



Off to a slow start:

PA legislative performance 2023

PREPARED BY Fair Districts PA

January - June 2023

ABOUT US

Fair Districts PA is a fiscal project of the League of Women Voters of Pennsylvania and a nonpartisan, volunteer 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 (LWVPA) 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 LWVPA 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 the LWVPA's grassroots membership, the LWVPA takes positions on governmental, social and environmental issues.

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<https://www.fairdistrictspa.com/>

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<https://www.palwv.org/>

*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.*

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INTRODUCTION

Fair Districts PA (FDPA) launched in January 2016 as a coalition of nonpartisan organizations with a combined history of over a century combatting partisan gerrymandering. The League of Women Voters of Pennsylvania, founded in 1920 when Pennsylvania women first gained the vote, supported redistricting reform bills introduced by then-representative David Argall in the 1980s. Common Cause Pennsylvania Executive Director Barry Kauffman, co-founder of FDPA, had been speaking out against politicians cherry-picking their voters throughout his 30 year career. David Thornburgh, President and CEO of Committee of Seventy, and Sandy Strauss, Director of Advocacy for the Pennsylvania Council of Churches, were present at the inaugural meeting,

Many of those present to discuss formation of FDPA had given testimony in 2011 against the convoluted lines produced by Pennsylvania's unaccountable redistricting processes. They had also witnessed increasing partisanship and erosion of collaboration invariably tied to partisan gerrymandering.

The first bills supported by FDPA were Senate Bill 484, introduced by Senator Lisa Boscola (D-Northampton) in 2015 and House Bill 1835, introduced by Representative David Parker (R-Monroe) in 2016. At an initial press conference with FDPA founders as well as D and R cosponsors, Senator Boscola said:

“Our current system has crippled everything from the fairness of our elections to the level of cooperation and compromise between lawmakers here in Harrisburg. We cannot hope to get the politics out of the redistricting process until we get politicians out of the redistricting process.”

Those bills, despite strong support in both chambers, were never considered in committee.

In the 2017-2018 session, Senator Boscola's reintroduced bill was amended and passed out of committee, then saddled in a Senate floor vote with an amendment to create electoral districts

for PA's judicial races. That amended bill passed out of the Senate and was buried under hundreds of amendments in the House. A companion bill, introduced by Reps. Eric Roe (R-Chester) and Steve Samuelson (D-Northampton) was cosponsored by 110 representatives, then gutted in a committee meeting announced with no agenda to prevent an imminent vote on a discharge petition.

Since then, FDPA has heard from many current and former legislators about legislative rules that allow individual leaders to block bills with strong bipartisan support. Research on the issue led to a Fix Harrisburg campaign, begun in March 2022, and a November 2022 report titled *Dysfunction by Design*,¹ documenting shortcomings in the lawmaking process as practiced by the Pennsylvania House and Senate.

The 2023-2024 session began with divided government, a narrow, contested majority in the PA House and an unprecedented delay in House proceedings. A Special Session to address an avenue forward for victims of child sexual abuse yielded no solution; a budget impasse remains only partially resolved. Few bills of substance have been passed.

Best Practices for Collaborative Government,² a detailed report by Fair Vote and the Bipartisan Policy Center, documents ways divided government can yield increased gridlock OR encourage collaboration. While gridlock may seem inevitable, alternatives are possible.

This report is an attempt to assess legislative performance in the first quarter of the 2023-2024 session and suggest possible adjustments.

LEGISLATIVE RULES ARE NOT IN LAW

The PA Constitution has relatively little to say about the legislative process, and even that is often sidestepped or ignored (see Death by Amendment, p 14). Most of the rules governing the legislative process are not in law and are passed in each chamber on the first day of session.

Despite efforts by some PA senators to introduce changes to Senate rules at the start of this session, rules governing process, ethics and financial operations remained virtually unchanged from the previous session. All were voted into place quickly when the new Senate convened on January 3.

In the House, an uncertain majority led to an unexpected choice of Speaker and an unprecedented deferral of the vote on legislative rules. In the weeks following, Speaker Mark Rozzi's Listening Tour helped focus attention on the need for changes to address partisan gridlock. Sexual harassment charges against a member of the chamber also highlighted the need to reconsider rules.

New rules changed committee composition from 15 majority and 10 minority members to 12 and 9. That change was eventually adjusted to 14 majority and 11 minority on July 7, 2023.

Other changes to House rules included

- > Prohibitions of discrimination and harassment, including clearly defined sexual harassment, covering not only legislators and staff but any individual performing services or duties of the House, in or on House designated offices, property or facilities, or at a House-sponsored meeting or event.
- > Changes to the discharge petition, requiring a minimum of at least 25 from each party in order to have a bill released from committee. The previous threshold was 25 votes. The new rule also blocks

amendment of the bill in committee or removal of the bill to another committee prior to the discharge vote. With this change, bills with strong bipartisan support can be moved out of committee without being gutted and without restarting the clock in another committee, giving rank-and-file legislators a way to prevent committee chairs from blocking bills with strong bipartisan support.

- > A modified special order of business, through which a bill that is supported by a majority of members can be moved to a floor vote on the next voting day, even if the Speaker or majority leader wants to block it. This provides an avenue for bills with bipartisan support to receive a vote on the floor.
- > New rules for constitutional amendments. The PA Constitution says that legislation can only address one subject, but that rule has never been consistently applied to constitutional amendments. Under the new rule, constitutional amendments can only address one subject, must have a public hearing before second consideration, and cannot be put on the ballot in a primary election.
- > Provision for minority chairs to invite one witness for committee hearings. Past precedent had allowed majority chairs to control hearing agendas completely.
- > Greater transparency for redistricting legislation. One small but important change requires that any bill proposing new congressional districts, or any amendment to a redistricting bill proposing substantive changes, must be accompanied by a map showing those districts. Redistricting bills, amendments and maps must also be posted on a publicly accessible Internet website for public view.

HOW DOES PA COMPARE?

Across the past decade, the Pennsylvania legislature has passed between seven and nine percent of bills introduced. As noted in *Dysfunction by Design*, PA's General Assembly is one of the most costly in the country in terms of size and salary, and among the least effective in both number of bills passed per session and percent of bills introduced that are finally enacted.

It's difficult to provide in-depth comparison across all 50 states, but a cursory comparison to number of bills enacted in neighbor states to date in 2023 shows PA falls far short.

These three states, Virginia, Maryland and New York, are of interest. They have similar geography, similar demographics and many of the same problems facing states with older housing and aging infrastructure (see Table 1).

