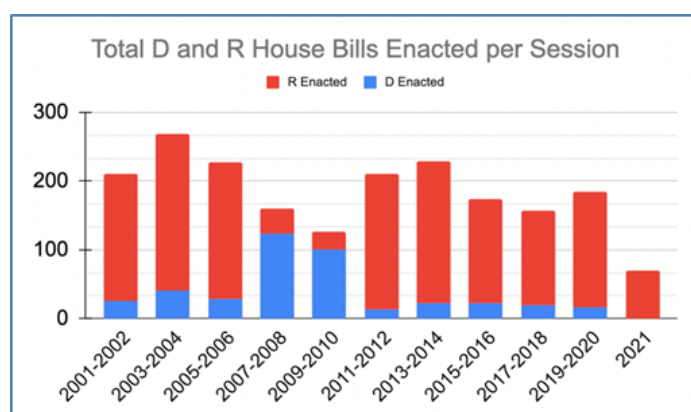
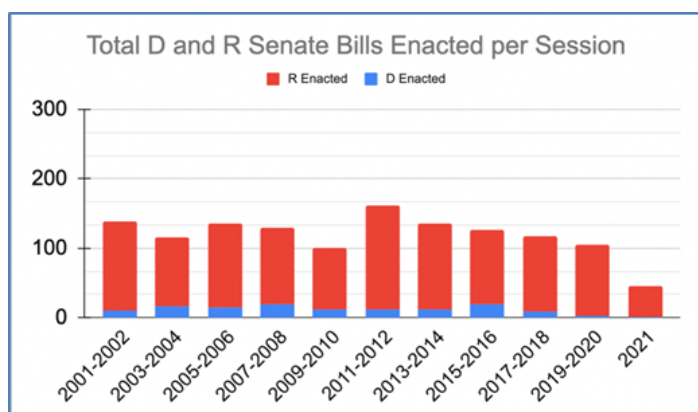


Fix Harrisburg: Background

Bipartisan solutions deserve a vote

On the first day of every session, Pennsylvania legislators vote for procedural rules that control the formation of committees, the scheduling of bills, selection of leadership and more. These rules can guarantee a fair, deliberative process or shut out the people's voices.

For years, Pennsylvania's legislative rules have put all agenda-setting power in the hands of committee chairs and legislative leaders. The result is a stark divide between bills enacted and policies sought by the large majority of Pennsylvania voters. Despite promises to the contrary, the situation is growing worse. Recent rule changes have shut out minority party voices almost completely as well as blocking majority party legislators whose constituent needs are at odds with leadership's agenda. The 2021-2022 session appears on course to be one of the least collaborative and least productive on record.

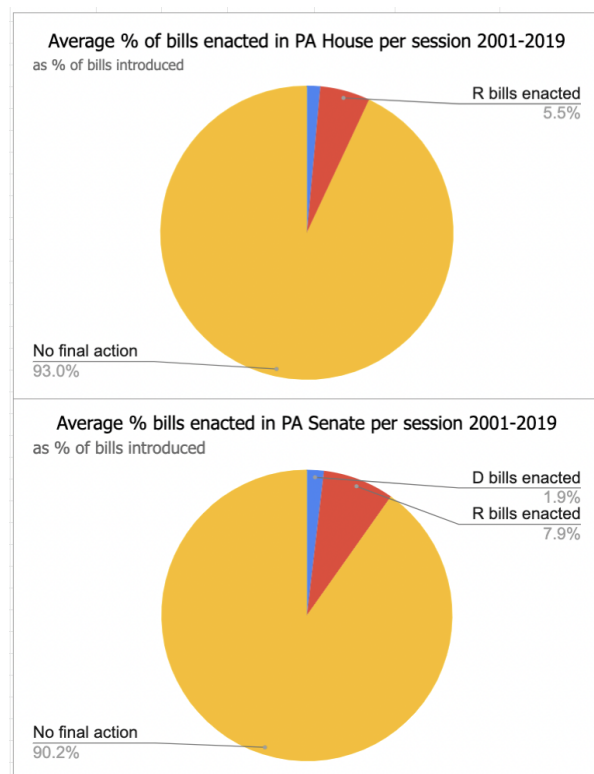


The problem¹:

One committee chair can block a bill completely. Committee chairs can, and do, refuse to consider bills introduced by minority party members, by members they don't like, or on topics that don't interest them. Less than 1 in 5 bills introduced in PA ever gets a vote in committee.

