

United Methodist Advocacy in Pennsylvania

February 29, 2020

The month of February begins with the Pennsylvania governor's budget address. Following this, the Appropriations Committees of both the House and Senate begin budgetary hearings with the various state departments and agencies.

Two weeks of February were filled with these hearings. They will continue into the following months. It can be expected that for the remainder of the spring the budget and state finances will consume the legislature. However, other legislation still continues.

United Methodist Advocacy, in February, supported legislation to limit solitary confinement and to include statute civil rights protections for LGBT individuals. United Methodist Advocacy has also joined a coalition seeking legislation addressing hate crimes.

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Bishop Park Speaks on LGBT Rights

On February 3, United Methodist Bishop Jeremiah Park, of the Susquehanna Conference, addressed a press conference in the Pennsylvania state Capitol in support of Senate Bill 224.

SB224 would include sexual orientation and gender identity on the list of categories protected by the Pennsylvania Human Relations Act, prohibiting discrimination in employment, housing, public accommodation, etc. for LGBT individuals.

The bill has been referred to the Senate Labor and Industry Committee, where it now awaits action.

Bishop Park's public statement followed a January 13 letter supporting SB224 issued by the three Pennsylvania bishops—Bishops Peggy Johnson, Cynthia Moore-Koikoi and Jeremiah Park.

A video of Bishop Park's address can be found on Youtube.com. At the Youtube website, search: *Bishop Jeremiah Park on LGBT Nondiscrimination*.

Reactions to the Governor's Budget Proposal

On February 4, Governor Tom Wolf delivered the governor's annual budget address to the General Assembly for fiscal year 2020-21. It is an opportunity for the governor to present his policy and political agenda for the coming year and to propose costs and revenue sources. The governor's budget address begins the process of formulating the next state budget. Creating a budget will become the primary concern for the General Assembly through the end of the remaining fiscal year, June 30.

In all, Governor Wolf proposed a \$36 billion budget. Party ideology was apparent in reactions to the proposal. House and Senate Republican leaders, the majority in both chambers, claimed that the governor wants to spend too heavily, borrow too liberally and transfer funds too easily.

The House and Senate Democratic leaders expressed solidarity for the governor's renewed calls to increase the state minimum wage, boost educational aid and curb gun violence.

A statement by Republican House leaders said, "While our state has enjoyed revenue surpluses during one of the most robust economic times in recent memory, we continue to experience high levels of cost overruns in executive departments."

Senate Majority Leader Jake Corman (R-Centre) said, "What we are seeing here is a regurgitation of many of the governor's same old policy proposals... This budget contains more than half-a-billion dollars in tax increases on employers and other things that play to his base of supporters."

Senate Appropriations Committee Majority Chair Pat Browne (R-Lehigh) claimed the governor's budget proposal could undo a decade's worth of work to rebuild state finances after the Great Recession.

Senate President Pro Tempore Joe Scarnati (R-Jefferson) criticized a proposed cut in state grants for school safety, a program Scarnati sponsored.

House Minority Leader Frank Dermody (D-Allegheny) observed the governor is in harmony with his caucus's agenda for health care, schools, jobs, the environment and criminal justice.

House Minority Caucus Whip Jordan Harris (D-Philadelphia) said he was glad to see Wolf address the student debt crisis by proposing a new program to boost student tuition aid at state-owned universities.

Senate Minority Leader Jay Costa (D-Allegheny) expressed his support for the governor's proposal to spend \$10 million to prevent gun violence.

Budget differences between the two parties was exemplified by the two chairs of the House Appropriations Committee regarding the governor's proposal to borrow \$1 billion from the Redevelopment Assistance Capital Program (RACP) to finance a grant program for removal of lead and asbestos from schools.

The Majority Chair, Stan Saylor (R-York) said the proposal would reverse a previous act to lower the RACP debt limit, actually increasing the debt limit.

The Minority Chair, Matt Bradford (D-Montgomery) said that doing nothing is not good enough. He has schools with lead problems in his district. He asked if Republicans have an alternative plan.

Battle Over School Safety Grants

Gov. Tom Wolf's suggested budget for 2020-21 cuts grant money for the School Safety and Security Fund by 75 percent (amounting to \$45 million) from current year expenditures.

Some Republicans lawmakers were quick to criticize the governor. Sen. Dave Argall (R-Schuylkill) referred to Wolf's proposal as "irresponsible and dangerous."

