

## **United Methodist Advocacy in Pennsylvania**

### **December 27, 2017**

At the national-level, the two biggest political stories of December are 1) that President Donald Trump recognized Jerusalem as the capital of Israel and 2) the congressional passage of a Republican-crafted income tax bill. Both events and related controversy have received plenty of media attention.

This month in Pennsylvania, the effects of the #MeToo movement are being felt, federal and state-level gerrymandering court cases are in process, and unfulfilled legislation has probably been more significant than laws enacted.

The Pennsylvania Senate and House have recessed for the holidays and will return to legislative sessions on January 23.

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### **Abortion Bill Vetoed**

On December 18, Governor Tom Wolf, as expected, vetoed Senate Bill 3. The legislation would have banned abortions after 20 weeks of pregnancy, except in rare circumstances. The bill passed the House 121-70, the previous week.

Pennsylvania's current limit is 24 weeks. The 20-week limit would have kept in place exceptions under current law for when a mother's life or well-being is at risk, but it had no exceptions for rape, incest or fetal abnormalities.

Statistics published by the state Department of Health show there were 380 abortions done after week 20 in 2015, the latest year for which data is available. There were 31,818 abortions in total that year in Pennsylvania.

The governor signed the veto in a public ceremony in Philadelphia City Hall. He was joined by Philadelphia Mayor Jim Kenney, legislators, local elected officials, and women's reproductive rights advocates.

The bill's sponsor, state Sen. Michele Brooks (R-Crawford), said that the state "will be unable to protect so many babies in the future, who will never know the joy of living." However, the bill was opposed by

the Pennsylvania Medical Society and the Pennsylvania section of the American Congress of Obstetricians and Gynecologists.

Based on the votes to pass the bill in either chamber, there will not be enough support to override the governor's veto.

### **“Paycheck Protection”**

On Dec. 12, Senate Bill 166, “Paycheck Protection,” failed a final vote in the state House. The final vote was 102-90 against the controversial bill. In addition to every House Democrat, 26 Republicans voted against the bill.

The legislation would have prohibited the use of taxpayer dollars, used to pay public sector workers, for payroll deductions to unions for political purposes. The bill passed the Senate, 28-22, last February. Governor Tom Wolf had promised to veto the bill.

Gov. Wolf has said that the legislation is anti-police, anti-firefighter, anti-nurse and anti-teacher, limiting the free speech of public sector workers. In opposition to the bill, before the House vote, Rep. Gene DiGirolamo (R-Bucks) argued, “Make no mistake, this is not about good government; this is certainly not about protecting anyone’s paycheck. To the contrary... this is about silencing the voices of hard-working, ordinary, middle-class men and women...”

Supporters of the bill said that the use of taxpayer resources for the collection of labor union political action committee money, used to influence the outcome of elections, is unethical.

### **Marcellus Shale Severance Tax Effort**

The legislature entered its winter recess with the question of a severance tax on Marcellus shale gas drilling in limbo.

Governor Tom Wolf has been seeking a gas severance tax for nearly a year. A bloc of House Democrats and southeastern Pennsylvania Republicans have been attempting to pass legislation to impose such a tax, through HB1401. However, the effort has languished because of opposition by House Republican leadership.

The December legislative session ended with hard feelings on this issue between the two camps in the House. When the House reconvenes in late January, dozens of amendments are lined up for this bill—enough to tie up work for months.

### **Two Reports Connect Fracking to Poor Health Issues**

A study released on December 13 found a correlation between fracking and damage to the health and development of infants whose mothers live near shale gas drilling at fracking sites. The study considered 1.1 million births in Pennsylvania between 2004 and 2013.

The peer-reviewed study was co-authored by researchers at Princeton University, the University of Chicago and UCLA. It noted that 29,000, of 4 million, babies born each year in the USA live within a half-mile of a shale gas well.

According to this study, infants living within a half-mile of a fracking gas well were 25 percent more likely to have a low birth weight. Furthermore, these low birth weights were significantly lower than low birth weights of babies whose mothers did not live near wells. Low birth weights relate to greater risk of infant mortality, attention deficit hyperactivity disorder, asthma, lower school test scores and higher rates of social welfare program participation.

