

United Methodist Advocacy in Pennsylvania

June 30, 2019

The focus for the Pennsylvania General Assembly in June was to complete, on time, a budget package for the 2019-20 fiscal year. This was accomplished—see the first item in this month's report. The Legislature will now go into summer recess, returning in the fall.

This time of year was also Annual Conference time for our three PA United Methodist Conferences. I submitted a written report to each. I had the honor of being the lead-off plenary speaker at the Eastern Pa AC and at the Western Pa AC, where I am a member, I addressed the United Methodist Women on the subject of the Raise the Minimum Wage movement.

Those who would like to receive information and updates from the General Board of Church and Society can subscribe via the website www.umcjustice.org. Click on the "Join Us" button at the bottom of the homepage.

Following are details on some current state-level political activities that United Methodists might find to be of interest:

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2019-20 State Budget Approved

On June 28, the finalized \$34 billion state budget for Fiscal Year 2019-20 was sent by the General Assembly to Gov. Tom Wolf. There were a few hitches in what was expected to be a smooth path for the budget legislation. However, the package was delivered more or less on time. It imposes no new taxes and sends \$250 million to the state's Rainy Day Fund.

The budget comes up short of Gov. Tom Wolf's initial ask of \$34.1 billion, but still increases state spending by 1.8 percent from the 2018-2019 fiscal year.

Gov. Wolf welcomed the new state budget by saying, "I am proud of the budget before me: More than \$300 million for education. Lower health care costs for at least 400,000 Pennsylvanians. The first major state reforms to combat campus sexual assault. Officially doubling early childhood education funding in five years. Stopping cuts to agencies and other services. Making sure kids start school at age six and stay there until they are 18. The most expansive state GI bill in the nation. Spurring agricultural development in rural and urban communities with a Farm Bill tailored to Pennsylvania farmers' specific needs. A comprehensive plan to build the nation's strongest workforce. More funding for critical human services, including child care, home-visiting programs, services for people with disabilities, early intervention programs and funding to upgrade and secure our voter registration database."

The budget is a complicated piece of work, funding a host of programs, some large, many small.

The plan features a major boost to agriculture funding—a \$19.5 million increase which includes the creation of the Agriculture Business and Workforce Investment Program.

New funding for basic education is projected to increase by \$160 million and will be accompanied by increases to special education and career and technical education

Other increases to education include a two-percent boost to the Pennsylvania State System of Higher Education, and increases to state-related universities. PASSHE should receive an additional \$9.3 million in the 2019-2020 fiscal year. Penn State University, the University of Pittsburgh, Temple University and Lincoln University will all see increases of their own.

A \$25 million increase to the Educational Improvement Tax Credit program has also been included in the spending plan—a more modest increase than the \$100 million expansion House Speaker Mike Turzai (R-Allegheny) sought. The program allows businesses to receive tax credits in exchange for scholarship money given to private schools.

Missing from the proposed spending plan is an increase in the state's minimum wage, which prompted a number of Democrats to vote against the bill in committee. Gov. Wolf had made increasing the minimum wage a focal point of his executive budget request. But, Republicans remained firm in their opposition to the idea. Rep. Matt Bradford (D-Montgomery), the minority chairman of the House Appropriations Committee, said, "The impact of not meaningfully increasing the minimum wage here in Pennsylvania continues to be felt. That missing component, for many of us, is a very difficult pill to swallow."

A House Republican initiative bolsters the state's Rainy Day Fund, which currently only holds \$23 million—one of the lowest totals in the country. The state's budgetary reserves will receive an addition of at least \$250 million, a transfer of the total 2018-19 General Fund surplus. Republican leaders say the allocation could help improve the state's credit rating, while also better preparing the state for future economic downturns.

General Assistance Ended

On June 19, the state House approved House Bill 33 to eliminate Pennsylvania's General Assistance program, by a vote of 106-95, passing the measure on to the Senate.

The General Assistance program provides small sums of cash, about \$200 per month, in temporary assistance to low income individuals, who can only use the program for nine months in a lifetime.

The program was previously eliminated by the Republican-controlled General Assembly in 2012. But, last year the state Supreme Court overturned that legislation, on a technicality. Gov. Tom Wolf then reinstated the program.

Since it's reinstatement, General Assistance has served about 10,000 individuals. Wolf has estimated it will cost approximately \$50 million to fund permanently.