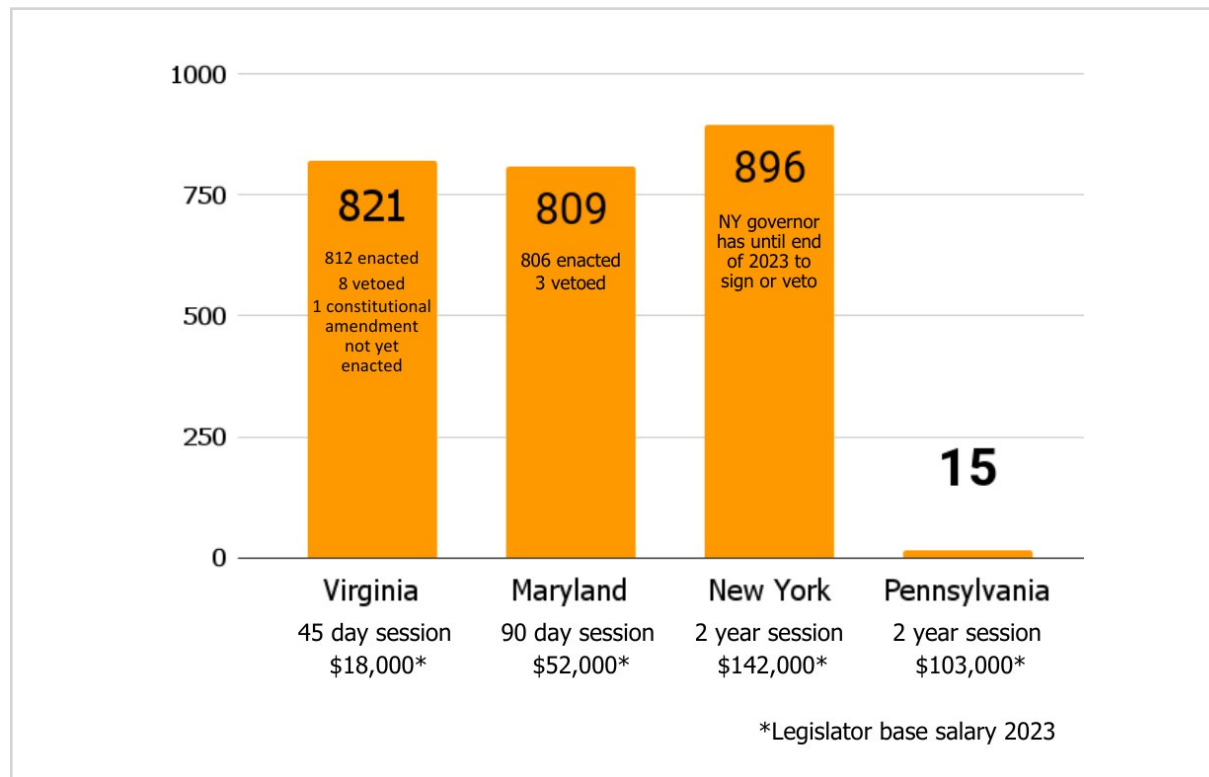
The New York General Assembly begins each session in January and concludes by the end of

June. Maryland's part-time session begins in January, ending 90 days later. Virginia's part-time session begins in January. In odd years (short sessions), the session is 30 to 45 days long. In even years, the session is 60 days.

Certainly a divided legislature can hamper legislative effectiveness, yet Virginia's General Assembly offers an important point of comparison. At the start of Virginia's 2023 session on January 11, Republicans held a slim 51-49 majority in the House, while Democrats held a 21-19 majority in the Senate.

Despite opposing leadership in the two chambers, the Virginia General Assembly managed to pass 811 bill in their short, 45-day session, concluding on February 25. That number is more than double the PA General Assembly average (somewhere under 300 bills) and far beyond the number of bills passed by both chambers in the first six months of the 2023 session.

Table 1: Comparison of States: Bills Passed and Signed by Both Chambers by June 30, 2023³



The Maryland General Assembly’s legislative session is twice the length of Virginia’s, but still far shorter than Pennsylvania’s. Limited to 90 calendar days, in the 2023 session all work was completed between January 10 and April 11. The published calendar includes deadlines for bill introduction, budget bill introduction (by the governor, not the legislative body), as well as a deadline for bills to move from one chamber to the other (March 20: 3 weeks before the end of session).

A detailed 90 Day Report⁴ (Figs. 1 & 2), published every year within days of the completion of the 90-day legislative session, gives a brief summary of every bill enacted, organized by major policy area. It also provides detailed budget information, including the governor’s budget proposal, legislative action on that proposal, summaries of fiscal code bills and information about specific grants and other allocations. The report includes rationales for budget changes, discussion of budget priorities, as well as projections for the years ahead.

Pennsylvania does not produce a comparable document for public examination. While the Office of the Budget provides proposed and enacted budgets, dating back to 1998, there is no easy way for PA voters to see what specific projects or organizations are funded, or to see specifics about where capital appropriations are put to use. There is also no accessible way for voters to see summary information about bills enacted in a specific session, organized by major policy area.

Maryland 90 Day Reports are available online dating back to 1998. Before that, the Maryland legislature provided similar information in the *Sine Die Report* (1985 - 1997) and the *Legislative Session Review* (1985 - 1997).⁵ These reports give Maryland voters immediate, accessible information about the state legislature’s accomplishments in each 90-day session, fostering transparency, accountability and public trust.

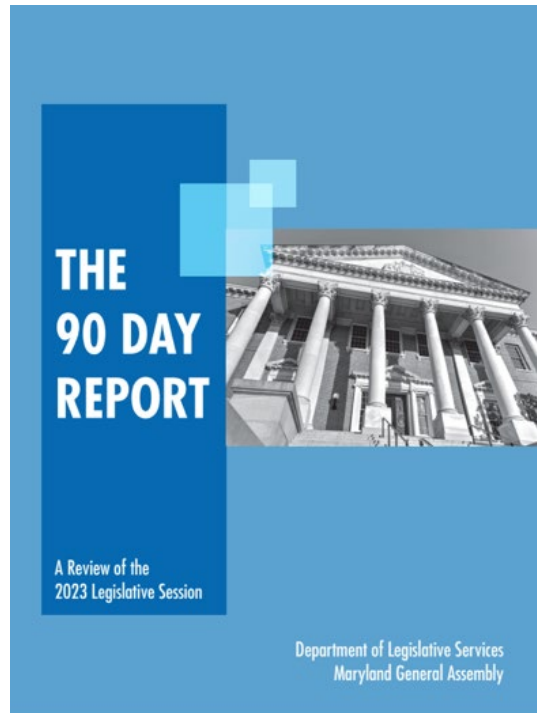


Figure 1

Major Issues – 2023 Session	
• Budget and Taxes.....	A-1, B-1
• Use of Budget Surplus	A-2, A-17, A-33
• Earned Income Tax Credit/Child Tax Credit.....	B-6, B-7
• Income Tax – Military Retirement Income	B-7
• Business, Labor, and Housing.....	H-1
• Cannabis Regulation	B-11, H-36, J-3
• Fair Wage Act	H-28
• Family and Medical Leave Program Modifications	H-27
• Civil Actions.....	F-1
• Civil Actions for Child Sexual Abuse (Child Victims Act)	F-2
• Criminal Justice and Public Safety	E-1
• Wearing, Carrying, and Transporting Firearms.....	E-3, E-12
• Attorney General – Investigations/Prosecutorial Authority	E-6, E-16
• Education	L-1
• Educator Shortage Act	L-4, L-20, L-36
• Virtual Education	L-6

