

DYSFUNCTION BY DESIGN?

Why Pennsylvania's State
Legislature Is So Unproductive

...and How We Can Fix It.

PREPARED BY
Fair Districts PA

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I INTRODUCTION

Pennsylvania was once a beacon of hope in the quest for representation. Our state's first Declaration of Rights predated the US Bills of Rights and was considered by some the most radical statement of freedoms the world had ever seen. Freedom of religion. Freedom of press. Freedom of travel. The right of the people to alter and reform their government.

Well into the 19th century, Pennsylvania was a hotbed of political reform and a center of political and economic activity. The Declaration of Independence and US Constitution were drafted in Philadelphia. Women's suffrage and the abolition movement grew strong in Pennsylvania. Public education, public libraries, schools and churches for freed slaves, medical schools, and innovative industries began here as well.

During the industrial expansion of the 19th century, business leaders sought to expand their own influence and control in the Pennsylvania legislature. When workers pressed for a greater share of the wealth found in coal, steel, timber and railroads, the industrial giants turned to political power to maintain control and bend the rules to benefit themselves. As Pennsylvanians pushed back on harsh working conditions and harm to our streams, rivers and hills, wealthy donors looked for political candidates who would tip the scales of power toward their own economic ends.

[The Pennsylvania Society](#), begun in 1899, marked the determined transfer of power from the people of Pennsylvania to deep-pocketed donors, made wealthy by Pennsylvania resources but no longer loyal to Pennsylvania's communities. As the influence of lobbyists and donors grew over the years, the quality of governance became weaker and ordinary citizens increasingly felt disconnected from their elected representatives.

Today our cities, once the envy of our neighbors, are among the poorest in the nation. Our schools, once the cradles of innovation and industry, are now among the most inequitably funded and under-resourced. Today Pennsylvania has record numbers

of unrepaired roads and bridges, as well as more uncapped wells and mines than any other state in the nation. According to the 2022 [US News Best State Rankings](#), Pennsylvania has slipped to 42nd in Economy, 44th in Infrastructure, and 47th in Fiscal Stability.

Despite assurances from past and current leaders that voters' voices are being heard, we've watched with alarm as our state continues to move in the wrong direction. There are no mechanisms in place to ensure all legislators have a stake in what bills are enacted, and no rules to ensure bipartisan solutions get a vote.

For years, bills to address long-standing concerns have been blocked by committee chairs and legislative leaders. Evidence suggests there is now even less collaboration, less attention to bills introduced by the minority party, and less interest in bills with clear bipartisan support. In the 2021-2022 session, just two bills introduced by House Democrats, and two introduced by Senate Democrats, made it to the governor's desk.

Although the Pennsylvania Constitution promises the people of Pennsylvania the right to alter and reform our government, that right has been eroding for years. What would it take to restore it?

There is no easy cure for over a century of manipulation and inappropriate control. This publication describes a way to start.

Please read, share, and join us in the fight to Fix Harrisburg.

Carol Kuniholm, Chair, Fair Districts PA

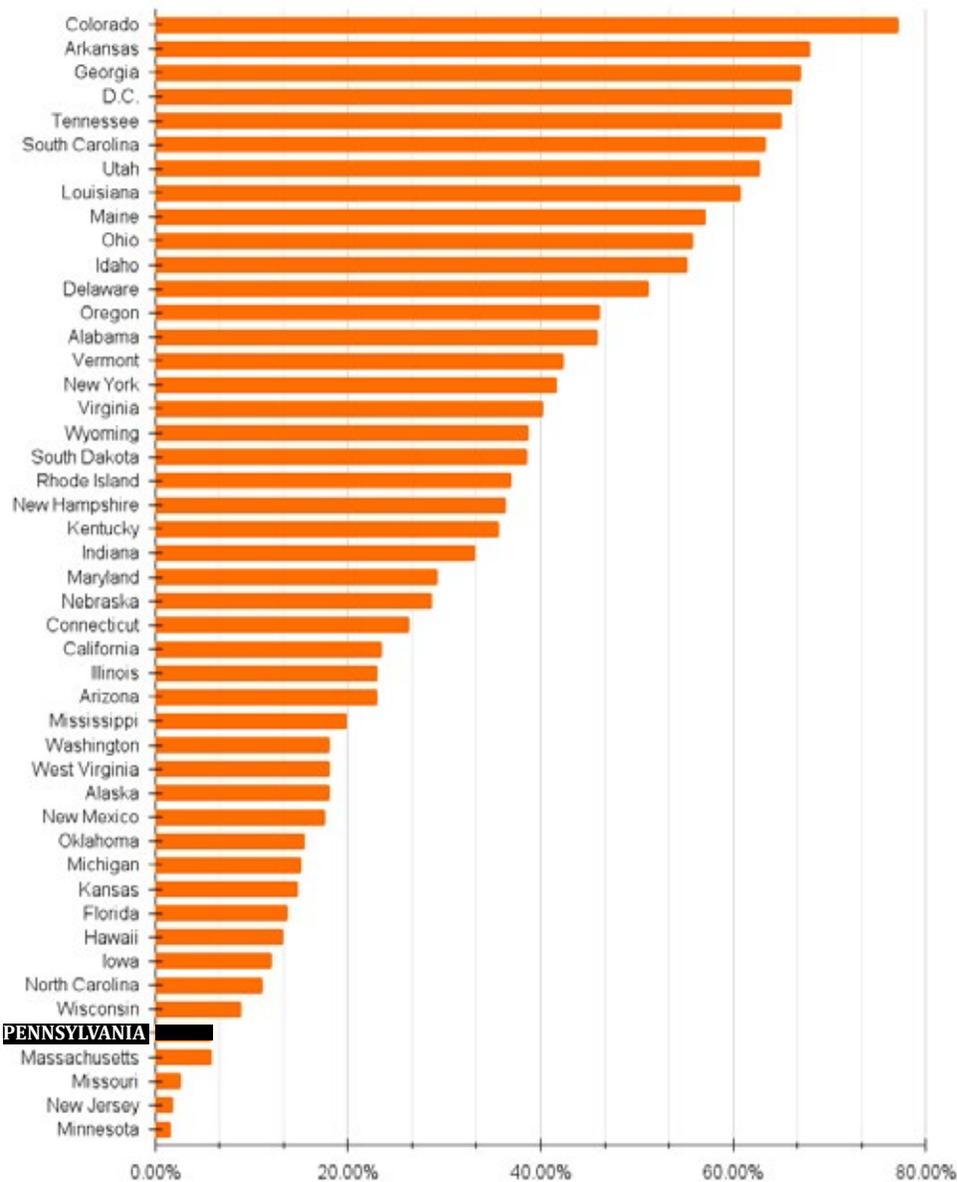
The examples provided in this document are for illustrative purposes. Fair Districts PA does not take a position on any bills unrelated to redistricting reform. The League of Women Voters of Pennsylvania's policy priorities can be found on its website.



What's Wrong With Our Legislature?

Pennsylvania ranks near the bottom of all states in getting bills passed. More than 93 percent of the bills that were introduced during the Pennsylvania General Assembly's 2021-22 legislative session were never scheduled for a final vote. One significant reason for this is that most bills never reach the first step towards getting passed: being scheduled for a committee hearing.

