

United Methodist Advocacy in Pennsylvania

March 31, 2019

The month of March witnessed the General Assembly fully settled in and operating at full tilt. Harrisburg was a busy place. Read on:

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#MeToo Legislation Aimed at the General Assembly

On March 25, State Rep. Leanne Krueger (D-Delaware) held a press conference today to announce legislation to create the *#MeToo Pennsylvania General Assembly Act*. The legislation proposes a process to investigate sexual misconduct that is independent from elected officials.

Rep. Krueger was joined by House Democratic Caucus Chair Joanna McClinton (D-Philadelphia), Sen. Katie Muth (D-Berks) and Sen. Maria Collett (D-Bucks), sponsors of the companion bill in the state Senate.

The legislation is being introduced as HB 1000 in the House and SB 480 in the Senate. It is intended to be an extension of the sexual harassment rules established in January, at the start of the current legislative session. Under Krueger's proposal, the General Assembly would create an independent office to investigate harassment complaints against lawmakers. The rules adopted by the House, earlier this year, gave the Ethics Committee the responsibility to investigate harassment.

Krueger's measure would also ban taxpayer money from settlements and the use of non-disclosure agreements to mask the names of members credibly accused of harassment.

Allegations of sexual misconduct against several state lawmakers, during the past few years, gives impetus to the proposed legislation.

“The General Assembly has a duty to be a leader in the fight against sexual harassment and assault,” said Krueger. “This legislation will protect members, staff and employees and hold those who harm others accountable. It is past time for sexual harassment to be taken seriously in the Capitol and for reforms to create an environment where victims feel safe enough to come forward without fear of retribution.”

Bills to Fight Workplace Harassment and Discrimination

On March 26, a group of state House and Senate Democrats introduced a package of bills to ensure safe and equitable workplaces. Governor Tom Wolf and Victim’s Advocate Jennifer Storm joined the lawmakers in the Capitol Media Center.

“The #MeToo movement showed us that sexual harassment in the workplace is far more expansive than we knew,” Sen. Christine M. Tartaglione (D-Philadelphia) said during the news conference. “We’re working to craft a comprehensive package [of bills] that studies sexual harassment and prevents it in the future.”

The proposed measures would expand Pennsylvania’s Human Relations Act to provide protections across the public and private sector. Backers say identical versions of the bills will be introduced in the state House and Senate.

The bills will do the following:

- Cover contractors and unpaid interns under the protections of the Human Relations Act.
- Amend the Human Relations Act to require employers to provide training to employees and to require standardized fair practice postings to specifically include examples of harassment and discrimination.
- Require sexual harassment training for lobbyists.
- Extend the Human Relations Act to include domestic workers.
- Provide right to jury trial, punitive damages and an extended statute of limitations under the Whistleblower Bill.
- Expand the Human Relations Act to include coverage from four employees to one employee, add the right to a jury trial, punitive damages, attorney fees and extend the statute of limitations.
- Require employers to adopt written workplace harassment policies and reporting procedures.
- Add sexual orientation and gender expression or identity to the list of classifications protected under the Pa. Human Relations Act.

Pittsburgh To Prohibit Certain Firearms

On March 27, Pittsburgh City Council, in a preliminary vote, approved legislation banning the use of military-style weapons. Three council members voted against the measures. Among their reasons, they cited the cost of the promised litigation over the regulations.

The next day, Pittsburgh Mayor Bill Peduto said that he is looking forward to the legal battle and plans to sign the regulations into law, once they are approved—Council is expected to pass the bills during a final vote at the beginning of April. “Once Council makes that final decision, I anticipate signing those documents within one week,” Peduto said.

The Mayor repeated a promise that the legal defense would cost taxpayers nothing. He said he has received pro bono commitments from a “team of attorneys both locally and nationally” to help the city fend off lawsuits and criminal complaints that Second Amendment advocates have vowed to file following passage of the bills.

The city’s legislation would also ban certain ammunition and accessories and permit courts to seize guns held by those deemed a public safety threat.

Peduto acknowledged a Second Amendment right to bear arms, but said residents of dense urban settings also have a constitutional right to tranquility. Use of assault rifles violate that right, he said. “We have to be able to recognize that one person’s constitutional rights shouldn’t trample another person’s constitutional rights.” Peduto added, “What we’re doing is challenging the legality of the present rules and saying that there is a difference between law and justice. When we challenge laws for being unjust that’s how laws get changed.”

