

## **United Methodist Advocacy in Pennsylvania**

### **October 31, 2017**

This month, I thought I'd start off by saying something about my intentions for writing these monthly UM Advocacy reports. They are time-consuming to create, but worthwhile for those who are interested in church and society issues.

My reports started as briefings on current legislative activity in Pennsylvania, for our three bishops, with the intention of keeping the bishops up to date and informed. In these reports I try to include facts, dates, statistics and background information. Over time, more folks have joined the email send-to list.

In these reports, I hope to accomplish several things:

- To provide a concise, one-stop source for accurate and reliable political news.
- To provide starting points for those interested in further investigation or action.
- To relate faith to politics. I especially include material that relates to United Methodist social principles, interests of the bishops, resolutions from the annual conferences, special interests of conference agencies, initiatives of the General Board of Church and Society, and historic Methodist concerns. Usually, I assume that the reader will make the connection.
- To anticipate the future. Recognizing what is happening, or has recently occurred, is background to what comes next.
- To provide a record, especially to refresh memory and retrieve data.

I try to remain neutral in most of the items that I report, because in many cases, there is room for varying opinions and interpretations when faith encounters politics.

What is not in the scope of my monthly reports are legislative action alerts—information about pending legislation and calls to respond to it. For those who are interested in this level of contact, I recommend the notices that come from the Pennsylvania Council of Churches. Register for online notifications using the address, below (copy and paste into internet search box):

[http://org2.salsalabs.com/o/5415/p/salsa/web/common/public/signup?signup\\_page\\_KEY=531](http://org2.salsalabs.com/o/5415/p/salsa/web/common/public/signup?signup_page_KEY=531)

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## **Clean Slate**

On October 2, I conducted legislative visits in the state Capitol in support of “Clean Slate” legislation. There are two Clean Slate bills currently under consideration, Senate Bill 529 and House Bill 1419. Both are awaiting action in the House Judiciary Committee.

Clean Slate is a criminal justice concept. The idea is that certain charges will be sealed in a person’s criminal record if that individual has remained free of conviction for a set period of time. Sealed offenses need not be reported to employers, landlord or others, and cannot be used to deny occupational licenses. However, sealed charges are available to law enforcement authorities.

In both bills, 1) charges not resulting in convictions will be sealed after 60 days, 2) misdemeanor convictions will be sealed after 10 years—except for violent or sexual offenses.

One in three Pennsylvanians has some criminal record. Because criminal records are easily accessible, they are a leading source of unemployment and impact access to housing, higher education and more. Under Clean Slate, people who have demonstrated rehabilitation will be able to live a more normal life and become productive citizens.

## **Gov. Wolf Signs a Revenue Plan**

On October 26, the Pennsylvania Legislature completed the last bill in a revenue package to balance the state budget—three months, three weeks, and five days past deadline. Governor Wolf said that he would not rush a decision. However, on October 10, the governor signed the legislation into law.

October was an eventful month in the process to produce a revenue package to satisfy the \$32 billion spending plan. It involved disagreements over taxing—especially a severance tax on the gas industry, disagreements over gambling, and a governor preparing to unilaterally manage the state’s finances. There is no use going over the machinations that took place during the month. Following is a summary of the result:

One commentator called the revenue package a “Frankenstein-like” assortment of bills. It relies heavily on borrowing and raiding special state funds designated for projects ranging from transportation to environmental cleanup. It also calls for a major expansion of gambling in the state, a cash advance against ongoing tobacco settlement payments, taxing the sale of fireworks, and applying the state’s 6 percent sales tax to goods sold on online marketplaces, such as Amazon.

Many lawmakers expressed dislike for the package. But, in spite of their dissatisfaction, they say it puts the state on sound financial footing for the foreseeable future. Perhaps most importantly for the politicians, the package might ease whatever fiscal challenges emerge ahead of next year's broad-ranging elections.

Many House Republicans were able to claim some level of victory, saying they held down taxes, especially preventing a severance tax on Marcellus Shale gas production. However, the governor's office issued its opinion on the subject, saying the opposition to a severance tax "has revealed the worst of Harrisburg." Gov. Wolf was never enthusiastic about borrowing or expanding casino-style gambling, either, but obviously accepted it. Conservative Republicans preferred it over tax increases.

In the end, the fatigue factor seems to have taken hold. For many, finishing the stalemate over revenue was its own victory. "Being done had a lot of value, and so we moved forward with it," said Senate Majority Leader Jake Corman (R-Centre).

## **Gambling Expansion**

On October 26, the state House voted 109-72 to approve a large gambling expansion bill. The bill (HB271) was approved by the state Senate the previous day. It is the final piece in the Legislature's scramble to balance the state's spending plan, passed in June. The bill was approved with the other revenue package legislation signed by Gov. Wolf on October 30.

House Bill 271 will create 10 mini-casinos in regions without a casino, allow some truck stops to operate video gaming terminals (VGTs), regulate fantasy sports and online gambling, legalize online gambling portals at casinos and airports, permit the state lottery to sell tickets and offer games online, and legalize sports betting, if Congress allows it nationally. It would make Pennsylvania the first state to allow both casino and lottery games online.

The bill will also restore a "local share" fee, that casinos paid municipalities that hosted casinos—last year, the state Supreme Court determined the local share fee to be unconstitutional. To address the court's issue, the bill requires more successful casinos to pay an extra tax to aid the finances of other less-successful casinos.

Under the plan, the state will sell licenses for up to 10 mini-casinos in areas of the state that lack one of the 12 full-sized casinos. The mini-casinos will be eligible to offer between 300-750 slot machines and up to 30 table games. The 12 existing full-sized casinos average 2,140 slot machines and 103 table games, according to the Pennsylvania Gaming Control Board's 2016-17 annual report.