Percentage enacted of bills introduced

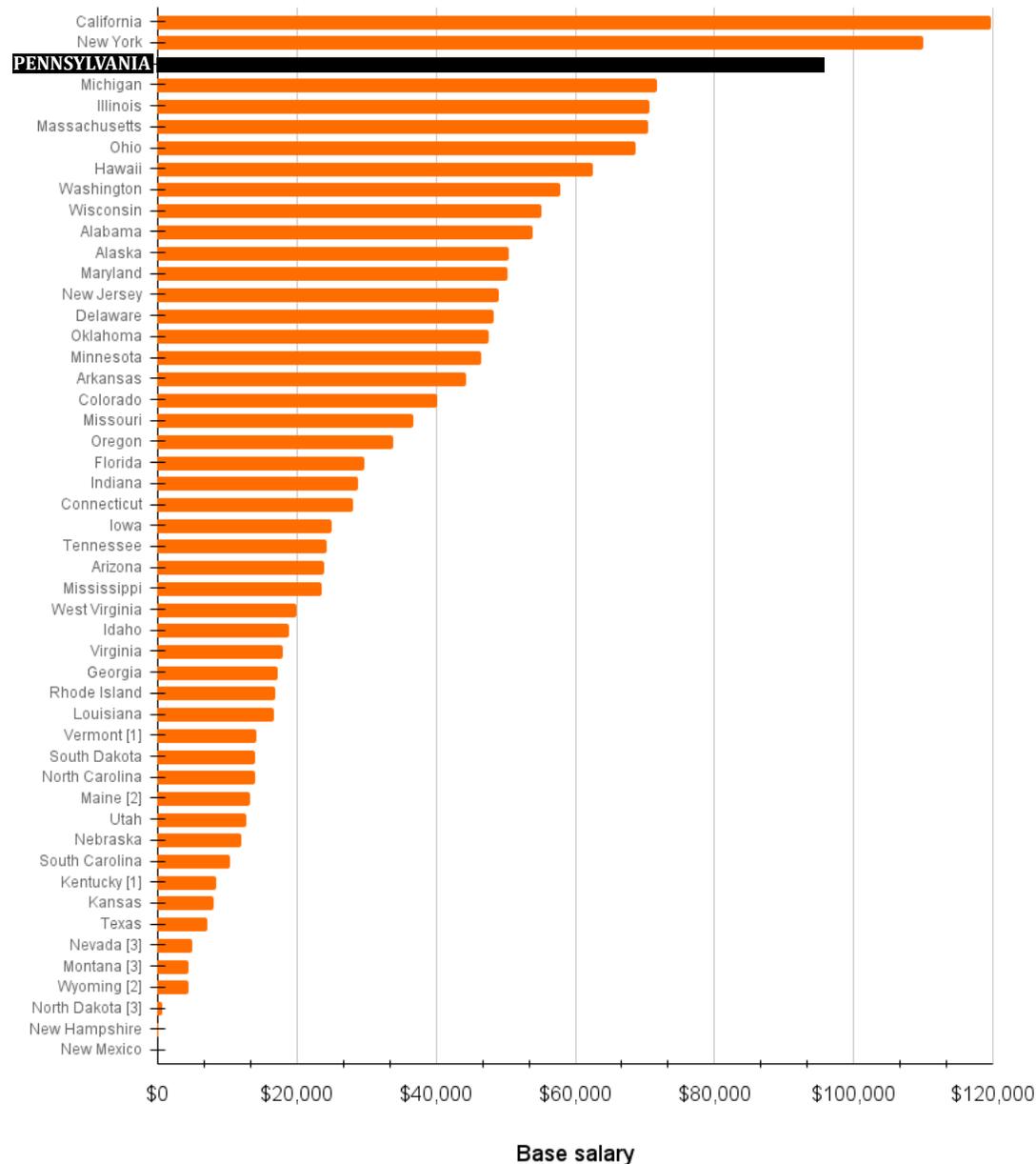


Montana, Nevada, North Dakota, and Texas have biennial sessions in odd-numbered years. No 2022 session. Source: FiscalNote, *The Most Effective States, 2021 Report*. https://fiscalnote-marketing.s3.amazonaws.com/Most_Effective_States2021_v1_v4.pdf



In contrast to Pennsylvania’s low position in enacting bills, the state ranks third-highest in legislator salaries. The General Assembly, consisting of 253 elected officials, is a “full-time” legislature receiving full-time pay. In many more productive states, legislators are part-time lawmakers and their taxpayer-funded salaries are lower.

Legislator compensation by state 2022



Does not include any per diem rates or mileage reimbursements. [1, 2, 3] Two-year average. Session length or salaries differs between odd-numbered and even-numbered years. Source: NCSL Legislator Compensation <https://www.ncsl.org/research/about-state-legislatures/2022-legislator-compensation.aspx>

A Bad System for Both Parties

During the 2021-22 session, members of both the Democratic and Republican caucuses signed on to become cosponsors of legislation that would have benefitted Pennsylvania citizens in rural and urban communities statewide. However, all of the bills shown below never reached the final approval stage, and many of them were never voted out of committee.

Bipartisan Bills That Died in the 2021-22 Legislative Session*:

Issue	Bill No.**	Cosponsors by Party Affiliation		Status at end of 2021-22 Legislative Session
		D	R	
Protect children from exposure to lead in drinking water through testing for lead in drinking water in school buildings	HB 465	13	23	First introduced in 2019 session Referred to EDUCATION, Feb. 9, 2021 [House]
Exclude up to 100% of home owner property tax bills, through 1.9% state income tax increase	HB 835	6	12	Introduced during 3 sessions Referred to FINANCE, March 8, 2021 [House]
Increase minimum wage	SB 672***	1	2	Referred to LABOR AND INDUSTRY, May 11, 2021 [Senate]
Adopt fair funding for public schools. Fix Pennsylvania's Charter School Law to protect kids and taxpayers	HB 272	61	14	Referred to EDUCATION, March 1, 2021 [House]
Outlaw puppy mills, shift the pet market toward humane sources (Victoria's Law)	SB 234	17	9	Introduced each session since 2017-18 session In 2021-22 session 50% of Senate cosponsored. Referred to JUDICIARY, Feb. 18, 2021 [Senate]
Create a publicly owned broadband internet network	HB 166	8	3	Referred to LOCAL GOVERNMENT, Jan. 14, 2021 [House]
Finance broadband infrastructure	HB 1629	6	16	Referred to APPROPRIATIONS, June 14, 2021 [House]
Allow voters registered as independents to vote in primary elections	SB 690***	7	6	Introduced each session since 2017-18 session Referred to STATE GOVERNMENT, May 28, 2021 [Senate]
Allow pre-canvassing of mail-in ballots	SB 878***	5	7	Referred to STATE GOVERNMENT, Sept. 17, 2021 [Senate]
Set term limits for legislators	HB 735	8	6	First introduced in 2019 session Referred to STATE GOVERNMENT, March 3, 2021 [House]
Redistricting: Legislative and Congressional Redistricting Act (LACRA)	HB 22	64	26	Bill was first introduced in 2019 session when time for Independent Commission ran out. Referred to STATE GOVERNMENT, Feb. 26, 2021 [House]



Why Isn't the House Talking to the Senate? ...and Why Isn't the Senate Talking to the House?

