

## **United Methodist Advocacy in Pennsylvania**

### **January 30, 2018**

Though legislative voting sessions for the Pennsylvania General Assembly didn't begin until January 22, this month was still a busy time, with legislative committee work, hearings, caucus meetings and preparation of new bills. Much energy was spent watching and reacting to federal political developments. Front and center, two gerrymandering court cases involving Pennsylvania produced rulings. This month, attention in Pennsylvania government was frequently focused on issues of drugs, gambling or sex.

For those interested in faith-related political action alerts, please subscribe to receive notices from the Pennsylvania Council of Churches. Register for online notifications using the address, below (copy and paste into your internet search box):

[http://org2.salsalabs.com/o/5415/p/salsa/web/common/public/signup?signup\\_page\\_KEY=531](http://org2.salsalabs.com/o/5415/p/salsa/web/common/public/signup?signup_page_KEY=531)

---

- **2017 Legislative Accomplishments**
  - **2017 Carryover**
  - **Federal Marijuana Enforcement**
  - **PA to Protect Medical Marijuana**
  - **Marijuana or Guns**
  - **Governor Declares Opioid Emergency**
  - **Governor's Declaration and Second Amendment Rights**
  - **Governor Supports Overtime Pay**
  - **Shutdown of Federal Government**
  - **End of Federal Government Shutdown**
  - **Federal Gerrymandering Case for Pennsylvania**
  - **PA Supreme Court Rejects Gerrymandering Map**
  - **Next Step in Legislative Redistricting Reform**
  - **Welfare Reform**
  - **Regulatory Reform**
  - **PA Birth Certificates**
  - **Bingo**
  - **Audit of PA Voter Registry**
  - **PA LGBT Equality Rating**
  - **Two Mini-Casino Licenses Granted**
  - **Sexual Misconduct in State Agencies**
  - **PA House Size Reduction**
  - **Underaged Lt. Gov. Candidate**
  - **Reed for Congress**
  - **Americans Losing Health Insurance**
  - **Wolf Challenged on Climate Values**
-

## 2017 Legislative Accomplishments

In 2017, the Pennsylvania General Assembly passed 82 bills signed into law by Gov. Tom Wolf. That's the fewest laws passed by the General Assembly since 2009. In six of the seven years since then, the Legislature passed more than 100 bills. In 2012, the Legislature passed 211 bills into law.

When asked to name legislative accomplishments, state Rep. Brad Roae (R-Crawford County) pointed to the legislation that conservative lawmakers prevented. "The most important accomplishment was not passing the various tax increases that were proposed," Roae said.

When asked the same question, Gov. Tom Wolf's re-election campaign committee had a similar perspective. In addition to working with the Legislature to pass a state reauthorization of the Children's Health Insurance Program and providing funding for the state's unemployment compensation call centers, the campaign pointed out that Wolf had wielded his veto pen to stop legislation that would have barred abortions after 20 weeks. The governor also vetoed a bill that would have barred local governments from banning plastic shopping bags. And, he vetoed a bill that would have created work requirements for abled-bodied adults who get health care coverage through Medicaid.

Asked to name legislative accomplishments, Jennifer Kocher, a spokeswoman for Senate Majority Leader Jake Corman, pointed to pension reform legislation that Wolf signed into law in June.

Stephen Miskin, a spokesman for House Majority Leader Dave Reed, pointed to what supporters call "protecting excellent teachers" legislation, which will allow schools to lay off teachers based on job performance instead of solely on seniority. That change was included in a November update to the school code.

A successful legislative year does not need to be based on the amount of legislation passed. Certainly for 2017, what did *not* happen appears to have been, in the minds of many lawmakers, as significant as what did happen. Perhaps, this situation is evidence of high-levels of political strife and opposition.

## 2017 Carryover

In Harrisburg, there are two issues that will be carried over from 2017 to 2018—contentiousness over taxation of the oil and gas industry and ramifications of past and present sexual misconduct.

The movement to add a severance tax on the gas industry, in addition to the impact fees already levied, dominated debate in the state House last fall. Movement on a bill to add a severance tax was slowed by consideration of numerous amendments to the bill.

Republican legislators in the House, especially, were adamant about preventing a severance tax for drilling, on the grounds it would drive away the industry. However, Republicans from the southeastern part of the state generally opposed their party's stance on this issue, supporting the tax.

