

Capitolwire: PA Senate has major blow-up over General Assistance elimination bill, which is still on its way to Gov. Wolf.

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HARRISBURG (June 26) - Just when you think you've seen everything in the state Capitol, our state lawmakers pull out some surprises, all in a budget year we've been led to believe would be an easy lift.

There were quite a few "memorable" moments for the General Assembly's upper chamber on Wednesday: Lt. Gov. John Fetterman temporarily replaced as presiding officer during floor fireworks related to General Assistance, a walkout by Senate Democrats, Fetterman choosing to temporarily ignore the chamber's rules as Senate Majority Leader Jake Corman, R-Centre, screamed at the top of his lungs for Fetterman to adhere to the Senate's rules, and an apparent intercession by the Governor.

Given the battles that had already occurred in the state House of Representatives regarding legislation that would, once again, end the state cash assistance welfare program that between 2012 and November 2018 did not exist, there was some level of discord expected when House Bill 33 got to the Senate floor for a final vote.

General Assistance, eliminated as part of Act 80 of 2012 but revived by Gov. Tom Wolf following a July 2018 state Supreme Court ruling that found unconstitutional the process by which Act 80 became law, is on the chopping block again as part of the legislation related to the Fiscal Year 2019-20 state budget.

Legislative Republicans argue the funding that had been devoted to the program prior to its elimination in 2012 – approximately \$150 million annually – has since been retasked elsewhere, and there's nothing in the current budget specifically for a restored program, though they note Wolf spent money on the program without legislative authorization. They maintain that situation would likely recur in future budget years, even if the budget doesn't explicitly appropriate money for the program, so to avoid such a repeat of events, the program has to again be eliminated.

Senate Democrats had drafted 22 amendments to the bill, all similar to amendments defeated by Senate Republicans when they were offered by their Democratic colleagues in committee. They focused on ensuring the continuation of the cash benefit – which averages, roughly, \$200 per month – for various specific populations, such as the physically or mentally disabled, pregnant women, victims of domestic violence, nonparental caretakers of children under the age of 13, those receiving substance abuse treatment, 18- to 20-year-olds in vocational education, those who are "disabled," and veterans with PTSD.

Later in the day during a GOP press conference reacting to the day's events, Corman said the sponsors of those proposals were not inclined to pull their amendments, something Corman said

routinely comes up in conversations with Senate Minority Leader Jay Costa, D-Allegheny, when the two are trying to work out a Senate calendar for any given day.

“I think 22 amendments is an historic high” for his time in the Senate, said Corman, “and I tried to work with him [Costa] to figure out a way to limit those to the more important ones that they wanted to offer.”

“When they wouldn’t limit them to a reasonable number, we allowed them to have the first one ... and then we made the motion – which they knew we were going to make at some point – to cut off debate,” explained Corman.

One of the 22 amendments – to allow domestic violence victims to receive the cash benefit – was considered and defeated by the chamber on a party-line vote. That’s when the fireworks started.

Corman made a motion to immediately vote the bill, ending further debate on HB33 – called “moving the previous question.”

The motion is not debatable as per the Senate’s rules and requires the chamber to vote on the motion, and, should it win approval, move immediately to a vote on the bill under consideration by the chamber, in this case HB33.

Sen. Costa loudly argued he should be allowed to speak, pointing out his caucus had several amendments they wanted the chamber to consider, and that Corman’s motion should be ignored “for the 11,095 people who would be cut off from these benefits.”

The Secretary of the Senate Megan Martin, who also functions as the chamber’s parliamentarian, could be seen explaining to Fetterman the process to be followed, and then the Lt. Governor stood for several moments listening to Costa and Corman talk over each other before he announced the Senate would be “at ease,” though Corman continued to point out “there is a motion before the Senate.”

Later in the day, Fetterman said – and Senate President Pro Tem Joe Scarnati, R-Jefferson, later confirmed – he was pausing things in an attempt to work something out between the two sides. Scarnati said he told Fetterman that is what the Senate was trying to do, and that he couldn’t just unilaterally bring a stop to Senate session.

After the brief “at ease” moment on the Senate floor, Fetterman stepped to one side and Scarnati began presiding over the floor session, as Senate Democrats yelled and screamed that the motion could not be considered and that Scarnati was hijacking the Senate.

