

United Methodist Advocacy in Pennsylvania November 30, 2018

The 2017-18 two-year legislative session in Pennsylvania concluded on November 30. All unfinished legislation ceases to exist. Any old legislation that is to be perpetuated needs to be reintroduced as new legislation in the new session beginning January 1, 2019.

For practical intents and purposes, legislative activity ended in October. In the General Assembly, November was a time for administrative housekeeping and identifying party leadership for the coming session.

Almost one-third of the space in this month's report has to do with the changes to the General Assembly. For some, this might be tedious. For those who need this information, it will serve as a good starting point for identifying key leadership—though many legislative committee chairs will not be filled until the beginning of the upcoming session.

Of course, outside the General Assembly, activity continues in Harrisburg. I have included several items that I found to be of interest.

For those who want to receive legislative alerts and calls to action on political issues for the faith community, I refer you to the Pennsylvania Council of Churches online information—visit their website at: pachurches.org. Go to the "Advocacy" page, accessible through the menu at the top of the homepage. Here one can link to further information or subscribe to advocacy action notifications.

Don't forget the United Methodist Advocacy in Pennsylvania website: umadvocacypa.blogspot.com

Furthermore, save the date for the weekend of May 18, 2019. We will be conducting a Faith and Politics Conference. The location will be Harrisburg, PA. United Methodists—and non-UMs—across Pennsylvania are invited to attend. Details to follow soon.

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Democrats Gain in PA in November's Elections

Democrats made noticeable gains in Pennsylvania during this fall's elections. Some people see it as a result of a "blue wave." Others would see the congressional election results as more influenced by the new districts map created by the Pennsylvania Supreme Court. Still others would point to the historical pattern of elections during a presidential midterm favoring the party opposed to the president. All three perspectives are probably true.

Democratic Gov. Tom Wolf, was re-elected to a second four-year term. John Fetterman will be his new Lieutenant Governor when the two are sworn into office in January.

Democratic U.S. Sen. Bob Casey won another six-year term.

Of the 18 congressional districts in Pennsylvania, the Democrats flipped four, bringing the state's delegation to an even 9-9 split between Republicans and Democrats. Pennsylvania's congressional delegation will also see its first female members in years, with Democratic state Rep. Madeleine Dean winning the new 4th Congressional

District, Democrat Mary Gay Scanlon winning the new 5th District, Democrat Christina Houlahan winning the new 6th District and Democrat Susan Wild winning the new 7th District.

The party ratios in the Pennsylvania General Assembly have also changed—though, unlike the U.S. House of Representatives, the Republican majorities have not been overturned in either state chamber.

In the state Senate, where Republicans were defending 18 of 25 seats up for election, Democrats flipped five of those seats. The Senate Republicans will have a 29-21 majority in the chamber when the 2019-2020 begins in January—the Republicans held a 34 member super-majority in the concluding session. The GOP has held the majority in the state Senate since 1994.

In the concluding session of the state House of Representatives, Republicans held a 121-82 majority. However, at the time of the election, Republicans held 120 seats to the Democrats' 79, with 4 vacancies. Twenty of the Republican seats were open due to legislative retirements. Democrats won 5 of the open seats previously held by the GOP and were able to unseat 8 Republican incumbents. However, Democrats also lost three seats. When the 2019-2020 legislative session begins in January, the House Republicans will have a 110-93 majority.

Many Lawmaker Retirements

A great many lawmaker retirements are taking place with the concluding legislative session, as of November 30.

This includes eight House Republican committee majority chairs—accounting for one-third of the chamber's standing committees. In the Senate, four Republican majority chairs are leaving due to a mix of retirements and election defeats.

On the other side of the aisle, four House Democratic committee minority chairs are leaving, while the *Urban Affairs* chair became vacant with the death of Rep. Michael O'Brien (D-Philadelphia).

Those departures of committee chairs occur alongside the retirements of House Majority Leader Dave Reed (R-Indiana) and House Minority Whip Mike Hanna (D-Clinton).

