

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
Docket No. 409 M.D. 2019

JASMINE WEEKS, VANESSA WILLIAMS, ARNELL HOWARD, PATRICIA SHALLICK, individually and on behalf of all others similarly situated
Petitioners,

v.

DEPARTMENT of HUMAN SERVICES of the COMMONWEALTH OF PENNSYLVANIA,
Respondent.

BRIEF FOR *AMICI CURIAE*, HUNGER-FREE PENNSYLVANIA, DISABLED IN ACTION OF PA, LIBERTY RESOURCES, INC., THE HOMELESS ADVOCACY PROJECT, THE COALITION FOR LOW INCOME PENNSYLVANIANS, THE AIDS LAW PROJECT OF PENNSYLVANIA, THE WOMEN'S LAW PROJECT, SUCCESS AGAINST ALL ODDS, AND THE HOUSING ALLIANCE OF PENNSYLVANIA, IN SUPPORT OF PETITIONERS' CLASS ACTION PETITION FOR REVIEW ADDRESSED TO THIS COURT'S ORIGINAL JURISDICTION

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I. STATEMENT OF INTEREST OF AMICI CURIAE

Amici Curiae are nine organizations and their members who have a direct and substantial interest in the continued availability of General Assistance for the people they serve. *Amici* represent diverse organizations within the Commonwealth of Pennsylvania that will be hampered in assisting the people they serve to maintain secure living environments and conditions because the Pennsylvania General Assembly has enacted legislation in violation of the legislative due process requirements of the Pennsylvania Constitution. Aside from the *amici* identified below, and undersigned counsel, no one paid in whole or part for the preparation of this brief or authored it in whole or in part.

Hunger-Free Pennsylvania: Hunger-Free Pennsylvania (“HFPA”) is a non-profit organization with a membership of 17 regional food banks and charitable organizations that provide food assistance in all 67 of the Commonwealth’s counties. HFPA directly administers a federal food program designed for low-income seniors. Each month, at least 36,200 food packages comprised of a nutritionally balanced line of products are distributed via 1,200 sub-agencies, again throughout the Commonwealth. Also, the Pennsylvania Food Security Coalition, a program of HFPA, is a statewide collaboration that brings together charitable organizations, governmental agencies, businesses, and/or agencies that recognize a common mission with HFPA of helping people in need

and agree to work to enhance food insecurity awareness in Pennsylvania.

Currently, through several different task forces, the coalition is working to implement the state's Blueprint for a Hunger-Free PA.

In addition, HFPA works to end hunger and food insecurity through providing tools to easily mobilize thousands of citizens and hundreds of organizations to speak out about state and local policies that affect struggling families. HFPA offers opportunities for individuals to share their views to both the administrative and legislative bodies each fall and spring, which relates to its interest in this litigation. The entire population of the Commonwealth should have the opportunity to share their views with their elected officials and have them considered in the legislature's deliberations outside the voting process; however, that is not an option. HFPA takes very seriously its responsibility to speak out when legislative procedure requirements are disregarded and the people are stripped of their rights to have their voices heard in critical decisions that directly affect their health, well-being and livelihoods. Thus, HFPA's interest in this matter stems from its desire to preserve the legislative due process requirements that enable its program participants to meaningfully participate in deliberations about legislation that may impact their ability to meet their basic needs and provide for their families.

Disabled in Action of PA: Disabled in Action of PA (“DIA”) is a grass-roots cross-disability organization advocating for civil rights. Many of DIA’s members receive Social Security Disability benefits and have had many failed attempts and waited many years to finally be approved for Social Security. If not for the life-line of General Assistance, many of DIA’s members would be homeless or in institutions, such as nursing homes. Now some of its members will lose the life-line of General Assistance and do not know where to turn to and how to afford basic necessities, such as housing and public transportation to appointments. Because DIA’s members engage in advocacy about laws and policies that affect people with disabilities, it is important to DIA that the legislature properly follows the requirements of the Constitution, so that DIA can advocate effectively. Otherwise, DIA’s members are stripped of their rights to have their voices heard in critical decisions that directly affect their health and well-being. For this reason, DIA is strongly supporting the Amicus Brief.

Liberty Resources, Inc.: Liberty Resources, Inc. (“LRI”) is a not-for-profit, consumer-controlled organization that advocates and promotes independent living for all persons with disabilities. As a Center for Independent Living, Liberty Resources advocates with people with disabilities, individually and collectively, to ensure our civil rights and equal access to all aspects of life in the community. LRI provides five core services: Advocacy, Information and Referral, Peer Support,

Skills Training, and Transitioning/Youth Services, including Nursing Home Transition to assist individuals in moving back into the community. In addition to the five Core Services, LRI provides many other services to meet the needs of members of the disability community including housing counseling, developing affordable, accessible, integrated housing for people with disabilities and their families, support groups, food pantry, deaf outreach and advocacy, home care, and home modifications for people with disabilities.

The majority of LRI's consumers are low-income, including those seeking to use General Assistance while applying for Social Security benefits. LRI's commitment to ensuring access to all aspects of life in the community is the basis for LRI's interest in this matter. When the General Assembly does not follow the Constitution's requirements for how legislation is enacted, people with disabilities are deprived of an opportunity to participate in an open, fair, and deliberative legislative process.

The Homeless Advocacy Project: The Homeless Advocacy Project ("HAP") is a nonprofit organization that provides free civil legal services to individuals and families who are experiencing homelessness, or at risk of becoming homeless, in Philadelphia. HAP provides comprehensive legal assistance in a broad range of areas, including: establishing eligibility for benefits programs such as Supplemental Security Income, Temporary Assistance for Needy

Families, General Assistance, Medical Assistance, and Food Stamps (SNAP); establishing eligibility for Veterans Compensation and Pension benefits, VA health care, and discharge characterization upgrades; enforcing custody and other family law rights; accessing shelter, behavioral health services, and other supportive services; replacing lost or stolen identity documents; preserving private and subsidized housing eligibility; and protecting consumer rights. HAP seeks to reduce or eliminate homelessness and increase access to stable housing by representing clients to overcome barriers such as securing benefits for disabled adults and children.

HAP has represented and continues to represent many individuals who have become homeless due to their inability to work as a result of temporary or permanent disabilities. The risk of homelessness is magnified when these individuals are denied access to income supports. Deliberative due process allows HAP's vulnerable clients to meaningfully participate in legislation that directly impacts their stability and most basic human rights. With shelters filled to capacity, the risk of ending up street homeless is significant.

The Coalition for Low Income Pennsylvanians: The Coalition for Low Income Pennsylvanians ("CLIP") is a statewide coalition whose principal goal is to fight poverty through advocacy to assist low-income families and individuals obtain public benefits and supports, both as a safety net and to enable them to

access and pursue opportunities for education, training, and work. CLIP has sought to do this by advocating for responsible, compassionate, and cost-effective government policies. CLIP's 24 member organizations include service providers, legal service advocates, faith, anti-poverty and anti-hunger groups, children's advocacy organizations, and community action agencies. Members have multi-faceted agendas, but when all are combined, CLIP represents a powerful force working to protect individuals and families who struggle against the ravages of poverty and its effects.

CLIP was begun by the faith advocacy community in 1998 to advocate for low-income people as Pennsylvania began to implement the 1996 federal welfare law that created Temporary Assistance for Needy Families ("TANF"). In the past 21 years, CLIP has advocated for more accessible and reliable education and training ("E&T") for TANF mothers, including counting E&T toward their TANF work requirement, and expansion of efforts to make work pay. Because its mission is focused on the most vulnerable of those who live in poverty, CLIP was extensively involved in trying to save the General Assistance program from legislative elimination in 2012; engaged in efforts to educate those qualifying for the renewal of General Assistance in late 2018; and is now working to save General Assistance from elimination once again. In this regard, CLIP is interested

in ensuring a legislative process that is deliberative, fair and open, so that people can effectively participate and have their voices heard.

The AIDS Law Project of Pennsylvania: The AIDS Law Project of Pennsylvania (“ALPP”) is an independent, non-profit, public-interest law firm that provides statewide free legal services to Pennsylvanians affected by the HIV/AIDS epidemic. Since its inception in 1988, ALPP has been fighting for the rights of Pennsylvanians living with HIV/AIDS and provides legal assistance to approximately 2,000 individuals each year.

The HIV Policy Collaborative of Pennsylvania is a coalition, convened by ALPP, of more than 30 community-based HIV/AIDS providers and institutions across the Commonwealth concerned about HIV/AIDS policy issues. ALPP and the HIV Policy Collaborative of Pennsylvania have an interest in ensuring that the legislative due process provisions enshrined in the Pennsylvania Constitution are upheld so that they and their members have an opportunity to communicate concerns to legislators about pending legislation.

The Women’s Law Project: The Women’s Law Project (“WLP”) is a nonprofit public interest law firm with offices in Philadelphia and Pittsburgh, Pennsylvania. The WLP’s mission is to create a more just and equitable society by advancing the rights and status of all women throughout their lives. To this end, the WLP engages in high-impact litigation, policy advocacy, and public education.

The Women's Law Project has a strong interest in the adoption of legislation consistent with the dictates of the Pennsylvania Constitution. The laws of this Commonwealth affect its citizenry. Only through a lawmaking process that is deliberative, transparent, and accountable will the interests of Pennsylvania's citizens be protected.

