, the average number of water systems for which each DEP inspector is responsible is 149—over twice the national average. The EPA's letter noted that the "excessive workload is not sustainable and program performance will continue to suffer." The number of violations identified but not resolved is rising and stands at 7,922, as of the beginning of 2017.

UM Advocacy and the Woodlands Community

On February 6, I participated in a news conference in the East Rotunda of the State Capitol. The news conference was conducted by the informal faith-based environmental MORALtorium group—with whom I have been involved. The advocates in this group have been working together for a little more than a year.

The subject of the news conference was to draw attention to the plight of the Woodlands Community in Western Pennsylvania and a crowd-funding effort to help supply water to that community. The water supply for this community has been ruined since the start of a nearby fracking operation. The MORALtorium group conducted the crowd-funding effort.

A video of the complete news conference is available on the *United Methodist Advocacy in Pennsylvania* Facebook page.

Hate Groups

While the number of active hate groups in the nation rose over the past year, the number operating in Pennsylvania remained steady, according to a new report by the Southern Poverty Law Center.

Nationally, the center said there were 917 hate groups, up slightly from 892 in 2015. Across the country, the center said, the number of anti-Muslim groups nearly tripled to 101 from 34. In 2016, the number of hate groups operating in Pennsylvania remained at 40, the same as the year before. Pennsylvania had the fifth-highest number of groups in the country, behind California, Florida, Texas and New York, the center said.

In Western Pennsylvania, the SPLC identified eight hate groups — some of which have contested the designation, such as the Nation of Islam. They run the gamut of intolerance, from those affiliated with the Ku Klux Klan and the neo-Nazi movement to those backing black separatism and white nationalism and those espousing anti-Muslim and anti-LGBT viewpoints. The center listed seven hate groups as being active in Philadelphia.

How many members these groups have is a great unknown. "That sort of information regarding the particular makeup or how many members each chapter of each group has is hard to come by," said Ryan Lenz, a spokesman for the SPLC. Some Ku Klux Klan groups, for instance, claim 30,000 members but there might actually be only 30.

While the SPLC report of active hate groups in the U.S. provides no details about their activities, Mr. Lenz said the groups undergo a thorough vetting process by the center to determine their level of "real-world" activities before they are listed—such as posting flyers, holding rallies and having a "physical presence in the environment around them."

The SPLC said the overall number of hate groups likely understates the real level of organized hatred in America, as a growing number of extremists operate mainly online and are not formally affiliated with hate groups.

Jewish Cemetery Vandalized

Sometime over the last weekend of February, vandals overturned over 100 headstones at Mount Carmel Jewish Cemetery in Philadelphia. This was part of a series of intimidating actions aimed at Jewish communities occurring at the end of this month.

Near the beginning of his February 28 address to Congress, President Trump condemned “hate in all of its ugly forms. Pennsylvania political leaders reacted strongly against the Philadelphia attack. Attached is a separate document containing statements from several of these Pennsylvania officials.

Sexual Abuse Victim Bills

On February 1, the Pennsylvania Senate passed Senate Bill 261, by a margin of 48-0. The bill eliminates time limits for future victims of child sexual abuse, or a past victim who is not yet age 30, to sue the abuser, a co-conspirator or someone who knew of the abuse but failed to report it. The bill was introduced by Sen. Joseph Scarnati (R-Jefferson). Currently, victims may sue only for 12 years after their 18th birthday, i.e. age 30.

Identical legislation passed last fall by the Senate died as a result of a disagreement with the House. The House version of the bill also attempted to restore the ability of all child victims to sue for damages, even if they are now beyond the statute of limitations of age 30. At that time, some senators contended that restoring retroactively the right to sue would be in conflict with the Pennsylvania Constitution. The Pennsylvania Catholic Conference and the Insurance Federation of Pennsylvania supported that position.

Rep. Mark Rozzi (D-Berks) was the force behind the House version of this bill in the previous session. Mr. Rozzi claims to have been the victim of child sexual abuse by a Roman Catholic priest. On February 21, Rep. Rozzi reintroduced his House version of the sexual abuse victim bill, HB 612.

The original House measure had been drafted and overwhelmingly approved after the release of a state grand jury report that found decades of clergy abuse and cover-ups within the Altoona-Johnstown Roman Catholic Diocese.

