

United Methodist Advocacy in Pennsylvania December 31, 2018

We begin this month's report with a save-the-date announcement:

United Methodist Advocacy in Pennsylvania will conduct a conference, May 18-20, on the subject of faith and politics. The conference is entitled "Change the World." It will take place in the state capital, Harrisburg. This conference is designed for United Methodists—and others—who believe that a life of faith extends into the community and as far as the halls of government.

Saturday, May 18, is "Change the World through Knowledge." It will take place at Paxton UMC, Harrisburg. This conference-style gathering will consist of opportunities to learn more about current issues, such as: How Laws are Made, Climate Change, Human Trafficking, The Meaning of Justice, Legislative Redistricting Reform, Criminal Justice in PA, and more.

Sunday, May 19, is "Change the World through Service." It will take place in downtown Harrisburg. There will be opportunities to tour the Capitol building, join in environmental service projects, participate in an ecumenical environmental-based worship experience, and learn how to communicate with lawmakers.

Monday, May 20, is "Change the World through Your Voice." We will make legislative visits in the morning. Participants with interest in special topics will be guided to appropriate contacts. We will conclude at 1:00 with a news conference in the Capitol.

More detailed information and registration materials will be released soon. Registration for the conference does not require participation on all three days.

Mark your calendar and spread the word.

This past month, the Pennsylvania General Assembly disappeared—it is an odd occurrence that happens every two years. It isn't a magic trick. Here's what happens:

The General Assembly operates on a calendar-year schedule. A General Assembly year begins on January 1, but ends on November 30. A General Assembly "Session" is a two year package. Every two years, when one Session ends and before the new Session begins, there is a month when there is no Legislature in Pennsylvania. This December was one of those times. Of course, the General Assembly will appear once again on the first of January—like it or not.

This is all to say that there was no new legislative action to report, this month. However, the rest of the state government continued on. Below are several items that should be of interest to politically conscious United Methodists:

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SNAP Renewed

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Budget Secretary's Mid-Year Briefing

On December 11, Gov. Tom Wolf's Budget Secretary, Randy Albright, provided an optimistic image of the state's finances in his mid-year budget briefing. At the conclusion of the briefing he also made a surprise announcement that he would be stepping down from his position at the end of the year.

Mr. Albright's briefing documents show a \$264 million increase in total state tax revenue collections through the end of November, resulting from growth in corporate net income, sales and personal income taxes. But, he said an undetermined amount of that revenue surplus would need to go for supplemental appropriations to meet higher costs for human services, long-term care programs and overtime costs in the Department of Corrections.

Albright stated, "We are very confident that not only will we end the year with a balanced budget, but we will end the year, we will leave, with a modest surplus."

"We are in already a period of almost unprecedented sustained economic growth since the great recession," continued Albright. "History tells us that can't go on forever. At some point there is likely to be, if not a recession, an economic slowdown. We need to prepare for that, but the good news as we stand in front of you today is, at least, that forecast is far enough out in the future that we don't believe it will directly impact either the current year or the proposed [Fiscal 2019-20] budget year."

Gov. Tom Wolf announced that Jen Swails will succeed Albright. Ms. Swails is a budget office official who has overseen budgeting for human services programs.

Secretary Albright's outlook was more upbeat than the state Independent Fiscal Office (IFO) in its *Five-Year Economic & Budget Outlook* (available online), released in November. The IFO report anticipates a \$1.7 billion deficit for the 2019-20 budget. Though lawmakers and officials like to challenge, ignore or contradict the IFO*, the IFO has a track record of being prescient. Albright might be correct about the current year—though he did acknowledge the possibility of "supplemental appropriations" to cover spending for which the present budget does not account. However, for next year's budget...oh well, it won't be his concern.

* For example, on December 17, House Appropriations Committee Majority Chair Stan Saylor (R-York) dismissed the IFO's warnings as exaggerated.