Over the past seven years, the Pennsylvania House did not vote on half of the bills passed by the Pennsylvania Senate

...and the Pennsylvania Senate did not schedule a floor vote for over 60% of the bills that the Pennsylvania House passed.¹

Issue	Bill No. **	Cosponsors by Party Affiliation		Status at end of 2021-22 Legislative Session
		D	R	
Reform Pennsylvania's probation system	SB 913	14	7	Introduced in 2019, passed in Senate unanimously. Reintroduced 2021, passed Senate 46:4. No action in the House.
Allow independent nurse practitioner licensing through modernization of the Professional Nursing Law	SB 25	12	13	Introduced in 2013. Passed in Senate for three subsequent sessions. In 2021, voted out of Senate committee. No Senate floor vote. No action in House.
Regulate and provide for insurance coverage of telemedicine	SB 705	3	12	Passed in Senate each session since 2017. In 2019, House added amendment disallowing abortion via telemed. Bill was vetoed. No further action in House
Require the installation of carbon monoxide detectors in day care centers	SB 129	13	1	Passed Senate unanimously in the last three sessions, including in 2021. Referred to House committee. No action in House.
Provide consumer protections for motorcycle buyers, comparable to PA Automobile Lemon Law	SB 82	4	11	Introduced 2019. Reintroduced 2021, passed Senate 48:0. In the House, voted out of committee. No further action in House.
Provide consumer protections for motorcycle buyers, comparable to PA Automobile Lemon Law	HB 69	17	9	Introduced 2019, passed the House 168:6. Reintroduced 2021, passed House 201:0. In the Senate, voted out of committee. No further action in Senate.
Create a statewide early literacy program	HB 2045	7	7	Passed the House 201:0. No action in Senate.
Bring large group "rides" into compliance with the Vehicle Code.	HB 113	3	14	Introduced 2017 and 2019. Passed the House both sessions but no Senate vote. Reintroduced 2021 and passed the House 157:44. No action in Senate.
Prevent unwanted telephone solicitation through introduction of Telemarketer Registration Act	HB 624	11	20	Introduced in House every session since 2013-14 session. Passed House unanimously every session since 2015-16 session. Referred to Senate committee. No further action in Senate.

**Information is up to date as of November 11, 2022.*

*** HB abbreviation for House Bill; SB for Senate Bill; D for Democrat and R for Republican*

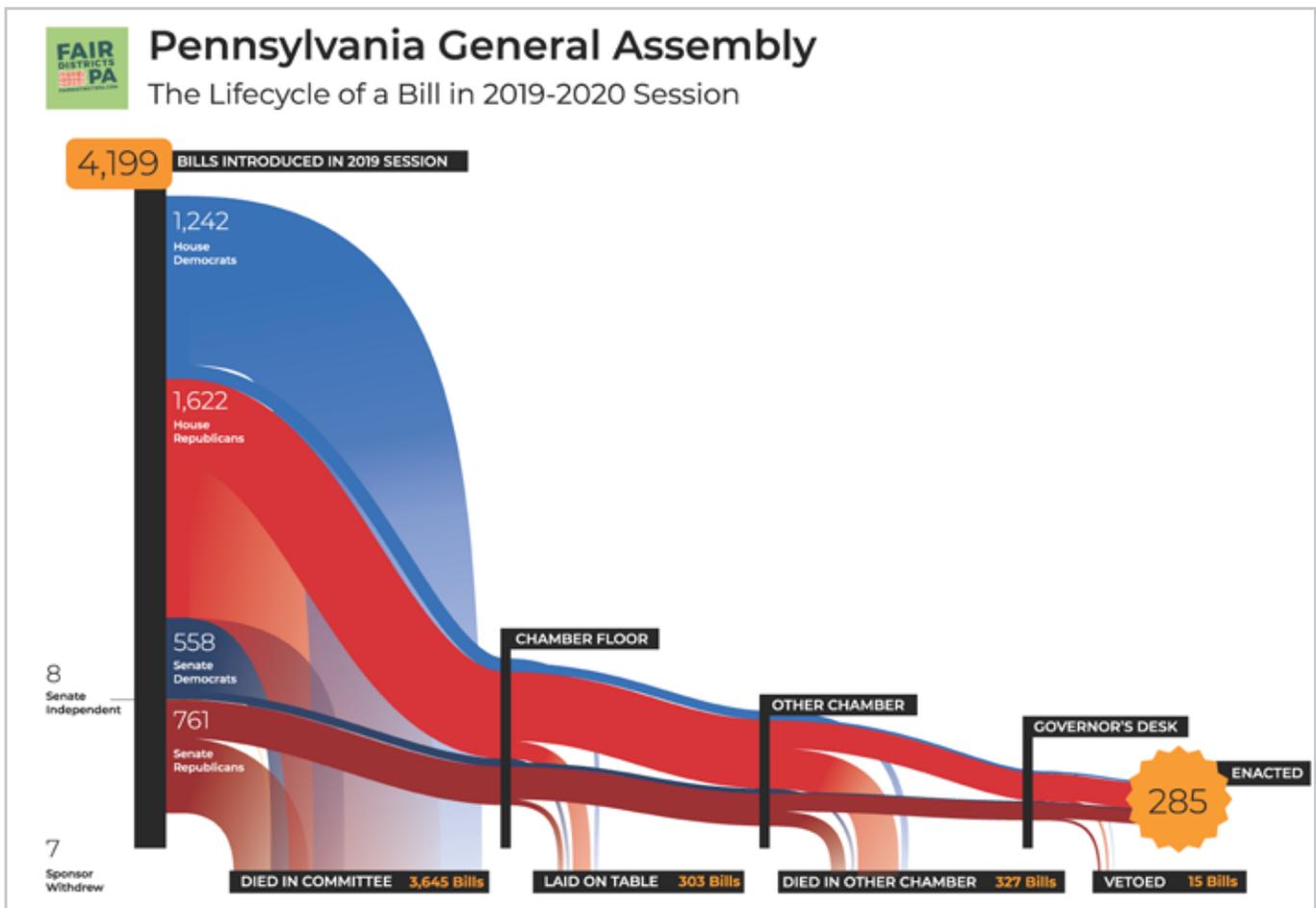
**** Bill also has one independent cosponsor*



How Many Bills Actually Get Approved?

In every legislative session, the Pennsylvania House and Senate approve a budget bill and other routine legislation associated with state government operations.

However, most other bills fail to gain approval in either the House or Senate. As a result, relatively few of them reach the governor's desk.



NOTE: Data in this visualization found from the 2019-2020 session provided by the Pennsylvania State General Assembly, and includes only bills introduced. A total of 68 bills may not be represented accurately in this visualization due to specificity of data. Bills are divided by party of the primary sponsor of said bill. There are a total of 7 bills where the primary sponsor withdrew which are not represented in this visualization.



How many of these bills failed because they represented bad ideas that shouldn't have been proposed in the first place? And how many were good bills that were sandbagged as the result of political conflicts or personal disagreements?

There's no way to answer these questions by looking at information that's available to the public. However, the fact remains that of the 4,000+ bills that are introduced in any given session, less than 30 percent will get a vote in committee. This statistic strongly suggests the need for a more cost-effective way to make use of taxpayer resources and to produce beneficial results.

Over the course of a two-year legislative session, only a fraction of the bills that are introduced are approved—or even receive the committee votes needed to make it to a final vote.

The legislative process in Pennsylvania is unpredictable and time-consuming—and that's why it's also very expensive. In the 2022-23 state budget, as shown below, the combined line items for House and Senate "Caucus Operations" and "Legislative Printing and Expenses" total nearly a quarter of a billion dollars—all approved behind closed doors!

