

United Methodist Advocacy in Pennsylvania

October 31, 2020

The atmosphere among lawmakers in the Pennsylvania General Assembly is polarized and distrustful. There seems to be no sincere communication between the Republican-majority Legislature and the Democratic Wolf Administration. The social and economic effects of the coronavirus pandemic and the current intense nationwide political partisanship are the most likely causes for this distress.

However, it must be admitted that the General Assembly was functional enough, during its last meeting before the general election, to send 23 bills to the desk of Gov. Tom Wolf. Both chambers will return on November 10 for the last scheduled meeting of the current legislative session.

The two-year legislative session will end on November 30. At that time, all unfinished legislation will be canceled. In January, when the next session begins, all legislation must start from the beginning.

For now, incumbent lawmakers will be focusing on their reelection campaigns.

When they return on November 10, it is quite possible that more meeting days could be added to the calendar. At the very least, the General Assembly needs to establish a state budget for the last seven months of Fiscal Year 2020-21—because of the uncertainty of the pandemic, this year they only produced a budget covering the first five months (through November).

Of course, the state budget should have been settled by now. In fact, it's possible it will not be completed when the Legislature dissolves on November 30—in which case, it wouldn't be the first time the Commonwealth has operated without a budget.

The realization that very little legislation will move forward until next year has made advocacy an almost futile activity. Nonetheless, United Methodist Advocacy in PA is supporting legislation to provide relief for renters who have been financially stressed because of the pandemic. We have also supported Rep. Dan Frankel's (D-Allegheny) Coalition Against Hate.

- **A Flurry of Legislation**
 - **Measure to Regulate Delivery Robots**
 - **Legislation to Improve Fire and EMS Services**
 - **Wolf Threatens Veto of Election Bill**
 - **Wolf Vetoes Bill to Increase Restaurant Capacity**
 - **Wolf Eliminates Fee to Help Restaurants and Bars**
 - **Wolf Administration Urges Continued COVID Mitigation**
 - **Cost of Living Freeze for State Officials**
 - **Abandoned Oil and Gas Wells**
 - **PASSHE Consolidation**
 - **Overtime Threshold in Effect**
 - **Senate Pro Tem Scarnati to Retire**
 - **U.S. Senator Toomey to Retire**
 - **Five New Casinos to Open**
-

A Flurry of Legislation

On October 21, the Pennsylvania General Assembly sent 23 bills to the desk of Gov. Tom Wolf. Both chambers will return on November 10 for a lame duck meeting.

Most of the 23 bills are not likely to be of general interest. However, following are five worth noting:

- **House Bill 440**, would expunge the criminal history record of an individual who has been unconditionally pardoned or fully acquitted following a trial, while also updating the Clean Slate Law passed two years ago. Signed by Gov. Wolf on October 29.
- **House Bill 2438**, would allow electric cooperative corporations or an affiliate to use existing infrastructure facilities to deploy fiber optic lines for broadband through an existing easement owned, held or used by the cooperative corporation. Signed by Gov. Wolf on October 29.
- **Senate Bill 530**, would require schools to remove any student convicted or adjudicated delinquent of sexual assault against another student enrolled at the same school, mandating the school district expel, transfer or reassign the offender to another school or educational program to ensure the offender is not educated in the same school building, transported on the same school vehicle or allowed to participate in the same school-sponsored activities as the victim.
- **Senate Bill 976**, would codify Veterans Courts into state law and allow county Common Pleas Courts that have other problem-solving courts to establish "Veterans Tracks." The legislation also creates a commerce court program within the Superior Court and the Court of Common Pleas, with that court to have specialized jurisdiction over disputes among business enterprises relating to a transaction, business relationship or a contract.
- **Senate Bill 1281**, would rename the state's "Steer Clear Law" as the "Move Over Law," clearly stating what motorists should do when approaching an emergency response area. It would establish a new point system for a "Move Over" violations, doubling the fines for a summary offense, require PennDOT to educate the public and implement new requirements for drivers approaching an emergency response area. Signed by Gov. Wolf on October 29.

On October 29, Gov. Wolf signed into law 26 bills that had come to his desk.

