

United Methodist Advocacy in Pennsylvania

April 30, 2020

The General Assembly is back in operation after delays in March to adjust to the onset of COVID-19 mitigation measures. A high portion of legislation in April has been related to pandemic issues.

Normally, at this time of year, much of the attention of the Legislature would be on the next state budget. However, understandably, little headway has been accomplished in that area.

It has become clear during April that the pandemic has not only caused a health crisis, but also an economic crisis. This has created an ideological, moral and policy battle. The values related to which of the two issues to prioritize often conflict. Disagreement along party lines can be palpable. Working this out has been the great dilemma of government leadership—it is, perhaps, a no-win situation.

The state's General Fund is stressed. Revenue collection has been negatively affected by the pandemic. Federal financial support is greatly needed. The Pennsylvania Department of Labor and Industry reports that between March 15 and April 29, there have been 1,671,667 Unemployment Compensation claims—with a total state population of slightly less than 13 million people, that represents a high percentage of the workforce.

The Wolf Administration intends to begin reopening the state in May. However, it looks like the process will be piecemeal. Statistically, it appears that coronavirus cases are plateauing—though a positive sign, it is still best to remain cautious.

State government activity during the month of April, highlighted below, is listed chronologically:

- **April Begins with Statewide Restrictions**
- **Biden Alone Remains**
- **PA Schools Closed for the School Year**
- **State Inmate Visitation Suspended**
- **Governor Orders Prisoner Release Program**
- **Proposal to Reopen Car Dealerships**
- **Veto of Business Reopening Bill**
- **Help for Local Government Operations**
- **May 8 is Reopening Threshold**
- **Anti-Lockdown Rally**
- **General Assembly Considers Pandemic Legislation**
- **Veto of Telemedicine Bill**
- **House Disapproves Overtime Pay Regulation (Relates to Minimum Wage)**
- **Governor Defines Reopening Plan**
- **Is Food Supply Endangered?**
- **Pandemic Affects Nursing Care**
- **More Activities to be Allowed**
- **Confusion on Reopening Criteria**
- **Federal Stimulus Dollars for Pennsylvanian**

April Begins with Statewide Restrictions

On April 1, Gov. Tom Wolf announced a Stay-at-Home order for all of Pennsylvania. He recommended that all residents act under the assumption that everyone has the COVID-19 virus. “If we don’t do everything we can to slow the spread of COVID-19, there are some people who you will never see again,” the governor warned.

People were urged to stay at home. However, activities like food shopping, going to the pharmacy for medicine, and even taking a walk (as long as social distancing provisions are observed) are acceptable reasons to leave

one's home. The governor noted that with regard to food shopping, people should avoid hoarding or buying for more than one or two weeks at a time.

When asked if law enforcement would be used to ensure people follow the order, Wolf said law enforcement is being used to enforce his order to close the physical locations of businesses deemed to be "non-life sustaining."

Biden Alone Remains

On April 8, U.S. Senator Bernie Sanders announced the suspension of his campaign for the Democratic presidential nomination. This action leaves former U.S. Vice President Joe Biden as the only remaining candidate for the nomination—at one point there were 24 seeking the nomination.

However, Sanders said he would remain on the ballot in upcoming primaries and continue to amass delegates in advance of the Democratic Party's presidential nominating convention, to be able to exert influence over the party platform.

PA Schools Closed for the School Year

On April 9, Gov. Tom Wolf declared that Pennsylvania's schools will remain closed for the remainder of the school year. "We must continue our efforts to mitigate the spread of the virus during this national crisis," said Wolf. "This was not an easy decision but closing schools until the end of the academic year is in the best interest of our students, school employees and families."

This action follows the short-term closing of schools that began on March 13.

The governor said this measure does not mean learning is stopping in Pennsylvania. "As schools and communities adapt to the prolonged school closure, PDE (Pennsylvania Department of Education) will continue to work with our state, educational, and business and nonprofit partners to meet the needs of students," noted state Education Secretary Pedro Rivera.