Results also showed elevated risk of low birth rate for infants extending up to two miles from a shale gas well—but, not as pronounced as the half-mile population.

The study is titled “Hydraulic Fracturing and Infant Health: New Evidence from Pennsylvania.” It is published in the online Journal Science Advances.

This study does not attempt to identify the pathways or agents responsible for the low birth weights.

Preliminary results from a registry of people living close to shale gas wells, compressor stations and pipelines indicate increased health problems in this population. The registry was begun last April. The data is based on the reports of the first 50 people to join the registry—about half are from Pennsylvania.

The Environmental Health Project established the registry in partnership with Genetic Alliance, a non-profit health advocacy organization. The project will continue to gather health and exposure data from volunteer participants across the country.

This first report shows that people living near the aforementioned gas industry installations are experiencing fatigue, anxiety, eye irritation, rashes, breathing problems and nosebleeds. This is consistent with a growing body of epidemiological research regarding public health impacts associated with the shale gas industry.

The Pennsylvania Department of Public Health started its own similar registry in March. It has recorded similar complaints dating back to 2011. The DPH is in the process of transferring its data to digital format and updating its report form. The intent is to make the state’s data readily available and helpful to policymakers, physicians and researchers.

## **Mini-Casinos**

On Dec. 13, the Pennsylvania Gaming Control Board approved a schedule and policy to govern a series of auctions for ten licenses for mini-casinos, to take place during the first five months of 2018. The mini-casinos are one of several new gambling venues authorized in the gambling expansion law enacted in October.

The auctions are a departure from the way the first casino licenses were awarded a decade ago. Under the new law, each mini-casino license will be auctioned one at a time through sealed bids. A minimum bid of \$7.5 million for a Category 4 slot license must be made. A separate certificate for table games can be obtained for a \$2.5 million fee.

At each auction, the board will announce the name of the winning bidder, the amount, and the selected location. The board won't disclose the identity of the losing bidders and the amount of their bids.

The potential locations for mini-casinos is currently undetermined, as individual municipalities have until Dec. 31 to determine whether or not they want to host a mini-casino. At this writing, more than 600 municipalities, out of 2,500, have already passed opt-out resolutions.

## **PA CHIP**

On December 15, Governor Tom Wolf signed a bill guaranteeing funding for the state’s portion of the Children’s Health Insurance Program (CHIP). The Governor signed the bill at the Children’s Hospital of Philadelphia, where he was joined by state Human Services acting secretary Teresa Miller.

The program covers more than 180,000 children in Pennsylvania, providing health insurance for children whose families earn too much to qualify for Medicaid. About 90 percent of the \$450 million that supports the state’s program comes from the federal government. The U.S. Congress is three months past its deadline to re-approve CHIP—the program expired Oct. 1.

A few days before signing the Pennsylvania bill, Mr. Wolf joined 11 other governors who sent a letter to congressional leaders asking for the program to be reauthorized. The governors said funding the program “without disruption” is something for which they can all agree.

Just before Christmas, U.S. Congress passed a continuing resolution that will extend federal funding for CHIP through March. Advocates expressed relief for the temporary fix, but emphasized the need for full long-term funding. Wolf and Miller expressed disappointment at Congress's limited action.

### **AG Josh Shapiro on FCC Vote to Rollback Net Neutrality**

Following is the text of a Dec. 14 statement released by the office of the Pennsylvania Attorney General:

“The vote by the Federal Communications Commission to gut Net Neutrality could end the Internet as we know it. The FCC action undermines free speech and is bad for consumers and business—especially startups and small businesses.

With 17 of my colleague Attorneys General, I called on the FCC to delay today's vote, to allow state and federal investigations to continue into the more than 1 million fake comments that were sent to the FCC about net neutrality. This huge number includes tens of thousands of fake comments issued under the names of real Pennsylvanians. The theft of someone's voice in our democracy cannot stand, and we must first get to the bottom of this massive identity theft.

