

**IS GRIDLOCK**

**INEVITABLE?**

**LEGISLATIVE PROGRESS IN THE PENNSYLVANIA  
GENERAL ASSEMBLY'S 2023-2024 SESSION**



Fair Districts PA (FDPA) was founded in January 2016 by representatives from the League of Women Voters of Pennsylvania, Common Cause Pennsylvania, Committee of Seventy and other Pennsylvania organizations concerned about accountable representation. The goal from the start has been to make the process of drawing Pennsylvania's legislative districts impartial and transparent, so that our government truly is of, by and for the people.

FDPA is a fiscal project of the League of Women Voters of Pennsylvania (LWVPA). LWVPA was formed in 1920 to encourage informed and active participation in government, to increase understanding of major public policy issues, and to influence public policy through education and advocacy. Both FDPA and LWVPA are non-partisan and do not support or oppose any political party or candidate.

The Fix Harrisburg initiative is a joint project of Fair Districts PA and the League of Women Voters of Pennsylvania intended to raise awareness of Pennsylvania's legislative process and the need for reforms of that process to ensure Pennsylvanians the right promised in the PA Constitution to alter and reform our government.

***Pennsylvania Constitution, 1 § 2. Political powers.***

All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

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*The examples provided in this document are for illustrative purposes. None of the issues discussed here, other than redistricting reform, are top priorities for either Fair Districts PA or the League of Women Voters of Pennsylvania. The primary concern in this report is the ability of our legislators to represent constituents in a transparent, accountable and effective way. That includes timely action on legislation recommended by bipartisan advisory boards, joint commissions or large numbers of cosponsors, and final votes on bills that pass unanimously in committee or one chamber floor.*

## I. INTRODUCTION

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Many members of the General Assembly arrive in Harrisburg at the start of a new session with a desire to use the powers of their office to get work done—to pass legislation that will benefit their constituents and contribute to the well-being of Pennsylvania as a whole. However, they may not be able to succeed in getting meaningful new legislation approved. Here's why.

### **Leaving Lawmakers Out**

Each chamber of the General Assembly is controlled by a handful of caucus leaders and committee chairs who have the power to stop or delay a bill from receiving a committee hearing or a committee vote, or from being brought to a floor vote by the full chamber. For various reasons, the vast majority of bills that are introduced in each session never become law. Many bills that address issues of statewide concern in Pennsylvania fail to gain traction, although legislatures in other states enacted comparable bills long ago.

Who decides that a handful of legislators should be given so much power? The new and returning members are expected to do so, by voting to approve chamber rules in the very first vote that is taken on the first day of the session. In past years, members have been given copies of the proposed rules without having an opportunity to review them or discuss them with others. An affirmative vote is expected, and substantive discussion and questioning are not welcomed.

### **Leaving Voters Out**

How is this small group of caucus leaders and committee chairs able to retain so much control? Their grip on the legislative process is almost guaranteed to continue, despite their role in blocking constructive legislation for which many Pennsylvanians, regardless of party affiliation, have voiced support.

These legislators know that the most effective way to ensure long-term incumbency is through gerrymandering—drawing the boundary lines of legislative districts in ways that are likely to produce the greatest number of votes for them in each election. In past decades, when the Democratic party controlled Pennsylvania's General Assembly, Democratic officeholders were routinely re-elected, based largely on party leaders' ability to draw district boundary lines in ways that favored Democratic incumbents. In more recent decades, when Republicans held majorities in the Pennsylvania House and Senate, district boundaries have been drawn to favor Republican incumbents. Leaders of both parties have used gerrymandering when it best served their interests.

This is how gerrymandering corrupts legislative redistricting. As a means of recognizing the demographic changes that can occur during the ten years following each US Census, states are required to remap state and federal legislative district boundaries in order to produce districts that have roughly equal resident populations. The redistricting process in its current form gives legislative leaders an outsized opportunity to influence the redrawing of districts based on partisan interests rather than on fair representation of Pennsylvania voters.

## **Our Future**

The 2030 census may seem like an event that's too far in the future to contemplate right now. However, any change in the process requires a constitutional amendment that must be passed by the General Assembly in two consecutive legislative sessions. So, in anticipation of the 2030 census, a constitutional amendment authorizing a fair redistricting process would have to be approved in the Pennsylvania legislature's 2025-26 session and again in the 2027-28 session.

Without a fundamental change in the redistricting process, gerrymandered legislative districts could re-emerge as the norm for Pennsylvania after the 2030 census, once again leaving citizens without the ability to meaningfully choose their legislators.

What's important to remember: unfair rules governing the legislative process give a small number of leaders excessive power in the General Assembly, and gerrymandering helps ensure that a small number of leaders remain in power from one legislative session to the next.

This report describes how chamber rules and gerrymandering have made it difficult or impossible to advance worthwhile legislation and explains how to change this situation: through an open discussion and voting on rules reform and through approval of a constitutional amendment that requires future redistricting to be overseen by an independent citizens commission.

Fair Districts PA looks forward to working in coordination with members of the General Assembly and Pennsylvania citizens to advance these worthwhile goals.

## II. OVERVIEW OF PA LEGISLATIVE PERFORMANCE, 2023-24

### 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. Although thousands of bills were introduced in the last two legislative sessions, relatively few of them reached the governor's desk, as shown below.

- How many of these bills failed on the bill's merits or due to a lack of support from colleagues?
- And how many were good bills for Pennsylvanians that were blocked by a handful of leaders and committee chairs 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.