The order applies to all public K-12 schools, brick and mortar and cyber charter schools, private and parochial schools, career and technical centers and intermediate units. Colleges and universities will also remain closed, but they fall under the Governor's order to close the physical locations of non-life-sustaining businesses. However, schools are able to begin summer programs immediately after the school year is ended.

The Pennsylvania School Boards Association said the decision will allow schools to better plan for the resumption of classroom instruction with the start of the next school year in late August/early September.

State Inmate Visitation Suspended

On April 9, the Pennsylvania Department of Corrections extended its ban on in-person inmate visitations as a COVID-19 mitigation measure. It also announced enhanced health screening of prison system employees.

Inmate visitation was first suspended after the first report of the coronavirus at Phoenix State Correction Institution in Montgomery County, on March 29. To offset the suspension of in-person visits, State Secretary of Corrections John Wetzel said the department is providing video visitation and inmates are being provided with additional free phone calls and emails.

Governor Orders Prisoner Release Program

On April 10, Gov. Tom Wolf authorized the state Department of Corrections (DOC) to release non-violent inmates from state prisons in an attempt to avoid outbreaks of COVID-19 in the prisons. The governor took this action after the state Legislature failed to move on this matter.

Wolf said, "I am pleased to direct the Department of Corrections to begin the process to release vulnerable and non-violent inmates at or nearing their release dates in an organized way that maintains supervision post-release and ensures home and health care plans are in place for all re-entrants." The governor's Reprieve of Sentence of

Incarceration Program would allow DOC to transfer to Community Corrections Centers, Community Corrections Facilities, or home confinement “vulnerable inmates” who would otherwise be eligible for release during the next twelve months, or any inmate within nine months of their minimum eligibility release date, though, first and foremost, the order says “the release must not pose a risk to public safety.”

The definition of “vulnerable inmate,” is any inmate “at risk based upon age, anyone with autoimmune disorders, who is pregnant, or who has serious chronic medical conditions like heart disease, diabetes, chronic respiratory disease, bone marrow or organ transplantation, severe obesity, kidney disease, liver disease, and cancer, or other medical condition that places them at higher risk for coronavirus, as defined by the Centers for Disease Control and Prevention.”

Released inmates will be monitored similarly to parolees and will be supervised by parole agents, but will be returned to prison to complete any remaining portion of their sentences upon termination of the Governor’s order. Corrections Secretary John Wetzel said an important component of the program will be to ensure each inmate is properly prepared before release.

House Speaker Mike Turzai (R-Allegheny), reacted to Wolf’s executive order by calling it “an inappropriate overreach of executive authority that does not serve the public interest.”

Following the governor’s order, inmate releases started taking place in mid-April.

During the time that the state General Assembly was exploring legislation on this issue, the Democratic caucus of the House Judiciary Committee approached me to review preliminary legislative language and to ask if the United Methodist Church would have a position on this matter. I responded that there was nothing in the UMC’s Social Principles or Resolutions that would oppose such action.

Proposal to Reopen Car Dealerships

On April 13, the State Government Committee of the state House approved legislation to allow car dealerships in Pennsylvania to be granted waivers from Gov. Tom Wolf’s order closing non-life sustaining businesses. The committee voted along party lines 15 to 10, with Republicans in the majority, to move **House Bill 2388** to the House floor.

HB 2388 stipulates that a reopened dealership must follow social distancing and mitigation guidelines as issued by the Centers for Disease Control.

Bill sponsor, Rep. Natalie Mihalek (R-Allegheny) said the closing of dealerships creates a hardship for people needing a replacement vehicle or having to renew a lease on a rental vehicle.

Rep. Kevin Boyle (D-Philadelphia) claimed the bill goes too far in allowing dealerships to operate. He said there is a plan to offer an amendment on the floor, providing better safety protections for auto dealer employees.