Legislature's Reserve Funds Increase Significantly

On December 27, the Pennsylvania Legislative Audit Advisory Commission accepted an audit prepared by Boyer and Ritter, LLC, covering the various legislative departments and service agencies. The audit showed a total reserve of \$137,872,630, as of June 30, 2018. Of that, the state House of Representatives has a reserve of \$53,200,395, while the Senate has a reserve of \$27,235,211.

The purpose of the reserve is to ensure the independent and continued operation of the state General Assembly in the event of a government shutdown. The most likely scenario for a government shutdown is a budget dispute resulting in a late budget—like happened three of the last four years (but, not in the critical election year of 2018). If the budget is not completed on time the Legislature must come up with its own money to pay for its operation.

At nearly \$138 million, the 2018 reserves are considerably larger than those reported in 2017 (\$95 million)—about a \$43 million increase.

Could this be interpreted as a stockpile in anticipation of a hard budget dispute this coming summer? Naw—perish the thought! Both the General Assembly and the Executive Branch are depicting a rosy budget future. Why make speculative connections? They know what they're doing. Right?

Democratic Priorities for the New Legislative Session

In the state Senate the Democrats gained four seats in the fall elections, with a fifth under contention—Republicans are challenging the open seat won by Lindsey Williams in Allegheny County on the grounds of insufficient time in residency.

Senate Minority Leader Jay Costa (D-Allegheny) said, "In the coming weeks, we will be meeting as a caucus for the first time and hearing the priorities and ideas of our new members, but know that the Senate Democratic Caucus remains committed to advocating policies that benefit working people and that commitment is renewed and enhanced by the five members who will join our ranks in January."

Costa said that the Senate Democrats want to invest in education at all levels, to direct spending to infrastructure and neighborhood assistance, to control costs in long-term care and corrections, and to update election processes.

In regard to the business and workplace agenda, Costa cited the need to increase the minimum wage to \$9 an hour, tougher laws to end workplace harassment and sexual misconduct, and providing incentives for manufacturing.

In the state House of Representatives, Democratic leaders plan to continue to emphasize ongoing priorities, including increased education funding at all levels (and how it is distributed), access to health care, and bolstering the Department of Environmental Protection (especially in regard to improving its industrial permitting process).

The House Democratic caucus increased by eleven seats after this fall's elections, with a significant geographic shift toward Southeastern Pennsylvania. Though still the minority party, the Democrats will have greater legislative weight. As a body, the caucus also appears to have swung more to the left—how this plays out remains to be seen.

Incoming Minority Appropriations Chair, Matthew Bradford (D-Montgomery) views his job as finding consensus within his diverse caucus. "There is obviously a new high-energy progressive wing of our party in the Southeast," he said. "We've got a lot of long-time members who are pragmatic and understand that progress doesn't come overnight. We have a Democratic governor who we want to make sure is successful and continues to be able to meet the challenges of Pennsylvania."

Bradford also expressed interest in giving voice to social equality issues, "I think there's a lot of people who definitely want to see Harrisburg tackle issues that have gone unaddressed for a long time." Specifically citing lack of protection against discrimination in the workplace based on sexual orientation, he said, "We've seen same sex marriage legalized as a consequence of the (U.S.) Supreme Court ruling, yet you can still be fired in Pennsylvania from your job."

Minority Leader, Frank Dermody (D-Allegheny) said he would like to do more to provide alternatives to incarceration for non-violent offenders and noted there will be new chairs this session in the House and Senate Judiciary Committees.

Republican Priorities for the New Legislative Session

The Pennsylvania economy is the outstanding issue for state Senate Republicans. The rejection of Pennsylvania sites by Amazon, for its new headquarters, has been a sore point for many. Republicans in both chambers are saying that it is necessary to study how the state treats businesses, with an eye to cultivate and encourage business investment.

