

# **United Methodist Advocacy in Pennsylvania**

**January 31, 2017**

Following is my UM Advocacy report for January 2017:

The 201<sup>st</sup> Pennsylvania General Assembly convened for the first time, this month. It is the beginning of a two-year legislative session. Lawmakers met to take the oath of office on January 3. Each chamber only conducted a few days of actual legislative meetings, near the end of the month. This is a period of gearing-up. Most of the lawmakers' time, during this first month, was spent in caucus meetings, hearings, preparing legislation, sorting committee assignments and, in the case of new members, orientation and acclimation.

Governor Wolf will deliver his executive budget address on February 7. Each chamber will only meet for three or four days for legislation in February. Most of that month will be consumed by budget hearings. In fact, devising a balanced budget for 2017-18 will be the major legislative challenge during the first few months of this year.

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## **Sanctuary Pittsburgh**

Immigration and Sanctuary Cities are two related topics that have come to the forefront this month, because of positions taken by President Donald Trump. Mr. Trump's recently stated policy restricting immigration and threats to punish sanctuary cities, by withholding funding, have drawn heavy opposition.

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 are not mandated to perform these functions and sanctuary cities are not engaging in illegal activity by not cooperating with federal immigration authorities.

In Pennsylvania, Philadelphia has been highly vocal in declaring and defending its sanctuary position. On the other side of the state, Pittsburgh has previously exhibited a quiet attitude on this subject. However, on January 25, in response to President Trump's Executive Orders selectively restricting immigration, Pittsburgh Mayor William Peduto released a statement which unmistakably identifies the city as being in the sanctuary camp. Following is a segment from Mr. Peduto's statement:

Let's be clear: The President's executive order will not make us safer. It will not advance the principles upon which our nation and our cities were founded. It will further divide us as a city and as a nation. Pittsburgh joins tonight with other cities across the country and we stand ready to fight this unprecedented and this unconstitutional act. We will resist, with all powers at our disposal, any attempt to commandeer our local law enforcement officers into a national deportation army.

## **SCI Pittsburgh**

Probably the most prominent action of the state government during the month of January was the announcement regarding the closing of the state prison in Pittsburgh.

Earlier in the month, the Wolf administration announced that it intended to close two of the 26 state prisons. The purpose was to save money to help reduce the state budget deficit (state prison operations cost over \$2 billion) and to adjust to a shrinking prison population. Five prison facilities were placed on a short list, from which the two closings would be chosen.

The choices were scheduled to be announced on January 26. However, several senators, whose districts contained the selected prisons, wanted to delay the closing decision. Consequently, they organized a hearing on the issue, where they questioned Corrections Secretary John Wetzel and invited corrections officers and local politicians to argue against any closings. This hearing took place on Jan. 23. I watched the hearing on the Pennsylvania Cable Network. I thought it especially sad that representatives for each of the five selected prisons were paraded hat-in-hand to plead to keep open their particular facility.

The hearing did not delay the announcement. However, the Wolf administration decided that it only needed to close one facility, instead of two. SCI Pittsburgh was chosen. The reason was that it was the oldest (opened in 1882), the prime location of the property was highly marketable, and

the economy in the Pittsburgh region would not be as adversely affected as the other prison districts.

Nearly 2,000 prisoners are incarcerated at SCI Pittsburgh. It contains specialized health services, including oncological care, mental health and veteran services. These functions will be moved to another facility.

About 500 people are employed at SCI Pittsburgh. The employees will be offered transfers to other facilities—consequently, the state contends that no layoffs will be necessary.

The administration is predicting that this closing will save \$81 million. But, Sen. Wayne Fontana (D-Allegheny Co.) questioned that, observing that \$75 million of the operating costs are salaries.

Transfers of inmates and personnel will take place piecemeal, with shutdown completed by July 1, 2017.

Pennsylvania recorded its highest prisoner count in June 2012, with 51,757. As of the first of 2017, the count was 49,301. This reduction by about 2,400 is credited to alternative sentencing and increased paroles. Nevertheless, it has been pointed out that the Pennsylvania prison system is currently 3.9 percent over capacity. The Department of Corrections has said that this does not mean that the prisons are overcrowded. But, by whatever criteria they make that claim, adding another 2,000 inmates to the remaining space certainly appears to move in that direction.