Supports of the legislation appealed to the need of health care workers and first responders who require a car to get to work. Rep. Dawn Keefer (R-York) also made an economic argument, saying that Pennsylvania residents are buying cars in neighboring states, negatively impacting Pennsylvania’s \$183 million annual revenue in state sales taxes on vehicle purchases.

Opponents referred to health endangerment concerns and noted online vehicle sales will soon be available.

Veto of Business Reopening Bill

On April 14, the state House approved **Senate Bill 613** by a vote of 107-95. The bill would give Gov. Tom Wolf seven days to publicly announce a pandemic mitigation plan to reopen those businesses that comply with federal guidelines. The bill can be perceived as a challenge to Gov. Wolf’s executive order closing non-life sustaining businesses during the pandemic emergency. All Democrats and two Republicans voted against the bill.

On April 15, the state Senate concurred with House amendments on SB613 by a party line vote, 29-21.

Senate Majority Leader Jake Corman (R-Centre) stated, “This bill does not go any further than what the [federal Centers for Disease Control] and the Department of Homeland Security have recommended.”

Senate Minority Leader Jay Costa (D-Allegheny) said, “Every recommendation we got from experts asks us not to do this.”

On April 20, Gov. Wolf vetoed the bill. The governor said he vetoed the measure for public safety reasons and the need for a “measured and staggered” approach to recovery. Previously, Wolf had said he was not opposed to working with state lawmakers to determine how to reopen the state’s economy. He said he actually suggested it.

As promised by House Speaker Mike Turzai (R-Allegheny), House Republicans began introducing individual pieces of legislation—the next day—to ease restrictions on business operations during the pandemic emergency.

Help for Local Government Operations

On April 20, Governor Tom Wolf signed into law **Senate Bill 841**, becoming Act 15. The measure makes provision for local government operations as a result of the effects of the COVID-19 pandemic.

What is almost as significant as the legislation itself is the fact that SB841 was approved unanimously in both the state Senate and House. Considering that nearly all legislation this month is divided along party lines, this is noteworthy.

The bill provides for extensions in school property tax payments, allows local governments to conduct remote meetings, allows notaries to do business remotely through electronic communications, allows school districts to renegotiate contracts with service providers to reflect the impact of closings and extends deadlines for businesses to make payments under the state Educational Improvement Tax Credit program.

May 8 is Reopening Threshold

On April 20, Gov. Tom Wolf set a tentative date, May 8, for easing current COVID-19 mitigation policies. Acknowledging the economic cost of his lockdown orders, the governor said it is time to take “small steps toward regaining a degree of normalcy in Pennsylvania.” However, he warned that care must be taken when lifting restrictions to avoid a resurgence of the coronavirus.

One immediate change will be for the Pennsylvania Liquor Control Board to allow curbside pickup at 176 of the state’s liquor stores. Orders will be placed by phone and pickups scheduled within a few days.

Following the announcement, the governor signed legislation to allow notaries to perform remote online notarizations. This is necessary to complete online vehicle transactions and thus, makes online vehicle sales and leasing possible in Pennsylvania.

During his announcement, Wolf also declared that public and private construction could resume on May 8—two days later, the governor moved up that date to May 1.

Wolf also said he would begin to remove his Stay-at-Home order for some regions that have not been hard hit by the virus. He explained, “May 8 is the target date, but now the question is how do we do it: we’ll do it by region... people are still going to have to exercise caution. Staying at home is still the best way to stay safe. Absent a vaccine, which we don’t have now, absent a cure, which we don’t have now, those are the kinda things we need to do. Social distancing will remain important. Life is going to be different on the other side of this. So, again, we’re going to go as fast as we reasonably can. We’re going to take the same measured approach to reopening as we took to closing, and it still, as it did then, will rely on individual Pennsylvanians, wherever we are, making reasoned, intelligent choices.”