Pittsburgh v. Harrisburg Re: Guns

It is important for state officials to think more about gun control, according to Dan Gilman, Pittsburgh Mayor Bill Peduto's chief of staff. Pittsburgh City Council is in the middle of discussions regarding the enactment of regulations restricting firearms.

"The city certainly supports Harrisburg taking stronger action on gun safety, generally. Both at the state level, but also permitting the city to have more freedom to do so," Gilman said. "City residents should be allowed to self-govern and have their own elected officials decide what makes sense in the City of Pittsburgh."

Gilman observed that people are required to be licensed to drive, to register their vehicles and report to authorities when they're stolen, but "we do none of that for gun ownership."

Six states and the District of Columbia require registration of some or all firearms. Hawaii and the District of Columbia require the registration of all firearms, California maintains a database of gun transfer records, and New York requires the registration of all handguns through its licensing law. Maryland, Connecticut and New Jersey also require some gun registration.

Eight states, including Pennsylvania, currently have laws prohibiting gun registries—the others are Delaware, Florida, Georgia, Idaho, Rhode Island, South Dakota and Vermont.

Proposed PA Gun Registry

On March 8, House Bill 768, sponsored by state Rep. Angel Cruz (D-Philadelphia) was referred to the House Judiciary Committee. The proposal would require most guns to be registered in Pennsylvania. The bill will never be reported out of committee.

Rep. Cruz wrote, "Pew Research Center reports that almost half of Americans personally know someone who has been shot, with 40,000 gun-related deaths reported in 2017....Six in ten Americans believe that our nation's gun laws are not strict enough, and it's time something be done to address this problem."

The legislation would require that the state police maintain a registry of gun owners, and each gun would be permitted at a cost of \$10 per gun per year. According to Cruz, "A registration certificate will only be issued to individuals who are eligible to possess a firearm under Federal and State law, who have never been convicted of a crime of violence and have not been convicted of a crime relating to the use, possession or sale of any dangerous drug within five years prior to the application."

"There is no chance that HB 768 moves in the House Judiciary Committee," said House Judiciary Chair, Rep. Rob Kauffman (R-Franklin County). "Gun registries do not stop violent and criminal acts with guns. They only unfairly infringe on the rights of law abiding gun owners. I will gladly resist any misguided attempts to dilute the Second Amendment rights of law abiding Pennsylvanians," Kauffman said.

Even the gun control advocacy group CeaseFirePA isn't lobbying for the bill, the group's executive director, Shira Goodman said. "This isn't high up on our agenda right now," Goodman said. "We want to pass things that work and can have an impact. This bill is a lightning rod. We really want to be both strategic and pragmatic — and tactful."

Bump Stock Ban

On March 26 the Trump Administration banned bump stock devices, that allow semi-automatic weapons to fire like automatic weapons. Gun rights groups asked the federal Supreme Court to stop the government from enforcing the ban. But, the Supreme Court twice declined the request.

The administration's ban puts it in the unusual position of arguing against gun rights groups. President Donald Trump said last year that the government would move to ban bump stocks. The action followed the 2017 shooting in Las Vegas, where a gunman attached bump stocks to assault-style rifles to shoot concertgoers from

his hotel room. By using the devices, which allow shots to be fired more rapidly, the gunman was able to fire more than 1,000 rounds in 11 minutes. Fifty-eight people were killed and hundreds were injured.

In 2010, under the Obama administration, the The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) determined bump stocks to be legal. But under the Trump administration that opinion was reversed. The new regulation requires owners to either destroy their bump stocks or surrender them. The government estimates hundreds of thousands of the devices have been sold.

Invocation Creates Controversy

On March 25, freshman Representative Stephanie Borowicz (R-Clinton) opened the day's state House of Representatives legislative session with an over-the-top evangelical Christian invocation that created offense and dismay among many of those present. The effect was exacerbated by the fact that the chamber's first Muslim woman, Rep. Movita Johnson-Harrell (D-Philadelphia), was about to be sworn into office.

In her prayer, Rep. Borowicz called on Jesus more than a dozen times, declared that "every knee will bow and every tongue will confess..." implied that the founders of America were Christians, and praised President Donald Trump for "standing beside Israel, unequivocally."

Rep. Kevin Boyle (D-Philadelphia) referred to the prayer as "a fire and brimstone evangelical prayer that epitomizes religious intolerance. Rep. Boyle has introduced a resolution that urges members offering an opening prayer to craft one "that is respectful of all religious beliefs."

In a news release, later, Boyle commented, "This is not your home where you can say whatever you want. It is the Pennsylvania House of Representatives, where we show a common decency to one another."