I plan to take legal action to protect Net Neutrality and believe the FCC's decision will face serious legal challenges.

Visit [badcomments.attorneygeneral.gov](http://badcomments.attorneygeneral.gov) to look and see if your name was used fraudulently to influence the FCC's process. We will investigate all reports made through this site and this information may be important to future legal action.”

Contact: Joe Grace, 717-574-9095, [jgrace@attorneygeneral.gov](mailto:jgrace@attorneygeneral.gov)

### **Sen. Leach Sexual Misconduct Allegations**

State Senator Daylin Leach (D-Montgomery) has been accused of sexual misconduct. Eight women and three men are alleging that Sen. Leach inappropriately touched them or made inappropriate remarks. Two of the women were campaign staffers for Leach in 2008.

Mr. Leach replied on Facebook, “*The two alleged incidents that were described to me by the Inquirer did not happen... But they both allegedly occurred in crowded rooms with lots of people and cameras around. I was never alone with the women involved...*”

Senator Leach has served in the Pennsylvania State Senate since 2008 and has been a legislator for 15 years. He was in the process of running for Congress in the 7th Congressional District. However, his office released the following statement, on December 18: "While I've always been a gregarious person, it's heartbreaking to me that I have put someone in a position that made them feel uncomfortable or disrespected. In the future, I will take more care in my words and my actions, and I will make it my top priority to protect those who do speak up to help change the culture around us... I have watched these allegations hurt my family and supporters, and respectfully ask for privacy for my family... Today, I am taking a step back from the congressional campaign to focus on my family and work with Senate leaders to address these allegations and fully cooperate as they are all vetted. I will continue to do all that I can to advance progressive causes in the Senate and represent my constituents with honor."

Governor Tom Wolf called for Sen. Leach to resign.

### **PA Government Sexual Misconduct Settlements**

Newspapers in Philadelphia and Pittsburgh recently reported that PA House Democrats paid over a half million dollars to settle sexual harassment and other claims, over the past decade. Of this, \$248,000 was paid in 2015 to settle a complaint against Rep. Tom Caltagirone (D-Berks).

On Dec. 19, in response to the reports, House Democratic Leader Frank Dermody (D-Allegheny) issued a statement of explanation: *"We do our best to provide all caucus employees with a safe workplace, free from discrimination and harassment... "When we agree with an employee to settle a complaint, we do so with the advice of counsel and mindful of the effect the underlying complaint may have had on the employee making the complaint and what his or her best interests are. In addition, because complaints by employees are very often filed against the caucus or the House as the employer, we also take into account whether settling a complaint will reduce the risk that protracted litigation may be a financial drain on the commonwealth.*

*"Since 2007, the caucus agreed to pay out a total of \$514,300 to settle claims by employees. Two of them involved sexual harassment claims against two different members. Five of them involved other types of employment matters. I cannot discuss the specifics of a settlement where the parties agreed to keep the terms confidential. They may only be disclosed pursuant to a court order or the Right to Know Law..."*

Governor Tom Wolf called for Rep. Caltagirone's resignation.

On Dec. 20, Rep. Caltagirone responded by denying his former aide's claim of misconduct, resulting in the settlement. He said that he does not plan to resign. He pointed out that he is prohibited from discussing specifics of any employment-related settlement. "I wanted my day in court but counsel implored the parties to settle because of the high cost of litigating any complaint, legitimate or not," he wrote.

Two years ago, House Democratic caucus chief counsel Nora Winkelman told the state's Department of General Services, which runs a self-insurance fund that eventually paid on the claim, that a legislative assistant in Caltagirone's district office had initially made a \$1.5 million claim for "a complaint of discrimination, among other things," under a federal law that bans discrimination based on sex, race, color, national origin and religion.

The fund approved payments to the woman of about \$165,000 and \$82,500 to her lawyer.