In response, Wolf spokesman J.J. Abbot said that protecting kids is the governor's top priority, adding, "Gov. Wolf also would support additional funds for these programs, including using legislative reserves."

The Pennsylvania Commission on Crime and Delinquency (PCCD) oversees the safety and security fund. The grants can be used for nearly two dozen specific purposes ranging from building security upgrades to paying salaries of school psychologists and counselors.

It should be noted that Wolf proposed keeping funding at \$11 million for a separate and older School Safety Initiative under the state Education Department.

Environmental Initiatives in Budget Proposal

As an environmental initiative, Gov. Tom Wolf included in his 2020-21 budget proposal an increase in the landfill tipping fee. Wolf asked for a \$1-per-ton hike in the tipping fee—currently, \$7.25-per-ton.

A tipping fee is an assessment paid by municipal landfill operators. It is paid quarterly based on waste managed at a landfill. Fee revenue is split between several state programs and host municipalities.

The governor believes the rate increase would generate \$22 million annually. It would be used to support the Hazardous Sites Cleanup Fund that pays for remedial work at abandoned hazardous waste sites. The fund is

expected to become insolvent by the end of the year. The tipping fee hike would provide a steady revenue source for the fund.

The Pennsylvania Waste Industries Association (PWIA) opposes a tipping fee hike. PWIA President Tim O'Donnell said, "We know from experience that even a \$1-per-ton fee increase would have unintended consequences, including reducing revenue to the state, our counties and municipalities from other fees, and raising the cost of essential services to Pennsylvania citizens and businesses."

In other environment-related measures in the budget, Gov. Wolf proposed filling new positions in the Department of Environmental Protection: to include 15 position in the Bureau of Air Quality and 10 positions for the Chesapeake Bay watershed protection program.

In the Department of Conservation and Natural Resources, Wolf would like to fill 17 new ranger positions in the state parks and 8 ranger positions in the state forests.

Higher Education v. Horse Racing

As part of his 2020-21 budget proposal, Gov. Tom Wolf is asking for \$204 million to underwrite tuition assistance for university students in the Pennsylvania State System of Higher Education (PASSHE). He wants to "repurpose" that amount from the Pennsylvania Horse Racing Development Trust Fund. During his February 4 budget address, Wolf declared, "Let's bet on our kids instead of bankrolling race horse owners and ensure the viability of the Pennsylvania State System of Higher Education."

Being called the "Nellie Bly Tuition Program," the new scholarship program would support full-time students enrolled in PASSHE undergraduate programs and who qualified for a federal subsidized student loan. Students must also commit to living in Pennsylvania after graduation for the same number of years for which they received the scholarship. The Wolf administration anticipates the program would annually help 25,000 students pay their tuition and related costs.

The horse racing trust fund, that would provide the monies, receives income through an assessment generated by the state's horse racing tracks. This amounts to about \$240 annually. The largest portion of this income—about \$165 million—is used to promote horse racing.

The horse racing industry strongly opposed the governor's proposal. Pete Peterson, executive director of the Pennsylvania Equine Coalition said such a move would be the "end of horse racing in Pennsylvania, by eviscerating the primary funding source for the purses and breeder incentives that serve as the lifeblood of the industry." Peterson says that horse racing and breeding provides \$1.6 billion in economic impact and supports 20,000 or more jobs in agriculture, manufacturing, construction, retail and hospitality industries—citing state Agriculture Secretary Russell Redding.

Tax Credits for Methane Industries, Maybe

On February 4, the state House approved Senate amendments to **House Bill 1100**, by 157-35, sending the bill to the governor's desk. HB1100 offers petrochemical and fertilizer manufacturing tax credits, to entice such business into the state. The industries targeted by the bill rely heavily on methane, the main component of natural gas.

Gov. Tom Wolf indicated he plans to veto the bill. The governor would prefer to attract business into the state on a case by case basis. Furthermore, by the administration's calculations, the cost in lost taxes would be disadvantageous. More would be lost than gained.

This is to say nothing of the pollution and environmental ramifications of increasing petrochemical and fertilizer manufacturing.

Even if the governor vetoes HB1100, the high margin by which the legislation passed makes a veto override seem plausible. The question is whether Democrats who originally voted for the bill would oppose a governor of their same party. So, the margin by which the legislation passed is not guaranteed to repeat on a veto override vote. It is anybody's guess.

However, building trade unions are supporting the bill. The trade unions were courted by Republicans when they were developing the tax credit. The unions will likely attempt to convince Democrats, their customary champions, to stand fast on HB1100.