The operators of the existing casinos will get first opportunity to seek the licenses to run the mini-casinos. The casino operators can choose where to locate the mini-casinos, but no closer than 25 miles of an existing casino. The minimum bid for a mini-casino license is \$7.5 million. If the existing casino operators don't acquire all the mini-casino licenses, the gaming control board would then seek other operators.

The bill will also allow close to 130 truck stops across the state to legally offer gaming through up to five video gaming terminals.

HB271 pushed through the General Assembly in less than 24 hours

## **Virtual Lottery Gambling in Bars and Restaurants**

On October 27, the Wolf administration announced plans to allow the Pennsylvania Lottery to sell virtual animated sports betting games in bars and some restaurants.

This news came one day after the House sent a gambling expansion bill (HB271) to the governor. Gov. Wolf wants to allow animated videos that look like a sporting event, such as football, boxing, or car racing. Customers place bets on randomly determined outcomes. The depicted events are not real.

This move came as a surprise to some, because Gov. Wolf had not favored video gaming terminals (VGTs) during discussions of gambling expansion. He was concerned that VGTs would negatively impact the state's 12 casinos. But, the need to buoy-up the Pennsylvania Lottery seems to have prevailed. Now, Mr. Wolf is offering the Revenue Department's lottery fund, that cover programs for senior citizens, exclusive rights to the bar and restaurant market. HB271 allows for the Pennsylvania Lottery to offer online "games."

## **PA Lottery in the Red**

The Pennsylvania Lottery started the 2017-18 fiscal year with an \$18.2 million deficit. This is the first time in its history that the Lottery ended the year in the red, according to new legislative reviews. "Not since 1976-77, when the program was created to support older Pennsylvanians, has it finished a year with less revenue than it spent," reported an October 13 memo, released by state Rep. Joseph Markosek (D-Allegheny County).

This news comes as House members, searching for ideas to balance the state budget, had repeatedly suggested the legalization of video game terminals (VGTs) in social clubs and bars.

While expansion of gambling is a popular idea in the Pennsylvania House, it is not so popular in the Senate. VGTs "would be a heavy lift" in the Senate, said Majority Whip John Gordner (R-Columbia). "I opposed making Pennsylvania the gambling capitol of the U.S. There is a finite amount of gambling dollars out there and I hate taking money out of senior programs (funded by the Lottery)." The new reports on the state of the Lottery only reinforced his position, he said.

The Pennsylvania Association of Area Agencies on Aging is opposed to the move to legalize VGTs. They pointed to a report released last year by the Pennsylvania Department of Revenue, projecting that legalization of VGTs in Pennsylvania would result in a \$923 million to \$2.3 billion decrease in Lottery sales over the next 10 years. "The Lottery Fund, which supports our seniors, cannot afford to be jeopardized by the negative impact of VGTs," said Rebecca May-Cole, executive director of the Association of Area Agencies on Aging. "We owe it to our seniors to raise revenues in the Lottery Fund through implementation of programs like iLottery, not by introducing new competition."

Rep. Kurt Masser (R-Northumberland), claims those concerns are misguided, because he believes there are already thousands of illegal VGTs throughout the state. "This would be regulating a black market industry that is now unregulated and untaxed," he said. "It's the one form of gaming expansion that wouldn't hurt the Lottery."

So, the need to preserve the Pennsylvania Lottery seems to be a foregone conclusion. However, is the solution to create more gambling opportunities, or less? And if more, what exactly should they be? Gambling and the need for more money: Is it like being a rat in a maze? Or, is it more like being stuck in quicksand? Neither is an especially appealing image.

## **Another Loan for PA**

The Pennsylvania state government received another loan to pay its bills on time. On October 27, state treasurer Joe Torsella said he authorized a \$1.8 billion credit line to the state, to be paid back by April 2.

## **Sexual Misconduct in the State Capitol?**

Female state lawmakers, lobbyists and legislative staffers offered some examples to a reporter, when asked if they experienced anything at the state Capitol that compared to the accusations that have recently been made against Hollywood movie mogul Harvey Weinstein. They also shared stories they

heard about sexual encounters between male lawmakers and younger female staffers and lobbyists hoping to get ahead in the male-dominated statehouse.

In California, more than 140 women legislators, senior legislative aides and lobbyists stepped forward to complain about men groping them, touching them without their consent and making inappropriate comments about their bodies or abilities.

All four Pennsylvania legislative caucuses and the executive branch agencies have policies that prohibit workplace harassment and require mandatory training. They all say they take complaints of sexual harassment seriously. The Senate emails its policy to senators and staffers annually and requires them to sign it and return it. The topic is also covered in new House employee trainings and reinforced during the representatives' annual ethics training.

But, that doesn't stop this behavior from happening. Men can be victims too, but more often it is experienced by women. Sen. Camera Bartolotta (R-Washington), said she lives by the motto that you have to teach people how to treat you.

"I never tolerated or played that game," said Sen. Bartolotta. "I'm lucky I have never been in a position where my livelihood depended on making a decision like that and feel terrible for women in those positions. What do you do? Lose your home? Lose your career? Lose whatever, or do you just grin and bear it."

Allegations of unwanted advances were publicly raised against former state Sen. John Peterson, by a page and other women in 1996—Peterson went on to be elected to Congress. That incident led the Senate to create its workplace harassment policy, said Drew Crompton, chief of staff to Senate President Pro Tempore Joe Scarnati (R-Jefferson). Since then, Crompton said there have been some complaints that have arisen, but "thankfully, they are incredibly infrequent," considering the chamber employs 800 people.