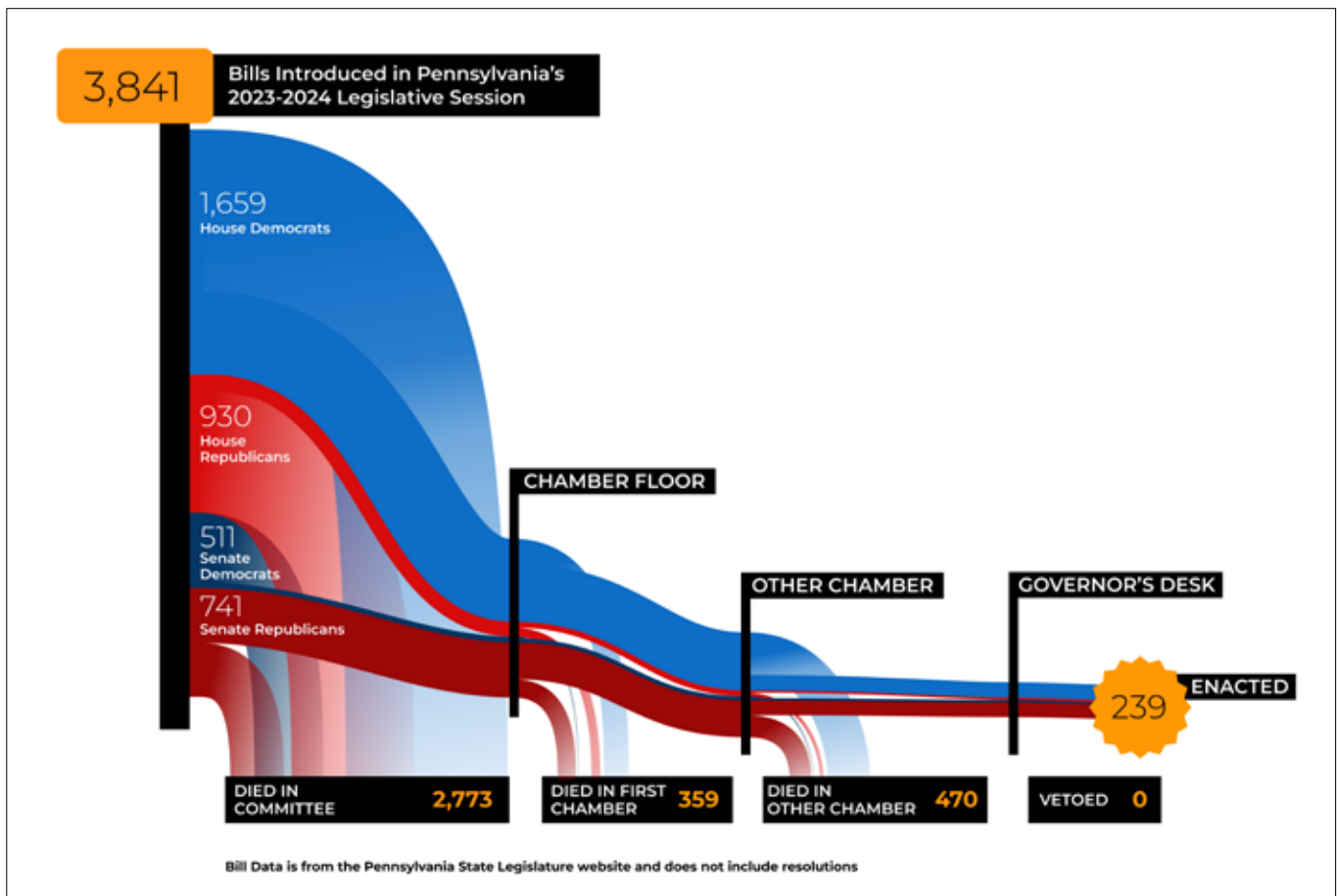


Figure 1: Progress of Bills Introduced in the 2023-24 Session

The fact remains that of approximately 4,000 bills that were introduced both this session and last session, less than 30 percent will get a vote in committee. Only around 7 percent will be enacted. This strongly suggests the need for a more cost-effective way to make use of taxpayer resources and to produce beneficial results.

How does the recent divided session compare with those before it, in terms of overall performance? The only real change is a more even balance of bills from both parties. Of the 293 bills enacted in the 2021-2022 session (when Republicans held a majority in both chambers), just three bills introduced by

Democrats made it to the governor’s desk: one introduced by a House Democrat, two by Senate Democrats. By contrast, of the 239 bills enacted in the 2023-2024 session, 122 were introduced by Democrats and 117 were introduced by Republicans.

However, relatively few bills supported by the minority party in each chamber gained approval. The Democratic-majority House approved only 16 of 930 bills (4 percent) with Republican prime sponsors; and the Republican-majority Senate approved only 16 of 511 bills (6 percent) with Democratic prime sponsors.

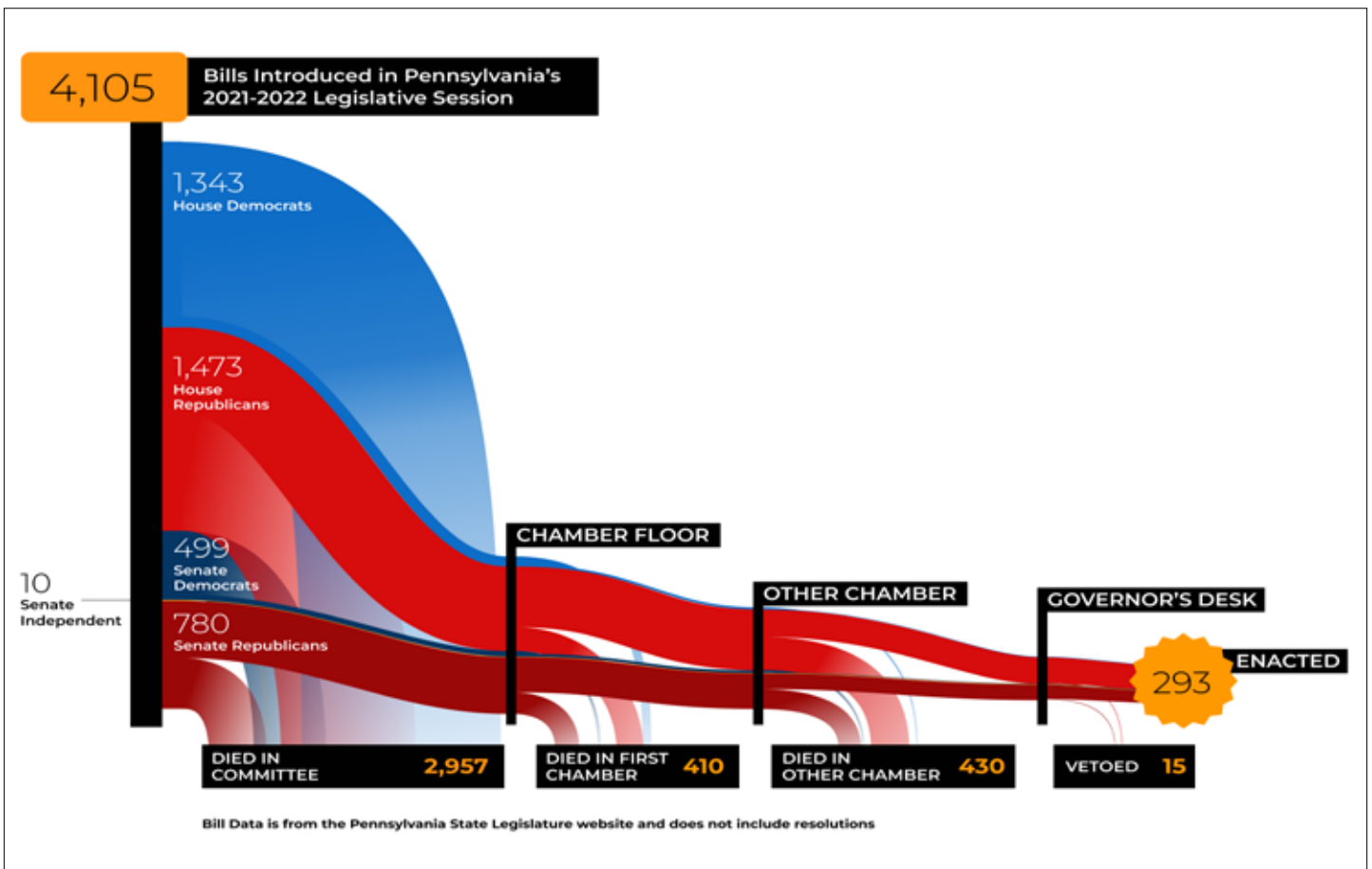


Figure 2: Progress of Bills Introduced in the 2021-22 Session

## Did “Divided Government” Make a Difference?

The performance of the General Assembly does not appear to be related to the fact that the legislature was “divided” in 2023-24, with a Republican majority in the Senate and a Democratic majority in the House. In terms of the level of legislative activity, the “divided” 2023-24 session is comparable to the “unified” session that preceded it.

In the 2023-24 session, 3,841 bills were introduced, and only 1,068 of them (28 percent) advanced to a committee vote.

In the 2021-22 session, 4,105 bills were introduced, and only 1,148 of them (28 percent) advanced to a committee vote.

The graph below illustrates the number of bills that progressed through the lawmaking process during the past four legislative sessions. The data are from the General

Assembly website. In all four sessions, the level of activity in each phase of the process was roughly comparable, as were the outcomes: most of the bills introduced in all four sessions died without receiving an initial committee vote.

Divided and unified Pennsylvania legislatures have been found to be comparable in terms of the significance of legislative outcomes as well. Researchers at Temple University’s Institute for Public Affairs found that 14 of the General Assembly’s 23 most significant “enactments” (groups of related laws or amendments) between 1968 and 2008 occurred under divided government, when control of the legislature was split between the two parties, with the other nine approved under unified government<sup>1</sup>.