“Look, I’ve been in business all of my life in some fashion or form,” said Senate President Pro Tem Joe Scarnati, (R-Jefferson). He expressed the concerns of his Party regarding the state’s tax and regulatory structures, that they perceive to be discouraging and driving businesses away. “I get it, we may look for the Amazons, the major corporations, that will come in with all of these jobs. I don’t think you can dismiss that,” he said. “But you’re gonna get them when your businesses that are here are saying, ‘This is a great place to do business.’...It’s just mind-boggling what the bureaucracy does to a business in this state that wants to invest and wants to create jobs.”

Senate Majority Leader Jake Corman (R-Centre) said, “The question is whether Pennsylvania government is a roadblock to itself in as far as the way we operate government, the regulatory environment, the tax environment, the permitting environment, our many layers of government?” He noted that Pennsylvania needs to be a place where people want to come. To be more inviting, the state needs to be more business-friendly. “I think that is going to be our agenda for the year,” said Corman.

House Republican leaders would seem to agree with their Senate counterparts and prioritize many other issues according to how they relate to the economy.

New House Majority Leader Bryan Cutler (R-Lancaster) said he believes Pennsylvania needs to do a better job providing the resources for matching education and training with the skills businesses actually need. New House Majority Whip Kerry Benninghoff (R-Centre) agreed, saying that the state’s workforce could be built and improved by expanding career and technical education opportunities. “We want to make sure we are focusing our educational dollars to career opportunities,” he said.

Rep. Benninghoff also mentioned the need to make the state government's permit and licensing process more efficient. “The untimely release of permits and the inaction on permits through the regulatory process is really stagnating small businesses' ability to do their work and in return grow and hire more people,” he said.

House Speaker Mike Turzai (R-Allegheny) thinks that more can be done to take advantage of Pennsylvania’s natural resources, especially Marcellus Shale natural gas. Turzai referenced the ongoing construction of Royal Dutch Shell's ethylene cracker plant in Beaver County. He says that when the \$6 billion complex opens in the early 2020s, about 600 permanent jobs will be required for its operation. Furthermore, Turzai said the project alone is going to “transform the region and the state.”

“I think there are more opportunities to developing the upstream and downstream, with respect to using the Marcellus Shale gas and its by-products,” said Turzai, adding that responsible use of other brownfield sites could provide locations for the types of petrochemical-related companies attracted by the cracker plant.

Lastly, the one thing that GOP leaders in both chambers affirm, as topping their agenda, is that there should be no additional or increased taxes in the next budget.

Clean Slate as Criminal Justice Reform

On December 4, Governor Tom Wolf participated in a Washington Post panel discussion on national corrections reform, entitled “Tackling Mass Incarceration: A View from Pennsylvania.” Accompanying the governor were Department of Corrections Secretary John Wetzel and state Rep. Sheryl Delozier.

Pennsylvania was lauded as a leader in criminal justice reform. However the panelists noted that the commonwealth still has a long way to go.

Rep. Delozier (R-Cumberland) was the primary sponsor of “Clean Slate” legislation approved by the Pennsylvania General Assembly in June and signed into law by the governor as Act 56. The law seals most nonviolent misdemeanor convictions after a decade and lets onetime inmates petition to seal other records.

Pennsylvania passed the first such law in the country. During the panel discussion, Secretary Wetzel observed, “Citizens don’t benefit from putting a scarlet letter on someone for committing a crime.”

The panel highlighted Clean Slate as an advance. Governor Wolf said, “Pennsylvania has taken a bi-partisan, collaborative approach to criminal justice reform. The goal is to get people out of our prisons and back into being productive members of their communities and of our state, and Clean Slate makes it easier for those who have interacted with the justice system to reduce the stigma they face when looking for employment and housing.

United Methodist Advocacy in PA advocated for Clean Slate legislation. I was pleased at its passage. It broke through the beat-down-the-lawbreakers mentality in our culture—a significant achievement. However, it is my opinion that in practicality, the legislation is not all that helpful. It might be an important beginning. But, the waiting period of ten years is so long as to make it almost meaningless. What is supposed to happen during the waiting period? Is keeping someone hamstrung for a decade really going to “make it easier...when looking for employment and housing?” It’s better than nothing, but it’s only the beginning. Clean Slate ought to be revisited and revised to reduce the waiting period.