House Democratic Leader Frank Dermody (D-Allegheny) has requested to form a committee to develop guidelines for the opening prayer. Republican leaders expressed accord.

As few days after her invocation, Borowicz spoke as a guest on a radio show on the American Pastors Network, saying, "I had no idea that that would cause controversy. It wasn't directed at anyone."

More than 50 family and friends of Rep. Johnson-Harrell were present as honored guests to witness her swearing-in. Most were also Muslim and many were highly offended by the invocation. Johnson-Harrell was especially bothered by the political implications of the prayer.

However, the Capitol is the quintessential political setting, where there is always an opposing viewpoint. Some Republicans said they were put off at hearing the officiating iman's recitation of the Al Fatiha, the first surah of the Quran, in Arabic, at the start of Johnson-Harrell's swearing-in.

Rep. Daryl Metcalfe (R-Butler County) noted that whenever rabbis have prayed in Hebrew in the past, they always followed it up with an English translation. "It was offensive that the speaker would have allowed someone to carry on in a different language offering what he was proclaiming to be a prayer that no one else around him could understand, other than a few people who were guests with him," Metcalfe said. He further disliked a statement that Johnson-Harrell made to the Pennsylvania Capital-Star accusing other members of being Islamophobic. Metcalfe is seeking support from other Republicans to have her censured.

Borowicz's invocation can be viewed on Youtube.com, search input "Borowicz Prayer."

First new law of 2019—Loss of Public Pension Due to Crime

On March 28, Governor Tom Wolf signed into law the first completed legislation of 2019, Senate Bill 113, becoming Act 1. The new law is a government reform measure that broadens the list of crimes that can cost public officials and employees their pensions.

The act cuts off pension benefits from elected officials as well as public employees who commit a job-related felony offense or one punishable by more than five years in prison. It requires the pension forfeiture to occur regardless of whether the official or employee is convicted, pleads guilty, or no contest to a forfeiture crime. This addresses a loophole that allowed individuals charged with a forfeiture crime to dodge the forfeiture law by pleading guilty to a non-forfeiture crime that allowed them to keep their pension.

Furthermore, it calls for the forfeiture to take effect on the day the official or employee pleads guilty or no contest or is found guilty. Until now, as a result of a court interpretation of the law, the forfeiture did not occur

until the person was sentenced, which might occur months after guilt is found or admitted or a no contest is entered.

The prime sponsor of the bill was Sen. John DiSanto (R-Dauphin).

Workforce Development Legislation

On March 25, dozens of state House Republicans held a press conference to highlight the passage of an 11-bill package of workforce development measures. The package received bipartisan support. The bills are intended to help private business coordinate with trade schools to set up new or expand existing programs.

A statewide study by the Pennsylvania Chamber of Business and Industry reported that 14 percent of 650 interviewed employers said their biggest concern was finding qualified workers. This issue is often called the “skills gap,” or the difference between the skill-level needed by employers as opposed to the lack of skill possessed by job seekers. Workforce development programs aim to tackle this disparity.

But, some suggest that the skills gap may not be a real issue. A 2016 report found that employers increase their hiring requirements when more people are looking for work, questioning whether unemployment was mostly a result of an unskilled labor force. Mark Price, a labor economist with the Pennsylvania Budget and Policy Center, said on radio station WITF, “The idea that you could raise income significantly in Pennsylvania’s economy if we just trained more electricians and plumbers is not in touch with reality.”

However, workforce development is a top-priority for the General Assembly. More legislation addressing the issue is being planned.

The 11-bill package now moves to the Senate. A spokesperson for the Senate Republican majority said no timeline has been set for consideration of the bills. Based on Gov. Tom Wolf’s budget address in February, it is believed that he will be receptive to signing the bills.

School Vaccinations

On March 28, state Senator Daylin Leach (D-Montgomery) proposed legislation that would prohibit parents from refusing to have their children vaccinated for religious or philosophical reasons.

“The law requires us all to get vaccinated to attend school because that’s the only way we can protect the health of students who are medically unable to get a vaccination,” said Sen. Leach. “Vaccines are safe. The recent outbreak of mumps and measles reminds us that vaccines are absolutely essential to public health.”

Only three states—California, Mississippi and West Virginia—don’t allow parents to cite religious objections to get out of immunizing their children, according to the National Conference of State Legislatures. Pennsylvania is one of just 17 states that allow parents to opt out of immunizing their children for other philosophical reasons.

Leach noted that the number of people claiming exemptions for religious and philosophical reasons has increased. Of the 123,777 Pennsylvania kindergarten students enrolled in 2017-18, 1,371 were in school without immunizations due to religious objections raised by their parents and 1,526 were enrolled without immunizations due to philosophical objections, according to the state Department of Health.