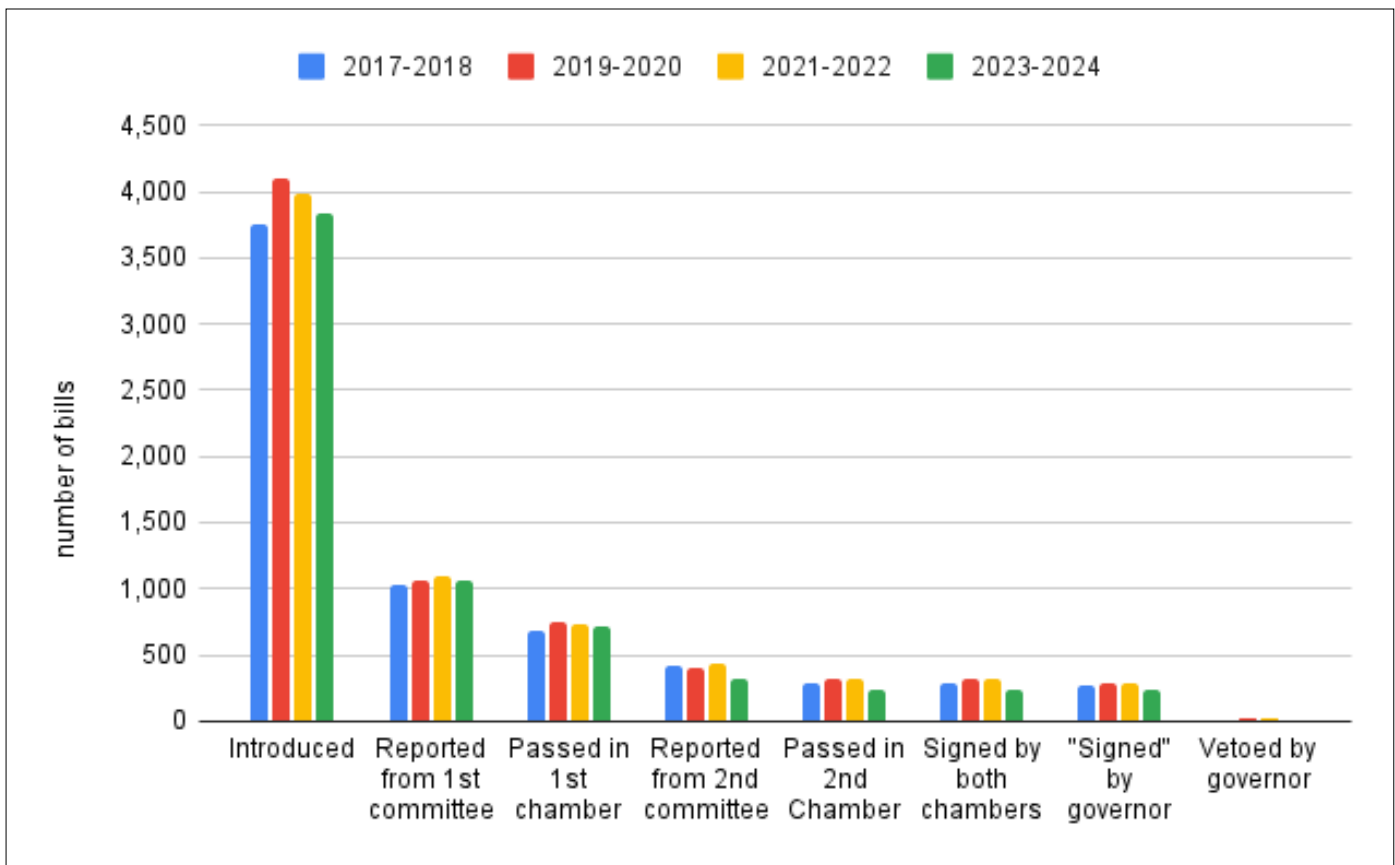


Figure 3: Legislative Activity, 2017-2024<sup>2</sup>



## Did Unanimous Votes Make a Difference?

While the term “bipartisan” can be defined in many ways, a unanimous vote is the strongest indicator of bipartisanship within the legislature itself. So were bills that gained unanimous support in a committee or a chamber likely to move to final approval?

Not necessarily. In the “divided” 2023-24 session:

- 149 of 569 bills that were approved in committee by unanimous vote (approximately 25%) were unable to get a floor vote in the full chamber.
- Of the 277 bills that subsequently received a unanimous final vote in the chamber where they were introduced, approximately 47% (129 bills) failed to get a final vote in the other chamber.

In the “united” 2021-22 session, however, while more unanimous bills were passed out of chambers, a lower percentage of bills advanced:

- 228 of the 520 bills that received a unanimous final votes in the chamber where they were introduced (about 56%) did not receive a floor vote in the other chamber.

## The Chairperson and the Calendar

The majority chairperson of each committee determines when the committee will hold “voting meetings” and which bills will be considered in committee. However, voting meetings rarely occur during a typical two-year legislative session<sup>3</sup>; and, as a result, most bills never get brought to a vote in committee.

House committee leaders scheduled an average of 13 voting meetings during the entire two-year session, 2023-2024. Only about 30 percent of the bills introduced during this session (about 840 out of a total of 2,840 bills) reached a committee vote.

Senate committee leaders scheduled an average of 11 voting meetings during the entire two-year session, in each year of 2023-2024. Only about 34 percent of the bills introduced (about 560 out of a total of 1,100 bills) made it to a committee vote.

One outcome: about 70 percent of the House bills and about 66 percent of the Senate bills introduced in 2023-24 expired in November, 2024 (about 2,000 bills and about 1,100 bills, respectively), as the session was ending. These bills would need to be introduced as new legislation during the next session—or be forgotten.

In addition, the calendar for the General Assembly provides for very few voting days during a typical year. According to the General Assembly website, the House had 49 voting session days in 2024 and the Senate had 43 days. This is not atypical. In the past 8 years, the House has averaged 55 voting session days each year and the Senate 48 days. Should a “full-time” legislature be expected to do more?

ANNUAL VOTING SESSION DAYS - 2017-2024		
	SENATE	HOUSE
Ave.	48	55
Min.	42	43
Max	64	70

## Return on Investment: How Does PA Compare with Other States?

In contrast to Pennsylvania's low level of performance in enacting bills, the state's legislative salaries are third-highest in the nation, with General Assembly members paid a base annual salary of \$106,000 for 2024. The members receive additional benefits and compensation in the form of per diem payments and mileage reimbursements.

In the following graph, legislators in four neighboring states with shorter legislation sessions and with Republican and Democratic majorities are more productive than in Pennsylvania, introducing and enacting significantly more bills that they believe benefit their constituents.

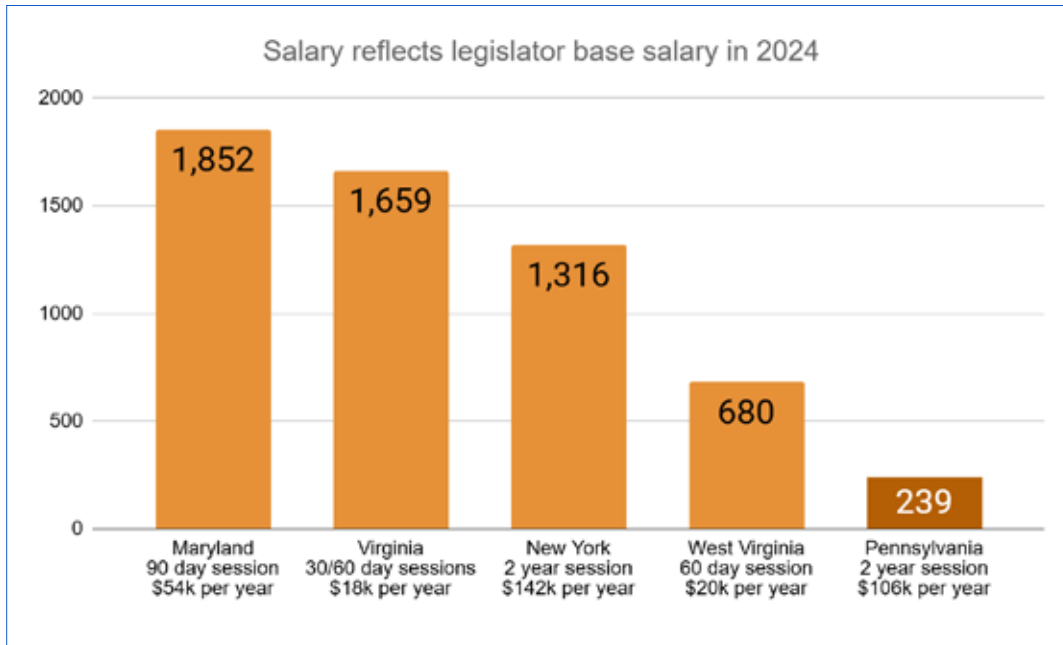


Figure 4: Bills Enacted in 2023-2024, Pennsylvania and Four Neighboring States<sup>6,7,8,9,10,11</sup>