Success Against All Odds: Success Against All Odds ("SAO") is an organization that helps low-income families achieve economic independence and family well-being. SAO fulfills this purpose through action and advocacy, including administrative advocacy, legislative lobbying, and litigation. Much of SAO's work is focused on public assistance programs and services offered by these programs that can help families out of poverty. SAO membership is open to current or former recipients of public assistance and others who are committed to the goal of helping low-income families achieve economic independence and family well-being. The organization strives to ensure that a majority of its members are current or former public assistance recipients or low-income workers. SAO members often express their concerns to legislators, and advocate for the importance of public assistance programs. SAO is interested in ensuring a legislative process that is deliberative, fair and open, so that people can effectively participate and have their voices heard.

The Housing Alliance of Pennsylvania: The Housing Alliance of Pennsylvania is a nonprofit membership organization providing statewide leadership and a common voice for policies, practices, and resources to ensure that all Pennsylvanians, especially those with low incomes, have access to safe, decent, accessible and affordable homes. Members of the Housing Alliance are professionals working to expand the availability of affordable homes and revitalize communities, as well as people seeking homes within their reach.

To achieve its mission, the Housing Alliance works on legislation regarding resources and policies to expand housing options and promote community development. The Housing Alliance's membership is actively involved in the legislative process, frequently meeting with their senators and representatives. The Housing Alliance knows that the integrity of the legislative process is essential in achieving good public policy. The Housing Alliance has an interest in a fair and open legislative process, without which its members would be unable to inform their legislators about the needs in their communities.

The Housing Alliance has an interest in this litigation because when due process of lawmaking is violated, its membership is prevented from participating in a vital aspect of citizenship. For a democracy to thrive, its citizens must be encouraged, not discouraged, to participate in public debate and lawmaking.

II. SUMMARY OF ARGUMENT

A bill abolishing General Assistance was previously found to be unconstitutional, and the Governor gladly reenacted the program. The program was important to him, as it is to each of the *amici* and the people each serves. Under Article III of the Pennsylvania Constitution, the General Assembly could try to abolish the program again—but it had to do so in a direct, open, and forthright manner. Instead, the General Assembly surrounded the controversial provision with other, non-controversial provisions, ensuring that the Governor had no choice but to agree to the amalgam put before him by the General Assembly. The Constitution assures the Governor that he does have a choice; and it is for this Court to protect that choice when the General Assembly ignores the limitations the Constitution places on the General Assembly.

Act 2019-12 (“Act 12”) is unconstitutional because the General Assembly failed to follow the procedures articulated in Article III, Sections 1 and 3 of the Pennsylvania Constitution. As explained *infra*, Act 12 began as a bill designed to abolish the General Assistance cash assistance program, and ballooned into a final bill that not only eliminated that program, but also included unrelated legislation to fund nursing facilities and hospitals. Indeed, Act 12 became an omnibus bill by the time it passed, and its passage placed the Governor in a bind: either accept the bill, including legislation that he did not approve of (elimination of the cash

assistance program); or to veto the bill, including the legislation that he deemed desirable (funding to nursing facilities and hospitals). Act 12 presented the Governor an Hobson's choice and is the exact abuse of the legislative process that Article III is intended to curtail.

The people of the Commonwealth, including the people *amici* serve, are well-served by having a General Assistance program. The Governor agrees. In order to countermand the popular and executive will, the Constitution demands that the Governor be presented with a bill that asks the question: Do you agree with the General Assembly's decision to abolish General Assistance? There needs to be one subject, and one, clearly-stated purpose to the bill. In forcing the Governor to answer a different question, the General Assembly acted unconstitutionally, and this Court should accordingly invalidate the elimination of the General Assistance Program.

III. ARGUMENT

A. The Purpose of Article III is to Protect an Open, Deliberative, and Accountable Government.

An essential element of a well-functioning government is the enactment of procedure for the passage of legislation. Article III of the Pennsylvania Constitution does just that; it mandates certain procedural requirements that the General Assembly must abide by in order to pass legislation. In that regard, Article III was and is a necessary constitutional requirement for the citizens of

Pennsylvania who were “dissatisfied with the manner in which the General Assembly was functioning” and the inadequacies in the law making process. *Washington v. Dep’t of Pub. Welfare of Commonwealth*, 188 A.3d 1135, 1145 (Pa. 2018).

After the Civil War, large corporations and special interest groups experienced rapid economic growth and gained power over the General Assembly, which led to corrupt legislation that failed to serve the public good. *Id.* The corruption took the form of special laws to confer benefits to particular individuals or corporations; logrolling¹; holding quick votes on legislation that was changed at the last minute such that its provisions had not been fully considered by members of both houses; and deceptive titling of legislation to mask its true purpose. *Nextel Commc’s of Mid-Atlantic Inc. v. Commonwealth, Dep’t of Revenue*, 171 A.3d 682, 694 n.14 (Pa. 2017). Fundamentally, the General Assembly had “failed to respect the rules of procedure in acting upon various bills,” and the citizens demanded reform. *Washington*, 188 A.3d at 1145–46. (citation omitted).

The Constitutional Convention of 1872–73 was convened to curtail these abuses and implement procedure for the passage of all legislation. *Id.* at 1146;

¹ “Logrolling is the practice of embracing in one bill several distinct matters, none of which could singly obtain the assent of the legislature, and procuring its passage by combining the minorities who favored the individual matters to form a majority that would adopt them all.” *Pennsylvanians Against Gambling Expansion Fund, Inc. v. Commonwealth*, 877 A.2d 383, 394 n.7 (Pa. 2005) (internal quotations omitted) (“PAGE”).

PAGE, 877 A.2d at 394. The result was the adoption of Article III of the Pennsylvania Constitution, which aimed to “place restraints on the legislative process and encourage an open, deliberative and accountable government.” *Pa. AFL–CIO ex rel. George v. Commonwealth*, 757 A.2d 917, 923 (Pa. 2000); *PAGE*, 877 A.2d at 394 (“Article III can be viewed as a constellation of constitutional requirements that govern various aspects of the legislative enactment procedure.”).

Article III contains two sections of particular relevance in this case. Section 1 bars altering or amending a bill in a manner that changes its original purpose as it moves through the legislative bodies. *PAGE*, 877 A.2d at 407. This section’s purpose was to abolish the practice of attaching “riders” to bills during the legislative process on a subject matter unrelated to that of the bill as originally introduced. *Washington*, 188 A.3d at 1146.

Section 3 was first included in Pennsylvania’s Constitution in 1864, and then readopted with the 1874 Amendments. *Commonwealth v. Neiman*, 84 A.3d 603, 611 (Pa. 2013); *Rogers v. Mfrs.’ Improvement Co.*, 1 A. 344, 344 (Pa. 1885). It restricts the use of combining “multiple pieces of legislation, each pertaining to a different subject, into one bill.” *Washington*, 188 A.3d at 1146. Stated differently, Section 3 prohibits the use of “omnibus bills”—that is the joining of different subjects into one bill. *Commonwealth ex rel. Attorney Gen., to Use of Sch. Dist. of Patton v. Barnett*, 48 A. 976, 977 (Pa. 1901) (explaining that an omnibus bill

forces the governor to accept some legislation that he would not approve, or to veto the whole bill, including the legislation he deemed desirable or necessary).

The procedures established in Article III are mandatory; they articulate the process the General Assembly is required to follow to pass legislation. *Consumer Party of Pa. v. Commonwealth*, 507 A.2d 323, 334 (Pa. 1986), *abrogated on other grounds*. The Pennsylvania courts have consistently recognized the importance of strict adherence to Article III's mandated legislative procedure to ensure that the government is functioning within the bounds of the Constitution. *See, e.g., Washington*, 188 A.3d at 1147; *Stilp v. Commonwealth*, 905 A.2d 918, 952 & n.29 (2006) (“[T]his Court takes seriously its responsibility as a coordinate and equal branch of government . . . [and] does not avoid its constitutional task of reviewing Article III procedural challenges, and striking down legislation which clearly and palpably violates the Constitution.”).

B. Act 12 Violates Article III, Section 1.

Article III, Section 1, of the Pennsylvania Constitution mandates that “no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.” To determine if a violation has occurred, the court performs a comparative analysis test; it considers the original purpose of the

legislation and compares it to its final purpose. *PAGE*, 877 A.2d at 408–09.² If the initial and final version of the bill “do not regulate the same discrete activity” or lack a “nexus to the conduct to which the original legislation was directed,” then the bill violates Article III, Section 1. *Marcavage v. Rendell*, 936 A.2d 188, 193 (Pa. Cmwlth. 2007)³; *Leach v. Commonwealth*, 118 A.3d 1271, 1288 (Pa. Cmwlth. 2015). In *Marcavage*, the original bill’s purpose was to criminalize crop destruction. 936 A.2d at 193. The final bill deleted the language regarding crop destruction and replaced it with a provision regarding ethnic intimidation. *Id.* The Court rejected the respondents’ contention that the original bill and final bill shared a unifying justification under the broad category of “crime.” *Id.* It reasoned that although they were “under the broad heading of crime,” the original bill and final bill regulated different activities and lacked a common nexus. *Id.*

In *Leach*, the original bill’s purpose was to criminalize the theft of secondary materials. 118 A.3d at 1288. The final bill kept the original legislation, but added riders to the bill regarding record disclosure responsibilities and a private civil right of action related to firearms legislation. *Id.* Like *Marcavage*, the Court held

² The test articulated in *PAGE* also requires the court to consider whether the title and contents of the bill in its final form are deceptive. *Id.* at 409 (“If the legislation passes both the purpose comparison and deception inquiries, it will pass constitutional muster.”). Put differently, the court can deem Act 12 unconstitutional if it fails *either* the purpose comparison *or* the deception test.

