

United Methodist Advocacy in Pennsylvania

December 31, 2016

Following is my UM Advocacy report for December 2016:

During the month of December, the Pennsylvania legislature is inactive. Obviously, there was no legislation this month. However, even without legislation, there are a number of items worth reporting.

It should also be recognized that a two-year “session” has concluded with the closing of the last legislature. Newly elected lawmakers will take their seats and all lawmakers will be sworn in on January 3.

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2016 Legislative Review

Both chambers of the Pennsylvania Legislature were dominated by Republicans in 2016.

Tom Wolf, the Democratic governor, during his first year, 2015, had a very contentious relationship with the legislature. That relationship continued as 2016 began—exemplified by the 2015-16 budget impasse that lasted into the spring of 2016. However, early in the year a marked change took place in the Wolf Administration. The governor and his staff shifted to a less bellicose more conciliatory posture—the first fruits being that the 2016-17 budget was completed on time. (In an unprecedented action, *two* state budgets were completed in the same year, 2016, within a few months of each other.) The Wolf Administration has continued to maintain a more cooperative relationship with the legislature.

The Republican leadership, the Democratic leadership and the Governor's Office have all identified the same five items as the most important legislative accomplishments of 2016. They are: Changes to the liquor sales system, legalization of medical marijuana, passage of bills to address the opioid addiction epidemic, a fix to the state's Unemployment Compensation system that restored benefits for seasonal workers, and increased funding for education, including implementation of a fair school funding formula.

The Republicans controlled both the Senate and House, increasing their majority in both chambers, during the 2016 fall elections.

Though, they admitted that their greatest failure of 2016 was unresolved pension reform. They also were unsuccessful in charter school reform. Along with these issues, the Republicans plan to reintroduce a measure, in 2017, to eliminate school property taxes. House Majority Leader Dave Reed (Indiana) has expressed interest in revisiting the initiative to reduce the size of the Pennsylvania legislature.

Sen. Scott Wagner (York) has announced that he will run for governor in 2018.

In addition to the five accomplishments, previously mentioned, the Democrats identified further significant legislation as including: enhancements to 911 emergency services; the authorization of ride-sharing networks like Lyft and Uber, clearing up ambiguities in the state's child abuse clearance law, restructuring the state's horse racing industry, and requiring ignition interlock systems for certain DUI offenders.

The Democrats recognized failure in their inability to accomplish an increase to the minimum wage, greater investment in job creation initiatives, and campaign finance and election reform. Senate Minority Leader Jay Costa (Allegheny) was disappointed at the failures to pass legislation to address the pharmaceutical companies' responsibility in the opioid crisis and to include sexual orientation and gender identity as protected classes under Pennsylvania's anti-discrimination laws.

Like the Republicans, the Democrats are planning to reintroduce their unresolved issues in 2017.

Governor Wolf's spokesman agreed with the most important accomplishment of 2016. The governor certainly supported these pieces of legislation. In the coming year, it is his intention to continue pursuing education-related initiatives and measures addressing opioid addiction.

Furthermore, the Governor's Office has encouraged economic growth—as might be expected. However, this sometimes conflicts with environmental concerns. Mr. Wolf has essentially supported oil and gas industry drilling and has encouraged the construction of Shell's ethane cracker plant in Western Pennsylvania. His administration has also recently announced that it will invest \$300 million to double the capacity of the Port of Philadelphia, in an effort to spur private investments.

In February, for his budget address, "(Governor Wolf) is going to present a balanced budget that streamlines government, cuts waste and maximizes efficiencies, while also making sure that we're protecting investments in education, continuing to fight the heroin crisis and continuing to find ways to create good, middle-class jobs," Press Secretary Jeff Sheridan recently announced.

The governor plans to run for reelection in 2018.

However, the immediate business of the legislature in 2017 will be to create and pass a balanced budget. Other priorities will need to take a back seat for awhile. Creating a balanced budget while facing a widening deficit is going to be a formidable (maybe impossible) task, this year.

UM Advocacy in 2016

It is easy to follow the flow and content of my UM Advocacy work by reading my monthly reports. Perhaps the greatest amount of my time is occupied monitoring actions and activity of the state government. When appropriate, I meet or otherwise communicate with legislators or other officials. It is frequently useful for me to make connections with special interest organizations.

The issues on which I was most active in 2016 were: fracking and the environment, anti-payday loan efforts, "Dream Care" health insurance for undocumented children, and "Safe Harbor" prosecution protection for human trafficked minors.

I met monthly in Harrisburg with an informal coalition of faith-based political advocates to network and compare notes. I represented the UMC at the Pennsylvania Council of Churches. I sat on the Advocacy and Government Board of the Greater Pittsburgh Community Food Bank—one of the largest food banks in the state, covering 11 counties.