### LEGISLATIVE ACTIVITY: VIRGINIA

Legislative Activity in 2023 for the Virginia General Assembly might provide a useful basis for comparison, in part because the two chambers of its legislature were also divided along party lines.

How does this kind of scheduling compare with that of other states? Although legislative scheduling and related performance can vary from one state to another, Virginia might serve as an instructive model for Pennsylvania.

During 2023: The Virginia General Assembly's session lasted a total of 45

calendar days which had 38 voting session days in the House and 36 voting session days in the Senate<sup>4</sup>.

The VA General Assembly enacted a total of 812 bills (8 others were vetoed by the governor).

The resulting enacted legislation addressed issues such as drugs, mental healthcare, labor and commerce, public schools, criminal justice, child welfare, animal welfare, transportation, insurance, and elections by April 12, 2023<sup>5</sup>.

## The Cost to Taxpayers

Annual investment in the General Assembly costs taxpayers more than \$1 million a day, and this cost is increasing, as shown below.

Table 1: Senate and House Budget Totals, 2023-24 and 2024-25: \$1 Million a Day <sup>12</sup>

SENATE	BUDGET YEARS		INCREASE
	2023-2024	2024-2025	
Salaries - Senators and Employees	\$30,384,000	\$32,759,000	8%
Expenses	\$13,712,000	\$13,712,000	0%
Caucus Operations (R) and (D)	\$88,526,000	\$96,676,000	9%
<i>SENATE TOTAL</i>	<i>\$132,622,000</i>	<i>\$143,147,000</i>	<i>8%</i>

HOUSE	BUDGET YEARS		INCREASE
	2023-2024	2024-2025	
Salaries - Representatives and Employees	\$73,013,000	\$79,503,000	9%
Expenses	\$28,600,000	\$34,716,000	21%
Caucus Operations (R) and (D)	\$140,044,000	\$148,044,000	6%
<i>HOUSE TOTAL</i>	<i>\$241,657,000</i>	<i>\$262,263,000</i>	<i>9%</i>

<b>TOTAL LEGISLATURE</b>	<b>\$374,279,000</b>	<b>\$405,410,000</b>	<b>8%</b>
Cost each day, 365 days/year	\$1,025,422	\$1,110,712	

### The most costly contributor to the General Assembly budget is “Caucus Operations.”

No detailed information is provided in budget documentation to describe this line item, which amounts to nearly a quarter of a billion dollars: \$100 million for the Senate and nearly \$150 million for the House in the 2024-25 budget. This is nearly 60 percent of the total legislative budget. Yet caucus meetings and expense records are private. Taxpayers do not have access to any minutes, discussions or itemized budgets.

The four partisan caucuses control more than half of the General Assembly’s budget with no transparency about how that money is spent and no apparent rules in law to

justify or explain who has authority to control those funds. A scathing PA Grand Jury report released in 2010<sup>13</sup> recommended:

**“TAXPAYER FUNDED POLITICAL CAUCUSES MUST END.”**

As a footnote explained,

*“Even assuming, for purposes of argument, that Pennsylvania law allows the funding of partisan, political caucuses, the Grand Jury recommends that such an antiquated system be abolished immediately. Other states, including, but not limited to Virginia function perfectly well without taxpayer funded political caucus.”*

### III. **BILLS APPROVED IN 2024 AFTER YEARS OF EFFORT**

As described in the preceding section, many of the bills that are introduced in each session never reach final consideration in the General Assembly. The following are four examples of bills supported by members of both parties, as well as by citizens across the state, that received final approval by a split legislature but only after years of setbacks and struggle. The questions remain, why did this collaboration take so long, and what will it take for more timely collaboration from our full-time legislature in the future?

#### **Workers' compensation claim for post-traumatic stress injury (PTSI)**

*First responders with PTSI wait to qualify for Workers' Compensation | 6 years*

In September 2018, HB2664 was introduced to expand post-traumatic stress injury (PTSI) benefits for first responders so that they would be entitled to benefits under the Pennsylvania Workers' Compensation Law.

In four sessions (2017-2018, 2019-2020, 2021-2022, and 2023-2024), bills authorizing this benefit were introduced with strong support from members of both parties. In every session since 2019, those bills came out of committee with unanimous or near unanimous votes but never

progressed through the chamber for a floor vote. First responders with PTSI continued their struggle to qualify for workers' compensation.

*SUCCESS after 6 years: SB365 with 12 Democratic and 12 Republican sponsors received a Senate committee unanimous vote, unanimous Senate final vote, unanimous House committee vote and a unanimous House final vote.*

#### **Pennsylvania's Property Tax / Rent Rebate Program (PTRR)**

*More than a decade of inaction on increasing eligibility for seniors | 11 years*

The Pennsylvania's Property Tax / Rent Rebate (PTRR) Program, created in January 2007, is supported by funds from the Pennsylvania Lottery and gaming. The Program provides a financial benefit to homeowners/renters aged 65 and older, widow(er)s aged 50 and older and people with disabilities aged 18 and older. Income eligibility must also be met with household income \$45,000 or less annually.

Since 2007, there has been no legislation passed to increase income eligibility. Due in large part to increases in Social Security payments, a third of recipients of the PTRR lost their eligibility, reducing the number of beneficiaries from about 600,000 individuals to an estimated 400,000 in 2023. Property taxes also increased during this time but no

legislation to increase rebate amounts was enacted.

Since 2012, nearly 20 bills have been introduced in the Senate and the House, with Republican and Democrat prime sponsors to increase income eligibility for PTRR. NONE even had a committee vote!

*SUCCESS after 11 years: In 2023, HB1100 received a unanimous House committee vote, House final vote of 197-6, unanimous Senate committee vote, and unanimous Senate final vote. The bill increases income eligibility criteria and rebate amounts and includes an annual Cost of Living Adjustment so that in future years, the PTRR Program should keep pace with inflation.*

## Telemedicine

*A long delay in approving telemedicine for Pennsylvanians | 8 years*

Telemedicine, the remote delivery of health care services and medical information using telecommunications technology, is an effective and rapidly growing component of health care. This use of technology provides new opportunities to expand treatment access and reduce barriers to care, particularly in underserved and rural areas across the state. Telemedicine became critically important during the COVID-19 crisis. The bills define who can provide telemedicine services and provide clarity around insurance company reimbursement for these services.

The following summary focuses on the five Senate telemedicine bills introduced every session since 2016, all with bipartisan sponsors. Five House telemedicine bills were also introduced during those sessions, but were never reported out of their House committee and died at the end of each session, from 2016 through 2024.

The first Senate bill, SB1342, was introduced and referred to committee in August 2016

where it died in the Senate committee at the end of November 2017.