	Budget 2021-22	Budget 2022-23
House		
Caucus Operations	\$133,375,000	\$140,044,000
Legislative Printing and Expenses	\$ 10,674,000	\$ 11,174,000
Subtotal	\$144,049,000	\$151,218,000
Senate		
Caucus Operations	\$ 84,311,000	\$ 88,526,000
Legislative Printing and Expenses	\$ 8,048,000	\$ 8,450,000
Subtotal	\$ 92,359,000	\$ 96,976,000
Total	\$236,408,000	\$248,194,000

Source: 2022-23 Enacted Budget Line Item Appropriations, General Fund Tracking Run, <https://www.budget.pa.gov/Publications%20and%20Reports/CommonwealthBudget/Documents/2022-23%20Enacted%20Budget/2022-23%20Enacted%20Budget%20Line%20Item%20Appropriations.pdf>



Legislative Failure on a Critical Issue: Lead Hazards in Childhood Lead Exposure

The lead water crisis in Flint, Michigan inspired the PA Senate to pass [Senate Resolution 33](#) in 2017, which created the Advisory Committee and Task Force on Lead Exposure. The committee was charged to conduct an assessment of the public health threat posed to Pennsylvania children by lead exposure. Based on “Significant Findings” identified by the advisory committee, the following “Legislative Recommendations” were published in a report [released in April, 2019](#), (see chart).

After months of deliberation by advisory committee members and legislative staff, not one of the lead safety measures published in the report had been adopted by the legislature that had authorized the lead assessment three and a half years previously.²

The General Assembly appeared to be acting in a manner consistent with the advisory committee report with the introduction of Senate Bill [522](#), in April, 2021, with nine Democratic and three Republican cosponsors. However, on a single day prior to final approval, the bill was amended by both the House and Senate to replace a provision to require blood screening for children by age two with wording that encourages blood screening but does not require it, contrary to the advisory committee’s recommendations.

When did “requires” change to “encourages”?

After months of movement through the legislative process, with unanimous votes in support of SB 522 by the Senate Health & Human Services Committee (December, 2021), the Senate Appropriations Committee (June, 2022), on the Senate floor (June, 2022), and by the House Child and Youth Committee (September, 2022), an amendment that rendered this requirement meaningless was moved through the legislature on a single day.

No further action was taken during this session to address the public health threat posed to children by lead exposure in Pennsylvania’s water systems.

LEGISLATIVE RECOMMENDATIONS

- Require universal blood screenings for children.
- Mandate inspections/certifications of child-care facilities and facilities with vulnerable populations.
- Ensure safe housing is available to families with young children.
- Establish a statewide rental housing registry.
- Establish a lead abatement grant program to assist property owners in conducting lead abatement.
- Establish an interagency council to coordinate implementation of lead prevention programs and policies among the relevant state agencies.
- Require all school drinking water systems to be inspected and certified.
- Clarify plumbing system lead ban.
- Permit municipal authorities operating public drinking water systems to replace lateral lead service lines.
- Require lead service line replacements and restrict partial lead water service line replacements.



“The original bill...was a strong bill that would have protected our children by insisting—by mandating—that blood level tests would be conducted...in infants and children; and they would be paid for by insurance. The bill as it has come back to us tonight has removed that part...so that it’s merely a suggestion or a recommendation that lead testing be done. Almost every other state in this country mandates this lead testing and [mandates] that insurance companies must also cover it. As the senator representing a third-class city in our Commonwealth—the City of Reading—with the highest lead levels in our children, I absolutely cannot support this legislation. I would like to; it will make some positive impacts; but I really believe that this is not the bill that we intended to pass, and I urge a “no” vote.”³

—Senator Judy Schwank, on the Senate floor, speaking about the weakening of the bill.



II BIPARTISAN BILLS STUCK IN COMMITTEE: FIVE EXAMPLES

What Does it Take to be Heard in Harrisburg?

The Redistricting Experience

Years-long efforts on the part of Fair Districts PA and partners were rewarded in May 2022, when the state-convened Legislative Reform Commission (LRC), chaired by former Pitt School of Law dean Mark Nordenberg, released a final redistricting plan for Pennsylvania state and house districts. The LRC-approved maps created compact legislative districts and significantly reduced the number of districts that crossed municipal or county boundary lines.

Nordenberg’s final report included a comment by FDPA chair Carol Kuniholm: “The final maps show that it’s possible to balance concern for incumbents with traditional redistricting criteria, provide representation for minority communities and yield maps that limit partisan bias.”

FDPA and its coalition partners had effectively set the stage for this successful outcome in three ways.

- Managing an inclusive statewide process, in order engage the interest of a large, diverse constituency, through in-person and online sessions that included advocates and supportive elected officials, as well as information technology experts who could produce online displays of maps showing how different redistricting proposals would affect the places where participants lived;
- Promoting broader understanding of election district maps and voting data by sponsoring a statewide People’s Map competition as a way of encouraging

proposals for the redesign of Pennsylvania house and senate maps; and

- Mobilizing voter support for a fair-districts outcome by demonstrating responsiveness to the interests of citizens across the state and pursuing the best opportunities to work together to support and equitable redistricting plan.

The redistricting experience produced a rewarding outcome for Pennsylvania voters—but not without years of hard work by reform advocates.

What We’ve Learned

FDPA’s work on redistricting and rules reform was built on three decades of advocacy by the League of Women Voters of Pennsylvania and other partner organizations. In collaboration with these groups, we have succeeded in building a large grassroots movement and have engaged in constructive communication with legislators in every part of the state

Bills that we’ve supported have had more cosponsors than any others in the past two sessions—including, in one instance, a majority of all legislators—with strong representation from both major parties.

We’ve collected over 100,000 petition signatures in support of a citizens redistricting commission and have encouraged resolutions of support from 23 counties and 356 municipalities, representing over 70 percent of the state population.

We’ve publicized statewide survey results showing that 2/3 of respondents supported a citizens redistricting commission and



that fewer than one in five respondents expressed confidence in the status quo.

However, this experience has demonstrated that, as long as the current rules remain in place, the people of Pennsylvania have no real opportunity to reform our state legislature. We’ve been told that surveys and petitions are irrelevant. We’ve learned that the number of cosponsors that sign onto a bill makes no difference; leaders alone will decide what bills are going to move. And we were told, sometimes by our own legislators, that local officials should leave state matters alone.

This inequitable system impacts all of us, every day, in more ways than we realize. Bills to license nurse practitioners, bills to expand broadband access, bills to address toxic lead exposure, bills to privatize liquor stores, or recalibrate the reliance on local property taxes for school funding: *all have been introduced repeatedly across the past decade. None has ever been given a final vote.*

Some committee chairs pride themselves on never considering a bill introduced by the opposing party; but even bills introduced by rank and file members of the majority party rarely receive a vote. A small handful of leaders control Pennsylvania’s legislative process, pursuing an agenda determined by themselves alone.

What we’ve learned: Time-consuming citizen advocacy resulting in periodic accomplishments should not be the norm for future policymaking. Given the challenges that Pennsylvania citizens currently face on a daily basis, rules reform is needed now!