Sometimes, complaints of sexual harassment or misconduct can be the result of miscommunication. Some of them result from encounters outside the building. Some involve past consensual relationships. Social media can also be at the root of some complaints. However, Crompton said all complaints are investigated and taken seriously.

One way the Senate demonstrates its interest in the fair treatment of women is by having females occupy the chamber's top staff positions as Senate secretary, chief clerk and human resources manager. They are the ones that female employees in the chamber can turn to if they feel they are the victim of workplace harassment. "When women get to be the highest people in their offices, that sends the right messages to women," Crompton said.

Rep. Sheryl Delozier (R-Cumberland), said she never experienced anything overtly sexually inappropriate at the Capitol. But, like others, she has heard stories of women who did. Nonetheless, Ms. Delozier said she would be disappointed if the problem was so pervasive at the Capitol that a groundswell of people stepped forward to complain about sexual misconduct involving lawmakers, like what happened in California. "I would feel very betrayed in the fact that I think the Republicans and Democrats we work with would have a better sense in this day and age."

## **US Congress Passes Abortion Bill**

On October 3, the U.S. House passed a bill that would criminalize abortions after 20 weeks of gestation, with exceptions for instances where the life of the mother is at risk and in cases involving rape or incest. The bill is called The Pain-Capable Unborn Child Protection Act.

The bill was co-sponsored by U.S. Rep Tim Murphy.

Antiabortion activists argue the bill is justified by emerging scientific research indicating that a fetus can feel pain at 20 weeks. The American College of Obstetricians and Gynecologists has not endorsed those findings.

The vast majority of abortions are performed earlier in pregnancy, according to federal statistics, but activists have long focused attention on late term abortions.

## **AG Sues over Birth Control Policy**

On October 6, the federal Department of Health and Human Services issued rules softening a requirement that employers must include birth control coverage in their health insurance plans, available under the Affordable Care Act. The new rules exempt any employer or insurer from covering contraception services because of sincerely held religious beliefs or moral convictions.

The Trump administration considers this action to be in support of religious liberty. It is a follow up to his declaration at the signing of an executive order in the Rose Garden, last May. At that time, the president said, "we will not allow people of faith to be targeted, bullied or silenced anymore."

On October 11, in response to the Dept. of Health and Human Services ruling, Pennsylvania Attorney General Josh Shapiro sued President Donald Trump. The lawsuit, filed in U.S. District Court for the Eastern District of Pennsylvania, said the rules violate the Due Process clause of the Fifth Amendment of the Constitution, the Pregnancy Discrimination Act and Title VII of the Civil Rights Act of 1964, the Establishment Clause of the First Amendment, and the Administrative Procedure Act.

Mr. Shapiro said those "illegal rules" threaten the health coverage of 2.5 million women because of broader exceptions that would allow any employer the ability to refuse contraceptive services for employees, effectively increasing the costs of health care for the women. "The federal government, under the direction of the Trump Administration, broke the law and undermined the health and economic independence of American women," Shapiro said during a news conference at a Planned Parenthood health center in Philadelphia.

The Affordable Care Act attempted to cover birth control, just like any other preventive care, making it available without any out-of-pocket cost.

According to Planned Parenthood, nearly 9 in 10 women of reproductive age will use contraception at some point in their lives, with 2.5 million Pennsylvania women benefitting from the mandate under the Affordable Care Act.

Increased sex education and access to birth control are cited as significant reasons that the current rate of unintended pregnancy is the lowest it has been in 30 years. Teen pregnancy is at a historic low, as is the national abortion rate.

## **PA Health Insurance Birth Control Coverage**

In response to the move by the Trump administration to weaken contraceptive coverage required under the Affordable Care Act, Gov. Tom Wolf urged the state legislature to protect women's access to birth control

The state Insurance Department estimates 2.5 million Pennsylvania women directly benefit from the Affordable Care Act's contraceptive mandate, which required companies to provide insurance that covers birth control as preventive care, at no cost to the employee.

The governor's spokesman, J.J. Abbott said, "The governor feels that this is important, that people have access to birth control and other contraceptives regardless of what their employer believes. This is health care not just for women but for the whole family, and a lot of families rely on having access to affordable contraceptive."

It's not clear how the request will be viewed in the Republican-controlled legislature.

The Wolf Administration said Medicaid and state health care plans will continue to provide birth control with no co-pay.

## **Rep. Murphy Resigns**

U.S. Rep. Tim Murphy resigned from Congress, effective October 21. The resignation took place in the wake of a scandal in which the pro-life Republican reportedly asked his mistress to have an abortion.

Mr. Murphy's resignation leaves the 18th Congressional District without representation until a special election is held. Under state law, Gov. Tom Wolf must issue a writ of election within 10 days of the vacancy. The governor chose March 13 for the special election to fill the vacant seat.

## **Reschenthaler Running for Congress**

On October 4, two hours after U.S. Rep. Tim Murphy announced that he would not seek re-election in the 18th Congressional District, state Sen. Guy Reschenthaler declared his intention to run for the vacated seat.

"I've been honored to serve our nation in Iraq and I'm proud to serve the people of the 37th State Senate District," said Mr. Reschenthaler (R-Allegheny). Mr. Reschenthaler previously served as a magisterial district judge, and before that he was a prosecutor in the Navy's Judge Advocate General's office, serving in Iraq.

## **Ellsworth Running for Governor**

On October 10, Laura Ellsworth announced her candidacy for governor, challenging incumbent Democrat Tom Wolf in 2018. Ms. Ellsworth is a 59-year-old Pittsburgh attorney. Ellsworth joins two other Republican candidates, York County Sen. Scott Wagner and Pittsburgh health-care systems consultant Paul Mango.