Medical Marijuana Research Applications Rejected

As this past autumn began, the Pennsylvania Department of Health, as part of the state’s medical marijuana program, certified eight medical schools as Academic Clinical Research Centers (ACRCs), to conduct research into the health effects of cannabis. A short time later, the Department of Health released applications for Clinical Registrants (CRs). CRs are entities that will be allowed to operate as marijuana growers, processors and distributors for the purpose of partnering with an ACRC.

It was assumed by the ACRCs that they would sign a contract with only one CR. However, on December 12, the Department of Health issued temporary regulations allowing an ACRC to partner with more than one grower/processor. The department said it hoped to “be able to approve the highest quality clinical registrants and [assure] that the most robust research will occur.”

This development took place after, earlier in December, the state rejected all of the eight applicants for CRs. Regulators said that each of the prospective CR applications were riddled with mistakes or missing information. The applicants may reapply. But, presently there is not even one CR with which to partner.

Divide Over Legalization of Recreational Marijuana

On December, 19, Gov. Tom Wolf expressed a willingness to consider full legalization of recreational marijuana.

During a Twitter question and answer session, Wolf was asked when Pennsylvania will legalize recreational marijuana. The governor tweeted, “More and more states are successfully implementing marijuana legalization, and we need to keep learning from their efforts. Any change would take legislation. But I think it is time for Pennsylvania to take a serious and honest look at recreational marijuana.”

Some who have supported full legalization—such as Auditor General Eugene DePasquale—argue that taxed legalized recreational marijuana would be a way to generate more revenue for the state, as well as decrease criminal justice costs associated with marijuana. However, others argue that the costs and consequences of such a policy are not being accurately portrayed.

Ten states have legalized recreational marijuana use. Colorado and Washington in 2012 were the first states to legalize recreational use. Alaska and Oregon followed in 2014, with California, Massachusetts and Nevada coming on board in 2016 and Vermont (in limited quantities) and Michigan in 2018. Maine legalized recreational use in 2016, but wrangling between the Legislature and the governor has slowed the process, delaying anticipated regulations until 2019.

Pennsylvania legalized medical marijuana in 2016. But, the road to legalized recreational use will be difficult. State Senate Majority Leader Jake Corman (R-Centre), reacting to the governor's statement, said, "The governor's new position on the issue of legalizing the drug for recreational use is reckless and irresponsible. Recreational marijuana is a mind-altering narcotic which will harm our youth as it is a depressant and a gateway drug to other illegal substances. Combine that with a lack of credible research on the societal costs and opposition from prosecutors, the medical community and law enforcement and you have the makings of a catastrophe." Corman added, "As long as I am leader, I will do everything in my power to prevent legalization of recreational marijuana."

Sports Betting Underway in PA

On December 19, the Pennsylvania Gaming Control Board voted unanimously to approve the Valley Forge Casino's petition for a sports wagering certificate. The casino will still need to meet certain conditions and go through a test period. Officials of the Valley Forge venue announced plans to offer both in-house and online sports betting to begin early in 2019.

The day before, the gaming board reported that sports betting at Hollywood Casino in Dauphin County, during the last two weeks of November, generated \$509,000 in adjusted gross revenue after payouts, and \$183,000 in state tax revenue and the local share assessment.

Rivers Casino in Pittsburgh and SugarHouse Casino in Philadelphia have just begun sports betting. Parx Casino in Bensalem and Harrah's Casino in Chester have also won approval for sports betting.

The governor's budget office estimates that sports betting will generate \$81 million for the state in Fiscal Year 2018-19—including the revenue generated by the \$10 million fee each casino must pay for a sports wagering certificate.

Tougher Penalties Take Effect for Repeated DUIs

December 23 marked the onset of a new state law, passed in October, increasing penalties for repeatedly driving under the Influence and creating a DUI felony—a first for Pennsylvania.