1986-1990	LWVPA supported amendments to the PA constitution strengthening redistricting criteria. None receive consideration or a vote.
1991	LWVPA testified at Legislative Reapportionment Commission hearings, urging respect for redistricting criteria. Concerns are ignored.
1992	Local Leagues challenge gerrymandered districts that violate redistricting criteria.
2007-2008	LWVPA lobbies for an amendment to the PA Constitution. Despite 96 co-sponsors, leadership blocks vote in the House committee.
2010	LWVPA-supported Redistricting Openness & Fairness Act is voted unanimously out of House State Government Committee. Never scheduled for a full House vote.
2011	LWVPA leads campaign demanding transparency & fairness in the redistricting process. District maps are drafted in secret. The vote for congressional district plan circumvents requirements that bills be considered on three separate days in each chamber.
2015	Senator Boscola convenes a Redistricting Reform Caucus to introduce a PA constitutional amendment creating an independent citizens redistricting commission.
2016	LWVPA, Common Cause PA & others create Fair Districts PA to advocate for an independent redistricting commission. Supported bills do not receive a hearing in either chamber.
2017	LWVPA, FDPA & allies help draft & support SB 22/ HB 722 to create an Independent Commission. Bills don't move. LWPVA, Public Interest Law Center & 18 citizens sue General Assembly to ask for relief from gerrymandered congressional map.
2018	PA Supreme Court invalidates 2011 congressional map & provides a new one. HB 722 gains 110 cosponsors is gutted & amended in committee. SB 22 is amended in committee & on Senate floor, passes Senate. Buried under 600+ amendments in the House.
2019	Original SB 22 is redrafted into a 2 bills/1 commission strategy: HB 22/23 & SB 1022/1023. HB 23 has more co-sponsors than any other bill in the session; HB 22 is a close second. PA voters demand votes on bills with no action.
2020	LACRA, the Legislative and Congressional Redistricting Act, designed to increase transparency, public engagement & provide clear, measurable map-drawing criteria is introduced (HB 2638/ SB 1242). SB 1242 voted out of committee with bipartisan support. No vote on Senate floor.
2021	LACRA reintroduced (HB 22/SB 222). FDPA and LWVPA constituents asked for meetings with every PA legislator. Over 200 meetings to ask for support of the bills, yielding 90 cosponsors for HB 22, and 25 for SB 222. Despite co-sponsorship from half of PA senators, SB 222 gutted and voted out of committee with less than 24 hours notice and less than 10 minutes of discussion. No further votes on either bill.



Gift Ban Legislation

The Bill

House Bill 1009 would have banned lawmakers from receiving any gifts, transportation, lodging, or recreation valued at more than \$250 from a lobbyist each year.

Why It's Important

Pennsylvania is one of just eight states with no gift ban for state legislators. Although gift-ban proposals are popular with citizens, legislative proposals to address this issue in Pennsylvania have languished in committees or have been ignored by leadership, providing deep-pocketed lobbyists with greater opportunity to influence the agenda in Harrisburg.

Summary

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, providing for ethics and disclosure; in ethics standards and financial disclosure, further providing for definitions, for restricted activities, for statement of financial interests and for penalties; and, in lobbying disclosure, further providing for definitions, for reporting and for prohibited activities.

Prime Sponsor and Cosponsors

Representative Aaron Kaufer, prime sponsor.

22 cosponsors: 12 Republicans, 10 Democrats.

Chronology

March, 2021	Introduced. Referred to State Government Committee.
October, 2021	Passed by State Government Committee (unanimous vote).
October, 2021	Scheduled for First Consideration.
October, 2021 to November, 2022	No action.
November, 2022	Session ends.

Bill is officially “dead” after 13 months of inactivity.

Total “no action” period: 13 months.



Gift Ban Case Study: Summer Rodeo Excursion

In July 2022, five Pennsylvania legislators traveled to Wyoming to attend Cheyenne Frontier Days, an event promoted by its sponsors as the “World’s Largest Outdoor Rodeo & Western Celebration,” featuring [“daily rodeo action,” as well as “a carnival midway, an air show, top-name entertainment, professional bull-riding shows and several parades.”](#)

Pace-O-Matic, a Georgia-based manufacturer of skill games, offered to pay travel, food, lodging, and other expenses associated with the lawmakers’ trip, during which, according to a Pace-O-Matic

spokesperson, the legislators met with their Wyoming counterparts in order to learn how the skill game industry was regulated there (skill games are not currently regulated in Pennsylvania). Although some legislators reimbursed Pace-O-Matic for some of the payments, all of the payments made on behalf of the visiting lawmakers are not required to be fully disclosed until annual ethics statements are filed in May 2023, ten months after the event.

Since 2019, the political campaigns of these five legislators have received a total of nearly \$95,000 from the

political action committee representing the skill games industry, in amounts ranging from \$2,000 (to Representative Marci Mustello’s campaign) to \$28,500 (to House Majority Leader Kerry Benninghoff’s campaign).⁴

The Wyoming trip was not an isolated occurrence. According to ethics

statements filed in 2019, Pennsylvania state lawmakers had accepted more than \$83,000 in free trips during the previous year and “collected a variety of gifts, booze and free meals.” Travel funded by third parties included trips to Taiwan, Israel, and

around the United States. “That’s just the value that lawmakers reported,” according to [nbcphiladelphia.com](#) reporter Mark Scolforo, “They are not required to disclose everything they accept [because Pennsylvania] does not limit gifts to public officials.”⁵

In August, 2022, the Pittsburgh Post-Gazette reported that “Each year, special interests disclose details for a mere sliver of what they spend on state officials and their families.” Accompanying statistics showed that, of a total of \$1.65 million spent in 2021, only \$17,600 was reported.⁶



Installation of Carbon Monoxide Alarms in Child Care Facilities

The Bills

Senate Bill 129 and House Bill 2502 would have required that an operational, centrally located and approved carbon monoxide alarm be installed in each child care facility with a fireplace, attached garage, or fossil-fuel-burning heater or appliance.

Why It's Important

In 2010, Pennsylvania established a uniform construction code that required carbon monoxide alarms in new construction. In the 2013-2014 session, the legislature passed Senate Bill 607, requiring carbon monoxide monitoring in multifamily dwellings and rental properties. However, SB 607 did not call for carbon monoxide detectors to be installed in day care centers.

Summary (SB 129 and HB 2502 are companion bills)

An Act providing standards for carbon monoxide alarms in child care facilities; and imposing penalties.

SB 129 Prime Sponsor and Cosponsors

Senator Wayne D. Fontana, prime sponsor.
14 cosponsors: 13 Democrats, 1 Republican.

Chronology of SB 129

January, 2021	Introduced; Referred to Health and Human Services Committee.
June, 2022	Approved by Health and Human Services Committee.
July, 2022	Approved by Senate Appropriations Committee.
September, 2022	Approved by Senate (50:0 unanimous vote).

HB 2502 Prime Sponsor and Cosponsors

Rep. Jeanne McNeil prime sponsor.
32 co-sponsors; 29 Democrats, 3 Republicans.

Chronology of HB 2502

April, 2022	Introduced in House as HB 2502; Referred to Committee on Health.
April, 2022 to November, 2022	No action.
November, 2022	Session ends.

Bill is officially “dead” after 7 months of inactivity. Total “no action” period: 7 months



Carbon Monoxide Case Study: An Avoidable “Day Care Scare” in Allentown

On October 11, 2022, the Allentown Fire Department responded to a 911 call about an unconscious child at the Happy Smiles Learning Center. The firefighters’ carbon monoxide (CO) sensors alerted them to the presence of this dangerous gas, and the building was immediately evacuated. Thirty children and five adults were taken for medical treatment.⁷

Who would oppose a requirement for carbon monoxide detectors to be installed in child care facilities? That is unclear; what is clear is that the Pennsylvania legislature has done nothing to prevent carbon monoxide poisoning in day care centers for the past nine years. Apparently, there were enough lawmakers to ensure that legislation supporting this requirement would fail to gain approval for nearly a decade.