Leach is not alone. Similar bills targeting religious exemption to vaccinations have been introduced in a number of states, including New Jersey, New York, Iowa, Maine and Vermont, according to The Washington Post. However, only Maine allows parents to opt out of immunizing their children for philosophical reasons.

However, some members in the state House would seem to be resistant to Leach’s effort. A group of eight House Republicans has introduced legislation that would support parents who refuse to get their children immunized for philosophical or religious reasons. House Bill 286, authored by state Rep. Daryl Metcalfe (R-Butler County) would bar pediatricians from refusing to treat children whose parents have cited one of the immunization exemptions.

Sports Gambling

On March 28, Mount Airy Casino announced its application for a license to enter Pennsylvania's online sports wagering and gaming market. The announcement was made by Vince Jordan, the casino's vice president of marketing and gaming operations.

Last year the casino entered into a partnership with The Stars Group. The Stars Group will oversee the internet gaming. The Pennsylvania Gaming Control Board must now approve the license application.

Mohegan Sun Pocono has also applied to the Pennsylvania Gaming Control Board, asking for permission to allow sports betting at the casino. The petition comes months after the casino announced it signed a deal with the European-based Kindred Group to offer both online and offline sports betting at its facility along with online gaming.

Sports gambling was made legal in Pennsylvania in October 2017, with any holder of a slot machine license being eligible to host sports betting.

Elsewhere in Pennsylvania, Hollywood Casino at Penn National Race Course was the first in the state to offer sports wagers. Parx Casino offers sports wagering at its Bensalem casino at two off-track betting sites. The Rivers Casino in Pittsburgh, SugarHouse Casino in Philadelphia, Harrah's Philadelphia and Valley Forge Casino also offer sports betting.

Presque Isle Downs and Casino in Erie received approval for a sports book in February, but it has not yet opened.

Auditor General Calls for State-Level Action on Climate Change

On March 28, Pennsylvania Auditor General Eugene DePasquale conducted his second public hearing on climate change. The hearing took place at Point Park University in Pittsburgh. The Auditor General warned that a lack of action on the federal level means that Pennsylvania must do more to be prepared.

Mr. DePasquale said, "The climate crisis will impact public health and safety, disrupt our economy and create new burdens on taxpayers. In light of how little serious work is being done about the crisis at the national level, it's up to states to make certain they're prepared for these potentially devastating impacts."

DePasquale is developing a special report on state government's response to climate change and steps that can better prepare the state for the future, noting that the problem will impact health, transportation and other infrastructure, agriculture, forestry, and tourism.

"I want our state to be ready for what the federal government's own experts say is already happening and what is yet to come," DePasquale said, referencing a federal report issued last fall. The report said that in the Northeast U.S., climate change poses threats from extreme heat and flooding; raises concerns about damage to aging power, water, sewer and transportation systems; and will impact rural communities, farming, forestry and tourism by altering ecosystems.

The Auditor General's report is expected to be complete this summer.

Krueger: We Need to Address Climate Change

On March 27, the state House Environmental Resources and Energy Committee received testimony from Gregory Wrightstone, a Pittsburgh geologist and self-proclaimed climate change skeptic. Mr. Wrightstone was invited by committee chair Rep. Daryl Metcalfe (R-Butler) to "present his research on climate science and factually debunking some of the modern myths surrounding the 'climate change' discussion."

Rep. Leanne Krueger (D-Delaware), a member of the Environmental Resources and Energy Committee, voiced her concern following the meeting, saying, "Climate change is a very real and very pressing problem here in Pennsylvania... The scientific community overwhelmingly agrees that human activity is causing the earth's climate to warm... Yet, instead of taking action to address this, the majority chairman created an entire hearing so a climate change denier could give his testimony. We need to stop having discussions about whether climate change is real and start drafting a plan to address it. The people of Pennsylvania are trusting us to take action." During the meeting, Krueger pointed out that Wrightstone's book is self-published and not peer-reviewed.

Bill Package to Help Incarcerated Women

On March 27, a group of mostly female lawmakers introduced a package of bills to help incarcerated women and to assist their return and transition back into the community. All the lawmakers were Democrats.

Rep. Morgan Cephas (D-Philadelphia) led the group. She observed that approximately 2,600 women were incarcerated in Pennsylvania facilities in 2017. “Our legislative package understands the critical role dignity plays in helping incarcerated women rehabilitate, turn their lives around, reenter society, and provide for their families.” She stated that the penal system often ignores the stressors and experiences of female offenders and does not account for the differences between female and male inmates.