Figure 2

New York’s General Assembly is one of the few that rivals PA’s in size and cost, with 150 representatives, 63 senators, two-year sessions and full-time salaries. New York, like PA, also has a history of gerrymandered districts, divided government and challenges balancing rural, suburban and urban priorities.

Since 1993, Republicans have controlled the PA Senate. 2023 has been the fifth year in those three decades that Democrats have held a majority in the PA House. In that same time period, Democrats have controlled the New York House, with Republicans holding a Senate majority seven years in the past three decades.

Proliferation of bills has been a reality in both legislatures, as bills blocked in one session are often reintroduced in the next. Even so, in recent years New York has passed more than four times the number of bills passed in PA, even in sessions when New York has had a divided government and PA’s legislature has been led by one party.

In 2004, the Brennan Center for Justice at NYU School of Law released *The New York State Legislative Process: An Evaluation and Blueprint for Reform* (Fig. 3), recommending more than 20 changes to legislative rules to create a more transparent, accountable, and deliberative

legislative process.⁶ Advocacy organizations endorsed the proposals and dozens of newspaper editorials echoed the message of the need for rules reform.

Both houses of the State Legislature responded to the 2004 report by making changes to their rules at the start of the 2006. The following month the House made additional changes. Yet in 2006, the Brennan Center produced a follow-up report: *Unfinished Business: New York State Legislative Reform 2006 Update* (Fig 4). Their conclusion:

“[T]he changes on the whole, while a good start, were by no means transformative. The Legislature failed to adopt a comprehensive set of new rules that incorporated the Brennan Center’s recommendations for making the legislative process more robust and democratic. Of the changes that the legislature did adopt, some, quite cynically, codified the status quo in new ways. The continued presence of these rules stifles rigorous deliberation and debate and hobbles the sincere efforts of a number of rank-and-file legislators to represent the best interests of their constituents and the state as a whole.”⁷

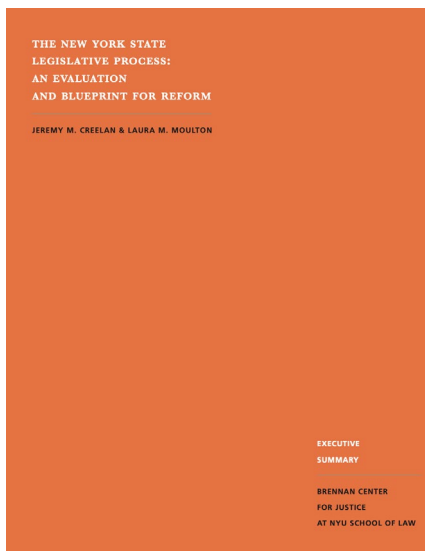


Figure 3

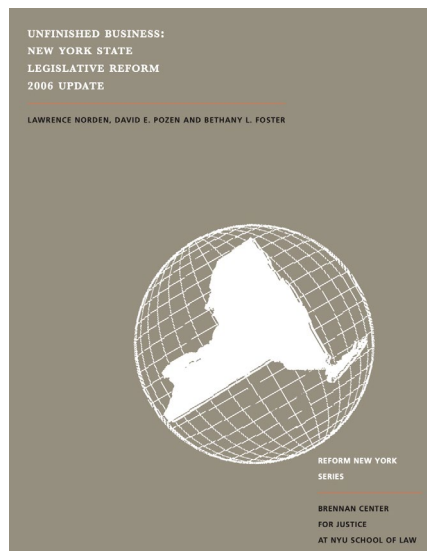


Figure 4

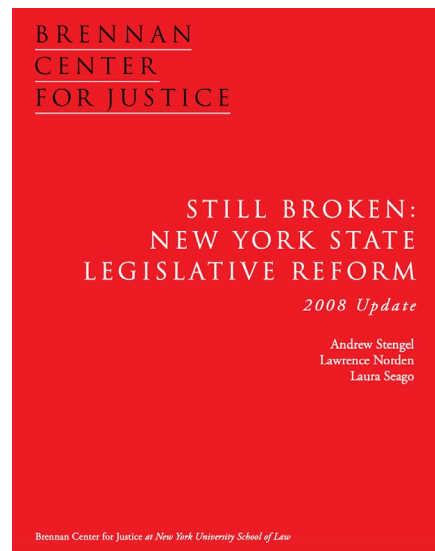


Figure 5

In 2008, yet another report, *Still Broken: New York State Legislative Reform 2008 Update* (Fig. 5), documented continued dysfunction and proposed further changes, pointing to changing partisan composition of the chamber and growing public frustration with a legislative process that allowed leadership to maintain a “stranglehold on the flow of legislation at all stages of the legislative process.”⁸

There have been no subsequent Brennan Center reports on the New York legislature. No doubt challenges remain. Yet the number of bills passed in 2023, compared to the normal PA session average, suggests that state has made progress in overcoming the leadership stranglehold, while Pennsylvania has not.

Six years of experience have taught me that in every case the reason for the failures of good legislation in the public interest and the passage of ineffective and abortive legislation can be traced directly to the rules.

—George F. Thompson, *Thompson Asks Aid for Senate Reform*, New York Times, Dec. 23, 1918. Quote used in the 2004 *The New York State Legislative Process: An Evaluation and Blueprint for Reform*.

