

United Methodist Advocacy in Pennsylvania February 28, 2019

The new session of the state Legislature was up and fully running in February. However, the most significant focus this month are the budget and financial concerns for the upcoming fiscal year.

The race has begun to complete a budget and revenue package by the deadline of June 30. Governor Tom Wolf made his budget address on February 5, informing the General Assembly of his administration's priorities. **The House and Senate Appropriations Committees have begun several weeks of budget related hearings with cabinet and agency heads.**

In legislation, two categories of issues appear to be taking center stage: Workforce Development and Criminal Justice. I suspect that environmental issues will be prominent this year in Pennsylvania government. And, of course, Lieutenant Governor John Fetterman's Marijuana Listening Tour, intended to visit all Pennsylvania counties, is a highly visible initiative of the Wolf administration.

I'd like to remind readers that one of the purposes of this report is to provide Pennsylvania United Methodists with an update on current issues in state government that might be of interest to our faith community. Most items in my reports can be correlated to statements found in our *United Methodist Book of Resolutions*.

However, I keep a neutral tone and do not usually take a position, allowing the reader to determine one's own opinion and possible action. It is my hope that United Methodists who have an interest in the connection between church and society would find some value in this report.

For those who wish to receive public policy action alerts, I refer you to this service by the Pennsylvania Council of Churches: pachurchesadvocacy.org

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The Governor's Budget Address

On February 5, Governor Tom Wolf delivered his budget proposal for Fiscal Year 2019-20. The proposal consists of \$34.1 billion in General Fund appropriations. This is a \$927.36 million, or 2.79-percent, increase over budgeted current year spending.

The \$34.1 billion does not include the governor's \$4.5 billion "Restore Pennsylvania" initiative—something Wolf had said he wanted to keep separate from the budget. This plan seeks to borrow \$4.5 billion—borrowing against expected revenue of a proposed natural gas severance tax—with the proceeds to be spent during the next four years on "infrastructure" projects throughout the state.

Many of the measures in this year's proposal are repeated items from previous budget plans that, in the past, have failed to receive General Assembly support.

Wolf proposes raising the minimum wage—an idea that has been a component of each of his state budget requests since taking office. His idea is to hike the hourly wage rate from \$7.25 to \$12, and to increase gradually until it reaches \$15.

Another retry is a per-capita fee to help fund the Pennsylvania State Police. But this time, instead of a flat \$25 fee, the administration is proposing a sliding scale fee based on the size of municipalities that utilize the State Police instead of local law enforcement.

The governor has also asked for increased spending for education, another recurring theme.

Further related to education spending, Wolf proposes lowering the compulsory age of school attendance from 8 to 6 years old, raising the minimum exit or dropout age for compulsory school attendance from 17 to 18 years old, and increasing the minimum starting annual salary for Pennsylvania teachers to \$45,000—up from the \$18,500 statute figure.

Additionally, Wolf's budget plan directs significant funding to workforce development, human services and other programs.

Additionally, the governor would spend:

- \$24.7 million for infrastructure and radio purchases to continue the multi-year transition of the Pennsylvania Statewide Radio Network to an Association of Public Safety Communications Officials-compliant system;
- \$15 million to help counties pay for the cost they will incur to get new voting machines;
- \$15 million to increase services for individuals with intellectual disabilities and autism.
- \$5 million to increase funding for Infant/Toddler Early Intervention providers, with the goal to help providers hire and retain qualified staff.
- An additional \$1.5 million for naloxone, to aid in opioid addiction treatment.

Republicans React to the Governor's Budget Address

Following Democratic Governor Tom Wolf's budget address, top Republican lawmakers said that they were on the same page with the governor's goals of giving priority to workforce development, creating new educational opportunities, and criminal justice reform. However, they also found issues of disagreement, especially with the proposal to increase the state minimum wage above \$7.25 an hour.

GOP leaders, who control the House and Senate, sounded somewhat conciliatory as they appeared together on the balcony between the two chambers following the governor's budget address.

"Governor Wolf's budget sets forth a series of ideas that I believe House Republicans can find agreement on," said House Majority Leader Brian Cutler (R-Lancaster).

"I think there is a lot there we can embrace and get behind, at least generically," said Senate Majority Leader Jake Corman (R-Centre). He said school safety funding—an item that Wolf reduced in his budget proposal—remains a priority of his caucus.