Some measures in the proposed legislation include: specialized health care, reentry resources, free feminine hygiene products, alternative sentencing for pregnant women, free phone calls and emails, etc.

Ten Justice-Related Bills

On March 27, the state Senate Judiciary Committee considered ten pieces of legislation—seven of which pertain to victims’ rights. This is a robust beginning for the committee’s new chair, Sen. Lisa Baker (R-Luzerne).

All the bills were unanimously referred to the full Senate, except SB 473 (see next entry).

Following is a list of the bills:

SB 149 – Sen. John Sabatina

Marsy’s Law adds a victims’ bill of rights to the Pennsylvania Constitution and places victims’ rights on equal footing with those of the accused. As a proposed constitutional amendment, the legislation must pass both chambers in identical form, in consecutive legislative sessions, before being put on the ballot as a referendum. It passed the House and Senate unanimously last session.

SB 123 – Sen. John Sabatina

Karen’s Law seeks to prevent further victimization of survivors of sexual abuse. Current law allows one year to pass before a convicted sexually violent predator can re-apply for parole. This bill would extend the time to three years after their most recent parole application.

SB 399 – Sen. Wayne Langerholc

Establishes a comprehensive bill of rights in Pennsylvania for survivors of sexual assault. This legislation builds on the federal “Survivors’ Bill of Rights Act” by ensuring that the same protections and procedures are applied at the state and local level.

SB 425 – Sen. Wayne Langerholc

Amends the Pennsylvania Crime Victims Act to mirror the Federal Crime Victims' Bill of Rights, stating that a victim cannot be excluded from a trial unless the court determines that testimony of the victim will be materially altered if the victim were to hear other testimony at trial.

SB 431 – Sen. Wayne Langerholc

Toughens Pennsylvania’s Rape Shield Law by expanding the list of crimes in which past sexual conduct of a victim is inadmissible in court to include human trafficking, incest, corruption of minors, and sexual abuse and exploitation of children. Also bars evidence of past sexual victimization.

SB 479 – Sen. Lisa Baker

Strengthens protections for young abuse victims by expanding the Tender Years Exception for out-of-court statements to include additional serious sexual offenses such as child sexual abuse, child exploitation, incest, and human trafficking.

SB 469 – Sen. Dan Laughlin

Extends the Tender Years Exception for out-of-court statements to include protections for individuals who are intellectually disabled or autistic.

SB 396 – Sen. Lisa Baker

Expands the definition of tobacco products to prohibit the sale of vaping devices, gums, and patches to minors, and bans their use in schools, consistent with laws already governing other tobacco products.

SB 473 – Sen. Mario Scavello

Raises the minimum age to purchase tobacco and vaping products to 21, which is estimated to reduce initiation of tobacco use by 15-17 year olds by 25 percent.

SB 337 – Sens. Judy Schwank and Kim Ward

Criminalizes “sextortion,” a form of sexual extortion where a person threatens harm or withholds a reward or service in order to coerce sexual acts, images or videos from a victim.

Tobacco and Vaping—Senate

On March 27, the state Senate Judiciary Committee voted in a 6-6 tie on whether to advance Senate Bill 473, *Tobacco21*, out of committee. The bill sponsored by Sen. Mario Scavello (R-Monroe), would change the age limit for sale of both tobacco and vaping products to 21-years-old.

The committee plans to take a second vote on the bill. The tie vote meant the bill would not advance out of committee. However, the committee reconvened to approve reconsideration of the bill. Senate Judiciary Committee Chair Lisa Baker (R-Luzerne) affirmed that SB473 can receive a second consideration in the future. Sen. Scavello said that might happen when the Senate returns the second week in April.

The problem with the bill is not about the higher age limit, but rather a provision creating separate legal definitions for vaping products and tobacco products.

The American Cancer Society supports the new age limit in SB473, but wants vaping products included under the same legal definition as tobacco products. It objects to the bill's provision creating new product categories of “vapor products” and “alternative nicotine products.” The society’s position was the reason for the “no” votes.

Pennsylvania taxes tobacco-related products in different ways, such as per pack and by weight. Having one legal definition complicates tax policy, said Jenn Kocher, spokeswoman for Senate Majority Leader Jake Corman (R-Centre).

Vaping Legislation—House of Representatives

On March 25, the state House unanimously passed House Bill 97, the prohibition of sale of electronic cigarettes, e-cigars, JUULs and other related vaping products to minors. The bill was sponsored by House Health Committee Chair Kathy Rapp (R-Warren). It now moves to the Senate.