Gov. Wolf said he wants to prevent using the fund for cases of abusive behavior by elected officials and ordered the Department of General Services to change it. Auditor General Eugene DePasquale said he was outraged that the total amount disclosed by Dermody was just being made public. "Taxpayer money should never be used to settle sexual harassment claims against an elected official," said DePasquale. "As a former legislator, I know that many members, including myself, were unaware that these payments were made. We need to put a stop to it."

Furthermore, legislation to bar non-disclosure agreements is being introduced by a group of women lawmakers. The measures include a bill authored by state Sen. Judy Schwank (D-Berks), to ban non-disclosure agreements (NDA) in cases of sexual assault and harassment. Sen. Schwank's SB999 was introduced on December 7 and is now in the Senate judiciary committee.

In the House, Rep. Leanne Krueger-Braneky (D-Delaware), has outlined a proposal to ban NDAs that mask elected officials' names, prohibit using taxpayer funds for settlements, and add protections so victims aren't forced to work alongside their abusers or go without legal representation. Rep. Krueger-Braneky's legislation has yet to be introduced.

A House Republican spokesman said officials knew of no sexual harassment settlements involving their caucus in at least the past 15 years, if not longer.

The Democratic side of the House of Representatives is not alone in paying for sexual misconduct allegations:

The state Senate disclosed that it has not been sued or settled any claims for alleged sexual misconduct, but it has incurred more than \$10,769 in legal fees to investigate such matters since 2010.

The Treasury Department paid \$7,500 to cover an employee's legal costs in a sexual harassment and retaliation complaint and agreed to transfer her, as part of a federal lawsuit settlement.

The Administrative Office of Pennsylvania Courts said a stenographer was paid \$52,000 in 2012 to settle a complaint about a Westmoreland County judge's behavior. The settlement related to the stenographer's work for the court and Judge Al Bell, who retired in 2014. The woman claimed that Bell

had rubbed her shoulders, leered at her and made sexual remarks and suggestions. At the time, Bell told a newspaper that he denied doing "anything in a suggestive manner" and called "most of what she said ... a big nothing."

The Pennsylvania State Police paid nearly \$8 million, since 2001, to settle at least 18 cases of sexual misconduct—representing the largest use of taxpayer money for this purpose by any state government agency. This does not count four pending cases, including one rape case.

Most of the payments have ranged from \$5,000 to \$435,000. The state police did not admit to wrongdoing in any of the cases. From 2001 to 2004 the agency paid 6.3 million for claims against one trooper, Michael K. Evans, who was convicted of sex crimes and served about eight years in prison.

### **Metcalf Doesn't Like to be Touched by Men**

On Dec. 5, during a committee meeting, Rep. Daryl Metcalfe (R-Butler) interrupted Rep. Matt Bradford (D-Montgomery), who was seated next to him, after Bradford placed his hand on Metcalfe's forearm while Metcalf was speaking. Metcalf immediately addressed Bradford, saying, "Representative Bradford, look, I'm a heterosexual, I have a wife, I love my wife, I don't like men, as you might, but stop touching me all the time. It's like, keep your hands to yourself. Like, if you want to touch somebody, you have people on your side of the aisle that might like it, I don't." Bradford's response was to laugh and say that the meeting was "officially off the rails."

The incident was video recorded and later broadcast on a few media outlets.

The next day, Governor Tom Wolf called Rep. Metcalfe's comments offensive and discriminatory. He urged House Republican leadership to reconsider Metcalfe's position as chairman of the House State Government Committee, which the governor pointed out considers legislation related to civil rights.

Furthermore, the state Democratic Party called for Metcalfe to resign. A gay and transgender rights group and a health care workers' labor union asked House Speaker Mike Turzai to strip Metcalfe of his committee chairmanship.

Speaker Turzai (R-Allegheny) said he has no plans to demote Metcalfe, noting that the House is "a very collegiate place." He also explained that committee chairs are determined, per House rules, by seniority and he does not have the power to remove someone from the role.

The rule allowing only the most senior members to hold committee chair positions was passed by the Legislature in 1999. Party leaders determine which senior members lead every committee. Metcalfe, because of his level of seniority, must be designated as a committee chair unless he declines. But, according to the rules, if Turzai wanted someone new to head the State Government Committee, he could assign Metcalfe to take charge of another committee.