For 12 years, Ms. Ellsworth ran Jones Day's Pittsburgh office, with about 70 lawyers. In 2015, she took on a post as the firm's first partner-in-charge of global community service initiatives to head up public service projects that including combatting human trafficking and helping military veterans get access to legal services. She has served on the boards of several nonprofit organizations, including the YMCA of Greater Pittsburgh and the Pittsburgh Zoo.

Ellsworth enters the race establishment credentials. She was active in raising campaign contributions for party incumbents, chaired the Greater Pittsburgh Chamber of Commerce and served as an appointee of former Republican Gov. Tom Corbett to various boards.

Her campaign is casting her as a no-nonsense problem solver. "The No. 1 issue for us is going to be jobs and improving the economic climate in Pennsylvania, and doing it in a way that breaks through all the paralysis that's going on up there," said Ellsworth.

## **Saccone's No Gifts Bill**

Fourth-term state Rep. Rick Saccone (R-Allegheny), has urged fellow lawmakers to approve his House Bill 39—This month Mr. Saccone suspended his U.S. Senate campaign to switch to a run for the 18<sup>th</sup> District Congressional seat, vacated by Tim Murphy.

HB39 would forbid public officials and public employees from accepting "transportation, lodging or hospitality or anything of economic value as a gift," from a person or entity seeking government business.

Rep. Saccone routinely eats breakfasts, lunches, appetizers and dinners paid for by lobbyists. Admitting to the lobbyist-paid-meal stories, Saccone says that he's not a hypocrite. He said he can't change the system, as it stands, by shunning meals. He said he dines with lobbyists because other lawmakers do. If he didn't, he would become isolated.

Saccone's bill is stalled in the House State Government Committee.

## **No Federal Transgender Protections**

In a memo released October 5, Attorney General Jeff Sessions said that federal civil rights law does not protect transgender people from discrimination at work. The memo rescinds guidance issued under the Obama administration.

The Civil Rights Act of 1964 bars workplace discrimination between men and women but does not extend to gender identity, Sessions said. The Justice Department will take that position in "all pending and future matters," the memo said. Sessions called the interpretation a "conclusion of law, not policy," and said the move should not be construed to condone mistreatment of transgender people.

The Obama Justice Department viewed Title VII of the federal Civil Rights Act as a prohibition against workplace discrimination against transgender people and said it would bring legal claims on their behalf. Sessions said that interpretation went beyond what Congress intended.

At present, there is no federal law explicitly prohibiting workplace discrimination against transgender people.

## **Religion and LGBT Civil Rights**

U.S. Attorney General Jeff Sessions issued a directive for federal agencies to accommodate those who claim their religious freedom is being violated. Under this policy, the claim of a violation of religious freedom would be enough to override concerns for the civil rights of LGBT individuals, as well as anti-discrimination protections for other groups.

One effect of this directive appears to be the lifting of the burden to prove that discriminatory actions are because of "sincerely held" religious beliefs. "Except in the narrowest circumstances, no one should be forced to choose between living out his or her faith and complying with the law," Mr. Sessions wrote. "To the greatest extent practicable and permitted by law, religious observance and practice should be reasonably accommodated in all government activity."

The Alliance Defending Freedom, a conservative Christian law firm, called it "a great day for religious freedom." The Human Rights Campaign, a national LGBT-rights group, called the guidelines an "all-out assault" on civil rights and a "sweeping license to discriminate."

The memo makes clear that the Justice Department supports the Religious Freedom Restoration Act of 1993 to protect the rights not only of people to worship as they choose, but also the potential religious rights of corporations and private firms.

Furthermore, in what is sure to face legal challenges, the Justice Department states that religious organizations can hire workers based on religious beliefs and an employee's willingness "to adhere to a code of conduct."

## **Gender Identity and the PA Fairness Act**

Near the end of October, Gov. Tom Wolf urged the House and Senate to move two companion bills out of committee, to a vote. The bills are collectively known as the PA Fairness Act.

The bills make discrimination against LGBT citizens illegal in Pennsylvania. They are House Bill 1410 and Senate Bill 613. Each bill has been stalled in its respective State Government Committee, for months.

In an emailed statement, the governor said, "Despite broad, bipartisan support, these bills have been blocked from a vote." He continued, "Our nation has made great progress in recent years, and marriage equality is now the law of the land. Yet across our commonwealth, a Pennsylvanian can be fired, evicted

or denied service because of their sexual orientation, gender expression, and gender identity. This is simply wrong and it hurts our economy and our future ..."

The bills add sexual orientation and gender identity to the list of criteria, in the Human Relations Act, protected from discrimination. The list includes: race, color, religion, ancestry, national origin, sex, education status, handicap, or disability.

### **CHIP Reauthorized in PA with Provision**

On October 25, the state Senate passed a bill reauthorizing Pennsylvania's Children Health Insurance Program (CHIP). The program pays for health care for about 176,000 Pennsylvania children from families with limited incomes. The bill passed 37-13. The bill now moves to the House.

The language in the Senate bill would bar CHIP coverage for gender reassignment surgeries. In August 2016, the Wolf administration expanded Pennsylvania's CHIP program to include gender reassignment surgery, in keeping with new federal rules from the Affordable Care Act—the federal rules are not being enforced by the Trump administration, pending legal challenges. The bill would allow coverage of counseling services, drugs and other treatments that help kids with gender identity issues, but not irreversible sex change surgery.

Without reauthorization, CHIP was due to sunset at the end of the year.

CHIP is funded jointly by the federal government and the states. It provides 70 percent of the federal funding for Federally Qualified Health Centers that care for more than 800,000 low-income Pennsylvanians; the National Health Service Corps; and the Maternal, Infant and Early Childhood Home Visiting program. Together with Medicaid, CHIP has helped reduce the nation's uninsured rate for children to a record low of 5 percent.

