LWVPA Position on The Legislature

Position in Brief
Support improvements to the structure and practices of the Pennsylvania General Assembly.

Background
LWVPA’s position on the legislature was originally based on the results of studies conducted in the 1970s. Since that time, some League-advocated changes have taken place. Legislative salaries increased, committee staff and facilities were improved, and a constitutional amendment reforming the Senate confirmation process removed 500 positions from the system. Of those offices still requiring Senate confirmation, most need only a constitutional majority; the exceptions being judicial and state regulatory agency appointments, which still require a two-thirds vote. The number of standing committees has been reduced and parallel committees have been established in both chambers where practical.

A study of term limits for state legislators was undertaken in 1993. Responses from members were almost evenly divided between opposition to term limits (50%) and support (42%), with 7% undecided. As a result, LWVPA takes no position for or against term limits for state legislators. (Under the LWVUS position on Government, the League opposes term limits for the U.S. Congress.)

Because the position had been last updated in 1979, and because the operation of government is a primary concern of the League, a committee was appointed by the state board to review the position in 1995-96. A revised statement of position was written to reflect changes made since 1979 and add specifics regarding a code of ethics for legislators and recommended changes in the General Assembly’s Rules of Procedure. The new Position in Detail was adopted in 1997.

In 2005, the PA Legislature passed and the governor signed controversial legislation (Act 44 of 2005) granting a pay raise to members of the General
Assembly, the Executive Branch and all Judges. LWVPA and other good
government groups objected to the legislation because the process of its
passage violated the State Constitution setting forth procedures for
enacting legislation. We joined a federal law suit to have Act 44 declared
unconstitutional. It asks that the Federal Court prohibit the legislature
from enacting legislation by means that violate citizens’ rights under the
First, Fifth and Fourteenth Amendment of the U.S. Constitution. (See our
Gambling and Judiciary positions for related lawsuits brought by LWVPA.)
The U.S. District Court for the Middle District of Pennsylvania refused to
try the case on the basis that it was moot because the pay raise was
repealed, we lacked standing, and the case does not belong in Federal court.
Our appeal to this decision is still pending in the U.S. Court of Appeals for
the Third Circuit.

Citizen outrage over the pay raise resulted in an unprecedented turnover in
the General Assembly after the 2006 election and a movement to reform
legislative procedures. The new House Speaker formed a bi-partisan
Legislative Reform Commission which adopted several reforms including
limiting business to the hours between 8 a.m. and 11 p.m. and a rule
requiring members to be present and in their seats in order to vote. Other
reforms were left unaddressed including downsizing the legislature,
prohibiting so called “lame-duck sessions, redistricting reform and
campaign finance reform.

In 2008 an investigative Grand Jury was convened to investigate
allegations that legislative staffers worked on campaign while they were on
the public payroll and were rewarded with taxpayer financed bonuses. At
the completion of its criminal investigation, the Grand Jury voted
unanimously to stay in session six additional months to investigate
legislative procedures and practices. The result was a May 24, 2010 report
recommending reforms, many of which corresponded to LWVPA positions.
In its report the Grand Jury concluded: “without any hesitation, that the
current operational structure and ingrained procedures of the Pennsylvania
House Democratic and Republican Caucuses are irretrievably broken and in
desperate need of system change.” They also said: The current hierarchy of the
House is designed to bestow the vast majority of the power on a select few, to the
detriment of other members of the House, as well as the public.”

No substantive changes were made in response to the report. Other LWVPA actions related to legislative reform include:

- Co-authorship of “A Citizens Guide to a Modern Constitutional Convention” which we will use to guide us in taking a position should a proposal to hold a constitutional convention gain traction;
- Endorsement of a proposal to create a Public Integrity Commission with investigative and subpoena powers.

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**Position in Detail**

LWVPA believes Legislators should:

- Regard the office as a full-time job and a primary obligation during their time in office;
- Account for all expenses subsidized by public monies.
- Have sufficient trained staff to support legislative obligations and provide constituent services;
- Have the capability to make optimum use of current technology, particularly electronic communications technology;
- Abide by a code of ethics, compiled from current legal requirements and other ethics precepts, applicable to all legislators and staff, and easily accessible to citizens as well as legislators. Enforcement and administration of the Code of Ethics should be strengthened, with clear procedures for filing a complaint and penalties and sanctions sufficient to encourage compliance.

Enforcement and administration of the Code of Ethics should not be solely the responsibility of the Ethics Committees of the House and Senate but also involve an independent agency. Review and training on the Code of Ethics should be provided for both legislators and staff at the beginning of each legislative session. At a minimum, a code of ethics should:

- Limit the value of gifts received to a small amount (e.g., $50), requiring all gifts to be reported;
- Require an annual statement of financial interests, including real
estate and business interests;
- Forbid acceptance of honoraria;
- Prohibit conduct that would constitute a conflict of interest.
- Require legislators to abstain from voting on matters that may constitute a conflict of interest.

The legislature could be made more effective by:
- A substantial reduction in size.
- An increase in the terms of representatives to four-year staggered terms.
- The use of joint hearings.
- Access to all pertinent information on executive programs through periodic reports of departments, agencies, and commissions.
- The use of a simple majority for Senate confirmation of all gubernatorial appointees, including those appointed to the judiciary and to state regulatory positions.
- Changes in the Rules of Procedure that would:
  - Limit the number of bills each legislator could introduce.
  - Set a deadline after which only bills addressing an emergency could be introduced.
  - Provide for an automatic calendar.
  - Set a limit of 5 legislative days for the Appropriations Committee to release bills requiring fiscal notes.
  - Provide for committee membership that more closely reflects the ratio of party members in the House and Senate.
  - Require committee chairs to be elected by committee members.
  - Be uniform for both House and Senate.
  - Require a supermajority vote (2/3) to suspend the rules.
  - Establish a training program on the rules for all legislators at the beginning of each session.

To increase public trust in and improve public access to the legislative process:
- The rules requiring open committee meetings and public reports should be enforced.
- A suitable mechanism for advertising public meetings in a timely manner should be provided.