In the 2013-14 session, Senator Fontana introduced a package of five bills that would require CO monitoring in schools, dormitories, day care facilities, and dependent care facilities, as well as in hotels, motels and inns. All of them were referred to committees in March of that year, all with bipartisan cosponsors; but none of them came out of committee.

In the 2015-16 session, Senator Fontana reintroduced a package of four of these bills (legislation comparable to the fifth, requiring CO detectors in dependent care facilities, was introduced during that session by Senator T. Mark Mustio and subsequently approved). None of the Fontana bills were approved by Senate committees.



In the 2017-18 session, the package of four pieces of legislation was reintroduced. This time, the bill requiring CO detectors in day care centers passed the Senate by unanimous vote. The bill was referred to the House Health Committee, and no further action was taken.

The bill experienced the same outcome in the 2019-20 session: unanimous approval in the Senate, followed by no action on the part of the House Health Committee.

The 2021-22 session was the third in which the bill received unanimous approval by the Senate. However, even after 30 Allentown children suffered carbon monoxide poisoning at their day care center, the House Health Committee did not act on the bill.



Regionalizing fire and EMS services for Increased Efficiency and Cost Savings

The Bill

Senate Bill 698 would give counties the option to create Public Safety Authorities to provide services for firefighting and/or emergency medical services (EMS) and to support the work of existing volunteer and career fire and EMS companies.

Why It's Important

Existing statutes create legal obstacles that make it unnecessarily difficult for county governments to organize fire and EMS services on a regional basis. To address this problem, the legislation can authorize the creation of Public Safety Authorities that would administer and manage the delivery of these services on a regional basis. Individual municipalities would have the option of continuing to operate separately from the regional authority if they wished to do so.

Summary

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for definitions, providing for public safety authorities and further providing for purposes and powers.

Prime Sponsor and Cosponsors

Senator Lisa Baker, prime sponsor.

18 cosponsors: 9 Democrats, 8 Republicans, 1 Independent

Chronology

May, 2021	Introduced; Referred to Veterans Affairs and Emergency Preparedness Committee.
May, 2021 to November, 2022	No action.
November, 2022	Session ends.

Bill is officially “dead” after 16 months of inactivity.

Total “no action” period: 16 months.



Fire/EMS Case Study: A New Definition of “Right Now”

The transmittal letter accompanying the Senate Resolution 6 (SR 6) Commission’s 2018 report and signed by four legislators, put it bluntly “Fire and EMS are in a crisis—right now. Simply put, EMS is woefully lacking in funding—and the number of volunteer firefighters has fallen dramatically over the decades.”⁸

SR 6, which had been adopted in April 2017, authorized the creation of a “legislative commission to recommend improvements to the delivery of emergency services in this commonwealth and develop and promote legislation in furtherance of its recommendations.” The 39 commission members included representatives of fire and EMS organizations from around Pennsylvania. The SR 6 Commission’s final report, published the following year, documented a critical shortage of EMS personnel and described challenges facing volunteer fire departments across the commonwealth, including profound declines in the number of active EMS technicians and EMS agencies; significant financial challenges confronting EMS agencies and the municipalities where these agencies operate; and the difficulty of recruiting personnel for EMS responsibilities that must be available on a 24/7 basis.



A key recommendation of the 2018 report was a call to simplify the process for regionalizing fire and EMS services, emphasizing a need to look to the future of potential regional or county wide emergency services. Now is the time to ensure that legislation, regulations and policies are in place to allow for counties and other regional organizations to

easily form fire and emergency medical services...Having the framework in place now will provide governments options for moving forward with their emergency services into the future.⁹

The transmittal letter accompanying the 2018 report with the signatures of four legislators, emphasized the need for action “right now” to address what the legislators characterized as a fire and EMS services “crisis,” as documented in the report. Four years after the publication of the report and two years after the introduction of Senate Bill 698, no legislative action has taken place to enable the regionalization of fire and EMS services. Legislators who received pay for full-time employment during these years were somehow unable to find a way to act upon a request that fire and EMS practitioners had identified as an urgent priority.



Fair Standards for Charter Schools

The Bill

House Bill 272 (HB 272) would amend the Public School Code of 1949 to establish new criteria and performance standards for the organization, governance, financing, and operation of charter schools.

Why It's Important

This bill would authorize regulations and standards for charter schools that are comparable to those currently applicable to public schools, in order to ensure that all students receive a quality education and equal access to associated state-funded resources. The cosponsors of HB 272 identify three broad issues that the bill is designed to address, see chart.

Summary

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949 [the [full summary](#) is more than 300 words in length].

Prime Sponsor and Cosponsors

Representative Joe Ciresi, prime sponsor.
75 cosponsors: 61 Democrats, 14 Republicans.

Chronology

March, 2021	Introduced; Referred to House Education Committee.
March, 2021 to November, 2022	No action.
November, 2022	Session ends.

Bill is officially “dead” after 21 months of inactivity.
Total “no action” period: 21 months

ISSUES BILL IS DESIGNED TO ADDRESS

- Transparency with respect to financial and ethical reporting standards, compliance with the Sunshine Act, and open records policies;
- Financial Responsibility, particularly with regard to setting equitable tuition rates, adhering to the Special Education Fair Funding Formula, and maintaining insurance coverage in order to offset prospective risks associated with charter ownership and management; and
- Performance Oversight, including the creation of a uniform state framework for charter school applications, a standardized approach for encouraging innovation and best practices, a state grading system that can guide action to support both high- and low-performing schools, and an intervention to address the poor performance of many existing cyber charter schools.



Charter School Reform Case Study: Why Public School Boards Care

The Keystone Center for Charter Change, affiliated with the Pennsylvania School Boards Association (PSBA) has cited HB 272 in its advocacy for regulatory and funding changes to Pennsylvania's outdated Charter School Law.

At a time when education resources have never been more important, school leaders are urging the General Assembly for funding reforms linking state aid to the actual cost of educating students in regular and special education programs.

Charter funding reform will create savings that districts will be able to reinvest in their students, staff and classrooms.¹⁰

More than 400 school districts have adopted a resolution calling on the state legislature to "meaningfully reform the existing flawed charter school funding system to ensure that school districts and taxpayers are no longer overpaying or reimbursing charter schools for costs they do not have."¹¹

An often-cited case in point is the flawed system for special education tuition payments. According to a summary published by PBSA:

School districts drastically overpay charter schools for special education. Based on an analysis of 2014-15 data [the most recent

year for which data was provided by the state] school districts paid charter schools \$101.7 million more in special education tuition payments than the charter schools spent to provide special education services. Because charter schools are not obligated to use special education tuition solely for special education purposes, and there is no mechanism for school districts to seek repayment of unused funds, these overpayments are profits to the charter school.



These overpayments have the potential to create a financial incentive for charter schools to identify more students with disabilities that require low-cost services but receive reimbursement for higher-cost services.¹²



III WHY DOES THIS HAPPEN?

It's Not That Complicated

Pennsylvania does not have constitutional or statutory barriers that make it difficult to enact relevant, sensible legislation. The process for introducing new legislation or amending existing legislation is easy to understand. So why is the Pennsylvania legislature so unproductive, compared with legislative bodies in many other states?