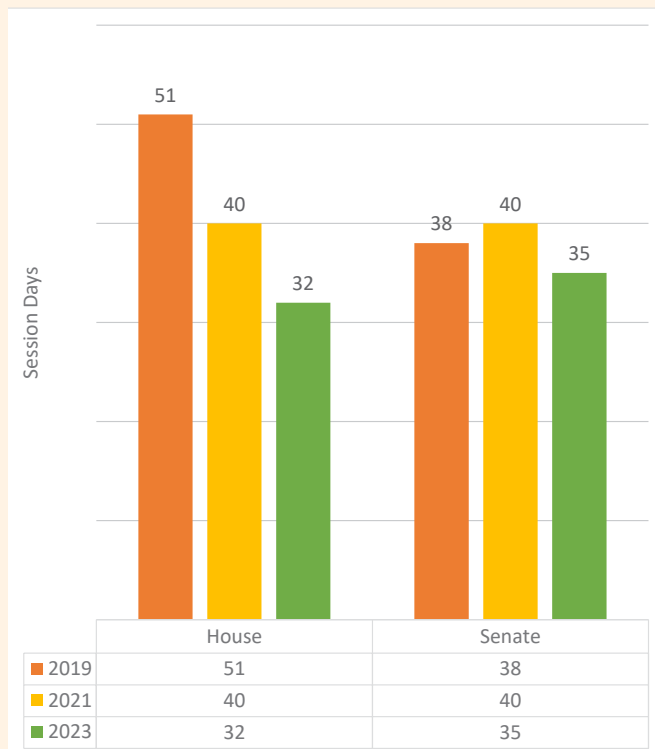
FULL TIME?

Members of the PA legislature are paid a full-time salary, even though the legislature is not in session many days of the year, and PA legislators can, and often do, hold other jobs in addition to their legislative positions. Some farm or teach. Some consult or provide legal counsel to entities advocating for funding or bills in the PA legislature.

While the 2023-2024 House session had a disrupted start, the Senate spent only three more days in Harrisburg than their House counterparts (Table 2).

Many PA legislators use time not in session to meet with constituents, provide constituent services and attend in-district meetings and events. While constituents appreciate that attention, the primary responsibility of any state legislature is to enact laws and finalize timely budgets. Those tasks can’t be completed when legislators are not in session.

Table 2: Session Days, January to June⁹



* Includes special session days. Non-voting days are excluded.

FAILURE TO COMMUNICATE

Because the 2023–24 Pennsylvania legislative session extends through November 30, 2024, data for the first six full months of this session cannot be considered an accurate predictor of legislative performance for the entire 24-month period. However, a comparison of the first six months of this session with the same period in previous sessions, as shown in Table 3, provides some insights.

Between January and the end of June 2023, the number of bills introduced and referred to committees (2,255) was only slightly lower than totals for the previous two sessions. The number of bills reported from committee and passing in the first chamber was also lower.

A more significant drop is evident in the number of bills passed in the second chamber. By the end of June 2021, about 32% of the bills passed in the first chamber had also been passed in the second (92 of 288 bills). A similar pattern occurred in 2019 when 27% of bills passed in the first chamber (94 of 347 bills) had passed and been signed in the second chamber.

Of the 20 bills passed in the second chamber by the end of June 2023 (less than 10%), several had been amended in the other chamber and had not yet received final approval (“concurrence”) in the initiating chamber. Several of those amended bills would be rejected and not move forward.

There are several reasons why bills that were approved in both chambers were not subsequently enacted. Some of them may have been amended in the second chamber. If so, these amendments would then need to go back and be approved in the first chamber (known as “concurrence”). Other bills may be awaiting the chamber leader’s signature, as required prior to transmittal to the Governor.

Although some of the bills that were waiting for approval in the second chamber are likely to be scheduled for committee and floor votes during the remainder of this legislative session, the current General Assembly is already far less productive than its predecessors during the first

six months. By this time in 2019 and 2021, 87 and 85 pieces of legislation had been signed by both chambers and presented to the Governor to be signed. During the same period in 2023, only 15 bills had been signed in both chambers. Only THREE of these had been fully enacted (sent to the Governor and signed).

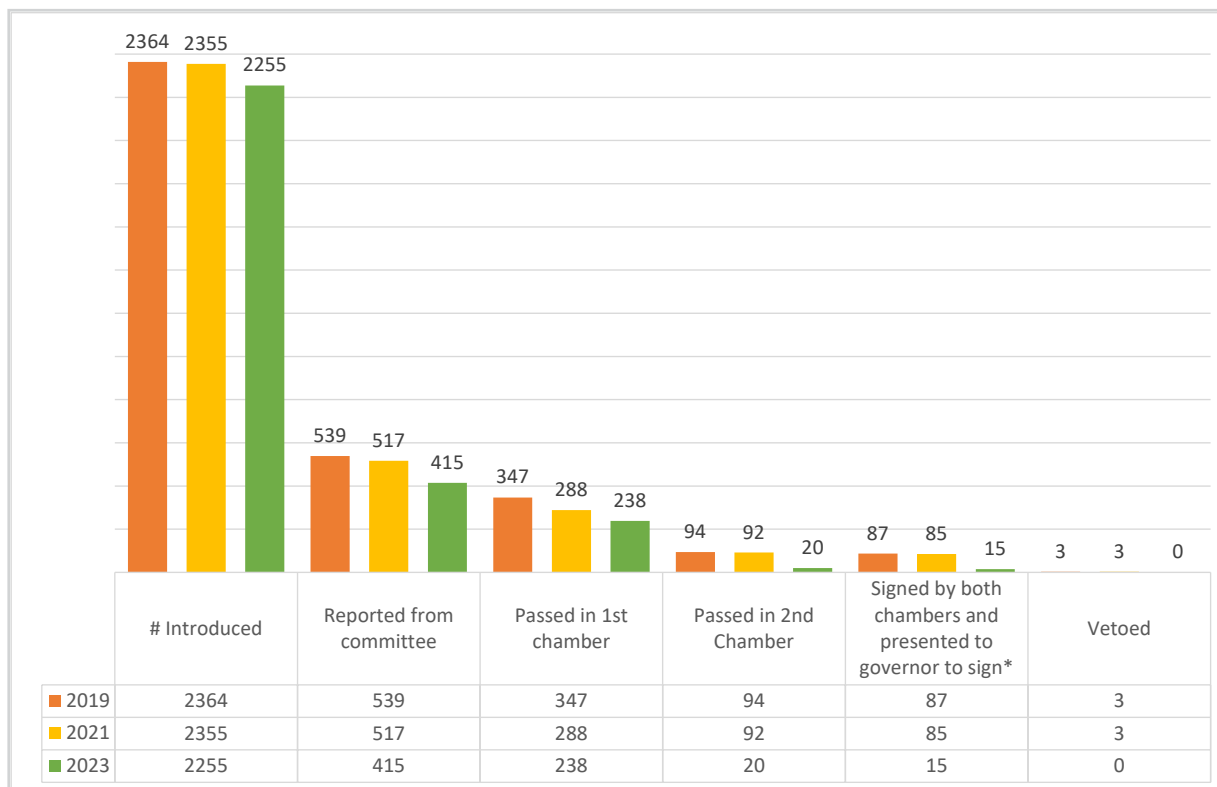
Also of concern: the PA legislature’s recurrent inability to provide a completed budget by the June 30 deadline. Even when the same party has controlled both chambers, final negotiations are consistently pushed to the deadline in attempts to win concessions from the other chamber.