The departure of so many lawmakers who hold committee chairs is significant. Committee chairs have the power to decide whether bills move forward to enactment or not. “That is a high number,” said Rep. Reed’s spokesman Stephen Miskin. “It’s going to be a dramatic change in the chairmanships.”

The change might be most noticeable regarding judiciary issues, since both Senate *Judiciary* Chair Stewart Greenleaf (R-Montgomery) and House *Judiciary* Chair Ron Marsico (R-Dauphin) are retiring. The transition at Judiciary is of great interest to groups concerned with criminal justice issues.

Other Chairs leaving are:

House Republicans: John Taylor (R-Philadelphia) *Transportation*; Adam Harris (R-Juniata), *Liquor Control*; Kathy Watson (R-Bucks) *Children and Youth*; Robert Godshall (R-Montgomery) *Consumer Affairs*; John Maher (R-Allegheny) *Environmental Resources and Energy*; Bernie O'Neill (R-Bucks) *Finance*, and Mark Mustio (R-Allegheny) *Professional Licensure*.

House Democrats: Joe Markosek (D-Allegheny) *Appropriations*; Curtis Thomas (D-Philadelphia) *Commerce*; Paul Costa (D-Allegheny) *Liquor Control*, and William Keller (D-Philadelphia) *Transportation*.

Senate Republicans: Chuck McIlhinny (R-Bucks) *Law and Justice*; Randy Vulakovich (R-Allegheny) *Veterans Affairs and Emergency Preparedness*; and John Eichelberger (R-Blair) *Education*. The chairmanship of the *Local Government Committee* has been vacant since Sen. Scott Wagner (R-York) resigned to run for governor.

The new chairs for the 2019-20 legislative session will be named in January by the House Speaker and Senate President Pro Tempore, elected January 1, at the opening of the new session.

PA House Leadership Chosen for Next Session

On November 13, the new leadership teams of the two political caucuses of the Pennsylvania House of Representatives were elected by their caucuses in the state Capitol, with some changes due to current leader departures.

The House Republican Caucus will have a 110-93 majority in the chamber when the 2019-2020 session begins in January—down from the 121 GOP seats in the concluding session. But, the reduced size of the caucus has likely made it more conservative, just as the seats picked up by the House Democrats have likely moved that caucus farther left.

Bryan Cutler, (R Lancaster), was elected to be House Majority Leader for the 2019-20 session, with House Majority Leader Dave Reed (R-Indiana) leaving the Legislature for the private sector. Rep. Cutler said that with so many new members joining both House caucuses next session—a total of 43 (19 Republicans and 24 Democrats)--it is likely the chamber will start off with “unfinished business” from the current session.

House Speaker Mike Turzai (R-Allegheny) was chosen by the Republican caucus as its Speaker-designee for the coming two-year session. Given the GOP’s solid majority in the House, Turzai is almost guaranteed to repeat as Speaker, a position to be elected by the entire House during the General Assembly’s swearing-in day, Jan. 1, 2019.

At 93 members, the House Democrats will bring to the state Capitol their largest caucus in several years, helped by gains primarily in southeastern Pennsylvania—the Democrats last had a 93-member caucus after the 2012 elections. The new minority leadership for the House Democratic Caucus reflects a shift in their geographic power base to the southeast region. Minority Leader Frank Dermody (D-Allegheny) was re-elected to continue to lead the caucus during the next legislative session. However, Dermody will share the reins with two lawmakers from the southeast, Rep. Jordan Harris (D-Philadelphia), the new Minority Caucus Whip, and Rep. Matthew Bradford (D-Montgomery), the new minority Appropriations Committee chairman—both succeed western Democrats.

Two of the Democratic Caucus' leadership positions will be held by women—the same as the Republican Caucus. Rep. Dermody noted that thirty of the 93 Democrats elected this fall are women, the largest number yet for the caucus.