³ On appeal, the Pennsylvania Supreme Court affirmed for the reasons in the Commonwealth Court’s opinion and expressly adopted the opinion as its own. *Marcavage v. Rendell*, 951 A.2d 345, 346 (Pa. 2008).

that unifying the legislation under the broad category of crime was insufficient because the original bill and final bill did not regulate the same discrete activity.

Id. Indeed, the Court held that the General Assembly could not avoid a constitutional violation by passing a final bill that retains its original purpose, but through riders added during the legislative process, included additional legislation that served a different purpose. *Id.*

That is precisely the situation here. The original and final version of Act 12 do not regulate the same discrete activity; instead, the final version incorporates the original *abolishing* of a single program as just an element of a bill *authorizing payments for* other programs. Act 12 began as a limited bill with a single purpose—eliminating General Assistance. The title of the original bill succinctly reflected its purpose: “Reenacts the elimination of the general assistance cash benefit program.” But when finalized, Act 12 had become a multi-purpose bill that included various provisions related to healthcare⁴ *and* the elimination of General Assistance. Indeed, the final title (compared to the original) shows that the General Assembly altered the bill’s purpose: “Human Services Code-Omnibus amendments.”

⁴ The legislation specifically related to three disparate provisions regarding (1) nursing facility day one incentive payments; (2) Philadelphia hospital assessments; and (3) state wide hospital quality care assessments.

Similar to *Marcavage* and *Leach*, where the courts deemed bills unconstitutional because the final bills regulated vastly different activity from the original bill, the final version of Act 12 contains various provisions related to increasing healthcare access, which is a purpose unrelated to and in many ways directly contrary to the limited purpose of the original bill (eliminating General Assistance). Stated differently, Act 12's provisions regarding healthcare shares no nexus to General Assistance.⁵

By altering Act 12's original purpose, the General Assembly forced the Governor to choose either to accept the entire bill, including legislation that he did not approve (elimination of General Assistance) or to veto the bill, including legislation that he deemed desirable, and that was quite popular (healthcare funding). The Governor has never hid his unwavering support for General Assistance; after the Pennsylvania Supreme Court struck the General Assembly's previous attempt to eliminate General Assistance, the Governor reinstated the

⁵ Moreover, comparing the fiscal impact of the original bill to the final bill further exemplifies how the General Assembly altered Act 12's purpose during the legislative process. Eliminating General Assistance would have saved \$31.8 million in expenditures for the Commonwealth in fiscal year 2019–20. *See* Ex. 1 (Senate Appropriations Committee Fiscal Note). But through riders added to Act 12, the General Assembly reauthorized the Philadelphia hospital assessment that generated \$60.5 million annually, but also provided \$93 million in annual funding to Philadelphia hospitals and \$12 million annually to the city of Philadelphia. *Id.* In addition, Act 12 included legislation requiring a payment of \$16 million to certain nursing facilities. *Id.* In sum, the General Assembly started with a single purpose bill, eliminating General Assistance, and altered it during the legislative process into a massive \$121 million spending bill, offset with \$92.3 million in savings.

program. *See* Ex. 2, Kate Giammarise, *Lawsuit Challenges Termination of Assistance Program*, Pittsburgh Post-Gazette (July 23, 2019) (“General Assistance was ended once before in 2012 . . . but it was resurrected following a yearslong legal battle After the Supreme Court’s ruling last year, Mr. Wolf’s administration reinstated the program”). He has also repeatedly declared his resistance to eliminating the program and has offered to negotiate a solution with the General Assembly. *See* Ex. 3, Katie Meyer, WITF, *GOP hopes to force Wolf to gut General Assistance by tangling it with medical funding* (June 19, 2019) (“A spokesman for Wolf said only that Republicans have ‘made eliminating General Assistance a top priority despite Governor Wolf’s clear resistance and multiple offers to negotiate a compromise.’”). The Governor’s support for the poorest and most vulnerable reflects fundamental values that are shared by *amici*, whose missions are dedicated to the service of such people.

If the General Assembly presented Act 12 to the Governor as originally drafted, he would have certainly vetoed it, upholding his values and ours. In order to prevent the Governor from addressing the General Assembly’s intentions in the manner the Constitution guarantees that they will be addressed, the General Assembly buried General Assistance elimination in among other popular legislation related to healthcare spending. This changed Act 12’s purpose from a bill to eliminate a program for the needy to an omnibus spending bill that also

eliminated General Assistance; as such it compelled the Governor to choose among undesirable alternatives rather than permitting him to choose to affirm only the legislation that is good for the Commonwealth and its citizens.

Of course, we have a tripartite system, which entrusts to the courts the right and responsibility to return to the Governor his right to veto chameleon-like legislation. The Governor yields the veto power as an executive check “against the encroachments of the legislative branch.” *Barnett*, 48 A. at 977. And unlike a member of the General Assembly, who represents a small group of constituents, the Governor represents the entire populace, and is “better informed on the exact condition of the public affairs than the individual members of the legislature.” *Id.*⁶ The veto power is the Governor’s legislative tool to serve the populace and reject legislation that is against its interest. This Court can readily understand why, given the choice between \$121 million in much needed funding to hospitals and nursing facilities versus vetoing the bill and saving General Assistance, the Governor had no choice but to sign the bill. *See* Ex. 2 (“Wolf said he had no choice but to sign the bill eliminating general assistance . . .”). But Article III ensures the people that the Governor will have a choice.

⁶ Indeed, the Governor recognizes his responsibility to serve *all* the people and do what is best for the entire populace. Ex. 4, June 28, 2019 Press Release (“In divided government you have to advocate aggressively, you have to negotiate hard, and you also have to do what’s best for all the people you serve . . . That is the job I was elected to do. This is a job I take seriously. This is a job I’m honored to have.”).

C. Act 12 Violates Article III, Section 3.

Similarly, the accumulation of various legislative initiatives into Act 12 turned what was once a single-subject bill into an omnibus bill, contrary to the text and purpose of Article III, Section 3 of the Pennsylvania Constitution. That “single subject” rule provides: “No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof.” It is a mandatory procedural requirement designed to protect the Commonwealth’s citizens. Act 12 eliminates General Assistance *and* contains key revenue generating measures for the Commonwealth *and* contains funding provisions relating to hospitals and nursing homes, embodying the type of “omnibus” law the single subject clause prohibits. The appendage of all but sure-to-pass funding legislation to the hotly-debated General Assistance elimination bill constituted logrolling, ensuring that legislators passed a controversial measure because the unrelated funding amendments were too essential to forgo. That in turn tied the Governor’s hands from exercising a meaningful veto. In other words, the General Assembly at one point had a bill that addressed only the elimination of General Assistance. What it added did not affect the elimination of General Assistance, and was not necessary or ancillary to the elimination of General Assistance. Overwhelming the General Assistance question with unrelated questions is precisely the harm Article III,

Section 3 was intended to prevent. Protecting the single purpose clause, Pennsylvania courts will strike down laws where, as here, the “unifying purpose” of an omnibus law is prohibitively overboard. *See, e.g., City of Philadelphia v. Commonwealth*, 838 A.2d 566 (Pa. 2003); *Neiman*, 84 A.3d at 611-13.

Article III, Section 3 was first included by the framers of the Commonwealth’s “organic charter” in 1865, and then readopted as part of the 1874 Constitution. *Neiman*, 84 A.3d at 611. It was enacted to prevent the use of “omnibus bills,” or bills, like Act 12, that combine multiple different pieces of legislation, each pertaining to a different subject, into one bill. *See Washington*, 188 A.3d at 1146.

The single subject limit was a guarantee that each piece of legislation received “considered and thorough review” by legislators, which would be impossible for an omnibus bill with a “jumbling together of incongruous subjects.” *Id.* (citation omitted); *Neiman*, 84 A.3d at 612 (citation omitted). The framers of the single subject provision faced a then-problematic practice of “logrolling,” where legislators would combine several matters into one bill to ensure passage, because stand-alone provisions could not have passed on their own merits. *Neiman*, 84 A.3d at 611. In eliminating logrolling, the single subject provision was intended to safeguard lawmakers’ constituents—those who are impacted by the

passage of laws—in their ability to make their views on a bill’s provisions known prior to the final vote. *Id.*

An additional function of the single subject rule, and one that is particularly pertinent here, is protecting the veto power of the Governor. Pennsylvania’s Supreme Court has long acknowledged this vital function. As the Court articulated in *Barnett*, without Article III, Section 3’s prohibition of omnibus bills, the Governor could be placed “under compulsion to accept some enactments that he could not approve, or to defeat the whole, including others that he thought desirable or even necessary.” 48 A. at 977. And it could force the Governor to accept enactments “with provisions which could never succeed if they stood on their separate merits.” *Id.* But that is exactly what happened in this case.