Gov. Tom Wolf campaigned on a pledge to tax the gas industry and use the proceeds to fund schools. A statement released by his office said, "Pennsylvania is the only gas-producing state in the country without a severance tax."

Because House Bill 1401—proposing the severance tax—is still waiting on the table from before the winter recess, its progress needs to continue. And because many amendments have been forwarded, it appears to have a grueling path ahead of it.

The severance tax issue is part of an ongoing debate that has lasted for years. The problem of sexual misconduct and harassment has only recently come to the forefront in the state Capitol.

Though the #MeToo movement is national in scope and revelations of sexual misconduct in Pennsylvania government might not be as widespread as other states, we have still had a generous dose of controversy.

The state House disclosed in December that it had paid out more than \$500,000 in taxpayer funds to settle claims against Democratic lawmakers. State Rep. Leanne Krueger-Braneky (D-Delaware) said she plans to introduce what she calls the "#METOO Safe PA House Act," to bar lawmakers from using tax dollars to settle sexual harassment complaints. Stephen Miskin, a spokesman for House Majority Leader

Dave Reed, said that Republican lawmakers will likely craft their own version of legislation intended to address the issue.

Expect further developments.

## **Federal Marijuana Enforcement**

On January 4, US Attorney General Jeff Sessions announced that he was rescinding memorandums that instructed federal prosecutors not to pursue cases against medical marijuana patients and distributors. Now, U.S. Attorneys may enforce, as they see fit, the federal ban on cultivating, distributing and possessing marijuana in states that legalized it for medicinal purposes or adult use.

U.S. Sen. Bob Casey said he had “serious concerns” about how the decision could disrupt Pennsylvania’s nascent medicinal program, “Bureaucrats in Washington should not interfere with the medical care these patients are receiving.”

A spokeswoman for U.S. Sen. Pat Toomey said Toomey’s staff was reviewing the legal implications, but the senator “continues to believe that the federal government should help facilitate research into marijuana for legitimate medical purposes.”

## **PA to Protect Medical Marijuana**

On January 4, the same day U.S. Attorney General Jeff Sessions announced he is permitting federal prosecutors to pursue distributors in states with legalized medical marijuana, Pennsylvania Gov. Tom Wolf announced that the state’s first dispensary for medical marijuana is ready for business.

Session’s move shouldn’t have an immediate impact on Pennsylvania’s new program, because an amendment in the federal budget bars the Department of Justice from spending tax dollars to impede states’ medical marijuana programs.

Gov. Wolf said he will challenge any move by the Department of Justice to interfere with the state’s medical marijuana program. He has sent letters seeking to protect Pennsylvania’s program from federal overreach to Attorney General Sessions, the Pennsylvania delegation, and to Congressional leaders. The Governor vowed to pursue legal action should Pennsylvania’s medical marijuana program be threatened and urged Congress to act to protect states that have legalized medical marijuana.

On the first of January, California became the sixth state to allow the sale of marijuana for recreational use—the other states are Alaska, Colorado, Nevada, Oregon and Washington. Pennsylvania is one of 29 states that allow marijuana to be used for medicinal purposes.

## **Marijuana or Guns?**

On January 29, the state Senate State Government Committee approved a resolution that urges Congress to clarify the federal Gun Control Act to allow those being treated with medical marijuana to be able to purchase and possess firearms.

A separate resolution from the committee would also address that situation by encouraging Congress to remove marijuana from being listed as a Schedule 1 controlled substance and to recognize the medical purpose of marijuana.

Both resolutions must now be passed by the full senate.

At issue is the federal Gun Control Act that restricts those who use Substance I controlled substances from having or buying firearms. Technically, under current law, users of medical marijuana are placed in the dilemma of having to choose between their prescribed drug or their guns.

## **Governor Declares Opioid Emergency**

On January 10, Governor Tom Wolf declared a state of emergency in reaction to Pennsylvania's opioid addiction epidemic, signing an order for a 90-day disaster declaration.

State disaster declarations are usually made in response to natural disasters. But, Gov. Wolf is issuing this declaration as a public health measure. *Subchapter A of Chapter 73 of Pennsylvania Consolidated Statutes Title 35 (Health and Safety)* applies to declarations of disaster emergencies, limiting a state of disaster emergency to no more than 90 days, renewable by the governor. A concurrent resolution by the General Assembly may terminate the state of disaster emergency at any time. Such a declaration authorizes Commonwealth agencies to use all available resources and personnel, as necessary, to cope with the magnitude and severity of the situation.