Anti-Lockdown Rally

On April 20, a demonstration in protest of Gov. Tom Wolf’s handling of the COVID-19 emergency occurred at the Pennsylvania Capitol. Similar events took place in other state capitols, as well.

The groups ReOpen PA , End the Lockdown PA and Pennsylvanians Against Excessive Quarantine organized the event, billed as the “Reopen Pennsylvania Rally.” They believe the Wolf Administration’s pandemic mitigation actions are an overreach and that economic restrictions need to be eased.

The crowd was estimated at about 2,000. People started gathering hours before the event and lingered afterward. A parade of vehicles circled the blocks forming the Capitol complex.

Counter-demonstrators took positions around the outside of the rally.

Matthew Bellis of ReOpen PA said, “We each feel that we are responsible citizens.... We are living in a free society and you need to give your people the freedoms that they have.”

Two state lawmakers addressed the rally. State Rep. Russ Diamond (R-Lebanon) appealed to the psychological toll of the lockdown and said, “We cannot allow the cure to be worse than the disease.” State Rep. Aaron Bernstine (R-Beaver) commented, “Unfortunately, some people have lost their lives to the virus. My heart goes out to every one of those people. But, my heart also goes out to the 1.5 million people in Pennsylvania out of work.”

General Assembly Considers Pandemic Legislation

On April 21, both chambers of the state General Assembly approved several bills addressing issues related to the COVID-19 pandemic.

Included in these actions, both the Senate and House unanimously passed **House Bill 1869**. Among other things, the bill expands state disability benefits to include first responders, law enforcement personnel and active Pennsylvania National Guard members facing COVID-19 issues. The newly included personnel will be covered under the Enforcement Officer Disability Benefit Law if they miss work due to being infected with COVID-19, being tested for it or having to quarantine because it.

On April 29, Gov. Tom Wolf signed HB1869 into law.

The House approved **House Bill 1822**. This legislation would protect employees from being fired, threatened or coerced by employers as a result of that person’s compliance with an order to self-isolate or quarantine oneself due to COVID-19. The bill now goes to the Senate.

The House approved **House Bill 2376**. The bill prevents the governor from closing a retail store during a declared emergency if the store restricts access to one customer at a time and one employee at a time. It also allows profit and non-profit corporations that comply with CDC guidance to offer non-contact and curbside operations during a declared emergency. The bill goes to the Senate.

The House approved **House Bill 2400**. The bill would allow public and private construction activities to resume if operations adhere to social distancing and other mitigation measures defined by the CDC. The bill goes to the Senate.

The House approved **House Bill 2388**. The bill would allow vehicle dealer activities to resume if operations adhere to social distancing and other measures defined by the CDC. The bill goes to the Senate.

In addition to the items above, there is other legislation being considered, such as opening real estate activity, providing more funding to emergency responders, creating an economic recovery task force, etc. Some of this is piece-by-piece legislation to more quickly reopen the economy. For better or worse, the motivation is the old political story that the opposition always has a better idea.

Veto of Telemedicine Bill

On April 21, the Senate spent considerable time debating **Senate Bill 857** before concurring along party lines, 29-21, with a House amendment. The bill sets guidelines for the use of telemedicine, defining who can provide telemedicine services and how it is to be covered by insurance. The House amended the bill to prevent doctors from prescribing Mifepristone via telemedicine, a drug used to induce an abortion.

On April 29, as promised, Gov. Tom Wolf vetoed the bill because of the abortion drug provision. He explained in his veto message, “As amended, this bill interferes with women’s health care and the crucial decision-making between patients and their physicians.”

Acknowledging the bill is imperfect, the Hospital and Health System Association nonetheless encouraged the Governor to sign the bill, noting "the progress it represents in establishing telemedicine's rightful place at the forefront of the newly emerging health system of the future."

Legislative Republicans accused Wolf of playing politics with necessary action. Abortion supporters applauded the veto and accused Republicans of playing politics, in turn.