Measure to Regulate Delivery Robots

On October 20, the state Senate passed **Senate Bill 1199**, 29-19, sending the measure to the Governor. The bill would regulate Personal Delivery Devices (PDD), robots that deliver packages. Previously the bill passed in the House, 105-97.

The prime sponsor of SB1199, Sen. Ryan Aument (R-Lancaster) said that PDDs can become useful in overcoming the challenges presented by the pandemic.

Opponents worry that PDDs could replace human workers and that the legislation does not allow for adequate governmental oversight.

Legislation to Improve Fire and EMS Services

On October 21, the General Assembly passed two bills intended to improve the delivery of fire and emergency medical services, House Bills 1838 and 1673. Both bills were signed by the Governor on October 29.

House Bill 1838 is intended to improve emergency medical services training in rural areas. It will increase funding for the Emergency Medical Services Operating Fund (EMSOF), requiring at least 30 percent of the funding to be used to provide training to underserved rural areas with no less than 10

percent of the funds provided directly to EMS providers to help with purchasing ambulance medical equipment.

EMSOF is funded by a \$10 fee on moving violations and a \$25 fee for driving under the influence. HB1838 will increase those fees to \$20 and \$50, respectively—which is expected to increase funding by approximately \$11 million annually.

House Bill 1673 will make improvements to grant and loan programs for fire companies, create incentives to support recruitment and retention of fire personnel, and make changes in the Office of the State Fire Commissioner.

HB1673 is based on recommendations coming from a 2018 state Senate-ordered report examining how to avert the sharp decline in volunteer firefighters and EMS providers.

Wolf Threatens Veto of Election Bill

On October 20, Gov. Tom Wolf promised to veto **House Bill 2626**, that would make changes to the Commonwealth's election law.

Gov. Wolf was displeased with the legislation's limited pre-canvassing period (three days), the ban on drop-boxes, and no provision for counting postmarked ballots beyond Election Day.

The Governor's threatened veto essentially stops election reform legislation. Consequently, the only election changes will be those determined by the state Supreme Court.

In September, the state Supreme Court ruled on the Pennsylvania Democratic Party's request to order an extension of the Election Day deadline for counting mailed ballots. State courts have previously extended election deadlines during a disaster emergency. (See my September 2020 report.)

State Republican legislative leaders filed an appeal with the U.S. Supreme Court. However, the U.S. Supreme Court did not accept the appeal.

Jason Gottesman, House Republican spokesperson responded to Wolf's promised veto by saying, "Given that the Governor has not put anything on the table that can get through our caucus and has once again removed himself from the process of discussing the issue, we have no plans at this time to consider changes to the Election Code that will affect the upcoming election."

Wolf claimed that he spoke with Republican leaders, but they couldn't come to an agreement, because there are things the GOP wants that he doesn't support, and there are things he wants that the GOP doesn't support.

Wolf Vetoes Bill to Increase Restaurant Capacity

On October 16, Gov. Tom Wolf vetoed, as promised, **House Bill 2513**. The bill would have changed coronavirus pandemic mitigation to allow bars and restaurants to increase serving capacity.

HB 2513 would have set the minimum occupancy capacity for restaurants and taverns at 50 percent. The measure would also remove Wolf's current ban on bar service, eliminate the meal requirement to purchase alcohol and allow event venues to operate at a minimum of 50 percent capacity.

HB 2513 was approved by the state Senate, 43-6, and by the state House, 145-56.

In his veto message, the Governor said the bill, "jeopardizes public health and safety." He claims HB2513 would allow establishments like restaurants and bars to have as much as 100-percent occupancy and ignore virus mitigation guidelines issued by both the federal Centers for Disease Control and Prevention (CDC) and the state.

Some business groups disagreed. "To veto a bill that would help those small businesses suffering the most almost seems cruel, especially when it passed with significant bipartisan support..." said Gordon Denlinger, state director for the National Federation of Independent Business Pennsylvania. "The bill

also assured that any expansion of capacity would have to comply with federal CDC health and safety guidelines, so it was trying to offer a balance, protecting people but also protecting livelihoods.