This particular order provides state agencies with the authority to relax some regulations to get people into treatment more quickly. It directs officials in nine agencies to convene an Opioid Command Center, coordinated by the Pennsylvania Emergency Management Agency. It also allows emergency responders to leave naloxone with overdose victims so they can use it again if they decline treatment—officials said that in the past three years, police in Pennsylvania have revived people about 5,700 times using naloxone.

In past states of emergency, normal bid and contract procedures, as well as other formalities prescribed by law, have been waived for the duration of the proclamation.

Mr. Wolf noted that opioid overdose emergency room visits increased by 82 percent from the third quarter of 2016 to the third quarter of 2017. He also said state officials believe the death toll from opioid and heroin overdoses in Pennsylvania will be about 5,260 in 2017—about a 12 percent increase over 2016. The state's rate of drug overdoses has been more than twice the national average.

Pennsylvania Emergency Management Agency Director Rick Flynn described the approach as "a whole government, whole community response." The Wolf administration noted that seven other states have taken similar actions to address the opioid crisis.

## **Governor's Declaration and Second Amendment Rights**

Reaction to Gov. Tom Wolf's opioid disaster declaration on January 10 was generally positive. But, that didn't last.

Within a day or two, state Sen. Scott Wagner (R-York), who is running for governor, raised concerns about the impact of Wolf's declaration on gun rights. Wagner says that the state of emergency affects open firearm carry in Pennsylvania.

Section 6107 of Title 18 of the Pennsylvania Consolidated Statutes states, "No person shall carry a firearm upon the public streets or upon any public property during an emergency proclaimed by a State or municipal governmental executive."

State Rep. Sheryl Delozier (R-Cumberland) announced that she is seeking co-sponsors for legislation intended to "address a possible unintended consequence to Second Amendment rights as a result of the governor's declaration of a state of emergency in the fight against opioid addiction."

Wolf spokesman J.J. Abbott commented, "The governor's declaration does not allow for law enforcement to confiscate firearms and the governor worked with law enforcement to ensure his actions to fight this epidemic have no impact on citizens and their firearm rights."

## **Governor Supports Overtime Pay**

Prevented for three years by the Republican-dominated legislature from passing a law to raise the minimum wage, Democratic Gov. Tom Wolf is trying another approach to boost pay in Pennsylvania, by making more salaried employees eligible for overtime pay.

As announced on January 17, his proposed regulation to extend overtime would only need approval from a five-member board that has a 3-2 majority of Democratic appointees. However the approval process could take more than a year, which to guarantee establishment of the regulation depends on Wolf's re-election. The governor said that raising the overtime threshold would strengthen the middle class, boost the economy and help make wages fairer, "It's simple. If you work overtime, then you should get paid fairly for it."

The regulation would phase in over three years and eventually cover 460,000 more salaried workers, or about 8 percent of Pennsylvania's estimated payrolls of nearly 6 million. It would require that salaried workers earning up to \$31,720 annually in 2020 get time-and-a-half pay for work over 40 hours per week. In 2021 the threshold would rise to \$40,000 annually. In 2022, the threshold would rise to \$48,000 annually.

Pennsylvania's current threshold is set at the federal baseline of \$23,660, or \$455 per week, which took effect in 2004. The state last raised its overtime threshold by regulation to \$250 per week in 1977.

Worker-advocacy groups say that some employees often put in far more than 40 hours a week and end up making less than the minimum wage. In Pennsylvania, an employee can earn as little as \$24,000, and still be ineligible for overtime pay.

Business advocates warned that the measure would force employers to cut back hours and pay.

Wolf's proposal would also cover nonprofit organizations, from social services providers to higher education institutions. Nonprofits that provide services to people with disabilities, which rely on Medicaid funding for revenue, argued that they face service cuts if lawmakers do not also approve an increase in reimbursements.

Boosting overtime pay for workers would need approval from the Independent Regulatory Review Commission, a five-member board that reviews all proposed state regulations. The Pennsylvania Department of Labor & Industry expects to release the proposal for public comments in March.

## **Shutdown of Federal Government**

On January 19, the federal government was "shutdown" as a result of a Senate vote failing to pass a temporary budget for the nation. Non-essential Federal spending was suspended as of midnight. The major political parties each blamed the other.