House Speaker Mike Turzai (R-Allegheny), said workforce development should include a focus on "energy independence" and expanding the state tax credit to help finance new "ethylene cracker plants" of the type Shell is building in Beaver County.

Senate President Pro Tem Joe Scarnati (R-Jefferson), said he likes the governor's overall message, but cautioned, "This budget is not going to be slam dunk. We have a lot of work to do."

Both Senate Appropriations Chairman Pat Browne (R-Lehigh) and House Appropriations Chairman Stan Saylor, (R-York) criticized the budget proposal for spending too much money. Browne said increasing state spending by four percent is not sustainable given that long-term revenue growth isn't projected to be as robust as it has been this year.

Both Republicans and Democrats voiced optimism that a budget for Fiscal Year 2019-20 can be passed by the June 30 deadline.

Workforce Development

"Workforce Development" appears to be the watch word du jour in state government—reminiscent of the anti-opioid initiative two years ago. Governor Tom Wolf and both political parties in the General Assembly have been touting

workforce development, as the new legislative session begins. The concept is to create and strengthen programs to better prepare employees for changes in the 21st century workforce and to find skilled workers to fill job openings.

On February 19, three events at the state Capitol focused attention on this initiative. The governor signed an executive order to create a steering umbrella group, the Keystone Economic Development and Workforce Command Center.

Next, the House Labor and Industry Committee took testimony from business and labor groups on workforce development issues.

Following this, a bipartisan group of two dozen House lawmakers unveiled a package of eight bills to improve Career and Technical Education programs.

The governor's Workforce Command Center will address barriers to employment, such as lack of transportation and child care and state job licensing requirements. It would address such issues as improving the education system to help students develop work skills, promoting jobs in the skilled trades and retraining older workers.

One Year of Medical Marijuana

On Feb. 15, the Pennsylvania Department of Health released information covering the first year of the state's medical marijuana program.

According to the report, 83,000 Pennsylvanians purchased medical marijuana products—approximately 600,000 dispensed doses. More than 116,000 patients in Pennsylvania have registered to participate in the medical marijuana program.

Currently, 12 of the 25 allowable grower/processors are operational within the state, while 45 of the allowable 50 dispensaries have been approved to begin operations. Nearly 1,000 physicians are currently approved to certify patients to participate in the medical marijuana program, while about 500 additional physicians are waiting to be certified.

Resulting sales produced more than \$132 million, with the state deriving more than \$2 million in tax revenue from grower/processors.

"The first year that the state's medical marijuana program has been operational tells us that this program is working to help Pennsylvanians in need of this medication," Governor Tom Wolf said. "Patients are realizing the benefits and there has been steady, positive progress that I am pleased to report."

"Our goal for the next year and beyond is to increase the number of grower/processors and dispensaries operating, to register even more physicians and to continue the growth of our scientific, medically based program," Department of Health Secretary Dr. Rachel Levine said.

The program offers medical marijuana to patients who are residents of Pennsylvania and under an approved practitioner's care for the treatment of a serious medical condition as defined by the Medical Marijuana Law.

Recreational Marijuana

This month, Lt. Governor John Fetterman has continued his statewide listening tour to discuss the legalization of recreational marijuana. His intention is to visit each of the 67 Pennsylvania counties. The purpose of the tour is to engage the public and gather input for Gov. Tom Wolf, to determine whether to recommend legalizing cannabis for adults.

Mr. Fetterman is starting his tour in the state's more conservative central counties, where opposition to legalization is likely to be strongest.

However, wherever Pennsylvanians stand on the issue, Fetterman says he hopes people will turn out to the events and share their views. "Honestly, I can't emphasize how earnest I am about that," he said.

The lieutenant governor, himself, thinks that Pennsylvania should legalize, tax and regulate the retail cannabis industry. However, opposition exists among some lawmakers. For example, Senate Majority Leader Jake Corman (R-Centre), has blasted legalization. Sen. Corman called efforts to legalize cannabis "reckless and irresponsible" and "the makings of a catastrophe."

After collecting data and input from events in all 67 Pennsylvania counties, Fetterman will assemble a report for Gov. Wolf. The report will also be available publicly.