On October 20, given the veto-proof margin of the original passage of HB2513, the state House attempted a veto override. However, the override failed by two votes. Twelve Democrats who voted for the bill sided with the Governor against the bill during the override vote.

Wolf Eliminates Fee to Help Restaurants and Bars

On October 22, at a news conference at an upscale restaurant in Pittsburgh, Gov. Tom Wolf, accompanied by several Democratic lawmakers, announced a plan to support the restaurant and bar industry. The plan would waive liquor license fees to provide financial relief to restaurants and bars.

The Governor said, "...we know that restaurant and bar owners in Pennsylvania are committed to keeping their employees and customers safe and the vast majority of these businesses have followed safety precautions and invested in new procedures and supplies, but COVID continues to hurt this industry....Eliminating liquor license fees is an important step toward helping bars and restaurants retain the capital they need to weather the storm of COVID-19."

Wolf Administration Urges Continued COVID Mitigation

On October 19, Gov. Tom Wolf and state Health Secretary Dr. Rachel Levine urged all Pennsylvanians to hold steady their mitigation efforts as virus cases continue to rise, with more than 1,000 new cases reported on each of the previous 14 days.

"We've seen what happens when masks aren't worn and social distancing isn't practiced, people get sick. So, we need to stay vigilant and work together to stop the spread of COVID-19," said Gov. Wolf, during a press conference at the Pennsylvania Emergency Management Agency.

In addressing the cause of the increased cases, Dr. Levine observed, "In some areas, it might be schools or it might be a college. In some areas it might be a correctional institution or long-term care living [facility]. But, in general, it is large gatherings, it is businesses—and we've shown evidence of this—such as restaurants, bars and nightclubs, and it's also relatively small social gatherings among friends and family. If people do not take precautions, the virus doesn't care if it's a family member or a friend. If someone is positive and maybe doesn't have any symptoms, the virus will spread."

Dr. Levine also noted that the health care system in the state is better prepared to handle the pandemic than it was in the spring, though it is still a challenge.

Cost of Living Freeze for State Officials

On October 16, Gov. Tom Wolf signed into law **House Bill 2487**. The bill will freeze Cost of Living Adjustments (COLA) for state government officials, beginning Dec. 1, 2020, through Nov. 30 2021.

This measure will apply to members of the General Assembly, the Governor, Lieutenant Governor, Treasurer, Attorney General, Auditor General, the heads of departments, members of boards and commissions, and the judiciary. Earlier this year, the House Republican Caucus placed a freeze on hiring and froze employee salaries for one year.

Abandoned Oil and Gas Wells

On October 27, the Pennsylvania Department of Environmental Protection (DEP) released a report saying much work needed to be accomplished to cap abandoned oil and gas wells in the Commonwealth and the matter is an environmental and public safety threat.

Seth Pelepko, program manager in DEP's Bureau of Oil and Gas Planning and Program Management, said the abandoned wells can contaminate groundwater sources, leak methane and pose a safety threat, especially when located near houses and developments. These wells date back to the heyday of conventional shallow oil and gas drilling in the late 19th and early 20th centuries. Some were abandoned prior to regulations for well decommissioning and others after a driller filed for bankruptcy or moved out of state.

It is estimated there are hundreds of thousands of abandoned wells in Pennsylvania where no responsible party can be identified. Many of these wells were never capped and continue to ooze brine, chemicals and oil into the environment. Most of these are located in Western Pennsylvania, with others in the northern tier.

The law defines an "abandoned well" as one not in active use for the preceding year and where production equipment has been removed. An "orphan well" is one abandoned prior to 1985. Some 200,000 wells are over a century old and deteriorating.

PASSHE Consolidation

On October 21, the state Senate Appropriations and Education Committees joined to conduct a hearing concerning structural changes to the Pennsylvania State System of Higher Education (PASSHE). PASSHE Chancellor Daniel Greenstein took questions regarding the process of combining six of the 14 member universities. Two days earlier, Greenstein addressed the similar committees of the House.

The process, approved earlier this month by PASSHE's governing board, intends to combine operations at a "western trio" of California, Clarion and Edinboro Universities and the "North East trio" of Bloomsburg, Lock Haven and Mansfield Universities by the fall of 2022. Greenstein noted that each cluster would consist of about 13,000 students.