Republicans criticized the governor for reinstating the program and questioned its usefulness and accountability. Rep. George Dunbar (R-Westmoreland), HB33 prime sponsor, said the program had "rampant problems."

Democrats said the program is important for the state's poorest citizens and provides vital flexible income for people who slip between the cracks of other social welfare programs. Rep. Movita Johnson-Harrell (D-Philadelphia) said eliminating the program would hurt the "most vulnerable" populations of Pennsylvania, including veterans, homeless individuals and people struggling with addiction, and argued that cash assistance is "not a hand out." She also discussed her own experience with General Assistance, which she utilized in the 1990s.

On June 26, when the state Senate had its turn to consider HB33 a period of chaos erupted in the chamber, including shouting, name calling and a brief walkout by the Democrats. Republicans accused Democrats of violating Senate procedural rules.

However, in what amounted to a one-vote margin, 26-24, the Senate ultimately passed the measure to eliminate General Assistance, with two Republicans voting with the Democrats to save it.

The bill now goes to Gov. Tom Wolf, who has not said whether we would sign or veto it. Wolf favors General Assistance, but other components in the bill might persuade him to sign it.

United Methodist Advocacy in PA has supported General Assistance and opposed House Bill 33.

Victims' Rights Bills

On June 19, the state House passed six victims' rights bills, sending the legislation to Gov. Tom Wolf for his signature.

The bills include:

House Bill 315, criminalizing the act of female genital mutilation.

House Bill 502, strengthening the right of crime victims to attend court proceedings.

House Bill 504, protecting rape victims against irrelevant cross examinations.

Senate Bill 399, creating a comprehensive bill of rights in Pennsylvania for survivors of sexual assault, including rights pertaining to the collection and use of evidence.

Senate Bill 469, applying the existing Tender Years Exception—that allows certain out-of-court statements to be admissible as evidence—to include individuals with intellectual disabilities or autism.

Senate Bill 479, expanding the Tender Years Exception to apply to a wider variety of crimes, including serious sexual offenses. This exception currently only applies in cases of homicide, assault, kidnapping, burglary, robbery, and a narrow number of sexual offenses.

The American Civil Liberties Union of Pennsylvania warned that several of the approved bills infringe upon the rights of the accused. But, the current mood of the state General Assembly is to emphasize victims' rights.

United Methodist Advocacy in PA supported SB 399, SB 469 and SB 479.

Marsy's Law

On June 19, House Bill 276, *Marsy's Law*, won General Assembly approval for a second-straight legislative session, allowing the measure to become a ballot referendum that would change the state constitution.

Marsy's Law would provide crime victims with specific constitutional rights, including a right to be treated with fairness and respect for the victim's safety, dignity, and privacy; a right to proceedings free from unreasonable delay and a prompt and final conclusion of the case; a right to have the safety of the victim and victim's family considered when setting the bail amount and release conditions for the accused; and a right to full and timely restitution from the person or entity convicted.

Gov. Tom Wolf (D) supports Marsy's Law. The ACLU of Pennsylvania opposes it. Andy Hoover, the PA ACLU's communications director, stated, "While our criminal justice system is far from perfect, the guarantees of both the Pennsylvania and U.S. Constitutions are intended to mitigate the mighty power of the state when a person is accused of a crime. Writing Marsy's Law into Pennsylvania's Constitution will further empower the state at the expense of the liberty of the person who is accused."

As of 2019, 12 states have passed a ballot measure for Marsy's Law. The first was in California, in 2008. The other states include (in order): Illinois, Montana, North Dakota, South Dakota, Ohio, Florida, Georgia, Kentucky, Nevada, North Carolina, and Oklahoma. Wisconsin is scheduled to vote on Marsy's Law in 2020.

Pardons Secretary Speaks

On June 24, Pardons Secretary Brandon Flood was the featured speaker at the monthly Press Club Luncheon at the Harrisburg Hilton. Sec. Flood spoke about criminal justice reform and modernization in his agency.

Flood began with his background, revealing that he was incarcerated for nine years in his teens and twenties.

On the subject of pardons, he said that 85 percent of the applications the his board receives are for pardons with the remainder being petitions for commutation.

Currently, there are no minimum requirements to apply for a pardon, something Flood said he is looking to change. The board must take the same time processing and scrutinizing all applications, regardless of likely outcome, creating a backlog of applications.

Another change Flood said he is pushing for is a modernization of the current system, including allowing for online and mobile applications. "We are very much an antiquated agency, very much paper based," he said.