Following are the lists of the 2019-2020 PA HOUSE LEADERSHIP:

House Republican Leadership

Speaker-Nominee: Mike Turzai (R-Allegheny)
Majority Leader: Bryan Cutler (R-Lancaster)
Appropriations Chairman: Stan Saylor (R-York)
Whip: Kerry Benninghoff (R-Centre)
Caucus Chair: Marcy Toepel (R-Montgomery)
Caucus Secretary: Mike Reese (R-Westmoreland)
Caucus Administrator: Kurt Masser (R-Northumberland)
Policy Chair: Donna Oberlander (R-Clarion)

House Democratic Leadership

Minority Leader: Frank Dermody (D-Allegheny)
Appropriations Chairman: Matt Bradford (D-Montgomery)
Whip: Jordan Harris (D-Philadelphia)
Caucus Chair: Joanna McClinton (D-Philadelphia)
Caucus Secretary: Rosita Youngblood (D-Philadelphia)
Caucus Administrator: Neal Goodman (D-Schuylkill)
Policy Chair: Mike Sturla (D-Lancaster)

PA Senate Leadership Chosen for Next Session

On November 14, the leadership teams of the two political caucuses of the Pennsylvania Senate were elected by their caucuses in the state Capitol. There were no changes to the leadership of either caucus and the elections proceeded quickly.

The Senate Republicans will have a 29-21 majority in the chamber when the 2019-2020 begins in January—the Republicans held a 34 member super-majority in the concluding session.

The GOP has held the majority in the state Senate since 1994.

Sen. Joe Scarnati (R-Jefferson) was again chosen by his caucus to be the nominee for Senate President Pro Tempore. His nomination will be voted by the full Senate when the new General Assembly convenes for the first time on Jan. 1, 2019. Sen Scarnati has held the position since 2006.

The Republican Caucus Policy Committee Chair and the Caucus Administrator were not elected, but are to be appointed by Sen. Scarnati.

Following are the lists of 2019-2020 PA SENATE LEADERSHIP:

Senate Republican Leadership

President Pro Tempore Nominee: Sen. Joe Scarnati (R-Jefferson)

Majority Leader: Sen. Jake Corman (R-Centre)

Whip: Sen. John R. Gordner (R-Columbia)

Appropriations Committee Chair: Sen. Pat Browne (R-Lehigh)

Appropriations Committee Vice-Chair: Sen. Kim Ward (R-Westmoreland)

Caucus Chair: Sen. Bob Mensch (R-Montgomery)

Caucus Secretary: Sen. Richard Alloway (R-Franklin)

Policy Committee Chair: to be appointed

Caucus Administrator: to be appointed

Senate Democrat Leadership

Minority Leader: Sen. Jay Costa (D-Allegheny)

Whip – Sen. Anthony Hardy Williams (D-Philadelphia)

Appropriations Committee Chair – Sen. Vincent Hughes (D-Philadelphia)

Appropriations Committee Vice-Chair – Sen. Judy Schwank (D-Berks)

Caucus Chair – Sen. Wayne D. Fontana (D-Allegheny)

Caucus Secretary – Sen. Larry Farnese (D-Philadelphia)

Policy Committee Chair – Sen. Lisa Boscola (D-Northampton)

Caucus Administrator – Sen. John Blake (D-Lackawanna)

Auditor General's Recommendations to Reduce Gun Violence

On November 27, following a year-long review of firearm safety in Pennsylvania, state Auditor General Eugene DePasquale released a report with 12 recommendations for reducing gun deaths.

The report focused on how existing law can have a positive impact on safety and the public cost of providing care for those who are gunshot victims. It was assembled with input from gun safety advocates, health care professionals, law enforcement, and gun rights groups.

DePasquale noted mass shootings like the one at Pittsburgh's Tree of Life Synagogue attract the most attention, but they account for less than one percent of all Pennsylvania firearm deaths. The majority of gun-related deaths are suicides. About 1,500 people die each year in Pennsylvania as a result of gun violence.

The report recommends measures to reduce the stigma attached to mental health issues and increase mental health treatment. It also recommends investing in violence prevention and gun safety training programs and equipping law enforcement to keep guns away from potentially dangerous people.

DePasquale said that gun violence also has a heavy financial impact. "Over the last decade, firearm-related injuries cost Pennsylvania taxpayers about \$1.5 billion in total healthcare costs," he said. That figure is based on the fact that 76 percent of shooting victims were either uninsured or on public insurance. Those dollars come from state and federal funds.