Corman’s motion requires four other senators to indicate their support for the motion. Every Senate Republican stood to support Corman’s motion, something that Senate Democrats later said “outraged” them.

As the vote on the motion commenced, Senate Democrats walked off the floor, with a state Capitol Rotunda press conference quickly following the walkout, during which they complained about the Republicans.

Sen. Katie Muth, D-Montgomery, seemed to sum up what many of her Democratic colleagues were feeling, calling the GOP's actions, "Immoral, criminal, cowardly, wrong [and] not public service."

She said she and her caucus are now "at moral war, and we won't quit."

A few minutes later, the Democrats returned to the floor and voted on Corman's motion, which passed on a party-line vote.

Later in the day, Corman said it was at that point that he offered another option to the Senate Democrats: he would pull his motion, if Democrats would pull their amendments, and then a few Democratic members would be afforded the ability to speak about the bill.

He said they "didn't want to do that, because they had this all planned."

Both Corman and Scarnati noted there were protesters in the Senate gallery – both Republicans suggesting they were guests of Senate Democrats - who were yelling to keep the welfare program, and at one point their behavior forced the Senate to halt its session.

When the Senate Democrats returned to the Senate floor following their press conference, now with Fetterman again presiding over the session, the chamber should have moved directly to a vote on HB33. Instead, Fetterman recognized Muth to allow her to deliver a statement on behalf of a General Assistance recipient.

The statement was mostly drowned out by Corman yelling at the top of his lungs – for the entirety of Muth's remarks – that Fetterman was ignoring the Senate's rules.

When Fetterman eventually acknowledged Corman, the chamber's majority leader said: "Never in my career has the presiding officer totally ignored the rules. The rules that we all voted on unanimously. Your job is to enforce the rules of the Senate, not to be a partisan hack."

That prompted Fetterman to declare Corman out of order and a new round of yelling ensued from both political caucuses in the chamber, with Republicans yelling at Fetterman "to follow the rules."

Fetterman then recognized Sen. Tony Williams, D-Philadelphia, who voiced the position of his caucus, while GOP members continued to demand Fetterman call for an HB33 vote: "For all of us who are here today talking about the rules ... the person who took the podium earlier today made the rules at that moment [referring to Scarnati temporarily replacing Fetterman]. 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."

Corman was then recognized, who again told Fetterman he should simply call the vote on the bill, which the Lieutenant Governor then did.

Later in the day, the entire Senate Republican Caucus held a press conference outside the doors to the Senate, with Scarnati, who characterized the day's early events as the Senate being "hijacked by those who did not want to follow the rules of this chamber," saying, "Today we saw what happens when rules aren't followed: chaos takes over."

Corman then said what occurred in the Senate was "in my twenty years here, the worst day of the Senate."

"This was all planned from the guests in the gallery, to the press conference out here, to the Lt. Governor working with the Senate Democrats to totally ignore the motion – I made the motion about a thousand times ... this is about them ambushing the issue ... this was an orchestrated effort by them," said Corman.

The bill ultimately won Senate approval on a vote of 26-24, with two Republicans – Sens. Tom Killion of Delaware County and Tommy Tomlinson of Bucks County - joining the Senate Democrats in opposing the bill.

HB33 now heads to Gov. Tom Wolf, who is being heavily lobbied by his own party, welfare advocates and many of the program's participants to veto the bill. Wolf has been non-committal regarding the bill – which also contains other components, including one that represents more than \$100 million for Philadelphia and its hospitals as well as \$60 million for the Medicaid program – but has said he'd like to find a way to continue the program. HB33 appears to be part of a larger budget deal between legislative leaders and Wolf, with GOP leaders suggesting he will either sign it or allow it to become law without his signature.

After a bit of a cooling-off period, and, according to Scarnati, an intervention by Wolf – at the request of Scarnati – Fetterman told Scarnati he'd allow Scarnati to preside over the Senate for the remainder of the day. A request for comment from the Governor's office was not immediately returned.

It's unclear when Fetterman might resume as the Senate's presiding officer, but Senate Republicans were handing out copies of the rules governing the Senate's presiding officer, suggesting a repeat of what took place on Wednesday would again result in a temporary presiding officer taking over, as per the Senate's rules (Section 576 of Mason's Legislative Manual)..

The Senate did return to its voting session early Wednesday evening with Scarnati presiding.