House Disapproves Overtime Pay Regulation (Relates to Minimum Wage)

On April 21, the state House passed a regulatory concurrent resolution to block a regulation initiated by Gov. Tom Wolf. It is the latest step in political maneuvering between the Democratic governor and Republican legislators, especially in the House, going back to February.

I've been observing, but have not previously mentioned this in my monthly reports. So, let me explain:

The overarching issue has to do with whether or not to raise the minimum wage. The governor wants to increase the minimum wage, legislative Republicans do not. During his February 4 budget proposal, Gov. Wolf renewed his call for legislation raising the minimum wage. Republicans balked.

Taking a different tack, Wolf moved to increase the earnings level at which certain workers receive mandatory overtime pay. His administration estimated the measure would make 81,000 individuals newly eligible for overtime pay. The governor's effort to accomplish this through regulation was approved by the state Independent Regulatory Review Commission.

Republicans in the state Senate then reached a compromise with Wolf. They would legislate a moderate minimum wage increase in return for elimination of the overtime rule. But, House Republicans rejected the deal.

This is the point where the concurrent resolution comes into play. Both legislative chambers can pass, by majority vote, a concurrent resolution rejecting the regulation. The Governor has the option to veto that resolution. A veto override would then require a two-thirds vote by both legislative chambers. Failure to override would allow the regulation to be implemented.

It is now the Senate's turn. They must approve a resolution similar to the one from the House.

It's become a game of move and countermove.

Governor Defines Reopening Plan

On April 22, as part of a live-streamed announcement, Gov. Tom Wolf addressed the plan for easing the COVID-19 state of emergency in Pennsylvania. Setting the tone, the governor noted, "As I've said before, we will not just be flipping a switch and going from closed to open, and, ultimately, the virus is going to set the timeline, not us. There's no single tool we will use to determine reopenings..."

There will be three phases on the return to normality. They are code-named "Red," "Yellow" and "Green," in order from most restrictive to least restrictive.

"Red" is the locked down, stay at home-level under which Pennsylvania has existed during the month of April.

"Yellow" will slightly ease mitigation practices. Many businesses will be able to open, but be required to follow health safety practices. Tele-work will still be encouraged. Gatherings will be limited to 25 persons and social distancing will remain in effect. Retail in-person sales will be permitted, though curbside and delivery will be preferred.

Schools, indoor recreation, gyms and entertainment venues will remain closed. Restaurants and bars will be limited to carry-out and delivery. State prisons and personal care facilities will remain closed to the public.

"Green" appears to be just short of normal. Businesses and individuals will still be required to follow federal and state health guidelines, such as the possibility of continuing to wear masks in public.

One criterion for moving to a less restrictive phase will be the *regional* COVID-19 caseload. It will require an average of less than 50 cases per 100,000 individuals over the course of 14 days to allow a return to work.

The regions will be defined as the state Department of Health's established six health districts, dividing the state into geographical sections: Southeast, Southcentral, Southwest, Northeast, Northcentral and Northwest.

The Northcentral and Northwest Districts were identified by Wolf as the regions most likely to meet "Yellow" standards by May 8. In fact, at about 24 cases per 100,000, the Northwest is already below the standard.

In addition to case counts, the Wolf administration will consider logistical and preparedness factors in easing regional restrictions. They might also consider data from a Carnegie Mellon University modeling system.

As part of his announcement, Wolf stated that public and private construction projects will be allowed to proceed starting May 1—not May 8, as previously announced.

Is Food Supply Endangered?

On April 22, on a conference call news conference, two House Republican leaders warned that Pennsylvania's food supply could be affected by the COVID-19 emergency. House Majority Leader Bryan Cutler (R-Lancaster) and House Agriculture and Rural Affairs Majority Chairman Martin Causer (R-Bradford) said the pandemic is causing problems getting food to consumers. Causer said, "State government needs to do more to protect food supplies."