DePasquale said he wants to see an effort to track lost and stolen guns that could be used in crimes. "I am urging the governor to sign an executive order requiring the state police to issue a monthly report on firearms traced from crimes," he said, noting a similar measure has recently been signed by New Jersey's governor.

Furthermore, the report recommends sheriffs' offices more thoroughly vet applications for concealed carry permits.

Challenge to Arming Public School Personnel

On November 14, the Tamaqua Education Association filed a lawsuit in Schuylkill County Court of Common Pleas to prohibit the Tamaqua Area School Board from implementing a policy to allow teachers and other employees in their four schools to carry firearms.

In September, the board unanimously approved the firearms policy. The education establishment and some members of the Tamaqua community have objected. The Tamaqua Education Association, that filed the suit, is an affiliate of the Pennsylvania State Education Association (PSEA)--the state's largest teachers union.

The suit contends that the school board exceeded its authority by implementing a policy that violates Pennsylvania's Public School Code by permitting school employees "to carry firearms and use deadly force without the training and experience required by the General Assembly." Current state law isn't clear regarding the allowance of armed school personnel, though it does allow for weapons to be possessed on school grounds for a "lawful purpose" (that purpose being undefined).

RC Dioceses Plan Victims Funds

On November 8, Roman Catholic bishops in Pennsylvania announced that they will be creating victims funds for those who have been abused by Catholic clergy and due to current statute of limitations constraints are unable to sue their abusers or the Church.

Bishop Ronald W. Gainer, of the Harrisburg Diocese, said, "I am announcing that the Diocese of Harrisburg is moving forward with developing a Survivors' Compensation Program." In his announcement, he added, "It is my sincere hope that this program will help to enhance and increase our already ongoing efforts to assist the survivors of child sexual abuse. In my name and in the name of the Diocesan Church of Harrisburg, I continue to express our profound sorrow and apologize to the survivors of child sex abuse, the Catholic faithful and the general public for the abuses that took place and for those Church officials who failed to protect children."

On the same day, similar statements were issued by the Archdiocese of Philadelphia, the Diocese of Pittsburgh, the Diocese of Allentown, the Diocese of Altoona-Johnstown, and the Diocese of Scranton, with each outlining how it will move forward with its own compensation fund.

This action by these Pennsylvania Roman Catholic dioceses follow on the heels of a statewide grand jury report, released in August, identifying more than 300 priests accused of sexually abusing thousands of children over the course of decades.

Renewed Clergy Sex Abuse Investigation

On November 19, as part of a mid-term report, State Attorney General Josh Shapiro said his office is investigating new leads in the clergy sex abuse scandal as a result of nearly 1,400 phone calls to a hotline established after August's grand jury report regarding the sexual abuse of children by Roman Catholic clergy.

Shapiro was speaking at the last scheduled Pennsylvania Press Club luncheon of the year. He described the investigation as being in the early stages. He noted that the U.S. Attorney's Office in Philadelphia and some other state attorneys general were launching their own probes.

Shapiro expressed optimism that state lawmakers would eventually approve legislation to create a new two-year window for civil lawsuits so one-time child victims of clergy abuse, who are now older than the current age limit, can sue for damages. The Legislature's two chambers have been divided over this issue.

Shapiro was critical of an approach taken by several Pennsylvania Roman Catholic dioceses to create compensation funds for victims of clergy abuse. "I do not believe the Church can be trusted to police itself," added Shapiro. "They need outside forces to come in and do that."

Redistricting Reform Commission Established

On November 29, Governor Tom Wolf signed an executive order establishing the bipartisan Pennsylvania Redistricting Reform Commission. This action is intended to be a next step in creating a more fair and more

neutral process in the mapping of legislative districts in Pennsylvania. The governor has appointed David Thornburgh, president and CEO of the non-profit Committee of Seventy, as chairman. The commission is comprised of 15 members, including two state senators and two state House members.

“This commission will bring together diverse experts and citizens to explore ways that Pennsylvania could use policies, technology and data to curb gerrymandering and ensure fair maps,” Governor Tom Wolf said. Executive Order 2018-07 creates the commission that will review non-partisan redistricting processes in other states, provide opportunities for public comment, and make recommendations to the governor and legislature for a non-partisan redistricting process.