Updated to reflect the latest terminology used in federal regulations, HB 97 would amend the Crimes Code by adding “electronic nicotine delivery systems” (ENDS) to the sections that currently make it illegal to sell tobacco products to minors and, for students, to use such tobacco products on school grounds. The penalties would be the same as the penalties that apply to the sale and use of tobacco products under current law.

“Vaping products come in a variety of flavors, which appears to increase their appeal to minors,” said Rep. Rapp. “Touted as harmless by enthusiasts, medical experts continue to warn about the unproven safety claims of vaping products, especially when it comes to the negative effects of nicotine and other deadly toxins on the developing adolescent brain.”

College Affordability

On March 26, the joint state Senate-House Democratic Policy Committee conducted a hearing on Senate Bill 111 and House Bill 244, *Pennsylvania Promise Act*. The purpose of the Pennsylvania Promise Act is to make college more affordable by reducing tuition and fees for many students who attend community colleges, state system schools and Pitt, Penn State, Temple and Lincoln universities. The legislation was introduced by Sen. Vincent Hughes (D-Phila.) and state Reps. Jim Roebuck (D-Phila.) and Jordan Harris (D-Phila.).

The act would cover tuition and fees for high school graduates with an annual family income of \$110,000 or less. Students with a family income of \$48,000 or less would also be eligible for help with room and board. The grants would cover the “last dollar”—the remaining amount after all federal, state, and institutional grants have been awarded. In addition, the legislation would provide grants to adult learners who seek additional credentials, including certification and college credit.

Sen. Lisa Boscola, who chaired the hearing, noted that approximately 70 percent of college graduates are saddled with significant loan debt. Collectively, 44 million Americans owe nearly \$1.5 trillion in student loans.

Treatment for Stage IV Cancer

On March 26, House Bill 427 was moved out of the state House Health Committee with bipartisan support. This measure would require that health insurance companies approve the prescribed treatment for patients with a Stage IV metastatic cancer diagnosis. The legislation was introduced by majority whip Rep. Kerry Benninghoff (R-Centre)—Benninghoff is also chair of the bipartisan Cancer Caucus.

Under current law, insurance companies have the ability to set coverage guidelines that govern how and when treatments are approved. Sometimes those guidelines require Stage IV patients to first try an insurance-mandated series of medications that fail to improve the condition before being granted access to the oncology medication and treatments prescribed by their doctor.

HB 427 would provide Stage IV metastatic cancer patients access to the medication and treatments prescribed by their doctors, no matter what their insurance plan covers. “We shouldn’t require that very sick cancer patients, who are often fighting for their lives, get even sicker before we give them access to the treatment they need,” Benninghoff said.

This legislation is supported by the American Cancer Society/Cancer Action Network Pennsylvania, American Society of Clinical Oncology, Cancer Support Community, Community Oncology Alliance, Lungevity, National Organization of Rare Disorders, Pennsylvania Medical Society, Pennsylvania Prostate Cancer Coalition, Pennsylvania Society of Gastroenterology, Pennsylvania Society of Oncology & Hematology, and Susan G. Komen for the Cure.

Safe Patient Limits for Nurses

On March 20, nurses and lawmakers from both parties joined to support House Bill 867, to provide safe patient limits for nurses in Pennsylvania.

Denelle Weller, a Registered Nurse and member of the Patient Safety Authority, stated that safe patient limits are needed in Pennsylvania. She claimed the assertion that increasing nurses would bankrupt hospitals is “simply not true.” She said, “We are calling on legislators to do the right thing and pass safe patient limits into law.”

Maureen May, Registered Nurse and President of the Pennsylvania Association of Staff Nurses and Allied Professionals (PASNAP), said that HB 867 would provide the protections needed for patients and nurses, and encouraged the legislation to be passed.

Sen. Maria Collett (D-Montgomery) stated that as an RN, she understands the disparities among nurses in Pennsylvania. “Safe staffing levels protect nurses and other caregivers from burnout and injury that may force them to leave the workforce”. She stated that a survey among bedside nurses found that 94 percent claimed their facility did not have enough nurses. Referring to the poll, Sen. Collett added that 95 percent of nurses stated they could not provide the best care because of insufficient staffing.

Rep. Stephen Kinsey (D-Philadelphia) said Pennsylvania is in a “patient care crisis,” and that the solution is to ensure safe staffing ratios in hospitals. He claimed that each additional patient in a nurse’s caseload increases the risk of death by seven to 10 percent.