In 2016 I attended all three of our Pennsylvania Annual Conferences. I spoke to the plenary session of the Eastern PA AC and led a laity workshop and introduced legislation at the Susquehanna AC.

The position of Coordinator of UM Advocacy has been funded for 2017. I have plans to expand my work in the coming year.

AG Email Report

To update an item from my November report:

On December 29, a spokesman for Pennsylvania Attorney General Bruce Beemer said that the AG's office is trying to negotiate an acceptable settlement in the cost of the 50-page report commissioned by former AG Kathleen Kane, regarding sexually explicit and offensive email traffic involving the AG's office.

Attorney Douglas Gansler and his law firm, Buckley Sandler, are seeking an additional \$1.5 million, above the \$385,000 that they have already been paid. Mr. Beemer attacked the methodology of the report and said that it would unfairly damage the reputation of high ranking state employees. Beemer does not believe that the report is worth the price being asked. Mr. Gansler said that he would sue if the bill is not paid in full.

PA Government Maternity Leave

Rep. Jim Christiana (R-Beaver) said that it is time for the state House Republican Caucus to offer paid maternity leave to employees. Neither the House, nor the Senate, nor the other branches of the state government offer paid maternity leave. Christiana is calling for a policy that provides the caucus' female employees with 12 weeks of paid maternity leave—this is in line with a policy being finalized by the House Democratic Caucus which could be in place as soon as January 2017.

Christiana, is a new father whose wife had the benefit of 12 weeks of paid maternity leave. He was surprised when a staff member who was starting a family told him that the House had no maternity leave policy for its employees. He became concerned for the two women who work for him.

A letter from GOP chief counsel James Mann estimated the cost of 12 weeks of salary and benefits for maternity leave would be \$327,000. Christiana questioned that estimate.

Governor Wolf responded by saying that his company offered paid maternity leave and he is open to discussing the matter in regard to state workers.

Donald Trump has advocated a federally mandated six-week maternity leave policy.

Abortion News

Rep. Bryan Barbin (D-Cambria) was a lead sponsor of HB 1948 prohibiting abortions after 20 weeks, with some exceptions—the current limit is 24 weeks. The bill passed the House in June, but stalled in the Senate without a vote. Recently, Rep. Barbin observed that it would probably be a mistake for lawmakers to revisit the bill, because it would only be vetoed by Governor Wolf.

However, a similar measure passed in Ohio, early in December. Gov. John Kasich vetoed the bill banning abortions of a fetus with a detectable heartbeat, but he allowed the 20-week standard to become law.

In relation to these efforts, it is worth noting that the number of abortions have reached historic lows, both nationally and locally. In 2014, there were 32,000 abortions in Pennsylvania, half the number reported in 1980. Nationally, the number peaked in 1990 at 1.4 million. That figure has since fallen nearly in half, according to the U.S. Centers for Disease Control and Prevention. In Pennsylvania, about 8 in 10 abortions take place in the first 10 weeks of pregnancy. Fewer than 1 in 100 take place after 20 weeks, according to the Department of Health.

Capital Punishment

Early in 2015, Governor Tom Wolf declared a moratorium on capital punishment in Pennsylvania. At that time the three United Methodist bishops in Pennsylvania sent the governor a letter of support and appreciation for his action. Gov. Wolf said that the moratorium would remain in effect until the Joint State Government Commission delivered its report on capital punishment.

The bipartisan task force studying capital punishment was established by former Gov. Tom Corbett's administration in 2011, with the goal of delivering to the Pennsylvania Senate a report no more than two years later. But heading into 2017, that delivery has yet to arrive.

Jeff Ulmer, who leads Penn State's Department of Sociology and Criminology, is working on a study that will be included in the report. He said that his study started before the task force formed and was not intended to be finished within the deadline of the mandated report. He pointed out that his research is rigorous, complex and time consuming. It is just now being completed and prepared for peer review. Ulmer observed that he has not been involved in a research project with higher stakes.

Critics of the death penalty are probably not concerned about the delays. But, to the Pennsylvania District Attorneys Association, which supports limited use of capital punishment, the governor's moratorium is a ploy to get around the judicial system.

Executions have occurred in Pennsylvania three times since 1976, when the death penalty was reinstated in the USA. This is a relatively low number. However, 175 inmates now sit in Pennsylvania's death row. According to the non-profit Death Penalty Information Center, from the time the death penalty was reinstated, 156 people nationwide have been exonerated from death row on appeal, including six men in Pennsylvania.

A new national report shows that executions and new death sentences have fallen dramatically. Polls indicate waning public support for the death penalty. Nevertheless, the electorates in California, Nebraska and Oklahoma have recently voted to keep the death penalty as an option.