David Thornburgh said. “I’m honored to be asked to serve and will do my best to make sure that the commission listens well, encourages a vigorous debate, and comes to conclusions that are thoughtful and fair.”

Earlier this year, Governor Wolf held a series of listening sessions across Pennsylvania on the issue of gerrymandering and redistricting reform, after the PA Supreme Court overturned the state’s congressional districts map.

Legislative Republicans questioned the ability of the commission to produce nonpartisan results, noting that all but two of Wolf’s appointees are Democrats. GOP leaders from both the Senate and state House said they would not take part in Wolf’s enterprise.

Sports Betting

On November 15, Hollywood Casino at the Penn National Race Course in Grantsville, PA became the first venue to allow sports betting in Pennsylvania. The first two days were structured to be a test of the system.

Following the two-day test period, required by the Pennsylvania Gaming Control Board, the facility was given the go-ahead for its official launch on Saturday, Nov. 17. The test period was to ensure that the equipment, procedures and employee training matched expectations.

The casino’s gross sports gaming revenue is taxed at 36 percent. Thirty-four percent goes to the state’s general fund. The host county gets one percent and one percent is stored in a local share account designed for grants for “projects in the public interest” across the Commonwealth.

For the time being, all bets must be placed on-site at the casino, though Hollywood expects to be able to offer online sports betting with registered account-holders by early 2019.

Gaming Control Board Spokesman Richard McGarvey said that four other casinos have applied for sports betting licenses, including Sugarhouse, Harrah’s and Parx in Philadelphia, and Rivers Casino in Pittsburgh.

Sports betting officially became legal following a US Supreme Court decision this past May.

Many Pennsylvania Children Without Health Insurance

About 125,000 Pennsylvania children, 18 and younger lacked health insurance in 2017, according to a new report released by the Georgetown University Center for Children and Families.

Pennsylvania’s expansion of Medicaid and other safety net programs led to the state having a low *rate* of uninsured children, compared to other states. But, in terms of sheer numbers, only Florida, California, Arizona and Georgia had more uninsured kids—Ohio also had 125,000 uninsured children last year.

Nationally, the number of children without access to health insurance increased last year for the first time in a decade, according to the report. The number of uninsured children nationwide increased by about 276,000 children last year, to 3.9 million.

Pennsylvania’s rate of uninsured children has remained steady for the past three years at 4.4 percent. That’s below the national average of 5 percent, but higher than neighboring states—Maryland, Delaware, New Jersey, New York and West Virginia.

Gov. Tom Wolf expanded Medicaid to make health care accessible to 700,000 people who’d previously been ineligible for assistance. In addition, Pennsylvania has the Children’s Health Insurance Program (CHIP) that provides low-cost health care to families that earn too much to get coverage under Medicaid.

However, the question remains as to why 125,000 children do not have health insurance in Pennsylvania. “It may be that the families didn’t apply for the assistance or were inaccurately told that they didn’t qualify for some

reason,” said Antoinette Kraus, director of the Pennsylvania Health Access Network. “In other cases, the children may be legal residents but have family members who are undocumented residents, or the children may be undocumented themselves,” she said. “Children who are legal residents could be eligible for assistance under these health care coverage programs, but their family members may be unwilling to risk drawing attention to themselves by applying to get the help.”

Hearing on Climate Change

On November 28, the state Senate Democratic Policy Committee conducted a hearing in Pittsburgh on state efforts to address climate change.

“In the absence of federal leadership on climate change, it is imperative that Pennsylvania continue to participate in cooperative efforts to stave off the catastrophic consequences of global warming,” Sen. Jay Costa (D-Allegheny) said. “We need to maintain efforts to keep Pennsylvania on track to combat climate change.”

Sen. Lisa Boscola (D-Lehigh), chair of the committee, said, “We cannot ignore scientific fact and allow baseless fear to compromise how we address the very serious threat of climate change...it’s even more important that state and local government step up and take on these challenges.” Boscola said she wants Pennsylvania to reduce dependency on non-renewable energy to zero by 2050.