At the beginning of October, the U.S. Congress failed to act in time to renew funding for the federal Children's Health Insurance Program. At this time, the federal part of CHIP is unresolved.

There will not be an immediate impact on the CHIP program in Pennsylvania—though state officials are still urging Congress to act. Pennsylvania's program could run through February, according to a statement from the state Department of Human Services.

### **AG Sues over ACA Cuts**

Following is the text of an October 13 press release from Pennsylvania Attorney General Josh Shapiro's office. It describes action taken after the White House announced on October 12 that it would stop paying cost-sharing reduction payments to insurance companies, covering lower-income people, under Obamacare/ACA:

HARRISBURG -- "The Affordable Care Act is the law of the land. It set up cost sharing reduction payments so Americans could have the ability to purchase individual health insurance plans on their own. Without these payments, insurance premiums for the more than 400,000 Pennsylvanians who buy individual insurance plans will skyrocket and some plans may no longer be available at all. Though he has made these payments since taking office, President Trump has declared that he will stop them immediately.

If the President's attempt to destabilize the health care market succeeds, it will have a devastating impact on Pennsylvania families, our economy and the health care market in our Commonwealth.

That's why today I am joining with 18 fellow Attorneys General to sue the President to prevent him from stopping these payments. Our lawsuit alleges that, by stopping these payments unilaterally, President Trump has acted arbitrarily and capriciously and in clear violation of his legal responsibilities under the Affordable Care Act. And through his ongoing efforts to sabotage the ACA, he has failed in his constitutional obligation to take care that the laws be faithfully executed.

President Trump swore an oath to uphold our laws. Under the Affordable Care Act, the Administration must make these payments, no matter the President's personal views."

A request was filed for an emergency order to restore the payments while this lawsuit was under process. On October 25, U.S. District Court Judge Vince Chhabria ruled against issuing such an order. Chhabria, an Obama appointee, failed to see the immediate threat to consumers that would require him to compel the federal government to make the payments.

### **Wolf Vetoes Medicaid Change**

Gov. Tom Wolf has vetoed a Human Services Code bill passed by the General Assembly. Among other things, the veto kills the proposed addition of a work-search requirement for some people to receive Medicaid benefits—I last reported on this issue in July.

Supporters of the work-search requirement said it would have applied to nearly a half-million Pennsylvania "able-bodied" adults receiving Medicaid. Children, pregnant women, senior citizens and the disabled were all specifically exempted. The half-million included 350,000 who qualified for Medicaid through the Affordable Care Act, and another 140,000 pre-ACA medical assistance clients.

Furthermore, supporters of the requirement claimed that it would become an important first step to self-sufficiency and, ultimately, lead to more taxpayers. Work requirements are already in place for food stamp and cash assistance programs. For food stamps, able-bodied adults without dependents are asked to get a job, enroll in a job training program or school.

Advocates for Medicaid recipients opposed the bill because they said it wasn't clear how the work requirements would apply to people with long-term diseases like cancer, those caring for children or older relatives, or people in treatment for drug and alcohol addictions.

In his veto message, Oct. 19, Gov. Wolf wrote: "This legislation does not promote health coverage...Instead, this legislation increases costs, creates unnecessary delays and confusion, penalizes individuals who need healthcare, and terminates health coverage for those who need it the most."

A veto override seems unlikely; the bill (HB59) passed the House, 116-78, on October 4. This margin is less than the two-thirds majority needed to overcome a governor's veto.

Medicaid is the primary public medical assistance program for the poor, blind and disabled. But, it is one of the biggest cost-drivers in state government. In Pennsylvania, taxpayers pay about half the cost of Medicaid treatments. In 2015-16, the program accounted for 29 percent of all state general fund spending.

In an October 17 press release, House Republicans called on Governor Wolf to "just sign it," referring to House Bill 59. Containing more than the Medicaid work-search provision, GOP leaders considered the bill to be a commonsense welfare reform instrument. However, Democrats disagreed.

"This misguided bill doesn't help anyone get off public assistance and it truly won't save the state any money," said House Minority Leader Frank Dermody (D-Allegheny). "It would even increase costs by adding totally unnecessary layers of bureaucracy. We hope the governor's veto will show House Republicans it's time to return to the job of finding enough sustainable revenue to run the state."

### **Health Insurance Open Enrollment Period**

The following is information in a press release from the Governor's Office, October 26:

Governor Wolf announced today that the Department of Insurance will launch a statewide media campaign to help Pennsylvanians as they shop for health insurance during the open enrollment period,

November 1 through December 15. The media campaign will be announced at a press conference today at 1:30 p.m. in the Capitol Media Center with Acting Insurance Commissioner Jessica Altman.

“I’ve made it a priority to do everything in my power to be sure Pennsylvanians have access to affordable health insurance,” Governor Wolf said. “As part of a group governors, I’ve written to leaders in Washington to voice support of bi-partisan health care reform and to reject policies that increase costs for insurance, sabotage health care and cause chaos for Pennsylvanians.

“The Affordable Care Act, while not perfect, is allowing more Pennsylvanians access to health care and we want to be sure people using the exchange have all the information they need at the ready to help them make the right choice for them and their families.

“That’s why the Insurance Department is launching a media campaign to help educate people on the individual market health insurance options during open enrollment.”

The campaign will help fill the void left by Trump Administration cuts to outreach and advertising budgets and was created to ensure that consumers understand changes to the open enrollment period, which is now six weeks shorter than in previous years.