Flood noted criminal justice reform legislation, but said lawmakers also need to consider the root causes of why someone may commit a crime in the first place.

One of Flood's major initiatives in taking charge of the Pardons Board will simply be informational. He said people still confuse the agency with the Board of Probation and Parole or aren't aware the opportunity exists to seek a pardon.

Centennial of 19th Amendment in Pennsylvania

On June 24, Acting Secretary of State Kathy Boockvar declared that the day marked the centennial of Pennsylvania's ratification of the 19th Amendment, to grant women the right to vote. Sec. Boockvar read a proclamation from Gov. Tom Wolf, recounting the history of the women's suffrage movement in Pennsylvania and recognizing early activists Lucretia Mott, Daisy Lampkin, Dora Lewis, Caroline Katzenstein and others.

Boockvar explained that 100 years ago in the Capitol, the General Assembly voted in favor of the 19th Amendment, making Pennsylvania the seventh state in the country to do so. She recounted that Pennsylvania's governor, William Sproul, called the cause of suffrage just and expressed hope that the amendment would be ratified.

Sen. Camera Bartolotta (R-Washington) noted that after Pennsylvania voted to ratify the 19th Amendment, it took another 14 months for enough states to vote to pass the amendment. She said that the right of women to vote remained in doubt until Tennessee ratified the 19th amendment by one vote. Sen. Bartolotta then observed that a record number of women filed petitions to run for Congress last year. She continued to encourage women in politics.

June is Re-Entry Month

On June 10, a bipartisan group of lawmakers conducted a Capitol news conference to highlight the importance of re-entry programs for former inmates. The event was intended to promote Sen. Camera Bartolotta's (R-Washington) resolution to commemorate June as Reentry Month.

Bartolotta said that ex-offenders have to overcome barriers that government has often set up to prevent their re-entry. "We have a lot of barriers that we have put in place for them and we are the ones that need to remove the barriers," she said.

Hate Crimes Bill

On June 3, state Senate Democrats gathered to present legislation to increase protections against violence, hate crimes and acts of religious intolerance.

Sen. Andrew Dinniman (D-Chester) said the legislation would be introduced as Senate Bill 676, and that the entire Democratic caucus and some Republicans support the bill. Sen. Dinniman stated that this legislation was influenced by the recent synagogue shooting in Pittsburgh and is known as the Tolerance, Respect and Understanding Program.

Dinniman said that the legislation establishes security funding for non-profit organizations, including faith-based organizations. He said the legislation provides support for non-profit organizations to create a community conversation regarding tolerance. He indicated the legislation would be coordinated through the Pennsylvania Commission on Crime and Delinquency (PCCD).

"With the Great Law of 1682, Pennsylvania became the first place in the world to officially proclaim freedom of worship and religious liberty," Sen. Dinniman stated. "Today, with the rise of violence and hatred—some of it directed against people of various faiths—it is up to us to look to the Great Law of 1682 and our Quaker heritage of tolerance, respect and understanding, and reaffirm [the law]."

Dinniman stated Pennsylvania needs to act in order to protect all religious groups. He said this bill creates the Pennsylvania non-profit security grant committee.

Sen. Judy Schwank (D-Berks) said the legislation provides non-profits with the ability to protect members in numerous ways, including metal detectors and trauma kits. She claimed the legislation would provide training to communities to assess and identify threats. The senator stated that minority communities should not have to fight against hate crimes alone. She asserted that the \$10 million appropriation included in the legislation is a "small price to keep people safe."

Sen. Dinniman stated the legislation is intended to protect every religious faith and place of worship in Pennsylvania. He added that Quakers initially settled in Pennsylvania because of religious persecution, and that the same guarantee of freedom of worship is needed today.

SB676 has been referred to the Senate Committee for Veterans Affairs and Emergency Preparedness.

Sealing Criminal Records

Beginning on June 28, Pennsylvania started automatically sealing 30 million criminal records of charges that did not result in convictions, summary offenses and low-level misdemeanors committed by people who have not incurred any other charges within 10 years. The automatic sealing is part of the Clean Slate law passed a year ago.

“This Clean Slate law is really about preventing a criminal charge being a life sentence to poverty,” said Katie Svoboda-Kindle, a staff attorney with Community Legal Services of Philadelphia. “Having charges or even just arrests on your record affects your ability to get good-paying work, housing, education.”