Senate Democrats rejected the GOP spending plan, which included a six-year Children's Health Insurance Program (CHIP) re-authorization, because they wanted to leverage it to get Republican support for a legalization process for young immigrants who entered the country as undocumented children (DACA). CHIP was part of the budget legislation, DACA was not. Democrats said that CHIP would pass if considered separately. Republicans said that DACA needs to be considered separately.

## **End of Federal Government Shutdown**

On January 22, twenty-three Democratic Senators—including Pennsylvania's Bob Casey—agreed to support a Republican spending plan to reopen the federal government. Three days previously, non-essential government operations were halted after Congress missed a deadline to pass a funding reauthorization.

This action will keep the government running for three weeks, providing time to craft a permanent solution. Senate Republican Leader Mitch McConnell and Democratic Leader Chuck Schumer also agreed to address Deferred Action for Childhood Arrivals, which ends in March. Democrats earlier refused to support the spending plan unless Republicans addressed DACA.

## **Federal Gerrymandering Case for PA**

On January 10, a federal three-judge panel in Philadelphia, in a 2-1 decision, ruled against redrawing the map for federal congressional districts in Pennsylvania. However, in North Carolina, the previous day, a three-judge panel came to the opposite conclusion, unanimously ordering redistricting in that state. They also found that gerrymandering violated the First Amendment and the Elections Clause of the U.S. Constitution.

The Pennsylvania panel rejected the argument that the districts be redrawn because the state lawmakers who created the map in 2011 gerrymandered it to help Republicans. The court rejected the argument that districts should not consider politics, saying partisanship is part of the system.

On January 18, the plaintiffs in the Pennsylvania case filed a direct appeal to the U.S. Supreme Court. But, it is not clear when the high court might act on the appeal.

## **PA Supreme Court Rejects Gerrymandered Map**

On January 22, the Pennsylvania Supreme Court ruled against the state's present congressional map, agreeing that the 18 districts were unconstitutionally gerrymandered to benefit the Republican party. The case, *League of Women Voters v. Commonwealth of Pennsylvania*, was brought by the Philadelphia-based Public Interest Law Center.

The decision came as the U.S. Supreme Court is weighing cases from Maryland and Wisconsin to determine whether redistricting can be so partisan that it violates the U.S. Constitution. The high court has never struck down an electoral map as a partisan gerrymander.

In the 4-3 decision by the Pennsylvania Supreme Court, the court said the boundaries "clearly, plainly and palpably" violate the state's constitution, removing it for the 2018 elections—though, the March 13 special election in the vacant 18<sup>th</sup> Congressional District shall be unaffected by the order. The decision came less than a week after the justices first heard arguments in Harrisburg.

The justices gave the Republican-controlled legislature until Feb. 9 to produce a replacement map. They gave Democratic Gov. Tom Wolf until Feb. 15 to approve and submit the map to the court. If the governor and legislative leaders fail to reach a consensus, the court said it could move to impose its own plan for the state's congressional districts.

Evidence produced in the case has made it clear, with today's technology, maps can be generated very quickly, once the parameters are settled. The new map envisioned by the state court's decision—to be built on principles of compactness, contiguity and equal population—will affect each of Pennsylvania's districts, except the 18<sup>th</sup>.

In reaction to the state Supreme Court's ruling, Pennsylvania senate Republicans said the state court's decision lacked clarity and precedent. President Pro Tempore Joe Scarnati and Majority Leader Jake Corman attacked the ruling as a "partisan action showing a distinct lack of respect for the Constitution and the legislative process." On January 25, the two presiding officers of the Pennsylvania General Assembly—Senate President Pro Tempore Joe Scarnati and Speaker of the House Mike Turzai—filed an emergency motion with the U.S. Supreme Court requesting relief from the state court's decision.

Joshua A. Douglas, a law professor at the University of Kentucky and expert on election law, noted the order says the current map violates the Pennsylvania Constitution and that document is the "sole basis" for the decision. "My sense is the majority is making that explicit, to say there's no federal issue here," Douglas said. "That language was purposeful."

Gov. Tom Wolf, who was named as a defendant in the case, but sided with the Democratic plaintiffs, supported the decision. "I will not accept a partisan gerrymander or a map that is unchanged from the one drawn in 2011," he tweeted.

The decision has immediate implications for the 2018 election. Sitting members of Congress and candidates might find themselves no longer living in districts in which they intend to run for election. It also has implications for GOP-control of Congress, since only Texas, California and Florida send more Republicans to the U.S. House than Pennsylvania.