The Pennsylvania Insurance Department’s open enrollment tools for consumers, includes a plan comparison tool and an Affordable Care Act fact sheet. ([www.insurance.pa.gov](http://www.insurance.pa.gov))

## **PA Public Schools Report Cards**

At the end of October, the state Department of Education released the 2017 School Performance Profile scores for Pennsylvania public schools, to give parents and taxpayers a tool to measure their school’s performance and progress. To find the score of any public school, go to the website: [www.paschoolperformance.org](http://www.paschoolperformance.org)

## **Public School Teacher Furloughs**

On October 18, the House sent the Senate an amended Public School Code bill (HB178) that would result in a long list of changes to Pennsylvania’s education system. The House approved the bill 105-81, which broke down mostly along party lines.

Among the changes to the code: House Speaker Mike Turzai (R-Allegheny), a major proponent of the Educational Improvement Tax Credits (EITC)—a “School Choice”-friendly program—was able to influence an increase in the tax credit.

Most controversial was a provision that would allow school districts to furlough employees for economic reasons. This issue has been debated over the course of several legislative sessions. Rep. Mike Carroll (D-Luzerne), sarcastically observed, “For all of our school districts that face challenges with respect to their budget, good news, you can furlough all of the very long-serving teachers that exist in that school district that receive a salary higher than others and the students will be penalized because those excellent teachers will be sacrificed at the altar of a budget, so that the school districts can try to balance their books.”

Rep. Stephen Bloom (R-Cumberland), countered, “Under this bill, no longer will schools be forced to close entire buildings or eliminate entire important education programs and the excellent teachers in them...when they face difficult economic circumstances.”

## **Real ID**

I last reported on “Real ID” this past May, when Pennsylvania passed a law designed to comply with federal identification standards for people who want to fly or enter federal facilities.

the Real ID issue had been a long-running feud of the Pennsylvania legislature with the federal government. Congress passed the Real ID Act in 2005, to establish security standards for state-issued driver's licenses and identification cards.

In 2012, Pennsylvania lawmakers passed a law that *prohibited* participation in the REAL ID program, citing an estimated \$140 million cost to come into compliance. The federal government, in turn, was going to stop accepting PA driver's licenses for ID purposes, beginning January 2018. But, that was averted when the Pennsylvania law was passed in May.

Consequently, Pennsylvania was granted a grace period. That period expired on October 10. But, the state has been granted more time by the Department of Homeland Security, until October 10, 2018.

The latest estimates put the cost of complying with Real ID at \$30 million. PennDOT expects to be ready by March 2019. Without the extension, Pennsylvanians would have had to provide a passport, military ID or other federally approved ID to pass TSA checkpoints.

## **Corrections and Parole**

Gov. Tom Wolf plans to merge some functions of the Department of Corrections and the Board of Probation and Parole. The change would come through a "memorandum of understanding" between Corrections and the Board of Probation and Parole.

On Oct. 19, the Wolf Administration announced it is moving forward to combine "similar, shared and overlapping functions" in the two departments, but not everything. Each will still remain a separate agency, with its own employees. Probation and Parole Chair, Leo Dunn, said the agreement does not change its independent role as the arbiter of whether a specific state prison inmate is eligible for release or not.

A memorandum of understanding (MOU) is permitted under the Pennsylvania Administrative Code. But legislative staffers are questioning whether Wolf has the legal authority to merge parts of the agencies without the approval of the House and Senate. Only the Legislature has the authority to create a new state agency.

The Governor proposed a full merger of the two agencies in his February budget proposal. The Senate passed legislation in May approving the merger of the two agencies by a 38-12 vote. But, that bill has not received any consideration in the House.

The administrative code, which allows agencies to combine overlapping operations, is an attempt by the Wolf Administration to bypass the House. This action stops short of name changes and merging of employees.

The partial merger would cut the agencies' funding by nearly 10 percent. While first-year savings are estimated at \$9.8 million. The Senate Appropriations Committee estimates that the combining of administrative operations will save about \$32 million in the first five years.

## **Pipeline Legislation**

On October 17, three state senators spoke at a Capitol press conference calling for action on various bills designed to tighten regulation on gas pipelines, to improve safety and to protect the public— Sens. Andrew Dinniman (D-Chester), John Rafferty (R-Montgomery) and Daylin Leach (D-Montgomery). Members of the audience at the news conference later submitted a petition to Gov. Tom Wolf requesting a halt of the Mariner East 2 pipeline, crossing southern Pennsylvania.

"The governor takes seriously the concerns expressed by residents affected by this project and has instructed the Department of Environmental Protection to utilize all appropriate tools to enforce the stringent requirements of the permits associated with the pipeline," said spokesman J.J. Abbott.

The news conference took place at the same time as protests in Lancaster County involving the Atlantic Sunrise pipeline.

Some of the bills supported by the senators have been introduced and assigned to committees, while other bills are being drafted. Rafferty has introduced Senate Bill 574, which would allow local municipalities and school districts to tax natural gas and hazardous-liquid transmission lines. A bill to let local municipalities levy a fee on pipelines to support emergency response efforts is being drafted.

Rafferty has also sponsored Senate Bill 605, to levy a state pipeline impact fee to generate revenue for host counties, municipalities and the state Public Utility Commission.

Other pipeline bills would create a state pipeline siting review process, centralize pipeline safety inspection under the state Transportation Department, require automatic or remote safety shutoff valves on pipelines and require pipeline land agents to register with the Pennsylvania Real Estate Commission.