As the Supreme Court more recently acknowledged, the single subject clause “protect[s] the integrity of the Governor’s veto power, which, except in the case of appropriation bills, may only be employed to disapprove bills in their entirety.” *City of Philadelphia*, 838 A.2d at 586 n.18 (citation omitted). Without the protections of Article III, Section 3, the Governor could be forced to veto an entire statute containing disfavored provisions, even if it contains provisions he favors. *Id.* Or, as happened here, he could be forced to approve a bill with unrelated provisions he would individually seek to veto. *See* Ex. 5, Mark Levy, *Chaos erupts in Pennsylvania Senate over welfare bill*, Associated Press (June 27,

2019) (“Wolf opposes eliminating General Assistance”); Ex. 6, John Finnerty, *Debate over eliminating welfare program turns nasty in state Senate*, Meadville Tribune (June 27, 2019) (quoting a spokesman for Governor Wolf as stating, “Governor Wolf fought to keep the [General Assistance] program intact.”); Ex. 7, Mark Levy & Mark Scolforo, *Governor signs \$34 billion ‘divided government’ budget*, Associated Press (June 28, 2019) (“Wolf said he had no choice but to sign the bill eliminating general assistance”).

Act 12 strikes a serious blow to the important structural safeguards embodied by Article III, Section 3 and designed by its 19th Century framers to protect Pennsylvanians. First, the bill is unabashedly an omnibus bill. It was recorded in the Pennsylvania Bulletin on July 13, 2019 as “Human Services Code—Omnibus amendments.” 49 Pa. B. 3595. Furthermore, in addition to eliminating General Assistance, Act 12 contained totally unrelated provisions that were tacked on as amendments. The General Assistance elimination provision of the bill, which entirely eliminates a social welfare entitlement for the poorest Pennsylvanians, bears no relationship to the other non-controversial provisions of the bill, all of which were added as amendments. For example, the Philadelphia Hospital Assessment amendment renewed a revenue-raising measure essential to the Commonwealth’s budget, which routes millions in funding to Philadelphia hospitals and generates \$60.5 million in revenue for the state annually. Another

amendment involved clarifying the law on statewide hospital assessments, and another amendment extended funding for certain nursing facilities. None of these are related to the provision or elimination of General Assistance.

The inclusion of three popular, non-controversial amendments related to healthcare with the elimination of General Assistance was blatant logrolling. The elimination of General Assistance was hotly debated by the General Assembly, but the other amendments to Act 12—some of which were vital to the Commonwealth’s budget—were so uncontroversial as to barely merit mention. Indeed, the hospital assessments were so popular that when they were reauthorized in 2016, they passed the Senate by a vote of 49 to 0, and the House by a vote of 195-2. *See* Act 2016-76, H.B. 1062. The popularity of these unrelated amendments doomed General Assistance, even for those lawmakers who disfavored elimination. Such an outcome is unfair to Pennsylvanians—and especially to the vulnerable members of society who are most likely to be impacted by the elimination of General Assistance—and who rely on the guarantees of Article III, Section 3 with its unique and important procedural protections. These procedural safeguards are designed to ensure that lawmakers cast a transparent and reasoned vote for or against bills containing only one subject.

Finally, the multi-purpose nature of Act 12 clearly hobbled Governor Wolf’s veto power. The Governor publicly opposed eliminating General Assistance, but

he declined to veto Act 12 due to the inclusion of the amendments that would provide monies to benefit hospitals. Governor Wolf publicly described the bill as a “Hobson’s choice” and apologized to reporters for eliminating General Assistance.⁷ This “Hobson’s choice”—the choice to take what is available or nothing at all—is precisely the type of “compulsion” the Supreme Court was concerned about in *Barnett* in 1901 in discussing the single subject clause’s bearing on the integrity of the governor’s veto power.

The freedom to veto, like the freedom to vote itself, relies on the educated assessment of people, needs, and questions. The Governor, who is elected by all Pennsylvanians, is best situated to determine whether a given bill will benefit electors across the Commonwealth, an assessment that can be meaningful only if his vote is a clear expression of that analysis. When the General Assembly gave Governor Wolf a hodgepodge Act 12, which addressed a myriad of disparate subjects and interests, Governor Wolf was unconstitutionally prevented from using this veto power as a clear expression of his public policy choices. Again, this result is unfair to his constituents.

In addition to flouting the protections of legislative integrity historically embodied by the single subject clause, Act 12 also fails to meet the modern test for

⁷ See Ex. 8, Ed Mahon, WITF, #AskGovWolf highlights: *Cash for the poor? Yes. Arming teachers? No.* (June 21, 2019).

satisfying its requirements. Today’s courts look to “germaneness” to determine whether the multiple parts of a given law violate the single subject rule. *Neiman*, 84 A.3d at 612. Multiple components of a law must be part of a “unifying scheme to accomplish a single purpose.” *Id.* In *City of Philadelphia*, the Court noted that while the “germaneness” test has been viewed broadly by modern courts, “[t]here must be limits, however, as otherwise virtually all legislation, no matter how diverse in substance, would meet the single-subject requirement.” 838 A.2d at 588. The Court struck down a law with various provisions which proponents claimed generally pertained to “municipalities,” but which actually concerned diverse subject-matter—from regulating the political activities of police officers to authorizing parking authorities to undertake mixed-use development projects. *Id.* at 589-90.

Similarly, in *Neiman*, proponents of the law at issue claimed it was related to the “unified” subject of “refining civil remedies or relief.” 84 A.3d at 610. But the Supreme Court found that a single subject so defined was overbroad, because it could relate to “any civil court proceeding” or “any power of the judiciary to impose sanctions” on civil litigants. *Id.* at 613. The Court struck down the law at issue, which regulated various and disparate subject matters, from the statute of limitations for asbestos actions to amending provisions related to Megan’s Law on tracking sexual offenders. *Id.* This Court should do the same here.

Under the germaneness test embraced by modern courts, Act 12 clearly fails to meet the requirements of the “single subject” clause. Although all provisions concern the Human Services Code, a “single subject” of human services is just as overbroad—if not broader than—the so-called “unifying purposes” offered to justify the omnibus laws struck down in *Neiman, City of Philadelphia*, and other recent cases. See *DeWeese v. Weaver*, 824 A.2d 364, 370 (Pa. Cmwlth. 2003) (rejecting the position that expunging criminal DNA records and apportioning negligence liability are both germane to the single subject of “the business of the courts”); *Leach*, 118 A.3d at 1283 (purported single unifying purpose of “amending the Crimes Code” insufficient to establish compliance with Section 3). In fact, in striking down a previous law eliminating General Assistance, Act 80, which, like Act. 12, combined disparate services programs, and a levy on nursing homes, the Supreme Court noted “we reject the proposed unifying subject for Act 80 . . . ‘the regulation and funding of human services programs regulated by the [Department of Public Welfare].’ This proposed subject is entirely too expansive . . . we deem such a capacious proposed unifying subject to be manifestly inadequate to meet the germaneness requirement.” *Washington*, 188 A.3d at 1154 n.36.⁸ As in *Washington*, there was no unifying purpose between the law

⁸ The germaneness analysis in *Washington* is discussed in connection with the Court’s holding that Act 80 violated Article III, Section 4, which requires bills to be considered for three days in each house of the general assembly. The “germaneness” analysis considers whether

eliminating General Assistance for thousands of poor Pennsylvanians with the hospital assessment provisions and the nursing home levy provision.

Article III ensures that a bill that would not stand on its own is not propped up artificially by other subjects. Act 12 was precisely what is *not* supposed to happen, and, in this case, those who will suffer most from the unconstitutional passage are those who can least afford it, and those who serve them. *Amici* ask this Court to tell the General Assembly that if its bill can stand on its own, so be it; but it must stand on its own.

IV. CONCLUSION

For all the reasons set forth above, and by the petitioners, the Court should grant the petition for relief, and should issue a preliminary injunction pending its final determination.

amendments must meet the three day requirement. *Id.* at 1151-52. They need not do so if “germane” to the original subject of the bill. *Id.*

Dated: July 29, 2019

DRINKER BIDDLE & REATH LLP

By: /s/ D. Alicia Hickok

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Certificate of Compliance

I hereby certify that the foregoing brief complies with the word limit of the Pa.R.A.P. 531(b)(3). Specifically, it contains 6,508 words based on the word count of Microsoft Word 2016, the word processing used to prepare the brief exempted by Pa.R.A.P. 2135(b).

Dated: July 29, 2019

/s/ D. Alicia Hickok
D. Alicia Hickok

Certificate of Compliance

I certify that this filing complies with the provisions of the public *Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trials Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: July 29, 2019

/s/ D. Alicia Hickok
D. Alicia Hickok

Proof of Service

I, D. Alicia Hickok, certify that I am this day serving by First Class Mail, postage prepaid, the foregoing Brief for *Amici Curiae* . . . In Support of Petitioners' Class Action Petition For Review Addressed to this Court's Original Jurisdiction, which services satisfies the requirements of Pa.R.A.P. 121.

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Exhibit 1

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. House Bill 33

PRINTER NO. 2182

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

January 28, 2019

PRIME SPONSOR

Representative Dunbar

DESCRIPTION AND PURPOSE OF BILL

House Bill 33 amends the Human Services Code to eliminate the general assistance cash benefit program, to revise definitions in the statewide hospital assessment, to extend the Philadelphia hospital assessment and to extend the Medical Assistance Day One Incentive payments for non-public nursing homes.