**HOWEVER**, the path of the Pennsylvania Supreme Court's decision is not finished. At this writing there are two matters that remain unsettled. First, the PA Supreme Court has not yet produced an explanation of the legal basis of its ruling. Second, the U.S. Supreme Court did not reject the emergency appeal to block the Pennsylvania ruling. In fact, Justice Alito asked for a response from the League of Women Voters. It seems that there is a chance that the appeal could be granted.

## **Next Steps in Legislative Redistricting Reform**

The January 22 decision by the state supreme court is indeed a significant step on the road to redistricting reform. I would go so far as to call it a breakthrough in the anti-gerrymandering campaign. However, as important as this decision is, it is not the end.

United Methodists who believe gerrymandering to be unjust and agree with our social principle—"The strength of a political system depends upon the full and willing participation of its citizens. The church should continually exert a strong ethical influence upon the state, supporting policies and programs deemed to be just and opposing policies and programs that are unjust."—should continue efforts for long-term change of both state and federal legislative districts.

The ultimate solution will come through the state legislature, not the courts. More and more legislators are paying attention and the cosponsors to legislative redistricting bills are growing. The bills to support are House Bill 722 and Senate Bill 22. Now is a good time to contact legislative leadership to support these bills. Especially, call or write to state Senator Joseph Scarnati and Speaker of the House Mike Turzai.

## **Welfare Reform?**

Pennsylvania House Republicans are preparing a series of reforms to the welfare system with the intention of moving more people off government dependency and becoming self-sufficient. They are proposing a package of about 20 bills aimed at changing the rules on various human service programs.

While the powers behind the bills say their motivation is to change the system to encourage able-bodied people to move off welfare rolls and earn a living, there are also financial reasons. Rep. Aaron Kaufer (R-Luzerne County) said early estimates suggest the package of bills could free up as much as \$210 million in the state budget for use in other areas. Forty percent of the state's spending goes to pay for human service programs.

A spokesman for Gov. Tom Wolf said they will review the package of bills, but noted the governor's goal is to help people gain skills to acquire jobs and move toward independence while maintaining safety net programs.

The House Republican Policy Committee held hearings last year where they heard stories from employers who spoke of an inability to find people who want to work, show up on time and pass a drug test. Committee chair, Rep. Kerry Benninghoff (R-Centre), said the committee heard about unintended consequences of the welfare system that discourages people from finding work as well as individuals who take advantage of the programs that Pennsylvania offers.

Following are descriptions of some of the proposed legislation:

- Establishing a 48-month lifetime limit on Temporary Assistance for Needy Families benefits.
- Requiring a photograph of welfare recipients on their Electronic Benefit Transfer card.
- Barring able-bodied adults (defined as those who are not senior citizens or have children or who are disabled) from qualifying for waivers of the work requirements for Supplemental Nutrition Assistant Program benefits (formerly called food stamps).
- Creating an interstate compact with surrounding states to ensure an individual is only receiving benefits from the state where they reside.
- Cutting off public assistance, except for medical assistance, if a child is truant.
- Prohibiting individuals from using an EBT card to buy tobacco products.
- Establishing a pilot work not welfare program that would allow a TANF recipient to collect benefit while collecting a wage for a 20-hour week and gradually moving the person over the course of a year to working a 40-hour week with no benefits.
- Requiring the state to cross-reference the roster of welfare recipients with death records that the Department of Health and Social Security Administration maintain, and eliminate benefits immediately if a death record is found.

## **Regulatory Reform**

On January 17, the House State Government Committee chair, Rep. Daryl Metcalfe (R-Butler) released The Regulatory Overreach Report, by his committee. The report, he said during a Capital press conference, “Clearly demonstrates that it’s long-past time for the legislature to avenge the ever-increasing injustices of Pennsylvania’s restrictive regulatory environment. Overregulation caused by unelected government bureaucrats is killing family-sustaining jobs, strangling opportunity and crippling economic growth.”

Rep. Metcalfe and some other GOP lawmakers have created a package of five bills—three already introduced and two that are new—that they argue will bring a balance to the state’s regulatory processes.

The three earlier bills would 1) give the legislature the ability to initiate the repeal of any state regulation in effect; 2) require the General Assembly to vote to approve an “economically significant regulation” in order for that regulation to go into effect; and 3) create the Independent Office of the Repealer, which would constantly review existing regulations in order to make recommendations to the legislature and the executive branch about regulations to consider repealing.

