

Fix Harrisburg Press Conference, October 3, 2023, Capitol Rotunda

INTRODUCTION: Tony Crocamo (FDPA Speaker and Advocacy Advisor co-chair; Lancaster County)

We are here today for three reasons.

1. To report on the effectiveness of this Legislature during the first 6 months of this two-year session.
2. We are here because that report demonstrates that this legislature—the State House of Representative and the State Senate—do not represent our best interests. They avoid the issues and problems that we elect them to address. We are here because Harrisburg is broken.
3. And thirdly, we are here because we believe we, the people, can Fix Harrisburg.

We know Harrisburg is broken because in 2017 Fair Districts PA supported a House redistricting bill to create an independent citizens commission to draw state legislative and congressional districts. Currently the majority party leaders draw those district lines. We want to remove the obvious conflict of interest of partisan party leaders creating the districts they run in.

In 2017 our redistricting bill had bipartisan support in the legislature, strong public support, and many municipalities and counties passed resolutions supporting our efforts. Despite all that support, our bill never got out of committee.

We needed to know what had happened—we had done everything right and were still ignored. Our volunteer research team discovered we were not the only citizens whose voices were ignored. Despite public support, many bipartisan solutions never received a public floor vote. Nearly 75% of all bills introduced in the legislature die in committee without ever being heard.

If you tell someone Harrisburg is broken, unless you are speaking to a legislator or a legislator's mother, you won't likely get an argument. Even more troubling, if you tell them there is a way to Fix Harrisburg you're likely to hear them scoff as they say something like, "Yeah, well good luck with that."

There is wide consensus that the legislature is dysfunctional. However, many assume the dysfunction is due to some governmental bureaucratic ineptness. It isn't. Harrisburg's dysfunction is intentional. It is Dysfunction by Design.

Last year Fair Districts produced a report called "Dysfunction by Design" and highlighted the problem of legislative rules giving a handful of party leaders control over which bills are heard and which are ignored. Legislative rules and gerrymandered districts are the root of the Dysfunction in Harrisburg, preventing the legislature from acting on many bipartisan proposals that would improve the lives of Pennsylvania citizens.

At the dawn of this session, we were encouraged by then Speaker Rozzi's listening tour concerning legislative rules. And there were a few changes in the House rules. For example, House constitutional amendments now require a public hearing and House sexual harassment protections extend beyond the employed staff of our representatives. Despite those positive changes, nothing was done to ensure bipartisan bills get a hearing in committee, on the floor and in both chambers. Party leaders retain their partisan stranglehold on the legislative agenda.

The first 6 months of this 2-year session have passed. FDPA volunteers have produced a report on the legislators' accomplishments through June.

It's a short report. This session, to date, has passed far fewer laws than in past sessions. And, as usual, the PA legislature has underperformed even part-time state legislatures in neighboring states. Those part-time state legislatures complete a budget and address problems through legislation in a brief, several month session at a far lower cost to taxpayers.

In PA, during each 2-year session more than 4,000 bills are introduced. Nearly 75% die in committee without a hearing. We are not suggesting every bill in that tidal wave of PA's proposed legislation has merit.

We are saying that there are bipartisan bills on issues of great importance to Pennsylvanians that are ignored in session after session: property tax reform, school funding, regionalization of fire/rescue departments, a legislative gift ban, and, of course, redistricting reform.

We aren't even saying that all those bills must pass.

We are saying that those bipartisan bills important to Pennsylvanians should be discussed.

Some of FDPA opponents in the legislature, those who are comfortable with the status-quo, have characterized FDPA as being a "radical" organization.

Is it radical to want a responsive legislature? Really? Here's our radical agenda: We want the PA legislature, a deliberative body, to deliberate. When bills important to Pennsylvanians are ignored, our elected officials get to dodge voting for or against these bills, meaning they never have to take a definite stand on issues important to us. They are protected from having to make those difficult choices—the difficult choices that are at the heart of governing. That's a broken legislature.

And that is why we are here today, to encourage this legislature to do better; to let the public know that they can join us and together we can, and will, Fix Harrisburg.