Voting by Mail in Effect

On February 11, Secretary of the Commonwealth Kathy Boockvar announced that any Pennsylvania voter can now vote in the April 28 primary election using a mail-in ballot.

Last fall, Gov. Tom Wolf signed Senate Bill 421, creating Act 77, intended to make voting more convenient by allowing voting by mail, without needing to provide a reason. Thirty-one other states and the District of Columbia also provide for mail-in voting. Though similar to absentee balloting, voting by mail is a different category.

Registered voters can apply online to receive a mail-in ballot: www.pavoterservices.pa.gov

To vote in the April 28 primary, applications must be completed before 5 p.m., April 21.

When requesting a mail-in ballot, a voter will need to provide a driver's license number, or the last 4 digits of one's Social Security Number. Otherwise, it will be necessary to submit a copy of an acceptable photo ID.

Mail-in ballots must be completed and returned to the voter's county election office no later than 8 p.m. on election day.

Another recent change to state voting law allows individuals to register to vote up to 15 days before an election. For the April 28 election day, the registration deadline is Wednesday, April 13

Wolf Rejects Care Center Continuation

On February 12, Gov. Tom Wolf performed his first veto of the year, rejecting Senate Bill 906. The bill would have delayed the closing of two state facilities serving individuals with intellectual disabilities, White Haven State Center and Polk State Center.

We have been following this issue for months.

In his veto statement, Wolf wrote, "My goal is to serve more individuals in the community, reduce reliance on institutional care, and improve access to home and community-based services."

The Wolf administration, through the Department of Human Services (DHS), wants to close the two centers to cut costs and to promote transition of care to community-based services.

SB906 would have stopped the closure of the two targeted state centers (as well as any of the remaining four state centers) for five years or until a task force studied all the state centers and made a recommendation about closures.

DHS said it will follow what was a successful closure process used when the Hamburg Center was shut down in 2018. The agency projects the process for White Haven and Polk will be completed before the end of 2022. DHS said that each patient's transition into the community will be closely monitored by the agency's social workers, licensing and regional staff.

Several senators whose districts are impacted by the closures expressed disappointment with the governor's veto of SB906.

Gov. Wolf's 2020-21 budget proposal includes a \$5 million appropriation to create a State Facility Closure Transition Fund to provide grants and loans to help local municipalities affected by closings pursue new economic development opportunities and recoup expenses stemming from a facility closing.

Scarnati Will Not Seek Re-Election

On February 12, Senate President Pro Tem Joe Scarnati (R-Jefferson) announced he would not seek re-election in the 25th Senatorial District. This comes three weeks after House Speaker Mike Turzai (R-Allegheny) announced his retirement.

During the announcement, Scarnati said, “At the end of this year, I will have served the people of the 25th Senatorial district for 20 years. With the support of my Senate colleagues, I have spent the last 14 of those years in the position of President Pro Tempore and served as Pennsylvania’s 31st Lieutenant Governor from 2008 to 2011. I have worked with five Governors and throughout this time I am proud to have been a leading advocate for rural Pennsylvania values... Following my departure from the Senate, I will be taking a more active role in my business and evaluating other opportunities.”

Idea to Cut Student Loan Debt

On February 18, state Senator Ryan Aument (R-Lancaster) announced that he plans to introduce two bills to ease the burden of student debt in Pennsylvania. Pennsylvania residents carry the second highest level of student debt in the nation.

The bills would create programs to be administered by the Pennsylvania Higher Education Assistance Agency (PHEAA). There would be no taxpayer cost.

A Student Loan Retirement Agreement Program would allow borrowers to repay student loans through income share agreements. Those who have completed their degrees and started repaying their loans would agree to pay a fixed portion of their income for a set period, in order to pay off their debt.

The second measure would be the Higher Education Income Share Financing Pilot Program, where current students contract with their schools to pay a fixed percentage of their future income for a set period, in exchange for having all or a portion of the cost of their education paid.

Aument said, “My goal is to...cut costs on the front-end while easing the repayment process for graduates on the back-end.”

State College System Begins Redesign Plan

On February 20, Pennsylvania State System of Higher Education (PASSHE) Chancellor Daniel Greenstein met with the state Senate Appropriations Committee. PASSHE is the state-owned university system. The system has been under study in recent years, as enrollment and revenue decline.

The system is in the first year of a five-year redesign plan. Greenstein told the committee that PASSHE is moving from a collection of competing institutions to institutions that will help each other.