The plan is part of a multi-year redesign—as I've previously reported—to adapt to changing trends in higher education, dropping student enrollment, decreasing revenue and declining state aid.

"This is just not something that is happening in Pennsylvania," said committee chair Pat Browne (R-Lehigh). "It is happening across the nation."

Under the plan, the two clusters of three universities would each operate with a single leadership, faculty, and budget while maintaining separate physical campuses at the current locations.

There are no plans to close any university, but Greenstein said several universities will soon exhaust their financial reserves and have to borrow money from other universities if nothing is done.

PASSHE is seeking \$487 million in state aid for Fiscal Year 2021-22. In addition, PASSHE will seek \$25 million in state aid to support the redesign.

Overtime Threshold in Effect

On October 3, a new Pennsylvania regulation went into effect, increasing the earnings threshold below which salaried employees will be eligible for overtime pay. This regulation was an initiative of the Wolf Administration.

Starting in 2021, the threshold will be set at \$40,560, and then increased to \$45,500 in 2022. The administration says this change will eventually add 81,000 more Pennsylvania workers to those eligible for overtime pay. Every three years, following, the threshold will be adjusted automatically.

Pennsylvania business groups say the Wolf administration ignored their concerns and suggestions during the development of the regulation and maintain the new regulations will create a significant burden on the state's employers.

Senate Pro Tem Scarnati to Retire

On October 20, state Senate President Pro Tem Joe Scarnati (R-Jefferson) delivered his farewell address to the Senate. Last February, Sen. Scarnati announced he would retire at the end of his current term. Scarnati has been a member of the state Senate for 20 years.

Sen. Scarnati, who represents the 25th Senatorial District, has spent the last 14 years in the position of President Pro Tempore, and served as Pennsylvania's 31st Lieutenant Governor from 2008 to 2011 when then-Lt. Gov. Catherine Baker Knoll passed away.

"Throughout my time in office, I am grateful to have been surrounded by friends and fellow senators whom I respect," Scarnati told the chamber. "My success has been largely in part because of serving with incredible colleagues and working with a team of talented individuals who are not my staff, but my co-workers. It takes a strong team to serve constituents and to oversee operations of the Senate."

He said he looks forward to spending more time with his family.

U.S. Senator Toomey to Retire

On October 5, beside his family in Bethlehem, PA, Republican U.S. Sen. Pat Toomey, 58, announced he would not seek re-election in 2022 for either the U.S. Senate or Governor of Pennsylvania. Toomey will serve out the remainder of his present term. He said his decision was personal and his years in Congress consisted of a lot of time away from home.

Toomey served three terms as the U.S. Representative for Pennsylvania's 15th congressional district, from 1999 to 2005. He narrowly lost the Republican primary for U.S. Senate in 2004. Toomey then won Pennsylvania's election to the U.S. Senate in 2010 and reelection in 2016.

Five New Casinos to Open

Five new casinos will soon be opening in Pennsylvania. This is a change of fortune for the casino industry, when 12 casinos in the state were closed for a few months because of the coronavirus pandemic.

On October 28, the Pennsylvania Gaming Control Board's 2020-21 budget of \$46.67 million was approved. The budget includes hiring 37 new casino compliance staffers to provide oversight for the new casinos.

The gaming board operates with revenue from casino operators and fees. However, state lawmakers review the board's budget as part of the state budget process.

Two of the new casinos are scheduled to open before the end of the year: Live Philadelphia Casino and Live Casino Pittsburgh, a mini-casino in Westmoreland County.

The three other mini-casinos to open in 2021 are Penn National York, Penn National Morgantown and Parx Shippensburg.

The casino closings due to COVID-19 led to a significant loss of slots revenue and temporary layoffs for gaming board employees. New internet gaming revenue offset some of that loss.

The casinos reopened in June and July. The poker rooms at four casinos have reopened in October with pandemic precautions in place. These include putting a clear divider between the dealer and players and a limit of seven players at a table.

Slot machine, internet gaming and sports betting revenues have been stronger this October, compared to October 2019.

Dai Morgan