House Bill 33 eliminates the general assistance (GA) cash assistance program on August 1, 2019. This program was previously eliminated on August 1, 2012, through Act 80 of 2012.

The bill revises the definitions for “net inpatient revenue” and “net outpatient revenue” in the Statewide Quality Care Assessment.

The bill reauthorizes the Philadelphia hospital assessment for an additional five years through June 30, 2024, and includes the following changes: updates the definitions of “high volume Medicaid hospital” and “net patient revenue”; allows for different assessment percentages for general acute care hospitals and high volume Medicaid hospitals; and provides administrative provisions for calculating assessments when a hospital opens, closes, changes ownership or any other change that affects its status as a general acute care hospitals or high volume Medicaid hospitals.

House Bill 33 continues the Medical Assistance Day One Incentive (MDOI) Payment to qualifying nonpublic nursing facilities with an overall occupancy rate of at least 85% and with a medical assistance occupancy rate of at least 65%.

This act shall take effect July 1, 2019, or immediately, whichever is later, except for the general assistance cash assistance which is effective on August 1, 2019.

FISCAL IMPACT:

The elimination of the general assistance (GA) cash assistance program is project to save \$31.8 million in state funding in Fiscal Year 2019-20.

The revision of definitions to the Statewide Quality Care Assessment has no fiscal impact to the General Fund.

Exhibit 1 - Amici Curiae brief in support of Petitioners' Class Action Petition for Review

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

The Philadelphia hospital assessment revenue for the Commonwealth totals \$181.5 million (\$60.5 million per year) over the next five fiscal years (2019-2020, 2020-2021, 2021-2022, 2022-2023 and 2023-2024). In addition, the Philadelphia hospitals will receive \$93 million annually, as well as the city of Philadelphia which will receive \$12 million annually from this assessment.

The Medical Assistance Day One Incentive (MDOI) Payment is \$16 million in State funds for Fiscal Year 2019-20.

Exhibit 2

7/23/19 Pitt. Post-Gazette B1
2019 WLNR 22500918

Pittsburgh Post-Gazette (PA)
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July 23, 2019

Section: STATE

LAWSUIT CHALLENGES TERMINATION OF ASSISTANCE PROGRAM

Kate Giammarise, Pittsburgh Post-Gazette

A lawsuit is challenging the termination of a state cash assistance program for the poorest Pennsylvanians.

General Assistance, a program that provides a monthly benefit of about \$205 to more than 11,000 people, is set to end next week. Legislators voted to eliminate the program - and the governor signed the bill into law last month - as part of the state budget process. Gov. Tom Wolf had said he supported keeping the program, but its elimination was tied to hospital funding in the bill legislators passed, making it politically difficult for him to veto.

The lawsuit, which seeks an injunction before the program ends, was filed Monday in Commonwealth Court by advocacy groups Community Legal Services and Disability Rights Pennsylvania.

The litigation, *Weeks v. Department of Human Services*, asserts the maneuver - combining the unrelated issues into one bill - is unconstitutional.

The ending of the program was controversial. Last month, the issue became the subject of a verbal and procedural battle on the floor of the state Senate, and video of the dispute went viral and attracted national attention.

General Assistance was ended once before in 2012 by legislators and then-Gov. Tom Corbett, but it was resurrected following a yearslong legal battle that ended after the state Supreme Court ruled the legislation ending the program was unconstitutional.

After the Supreme Court's ruling last year, Mr. Wolf's administration reinstated the program, and it has been operating since. Because of the legislation passed last month and signed by Mr. Wolf, it is set to end Aug. 1.

About 11,000 people are enrolled in the program statewide, a little over 1,000 of them in Allegheny County

Advocates for the program had argued that it aided those who often did not qualify for other cash assistance programs in buying items such as toiletries or paying bus fare. Legislators who voted to eliminate it had said they did not believe the program was accountable and was subject to fraud.

Scott Marshall, 52, said receiving General Assistance since last year has helped him pay for items such as medicine and to live at Wood Street Commons, Downtown. Like many people in the program, he has applied for federal disability assistance, which can be a lengthy process.

"I don't know what I'm going to do when my assistance ends, I don't know," he said.

Mr. Marshall is not a named plaintiff in the litigation, but the lawsuit is seeking class-action status on behalf of all General Assistance recipients.

"When General Assistance ends, our clients and other people statewide who are struggling to get by will have to go without the basic necessities that General Assistance supports: keeping a roof over their heads; buying deodorant, soap, and toiletries; doing laundry; or being able to take a bus to keep an appointment," Maria Pulzetti, staff attorney at Philadelphia-based CLS, said in a statement.

In addition to statements from plaintiffs Jasmine Weeks, Vanessa Williams, Arnell Howard and Patricia Shallick, court documents filed Monday also include declarations in support of the request for a preliminary injunction from a number of organizations, including Pittsburgh-based Just Harvest, and Marc Cherna, director of the Allegheny County Department of Human Services.

State Department of Human Services officials could not be reached Monday for comment.

Kate Giammarise: kgiammarise@post-gazette.com or 412-263-3909.

---- **Index References** ----

News Subject: (Government (1GO80); Government Litigation (1GO18); Judicial Cases & Rulings (1JU36); Legal (1LE33); Legislation (1LE97); U.S. Legislation (1US12))

Industry: (Healthcare (1HE06); Healthcare Regulatory (1HE04); U.S. National Healthcare Reform (1US09))

Region: (Americas (1AM92); North America (1NO39); Pennsylvania (1PE71); U.S. Mid-Atlantic Region (1MI18); USA (1US73))

Language: EN

Other Indexing: (Community Legal Services; Disability Rights Pennsylvania) (Patricia Shallick; Scott Marshall; Tom Wolf; Arnell Howard; Maria Pulzetti; Vanessa Williams; Marc Cherna; Harvest; Kate Giammarise; Tom Corbett)

Edition: SOONER

Word Count: 543

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NewsRoom

Exhibit 3



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POLITICS & POLICY


INCOME INEQUALITY

PENNSYLVANIA

GOP hopes to force Wolf to gut General Assistance by tangling it with medical funding

By [Katie Meyer, WITF](#) · June 19, 2019



 Governor Tom Wolf says he doesn't want to get rid of the General Assistance program, but he's navigating tricky negotiations with Republicans. (Matt Rourke/AP Photo)

For weeks, staffers for Democratic Governor Tom Wolf and the Republicans who control the state House and Senate have been trying to hammer out an agreement on a GOP priority: gutting a program that gives relatively small amounts of cash to poor people who don't qualify for other assistance.

Those talks haven't been fruitful. So now, Republicans are trying to force Wolf's hand.

They are shoehorning a repeal of the General Assistance program into a bill that also includes important money for medical assistance. Their strategy is that Wolf will sign the bill, or let it become law because he won't want to spike the medical funding.

Both sides expect that the dispute will likely end up in court.

This is the second time Republicans have tried to ax the General Assistance program. The first was in 2012, but the state Supreme Court revived it on a technicality, and Wolf reinstated it last year.

According to the state Department of Human Services, as of May, the program has given roughly \$200 a month to 11,095 people — money that Wolf and other Democrats say is an important resource to buy things like toiletries.

Republicans have made it known throughout this year's budget talks that they want the program to be abolished. The Wolf administration estimates it would cost \$24.5 million to maintain in the next fiscal year.

Pat Browne, the GOP chair of the Senate Appropriations Committee, noted that General Assistance was first repealed "in a period of substantial fiscal stress."

"Even though our fiscal position is stronger, that really hasn't changed," he said. "We're running a surplus this year, but the surplus we're running will get us through six hours and we don't have a massive balance in the rainy day fund. So we still have to be cautious and because of that, this is not the time to reestablish things we did in the past."

Meanwhile, Mike Straub, a spokesman for House Republicans, said the program is “rife with fraud and abuse.”

He said gutting General Assistance will allow lawmakers to “put more money into programs that are proven to help people in need,” though didn’t name any specific ones.

Wolf has offered compromises in the past that would get rid of General Assistance and route its funding to other human services programs — like the housing assistance program PHARE — but he supports the program on principle.

Until this week, the two sides had been approaching the conflict with the assumption that General Assistance would be either funded or defunded as a small component of the overall spending plan.

But that approach has broken down.

Browne said the administration believes that if the program is merely defunded and not officially repealed, there is a mandate to keep it running.

Wolf “would stipulate that he would need a supplement for it, or he would just take the money out of the Treasury,” Browne said. “And then, you don’t have a reconciled position. It’s important that we reconcile this.”

Republicans in both chambers have agreed to pass a General Assistance repeal bill that includes, among other things, a provision that gives Philadelphia hospitals important Medicaid dollars and increases state funding to certain nursing facilities.

Matt Bradford, the Democratic chair of the House Appropriations Committee, noted that would make it hard for Wolf to veto the bill.

“Obviously, the intent is to put the governor in a tough position,” he said.

The bill in question was amended in a House committee Tuesday. It passed the full chamber Wednesday afternoon and now goes to the Senate, where — if all goes as expected — it will be approved and sent to Wolf for an up or down vote.

In House floor debate, Democrats put up an impassioned defense of the program.

Movita Johnson-Harrell, a freshman representative from Philadelphia, said that in the 1990s, she received General Assistance while suffering from PTSD after seeing her father murdered.