The Governor’s proposed budget was made public on March 7, 2023. The primary appropriations bill, House Bill 611, was amended in committee and reported out on May 23, then passed on the House floor on a party-line vote on June 5 and sent to the Senate.

On June 30, the budget deadline, the bill was completely gutted and amended in the Senate Appropriations Committee, then passed on the Senate floor hours later.

On July 5, the House returned to concur and sign the amended version, with a promise from Governor Shapiro to line-item veto a \$100 million provision for the Pennsylvania Award for Student Success (PASS) scholarship fund (described on page 15). The Senate then waited until August 3 to return to sign the final bill. As of this writing, some necessary code bills to ensure final action on the budget have still not been completed.

Table 3: Comparison of the First Six Months of the Three Most Recent Legislative Sessions¹⁰



*Three bills passed in the second chamber and had not received concurrence in the first chamber by the end of June.

In each legislative session, the political party that holds the majority in either the House or the Senate uses its power to determine which bills are considered and given a vote in committee. This pattern has been consistent regardless of which party holds the majority, as shown in the table above.

When Republicans held a majority in both the House and Senate, more Republican bills were approved by committee and more Republican bills received a vote in each chamber during the first six months of the legislative session. The same pattern is apparent in the early 2023 majority-Democrat House session: more Democratic bills got House floor votes from January to mid-July.

Still, important questions remain:

- > Why don't the chambers collaborate?
- > Why can't House leaders secure Senate support for their legislative proposals?
- > Conversely, why can't Senate leaders secure House support for theirs?

This lack of cross-chamber cooperation—a chronic problem in the legislature—means Pennsylvanians continue to live with critically important nonpartisan issues that remain unaddressed by its full-time General Assembly.

WHAT BILLS WERE PASSED FROM JANUARY-JUNE 2023?

Between January and June, 2023 a total of 20 bills were passed by both chambers. 5 of those had been amended and still needed concurrence in the other chamber, leaving just 15 passed and signed by June 30.

Of those passing both chambers, nine were appropriations bills. One was commemorative, designating the boat access area located on the West Branch of the Susquehanna River in Muncy Creek Township as the Representative Garth Everett Muncy Access Area.

Just five policy bills passed both chambers by the end of the first six months of session.

- > Amend the Insurance Company Law to remove out-of-pocket costs associated with genetic testing for hereditary breast and ovarian cancer syndromes and with supplemental breast screenings for women who have a high lifetime risk of breast cancer.
- > Require insurance entities to conduct a cybersecurity risk assessment, develop cybersecurity protocols and report breaches to the Pennsylvania Insurance Department.
- > Change the compliance date for smoke alarm and fire extinguisher standards enacted in 2022 for family child-care homes.
- > Extend the powers of the Municipal Claims and Tax Lien Law (MCTLL, governing sheriff sales) to the City of Pittsburgh and the surrounding municipalities in Allegheny County and their land banks.
- > Add “severe maternal morbidity,” a category of health conditions that complicate pregnancy, to the list of reportable events within the Pennsylvania Department of Health.

As noted in the “Failure to Communicate,” section, the Senate adjourned for summer recess in July 2023, leaving two important bills authorizing the Fiscal 2024 Budget and Property Tax Reform without the signature of the Lieutenant Governor, who serves as Senate President.

Bills that were left unsigned when the Senate recessed on June 30.

HB 611: General Appropriation Act of 2023, providing \$45.5 billion for the expenses of the executive, legislative, and judicial departments of the Commonwealth, public debt, and public schools, for FY 2024.

As described in “Failure to Communication” (page 9), while both chambers had passed the bill by June 30, the versions of the bill given a vote were radically different in the separate chambers, with the Senate version cutting over half a billion dollars of budget funding proposed in the House, while adding funds for the PASS scholarship fund discussed on page 15. The House returned to consider the amended bill, and voted to concur on July 5. The Senate returned to sign the bill on August 3. Governor Shapiro signed it the same day.

HB 1100: Increase income limits for the Property Tax / Rent Rebate program to \$45,000 for Senior Citizen Homeowners and \$45,000 for Renters.

This bill passed in the House, 194-9, on June 5. It then passed unanimously in the Senate, with a slight amendment, on June 30. The House reconvened on July 5 to concur and sign this bill and the bill above (HB 611). The Senate then waited until August 3 to return and sign the bill. It was signed and enacted by Governor Shapiro the next day, August 4.

WHAT BILLS DOES PA NEED?

Organizations across Pennsylvania regularly release reports describing long-standing problems and suggesting needed solutions. While many of those solutions are introduced by legislators in both chambers, by members of both parties, very few are considered in committee. Even fewer make it into law.

This includes top legislative priorities of groups like the PA Farm Bureau, County Commissioners Association of Pennsylvania, Pennsylvania School Board Association, PA Firefighters Association and the PA Economy League.

Occasionally concerns are met with resolutions authorizing bipartisan commissions and extensive studies. Those studies cost money, take time and invariably recommend legislative solutions. While those recommendations are also introduced by legislators in both parties and both chambers, few of those recommended solutions are enacted. In some cases, similar studies are conducted years later, even decades later, with the same recommendations. The problems grow worse while solutions are ignored.

In a more functional legislative process, those carefully crafted bipartisan solutions, once introduced, would be guaranteed a vote in committee, and once reported from committee, would be guaranteed votes in both chambers. In Pennsylvania, there is no such guarantee.

The cost in wasted legislative work is high. The cost in wasted opportunities and a strangled economy are far higher.

BIPARTISAN BILLS THAT DIED IN THE 2021-22 LEGISLATIVE SESSION

In the 2021–22 session, some bills addressing important issues of statewide concern were introduced in one chamber but were never scheduled for a committee vote or a floor vote in that chamber. Other bills that received a favorable vote in one chamber were never scheduled for a committee or floor vote in the other.

This lack of communication and coordination occurred despite the fact that one party held the majority in both the House and Senate. Now, with the chambers split between the two parties, the lack of communication appears to be continuing.

CAN THEY BE BROUGHT BACK TO LIFE IN 2023-24?

Like the US Congress, the Pennsylvania legislature has struggled with politically charged, polarizing challenges in recent years. Nonetheless, the legislative record shows that rank-and-file members of the state House and Senate share many similar concerns, as demonstrated by the bipartisan support given to the bills listed in Table 4, on page 12.