## **Worsening Deficit**

As time goes on, projections for Pennsylvania's budget deficit are growing worse. The state Independent Fiscal Office forecast in November that revenue would come up short by at least \$524 million at the end of this fiscal year. In his December budget briefing, Budget Secretary Randy Albright said that his office was projecting a \$600 million deficit for the 2016-17 budget.

In a January 25 press release, IFO Director Matt Knittel said that revenues have displayed no growth for the first seven months of the current fiscal year—i.e., revenues are less than expected. Consequently, the IFO has also reduced its revenue growth projection for next fiscal year, 2017-18.

The IFO in November estimated a nearly \$1.75 billion deficit for 2017-18. But at its update on January 25, IFO added another \$334 million, increasing the deficit estimate to more than \$2 billion for next year.

Managing the budget will be the most critical work with which the general assembly and the Wolf administration will be faced this spring. The residents of Pennsylvania, especially the poor and needy, will likely feel the effects of cuts and reduced services. One way or another, sooner or later, everyone will have to pay for it.

## **Consolidation of State Departments**

At the end of January, Governor Wolf announced his proposal to consolidate four state departments into a new agency called the Department of Health and Human Services. The four current agencies to be combined are the departments of Human Services, Health, Drug and Alcohol Programs, and Aging.

The stated intention for this move is “to dramatically improve our ability to deliver services that will improve lives.” However, one has to believe that the desire to cut costs, in the face of the impending large state budget deficit, is the moving factor in this proposed restructuring.

The Department of Human Service is the largest employer of the four agencies, by far, with 16,402 employees. The four agencies together employ 17,720 people. The administration said that it will make every effort to mitigate the impact of this change on employees.

This restructuring will require legislative approval. Senate Majority Leader Jake Corman (R-Centre Co.)—a United Methodist—has promised hearings to understand the rationale behind the administration’s consolidation proposal.

### **Possible Changes for PASSHE Schools**

Operations at Pennsylvania's 14 state-owned universities are being reviewed as a result of falling enrollment and financial challenges. This could result in the merger or closure of some campuses.

On January 26, in his “state of the system” address, Chancellor Frank Brogan said the Pennsylvania State System of Higher Education's current operations are "unsustainable." The system is one of the nation's largest public university systems. State funding, \$444 million last year, has increased little in the last 17 years. The system's total enrollment is about 100,000 students.

It is unclear how long the review will take. Mergers or closings will require legislative approval.

### **Gambling Expansion**

The following entry consists of excerpts from a January 16, TribLive online article by Mark Gruetze, entitled *Gambling expansion likely for Pennsylvania in 2017*:

Sen. Kim Ward, R-Hempfield, and Sen. Jay Costa, D-Forest Hills, plan to introduce their parties' versions of bills to bolster the state's gambling industry. Among the issues the bills could address are:

- Making Pennsylvania the largest state to approve online casino gambling for anyone physically within its borders.
- Regulating Daily Fantasy Sports betting.
- Allowing gambling at airports or other non-casino sites.
- Determining a legally acceptable method for continuing the “local share assessment” that most casinos pay to the communities where they are based. The state Supreme Court ruled in September that the existing levy of a flat \$10 million or 2 percent of gross slot machine revenue was unconstitutional because it treats casinos unequally.
- Eliminating the \$10 “amenity” fee for people wanting to gamble at the state's two resort casinos.

Casey Long, director of policy and legislative affairs in the office of Senate President Joe Scarnati, R-Jefferson County, said Republicans expect to move a gambling bill through the Senate this session but did not say when. He said Ward will introduce the bill.

Costa outlined his proposal in a co-sponsorship memo recently circulated.

Last year, the House twice passed comprehensive gambling bills, including online gaming and Daily Fantasy Sports, but the Senate failed to act on them.