The law applies to someone who has been charged with a third offense in a decade—with at least twice the legal limit for alcohol—or any fourth-time offender. Pennsylvania law sets the legal blood-alcohol limit for driving at 0.08 percent.

Previously, all DUI offenses in Pennsylvania had been treated as misdemeanors. The consequences for repeatedly driving drunk include increased fines and penalties for DUI on a license suspended because of a previous DUI conviction.

Pennsylvania has about 10,000 alcohol-related crashes and 300 fatalities annually. There are about 250,000 repeat DUI offenders in Pennsylvania and about 140,000 persons whose licenses are currently suspended because of a DUI.

Laws Restricting Firearms Increasing

The Giffords Law Center to Prevent Gun Violence released its year-end report in December. It said that laws increasing gun restrictions passed in record numbers in 2018, signaling a shift in attitudes toward gun control.

Bills strengthening gun restrictions were signed into law in 26 states and the District of Columbia this year, with 75 new measures contained in 67 laws, according to the report. That's a jump from the 22 gun control measures counted in 2017.

Since the December 2012 shooting at Sandy Hook Elementary School, at least 277 laws restricting firearms were enacted in nearly every state, according to the Giffords Law Center. At the same time though, even higher numbers of gun-rights bills were also passed. However, this year marked a change, reversing the trend. "After the deadliest mass shooting in American history late last year in Las Vegas and the Parkland massacre in February, the ground has finally shifted," the report stated.

The National Rifle Association told The New York Times that 200 gun-control bills had been rejected in 2018, but did not provide data to back up the claim. But, NRA data did support the claim that more gun-control than gun-rights bills were passed this year.

Pennsylvania was mentioned in the Giffords report because of its new law, Act 79, tightening requirements for the relinquishment of firearms when an individual has been convicted or undergone due process for domestic violence.

SNAP Renewed

On December 20, President Donald Trump signed the Agriculture Improvement Act of 2018 (Farm Bill) into law. The \$867 billion federal bill was passed by the Senate (87-13) on December 11 and by the House (369-47) on December 12.

After months of negotiations, the final bill was passed with strong bipartisan support. The bill provides subsidies for American farmers, legalizes hemp and bolsters farmers markets—all of which are important to Pennsylvanians. However, the highest profile element of the Farm Bill is that it is the source and foundation of the Supplemental Nutrition Assistance Program (SNAP), "food stamps."

SNAP was a controversial issue this year. But, the bill has been preserved essentially as is. It will continue to help nearly 40 million people who struggle against hunger. Notably, the final form of the bill did not include cuts in benefits and eligibility desired by some House Republicans—including imposing work requirements on older adults, as well as parents with children ages 6 to 12.

There are some revisions to SNAP in the new bill. But, these changes are not expected to impact families' benefits.

However, there is nothing in the Farm Bill to prevent Presidential action to reduce SNAP. Indeed, on December 20, in spite of the signed Farm Bill, the Trump Administration, via the Agriculture Department, proposed a rule that would diminish food assistance to many who currently receive assistance.

Mariner East 2 Pipeline Operational

On December 29, Sunoco announced that its Mariner East 2 pipeline is in service.

Mariner East 2 was planned as a 20-inch pipeline. But, because the full length of the 20-inch line will not be finished until 2020, the company said, it would join three different pipelines. The pipeline will convey natural gas liquids—ethane, butane and propane—from Marcellus Shale natural gas fields in Ohio and Western Pennsylvania.

The 350-mile pipeline begins in Scio, Ohio and spans Pennsylvania along 17 of the states southern counties. The line terminates at the Marcus Hook industrial complex in Delaware County.

The project is almost two years behind schedule. It has faced multiple construction-related violations and regulatory shutdowns. It has also faced opposition from residents who live near the pipeline, from environmental activists and watchdog groups worried about public safety.

A Pennsylvania Public Utility Commission administrative law judge is reviewing a request from several Chester and Delaware County residents to shut down the pipeline, and the Chester County district attorney opened a criminal investigation into the project.

Dai Morgan