In his 2020-21 budget, Gov. Tom Wolf has proposed a \$12.9 million funding increase, to \$490 million, to support PASSHE. The increase would fund an information technology project to help the 14 member universities share information and communicate better with one another.

The overall redesign calls for the universities to create a system-wide academic plan, stabilize finances, open courses at each university to all system students, establish ties to community colleges and school districts and create more opportunities for adult learners.

Because this was a budget hearing, Greenstein indicated he was attempting to cut costs by reducing the use of temporary faculty, not filling vacant staff and faculty positions unless they meet essential needs, and consolidating academic programs with low enrollment.

When asked how PASSHE might cope without the proposed \$204 million scholarship funding (in addition to the direct funding) from the governor’s budget, Greenstein said that without the scholarship support, the system would face a difficult choice between setting affordable tuition rates or moving forward with the system redesign.

The monies for the scholarship assistance would be taken from the Pennsylvania Horse Racing Development Trust Fund. A move opposed by the horse racing industry.

Banning Gay Trans Panic Defense

According to a February 27 press release, state Rep. Dan Miller and Adam Ravenstahl (both D-Allegheny) are planning to introduce legislation that would ban the use of “Gay and Trans Panic” defenses by defendants in criminal cases.

The gay and trans panic defense is a legal argument that asks a jury to find that a victim’s sexual orientation or gender identity is to blame for the defendant’s violent behavior. It implies temporary insanity because the defendant felt threatened by the victim’s presence.

“I was appalled to learn that it is still possible in Pennsylvania for people to hide behind hate as justification for their actions,” Ravenstahl said. “Removing the possibility of this abhorrent defense from the books is a step in the right direction and one that I hope will receive broad bipartisan support and swift passage.”

The gay and trans panic defense has already been banned in California, Illinois, Rhode Island, Nevada, Connecticut, Maine, Hawaii, New York and New Jersey, according to the LGBT Bar Association.

Like-minded legislation, Senate Bill 212, has been introduced in the state Senate, where it has been referred to the Judiciary Committee.

Shapiro Files Suit Against Juul

On February 10, state Attorney General Josh Shapiro announced that his office would file suit against e-cigarette manufacturer Juul, alleging the company used deceptive advertising practices and purposefully and illegally targeted children.

The Attorney General also claims the company misled the public about nicotine levels in its products.

The action is similar to ongoing suits in four other states—California, Illinois, New York and North Carolina.

Shapiro wants Juul to discontinue sale of e-cigarettes while the litigation is pending and is ultimately seeking the end of the company’s sale of all of its products in Pennsylvania.

According to the Centers for Disease Control and Prevention, 60 deaths have been linked to lung conditions connected to vaping use. 2,711 people have been hospitalized in cases across the nation.

The federal Food and Drug Administration has barred the sale of Juul’s flavored products, allowing them only to sell menthol or tobacco-flavored pods.

Addressing Shortage of Psychological Services

On February 3, the Professional Licensure Committee of the state House approved **Senate Bill 67** to increase access to psychological services. The bill is now being considered in the full House.

SB67 would allow psychologists from other states to practice through telecommunications with patients in Pennsylvania under the oversight of an interstate compact.

The bill would allow Pennsylvania to join the Psychology Interjurisdictional Compact, a reciprocal arrangement among 12 states to allow psychological services delivery. Current state law prohibits psychologists from serving patients across state boundaries. Different state licensure laws make it difficult for psychologists to practice in other states. Joining the compact will remove some of those barriers.

Primary sponsor of SB67, Sen. Judy Ward (R-Blair) said, “(The bill is) especially important to rural districts like mine where access to psychological services is extremely limited due to a lack of providers.”

Vulnerable Highway Users

On February 3, the state House passed **House Bill 1536**, sending the measure to the Senate. The bill defines and attempts to protect a class of individuals, “vulnerable highway users.”

Vulnerable highway users consist of anyone “lawfully on the highway” who is a pedestrian or an individual on a pedal cycle; a motorized pedal cycle; an animal; an animal-drawn vehicle; an electric personal assistive mobility device; a non-motorized self-propelled transportation device; or a motor-driven cycle.

HB1536 would require vehicles on a highway to maintain a four-foot safe distance from vulnerable highway users on the highway or shoulder of the highway. Currently, motorists are only required to provide bicyclists the four-foot buffer.

Any person charged with violating the provision would be guilty of a summary offense and fined \$25 upon conviction. There would be additional penalties if careless driving causes bodily injury or death to a vulnerable highway user.

Dai Morgan