THE REPORT: Jodi Reese (Advocacy Data Coordinator, Dauphin County)

I am a member of the Fair Districts Research team for both the report from last December, *Dysfunction by Design*, and this performance report, *Off to a slow start: PA legislative performance 2023*. Full disclosure, I am an engineer and before that I wrote satellite software for NASA. Which boils down to the fact that data and spreadsheets and research are in my DNA. So, being part of this research team was a perfect match for me.

When we begin to crunch the numbers, we don't have an answer in mind. We don't know the results. We are simply trying to answer questions about their performance. The data that we use are data from the General Assembly website. It is their data.

This morning, this 20-page performance report covering the first six months of the 2-year session was hand delivered by Fair Districts volunteers to the current 252 Representatives and Senators. It is also being shared with the media. I encourage all of you to take a look for yourselves at [FixHarrisburg.com](https://www.fixharrisburg.com). Topics include:

- How many and what bills were passed?
- How did our legislature compare to NY, MD and VA during this time period?

- How does this 6-month period compare to the last two PA sessions, beginning with 2019?
- Are the important bipartisan bills that died in the last session being brought back to life this session?
- Is there collaboration between chambers on bills that pass out of the House or Senate and deliberated and given a vote in the other chamber? I will give a quick example of that in a moment.
- And a little something we sadly call “Death by Amendment” where rules are used and abused and broken.

Let me provide you with two examples that demonstrate how the legislature is broken. I start with Death by Amendment for HB479. The House and Senate Operating Rules and our Constitution state:

- No bill shall be amended as to change its original purpose.
- No bill shall be passed containing more than one subject.
- Every bill shall be considered on three different days in each chamber.

In May, HB479, a simple 2-page bill addressing mileage reimbursement for ambulance service was unanimously reported by the House Veterans Affairs Committee, then unanimously passed by the House after three considerations. In the Senate, the 2-page bill was reported unanimously from the Health and Human Services Committee and given two of the three needed considerations on the Senate floor.

Then, on June 29, a quickly announced Appropriations Committee met at 6:30pm, voted on a 20-page amendment—dated that same day— establishing a new school vouchers program. This amendment changed the original purpose of the bill and added a new subject. Ambulance mileage reimbursement has nothing to do with a school vouchers program.

Not only was this program not considered in either chamber’s education committees, but the maneuver also allowed the Senate leadership to bypass the Constitutional requirement that bills be considered on three separate days in both the House and the Senate.

The Senate has a rule that there will be no final vote on a bill until at least 10 hours has elapsed from when the amendment was adopted. A mere 45 minutes after adoption, the Senate majority leader moved to suspend that rule so that the Senate could have final passage of the amended bill. And they did.

Loud protestations and accusations followed and, as usual, nothing ultimately passed leaving both issues unaddressed.

Regardless of one’s position on school vouchers, this is NOT how the legislature is to pass bills.

My second example is how the two chambers do not collaborate well on bills that pass out of the House or the Senate.

From our research for the December report, we found that, over the past seven years, the Pennsylvania House did not vote on half of the bills passed by the Senate. And the Senate did not schedule a floor vote for over 60% of the House bills.

Last session, that percentage was about 50% of bills adopted from one chamber not getting a final vote in the other. Half of those ignored bills had a unanimous final vote in the first chamber. While there are

many ways to define bipartisan support, I do not think anyone can dispute a unanimous floor vote shows the strongest bipartisan support possible. Yet the other chamber left those bills, more than 200, to die at the end of the session.

These are just two examples of why rules reform is desperately needed.

The research team will continue to watch the performance of our legislators as the session progresses and to shine a light on how they proceed. This is also a reminder to the legislators that we will be watching and reporting.

We are hoping for improved performance and better rules so that critical bipartisan solutions are afforded deliberation and a vote. As it should be.

TABLING: Duncan MacLean (Local volunteer, Lebanon County)

Estimados damas y caballeros, distinguidos representantes y compatriotas amables. Gracias por invitarme para hablar hoy en nombre de mis prójimos hispanos. Yo me llamo Duncan MacLean. Aunque me crié en Cuba y la Argentina, he realizado toda mi carrera profesional aquí en Pensilvania. Por los últimos 5 años me he ofrecido como voluntario con Fair Districts. Ellos me han enseñado dos cosas: Primero, que por medio de los mapas distritales que se redistribuyen cada 10 años, los votantes deben escoger a sus funcionarios y no al revés. Y segundo, por medio de las reglas de procedimiento que se aprueban en la Asamblea General cada 2 años, nuestros representantes deben ser empoderados, no estancados.