Four Senate telemedicine bills—SB780 (2018), SB857 (2019), SB705 (2021) and SB739 (2023)—passed out of committee with unanimous or near unanimous votes. Two of those four passed the Senate with unanimous votes but died in the House at the end of their session.

SB857 (2019), passed the Senate with only one negative vote, but was amended in the House with a partisan amendment. The amended bill passed the House with only eight House Democrats voting Yea and a party line vote in the Senate. The bill was presented to Governor Wolf who vetoed it in response to the partisan amendment.

*SUCCESS after 8 years: SB739 (2023), received a unanimous Senate committee vote, followed by a Senate final vote of 49-1, a unanimous House committee vote, and a House final vote of 194-8.*

## Motorcycle Lemon Law

*28 years and 25+ bills to include motorcycles in Pennsylvania's Lemon Law | 28 years*

In 1984, the Pennsylvania General Assembly passed the Automobile Lemon Law (P.L.150, No.28), providing consumer protections to anyone purchasing, leasing or registering a car in Pennsylvania. Motorcycles were not included in this protection.

In 1996, HB2991 was introduced to extend consumer protections to leased vehicles, motorcycles, motor homes, off-road vehicles and commercial vehicles. The simple bill, changing just a few words from the existing law, had 30 cosponsors from both parties but was never considered in committee.

What followed was dozens of years, dozens of bills, and multiple unanimous votes that then went nowhere.

Since 2019, the sessions saw comparable bills introduced in the Senate with support from members of both parties fail to reach a vote in the House, and comparable bills introduced in the House fail to reach a vote in the Senate.

*SUCCESS after 28 years: SB155 (Sponsors: 6 D, 8 R) passed the Senate and House with unanimous votes.*

## IV. UNFINISHED BUSINESS

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The Pennsylvania constitution states that our state government is instituted for the “peace, safety and happiness” of its people (Article 1, Section 2). However, the General Assembly does not meet this obligation consistently. The legislature neglects recommendations from advisory boards, commissions and task forces that the legislature itself authorized and ignores requests that are broadly supported by officials in municipalities and counties across the state. The legislature often fails to act, on numerous occasions ignoring bills that garner unanimous votes from its own committees or from the other chamber. Bills may take years to gain final approval. By the time they do pass, in some cases they may have been so thoroughly amended that their original intent is weakened or negated entirely.

The three profiles in this section provide examples of legislative dysfunction and describe how this dysfunction has caused harm to Pennsylvania citizens and prevented our commonwealth from flourishing.

### Childhood Lead Hazards

After 8 years, there is still no legislation to address a serious health threat to Pennsylvania children. The 2016 discovery of lead-contaminated drinking water in Flint, Michigan, led the legislature to consider how to address lead hazards across the commonwealth. A package of four lead testing House bills was introduced in 2016 and reintroduced in 2017. The testing was in four main areas including requiring blood testing in children. All eight were never considered in committee and died at the end of their session. In 2018, SB1270 created a testing mandate for children and pregnant women and received a unanimous vote out of committee. The Senate failed to take further action and that bill also died.

In 2017, the Senate unanimously passed Senate Resolution 33, creating an Advisory Committee and Task Force on Lead Exposure and charging it to conduct an assessment of the public health threat posed to Pennsylvania children by lead exposure. The committee released its 104-page report in April 2019<sup>14</sup> with recommendations for 12 legislative changes based on their significant findings, even providing 35 pages of specific amendment text for these changes. The first recommendation called for mandated

lead testing of toddlers aged 1-2 in order to detect lead exposure at an early stage.

In 2019, SB312 was introduced as a re-introduction of SB1270 from the previous session. Despite strong bipartisan sponsorship and the recommendation by the Lead Task Force, the bill was ignored in committee and died 21 months later at the end of the session. Seven other lead testing bills including lead testing of toddlers and of drinking water, paint, and dust were introduced and died at the end of the session.

In the 2021-2022 session, seven bills were introduced to address some of the proposed legislative changes in the Task Force on Lead Exposure report. Six died without any committee action.

The remaining bill, SB522, was introduced as a re-introduction of SB312 from the previous session, which again mandated lead screening of children aged 1 and 2 and pregnant women. The bill passed the Senate unanimously after an amendment to reduce screening to a single test before age two and to assess risk factors of lead exposure for pregnant women before requiring lead testing.

The bill was sent to the House committee where it passed unanimously and then progressed to the House Appropriations Committee. By the House Operating Rules, this committee can only consider the fiscal aspects of a bill. In violation of that rule, the committee amended the bill eliminating the requirement for testing and instead “encouraging” testing. The amended bill passed the House barely three hours later. SB522 was enacted but was weakened from a mandate to a suggestion.

In order to restore the bill to its original form, Senator Baker, who had been a prime sponsor of three Senate childhood lead testing bills dating back to 2017, introduced SB514 in 2023. This bill replaced the word “encourage” back to the word “require” and reinstated the original language. After being unanimously voted out of committee early June 2023, no further action was taken by Senate leaders for the remainder of the

session, and 17 months later SB514 died. Three House bills were also introduced for lead testing and died in committee.

Data published in the Pennsylvania Department of Public Health’s 2022 Childhood Lead Surveillance Annual Report<sup>15</sup> (the most recent data available) found that only 20 percent of Pennsylvania children under the age of 6 had been screened for exposure to lead in 2022. About 4.5% of the children who were screened were found to have elevated lead levels. As shown in the map below, these children lived in homes that were widely distributed in counties across the state.

**More than five years after the Advisory Committee and Task Force on Lead Exposure report, none of the twelve legislative changes have been implemented and children continue to face harms from lead exposure.**

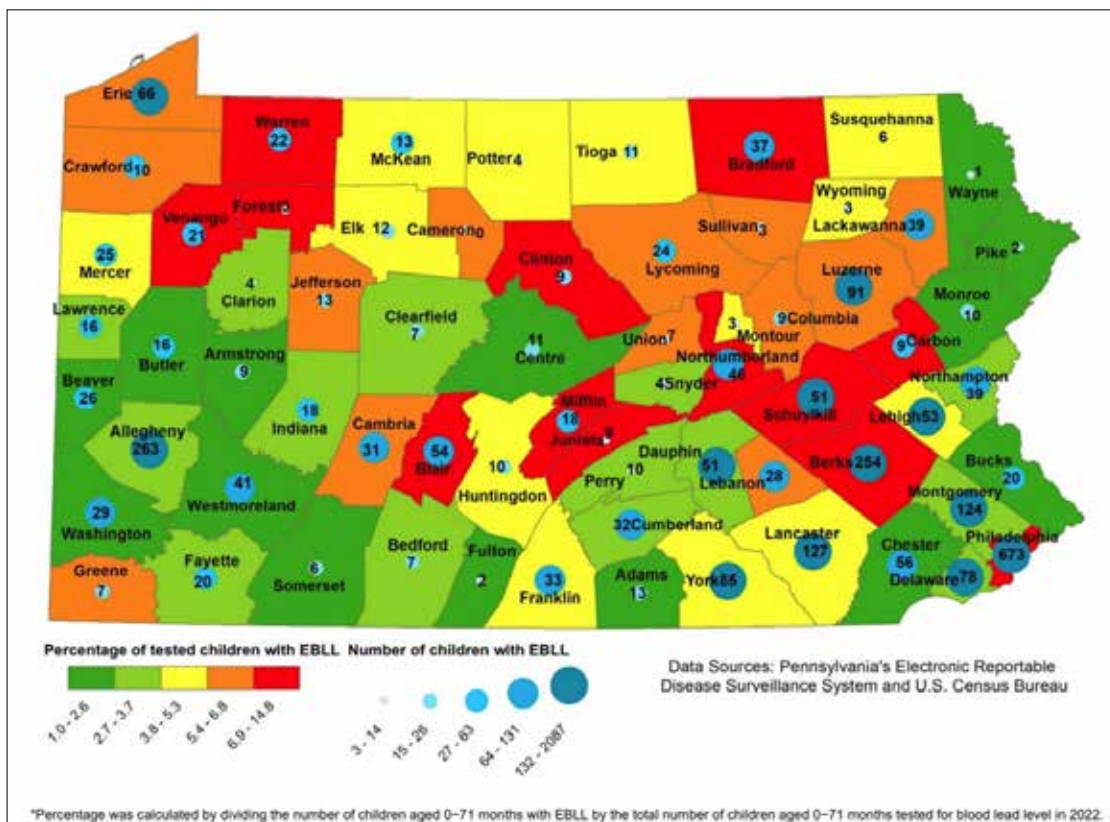


Figure 5: Children with Elevated Blood Levels by County, 2022<sup>16</sup>

## Charter School Funding Reform

When will the General Assembly respond to an urgent request from 94% of Pennsylvania's public school districts?