POWER PLAYERS

1. House Committee Chair
2. House Majority Leader
3. Speaker of the House
4. Senate Committee Chair
5. Senate Majority Leader
6. Senate Pro Tempore President

A small number of elected officials make decisions for everyone else.

Just 6 members out of the 253-person legislature have the power to prevent a bill from moving through the committee review and approval process and reaching a final vote.

Committee chairs can ignore, block or gut any bill regardless of its support in the legislature or with voters.

In the House, **one** majority party committee chair represents **less than .05%** of Pennsylvania voters.

In the Senate, **one** majority party committee chair represents **less than 2%**.



The House and Senate operating rules are adopted with little opportunity for review and debate.

On the first day of the session, the rules for each chamber are introduced as individual resolutions (e.g., House Rule 1, for the House of Representatives) and are voted on at that time. Rank-and-file members rarely see that resolution until hours, sometimes minutes, before the vote. While majority leaders will say changes can be made, by resolution, at any time throughout the session, that has not been the case for at least the past decade.

After that, there are really no opportunities to change the power dynamic.

Although a legislator could, at any time, introduce a bill to amend the rules of the House or Senate, it is unlikely that any such a measure would be able to proceed.

- Since 2013, 67 resolutions proposing rules changes in the Pennsylvania House have been introduced: 29 of them had Republican prime sponsors, and 38 had Democratic prime sponsors. None of them came out of committee.¹³
- In the 2021–22 Senate session, 18 resolutions proposing rule changes have been introduced. None of them came out of committee.¹⁴

Current rules surrounding the discharge petition have rendered it ineffective in enabling rank and file legislators to move bills forward. There has not been a successful discharge petition in over a decade.



What Some Legislators Have Said About How They Govern

“We have screaming matches in our caucus, it’s crap...We’ve had bills with so many co-sponsors and they won’t put [them] on the floor for a vote.”

Representative Tracy Pennycuick¹⁶

“We will not be considering red flag [gun control measures] in the House Judiciary Committee so long as Chairman Kauffman is chairman.”

*Representative Rob Kauffman,
Chair, House Judiciary Committee
(referring to himself in third person)¹⁷*

“I block all substantive Democrat legislation sent to my committee and advance good Republican legislation!”

*Representative Daryl Metcalfe,
Chair, House Environmental Resources
and Energy Committee¹⁵*

“It is the prerogative of the chair to schedule the hearings and the topics, to look and go through the bills and determine which bills will run in this committee and on what day and time.”

*Representative Kathy Rapp,
Chair, Health Committee²⁴*



...and About the Rules Resolutions

“Without rule changes, without a single committee chair having so much power, even if 100% of the people of Pennsylvania were for something, one lone committee chair could kill that idea, could kill that bill.”

*Former Representative/Senator
Allen Kukovich²⁰*

“...We had 3 1/2 hours to read a 66-page document as we were being sworn in, as we were listening to the official opening-day speeches. That is not enough time. This is a terrible process to try to jam this through on swearing-in day.”

Representative Steve Samuelson¹⁸

“Mr. Speaker, these are not the rules that my colleagues had in mind as an ideal set; however, there are many amendments that they are offering, some that already exist, so that we can continue on the road to good government and transparency*.”

*Representative Joanna McClinton,
Minority Leader²²*

“The rank-and-file members of my caucus that I have spoken to, including myself – and I was working yesterday – had no input into this drafting, no knowledge of its contents, no consent to its contents.”

Representative Greg Vitali²¹

**Note: Although 25 amendments were subsequently referred to the House Rules Committee, none of them came out of committee.*



What We've Heard from Rules Reform Supporters in the Legislature

In 2022 Fair Districts PA contacted all candidates for the General Assembly to ask their position on the need for legislative rules reform. Here's what we learned from a few who responded.

Representative Melissa Shusterman, House District 157: "How can we promote unity and working across the aisle without allowing bipartisan bills to even have a chance? Changes to procedural rules are beneficial and even necessary to allow cooperation in government. I have a bill that is supported by both D's and R's and it has never been brought up for a vote in Judiciary. I have served for almost 4 years and this bill is in response to Republican Magisterial Judges need to 'ban' weapons in their court room."

"One-party rule is not benefiting the residents of the Commonwealth and it's time we have rules that allow everyone's voice to be heard."

*Representative Jennifer O'Mara,
House District 165*

Representative Steve Samuelson, House District 135: "I have worked with other legislators to introduce a series of reforms to House Rules. My proposal would require that any bill cosponsored by a majority of House members be brought up for a vote in the House.* We need to reform the Rules so that bills with broad bipartisan support come out of committee and get a vote in the House."

Representative Maureen Madden, House District 115: "...[I]f our legislative rules were oriented around legislation being adopted, the General Assembly would be able to tackle significant issues in a more efficient manner. As FDPA says, it is true that bills with bipartisan support rarely get consideration in the Assembly. As someone who has proposed good, non-partisan legislation that has fallen victim to gamesmanship from House leadership, I am happy to support rules reform."

**The 2018 redistricting reform bill was sponsored by 55% of the House but was blocked by legislative leaders.*



Practices from Other States That Pennsylvania Should Consider Replicating

- Committee chairs are voted on by the legislators themselves, not solely by appointment (Alaska, Nebraska, Hawaii).
- Committees are required to hold a public hearing on every bill (Ohio).
- Copies of any bill scheduled for a vote are required to be distributed to members at least 24 hours prior to the scheduled vote (Arkansas).
- Any meeting scheduled to consider a bill must be preceded by a public announcement of the time, place, and the bill to be considered at least three days in advance (Minnesota Senate).
- All bills reported from a committee are required to be placed directly onto the floor calendar. The majority party has no ability to prevent a reported bill from being brought before the full chamber (35 states).

In Pennsylvania's House and Senate²³:

Are committees required to hear all bills?	NO
Are committees required to report on all bills?	NO
Are bills that are reported from committee automatically calendared for further action?	NO
Are bills reported from one chamber guaranteed consideration in the other?	NO



IV HOW WE CAN FIX IT

In some states legislative rules are in law, or in the state constitution. In Pennsylvania, legislative leaders can change the rules, behind closed doors, before the start of every legislative session. While rank-and-file legislators can vote no, most will only do so with strong public support. Most are not willing to risk displeasing leaders of their party, and many are not aware that other options are possible.

Legislative rules are just one part of the tight knot of dysfunction that has been the reality in Harrisburg for far too long. Gerrymandered districts created an unaccountable legislature, less interested in pleasing voters than in aligning with powerful leaders who draw the lines and dispense campaign funds to their caucus members. Legislative rules allow those same leaders to block reforms that would limit the steady flow of influence from wealthy donors and industry lobbyists. Change is only possible if enough citizens, advocates and members of the press focus attention on the legislative process and the important work left undone.

The 2022 election made clear that voters are engaged, concerned and demand to be heard. In the 2023-24 session, newly elected members of the General Assembly are joining some returning legislators who have a long-standing interest in making the House and Senate more efficient and more responsive to the interests and concerns of citizens across Pennsylvania. Changes in chamber majorities and in leadership in both chambers open the door to needed discussion about better legislative rules.

While there are many aspects of the PA legislature and legislative process deserving of attention and reform, our immediate requests are straightforward:

- Bills with demonstrated bipartisan support must be guaranteed a vote in committee.
- Bills voted out of committee with bipartisan support must be guaranteed a vote on the chamber floor.
- Bills passed in one chamber with bipartisan support should be given consideration in the other chamber.