Rep. Gene DiGirolamo (R-Bucks) is the prime sponsor of HB 867.

General Assistance

On March 25, House Bill 33 was reported out of the state House Health Committee. The legislation would end (again) the state’s General Assistance program. On March 27, the full House wrangled over six amendments to the bill. The amendments all failed on party-line votes. Consideration of the bill will continue when the House resumes the second week of April.

General Assistance is a state-funded cash welfare safety-net providing \$205 per month to very low income individuals not eligible for Temporary Assistance for Needy Families (TANF).

The General Assistance program began in 1936. The program was ended in 2012 by legislation entitled Act 80. It was out of existence for six years. However, in summer 2018, the state Supreme Court struck down Act 80, for procedural reasons. Consequently, Gov. Tom Wolf restarted the program.

The amendments to HB33 sought to define population categories for whom the program would continue. But, Republicans argued against keeping the program, saying the governor did not have the authority to unilaterally restart the program or to spend money not earmarked. Furthermore, critics claim that there is no accountability by the cash recipients as to how the money is spent.

State Police Policy with Foreign Nationals

On March 20, a new policy of the Pennsylvania State Police regarding cooperation with U.S. Immigration and Customs Enforcement (ICE) was revealed to the state House Judiciary Committee. The hearing was a follow-up on questions that occurred during a state budget hearing for the state police, in February.

At the heart of the issue is how state police interact with foreign nationals.

Major James Degnan, the State Police Acting Deputy Commissioner of Operations, told the committee that nothing in the new policy “establishes Pennsylvania as a sanctuary state” for undocumented foreign nationals (UFNs) who have a criminal warrant issued against them or are subjects of criminal investigations. Degnan noted the major difference between the new policy and the prior policy is that the prior policy did not speak directly to interactions with UFNs.

The policy, Administrative Regulation 7-14, was implemented in January after a roughly 18-month agency review. State troopers and other state police employees now receive mandatory training regarding the policy.

Pennsylvania’s policy defines “foreign nationals” as a “citizen or national of a foreign country, regardless of immigration status, while in the United States.” The policy was designed to provide clear, unambiguous guidance in situations where UFNs are encountered and to ensure that state police interactions with these individuals are in accord with current federal and state law, as well as applicable court precedents.

“AR 7-14 affirms the ability of a trooper to use all available tools to positively identify a foreign national during a traffic stop for a violation of the Pennsylvania Vehicle Code, another arrest or any other lawful detention,” said Degnan. “It prohibits a trooper from detaining or arresting a foreign national based solely on immigration status, and does not allow for indiscriminate questioning of foreign nationals about their legal status... The policy also instructs troopers that passengers in vehicles stopped for a violation of the Vehicle Code shall not be summarily questioned regarding their immigration status solely for determining immigration status.”

Opposition to Down Syndrome Abortion

On March 20, several pro-life organizations gathered to advocate for the passage of the *Down Syndrome Protection Act* and to support House Resolution 121, honoring World Down Syndrome Day on March 21.

Rep. Kate Klunk (R-York) stated that she, along with Speaker of the House Mike Turzai (R-Allegheny), will be sponsoring legislation for the Down Syndrome Protection Act, and that Sen. Scott Martin (R-Lancaster) will be sponsoring similar legislation in the Senate.

Mikayla Holmgren, the first woman with Down syndrome to compete in any pageant in the United States, spoke about her personal achievements, including how she earned a college degree and obtained a job as a teacher's aide. She encouraged legislators to support the Down Syndrome Protection Act.

Speaker Turzai discussed how Pennsylvania's Abortion Control Act prohibits abortion based upon sex selection. He stated the Down Syndrome Protection Act "recognizes the equal rights of these individuals who are to be born with or are already born with Down syndrome, and it wants to protect the existence of these individuals so that they too can have meaningful lives just like you and me."

Nuclear Industry Legislation

On March 11, Rep. Thomas Mehaffie (R-Dauphin) introduced legislation to update the Pennsylvania Alternative Energy Portfolio Standards (AEPS), House Bill 11, to include nuclear energy.

Rep. Mehaffie said that the nuclear power plants in Pennsylvania are some of the most valuable assets in the state. He stated that the bill amends the Alternative Energy Portfolio Standards Act to create a new tier that will recognize the value of all zero-emission electric generation, including nuclear energy. He said AEPS recognizes 16 forms of electricity production that are eligible to receive alternative energy credits under the "tier I" and "tier II" credit program.