What I just said is thank you for inviting me to speak on behalf of our Hispanic neighbors. Although I grew up in Cuba and Argentina, I have spent my whole professional career here in Pennsylvania. For the last 5 years I have served as a volunteer with Fair Districts.

Fair Districts has taught me two things: First, that the district maps should be drawn every 10 years in such a way that voters choose their officials, not the other way around, to give each of us equal voice and fair representation. And second, that the procedural rules adopted at the start of every 2-year session of the General Assembly should empower the representatives we do elect, not block them.

I joined Fair Districts 5 years ago because when you have lived outside the country, you can plainly see the peril to our democracy posed by gerrymandering and corruption. It's like seeing our blue planet from one of Jodi's satellites in outer space—a clearer perspective. And because even around my own family's Thanksgiving table, right here on earth, Americans seemed to be turning on each other.

Working with Fair Districts has given me the opportunity to connect with fellow citizens of all different backgrounds, at rural county fairs and suburban election polls, each one with issues like emergency first response, broadband deployment, and mental health care. And, in particular with Hispanic communities, pushing for workforce development, affordable housing, and thorough and efficient education. Everyone I've talked to shared two things in common: consternation over our lawmakers' inaction on obvious solutions to their issues and indignation that this inaction is due to rules that let any one of just six leaders unilaterally stop even widely supported bills like these in their tracks.

This is exactly what happened with the bill supported by Fair Districts to provide for an independent citizens commission to draw district maps that fairly represent all voters. Despite having over 100,000

petition signatures, 389 county and local resolutions, 110 bill co-sponsors, and 70 percent approval in an F&M poll, one single committee chairman refused even to debate or vote on the bill. After all that hard work by me and other volunteers in every part of the state, what a slap in the face!

We also heard the same frustration from PA Lead Free Promise, a coalition of almost 70 groups advocating to address Pennsylvania's lead problem. This coalition of health groups, child advocates, housing groups, and community groups pointed out that 18 of Pennsylvania's largest cities have more kids with high lead levels than even Flint Michigan. In the final hours of last year's session, the legislature finally acted on a bipartisan study after 3 ½ years of delay. But then a few last-minute procedural motions watered down the bill to an almost meaningless sham. They could say, "Well, we did something," but, as a retired health professional, I was not impressed. My Hispanic neighbors weren't either.

So, I'm sticking with this work. I've helped Fair Districts with collecting over 18 thousand signatures in favor of rules reform already in less than two years. *Mientras tanto les ruego a todos que se unan a la lucha para asegurar distritos justos y para reparar las reglas en Harrisburg.* I call on fellow citizens throughout the state, old and young, rural and urban, from every background and language, to demand fair districts and rules reform so that legislators can get down to work for us!

Thank you. *Gracias.*

CONCLUSION: Carol Kuniholm (FDPA Chair, Chester County)

I'm Carol Kuniholm, chair of Fair Districts PA. Like Tony, Jodi and Duncan, I'm a volunteer. Thank you Tony and Jodi, and all who worked on this report and spent long hours researching PA's legislative process. Thank you Jean and Lori and everyone who showed up early today to help deliver the reports to every legislative office.

And thank you Duncan and the many many others who gave so much time this summer collecting petition signatures at fairs, festivals, community days, farmers markets and other events all over our commonwealth.

We brought some of those petitions with us today. Every signature on these pages represents a conversation between an FDPA volunteer and another PA citizen concerned about our legislative process.

I confess, sometimes I'm saddened at the responses I hear when I'm part of those conversations.

Just a few weeks ago I spent a day at Kiponah, a few blocks from here, asking people if they'd like to sign a petition to help fix PA's legislative process. Some people were genuinely curious: "How would you do that? Term limits? Go back to a part-time legislature?"

Some people said "they're all crooks" or "vote them all out".

Some just laughed, shook their heads, and said "Is that possible?" Or, "Good luck with THAT!" and kept walking.