## **Constitutional Convention**

My August report included an item about a proposed constitutional convention for Pennsylvania. Following is further information:

On October 17, Rep. Stephen Bloom (R-Cumberland), spoke at a news conference in the Capital. He said, "Pennsylvania citizens are rightfully frustrated with our broken state government and have demanded some of the same major reforms for year after year and yet the Legislature has, for the most part, failed to adopt them." Rep. Bloom was joined by Sen. John Eichelberger (R-Blair). Both lawmakers have been promoting a constitutional convention.

Suggested reforms would include changing the budget process, reducing the size of the Legislature, changing the process for determining legislative and congressional districts, changing the way lieutenant governors are elected, etc. These examples, incidentally, are all subjects to which I have devoted space in my monthly reports.

If a constitutional convention were to occur, it would be the eighth in the state's history. The last one was convened on Dec. 1, 1967 and ended Feb. 29, 1968. Fifty years have passed, the longest stretch of time without reexamining the state constitution.

If a constitutional convention bill were enacted, it would give voters a referendum to decide whether a convention should be called. The bill would also set limits in dealing with specific sections in Articles II through V of the constitution—covering the legislature, legislation, executive branch, and judiciary.

If approved by voters, a commission would be formed to organize a convention, which is estimated to cost \$200,000. An election of delegates would occur at the next primary election. One hundred and fifty delegates, who would not run in affiliation with a political party, would be elected to serve—three from each senatorial district. State lawmakers would be prohibited from serving as delegates. The position of delegate is unpaid, though their expenses and travel costs are covered. Joining them at the convention would be 12 House and Senate officers and the lieutenant governor, who serve in ex-officio capacity.

The legislation specifies that the convention would meet for a period of four months, July 1 of the year the delegates are elected through Nov. 1, to craft proposed amendments to the constitution. The delegates' recommended amendments would then be subject to ratification by voters.

Constitutional convention legislation has been introduced in the Senate and has drawn bipartisan attention. Senate President Pro Tempore Joe Scarnati (R-Jefferson), is among its backers.

But, Bloom and Eichelberger say that if it is to happen, the public must take the initiative. "The thing that is going to drive this to the point where it actually gets voted is going to be citizens calling their representatives and senators and asking them to do it," Bloom said.

## **Legislative Redistricting Lawsuit Update**

This summer, a lawsuit was filed in Commonwealth Court on behalf of the Pennsylvania chapter of the League of Women Voters, with the purpose of having the current map of Pennsylvania's 18 congressional districts declared unconstitutional. Republican leaders in the Pennsylvania General Assembly have asked the court to stay all proceedings until the U.S. Supreme Court issues a decision in *Gill v. Whitford*, a similar case from Wisconsin. The plaintiffs disagree, believing the case should go forward regardless of the U.S. Supreme Court, because it claims violations of the state, not federal, constitution.

Since my last report, Commonwealth Court Judge Daniel Pellegrini indicated that he would stay the case. Consequently, on October 11, the plaintiffs filed a petition for extraordinary relief, asking the Pennsylvania Supreme Court to assume jurisdiction of the case because it presents an issue of immediate public importance.

If the case is delayed, it will be impossible for it to have relevance in the coming 2018 election cycle. Candidates for congressional seats will be allowed to start gathering signatures on February 13, to qualify for primary elections.

## **Secretary Nominations**

On October 13, Gov. Tom Wolf nominated individuals to head several agencies.

The governor nominated Dr. Rachel Levine to be secretary of the Health Department, Teresa Miller as Secretary of the Dept. of Human Services, Jennifer Smith as Secretary of the Dept. of Drug and Alcohol, and Jessica Altman as Insurance Commissioner. All four women have already been acting in those leadership capacities.

These separate nominations are revealing, because Gov. Wolf had wanted to combine the departments of Health, Human Services, Drug and Alcohol, along with the Dept. of Aging. He originally intended to have Miller lead the new department.

The nominations indicate that such a merger, which requires legislative action, is unlikely anytime soon. The merger of the four departments was seen by the governor as a way to save money, avoid overlap and provide better services.

## **PA Secretary of State Resigns**

During the second week of October, 51-year-old Pedro Cortes abruptly resigned as Pennsylvania's Secretary of the Commonwealth. Mr. Cortes, a Puerto Rico native, is the first Hispanic to serve as the head of a state-level cabinet agency in Pennsylvania.

No one seems to know why. The Wolf administration has offered no explanations.

Cortes was well liked and respected in the Capitol. He had a long history of service to the state. He served twice as Secretary of the Commonwealth, for both the Rendell and Wolf administrations.

## **Trump Visits Harrisburg**

On October 11, President Donald Trump made an airport stop in Harrisburg. In a hanger, with a backdrop of big rigs and truck drivers in the audience, Mr. Trump presented his intention to overhaul the nation's tax code.

Mr. Trump announced, during his 30-minute speech at the Air National Guard base, that his tax restructuring would result in the typical American family getting \$4,000 more each year. The

president made his remarks in front of 1,000 people, a hand-picked audience of supporters, local politicians and business leaders, as well as the truckers. The event was not open to the public.

Trump also said that his plan would address deteriorating infrastructure, as he lamented a growing number of potholes. "I have many friends in trucking," he said. "They tell us it's never been like this." He claimed that \$1 trillion generated by economic gains from his tax reforms would fix those potholes. The highways, "will be beautiful again," he said. "They will be smooth and beautiful again."

One theme of Trump's tax proposal is that the cuts would boost economic activity and "pay for itself"—though critics have questioned whether that would work. He said his proposal would allow the country to regain its advantage in manufacturing, which was lost to other countries that reduced their business tax rates. He said American workers and businesses need a "level playing field" and less "job-killing red tape." To that end, he wants the tax code to be simple enough for most Americans to file their annual return on a single sheet of paper.

This was the third time the president has visited the Harrisburg region since taking office. His previous visit to the city of Harrisburg was billed as a campaign rally, but this one was an official presidential visit planned by the White House.