The state had previously allowed certain criminal records to be expunged after a waiting period. The new law includes a wider range of offenses, but instead of expunging merely seals them. Records will still be visible to law enforcement, and can show up on FBI background checks.

Gene Barr, president of the Pennsylvania Chamber of Business and Industry, said he anticipates the Clean Slate initiative will be valuable in bringing more people into the workforce. “We have a workforce problem in this commonwealth and this country. We have large numbers of jobs without people to fill them, and we do have people without jobs. How do we make a system to break those barriers down? We see Clean Slate as a way to do that,” he said.

Gerrymandering Supreme Court Decision

On June 27, in a 5-4 decision the U.S. Supreme Court ruled that federal courts have no jurisdiction in adjudicating political boundaries drawn for partisan purposes.

The court rejected challenges to Republican-drawn congressional districts in North Carolina and a Democrat-drawn district in Maryland. Both cases were filed to stop gerrymandering—the process where political parties having majority control attempt to seek an electoral advantage by mapping legislative districts for their own partisan benefit.

Chief Justice Roberts wrote in the majority opinion that fair redistricting can be achieved by passing reforms on the state-level. “We have never struck down a partisan gerrymander as unconstitutional—despite various requests over the past 45 years,” Roberts said. But, he also noted, “Our conclusion does not condone excessive partisan gerrymandering,” acknowledging that the North Carolina and Maryland maps are “highly partisan.”

The SCOTUS decision will have no impact on Pennsylvania’s congressional map, which was redrawn as the result of a state Supreme Court gerrymandering decision in 2018. The map used in 2018 will remain in effect for the 2020 primary and general elections,

Ben Geffen, a staff attorney at the Philadelphia-based Public Interest Law Center, said, “We’re very fortunate in Pennsylvania that we have a state Constitution that protects voters against that sort of partisan manipulation.”

In 2017, the League of Women Voters of Pennsylvania, as well as individual voters, filed a lawsuit in Commonwealth Court challenging the state’s *congressional* map, alleging it unfairly favored the Republican Party.

The Pennsylvania Supreme Court ruled in January, 2018, that the map indeed violated the state Constitution’s “free and equal” elections clause. “An election corrupted by extensive, sophisticated gerrymandering and partisan dilution of votes is not ‘free and equal,’” Justice Debra Todd wrote on behalf of the majority. The district boundaries created by the Republican-controlled legislature were replaced by the court.

While the 2018 Pennsylvania Supreme Court ruling threw out the state’s congressional map, it did not address the ones that govern the state House and Senate. Unlike the congressional map—which is drawn by the Legislature and approved by the governor—the state legislative maps are drawn by a committee made up of Republican and Democratic General Assembly leadership. This happens every 10 years, following the U.S. Census.

Pennsylvania advocates for redistricting reform will keep pushing for an independent citizens commission to draw political boundaries. Carol Kuniholm, chair of Fair Districts PA observed, “It’s a Catch-22: Reform is not possible if your legislative leaders don’t listen, and they don’t need to listen if they have gerrymandered maps.” The next round of redistricting will happen in 2021, after the 2020 census results become available.

Suicide and Pennsylvania State Prisons

2019 is on pace to be the worst year in decades for suicides in Pennsylvania state prisons. Department of Corrections spokeswoman Susan McNaughton said suicide is on the rise in Pennsylvania’s prison system, but it’s not exactly easy to pinpoint a cause for this increase.

There have been 9 suicides among state inmates this year. In each of the past two years, 15 inmates killed themselves--and those years marked the highest numbers in more than two decades.

The trend seems to align with national statistics, McNaughton said. Last year, 2,030 people committed suicide in Pennsylvania. According to a 2018 report from the Centers for Disease Control and Prevention, the state’s suicide rate rose 34 percent between 1999 and 2016. The National Study of Jail Suicide found that the rate of suicides in prisons is several times higher than that of the general population.

Claire Shubik-Richards, executive director of the Pennsylvania Prison Society, which advocates for inmates, said individual factors such as mental-health problems or substance-use disorders, and environmental factors, such as a lack of social support or connections, could contribute to prison suicides. “When someone is confined behind bars, their life can start looking pretty bleak,” she said. “There are very different cultures and while no prison is a nice place, there are places where the leadership and staff do recognize that they have the responsibility to care for people. But the overall culture ignores the problems.” She noted, “Society should be paying attention.”

Dai Morgan