Pennsylvania enacted the Charter School Law in 1997 and expanded the law in 2002 to include cyber charter schools. During the 2022-23 school year, Pennsylvania had 165 brick-and-mortar charter schools and 14 cyber charter schools educating 162,000 students; nearly 60,000 of those students attend cyber charters.<sup>17</sup>

Pennsylvania is only one of four states in which charter schools are funded by public school districts rather than at the state level. The state requires school districts to pay for every student enrolled in a charter or cyber charter school at the school district's cost-per-student rate, without reference to the actual cost of educating a child in the charter schools, despite the fact that cyber

charter school expenses in particular are not comparable to those of brick-and-mortar schools because they lack expenses such as classroom and building maintenance, utilities, food service, and transportation services. This is one reason why Pennsylvania's charter school funding system has been the subject of ongoing debate and funding reform efforts.

Data from the PA Department of Education (PDE) show that, in the 2021-22 school year, total charter school tuition payments (cyber and brick-and-mortar) were more than \$2.6 billion, with \$1 billion of that total paid by districts for tuition to the cyber charter schools. According to the Pennsylvania School Boards Association (PSBA), these payments have put a significant financial strain on Pennsylvania's traditional public schools, forcing many school districts to

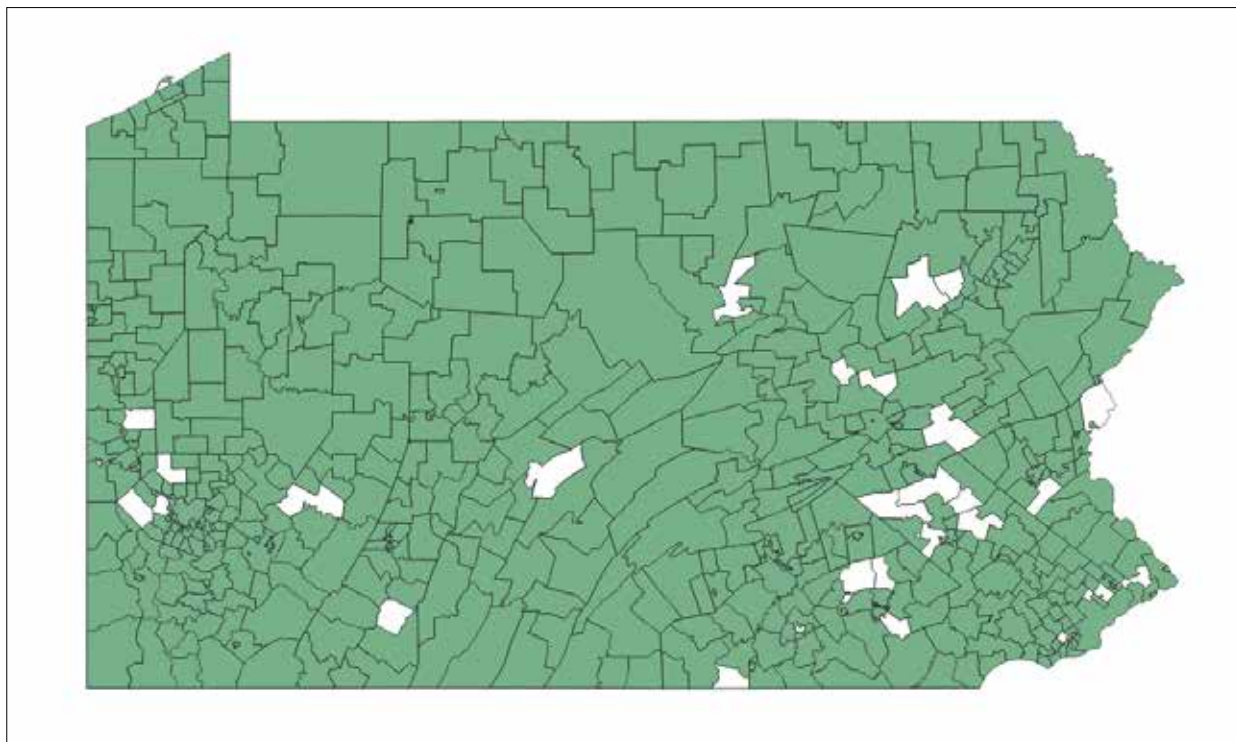


Figure 6: Map of 471 School District Resolutions in Support of Legislation to Enact Charter School Funding Reform<sup>18</sup>



raise taxes and/or cut staffing, programs and services for their own students. These costs for charter schools continue to grow significantly each year.

In response to this situation, 471 of Pennsylvania's 500 public school districts, more than 94%, governed by school boards with Republican and Democratic majorities, have passed resolutions calling on the General Assembly "to meaningfully revise the existing flawed charter school funding systems for regular and special education to ensure that school districts and taxpayers are no longer overpaying these schools or reimbursing for costs the charter schools do not incur."

However, no meaningful funding reform legislation has been approved by the General Assembly, although individual members, both Republicans and Democrats, have introduced related bills in the House and Senate. Most of these bills were not given consideration by the Education Committee of the chamber in which they were introduced, and all of them expired at the end of each session in which they were introduced.

One of the most recent bills, the Charter School Reform Act (HB272), introduced in 2021, had 75 sponsors: 61 Democrats and 14 Republicans. The bill was referred to the Education committee March 2021 where 9 of 25 committee members were sponsors. The chair of the committee never scheduled the bill and it died there at the end of the session, 21 months later.

While the 2024 budget bill made small changes in allocation for cyber special education, the charter school and cyber charter funding formula—a major cause of the financial burden for public school districts and property taxpayers—remains essentially unchanged.

## **A Competitive Minimum Wage**

Pennsylvania has a continued inability to address a "rather difficult" challenge that neighboring states managed to overcome years ago.

During the past 15 years in which Pennsylvania's minimum wage of \$7.25 has remained unchanged, the purchasing power of the dollar has declined.

According to the US Department of Health and Human Services 2024 Poverty Guidelines, a \$7.25 per hour wage in Pennsylvania can be characterized as a "poverty wage."<sup>19</sup>

This amount is well below \$21.95 per hour, the amount established by the Massachusetts Institute of Technology's Living Wage Calculator<sup>20</sup> as a living wage for a single Pennsylvania resident working full time with one child.

To support residents struggling to move out of poverty, 30 states have passed legislation to raise the minimum wage at various levels, all above \$7.25 per hour. All seven of the states surrounding Pennsylvania have established minimum wage levels between \$10.00 and \$16.00 per hour, as shown on the graph on page 16.

The details associated with a minimum wage increase can be many and complicated. Legislators have to agree on the hourly rate itself, as well as on associated issues such as whether and how to increase the rate over the years, and whether certain jobs and businesses should be exempt from the rate.