Will this initial demonstration of bipartisan support be sustained as needed to bring these measures to final approval during the 2023-24 session?

See Tables 4 and 5 on pages 12-13 for more detail.

Table 4: Bipartisan Bills in the 2021-22 Session that Were Denied a Vote

Description	Bill No./Primary Sponsor	Status at End of Session
Restrict the Acceptance of Gifts by Public Officials	HB1009 Kaufer (R)	Passed House State Government unanimously; no further action.
Install Carbon Monoxide Alarms in Child Care Facilities	SB129 Fontana (D)	Passed Senate unanimously; no action in House.
Regionalize Fire and EMS Services	SB698 Baker (R)	Died in the Senate Veterans Affairs & Emergency Preparedness.
Establish Fair Standards For Charter Schools	HB272 Ciresi (D)	Died in the House Education.
Outlaw puppy mills; shift the pet market toward humane sources (Victoria’s Law)	HB 1299 Pennycuick (R) SB234 Phillips-Hill (R)	Died in House Agriculture and Rural Affairs. Died in Senate Judiciary.
Allow voters registered as independents to vote in primary elections	SB690 Laughlin (D) HB1369 Quinn (R)	Died in Senate State Government. Died in House State Government.
Regulate and provide for insurance coverage of telemedicine	SB705 Vogel (R)	Passed Senate. Referred to the House. No action in the House.
Allow independent nurse practitioner licensing through modernization of the Professional Nursing Law	SB25 Bartolotta (R)	Voted out of the Senate Consumer Protection & Professional Licensure. No Senate floor vote, so never sent to the House.
Provide consumer protections for motorcycle buyers, comparable to PA Automobile Lemon Law	SB82 Brooks (R) HB69 Snyder (D)	Passed Senate unanimously. Approved by House Consumer Affairs. No further action in the House. Passed House unanimously. Approved by Senate House Consumer Protection & Professional Licensure. No further action.
Require lead testing for children and pregnant women	SB522 Baker (R)	Passed unanimously in Senate Health & Human Services. Passed Senate 33-16. Passed unanimously in House Children & Youth. Amended in House Appropriations to “ encourage ” rather than “ require ” testing. Passed House as amended. Senate concurred.

Table 5: Where Are These Bills Now?

Description	Prime Sponsor Co-Sponsor Counts	Status at End of June
Restrict the Acceptance of Gifts by Public Officials	HB484 Solomon (D) 18 D, 10 R	Referred to the House State Government.
Install Carbon Monoxide Alarms in Child Care Facilities	SB205 Fontana (D) 14 D, 3 R HB494 McNeill (D) 28 D, 2 R	Approved by the Senate Health & Human Services and given first consideration in the Senate. Passed in the House; referred to the Senate Health & Human Services.
Regionalize Fire and EMS Services		No action as of July 2023.
Establish Fair Standards For Charter Schools	HB1422 Ciresi (D) 44 D, 1 R	Passed in the House; referred to the Senate Education.
Outlaw puppy mills; shift the pet market toward humane sources (Victoria's Law)	HB846 McNeill D 49 D, 5 R	Referred to the House Agri. & Rural Affairs. No bill in the Senate.
Allow voters registered as independents to vote in primary elections	SB400 Laughlin (R) 10 D, 5 R HB976 M. Brown (R) 7 D, 4 R HB979 Solomon (D) 17 D, 1 R	Referred to the Senate State Government. Both referred to the House State Government.
Regulate and provide for insurance coverage of telemedicine	SB739 Vogel R 7 D, 13 R	Approved by the Banking and Insurance and given first consideration.
Allow independent nurse practitioner licensing through modernization of the Professional Nursing Law	SB25 Bartolotta (R) 14 D, 14 R	Referred to the Senate Consumer Protection & Professional Licensure
Provide consumer protections for motorcycle buyers, comparable to PA Automobile Lemon Law	SB155 Brooks (R) 6 D, 8 R HB360 Pisciotano (D) 16 D, 3 R	Approved by the Senate Consumer Protection & Professional Licensure and given first consideration. Passed in the House. Referred to the Senate Consumer Protection & Professional Licensure.
Require (instead of encourage) lead testing for children and pregnant women	SB514 Baker (R) 11 "D, 4 R	Approved by the Senate Health & Human Services and given first consideration.

DEATH BY AMENDMENT

In the PA General Assembly it has become accepted practice to block bills moving toward final approval with amendments that weaken or change the intention of these bills, or laden the bills with additional, often opposing priorities. This action often bypasses the appropriate legislative process and ignores PA Constitutional provisions.

Childhood Sexual Abuse Amendments

On January 6, 2023, Governor Wolf called for a special session to address a proposed constitutional amendment to provide a two-year window on the statute of limitation for survivors of childhood sexual abuse.¹¹ That amendment, already passed twice in the PA General Assembly, was not advertised as required in 2019 and so was reintroduced in 2021, passing both chambers by the required advertising deadline. It would need to pass again in both chambers quickly to be advertised in time to appear on the 2023 primary ballot.

On January 9, the Senate convened, stating no special session was needed. A Senate State Government Committee meeting was scheduled “off-the-floor” in the Senate Rules Committee Room to consider two Constitutional amendments: SB 1, a Voter ID bill, and SB 130.

Most committee meetings are held in large hearing rooms with ample space for public and press and the ability to livestream as meetings take place. The Rules Committee Room is a smaller space and has no livestream or video-recording capabilities.

Within minutes, SB 1 was amended to include another constitutional amendment, SB 2, adding just four words to the PA Constitution: “disapproval of a regulation.” That bill would empower the General Assembly to overrule the PA regulatory process.

The next day, January 10, the Senate Rules Committee announced a similar off-the-floor meeting, again in the Rules Committee Room, again to address SB 1. In that meeting, Senate Majority Leader Joe Pittman introduced yet another amendment to SB 1: the constitutional

amendment to provide a two-year window on the statute of limitations for survivors of childhood sexual abuse. Despite minority party objection, the amendment was added by party-line vote and the meeting concluded in just 12 minutes.

Since then, Senate leadership has refused to consider any stand-alone bill or amendment addressing child sexual abuse survivors, cynically using that issue as leverage to accomplish other more partisan agendas.

Bundling of three constitutional amendments in this way appears to violate any reasonable interpretation of the 1st and 3rd constitutional provisions (Fig. 6) governing the legislative process. For most observers, it would also appear to violate provision 4, below (Fig. 6).

THE CONSTITUTION OF PENNSYLVANIA

ARTICLE III. LEGISLATION

C. PROCEDURE

§ 1. Passage of laws.

No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

§ 3. Form of bills.