To see a tour schedule or to leave an opinion, visit: <https://www.governor.pa.gov/recreational-marijuana-feedback/>

PA Lottery Bouyed by New Games

On February 11, state Revenue Department Secretary Dan Hassell told the House Appropriations Committee that new State Lottery games are expected to generate nearly \$40 million in this fiscal year.

“We estimate that iLottery will generate \$30 million in profit in the 2018-19 Fiscal Year, which is helping the Lottery remain competitive...,” he said. Hassell noted that more than 90,000 players have registered to play iLottery. Furthermore, regarding Keno and Xpress Sports, Hassell said, “We anticipate that monitor-based games will generate about \$9 million in profit in the 2018-19 Fiscal Year.” The 2017 gambling expansion law authorized the Lottery to offer these three games.

The on-line games and growth in traditional ticket sales have rescued the Lottery from a once-threatened deficit. According to Executive Director Drew Svitko, the Lottery is having a record sales year.

However, some Republican senators voiced concern that the lottery’s profit projections for the next year or two are overly optimistic. Because the lottery supports senior citizen entitlement programs, its revenue must be carefully considered when budget planning.

The Lottery fund pays for property tax and rent rebates and prescription assistance for senior citizens. It covers free and reduced fare transportation and home- and community-based services. It also contributes to nursing facility Medicaid-funded long-term services for seniors. Reliance on the lottery to produce the revenues needed to support those programs is critical.

Lottery vs. Skill Games

In his hearing to the House Appropriations Committee, Revenue Department Secretary Dan Hassell estimated that the new monitor-based games, Keno and Xpress Sports, would generate \$9 million for the lottery fund.

For many, \$9 million is a disappointing figure.

PA Lottery Executive Director Drew Svitko blames skill games machines found in bars, taverns and social clubs, that produce higher return than the commission that the lottery pays retailers. “Skill machines are hurting our ability to expand into those venues,” Svitko told the Appropriations Committee. “They absolutely represent direct competition to the lottery.” He claimed that the machines were hurting scratch-off ticket sales.

Furthermore, the skill games machines are becoming more prevalent. Svitko said almost 18 percent of lottery retailers now have at least one skill game machine. A year ago, it was half that number. Drew Svitko said a team of economists estimated that the lottery will lose \$95 million a year in scratch-off ticket sales as a result of the introduction of skill games in locations that sell lottery tickets.

Revenue Secretary Dan Hassell said the state police’s position on skill games is that they are illegal. He told the committee the attorney general’s office is pursuing some cases in court that hopefully will settle the issue surrounding their legality.

Change in Pa Prison Mail Policy

On February 22, it was announced that the Pennsylvania Department of Corrections will stop intercepting and copying inmates’ legal mail because of drug and security concerns. However, mail from family and friends will continue to be screened.

This change in policy resulted from two consolidated federal lawsuits, one filed by a Pennsylvania inmate and another filed by a group of civil rights organizations. The lawsuits challenged the legality of screening legal correspondence as a violation of attorney-client privilege and the legal ethical code that requires attorneys to keep secret their clients’ privacy.

In September 2018, the DOC moved to prohibit inmates from receiving directly delivered mail. The purpose was to stop an influx of illegal synthetic drugs being smuggled into prisons and creating security and medical problems for inmates and staff.

The policy change will come as a result of a legal settlement in the case. Screening of legal correspondence must stop by April 6. Mail from family and friends of an inmate will continue to be sent to a Florida processing facility to be opened, scanned and copied. The copies are then sent back to the inmate's prison.

Proposed Fairness Act for LGBT

In Pennsylvania the Human Relations Act grants certain categories of people extra legal protection against discrimination. It prohibits employment and housing discrimination on the basis of "race, color, religious creed, ancestry, age, sex, national origin, handicap or disability." However, the act does not specifically refer to LGBT people—though the Human Relations Commission has recently interpreted "sex" as applying to sexual orientation and gender identity.

For years, attempts have been made by some legislators to pass a bill that would include LGBT in the Human Relations Act. This has come to be called the Fairness Act.

Rep. Dan Frankel (D-Allegheny) has been its longtime sponsor. In a memo filed this month, in preparation to reintroducing the Fairness Act, he noted that in prior years "this legislation has not received a vote despite overwhelming bipartisan support."

Frankel's reference is to the fact that the bill has been assigned to the House State Government Committee for initial consideration. For the last nine years, the majority chair of that committee has been Daryl Metcalfe (R-Butler). Metcalfe, an opponent of the bill, has kept the bill bottled up in his committee.