What saddened and troubled me is that some responded with immediate anger and violent suggestions. As if every legislator in this building were evil. As if the bond between citizens and our state government is broken beyond repair.

We know that for decades Pennsylvania's legislative process has been heavily slanted toward leadership interests and partisan winner-take-all dynamics. For years, issues of great concern to voters have been ignored by a legislative process that caters to wealthy donors, industry lobbies and the extreme edges of the partisan base.

For years needed reforms that would restore the voice of the people have been blocked. That includes redistricting reform and important changes to legislative rules, but also reform of an arcane, unaccountable budget process; campaign finance reform; legislative gift bans. It also includes rules to address the conflicts of interest that allow committee chairs to work for the entities they govern, and rules to end the revolving door that ensures legislative leaders push jobs when they leave here if they cater to their future employers.

Until those reforms take place, the citizen anger level will continue to rise. The deep distrust will continue to grow. That's dangerous for democracy. It's also dangerous for legislators, and disheartening for all who run for office with ideas of ways to make PA a better place, only to see how hard it is to enact their carefully crafted solutions.

FDPA volunteers and supporters who once worked inside these walls as legislators or policy staffers first raised the alarm and insisted we focus attention on legislative rules in addition to, and in support of, our work to end gerrymandering.

According to them, from what they can see and from what former colleagues tell them, things are not getting better. And won't get better unless citizens demand change, and unless legislators themselves insist on legislative rules that allow real representation.

We've been asking for years now: what does it take to be heard inside these walls?

Petitions? Resolutions from local governments?

One-on-one advocacy visits? Rallies? Protests? Letters to the editor?

We've done all those. As have scores of other PA advocacy groups, sometimes dating back decades.

We've noticed that sometimes advocacy efforts result in bipartisan commissions and studies authorized by senate or house resolutions.

We've also noticed that recommendations from those studies are often introduced as bills but rarely come to a final vote. In many cases, the committees that authorized the studies fail to even schedule discussion for the resulting recommended legislation.

We've also noticed that top legislative priorities from major statewide associations are regularly ignored by disinterested committee chairs or legislative leaders.

Last session, the top legislative priority of the PA Farm Bureau was called "welfare for farmers" by a committee chair and never emerged from committee.

The top legislative priority of the PA School Board Association was introduced in both chambers and never considered in either Education Committee.

Top election concerns of the County Commissioners Association were ignored before the 2020 election and have yet to be given a vote, despite continued urgent requests.

We've heard the excuses: Legislation takes time. The process is messy. We have a divided government. Sometimes it takes multiple sessions to get the language right.

Those excuses are not convincing when we watch constitutional amendments introduced and passed in a matter of hours, or see multi-million dollar programs, never once discussed in committee, added to fiscal code bills just before the final vote.

Our report compares PA to several neighbor states. Virginia's legislative session began on January 11 and ended on February 24. In less than two months, their narrowly divided part-time legislature enacted 821 bills and fully completed the budget process.

In the six months of our report, PA's full time legislature fully enacted just 3 bills and failed to complete the budget process. It is still incomplete, three months past the start of the fiscal year.

Bills enacted and timely budgets are just two benchmarks when measuring legislative effectiveness. A less accessible benchmark is voter confidence and trust in the process. From what we can see, that confidence is near zero.

As voters and citizens, we're tired of seeing important bills held as leverage for partisan interests.

And we're tired of seeing one person, elected by a tiny fraction of PA voters, able to block bipartisan solutions that have clear, well-documented, public support.

Give those bills a vote and let us see where you stand.

We're tired of seeing major policy issues tacked onto fiscal code bills, instead of being debated, discussed and given a vote in the proper legislative process.

We're tired of the mounting evidence of billionaire influence and industry control of agenda, budget, policy and regulations. PA, far more than most states, is held in the grip of outside interests. There are obvious ways to solve that. Give those bills a vote.

Tony said we believe we can fix Harrisburg. In reality, we, as citizens, can't do that on our own. We can research the process. We can educate voters. We can point toward solutions. We can demand reform.

But at some point, the people we elect need to demand reform as well.

For the sake of our commonwealth, our future, and the future of this institution, we'll do all we can to see that needed reforms happen.

We ask you, our legislators, to do the same.