“I turned to self-medication,” she said. “I would have lost my children had it not been for General Assistance and being able to get a bed in a residential facility to seek treatment.”

She added, “because of that General Assistance and that help, I was then able to go on to get my high school diploma, to work two jobs to get off General Assistance, to go to college full-time...and become very successful.”

The administration didn’t comment on what Wolf would do if the bill reaches his desk.

A spokesman for Wolf said only that Republicans have “made eliminating General Assistance a top priority despite Governor Wolf’s clear resistance and multiple offers to negotiate a compromise,” and that budget negotiations are still ongoing.

The matter will almost certainly end up in court, Browne and Bradford said — exactly like the last attempted General Assistance repeal. And it will probably be challenged based on a rule that legislation can’t include multiple subjects.

The one-subject clause was also a component of the previous repeal case — though in that instance, the court overturned the legislation on the grounds that it was passed too quickly, not because it contained multiple subjects.

Browne noted that exceptions to the single-subject rule are often made for budget bills.

“There will be a lawsuit,” he predicted. “But this time we will win.”

Editor’s Note: This story has been corrected to reflect the estimated amount it would cost Pennsylvania to run General Assistance next fiscal year.

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Exhibit 4

Gov. Wolf: Budget Sets Pennsylvania on Path Toward Long-Term Prosperity

June 28, 2019

Budget News, Press Release

Harrisburg, PA – Today, Governor Tom Wolf outlined the significant advancements made in the 2019-20 budget that will help move Pennsylvania towards a future of long-term prosperity. The budget makes investments in all levels of education; builds on progress to have the nation's strongest workforce; provides lower cost options for health insurance; and helps children, families, vulnerable populations, farmers and veterans, all while making the largest deposit in the Rainy Day Fund in two decades and delivering structural balance after years of deficits.

Later today, Gov. Wolf will sign the General Appropriations (HB790), Human Services Code (HB33/SB695), Fiscal Code (SB712), Tax Code (HB262), Admin Code (HB1461), and School Code (HB1615/SB144) Bills.

Gov. Wolf made the following statement:

"I am proud of the budget before me: More than \$300 million for education. Lower health care costs for at least 400,000 Pennsylvanians. The first major state reforms to combat campus sexual assault. Officially doubling early childhood education funding in five years. Stopping cuts to agencies and other services. Making sure kids start school at age six and stay there until they are 18. The most expansive state GI bill in the nation. Spurring agricultural development in rural and urban communities with a Farm Bill tailored to Pennsylvania farmers' specific needs. A comprehensive plan to build the nation's strongest workforce. More funding for critical human services, including child care, home-visiting programs, services for people with disabilities, early intervention programs and funding to upgrade and secure our voter registration database.

"But, I lament some of what we were not able to pass.

"I am going to keep fighting tooth and nail for a higher minimum wage. I am going to keep pushing for infrastructure funding that will help strengthen and rebuild our communities. I'm going to keep working to lower the Corporate Net Income Tax so companies know that Pennsylvania is open for business. I'm going to keep advocating for non-discrimination legislation that signals that Pennsylvania welcomes everyone. And I will keep fighting for support for our most vulnerable neighbors.

"That's why even though the legislature eliminated general assistance, I made sure to include an additional \$15 million for low-income housing assistance. This will help a lot of the same individuals who previously received general assistance from the commonwealth. It will provide valuable resources to make sure they have a roof over their head. But there is more we can and should do to lift people out of poverty.

"In divided government you have to advocate aggressively, you have to negotiate hard, and you also have to do what's best for all of the people you serve.

"You have to do everything you can to promote the most forward-looking agenda you can conceive, and to prevent regressive policies from becoming law. You have to fight for every inch to help all of the people.

"This is the job I was elected to do. This is a job I take seriously. This is a job I'm honored to have.

"I am going to keep working every single day to make progress for the people of Pennsylvania. All of the people. And today I am proud of what we were able to accomplish together over the past few months."

Increasing Investments in Education and Workforce Development

Gov. Wolf's top priority is education. This year's budget advances his goal of investing in schools and workforce development. With this year's funding increase of \$265 million for education, the governor has now secured more than \$1.2 billion in public education funding since taking office.

Among other investments, the budget accomplishes the following:

- Provides an increase of \$265 million for Pre-K through 12, including \$160 million for basic education, \$25 million for Pre-K Counts, \$5 million for Head Start, and \$15 million for preschool Early Intervention. With this funding, Pennsylvania has doubled investments in early childhood education during Gov. Wolf's time in office.
- Increases funding for higher education by 2 percent for Pennsylvania's community colleges, the Pennsylvania State System of Higher Education, and the state-related universities. Over the past five years, funding for higher education has increased by \$188 million.
- Expands on the innovative PAsmart workforce development program by again providing \$20 million for STEM and computer science education, \$10 million for job training and apprenticeships and an additional \$10 million to support career and technical education.
- Raises the school dropout age from 17 to 18 and lowers the required age to start school from 8 to 6.

"This budget makes big strides in pursuing my goal of making Pennsylvania's workforce the best in the nation," said Gov. Wolf. "When I came to office, I made my desire to better fund our public schools clear. But making our schools stronger and preparing our students for careers that will allow them to thrive in Pennsylvania is about more than just money. Today, I will put into law a new compulsory age of attendance in Pennsylvania. Combined with changes in graduation requirements that focus on trade and technical skills along with historic investments in technical education, we will prepare more students for a wider range of careers.

"Additionally, since I took office, we've more than doubled the annual investment in early childhood education from \$136 million to \$276 million. That's an investment I'm really proud of because it shows a significant commitment to the future of our commonwealth."

Gov. Wolf is a steadfast supporter of campus safety and nearly three years ago established It's On Us PA, the nation's first statewide campaign. The budget package includes initiatives that encourage students to report sexual assault by providing them immunity for violating drug, alcohol, and other minor student conduct policies. Another initiative requires postsecondary institutions to offer students online, anonymous options to report a sexual assault or misconduct.

"More than three years ago, PA became the first state in the nation to start an It's On Us program to combat sexual assault. I have visited colleges and universities, I have sat with survivors of sexual violence, and I have repeatedly asked for legislation on my desk that will protect our students from sexual assault," said Gov. Wolf. "I am proud to be able to sign two key bills that will encourage the reporting of sexual violence, and will help quell the epidemic of sexual assault on our college campuses."

Supporting Vulnerable Pennsylvanians

Gov. Wolf believes our commonwealth succeeds when all individuals have opportunities for their own success. This year's budget assists in this mission by:

- Increasing home visiting services to reach an additional 800 vulnerable families. This program has been proven to reduce neglect and abuse and improve health and education outcomes.
- Increasing the number of slots in high-quality and affordable day care programs, and the amount of available child care subsidies so more children start life on the right path.
- Raising the rate for Early Intervention (EI) programs for the first time in a decade, this 3 percent rate increase will assist EI providers in recruiting and retaining qualified staff members to serve the at-risk children and families in the EI system.
- Increased funding to take nearly 800 individuals off of the waiting list for services for people with intellectual disabilities.

“This budget makes critical investments in early childhood education that will ensure our youngest Pennsylvanians are starting out on a solid footing, giving them lifelong skills and new opportunities,” said Gov. Wolf. “And, we’re expanding support for vulnerable families, including increasing the number of high-quality, affordable childcare slots and adding significant funding to evidence-based home visiting programs.”

Restoring Pennsylvania’s Fiscal Health

Gov. Wolf is committed to the long-term prosperity of Pennsylvania. As part of the 2019-20 budget, the governor will make a \$330 million deposit into the Rainy Day Fund. The deposit is the governor’s second significant transfer into the fund, which held just \$250,000 when he took office. After the transfer, the fund will contain more than \$350 million, a significant step toward restoring Pennsylvania’s fiscal health.

“Making this \$330 million deposit into the Rainy Day Fund is incredibly important for the future of our commonwealth – and we’re doing it with a balanced budget,” said Gov. Wolf. “Growing our Rainy Day Fund means that in worse economic times, we have funds to avoid the disastrous cuts we’ve seen before.”

Securing Historic Funding to PA Agriculture

Gov. Wolf has remained steadfast in his plight to boost Pennsylvania’s agriculture industry since first presenting his six-point plan less than one year ago. This year’s budget invests \$23.1 million to provide for business development and succession planning, create accommodations for a growing animal agriculture sector, remove regulatory burdens, strengthen the ag workforce, protect infrastructure, and make Pennsylvania the nation’s leading organic state.

“The agriculture industry is a critical part of Pennsylvania’s economy,” said Gov. Wolf. “This package of bills will support legacy farms and new business ventures.”

Significant investments guided by the governor’s plan to bolster the agriculture industry include:

- \$6 million to provide grants, loans and tax credits for farmers to install and implement best management practices.
- \$5 million to fund research and development, organic transition assistance, value-added processing, and marketing grants in support of Pennsylvania’s dairy industry.
- \$500,000 to re-establish a program to fund agricultural and rural youth organizations to help increase knowledge and awareness of agricultural issues within the commonwealth.
- \$500,000 to improve agriculture infrastructure in urban areas, the aggregation of product, sharing of resources, and support for community development efforts.
- \$2 million to create a Agricultural Business Development Center to serve as a resource to help every farmer create a business plan, transition plan, or succession plan.
- \$2.6 million to support the overall PA Preferred program, bolster enrollment in the Homegrown by Heroes Program, and develop the PA Preferred Organic initiative.