Ward, who was chair of the Recreational Development committee last session, has pushed for steering some tax revenue from gaming expansion to counties adjacent to those with casinos. Westmoreland County borders Allegheny, Washington and Fayette counties, which all have casinos. But Westmoreland doesn't get any of the local assessment payment.

(Ward) said she doesn't object to allowing gambling at airports, but it shouldn't be limited to Pittsburgh and Philadelphia.

Costa said his bill would allow all forms of online casino gaming, including slots and table games, and regulate Daily Fantasy Sports.

"I think it's a natural progression of gaming in Pennsylvania, the next logical step," he said. "To some degree, both (iGaming and DFS) are already present, particularly fantasy sports. What we're doing is regulating it."

Costa's proposal also would authorize iGaming tablets at the Philadelphia and Pittsburgh airports for a five-year pilot period and permit online lottery games. Resort casinos could pay the state \$1 million a year for five years to be open to all patrons at no charge.

His memo estimates the bill would generate \$137 million for the state's 2016-17 budget.

Pennsylvania has 12 casinos and ranks second to Nevada in annual gaming revenue.

## **Slot Machine Revenue**

A January 5 report from the Pennsylvania State Gaming Board said that slot machine gross gaming revenue for 2016 was essentially unchanged from 2015. The report shows total revenue for 2016 at \$2,360,184,122. That amount is 0.23 percent less than slot machine revenue in 2015. The highest calendar year for gross slot machine revenue occurred in 2012 when revenue was \$2,470,935,317.

Tax revenue generated for the state from slot machine gaming in 2016 was \$1,259,648,414. A significant portion of which is used for property tax reduction for homeowners, strengthening the horse racing industry and funding economic development projects.

## **General Assistance Suit**

The Pennsylvania General Assistance program was eliminated by Act 80 in 2012, through legislative action of the Generally Assembly and signed by Governor Tom Corbett. The program provided about \$200/month to 60,000 Pennsylvanians who were disabled or otherwise unable to work.

The PA Supreme Court is presently hearing a case which contends that the process which created Act 80 is unconstitutional. The lawsuit is being brought by several former assistance recipients and human service groups. The plaintiffs say that the process violated the "single

subject rule,” which requires a bill to deal with one topic. They say the bill was amended at the last minute to include multiple topics.

Commonwealth Court in 2013 found that the bill did not violate the single subject rule, because its contents broadly related to the delivery of human service programs.

A brief recently filed by the state asked the Supreme Court to uphold the Commonwealth Court’s finding.

Governor Wolf, during his gubernatorial campaign, stated that he would like to restore the assistance program.

If the Supreme Court rules in favor of the plaintiffs, it is unclear what will happen—especially in light of the current budget deficit.

### **Bishop Johnson and Berks Vigil**

I have referred frequently, in my reports over the last six months, to the Berks Detention Center, where undocumented immigrant women and children are being held. I will not go into the details here.

Bishop Johnson—in whose Conference the facility is located—has been asked to lead the monthly vigil in support of the detainees in March.

I provided reasons as to why she might participate, or why she might not want to participate, as follows:

Reasons to participate:

- 1) Many of the people confined at Berks have been under stress and suffering for more than a year. This is cruel and unusual punishment, especially for innocent people without legal charges. These particular individuals need to be relieved from their affliction. At the least, those confined will be encouraged to see outside supporters.
- 2) Those (e.g., Berks County) whose profits result from the pain of others need to be challenged and confronted.
- 3) Enforcement of governmental policy tends to be officious, amoral and impersonal. When this happens, as at Berks, it needs to be recognized and challenged.

Reasons not to participate:

- 1) The decision is pending in the case where Berks challenged the revocation of its license by the Commonwealth of Pennsylvania. If the state's license revocation is upheld, Berks will presumably be forced to cease operation. At this time, a vigil might serve no practical purpose and be a waste of energy.
- 2) In the "big picture," releasing the Berks detainees will contribute to overburdening the border protection process. Illegal border crossings from Central America have greatly increased. Asylum seekers are too frequently using the same story--in which they seem to be coached. Asylum guidelines are strict, but asylum seekers are granted a hearing. Hearings are backed-logged for years. Leniency encourages more undocumented immigration, resulting in

more hardship for more people--including frustration for those tasked with handling the situation.