In addition to Boscola and Costa, Sen. Wayne Fontana (D-Brookline) and senator-elect Lindsey Williams heard from state regulators and environmental groups, who explained the health and environmental impact of climate change and talked about policy to mitigate the effects of climate change.

“Like every state in the country, Pennsylvania has already begun to experience adverse impacts from climate change, such as flooding, heat waves, and drought,” said George Hartenstein of the Pennsylvania Department of Environmental Protection.

Lawmakers also heard from the coal industry, who said renewable energy sources are not reliable. “Coal has created good, it has transformed society, and we should have a forward looking, long-range perspective that understands that fossil fuels, including coal, are the key to prosperity,” said Rachel Gleason, Executive Director of the Pennsylvania Coal Alliance.

Senator Fontana asked Gleason if coal could ever be a clean source of energy. “I mean, I’m not a climate scientist,” Gleason responded. “But I think ‘clean’ is a debatable word as far as safe. If you look at our sulfur-dioxide emissions, they have decreased exponentially since 1980, they’re at safer levels than they were in 1980...I think there’s a need to focus on what is safe and how we can focus on technologies that support electric generation that helps our society move forward.”

Gleason said she does not believe the end goal should be a zero-emission power grid or that such a goal could even be accomplished.

What’s to Happen with Nuclear Energy Production?

On November 29, members of the state legislature’s two-year-old pro-nuclear Nuclear Energy Caucus announced that they will be working to implement, by next summer, measures to support nuclear energy generation.

Pennsylvania has nine operating commercial nuclear reactors at five plants, accounting for about 42 percent of the state’s total electricity production.

With closure plans already announced by operators of Three Mile Island (2019) and the Beaver Valley (2021) plants, supporters of nuclear energy insist that help is needed to avoid the permanent loss of a major “zero-emissions” power source as a result of what might prove to be short-term market conditions—abundant natural gas supplies.

“We make long-term energy policy decisions based only on what is cheap today. I think basing long-term energy decisions on the short-term price and not recognizing the importance of reliability and resiliency and fuel diversity, the environmental benefits—I think that’s foolish,” said Sen. Ryan Aument (R-Lancaster), who chairs the Nuclear Energy Caucus. “We need to have an energy policy that takes into account these long-term benefits and the current market simply doesn’t do that.”

Opponents argue that continued reliance on nuclear energy is not necessary because power generation from other sources is declining in carbon intensity and is less costly.

Nationally, nuclear's share of the energy market has plateaued at about 20 percent since 1990. Six reactors have shut down permanently since 2013, due to high maintenance costs and competition from cheap natural gas. Eleven more plant retirements are planned through 2025.

New York, New Jersey and Illinois, have already launched nuclear assistance programs. In Pennsylvania, Gov. Tom Wolf, has been non-committal.

According to the Nuclear Energy Caucus, time is running out for Pennsylvania's nuclear energy industry.

The future of nuclear energy production in Pennsylvania could very well become a major political issue in 2019.

Former PA District Attorney to Serve Time

On November 26, the Pennsylvania Supreme Court refused to hear the appeal of former state Attorney General Kathleen G. Kane. She must begin serving her sentence.

Ms. Kane, 52, the first woman and first Democrat to be elected to the state's top law-enforcement job, was convicted in August 2016 on two counts of perjury (felonies) and seven counts of abusing the powers of her office (misdemeanors) in an effort to hurt a rival. We have followed the progress of this case in some of my previous reports.

The judge in the case determined that Kane did not have to serve her 10- to 23-month jail sentence until she had exhausted her state appeals. Earlier this year, Kane had asked the Supreme Court to hear her case, after a Superior Court affirmed her conviction. The justices, in their unanimous decision, did not provide an explanation for their denial.

Kane has now reached the end of her appeals. When she surrenders, she will join about 400 other women incarcerated at the Montgomery County jail. The women are held in a mix of dorms and multi-person cells.

Last month, as reported by the *Scranton Times-Tribune*, Kane was granted a divorce from her husband, Christopher.

Dai Morgan