Supporting PA National Guard Families

Gov. Wolf recognizes the sacrifices Pennsylvania National Guard members and their families make to protect our commonwealth. To support them in return, Gov. Wolf established the PA GI Bill, a first-in-the-nation program to provide spouses and children of Pennsylvania National Guard members tuition reimbursement for higher education.

“I’m proud to say we have done more to make the lives of Pennsylvanians better,” said Gov. Wolf. “The PA GI Bill is a fitting way to show our gratitude to our military member and their families.”

The program will enable:

- Pennsylvania National Guard members who commit to an additional six years of service to receive five years or 10 semesters of higher education benefits for their spouses and children.

- The benefit must be used at a Pennsylvania Higher Education Assistance Agency (PHEAA) approved educational institution at the tuition rate set by the Pennsylvania State System of Higher Education (PASSHE).
- The PA GI bill could benefit up to 8,000 military family members.

Increasing Access to Affordable Health Care: State-Based Exchange and Reinsurance

In addition to these investments, the governor has secured the most significant health care reform since the creation of the Children's Health Insurance Program (CHIP): the authority to implement a state-based marketplace that will allow for greater access to affordable, quality health insurance for Pennsylvanians. The state-based marketplace, in conjunction with a federal waiver, will also enable a new re-insurance program that will significantly lower premiums for those who purchase their health insurance through the individual market beginning in 2021 – all without spending a single dollar from the state's general fund.

“Too many people are paying too much and getting too little out of their insurance,” said Gov. Wolf. “This is an opportunity for Pennsylvania to lead on health care reform. Because of this bill, families will have more money to spend on the things they want without having to worry about whether or not they can get the care they or their loved ones need. “

Exhibit 5

6/27/19 AP Alerts 00:23:20

AP Alerts
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June 27, 2019

Chaos erupts in Pennsylvania Senate over welfare bill

MARC LEVY, Associated Press

HARRISBURG, Pa.

HARRISBURG, Pa. (AP) — The Pennsylvania Senate devolved into partisan shouting, name-calling and bare-knuckled procedural tactics Wednesday over a bill to end a decades-old program that offers \$200 a month to people deemed unable to work.

The bill ultimately passed the GOP-controlled chamber, 26-24, with two Republicans siding with Democrats against it, but not before a tense scene unfolded that senators on both sides roundly said they had never witnessed in the chamber.

The Republican demand to eliminate the program, called general assistance, has become particularly contentious, drawing demonstrators to the Senate gallery Wednesday and sparking passionate debate in the House in recent days.

It will be up to Democratic Gov. Tom Wolf to decide on the bill. Wolf opposes eliminating general assistance, but Republicans tied it to subsidies for Philadelphia hospitals, and Wolf has not said whether he would sign or veto it.

Democrats frame the program as a lifeline for people to afford basic necessities at the lowest point in their lives. Republicans have tried for years to eliminate it, saying it is of questionable value.

It is projected to serve about 10,000 people a year at a cost of approximately \$24 million next year, according to Wolf's office.

As they fought over the bill Wednesday in the Senate, Republicans accused Democrats — and in particular Lt. Gov. John Fetterman, who presides in the Senate — of flouting the chamber's operating rules. Democrats accused Republicans of questionable, never-before-seen tactics to run roughshod over debate. Both sides accused the other of "hijacking" the chamber.

Senate Majority Leader Jake Corman, R-Centre, called it the "worst day" in the Senate he's seen in his 20-plus years. Senate President Pro Tempore Joe Scarnati, R-Jefferson, said he later sought Wolf's intervention.

Wolf's office declined comment, and the chamber later settled into a series of votes with Scarnati presiding.

The chaos began with a Republican procedural move to block Democrats from offering more than one amendment — to keep the benefit for domestic abuse survivors — and to head off votes on amendments to keep the benefit for military veterans, cancer survivors and others.

That motion angered Democrats. Fetterman put the chamber at ease to approach Senate Republican leaders to "bring the debate to a dignified conclusion without the nuclear option," he said in an interview later.

That's when Scarnati told Fetterman he couldn't stop a vote, went to the rostrum and put the vote in motion.

"I walked over and I greeted him and I said, 'governor, you can't do this, we're in the middle of a vote, you have to go through with this vote,'" Scarnati said in an interview later. "He says, 'we'll, I'd like to work this out.' I said, 'we are working this out.' And that's when I went up and I took the gavel and I continued on as the presiding officer."

Democrats briefly walked off the floor before a spectacle ensued.

Sen. Katie Muth, D-Montgomery, began reading a letter from a recipient of the cash benefit, appealing to senators to keep it, as Corman tried to interrupt with a "point of order."

For nearly three minutes, Muth read the letter, shouting the words while Corman shouted over her at Fetterman to acknowledge him. At one point, Fetterman told Corman, "you had your chance."

"Never in my career in the Senate has the presiding officer totally ignored the rules, the rules that we all voted on unanimously," Corman shouted after Muth finished. "Mr. President, your job is to enforce the rules of the Senate, not to be a partisan hack."

Sen. Anthony Williams, D-Philadelphia, shouted back that Scarnati had "made the rules at that moment so, with all due respect, when you punch somebody in the face and they punch you back, stop whining about it! And don't get personal about it! That's the rules!"

Asked later whether he had flouted the Senate's rules, Fetterman said, "I believe I responded in the manner that afforded my colleagues a voice that (Republicans) attempted to usurp through a questionable maneuver."

---- Index References ----

News Subject: (Government (1GO80); Government Institutions (1GO90); Legislation (1LE97); Legislative Bodies (1LE67); Political Parties (1PO73); U.S. Legislation (1US12); U.S. Senate (1US71))

Region: (Americas (1AM92); North America (1NO39); Pennsylvania (1PE71); U.S. Mid-Atlantic Region (1MI18); USA (1US73))

Language: EN

Other Indexing: (Pro Tempore Joe Scarnati; John Fetterman; Tom Wolf; Katie Muth; Jake Corman; Anthony Williams)

Word Count: 685

Exhibit 6

6/27/19 Meadville Tribune (Pa.) (Pg. Unavail. Online)
2019 WLNR 19732775

Meadville Tribune, The (PA)
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June 27, 2019

Section: News

Debate over eliminating welfare program turns nasty in state Senate

John Finnerty CNHI News Service

HARRISBURG - Debate over a move in the budget to eliminate cash assistance benefits flared up in the state Senate as a freshman lawmaker read a statement from a man who benefits from the program while Senate Majority Leader Jake Corman tried to drown her out by screaming at the lieutenant governor.

While Democratic state Sen. Katie Muth of Montgomery County read the statement, Corman yelled at Lt. Gov. John Fetterman, "Do your job," while Fetterman allowed Muth to proceed with the statement after the Senate, which has a majority of Republicans, voted to end debate on the bill. The lieutenant governor, a Democrat, presides over Senate proceedings, a role that is usually ceremonial.

Fetterman then called for a vote on the measure, which passed with all the Democrats voting against it.

Senate Democrats earlier had walked out of the chamber when their attempts to amend the legislation were denied.

At an impromptu press conference, Sen. Democratic Leader Jay Costa of Allegheny County blasted the conduct of the Republicans.

The General Assembly eliminated the cash assistance program in 2012, but last year the state Supreme Court ruled that the Legislature didn't follow proper procedures in passing that law. As a result, the state began to offer cash assistance again, a program that benefits more than 11,000 people, Costa said.

Shutting down debate over the bill was "unconscionable," he said.

Republicans have been critical of the lack of accountability regarding what the benefits are used to buy.

Advocates for the poor say general assistance helps people dealing with drug addiction or seeking to escape domestic violence as well as people with short-term disabilities or people with long-term disabilities awaiting approval of their Social Security benefits.

The measure passed the state House by a 106-95 vote earlier this month, and Republican leaders have said the budget plan scheduled for a final vote in the Senate today doesn't include funding for general assistance.

With Wednesday's Senate vote, the measure goes to Gov. Tom Wolf. A spokesman for the governor wouldn't say whether Wolf will sign the legislation but made clear he's been resistant to efforts to eliminate general assistance.

"Republicans prioritized eliminating this program. Governor Wolf fought to keep the program intact," said J.J. Abbott, a spokesman for the governor. "Governor Wolf will evaluate the final bill once it is on his desk."

John Finnerty reports from the Harrisburg Bureau for The Meadville Tribune and other Pennsylvania newspapers owned by CNHI. Email him at jfinnerty@cnhi.com and follow him on Twitter @cnhipa.

---- **Index References** ----

News Subject: (Government (1GO80); Government Institutions (1GO90); Legislation (1LE97); Legislative Bodies (1LE67); Political Parties (1PO73); U.S. Legislation (1US12); U.S. Senate (1US71))

Region: (Americas (1AM92); North America (1NO39); Pennsylvania (1PE71); U.S. Mid-Atlantic Region (1MI18); USA (1US73))

Language: EN

Other Indexing: (J.J. Abbott; Jay Costa; John Fetterman; Tom Wolf; Katie Muth; Jake Corman; John Finnerty)

Word Count: 419

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NewsRoom

Exhibit 7

6/28/19 AP Alerts 22:27:44

AP Alerts
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June 28, 2019

Governor signs \$34 billion 'divided government' budget

MARC LEVY and MARK SCOLFORO, Associated Press

HARRISBURG, Pa.