In a response, state Agriculture Secretary Russell Redding said, "The supply chain is challenged at the moment in some places, but the system is functioning pretty well."

Cutler and Causer said they want state action to place food processing plants on the same level of bio-security as hospitals and to help food processors convert production methods from large-scale, serving restaurants and bulk purchasers, to packaging for consumers

The lawmakers said that closing of several meat processing plants in Pennsylvania due to COVID-19 outbreaks among employees warranted prompt action to prevent outbreaks at other plants and further disruption to the supply chain. They also urged the state to do more to provide COVID-19 tests for plant employees.

Redding said his department issued special guidelines to help meat processors deal with the pandemic. These guidelines urge tests of employees with virus symptoms, daily temperature checks for employees and procedures for cleaning and disinfecting equipment. He said his agency is actively engaged helping processors to retool to meet consumer demand.

Pandemic Affects Nursing Care

On April 27, the Pennsylvania Health Care Association (PHCA) made an appeal for help in coping with the COVID-19 emergency. The PHCA represents nearly 1,900 nursing and personal care homes. Association President Zach Shamberg said that these facilities need more state government help.

Shamberg said providers are seeking the release of federal emergency funding allocated to Pennsylvania under the first stimulus law, giving their employees priority in getting virus testing and personal protective equipment, easing staffing mandates and ending redundant reporting requirements.

Shamberg said the industry's response has included giving hazard bonuses and salary hikes to employees, banning visitors except for end-of-life visits, providing alternate means of communication, halting communal meals and activities, and requiring employees to wear masks and be screened for visible signs of illness at the start of each shift.

Nate Wardle, a spokesman for the state Department of Health, responded, "We have been working to push personal protective gear to all of our long-term care facilities in Pennsylvania... We have also been in constant communication with facilities of concern to assist them and check to see what potential needs they have..."

According to recent Health Department data, over 7,000 of the state's more than 41,000 confirmed virus cases, and 990 of the state's 1,597 deaths, have been identified in 441 of Pennsylvania's nursing homes and personal care homes, located in 40 counties.

On April 29, in response to this appeal, the Senate Appropriations Committee voted unanimously to amend Senate Bill 1122 to direct \$200 million of stimulus money in aid to nursing homes, personal care homes and assisted living facilities. However, SB1122 remains in committee.

More Activities to be Allowed

On April 27, Gov. Tom Wolf announced more outdoor activities to be allowable starting May 1. These include the opening of golf courses, marinas, guided fishing trips and privately owned campgrounds. Such activities will need to follow the administration's life-sustaining business guidelines. Campgrounds in state parts will remain closed through May 14. Furthermore, the administration is asking that people not travel far to engage in these activities.

Confusion on Reopening Criteria

On April 29, during a conference call with reporters, Gov. Tom Wolf appeared to have changed his thinking on how regions will be defined and on the criteria used to determine how the state will phase in reopening from the coronavirus emergency. It was confusing.

Federal Stimulus Dollars for Pennsylvania

On April 29, the state Senate Democratic Caucus revealed a plan for spending 3.9 billion in federal stimulus money for Pennsylvania. The stimulus dollars must be spent by Dec. 31, be used for COVID-19 related purposes, and not to fill revenue holes in the state budget.

Because of the short term of the availability of the federal money, it is likely the General Assembly will allocate these funds before taking action on the state budget. In fact, Senate Majority Leader Jake Corman (R-Centre) said he would like to see stimulus legislation sent to Gov. Tom Wolf before Memorial Day. Senate Minority Leader Jay Costa (D-Allegheny) said his goal is to have stimulus money ready for distribution before the end of the current fiscal year on June 30.

The proposal of the Democratic Caucus would be to use the funds in five general areas: Assistance for working people; education and child care; health care workers, first responders and front-line workers; small businesses; and African American and Hispanic communities.

Dai Morgan