Medical Marijuana Permits

On December 21, I watched on the Pennsylvania Cable Network as Health Secretary Karen Murphy gave her briefing about the state's medical marijuana project. Dr. Murphy indicated that the project is on target to be implemented in 2018.

The state has been divided into regions for the purpose of administering the medical marijuana program. There will be six regions. They are arranged approximately uniformly. To picture this, imagine a map of the state divided into three sections: east, central, west. Add to this a horizontal line, separating each section into north and south. The regions are numbered. Region "1" is southeast, "2" is northeast, "3" is southcentral, continuing to "6" in the northwest.

At the briefing, Dr. Murphy announced that 12 grower/processor permits are being made available, two per region.

The Department of Health is also making available permits for medical marijuana dispensaries. There will be 27 permits allowing each permit holder to operate three locations.

Applications for both grower permits and dispenser permits will become available on January 17, 2017. Applications will be accepted February 20 to March 20, 2017. It will take 90 days to review the applications. The DOH anticipates receiving about 900 applications.

So, do you think any United Methodists will be applying for permits?

Acosta Resigns

To update an item from my September report:

Rep. Leslie Acosta (D-Philadelphia) who pleaded guilty last March to a federal felony charge, will resign her office at the close of business on January 3. Ms. Acosta submitted her letter of resignation to House Speaker Mike Turzai (R-Allegheny) and House Minority Leader Frank Dermody (D-Allegheny).

January 3 is the day that House members are to take the oath of office for the 2017-18 legislative session. Acosta told House leaders she would not come to the session or be sworn in. However, by waiting until Jan. 3 to step down, Acosta will receive a paycheck—about \$720 for three days in January.

Acosta secretly pleaded guilty to one felony count of conspiracy to commit money laundering. That plea agreement was unsealed and became public in September, catching fellow legislators by surprise. She remained in office, despite calls for her to step down. Several legislative colleagues told her that if she continued in office the House would block her from being seated when the new legislative session begins. Acosta refused to step down, hanging onto her legislator's salary. She remained on leave of absence for the fall session and ran unopposed in the November election, winning a second two-year term.

Acosta is one of four sitting lawmakers—all Democrats—who are facing criminal charges.

Acosta's departure will set the stage for a special election. As speaker, Mike Turzai must call for a special election within 10 days of a vacancy. That election cannot be held until at least 60 days after the speaker calls for it. The earliest would be March.

Immigrants and Erie

I found the following information to be interesting and informative.

The text is taken directly from a December 13, 2016 piece at GoErie.com, written by Gerry Weiss:

Refugees and immigrants have relocated in Erie for more than a century. The city is one of the largest resettlement destinations for refugees in Pennsylvania, aided by Erie's low cost of living and available affordable housing.

The U.S. admitted nearly 85,000 refugees in fiscal year 2016, the most since 1999, according to a recent report from the Pew Research Center.

Pennsylvania resettled 3,219 refugees, the ninth-highest total for U.S. states. Typically, about one-fifth of Pennsylvania's annual refugee arrivals resettle in Erie County, officials said.

(The International Institute) resettled 472 arrivals in fiscal year 2016, (Dylanna) Jackson said, with the largest groups emigrating from Somalia and Syria. Jackson is projecting the institute resettling roughly 450 to 475 refugees in fiscal year 2017.

The U.S. is the world's leading resettlement country for refugees. Historically, the program has had bipartisan support, and has been a mainstay of American foreign policy, said Paul Jericho (associate director of programs at the Multicultural Community Resource Center, in Erie). "We're optimistic the humanitarian support the U.S. gives refugees would continue," Jericho said. "But we really don't know what the future will bring."

Dylanna Jackson, director of the International Institute of Erie, 517 E. 26th St., the city's primary resettlement agency, said her agency has seen an uptick in donations and volunteers since Trump's election. "It's reassuring," Jackson added. "Erie has always been a welcoming community, and I anticipate that remaining the same." The institute is a field office for the U.S. Committee for Refugees and Immigrants....

"We encourage our new president to continue the tradition of the best American values, including equal protection and respect for every member of society," USCRI President Lavinia Limon said in a statement. "Worldwide, millions are denied basic human rights, and we are strengthened as a country when all of humanity is recognized.... We know that communities across the nation continue to stand ready to welcome new arrivals, break down barriers and support refugees and immigrants as they successfully integrate into new communities," Limon said.

A pivot by Trump on U.S. immigration policy would likely affect Erie's economy and overall population, said Ken Louie, director of the Economic Research Institute of Erie. The city's population would fall below 100,000 without Erie's estimated community of about 10,000 refugees, taking with it federal and state funding that vanish when population benchmarks aren't met. "Immigrants definitely have a positive effect on Erie's economy," Louie said. "They start businesses and generate jobs once they get settled. They buy cars, groceries, day-to-day essentials. If our population shrinks, our retail sales would shrink with it."