HARRISBURG, Pa. (AP) — Gov. Tom Wolf signed a \$34 billion compromise budget Friday after lawmakers wrapped up the week with a flurry of votes on hundreds of pages of legislation that in some cases drew angry protests from his fellow Democrats.

Fueled by strong tax collections, the budget boosts aid to public schools and universities, holds the line on taxes, and stuffs a substantial sum into reserves.

Both Wolf and top Republicans in the GOP-controlled Legislature said they were proud of the budget.

However, Wolf saw some of his top priorities blocked by Republicans, and he gave into a Republican demand to end a decades-old cash assistance program for the destitute deemed temporarily unable to work.

Not a single Democratic lawmaker voted for the bill, which ends the program called "general assistance," and debate over it in the Senate turned ugly Wednesday. Meanwhile, 62 of the 70 votes against the main spending bill were from Wolf's fellow Democrats, some of whom criticized the budget as lacking courage.

"In divided government, you have to advocate aggressively, you have to negotiate hard, and you also have to do what's best for all of the people you serve," Wolf said in a statement Friday announcing he would sign the budget bills. "You have to do everything you can to promote the most forward-looking agenda you can conceive, and to prevent regressive policies from becoming law."

In interviews Friday, Wolf said he understood Democrats' frustration that the budget didn't go far enough, but he defended it as "making lives better" and said the state is far ahead of where it was when he took office in 2015.

"We're a much more progressive state than we were five years ago, and I'm very proud of that," Wolf said. "At the same time, there's still a lot of work to be done."

Both chambers gaveled out until September after approving the final budget-related bills.

Lawmakers passed a separate measure to help counties afford new voting machines that have an auditable paper trail ahead of the 2020 presidential election, although Democratic lawmakers protested some of the bill's provisions changing election laws.

All told, the 2019-20 spending plan, for the budget year that starts Monday, authorizes new spending of nearly \$2 billion, or about 6% more than the current fiscal year's approved spending.

Much of the extra spending covers new discretionary aid for public schools, plus extra amounts to meet rising costs for prisons, debt, pension obligations and health care for the poor.

It sends \$210 million more to public school operations and instruction, as well as tens of millions more to pre-kindergarten programs and higher education institutions. It is also expected to leave nearly \$300 million for the state's "rainy day" budgetary reserve.

Much of it was similar to the \$34.1 billion proposal Wolf issued in February. Healthy revenues eased pressure on lawmakers and the governor, helping them deliver an on-time budget after protracted battles during Wolf's first three years in office.

Still, Republicans rejected a push by Wolf and his Democratic allies to raise Pennsylvania's minimum wage, as well as a new fee proposed by the governor on municipalities that rely solely on state troopers for local police services.

For the fifth straight year under Wolf, Republicans again blocked a tax on Marcellus Shale natural gas drilling he had sought this year to underwrite infrastructure and development projects.

The Legislature authorized borrowing \$90 million to pay for voting machines, to help counties with a tab expected to exceed \$100 million. The borrowing provision emerged at the 11th hour, after weeks of Republicans saying they did not support Wolf's demand that counties buy new machines.

On Wednesday night, Republicans abruptly bundled the borrowing provision into a measure carrying changes to voting laws that Democrats opposed.

Wolf on Friday would not say whether he would sign or veto it but said there are elements of it that he doesn't like and suggested that it didn't go nearly far enough in improving access to voting.

Determined to end the general assistance program, Republicans packaged it into legislation reauthorizing state subsidies for Philadelphia hospitals.

Asked about that strategy, House Majority Leader Bryan Cutler, R-Lancaster, said it is the reality of divided government.

"I won't discuss the private conversations I had with any of the parties, but the truth is we were trying to reach a compromise as much as possible," Cutler said.

Wolf said he had no choice but to sign the bill eliminating general assistance but added that he is working on a way to help the thousands of people it was projected to serve.

---- Index References ----

Company: WOODWARD GOVERNOR COMPANY (AIRCRAFT ENGINE SYSTEMS)

News Subject: (Campaigns & Elections (1CA25); Global Politics (1GL73); Government (1GO80); Legislation (1LE97); Political Parties (1PO73); U.S. Legislation (1US12); World Elections (1WO93))

Governor signs \$34 billion 'divided government' budget

Region: (Americas (1AM92); North America (1NO39); Pennsylvania (1PE71); U.S. Mid-Atlantic Region (1MI18); USA (1US73))

Language: EN

Other Indexing: (Bryan Cutler; Tom Wolf)

Word Count: 773

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NewsRoom

Exhibit 8

#AskGovWolf highlights: Cash for the poor? Yes. Arming teachers? No.

Written by Ed Mahon/PA Post | Jun 21, 2019 4:44 AM



Gov. Tom Wolf listens to a question from Keystone Crossroads Editor Kevin McCorry during a statewide interview broadcast on WITF. (Joanne Cassaro/WITF)

(Harrisburg) -- During a live broadcast at WITF hosted by Keystone Crossroads, Gov. Tom Wolf gave updates on a number of issues central to ongoing negotiations about next year's state budget.

One of the most contentious components is General Assistance, a program that offers small amounts of cash to certain poor people, and which Republicans are committed to eliminating.

Here's a look at the General Assistance conflict and five other highlights -- including some non-budget related ones -- from Thursday's interview.

1. Cash for the poor

Wolf wants to keep the program, known as General Assistance, but he says the latest move by Republicans puts him in a tough position.

In a [nearly-party line vote Wednesday](#), the GOP-controlled House passed a bill that would eliminate the program.

But the same bill includes something Wolf wants: Money for Philadelphia hospitals, among other things.

Republicans believe Wolf will either sign the bill, or let it become law, because he won't want to kill the medical money.

"They are pursuing a pretty smart tactic," Wolf said. "...It's a **Hobson's choice**."

Wolf says people who benefit from cash assistance also benefit from the tens of millions of dollars that would go to hospitals. He says he's not sure how he'll respond.

"I'm not just saying this to put you off. We're literally still talking about what our options are, because ... we are between a rock and a hard place here," Wolf said.

A fiscal note attached to the bill estimated that eliminating the program will save \$53.5 million next fiscal year. But the Wolf administration had a lower estimate for what it costs to maintain the program next year: \$24.5 million.

The cash assistance program was **eliminated in 2012**, but restored in 2018 after a Supreme Court decision. That decision was based on procedural problems **with how the legislation passed**.

Under the program, **eligible people in most counties can receive up to \$205 a month**, according to the Pennsylvania Department of Human Services.

A spokesman for the House GOP Caucus, Mike Straub, said eliminating General Assistance will allow lawmakers to "put more money into programs that are proven to help people in need," WITF Capitol Bureau Chief Katie Meyer **reported earlier this week**.

2. Not arming teachers

Should **teachers and administrators in Pennsylvania schools be allowed to carry guns**? No, Wolf said.

He suggested it was a different situation for "people who have been trained in gun ownership and firearms, whose job it is to protect the safety of the schools, to carry firearms." But, he added "they need to be trained. I think the random arming of civilians is not a good idea."



Gov. Tom Wolf (right) answers questions from Keystone Crossroads Editor Kevin McCorry, WITF's Katie Meyer and PA Post's Ed Mahon during a live statewide broadcast at WITF. (Photo by Joanne Cassaro)

3. Picking a nominee

Joe Biden, the former vice president who was born in Scranton, received an early endorsement from [U.S. Sen. Bob Casey, D-Pa.](#) But Wolf says he won't be endorsing in the Democratic presidential primary.

"I have not made a choice, and I won't," Wolf said. "I will come out for the winner, the ultimate winner after the convention, and support him or her to the utmost of my ability."

4. Relying on natural gas

Several people who submitted questions were critical of natural gas drilling -- and aren't happy that Wolf's [Restore PA plan](#) would rely on a severance tax on natural gas to pay for infrastructure and other initiatives.

[@GovernorTomWolf #askgovwolf](#) Why are you promoting the extraction of oil and gas when hundreds of scientists agree that it is harming families and contributing to climate change. [#fracking](#) -- [Protect PT \(@ProtectPT\)](#) [June 20, 2019](#)

Wolf's reply? People need to be concerned about climate change.

"But in that energy efficient future, in that future that has a lower carbon footprint, we're going to need to have lightweight products and those lightweight products are going to be made of the natural resource that happens to lie beneath Pennsylvania," he said.

5. Reforming cyber charter schools

The governor was critical of cyber charter schools.

Kevin McCorry, a host of the program, referenced a recent study from the [Center for Research on Education Outcomes](#), which suggested the online schools underperform traditional public schools.

"At this point, are cyber charters a good idea at all?" McCorry asked.

"No," Wolf replied.

But he didn't say they should be abolished. Instead, he said reforms are needed, and he thinks more Republicans are recognizing that.

6. Helping college students

One person wanted to know what the state is doing to help **food insecure college students**.

#askgovwolf are you aware of the growing number of food insecure college students in our Commonwealth? Are there any plans at the state level to address this issue?-- Danette Reid (@jewelinspired96) June 20, 2019

"Frankly, the area of student food insecurity is new to me," Wolf said. "And I'm sure there are people out there who have known about this for much longer than I have. But this is something that I think Pennsylvania ... agriculture is our biggest industry This is something that we can and should do something about."

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