The newer bills would 1) require all agencies which issue permits to post information about the permits that they grant on their website; and 2) require each agency to appoint a regulatory compliance officer to better educate the regulated community regarding implementation for any new regulation prior to the effective date.

The state has a pretty sophisticated review process for determining the merits of proposed regulations, said James Broughel, a research fellow at the Mercatus Center at George Mason University. But, he added, it lacks the same kind of rigorous review of old regulations. Kentucky, Missouri and Illinois have launched initiatives to review old regulations to determine if they are still needed, he said. Other states, including Texas, have adopted strategies to get rid of an old regulation whenever a new one is enacted.

## **PA Birth Certificates**

State Rep. Daryl Metcalfe (R-Butler) is challenging the new Pennsylvania birth certificate.

The new birth certificate replaces the words “mother” and “father” with “parent” and “parent.” The Pennsylvania Health Department made the change last August. Metcalfe and two dozen other state legislators say that this change violates the vital records law. But, the Wolf administration says this



update better accommodates families consisting of same-sex couples and reflects the legality of same-sex marriage.

In a letter to the governor, the legislators say that the state Health Department should be spending its time and money catching up on a backlog of requests for birth and death certificates rather than making changes to birth certificates.

In the letter, Rep. Metcalfe claimed the administration's "unilateral change, without seeking statutory change from the General Assembly, is in violation of the law." A Health Department spokeswoman said that the law tasks the department with designing vital records forms and that the department has fulfilled that obligation.

Metcalfe said, "They are doing nobody any good by pushing their social agenda through changing birth certificates for all the many babies born since August. Every baby has a mother and a father. They don't have two parents that are not of the opposite sex." Michael Geer, president of the Pennsylvania Family Institute, agreed, saying, "Every child comes from a male and a female. Original birth certificates should retain this record for historical and medical records purposes."

But, Molly Tack-Hooper, a staff attorney for the American Civil Liberties Union of Pennsylvania argues misgendering a child's same-sex parents on a birth certificate is unacceptable. "The fact that Representative Metcalfe would prefer everyone to be gendered does not mean that is how it should be," she said.

It seems to me that there is a significant question here. Should birth certificates identify the biological parents or the legal parents?

## **Bingo**

Pennsylvania's bingo law is known as Act 66. It was signed into law in December.

Act 66 increases the prize limits for bingo games, removes restrictions on the number of days a licensed association may conduct bingo games, removes restrictions on advertising and eliminates the two-year waiting periods for volunteer fire companies that merge or consolidate services, provided that at least one entity held a valid and current license prior to the merger.

The law was introduced by state Rep. Kate Klunk (R-Hanover). Rep. Klunk said the bill will help organizations that depend on bingo for fundraising. "All associations will benefit from the removal of restrictions on advertising," she said. "This will help both small and large associations with increasing attendance. Larger prizes will also entice more players."

Bingo is used as a widespread fundraising source throughout the state. Many organizations and fire companies claim that they would be forced to cease operations without the use of bingo games.

However, in many cases, it appears that bingo is not the main source of profits, but the enticement that draws an audience. The thought is that bingo games do little more than break even. But, once the audience is gathered, small games of chance are used to raise a profit. Small games of chance include pull-tab games, punch boards, raffles, daily drawings, weekly drawings, 50-50 drawings, and race night games obtained from distributors licensed with the Department of Revenue.

The Small Games of Chance Act requires club licensees who make more than \$40,000 in small games of chance sales to donate 60 percent of their earnings to public interest purposes, such as scholarships or nonprofits; 40 percent can be used for club licensee expenses. Fire departments are exempt.

Act 66 and the Small Games of Chance Act are separate laws. There is no requirement for an association to donate a portion of its bingo proceeds. Both bingo and small games of chance require licenses.

## **Audit of PA Voter Registry**

On January 8, state Auditor General Eugene DePasquale provided an overview of his major audit initiatives for 2018. His plans include conducting a performance audit of the Department of State's voter

registry, to protect the integrity of Pennsylvania's election system. Accusations of irregularities and insecurities in the nation's election systems have been extent since the 2016 presidential election.

The Auditor General said his concern stems from the federal disclosure last September that Russian hackers tried unsuccessfully to access Pennsylvania's election system before the presidential election. Pennsylvania was one of 21 states targeted by the Russians, according to the Department of Homeland Security. "I think there is now pretty clear evidence there was an attempt by the Russians to hack the Pennsylvania system," said Mr. DePasquale.