However, Metcalfe has been re-assigned to a different committee. His successor as majority chair of State Government, Garth Everett (R-Lycoming), has expressed willingness to consider the Fairness Act.

But, this time, if the bill gets through committee, resistance might come from new House Majority Leader Bryan Cutler (R-Lancaster). Without Cutler's support, the bill is unlikely to receive enough Republican votes to pass.

Fairness Act co-sponsor Brian Sims (D-Philadelphia) said he thinks Cutler will come around. Sims is Pennsylvania's first openly gay state lawmaker. Sims believes that if the bill comes to the House floor a majority of members will support it.

Twenty-one states, as well as Washington D.C., Guam, and Puerto Rico prohibit housing and employment discrimination based on sexual orientation and gender identity. Pennsylvania is one of eight states that prohibit such discrimination for public employees, but not private. Four other states protect public employees from discrimination based on sexual orientation, but not gender identity. Seventeen states offer no such protection.

Victim's Rights Bills

On February 21 the state House Judiciary Committee advanced several victim's right bills out of committee, to be considered by the full House and Senate. The House will meet in a voting session during the second week of March.

"Each of these bills addresses a specific shortcoming in the existing judicial system when it comes to crime victim rights and protections," said Committee Majority Chairman Rob Kauffman (R-Franklin).

One of these measures is Marsy's Law—see *January's UM Advocacy report*. Marsy's law would add victim's rights language to the state Constitution.

Other bills would ensure that victims can attend proceeding against their abusers, cover an alleged rape victim from character attacks aimed at prior claims of victimization, expand offenses allowing for a child's "tender years" out-of-court statement, and expanding tender years exceptions to those with intellectual disabilities.

Nursing Home Inspections

A Feb. 15 press release by the Pennsylvania Department of Health reported on nursing home inspections during 2018. The department conducted 4,716 surveys (inspections) of nursing homes. It issued 169 sanctions and finalized civil penalties totaling more than \$1.5 million.

The department oversees nearly 700 nursing homes and more than 88,000 beds within nursing homes in Pennsylvania, in addition to other facilities, including hospitals, ambulatory surgical facilities, home care agencies and others.

“Every day, our staff of surveyors are visiting nursing homes to ensure owners and operators are providing proper patient care and building safety standards are being met,” Department of Health Secretary Dr. Rachel Levine said.

The inspections include information on nursing home patient-care and building inspections. If a facility is cited for not following regulations during the survey, it must submit a plan of correction that includes what will be done to fix the issue and a completion date. The department will conduct a surprise follow-up inspection to ensure the issue is resolved.

The department may also issue a sanction. Possible sanctions include a civil penalty, a ban on admissions, a license being revoked, or a facility being put on a provisional license, which requires being inspected every six months.

The department maintains a searchable database that allows the public to view patient care surveys, building safety surveys, size of nursing homes, type of ownership and additional information about each of the nursing homes in the state. Information on Pennsylvania’s nursing homes can be found on the Department of Health’s website:

www.health.pa.gov

“If you see something at a nursing home that doesn’t seem right, we encourage you to speak up,” Dr. Levine said. Complaints can be made by calling 1-800-254-5164, or filling out the online complaint form.

Nuclear Power in Pennsylvania

During the first week of February, the Legislature’s Nuclear Energy Caucus, headed by state Sen. Ryan Aument (R-Lancaster), announced that upcoming legislation will attempt to add nuclear energy to the state’s Alternative Energy Portfolio Standards.

The Alternative Energy Portfolio Standards, established in 2004, requires electricity distributors and suppliers to ensure that 18 percent of all electricity they buy in 2021 is from alternative energy resources like solar and wind.

Pennsylvania’s five nuclear power plants must compete with a potential future of cheaper and less labor-intensive natural gas electricity generation. Indeed, Three Mile Island is scheduled to shut down in September, unless it gets help from the state. The other Pennsylvania nuclear plants might not be far behind.

Proponents for nuclear energy say that preserving the industry will protect the environment, maintain electrical grid reliability and help the economy. Others point out that without nuclear, consumers will be dependent on gas companies that will have a near-monopoly in the market. Advocates say that immediate action is necessary.