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.

§ 4. Consideration of bills. Every bill shall be considered on three different days in each House.

Figure 6

What do mileage reimbursement and school vouchers have in common?

The committee process, when used correctly, should allow discussion and refinement of proposals and provide a public record of lawmakers' rationale for supporting or opposing.

The amendment process can hijack that completely, as demonstrated in a hotly contested attempt to push a program alternatively called the Lifeline Scholarship, then renamed the Pennsylvania Award for Student Success Scholarship Program, also known as a school voucher program.

In May, a two-page bill addressing mileage reimbursement for ambulance service was unanimously reported from the House Veterans Affairs and Emergency Preparedness Committee (Fig. 7), then unanimously passed by the House. In the Senate it was reported unanimously from the Health and Human Services Committee, and given first and second consideration on the Senate floor.

Then, on June 29, in an off-the floor Appropriations Committee meeting, a 20-page amendment was added over strong minority party objection "establishing the Pennsylvania Award for Student Success Scholarship Program

and the Pennsylvania Award for Student Success Scholarship Fund" (also known as school vouchers) combining two unrelated topics into one bill.

While the amendment clearly addressed an educational program, it was not considered in either chamber's education committee, bypassing the normal legislative process. Adding the PASS bill to a totally different bill also allowed the Senate leadership to bypass a Constitutional requirement that bills be read on three separate days.

In their hurry, Senate leaders also suspended another Senate rule, allowing the bill to be amended in committee and given a Senate vote hours later.

While legislative maneuvers should offend any voter concerned about transparency and deliberative process, the substance of the PASS program also appears to contradict a PA Constitutional prohibition against use of public funds for sectarian education (Fig. 8). In many low-performing school districts that would be eligible for the proposed scholarships, the only private schools available are sectarian.

Legislative supporters of the program insist "No education funds would be used for this program." That defies any understanding of how budgets work. Amendments to the PA budget bill, HB 611, happening in the same final hours of June, removed over half a billion dollars proposed for underfunded schools while proposing \$100 million for the PASS program.

Beyond any of those concerns, the amended bill also appears to violate the PA Constitution's single subject-rule, shared on page 14 (Fig. 6).

Every objection would no doubt be argued away by adept lawyers or legislative leaders intent on their own priorities. For concerned voters, such maneuvers are further indication of a broken legislative process.

Regular Session 2023-2024

House Bill 479

Memo: Mileage Reimbursement for Ambulance Services

An act amending the act of April 9, 1929, (P.L.343, No. 176) known as The Fiscal Code, in Treasury Department, establishing the Pennsylvania Award for Student Success Scholarship Program and the Pennsylvania Award for Student Success Scholarship Fund and providing for the 2023-2024 budget implementation.

Figure 7

THE CONSTITUTION OF PENNSYLVANIA

ARTICLE III. LEGISLATION

B. EDUCATION

§ 15. Public school money not available to sectarian schools.

No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

Figure 8

THE SPEAKER'S LISTENING TOUR

During his two-month tenure as House Speaker (ending February 28, 2023), Representative Mark Rozzi scheduled a series of "listening tour" sessions to invite comment from citizens about "legislative gridlock." Attendance at these events showed public concern for a legislature more able to pass bills with strong bipartisan support.¹²

Right now what we have is almost a war culture in Harrisburg. The goal seems to be: control the terrain and take out the opposition. First, by manipulating who gets into the office in the first place by gerrymandering districts or by giving committee chairs absolute authority to determine the fate of bills under their control—including letting them die in committee—no matter how popular they are. Second, by requiring rank and file legislators to agree to a set of operational rules that limit any real authority that they have to make policy for the people who sent them there. Third, by not providing mechanisms for public awareness or input, making no public record, not live streaming, or not providing transcripts.

My point here is this, aren't we supposed to be living in a democracy? What we're seeing in Harrisburg is not a democracy. Pennsylvanians don't want more politics.

Ron Williams, Ferguson Township, State College

Constitutional amendments are often bundled as a package of disparate issues, such that a voter may want to approve one piece of the amendment but may not want another piece. For example, the current Senate Bill 1 seeks to bring a constitutional amendment that would require voter ID for elections, open a two-year window for sexual abuse victims to sue, and prevent a governor from vetoing the disapproval of a regulation voted by the General Assembly. None of these pieces are related. And I know I'd like to see one of these pass, but not the others ... This stacking of unrelated amendments puts voters in a Catch-22 situation and is not a way to govern the people.

Kate Rothstein, Pittsburgh

*Speaker Rozzi, you have mentioned multiple times that Harrisburg is broken. **I would argue with you that it is not broken; it is working exactly the way the legislature has set it up to work for the lobbyists and the special interests.** There are pages and pages on a Senate and House calendar—bill number after bill number—of very good legislation that can protect Pennsylvanians from one border to the other that never receive a vote.*

SHAUN DOUGHERTY, JOHNSTOWN

Here in Northeast PA we have at least four new representatives. Several are here this evening. I want you to think back to when you first were elected and you ran for office, when you went out to the voters. You asked them about their concerns. You made assurances as to what you would do when you were elected. You were there to get things done for your constituents and for Pennsylvania. Then you were given a set of rules like 57 pages long, kind of at the last minute, and told, "These are the rules we followed for years. You need to vote on them." Did the newly elected members realize that they were handing power to the leadership and giving away their power to get anything done?

So think of these new House members. Some are Republicans, some Democrats. Let's give them the opportunity to study the rules, discuss them and have this dialogue before the rules get passed at the last instant, right before the session.

Alan Dakey, Glenburn Township, Lackawanna County

I want the rules to change so that the people that I work so hard to get elected actually get to vote on the issues and the bills that are presented in our state government. I don't really understand why so many of our legislators don't go on strike, or why don't you just say you're not going to show up for work if this is the way things are going to operate? Because you really don't get to represent us, and you don't get to fulfill the campaign promises that you ran on; and it's just in Pennsylvania.

Margaret Dobrinska,
State College

I've tried to encourage young people to appreciate the fact that they live in a democratic country and that we are represented by the people that we vote for. Our kids are smart, and they can figure out pretty quickly that it doesn't matter because of the way our Pennsylvania state legislature is set up and the way it operates. It really doesn't matter, and it gets harder and harder to get them enthused about participating.

Cosponsorship should actually mean something, or just get rid of it. Put a cosponsorship metric in place that requires movement of a bill based on cosponsorship. That way cosponsorship would become authentic. They would give the true picture of where a bill stands among all representatives and also allow constituents to see their representatives' true colors—what they truly stand for. Then there needs to be a defined process for these priority bills that mandates a vote in committee and on the House floor.