Between 2015 and 2024, when most neighboring and nearby states were increasing their minimum wage levels, Pennsylvania legislators introduced 46 bills addressing this issue. All of them were referred to the House or Senate Labor &

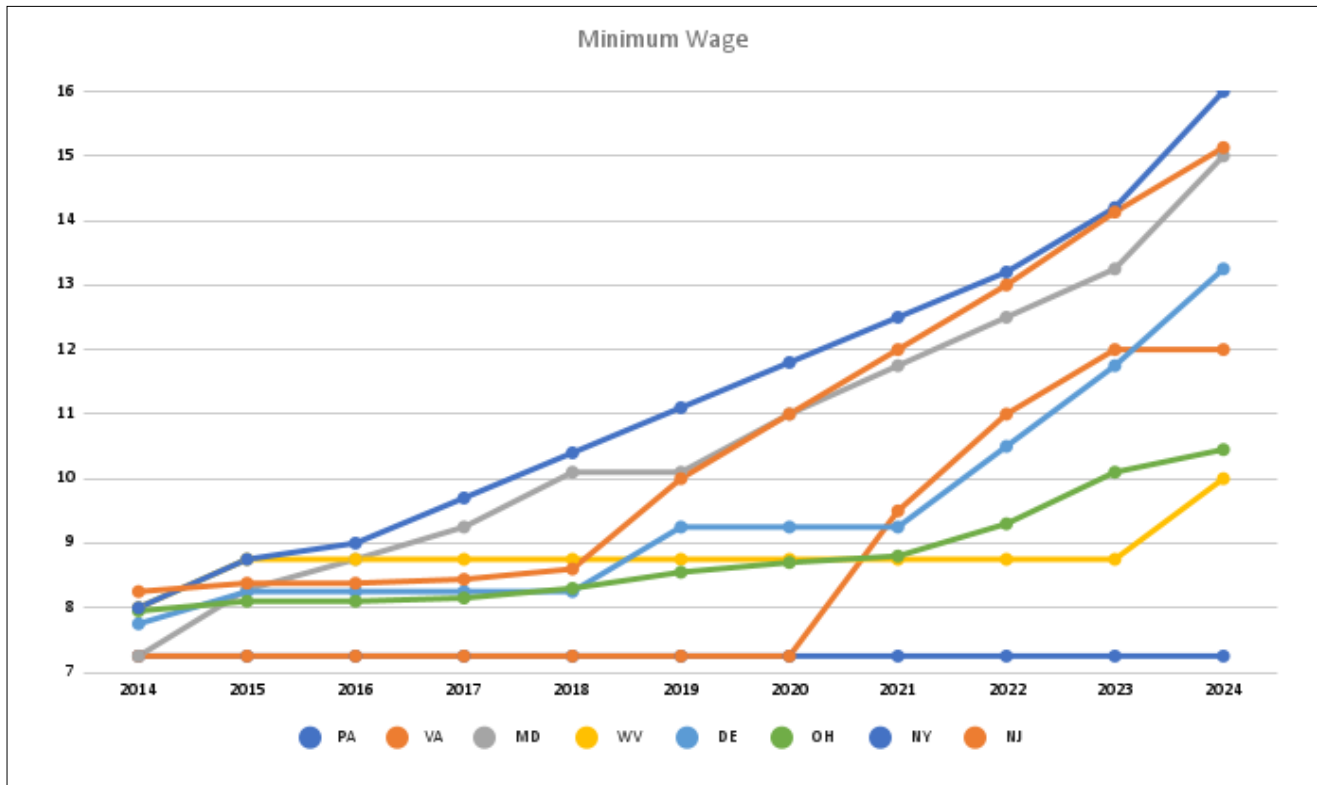


Figure 7: Changes in Minimum Wage Rates in Pennsylvania and Seven Other States<sup>21</sup>

Industry Committee. However, none of these bills were scheduled for committee hearings, and all of them died at the end of their session.

Two polls have provided evidence of widespread support for an increased minimum wage in Pennsylvania. In 2021, 67 percent of respondents to a Franklin & Marshall poll<sup>22</sup> supported an increase to \$12.00 per hour. In 2024, a poll<sup>23</sup> conducted by the Philadelphia Inquirer, New York Times and Siena College found that 82 percent of likely PA voters supported an increased minimum wage with only 14 percent opposing an increase.

Two nearly identical bills introduced during the 2023-24 legislative session would have increased the minimum wage to \$15.00 per hour by 2026, permanently indexing the rate to inflation and increased the minimum wage

paid to workers receiving tips. Both bills failed to move to committee approval and died at the end of the session.

Senate Labor and Industry Committee Chair Devlin Robinson suggested in a radio interview<sup>24</sup> that the bill failed to move because some legislators favored raising the minimum wage to \$20.00 an hour, with others preferring \$15, and some wanting regional increases, with others arguing for a statewide increase. According to Senator Robinson, “Trying to get everyone on board with the same thing is rather difficult.”

Thirty other state legislatures, including all of Pennsylvania’s neighbors, have found ways to negotiate on this issue and provide final votes to raise their minimum wage.

## V. The General Assembly's Problems Are Solvable

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This report provides ample evidence that the current lawmaking process in Pennsylvania does not serve the public or PA's legislators well. Many other state legislatures function more efficiently and cost-effectively, with less frustration and more success for legislators themselves, as well as the public. There are no constitutional or statutory barriers to a relevant, sensible legislative process, yet the Pennsylvania General Assembly regularly fails to enact laws that commissions, advisory boards, voters and legislators themselves know are needed.

How could the Pennsylvania legislature become as productive as legislative bodies in other states? The following are practices in effect elsewhere that our General Assembly could replicate this year.

- Committee chairs are elected by committee members themselves, rather than appointed by party leaders.
- Committees hold a public hearing and vote on every bill.
- Copies of any bill scheduled for a vote are distributed to members at least 24 hours prior to the scheduled vote.
- Any meeting scheduled to consider a bill is preceded by a public announcement, at least three days in advance, of the time, place, and the bill to be considered.
- All bills reported from a committee are placed directly onto the floor calendar. The majority party has no ability to prevent a reported bill from being brought before the full chamber.
- A "priority bill" provision makes it possible for each legislator to choose one bill that will be guaranteed a committee vote within five session days.
- Constitutional single subject rules are followed, removing the gamesmanship of amendments that change the original purpose of bills under consideration.
- A workable "discharge resolution" process can be used to move a bill out of committee despite the opposition of the committee chair. (Under Pennsylvania's current process, in the past decade the filing of discharge resolutions has never been followed by debate and a vote).

While the Pennsylvania legislature has a semblance of some of these rules (single subject rule and discharge petition), they are regularly abused. Other best practice rules that would allow all legislators a more significant role are sometimes introduced but never given a vote.

## Change Is Possible

At the start of each session, the members of the General Assembly have a new opportunity to enable every legislator to play a meaningful role in deciding what bills are considered and to ensure that widely-supported legislative solutions are discussed in public sessions and acted upon.

Since 2017, transcripts from the first day of the session reveal a pattern. Most legislators do not see the Operating Rules resolution until the day before or even hours before they are to cast their vote. Last session, the House Operating Rules were 77 pages in length and the Senate Rules were 70 pages.

The transcripts reveal that attempts to amend the rules on that first day are quickly thwarted. The majority leader states that any legislator can propose to amend the rules at any time during the session by introducing a resolution with change(s) to the rules. Those resolutions are referred to the Rules Committee. There, another pattern emerges.

Between 2015 and 2024, Republican and Democratic members of the House and Senate have introduced 105 resolutions to amend their chamber's Operating Rules. Only one was scheduled for consideration; the other 104 died in the Rules Committee at the end of the session.

Action on House rule reforms in 2007 could provide a blueprint for this new session. That year, Democrats became the majority in the House for the first time since 1994, while Republicans continued control of the Senate. On the first day of the 2007-2008 session, the House adopted temporary rules and created a bipartisan Speaker's Commission on Legislative Reform. A major overhaul of the rules followed.