Legislators themselves need to determine the best way to accomplish these goals. In past sessions, members of both the House and Senate have introduced resolutions that would provide a way forward for bipartisan solutions. Among those:

- A rule requiring that any bill receiving a majority of cosponsors be considered a priority bill and immediately moved, without amendment, from committee to chamber floor, where it would then be given 2nd and 3rd consideration. (Rep. Steve Samuelson, HR 12, 2019, HR 30, 2021).
- A rule ensuring that bills with a specific number of cosponsors from each party be considered a priority bill and scheduled for consideration to be guaranteed a vote. (Rep. Pamela DeLissio, HR 13, 2019; Rep. Joe Webster, HR 95, 2021).
- A priority bill provision, allowing each legislator to choose one bill that will be guaranteed a committee vote within five session days. (Rep. Melissa Shusterman, HR 41, 2021).
- A rule requiring that bills passed unanimously from one chamber would be guaranteed a vote in the other. (Sen. Tim Kearney, SR 85, 2021).

Another attractive alternative would be to convene a bipartisan commission, similar to the 2007 Speaker's Commission on Legislative Reform. Former Representative Gene DiGirolamo proposed such a commission, with a clear purpose statement and rules, at the start of the 2019 session (HR 11).

Pennsylvania pays a high price for a full-time legislature that regularly fails to enact solutions that would strengthen our democracy, our freedoms, our economy and our future.

We need rules that guarantee bipartisan solutions can receive a vote. These rules would ensure every legislator has the ability to play a meaningful role in deciding what bills are enacted.

NOTE: SR/HR abbreviation for Senate/House Resolution



V About Us

Fix Harrisburg is a Campaign organized by Fair Districts PA and The League of Women Voters of Pennsylvania. Together, we have been asking the Pennsylvania General Assembly for fair redistricting for years. We have worked to build strong support in cities and rural areas, from city governments and school boards, including scores of legislators of any party, and still have not made progress in changing our laws or constitution for lasting change to redistricting. We see procedural rules as the center of it, and we know we're not alone.

Fair Districts PA is a fiscal project of the League of Women Voters of Pennsylvania and a nonpartisan volunteer-led grassroots movement. We are working to fix legislative rules, create fair districts and map out a fair redistricting process that will help re-establish an accountable government that represents the people of Pennsylvania — not partisan politicians or outside interests.

The League of Women Voters of Pennsylvania encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

The League does not support or oppose any political party or candidate but does take — and always has taken — stands on issues its members have studied. Through a rigorous study and consensus-taking process that is initiated by our grassroots membership, we take positions on governmental, social and environmental issues.

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Endnotes

1. Information in table compiled by FDP; details at <https://docs.google.com/spreadsheets/d/1v1XMsjwdeccBYLjCfFazeXK6PorylOmw59SKVs3qRpM/edit?usp=sharing>
2. A FDP researcher searched the titles and text of legislation that had been approved by both chambers between April, 2019 and December, 2022 and that included key words such as "lead and child-care facilities", "lead abatement", "lead ban", "lead service lines" and found no results, with the exception of SB 522, described in narrative.
3. Senator Judy Schwank, *Consideration of Senate Bill 522, hearing on the Senate floor, October 26, 2022*, <https://www.pasenategop.com/blog/complete-senate-session-145/3:26:30>.
4. Angela Couloumbis, "Skill games company woos Pa. lawmakers with trips to wild Wyoming rodeo," *TribLIVE/Pittsburgh Tribune-Review*, September 19, 2022, <https://www.pennlive.com/news/2022/09/skill-games-company-woos-pa-lawmakers-with-trips-to-wild-wyoming-rodeo.html>.
5. Mark Scolforo, "Pennsylvania Lawmakers Report \$83K in Travel on Annual Ethics Disclosures," May 27, 2019, *nbcphiladelphia.com*, <https://www.nbcphiladelphia.com/news/local/pennsylvania-lawmaker-gifts-ethics-disclosures/172613/>.
6. Mike Wereschagin, "Posh southwestern Pa. party spotlights how lawmakers and lobbyists mingle out of the public eye," *Pittsburgh Post-Gazette*, August 8, 2022 .
7. Christine Hauser, "Carbon Monoxide at Pennsylvania Day Care Center Sends 2 Dozen to Hospitals," *The New York Times*, October 11, 2022, <https://www.nytimes.com/2022/10/11/us/carbon-monoxide-poisoning-daycare.html>.
8. Senator Randy Vulakovich, Senator Jay Costa, Representative Steve Barrar, Representative Chris Sainato, transmittal letter, SR6 Commission, Final Report 2018. <http://pehsc.org/wp-content/uploads/2014/05/SR-6-REPORT-FINAL.pdf>
9. SR Commission, Final Report, page 25.
10. Keystone Center for Charter Change at PSBA, "About Us/Statement of Purpose," <https://www.pacharterchange.org/about-us/>.
11. Keystone Center, "School Board Resolutions," <https://www.pacharterchange.org/take-action/school-board-resolutions/>
12. Pennsylvania School Boards Association, "A closer look: It's time to reform special education payments for charter schools," March 2021, <https://www.ppsba.org/report/closer-look-series/>.
13. Research compiled by Fair Districts PA <https://docs.google.com/spreadsheets/d/1v1XMsjwdeccBYLjCfFazeXK6PorylOmw59SKVs3qRpM/edit#gid=0>
14. Research compiled by Fair Districts PA <https://docs.google.com/spreadsheets/d/1v1XMsjwdeccBYLjCfFazeXK6PorylOmw59SKVs3qRpM/edit#gid=0>
15. Representative Daryl Metcalfe, Facebook post, April 20, 2018, <https://www.facebook.com/RepMetcalfe/posts/1627233437331221>
16. Evan Brandt, "Candidates make their case at NAACP Pottstown forum," *The Times Herald*, October 28, 2022.
17. Charles Thompson, "House Committee chairman opens, (and maybe closes?) gun control debate in Pennsylvania," *Pennsylvania Real-Time news*, September 24, 2019, <https://www.pennlive.com/news/2019/09/house-committee-chairman-opens-and-maybe-closes-gun-control-debate-in-pennsylvania.html>.
18. Representative Steve Samuelson, debate before the vote on House operating rules resolution HR4, January 1, 2019.
19. Senator Katie Muth, debate before the vote on Senate operating rules resolution SR3, January 5, 2021.
20. Representative Allen Kukovich, speaker at FDP Reclaiming Our Democracy Town Hall, December 1, 2018.
21. Representative Greg Vitali, debate before the vote on House operating rules resolution HR1, January 3, 2017.
22. Representative Joanna McClinton, debate before the vote on House operating rules resolution HR3, January 5, 2021.
23. "State by State," *Best Practices for Collaborative Policymaking. Redistricting Reform. FairVote and the Bipartisan Policy Center, Best Practices for Collaborative Policymaking: Learning from Power-Sharing Arrangements in State Legislatures*, December 3, 2015, pp. 22-34. <https://fairvote.app.box.com/v/best-practices-collab-policy> and "Legislative Rules Database" <https://docs.google.com/spreadsheets/d/1jcwskMltdwYe4oeTtuyM8fm1eqFQw9A9VGDjnCKFiM/edit#gid=69023141>
24. [May 5, 2021 House Health Committee meeting, minute 39:24](#)



www.FixHarrisburg.com

Unfair rules slam the door on bipartisan solutions

**Pennsylvania's legislative process is broken.
Let's change that.**