3) My observation is that not all parties involved in the movement to close Berks have been reasonable or factually reliable. We need to carefully consider when, where and with whom we associate

Bishop Johnson has chosen to lead the vigil. The date is March 12. For what my opinion is worth, I am pleased.

## **LGBT Health Concerns**

I recently was given a copy of a 2016 report entitled *LGBTQA Community Health Needs Assessment*. The particular report that I read covered the thirteen counties in northwestern Pennsylvania. However, I was told that this assessment in other regions of the state produced comparable results. The study was commissioned by the PERSAD Center with funding from the Pennsylvania Department of Health. The questionnaire was designed by LGBT HealthLink.

Following are a few of the findings:

- Health coverage was somewhat lower among LGBT people than the general population.
- LGBT smokers were more prevalent than the general population—40.6% to 19.9%, respectively.
- 42% of LGBT people have experienced a health care provider react negatively because of gender orientation.
- LGBT people had a slightly higher tendency toward obesity than the general population.
- 54% of LGBT people perceived their own health to be good or very good--this perception appeared to be linked to higher levels of outside social acceptance.
- The three biggest health concerns for LGBT people were Mental Health, Suicide, STDs/HIV.

## **Ethics and the Attorney General's Office**

On January 11, the Pennsylvania attorney general's office announced that it had settled its billing dispute with the law firm that had produced the report examining the explicit emails controversy in the attorney general's office. The report was commissioned by former Attorney General Kathleen Kane. I have followed this situation in past monthly reports—there is no need to elaborate.

The AG's office will pay \$1.4 million for the report, beyond the \$380,000 already paid. This amount is \$400,000 less than the law firm sought.

Outgoing Attorney General Bruce Beemer welcomed the settlement of this deal, taking place before the new attorney general assumes office.

On Tuesday, January 17, Josh Shapiro was sworn in as Pennsylvania's new attorney general. One of Mr. Shapiro's first actions was to introduce a voluntary ethics policy for employees of his office. Only a week later, all 840 employees had signed on.

The policy requires that the staff perform their jobs "without discrimination or insensitivity to race, color, religion, gender, gender identity, sexual orientation, pregnancy, national origin, age, disability or genetic information." It stresses the importance of safeguarding confidential and investigative material. It also requires ethics training.

### **New Climate Change Caucus**

On January 25, a group of Democratic lawmakers announced the formation of the state legislature's first "Climate Change" caucus. Rep. Steve McCarter (D-Montgomery County), said a core group of 15 members have signed on to the new group, but lawmakers from both parties will be invited to attend the group's initial meeting in February. The new group said that they expect one of their primary roles to be educating their colleagues on how state policies enacted now could impact Pennsylvania's future.

The formation of this group is welcome news. I anticipate being in contact with them. I have worked on pro-environmental issues this past year, and expect to do more in the coming year.

### **Rep. Reed and Fair Districts**

On January 9, I led a group in a visit to Rep. Dave Reed's district office—Mr. Reed (R-Indiana) is the House Majority Leader and a United Methodist. Accompanying me were two members of the Indiana County League of Women Voters and a state-level organizer for the special interest group Fair Districts.

The subject of our visit had to do with the effort to stop gerrymandering by reforming the process by which legislative districts are created. We talked for almost an hour. However, at this time it would not be productive to elaborate further on the content of that meeting.

In current practice, the most senior legislators draw the district lines (after each Census). The General Assembly and the Governor must then approve this work. In practical terms, the party in the majority ends up controlling the process and gaining an advantage. The reform proposal is to place the creation of legislative districts in the hands of a nonpartisan citizen's committee.

In my observation, the subject of legislative redistricting reform is a snowballing issue. After the fall presidential election, more people are becoming politically involved. The topic of redistricting reform is one in which people can see a definable and practical outcome. Meetings with the purpose of organizing activism on this subject are drawing unexpectedly large numbers.

### **Legislature Size Reduction**

Pennsylvania has the largest full-time legislature in the nation with 253 members. The idea of reducing the size of the Pennsylvania legislature has been around for decades. A bill to that effect was actually passed in the last session. As legislators return this month to begin a new session, the process will continue.