On March 9, 2007, the commission presented new permanent rules for a vote. Then-

Representative Josh Shapiro, co-chair of the commission, summarized their work.<sup>25</sup>

*We arrive here tonight after several weeks and significant work by the bipartisan Speaker's Commission on Legislative Reform, made up of 12 Democrats and 12 Republicans, meeting and deliberating for 31 significant hours and putting before you tonight in HR108, 32 significant recommendations for reform. From top to bottom, each and every step of the way has been a bipartisan effort... We as a commission are committed to reform, but we are also committed to function and making sure that this process works for both the majority and the minority and, most importantly, for the people of Pennsylvania.*

For two session days, the proposed rules were vigorously debated by the full membership of the House, with many amendments considered. At the conclusion of the debate, the members of the House unanimously adopted the rules. The same could be done again this session.

For too long Pennsylvania has paid a high price for maintaining a full-time legislature that regularly fails to enact solutions that would strengthen our democracy, our freedoms, our economy and our future. During this session, the General Assembly has a new opportunity to ensure that every legislator can play a meaningful role in deciding what bills are enacted and that widely-supported legislative solutions are discussed in public sessions and considered for a vote.

**It is time for legislative reform again in both the House and Senate, so that the legislative process "works for both the majority and the minority and, most importantly, for the people of Pennsylvania."<sup>26</sup>**

#### IV. ENDNOTES

1. Shelly Forrester and Van Huynh, “The Pennsylvania General Assembly’s Greatest Achievements and The Parties’ Roles in Enacting Important Laws, 1968-2008”, The Temple Papers on the Pennsylvania General Assembly. Temple University Institute for Public Affairs, Volume II, March, 2012, p 10. <https://tinyurl.com/y52rh83c>
2. Data in graph compiled by FDPA from Pennsylvania General Assembly website, “Legislation”, <https://www.legis.state.pa.us/cfdocs/legis/home/bills/>
3. Pennsylvania General Assembly website, “Committees of the House 2023–2024 Session” <https://www.legis.state.pa.us/cfdocs/CteeInfo/StandingCommittees.cfm?CteeBody=H&SessYear=2023>; Pennsylvania General Assembly website, “Committees of the Senate 2023-2024 Session” <https://www.legis.state.pa.us/cfdocs/CteeInfo/StandingCommittees.cfm?CteeBody=S&SessYear=2023>
4. Virginia’s Legislative Information System website, “2023 Session”, “General Assembly Floor Calendars” <https://legacylis.virginia.gov/cgi-bin/legp604.exe?231+cal+CAL>; “Session Statistics” <https://legacylis.virginia.gov/cgi-bin/legp604.exe?231+oth+STA>
5. Benjamin Raab and Mariam Rasooli, “The Way Forward: A Review of Virginia’s 2023 Regular General Assembly Session,” Richmond Public Interest Law Review, Volume 27, Issue 1, 2023, p 97-115 <https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=1582&context=pilr>
6. Maryland General Assembly website, “Bills Passed by Both Chambers”, “Sessions 2023” and “Sessions 2024” <https://mgaleg.maryland.gov/mgaweb/Legislation/Report?id=passedByBoth>
7. Virginia’s Legislative Information System website, “2023 Session Statistics” <https://legacylis.virginia.gov/cgi-bin/legp604.exe?ses=231&typ=lnk&val=71>; 2024 Session Statistics <https://legacylis.virginia.gov/cgi-bin/legp604.exe?ses=231&typ=lnk&val=73>
8. Legiscan website, “NY Legislation | 2023-2024 | General Assembly | Bills | Passed” <https://legiscan.com/NY/legislation/2023?status=passed&type=bill>
9. West Virginia Legislature website, “Bill Status”, “2023 Regular Session”, “2023 First Special Session”, “2024 Regular Session”, “2024 First Special Session”, “2024 Second Special Session” [https://www.wvlegislature.gov/Bill\\_Status/bill\\_status.cfm](https://www.wvlegislature.gov/Bill_Status/bill_status.cfm)
10. National Conference of State Legislatures website, “2024 Legislator Compensation” <https://www.ncsl.org/about-state-legislatures/2024-legislator-compensation>
11. National Conference of State Legislatures website, “Legislative Session Length” <https://www.ncsl.org/resources/details/legislative-session-length>
12. Commonwealth Budget website, “2024-25 Enacted Budget Line Item Appropriations”, p. 8 <https://www.pa.gov/content/dam/copapwp-pagov/en/budget/documents/publications-and-reports/commonwealthbudget/2024-25-budget-documents/enacted%20tracking%20run%207-11-2024.pdf>
13. “Final Order of the Court Authorizing the Release and Public Dissemination of Grand Jury Report Number 1 Involving Recommendations to the General Assembly,” p.5 <https://media.philly.com/documents/bonusgate.pdf>
14. Joint State Government Commission, “Lead Exposure Risks and Responses in Pennsylvania, Report of the Advisory Committee and Task Force on Lead Exposure,” April 2019 <http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2019-04-29%20Final%20LEAD%20Report%20updated%20staff.pdf>
15. Pennsylvania Department of Health, “2022 Childhood Lead Surveillance Annual Report,” p 3 and 25 <https://www.pa.gov/content/dam/copapwp-pagov/en/health/documents/topics/documents/environmental-health/2022%20Childhood%20Lead%20Surveillance%20Annual%20Report%20PDF.pdf>
16. Pennsylvania Department of Health, “2022 Childhood Lead Surveillance Annual Report,” p. 50 <https://www.pa.gov/content/dam/copapwp-pagov/en/health/documents/topics/documents/environmental-health/2022%20Childhood%20Lead%20Surveillance%20Annual%20Report%20PDF.pdf>
17. PA Charter Performance Center of Children First, “The PA Disconnect in Cyber Charter Oversight and Funding: A Review of Cyber Charter Laws in 27 States,” January 2022, p.16 <https://www.childrenfirstpa.org/wp-content/uploads/2022/01/PA-Disconnect-in-Cyber-Charter-Oversight-and-Funding-Children-First-2022.pdf>
18. Keystone Center for Charter Change at PSBA website, “School Board Resolutions” <https://www.pacharterchange.org/take-action/school-board-resolutions/>
19. Department of Health and Human Services, Annual Update of the HHS Poverty Guidelines, Federal Register / Vol. 89, No. 11 / Wednesday, January 17, 2024 / Notices, 2961 <https://www.govinfo.gov/content/pkg/FR-2024-01-17/pdf/2024-00796.pdf>
20. Amy K. Glassmeier, Living Wage Calculation for Pennsylvania, 2024, Massachusetts Institute of Technology <https://livingwage.mit.edu/states/42>
21. Federal Reserve Bank of St. Louis website, “Federal and State Minimum Wage Rates, 2024” <https://fred.stlouisfed.org/release/tables?eid=243906&rid=387>
22. Center for Opinion Research – Franklin & Marshall College website, Select “Search”, “Minimum Wage” for 2021 <https://fandmpoll.parc.us.com/client/index.html?ref=fandmpoll.org#/search>
23. “Times/Inquirer/Siena Poll of the Likely Electorate in Pennsylvania”, Cross-Tabs: October 2024. <https://www.nytimes.com/interactive/2024/10/12/us/elections/times-siena-inquirer-poll-pennsylvania-crosstabs.html>
24. Pittsburgh NPR News Station WESA, “Pennsylvania’s minimum wage likely to remain frozen for yet another year,” September 26, 2024 <https://www.wesa.fm/politics-government/2024-09-26/pennsylvanias-minimum-wage-likely-to-remain-frozen-for-yet-another-year>
25. General Assembly website, “House of Representatives”, “Legislative Journal”, March 12, 2007, p. 221 <https://www.legis.state.pa.us/WU01/LI/HJ/2007/0/20070312.pdf>
26. Ibid.

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# Unfair rules slam the door on bipartisan solutions

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