DePasquale's office is working with Gov. Tom Wolf's office and a bipartisan group of senators to determine the scope of the audit.

## **PA LGBT Equality Rating**

Pennsylvania is improving in LGBT-related social equality, according to a report released January 10, by the Equality Federation Institute and Human Rights Campaign. The report scores Pennsylvania in the top half of states in its 2017 State Equality Index. The state moved up into the "Building Equality" category, for the first time.

The report examines statewide LGBTQ-related legislation and policies in the areas of parenting laws and policies, relationship recognition and religious refusal laws, non-discrimination laws and policies, hate crime laws, youth-related laws and policies and health and safety laws and policies.

According to the report, states ranking in the Building Equality category have taken steps toward more robust LGBT equality, including passing basic non-discrimination and hate crimes laws.

It should be noted that the Pennsylvania Human Relations Act prohibits discrimination based on race, religion, ethnicity and handicap, but does not provide protections based on sexual orientation.

Besides Pennsylvania, the other states in the Building Equality category are: Hawaii, Indiana, New Hampshire, Utah and Wisconsin.

## **Two Mini-Casino Licenses Granted**

On January 10, the highest bid for Pennsylvania's initial mini-casino license was revealed. Penn National's Mountainview Thoroughbred Racing Association won the bid at \$50.1 million. The new mini-casino will be located in York County, near the borough of Yoe, 50 miles south of the Hollywood Casino in East Hanover Township.

This is the first of ten mini-casino licenses to be granted. There were three other bidders in this round. Ironically, Penn National's had been one of the loudest critics of the state's plan to add more gambling sites across Pennsylvania.

The state allowed communities to opt-out of having a casino located in their boundaries. More than 100 did so, including the borough of Yoe. However, there were still some areas available to containing a casino in the vicinity of the borough.

The mini-casinos—known as Category 4 casinos—are permitted to operate 750 slot machines and 40 table games. Host communities will receive an annual share of the slot revenues.

On January 24, the second mini-casino license was granted to Stadium Casino LLC, for a \$40.1 million bid. There were three other bidders.

The firm submitted an affidavit naming Derry Township as the center of an area 30 miles in diameter for a mini-casino site in Westmoreland County. They are currently building a Category 1 casino in Philadelphia.

Stadium's successful bid was welcomed by Sen. Kim Ward (R-Westmoreland), who has long advocated for a casino in her county. Senator Ward said her county will benefit from the economic development and the annual share of local slot revenue that come with hosting a casino.

## **Sexual Misconduct in State Agencies**

On January 2, the Wolf administration provided data on alleged sexual harassment over a five-year period in state government agencies. It was revealed that 339 reports were filed during the five years ending last June 30.

The numbers were provided to The Associated Press in response to a Right-to-Know request. Of the departments with the largest number of complaints, the Corrections Department said it had 91 sexual harassment reports during the period. The Human Services Department had 58 reports, the Pennsylvania Liquor Control Board 60 and the state police 34. "The administration is working on an in-depth review of complaints," said Wolf spokesman J.J. Abbott, including "the nature of the complaint and how it was handled."

This information comes on the heels of resignations by two state government officials amid allegations of misconduct in the workplace. State Fire Commissioner Tim Solobay and the Senate's security chief Justin Ferrante resigned amid reviews of complaints of sexual harassment.

## **PA House Size Reduction**

On January 23, the House State Government Committee voted to send House Bill 153 to the full House. The bill seeks to reduce the number of state representatives from its current 203 to 151 members. This bill does not change the number of state senators.

In the previous two-year legislative session (2015-16), the same legislation was approved by the General Assembly. However, since the changes in the bill requires a constitutional amendment, the matter must be passed again in this immediately succeeding session (2017-18). If approved by both chambers, the proposal will go before the voters in the form of a ballot referendum. If it moves quickly, the issue could go before the electorate this fall.

"Your bosses will decide whether or not they want to have 151 members of the House of Representatives, or 203," bill sponsor Rep. Jerry Knowles (R-Schuylkill) told the committee. "That's the main point in this thing: the people—the voters of Pennsylvania—will get to make that decision."

Democratic members of the committee attempted to amend other items into the bill, knowing full well that altering the bill would reset the clock on attempting to implement a constitutional amendment. The amendment failed on a party-line vote 10-15, with the committee's Republican members opposing the amendment. Following the defeat of that amendment, the committee's Democrats withdrew the rest of their proposed amendments. "You amend this bill, the bill is dead," Knowles said.