Medical Marijuana

In my January report, I described the state’s geographical organization for medical marijuana growing and distribution centers, as well as noting the opening of the application process for these functions. Following is further information on the subject:

In addition to completing an application, those applying to grow medical marijuana will need to pay a nonrefundable \$10,000 application fee, while those seeking to sell the product will be required to pay a nonrefundable \$5,000 application fee. Interested parties can submit as many applications as they prefer, though they will need to pay a fee for each application.

Under the program, the state has been split into six regions – Northwest, Northcentral, Northeast, Southwest, Southcentral and Southeast. Two permits to grow and process medical marijuana are available in each region, however, the number of dispensary permits varies according to location, with more populated regions offering more permits. The number of dispensary permits allocated to each region and the primary dispensary locations within those regions are as follows:

- Region 1, Southeast: one permit each for Berks County, Bucks County, Chester County, Delaware County and Lancaster County, two permits in Montgomery County and three permits in Philadelphia County for a total of 10 permits;
- Region 2, Northeast: one permit each for Lackawanna County, Lehigh County, Luzerne County, and Northampton County for a total of four permits;
- Region 3, Southcentral: one permit each for Blair County, Cumberland County, Dauphin County and York County for a total of four permits;
- Region 4, Northcentral: one permit each for Centre County and Lycoming County for a total of two permits;
- Region 5, Southwest: one permit in each Butler County, Washington County and Westmoreland County and two permits in Allegheny County for a total of five permits; and
- Region 6, Northwest: one permit in Erie County and one in McKean County.

Upon approval, growers will be required to pay a \$200,000 permit fee and dispensers a \$30,000 permit fee.

Dispensers will be allowed to open up to two other dispensaries in addition to their primary location. A secondary dispensary must fall within the same region as the primary dispensary, but can't be in the same county as the primary dispensary or the same county as another secondary dispensary owned by the same individual. However, a secondary dispensary can fall within a county that houses another primary or secondary dispensary owned by another dispenser. The dispenser would also be required to pay a permit fee for each location.

Prayer Lawsuit

On February 22 lawyers for House Speaker Mike Turzai (R-Allegheny), as well as the chamber's parliamentarian and other lawmakers, asked a federal judge to dismiss a lawsuit by a group of nonbelievers claiming discrimination because they have been blocked from giving the invocation at the start of legislative sessions. I noted the filing of this lawsuit in my August report.

The question is: Must those who do not believe in a higher power be permitted to deliver the prayer of invocation at a government meeting?

In a courtroom across the street from the state Capitol, members of the House of Representatives challenged the legitimacy of a suit brought by a coalition of atheists, humanists and free thinkers on this question.

House members told Judge Christopher C. Conner that their prayer policy is constitutional, stating clearly that members of a "regularly established church or religious institution" can deliver the invocation. They said that over the years, representatives from different faiths have been selected for the task. "If you hear from prayer-givers, must you hear from people who don't want to pray but will be respectful and solemnize your occasion? The Constitution says that you don't have to," said Philadelphia lawyer Mark E. Chopko of Stradley Ronon, who is representing House officials.

But, five Pennsylvania residents and three organizations counter that the House has treated them like a "disfavored minority" because they do not believe in God. They have applied to give the invocation, they said in the suit, but have been turned down. "Discrimination based on race, sex, national origin, disability, and sexual orientation has become prohibited or disfavored," states the lawsuit. "Nevertheless, in the House's eyes, people who do not believe in God remain a disfavored minority against whom it is acceptable to discriminate." They are arguing the House's policy violates the free speech, equal protection, and establishment clauses of the U.S. Constitution.

The debate over prayer in government settings and the rights of nonbelievers has previously been addressed in a 2014 U.S. Supreme Court ruling. In a divided decision, the justices upheld the longstanding tradition of opening government meetings with prayer, even when a specific religion is

avored. The case grew out of a lawsuit by two residents in Greece, N.Y., who argued the town's government regularly opened its meetings with Christian prayer.

Most legislatures open their sessions with prayer, according to the National Conference of State Legislatures. The general guidelines are that they be "nonsectarian, inclusive of all beliefs, and nonpolitical," said Brenda Erickson, a senior research analyst at the group.

Some government bodies have decided to do away with prayer. Last year, the City Council in Phoenix voted in a highly controversial move to replace the opening prayer with "silent prayer" after a group of Satanists signed up to deliver the invocation.