Catholic Charities & Adoption Services in Erie, 329 W. 10th St., is the area's only other resettlement agency for refugees. They average about 250 arrivals each year, officials said.

Unemployment in PA

The unemployment rate for the state of Pennsylvania declined by one-tenth of a percent in November 2016, to 5.7 percent. Movement is in the right direction, but looking at this figure alone is deceptive. The state's unemployment rate is still above the national rate of 4.6 percent.

Going back to 1987, the state has historically had *lower* unemployment than the national rate, according to the federal Bureau of Labor Statistics. Though, during one-third of this timeframe Pennsylvania did have an unemployment rate that exceeded the national rate, but never by more than half a percentage point—until now. During each of the last seven months, Pennsylvania's unemployment rate has clearly exceeded the half point difference—making 2016 an especially poor year for employment in our state.

There were other worrisome labor stats from November. The civilian labor force dropped by 2,000 individuals, with only 1,000 individuals securing employment. That means out of the 3,000 individuals who dropped from the unemployment rolls, 2,000 did so because they stopped looking for work. Furthermore, while the state's employers added a net 3,300 jobs last month thanks to 5,200 new service sector jobs, the state's goods-producing sectors continued to lose jobs, down a net 1,900 jobs. Compared to a year ago, the state has lost more than 10,000 goods-producing jobs.

Shut Down Berks Demonstration

On December 19, twelve individuals demonstrating for the closure of the Berks County Residential Center were arrested outside the state Capitol Building in Harrisburg, prior to the state's Electoral College ceremony.

The Berks County facility is being used by the federal Immigration and Customs Enforcement department as an incarceration center to hold Central American women and children who are seeking asylum. I have been following this situation since the summer. Background details can be found in my monthly reports going back to August.

The demonstration was organized by the Shut Down Berks coalition. The individuals who were arrested had chained themselves to each other and sat along the pedestrian crosswalks on 3rd Street, in front of the Capitol steps. As the Capitol Police removed the demonstrators it is reported that supporters chanted, "No justice, no peace." Those arrested were charged with disorderly conduct and released.

Since the state licenses the Berks facility, the protesters were demanding immediate action by Gov. Tom Wolf or Ted Dallas (Secretary of the Department Human Services) to close the Berks facility by issuing an Emergency Removal Order.

In my October report, I wrote about a meeting I had, along with a small group of religious advocates, with Ted Dallas at the Department of Human Services. The purpose of the meeting was to talk about the Berks facility. The meeting was originally arranged for the Shut Down Berks people. However, they chose not to attend.

Among other things, we learned that the state was putting its efforts in a legal action to stop the Berks facility from being used as an immigrant detention center. The state withdrew the facility's license early in 2016. However, the facility filed an appeal—allowing it to continue to operate. (The appeal hearing took place in November, but a decision has not yet been issued.)

Furthermore, the reason that Gov. Wolf or Sec. Dallas has not already issued an Emergency Removal Order is because such an order can be challenged by appeal. Once appealed, the order must be justified by legal arguments. The technicality of the law does not guarantee a successful defense.

I do not have confidence in the Shut Down Berks coalition. I would recommend that United Methodists be wary of them.

Fair Districts Initiative

On December 8, I attended a public meeting of Fair Districts PA, in Pittsburgh. Fair Districts PA was created under the auspices of the League of Women Voters of Pennsylvania and is further supported by Common Cause PA. The purpose of Fair Districts PA is to advocate for an independent, nonpartisan system in the formation of legislative districts in Pennsylvania. The idea is to eliminate gerrymandering and to create a more level electoral process.

The aim of Fair Districts PA is in harmony with the statement of "The Political Community" in the *United Methodist Social Principles*. Consequently, I intend to maintain contact and work with Fair Districts PA.

Fair Districts PA has asked me to arrange a meeting with Rep. Dave Reed (R-Indiana) to explore his perspective on the matter. I have made the appointment. We will be meeting with Mr. Reed on January 9.

Clean Air Council and “Cracker” Plant

In mid-December I met with Dave Smith, outreach coordinator for Clean Air Council. Mr. Smith has been trying to make connections with advocates in the religious community, especially in southwestern Pennsylvania. The current top issue for Clean Air Council appears to be the Shell ethane cracker plant that is proposed for construction in Monaca, Beaver County.

These “cracker” plants are known to be high-level air polluters. The Monaca plant is one of three planned for the region—it is my understanding that others are planned for northern West Virginia and eastern Ohio.

Potentially, the plant will create air pollution levels in southwestern Pennsylvania that have not been experienced in over a half century. Of course, contrary to this is the argument that the plant will create jobs and economic growth.

Other than networking and making a connection, no concrete action resulted from my meeting with Mr. Smith.