Rancor and controversy are part of Daryl Metcalfe's political style. One can't help but think that Metcalfe loves this stuff.

### **Religious Leaders Criticize "Gender Ideology"**

Three Pennsylvania religious leaders signed onto a national open letter criticizing "gender ideology," released this month.

The letter included the names of Roman Catholic Bishop Joseph C. Bambera of Scranton, Roman Catholic Archbishop Charles J. Chaput of Philadelphia, and Orthodox Church in America Archbishop Melchisedek of Pittsburgh. They were among 20 U.S. religious leaders to sign the statement, representing Lutheran, Presbyterian, Anglican, Southern Baptist, Roman Catholic, Orthodox and historically black churches. Signatories also included a Muslim representative and an elder from the Bruderhof community.

The letter is entitled "Created Male and Female." It can be viewed on several websites.

The letter says that a person's discomfort with one's own sex, or the desire to be identified with the other sex, needs to be treated with "compassion, mercy and honesty." But, makes the point, "The movement

today to enforce the false idea—that a man can be or become a woman or vice versa—is deeply troubling.”

The letter states, “... We also believe that God created each person male or female; therefore, sexual difference is not an accident or a flaw... Gender ideology harms individuals and societies by sowing confusion and self-doubt...” It concludes, “Therefore, we call for policies that uphold the truth of a person's sexual identity as male or female, and the privacy and safety of all. We hope for renewed appreciation of the beauty of sexual difference in our culture and for authentic support of those who experience conflict with their God-given sexual identity.”

### **Concealed Carry Reciprocity Act**

On Dec. 6, the U.S. House of Representatives passed a bill, HR38, that would make it easier for gun owners to legally carry concealed weapons across state lines. The House approved the bill, 231-198, largely along party lines. Six Democrats voted yes, while 14 Republicans voted no. The measure would allow gun owners with a state-issued concealed-carry permit to carry a handgun in any state that allows concealed weapons.

Republicans said the reciprocity measure, a top priority of the National Rifle Association, would allow gun owners to travel freely between states without worrying about conflicting state laws or civil suits. Opponents said the bill could endanger public safety by overriding state laws that place strict limits on guns.

The bill is now under consideration in the U.S. Senate.

### **Former Rep. Gergeley Sentenced**

On Dec. 11, former state representative Marc Gergeley was sentenced in Allegheny County Common Pleas Court to 18 months house arrest. He was linked to an illegal video gambling ring that operated in the Mon Valley. Mr. Gergeley, a Democrat, pleaded guilty in August to conspiracy involving gambling devices and violating the state's election law regarding cash contributions. Judge Edward J. Borkowski added three years of probation to the sentence.

Mr. Gergeley, 48, pleaded guilty to criminal charges for helping Ronald “Porky” Melocchi place illegal gambling devices in various bars and other establishments in the Mon Valley. Gergeley’s arrest in Feb. 2016, resulted from an investigation named “Operation Pork Chop,” leading to the seizure of 335 video gambling machines in December 2012. Sixteen others had been arrested in 2013.

Mr. Gergeley resigned his seat in the legislature on Nov. 6, 2017. He will keep his pension. Staff at the State Employees' Retirement System determined that the crimes to which he pleaded were not ones that required him to forfeit his pension.

A special election to fill Mr. Gergeley's House seat in the 35th District will be held Jan. 23. In that race, Democrat Austin Davis, an aide to county executive Rich Fitzgerald, will face Republican Fawn Walker-Montgomery, a McKeesport city councilor.

### **Another Candidate for Lt. Gov.**

On Dec. 19, former state representative Gordon Denlinger of Lancaster County announced that he will run for Lieutenant Governor in the Republican primary. Mr. Denlinger is a 54-year-old accountant who served 12 years in the House.

There is one other Republican running for the office, Jeffrey Bartos. There are five Democrats running for Lt. Governor.

Dai Morgan  
United Methodist Advocacy in PA