DENISE WILLIAMS, LUZERNE COUNTY

Every legislator should be allowed to introduce one bill in each session that is guaranteed a hearing and a vote in committee; and, it should not be possible to table or amend the bill without the agreement of the legislator who introduced it. This is particularly critical for first time members in the minority who often have no opportunity to legislate in their first term, or in terms thereafter. Neither party has a monopoly on good ideas, and this will ensure that at least one of each member's priorities is considered.

Mark Pavlovich, Chester County

We need to create more opportunities to develop relationships and a culture of collaboration among public officials representing different parties, different geographies, and different backgrounds. The Capital All-Star softball game is a perfect example of this. It brings together lawmakers onto one field and integrates them within teams. One party leader noted, "What a great reminder the game is to all of us. . . . It was a rare and welcome moment of unity." So the question is, why must these moments be so rare?

Pat Christmas, Chief Policy
Officer, Committee of Seventy

COURSE CORRECTIONS FOR THE 2023-2024 LEGISLATIVE SESSION

At the start of the 2019-2020 session, FDPA supported a series of reforms to legislative rules that could help lessen the partisan divide and give every legislator a more meaningful role in deciding what bills are enacted. We advocated for procedural rules that would guarantee bills with demonstrated bipartisan solutions have an avenue forward.

In 2022 we formalized those requests in the Fix Harrisburg campaign, a joint initiative with the League of Women Voters of Pennsylvania. While FDPA does not take positions on anything other than redistricting reform and legislative process, the League has many positions, shaped by member study, discussion and consensus. Despite decades of advocacy, many of the bipartisan solutions the League supports have never moved out of committee.

Changes in the House rules open an avenue forward in the House, but without collaboration and cooperation from the Senate, bills passed in the House, even with unanimous support,

can still be blocked in the other chamber. As we noted in *Dysfunction by Design*, “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.¹⁴ That was the case even though Republicans controlled both of those chambers during the years in question.

In the twenty months since the Fix Harrisburg campaign launched, almost 20,000 Pennsylvanians have signed a petition asking for the changes in legislative rules described above. Signatures have been collected at polling places in multiple counties, and at fairs, festivals, community days and parades in counties across the commonwealth.



MIP_PA. What do you think is the most important problem facing Pennsylvania today?

	Aug 2023	Apr 2023	Oct 2022	Sep 2022	Aug 2022	May 2022	Apr 2022	Mar 2022	Oct 2021	Aug 2021	Jun 2021	Mar 2021	Oct 2020
Economy, finances	19%	15%	28%	21%	19%	14%	16%	18%	7%	5%	3%	5%	8%
Government, politicians	11%	17%	17%	23%	22%	21%	20%	19%	20%	20%	30%	27%	16%
Crime, drugs, violence, guns	10%	19%	10%	10%	6%	9%	9%	6%	4%	7%	5%	1%	4%
Education, school	8%	4%	4%	4%	4%	4%	5%	5%	5%	2%	3%	5%	4%
Taxes	7%	5%	6%	4%	7%	8%	8%	9%	6%	7%	8%	5%	6%
Environment	4%	2%	1%	1%	1%	2%	2%	1%	2%	2%	2%	1%	1%
Housing and real estate	4%	2%	0%	2%	1%	1%	1%	0%	1%	1%	2%	1%	0%
Values, morals	4%	3%	2%	1%	1%	1%	1%	1%	0%	1%	1%	1%	1%
Unemployment, personal finances	3%	5%	3%	4%	6%	6%	5%	3%	10%	8%	12%	6%	10%
Roads, infrastructure, transportation	2%	5%	1%	3%	2%	5%	5%	5%	4%	3%	3%	4%	3%
Social issues	2%	3%	1%	1%	3%	2%	1%	1%	1%	2%	1%	0%	1%
Civil liberties	1%	2%	6%	6%	5%	1%	1%	5%	7%	6%	3%	0%	1%
Energy issues, gas prices	1%	2%	3%	3%	2%	4%	2%	2%	1%	2%	1%	0%	2%

Figure 9

THE FIX HARRISBURG REQUEST:¹⁵

- > 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.

In collecting signatures, FDPA volunteers often ask “Would you like to sign a petition to help fix the PA legislature?” They note with sadness that a common response is “Good luck with that!” Or “that’s not possible.” Or “the only way to do that is vote them all out and start over.”

We know there are many legislators, in both parties and in both chambers, who ran for office with good ideas for real solutions to help Pennsylvania. Too often, they’ve found their good ideas ignored, amended to oblivion or blocked at the whim of partisan factions or big donor interests.

We know legislators in both chambers, in both parties, who would like to solve the pressing problems confronting Pennsylvania: outdated regulations, underfunded priorities, new challenges in need of thoughtful and evidence-based solutions.

We also know that PA voters want legislators who have a voice in the process and the ability to enact real, bipartisan solutions.

For years, Franklin and Marshall polls¹⁶(Fig. 9) have suggested that PA respondents consider PA government and politicians among the top three problems facing Pennsylvanians. No other issue is as consistently listed among the top concerns.

Our goal is to help voters understand structural reasons for their dissatisfaction and to teach voters to track bills, watch the process, advocate for solutions and VOTE for legislators who are doing all they can to enact real solutions.

Among those solutions: an independent citizens redistricting commission, an important bipartisan solution with strong public support that would help ensure government of, by and for the people of Pennsylvania.

We’ll be advocating for new legislation on this issue in the months ahead. We’ll also continue our research on legislative process in preparation for our next report, in early fall 2024.

ONE POSITIVE DIRECTION

In June, State Reps. Jamie Flick, (R-Lycoming), Jill Cooper (R-Westmoreland), Stephen Kinsey (D-Philadelphia), and Patty Kim (D-Dauphin/Cumberland) announced the launch of the new “Meet Me in the Middle” bipartisan caucus.

By June 11, the date of the inaugural press conference, 15 Republicans and 27 Democrats had signed on.

The goal of the caucus, according to co-chair Rep. Flick, is “to foster more cooperation between the parties, reduce polarization and find paths to work together to pass commonsense legislation that benefits the people of Pennsylvania.”

According to Rep. Flick:

“Many of our districts, including my district, the 83rd, are considered purple districts as our makeup is not heavily Republican or Democrat. Based on discussions with many people in my district, Pennsylvanians want to see more bipartisanship and they want lawmakers to work together more on the issues that impact them every day, such as rising energy costs, inflation, mental health support and more, so it makes sense we reflect this in Harrisburg. I believe forming this caucus takes a step in the right direction.”

While it’s too soon to say how effective this will be, past inter-party governing coalitions in other states have fostered higher levels of cooperation and increased legislative productivity.¹³

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