### **EPA Eases Clean Air Standards**

On October 10, federal Environmental Protection Agency (EPA) Administrator Scott Pruitt issued a rule that would repeal the Obama-era Clean Power Plan. The Clean Power Plan aimed to cut carbon emissions from the nation's electricity sector 32 percent by 2030, compared to 2005 levels. Its repeal is intended to bolster the nation's coal industry. Mr. Pruitt said, "We are committed to righting the wrong of the Obama administration by cleaning the regulatory slate."

It was not indicated whether the EPA will replace the Clean Power Plan with a new rule, though the agency determined in 2009 that it was obligated to regulate carbon dioxide as a pollutant under the law because it endangered public health.

Coal continues to decline as a source of the nation's electricity. Coal accounted for about 30 percent last year, according to the U.S. Energy Information Administration. Coal accounted for about 30 percent of output last year, putting it below natural gas—nearly 34 percent—for the first time. Non-fossil-fuel generation—almost 36 percent—outranked fossil fuels for the first time since before World War II.

A new analysis by the Rhodium Group—international economic consultants—estimates that CO<sub>2</sub> emissions from the U.S. power sector in 2025 will be 27 percent to 35 percent below 2005 levels. But the same group projects that without new federal or state action, the nation is on track to fall short of long-term climate targets it adopted under the 2015 Paris climate agreement. As part of that global accord, which President Trump has vowed to exit, the United States pledged to cut total carbon emissions between 26 percent and 28 percent by 2025.

Some states and corporations say they will maintain their efforts to reduce greenhouse gases, despite the policy changes underway in Washington.

### **Firearm Bump Stocks**

On October 1, in a mass shooting, 64-year-old Stephen Paddock killed 58 people and wounded nearly 500 attending an outdoor music festival in Las Vegas. He had 23 guns in his 32nd-floor room at Mandalay Bay Hotel and Casino. Authorities said they found bump or slide stocks attached to 12 of them.

Bump stocks were originally created with the idea of making it easier for people with disabilities to shoot a gun. The attachments allow a semi-automatic rifle to fire more like a fully automatic weapon by unleashing an entire large magazine in seconds. Though, manufacturers have touted the stocks as offering

a simple and affordable alternative to automatic weapons without the hassle of a background check and other restrictions.

In reaction to the Las Vegas shooting, state Rep. Madeline Dean (D-Montgomery) and Rep. Dom Costa (D-Allegheny), a retired law enforcement veteran, expressed a desire for the state to adopt a statewide ban on bump-stock devices. Sen. Pat Browne (R-Lehigh) sent a proposal asking senators to support a bill banning the sale, import, manufacture and possession of bump stocks.

In their memo to the House, Dean and Costa wrote: "The Pennsylvania crimes code currently bans 'offensive weapons,' which includes items such as machine guns, sawed-off shotguns and grenades. Violation of this section carries a penalty of a first-degree misdemeanor. This legislation would include 'multi-burst trigger activators' to the list of offensive weapons and includes items such as binary triggers and slide fire/bump stocks — like the one used in the Las Vegas shooting."

Gov. Tom Wolf voiced support, "We can take a common-sense step to protect citizens and law enforcement by banning these unnecessary and dangerous accessories."

Online orders for bump stocks have surged as Congress considers a federal crackdown on the devices.

### **Biodiversity Awareness Month**

The Pennsylvania House of Representatives passed a resolution naming October as Biodiversity Awareness Month. However, the vote was not unanimous.

"I think there's a lot of debate (over climate change), and I think because of that debate the resolution needs to be looked at further," said Rep. Keith Greiner (R-Lancaster), who voted against the measure. Greiner said the bill should have been first sent to the House Environmental Resources and Energy Committee for vetting.

The resolution lists climate change as a factor in the decline of animal and plant species around the world. It cites a variety of human actions for the decline of wildlife populations. In addition to climate change, the resolution cites the clearing of natural habitats, overfishing, poaching, and expansion of agriculture as reasons for declining wildlife.

Quoting the World Wildlife Fund, the resolution states that the world's wildlife populations of vertebrate species have declined by 52 percent over the past 40 years.

Rep. Mike Sturla (D-Lancaster) said, "I did not see it as controversial. I saw it as being sort of common sense. I think any person who likes to hunt or fish or take a walk in the park, should have some concerns about biodiversity."

### **Illegal PA ballots**

On October 25, state election officials reported that non-citizen immigrants might have cast 544 ballots illegally, out of more than 93 million ballots, over the course of elections spanning 18 years. A Department of State official, Jonathan Marks, told the House State Government Committee that the agency's analysis covered 35 primary and general elections from 2000 through 2017.

The number of possibly illegal ballots comes to 1 in every 172,000. The illegal ballots were cast by noncitizen immigrants who later reported themselves as having mistakenly registered. The department has not determined how many other noncitizen immigrants remain registered to vote in Pennsylvania.

The state has previously acknowledged that noncitizen immigrants can inadvertently register to vote because of a glitch in the design of Pennsylvania's Motor Voter system, a part of the driver's licensing process. This problem should be completely rectified within a few months.

President Donald Trump claimed that he would have won the popular vote if not for millions of people who voted illegally. House State Government Committee Chairman Daryl Metcalfe (R-Butler), has been pressing the Pennsylvania Department of State to determine how many non-citizen immigrants are

registered to vote and how many have voted. Mr. Marks said the department could not yet provide a reliable number.

Noncitizen immigrants who register to vote are subject to significant penalties, such as deportation and up to five years in prison.

Dai Morgan, Coordinator  
United Methodist Advocacy in Pennsylvania