A change to the size of the legislature requires an amendment to the state Constitution, which necessitates passing a bill with the exact same language in two consecutive sessions before the measure goes to Pennsylvania voters as a referendum. Consequently, with the first passage completed, voters could see a ballot question as soon as November 2017.

Two House bills have been introduced in January to reduce the size of the legislature. House Bill 153 would reduce the House from 203 members to 151. This would take place when the state forms new districts following the 2020 Census. The bill's sponsor, Rep. Jerry Knowles (R-Schuylkill), also sponsored the replica bill in the last session. The House passed that first bill with a vote of 139-56 as did the Senate 43-6.

The other bill, HB 92, has been introduced by Rep. Robert Godshall, (R-Montgomery). His legislation would reduce both chambers, the House to 150 members and the Senate from 50 to 40 members. This is the first attempt for this particular bill.

Both of these bills are in the preliminary stage. Neither has been sent to a committee, yet.

House Majority Leader Dave Reed (R-Indiana) said in December that he hoped to move a bill to reduce the size of the legislature in the early weeks of this session. However, his counterpart, House Minority Leader Frank Dermody (D-Allegheny) strongly opposes that effort.

*Pro:* A note attached to Mr. Knowles bill in the last session stated that a reduction of 52 seats would save \$10 million to \$15 million, annually. Supporters of reduction also say new technology has made it easier for constituents to contact their legislators, making distance a non-issue in the required expansion of the geographical size of districts.

*Con:* Rep. Dermody believes that expanded districts will make it more difficult for constituents to make contact with representatives. Republican Rep. Martin Causer is opposed to reduction because he represents the largest geographical district in the state, covering 2,500 sq. miles over three counties (Cameron, McKean and Potter). His district would grow to an unwieldy size. Furthermore, Mr. Causer questions cost savings. He observed, "I know firsthand that when a district expands, you hire more staff. It's not going to save money."

Some urban and minority lawmakers oppose downsizing on the grounds that it will reduce minority representation. Rep. Vanessa Lowery Brown (D-Philadelphia) noted that Philadelphia is represented by 13 minority representatives, but reduction would likely cut that down to nine or ten.

For comparison: California, which has a population of 38.8 million, has a 120-member Legislature. Florida, which represents 19.9 million people, has a 160-member Legislature. New Hampshire, the largest General Assembly, though part-time, has 424 members representing more than 1.3 million residents. Ohio, which is similar in population and size to Pennsylvania, has 132 members in its full-time Legislature.

## **Loss of Obamacare and PA Addiction Treatment**

During the last year, opioid addiction has been termed a "crisis" or an "epidemic" in Pennsylvania. It is an issue on which everyone agrees. It is a crusade. However, many who are in favor of the anti-opioid crusade are opposed to Obamacare, a.k.a. the Affordable Care Act.

So, what impact does the ACA have in the struggle against opioid addiction? According to Harvard health economics professor Richard G. Frank and New York University public service

dean Sherry Glied, more than 181,000 Pennsylvanians with substance abuse and mental disorders will lose access to services if ACA is discontinued.

Nearly 100,000 Pennsylvanians with mental and substance abuse disorders will lose services covered through ACA marketplace insurance. The remaining 81,000 residents receive coverage through an ACA-authorized expansion of Medicaid.

Additionally, Medicaid contributes 29 percent of Pennsylvania's funding for medication assisted treatment using buprenorphine, which reduces painful withdrawal symptoms from opioid addiction.

Nationwide, repeal would cut at least \$5.5 billion in federal funding that helps more than 1 million people with serious mental disorders and nearly 3 million with substance use disorders—of whom more than 200,000 are opioid-addicted.

### **Governor Cancer-Free**

On January 25, the governor's spokesman, J.J. Abbott, declared that Governor Tom Wolf had received a "clean bill of health." Gov. Wolf was diagnosed with prostate cancer last February, but received treatment as he continued to work. Mr. Abbott said that it's his understanding that the governor is now cancer-free.