Gov. Tom Wolf said he hasn’t considered the legislation yet, but he is personally focused on what happens to the plant workers and communities around them.

Nuclear plants produce 42 percent of the state’s energy output. It is the single biggest source of energy in Pennsylvania. The industry is credited with directly providing 4,700 full-time jobs.

Sen. Aument and the sponsor of the House version of the bill, Rep. Thomas Mahaffie, warned that if all five nuclear plants—operating nine reactors—would be decommissioned, it would cost \$4.6 billion in increased electricity costs, lost gross domestic product and associated pollution costs caused by new carbon emissions.

On Feb. 25, state Senate Majority Leader Jake Corman (R-Centre) said that Pennsylvania should try to save its nuclear power plants in case it needs a more diverse energy supply in the future. He agrees with giving the plants preferential treatment under the Alternative Energy Portfolio Standards. But, he opposes adding a charge to ratepayer bills to subsidize nuclear power.

Hate Groups in Pennsylvania

On Feb. 20, the Southern Poverty Law Center released a report on hate groups. The report counted 36 distinct hate groups operating in Pennsylvania. This ranked 8th in the nation, over all—but, when indexed to population, Pennsylvania drops below the top ten.

Nationwide, the report counted 1,020 active hate groups in 2018, marking an all-time high. The number represents a 7 percent increase from 2017 and a 30 percent increase over the past four years.

The annual SPLC count attempts to track all parts of the hate spectrum, from the Ku Klux Klan and white nationalist gangs to neo-Nazis to black nationalists. Groups on the list have all done some “real-life” activity over the course of the year as captured by news reports, law enforcement, citizen monitors or their own publications. Entities that appear to exist only in cyberspace are not included.

The SPLC defines a hate group as an organization that has beliefs or practices that attack or malign an entire class of people, typically for their race, religion, ethnicity, sexual orientation or gender identity. Groups operating in Pennsylvania cover a wide range.

Ten of the Pennsylvania groups are categorized as identifying with the KKK, as “white nationalist” or “racist skinhead,” adhering to some form of white supremacist ideology. Five more were identified as neo-Nazi, whose principal targets are Jews. Eleven of the Pennsylvania groups fell into the black nationalist movement, where members often advocate for forming separate institutions or even a separate nation for black people. Two groups in Pennsylvania are identified as anti-Muslim, and one is anti-LGBT. The seven others fell into a “general hate” category.

As a counter measure to hate, discrimination and bias, the Pennsylvania Human Relations Commission is organizing “No Hate In Our State” town halls and other events designed to generate community-based solutions to race-based incidents, and continuing to celebrate the benefits of cultural diversity in schools and elsewhere.

Extreme Risk Gun Bill

On Feb. 14, the one-year anniversary of the Parkland mass shooting, state Sen. Wayne Fontana (D-Allegheny) reintroduced legislation that would empower families and police officers to petition a court to temporarily remove firearms from someone who is a threat to themselves or others.

“In nearly half of all mass shootings, the killer overtly expressed threats or deranged views aimed at harming people,” Fontana said. “It’s time that our state law backs families who are trying to protect innocent people while getting their loved ones the help they need.

In cases where there is documented evidence that someone is threatening harm to themselves or others, Fontana’s Senate Bill 293, Extreme Risk Protection Orders, would empower a county common pleas court to suspend an individual’s access to firearms for up to a year. Extreme Risk Protection Orders (ERPO) would require such individuals to immediately surrender their guns to police. The ERPO would also prohibit them from buying, selling or possessing firearms during the suspension.

When issuing an ERPO, the judge could also refer the person in crisis for evaluation to ensure that person gets the needed help. During the suspension period, the subject could request a hearing to have the ERPO rescinded. Once the suspension period ends, a hearing would be held to determine if the ERPO should be lifted or renewed.

Shale Gas Environmental Crimes Investigation

A grand jury in southwestern Pennsylvania is currently conducting hearings in conjunction with investigations of the shale gas industry being conducted by state Attorney General Josh Shapiro, involving environmental crimes in Washington County.

Joe Grace, a spokesman for the attorney general, said he could not “comment or confirm any grand jury investigation.” However, some individuals who have testified have been identified. They have been sworn to secrecy about the proceedings. Grand jury witnesses are normally allowed to talk about their testimony, unless ordered by a judge not to do so.

Dai Morgan