HB 11 would create "tier III" for nuclear energy. Mehaffie noted that nuclear energy provides 93 percent of Pennsylvania's zero-carbon electricity, but was not originally included in the AEPS program. He claimed there is no way to move forward with a cleaner environment without nuclear energy.

HB 11 was referred to the House Consumer Affairs Committee on March 12.

The Alternative Energy Portfolio Standards was established in 2004 by Act 213 (Senate Bill 1030). Its purpose is to support alternative electricity production and provide economic development opportunities. The goal is to have alternative sources provide 18 percent of Pennsylvania's total energy by 2021.

There are presently two categories of technology under AEPS: Tier I is carbon-free, such as solar, wind and geothermal. Tier II is environmentally efficient, including large-scale hydro and municipal solid waste. HB 11 proposes to add Tier III for nuclear generation.

Energy producers and distributors whose technology qualifies under AEPS receive financial advantages through "credits."

On March 11, Rep. Greg Vitali (D-Delaware) was joined by several industry experts and lawmakers to discuss House Bill 11.

Expert speakers included: John Hanger, former Public Utility Commission commissioner and former DEP secretary; Andrew Williams, director of regulatory and legislative affairs at the Environmental Defense Fund; Christina Simeone, director of policy and external affairs at the Kleinman Center for Energy and Policy at the University of Pennsylvania; John Quigley, director of the Center for Environment, Energy and Economy at Harrisburg University and former DEP secretary; Mark Szybist, senior attorney at the Natural Resources Defense Council; among others.

The speakers were split in their opinions of HB 11, some favoring and some opposing.

Anti-Nuclear Energy Rally

On March 25, a group of anti-nuclear energy organizations gathered in the main rotunda of the state Capitol to observe the 40th anniversary of the Three Mile Island (TMI) accident.

Tim Judson of the Nuclear Information and Resource Service, provided a timeline of the events leading to the accident. He said that the TMI meltdown was one of the largest industrial disasters in the world, but that the accident was preventable.

Arnie Gundersen, nuclear engineer with Fairewinds Energy Education, explained that no one exactly knows how much radiation was released when the TMI disaster happened. He said the Nuclear Regulatory Commission (NRC) reported that 10 million curies were released, but it was really as much as 36 million curies.

Eric Epstein, chair of Three Mile Island Alert, mentioned that the evacuation was only for preschool children and pregnant women. The evacuation's target population was 5,000, but 144,000 residents actually evacuated during the TMI disaster.

Epstein asserted that studies proved chronically elevated stress occurred. He stated the impact of psychological stress lasts forever. Epstein indicated that People Against Nuclear Energy actually took the case to the U.S. Supreme Court to consider the impact of psychological stress. He explained that it took about 40 years before people were willing to talk about it.

When asked why the Pennsylvania nuclear industry bailout and House Bill 11 should be opposed, Judson observed that utilities in Pennsylvania are required to purchase 50 percent of their power from nuclear power plants, preventing the commonwealth from moving forward into a better energy future.

Report on Minimum Wage

At the beginning of March, the PA Department of Labor and Industry released its annual report concerning the minimum wage.

The report says that nearly half of Pennsylvania hourly-wage workers—more than 1.75 million Pennsylvanians—make less than \$15 per hour. Governor Tom Wolf commented that the report confirms the need for Pennsylvania to raise the minimum wage. Pennsylvania's minimum wage has been unchanged in the last decade, at \$7.25 per hour.

Gov. Wolf said, "Our communities can no longer afford to have so many workers struggling just to get by and unable to be active members of local economies. The legislature must raise Pennsylvania's minimum wage." The report finds that in 2018, over one million Pennsylvania workers earned above \$7.25 per hour up to \$12 per hour, and another 631,500 earned up to \$15 per hour. Governor Wolf has proposed raising the minimum wage to \$15 per hour by 2025.

The report claims:

- Half of workers making near minimum wage (under \$12) were employed in full-time positions; and more than half are 25 and older;
- In 2018, 29 states had higher minimum wage rates than Pennsylvania ranging from \$7.50 to \$11.50. Since January 1, 2015, all of Pennsylvania's neighboring states have minimum wages exceeding Pennsylvania's rate;
- Ten states have their minimum wage rates tied to the Consumer Price Index and an additional eight states have approved cost of living adjustments to their minimum wages over the next few years; (Pennsylvania has no such adjustment)
- Inflation adversely affects the purchasing power of an unchanging minimum wage. Adjusting for projected inflation, the value of the 2018 minimum wage of \$7.25 is projected to fall to \$7.03 by 2020, as measured in 2018 dollars.

Dai Morgan