Majority leaders can ignore bills voted out of committee or voted from the other chamber. In recent years, $\frac{2}{3}$ of bills passed by the House never received a Senate vote; $\frac{1}{2}$ of bills passed by the Senate never received a House vote. On average, less than 7% of bills introduced pass in both chambers.

Important bills aren't enacted. There is no effective mechanism to ensure bills with strong bipartisan support ever receive a vote in committee or on the chamber floor. While members can file a so-called discharge petition to get a bill out of committee, in practice it never works and often results in retribution against the member filing the petition. As a result, some issues that were of

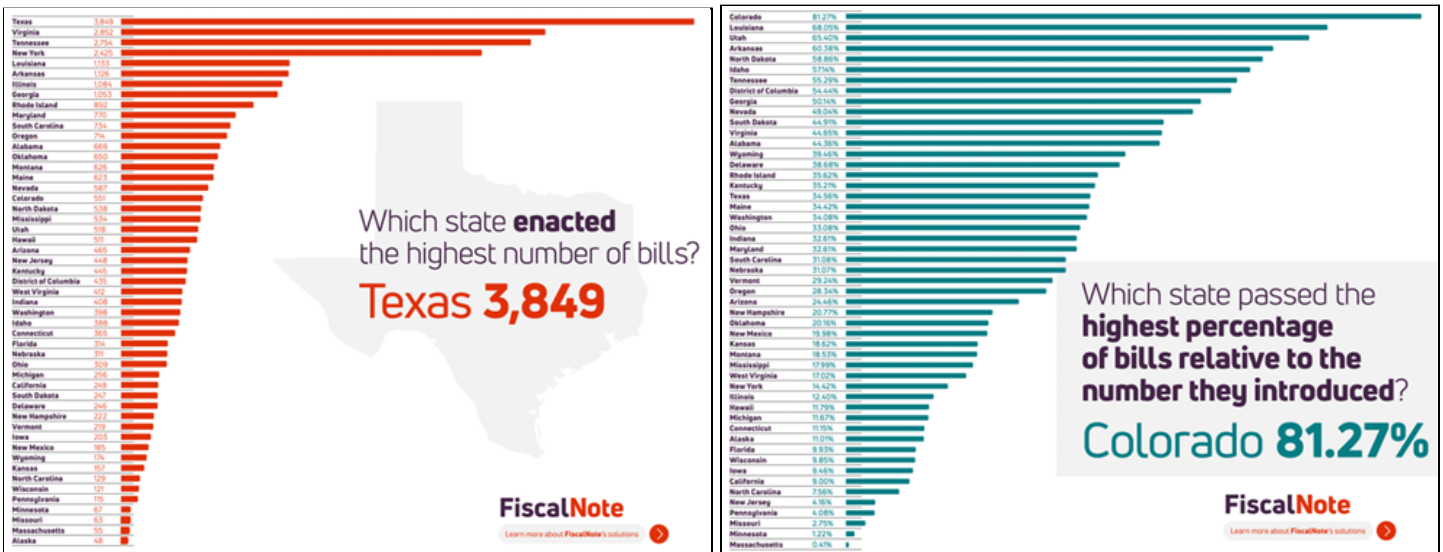


concern in the 1990s are still campaign issues decades later, despite many good solutions introduced in session after session and active advocacy year after year.

Legislative effectiveness is difficult to measure. An ideal measure would assess bills as commemorative, significant, or both significant and substantive.² (See <https://thelawmakers.org/methodology>).

Many PA bills would fall in the category of commemorative: naming roads or observing days. Few bills are both significant and substantive. Comparison is also difficult in that many state legislative sessions are only a year long, sometimes just a few months.

Given those caveats, it's still easy to see that **PA's full-time legislature is among the least effective** in the nation in both bills enacted and percent of introduced bills enacted.



It doesn't have to be this way!

Pennsylvania has pressing problems that demand bipartisan collaboration and real solutions. It's time for new rules that ensure bills with broad support are given a vote. Such rules would ensure every legislator has the ability to play a meaningful role in deciding what bills are enacted. If enough legislators demand better rules, they can reclaim their right to represent us.

Priority rule changes include:

- Bills with strong bipartisan support should be guaranteed a vote in committee.
- If such bills are voted favorably from committee, they deserve a vote on the chamber floor.
- If bills pass in one chamber with bipartisan support, the opposing chamber should respect that work with a corresponding vote.