The committee also acted on House Bill 253, that would reduce the size of the state Senate from 50 to 37, sending it to the full House for consideration. Similar legislation was approved by the House last session but died in the Senate. If HB 253 picks up momentum, it could be ready for a referendum as early as fall 2019.

## **Underaged Lt. Gov. Candidate**

On January 16, Joe Gale, a Montgomery County commissioner, announced that he will run for the Republican nomination for lieutenant governor. The problem is that Mr. Gale is 28-years-old, but the constitutional age threshold for that office is thirty.

Mr. Gale will not be old enough to be sworn in in January 2019, should he win election. But, he will turn 30 in March 2019—at which point he could begin serving in office.

**Joe Gale** joins a Republican field of three others, including former state Rep. **Gordon Denlinger** of Lancaster County, suburban Philadelphia real estate investor **Jeffrey Bartos**, and a Berks County businessman who ran for state treasurer in 2016, **Otto Voit**.

Six Democrats are lined up for the May 15 primary to choose their party's Lt. Gov. candidate:

- Aryanna Berringer, 35, an Army veteran and IT project manager from Westmoreland County.
- Kathi Cozzone, 55, a Chester County commissioner.
- Craig Lehman, 54, a Lancaster County commissioner.
- John Fetterman, 48, mayor of Braddock, Allegheny County.
- Madeleine Dean, 58 a, state representative from Abington, Montgomery County.
- Lt. Gov. Mike Stack, 54, seeking re-election.

## **Reed for Congress**

On January 23, Pennsylvania House Majority Leader Dave Reed formally announced that he will run for Congress to succeed U.S. Rep. Bill Shuster in the 9<sup>th</sup> District. Shuster has decided not to seek re-election after holding the seat since 2001.

Reed, 39, a Republican, has been a state representative since 2003. He has been the Majority Leader for three years. The 9<sup>th</sup> District is heavily Republican. It is anticipated that the GOP primary for the congressional seat will be crowded.

Dave Reed is a United Methodist.

## **Americans Losing Health Insurance**

The number of Americans without health coverage increased during President Donald Trump's first year in office, according to data from a new Gallup survey.

At the end of 2017, 12.2 percent of U.S. adults lacked health insurance, increasing from 10.9 percent at the end of 2016. This indicates that 3.2 million adults lost health coverage in 2017. The 1.3 percentage increase marks the first time since 2008 that the share of adults without insurance increased from the previous year.

The decline in coverage was most pronounced among young adults, blacks, Latinos and households making less than \$36,000 a year, Gallup found. The losses follow health insurance gains, driven especially by the Affordable Care Act.

The federal tax bill that passed in December will eliminate the penalty on Americans who don't get coverage in 2019. The elimination of that penalty, the so-called individual mandate, is widely expected to further reduce the number of Americans with coverage. Moves by the Trump administration to weaken insurance rules are expected to further destabilize insurance markets. "It seems likely that the uninsured rate will rise further in the years ahead," the Gallup report notes.

The survey was based on a random sample of 25,072 adults living in all 50 states and the District of Columbia who were interviewed between Oct. 1 and Dec. 31. The margin of error is plus or minus 1 percentage point.

## **Wolf Challenged on Climate Values**

On January 26, after a news conference regarding oil and gas permitting, Governor Tom Wolf said he never made a campaign pledge to join the Regional Greenhouse Gas Initiative—an effort among

northeastern states to limit carbon emissions. “I don’t remember making that promise,” he said. “In fact, I do remember I didn’t make that promise.”

In fact, he did. Joining RGGI was part of his campaign platform when he ran for governor in 2014.

When asked why Pennsylvania hasn’t joined the U.S. Climate Alliance, he dismissed it as a symbolic gesture. The alliance is made up of a bipartisan group of 16 governors. It was formed in response to President Donald Trump’s decision to withdraw the U.S. from the Paris climate agreement. Wolf is one of three Democratic governors who has not joined the Climate Alliance.

Mark Szybist, of the Natural Resources Defense Council, noted Wolf’s decision not to join is also symbolic. “Symbols matter,” Szybist said. “Symbols are the way we communicate our values and goals—which certainly matter. They’re a large part of how leaders lead, or don’t.”

In regard to environmental issues, Gov. Wolf’s track record has been more talk than action. Many environmentalists have been disappointed with the governor’s lack of leadership in this area.

Dai Morgan