Endnotes:

1. Researched and compiled by Fair Districts PA using data from MPLS; unless noted otherwise.
2. The Center for Effective Lawmaking <https://thelawmakers.org/methodology>

Excerpts from FairVote and Bipartisan Policy Center: *Best Practices for Collaborative Policymaking, Learning from Power-Sharing Arrangements in State Legislatures*

This report was prepared by FairVote and the Bipartisan Policy Center after research on state legislatures and interviews and discussions with legislators at the 2014 Legislative Summit of the National Conference of State Legislatures. While not all recommendations would work in PA’s legislative context, all are worth reviewing to provide a broader view of functional, effective governance.

“Control over agenda-setting is the ‘most fundamental power’ in determining legislative outcomes.”

The majority party’s control over agenda-setting powers, in combination with the desire to protect their members from making floor votes on legislation that they oppose, has a range of effects that significantly constrain the ability of the minority party to meaningfully contribute to policymaking. Majority control over the agenda means that most of the policy debate and bargaining that shapes legislation can be done within their party, rather than between the parties.

The tendency of majority party gatekeepers to prevent votes on bills not supported by a large majority of their caucus also means that, in many cases, policies that would draw the support of a bipartisan majority in the chamber are ruled out from the start. . . .On issues that sharply divide the majority party, this may mean that a pressing policy concern goes unaddressed, despite the presence of a bipartisan majority in the chamber with a favored solution.

“[A]rrangements under which agenda-setting power was least concentrated led to less contention and more bipartisan legislation.”

Collaborative Policymaking Recommended Rules and Practices

NEUTRALIZING AGENDA-SETTING

- ◆ Require committees to hear or report all bills
- ◆ Automatic calendaring

MAJORITARIAN RULES

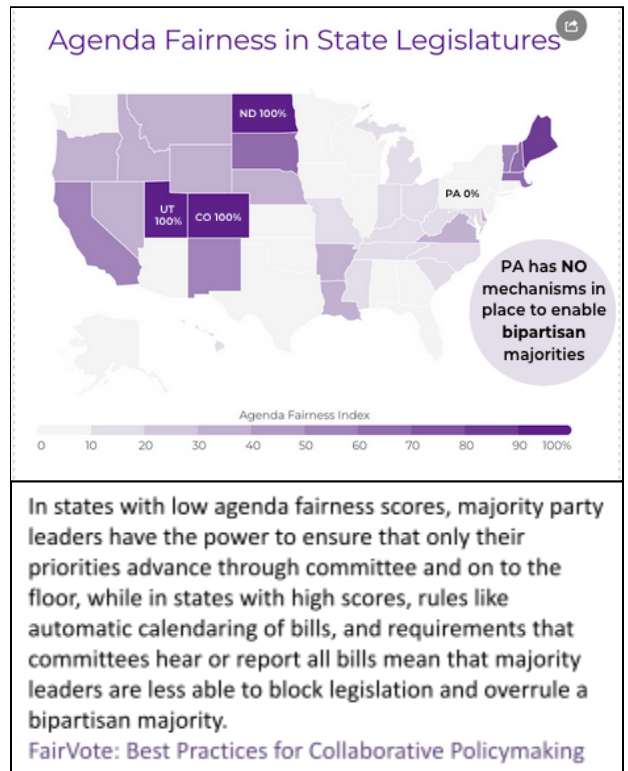
- ◆ Allow committee members to vote to place an item on the committee’s agenda
- ◆ Discharge petitions
- ◆ Motions to advance items on the floor calendar

COMMITTEE CHAIRS COMPOSITION

- ◆ Norms dictating that some committee chairs be members of the minority party
- ◆ Limit the power of majority leadership to appoint chairs
- ◆ Allow the full chamber or committees themselves to elect committee chair
- ◆ Require floor confirmation of committee chair appointments

COMMITTEE MEMBERS COMPOSITION

- ◆ Require proportional partisan representation on committees
- ◆ Require floor confirmation of committee



Of the ten recommended best practices for collaborative agenda-setting, Pennsylvania is one of very few states with just one of these practices. That one practice, “discharge petition,” has not been a successful route to collaborative agenda setting in Pennsylvania.

Learn more at https://www.fairvote.org/best_practices_for_collaborative_policymaking#promoting_collaborative_policymaking