

# Fix Harrisburg: Examples

## Bipartisan Solutions Blocked by Rules

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House and Senate operating rules have allowed majority leaders and committee chairs to block redistricting reform even though bills to create an independent citizen commission or improve the existing process had more cosponsors in both chambers and on both sides of the aisle than any other bills (learn more at [The Problem | Fair Districts PA](#)). But redistricting reform is not alone. Rules have been used to block bipartisan legislation addressing a wide array of critical issues including the following.

### **Broadband Access**

Access to high-capacity transmission technologies – broadband – is essential for nearly every aspect of communications. Yet, many rural Pennsylvanians can't connect to this critical tool—a real challenge for school children and workers. Despite widespread support for broadband, only a small amount of grant funding was allocated by the legislature in 2020 (SB835), and a bill did pass giving easements to providers to use existing utility poles for broadband. Beyond that, the General Assembly considered no bills to address this problem. And although the federal government provided funding in the recently-approved Infrastructure bill, a 1993 state law prevents communities from using those funds to build broadband networks unless phone companies approve. Bills to fix this issue were introduced in 2019 and 2021, but died in committee. Once those federal dollars disappear, so will further improvements to broadband access. In the absence of leadership from Harrisburg, several counties have been forced to start their own broadband installation programs, but have been hampered or stopped by the 1993 law.. Bills to watch: [HB 166](#), [HB 1629](#), [HB 1742](#), [SB 442](#)

### **Childhood Lead Exposure**

While Flint, Michigan gained national attention for its high levels of lead in public drinking water, 18 communities across the state have higher lead exposure than Flint. Of course, no level of lead contamination is safe, and the presence of the metal has serious health consequences for kids. Despite numerous bipartisan bills to address this issue, including mandates for testing, Pennsylvania's legislature has taken no action, except to exempt private schools from any testing mandates. Recommendations from the Senate lead task force (2017-18) languish with no action. Among current bills incorporating task force recommendations are: [SB388 lead test water paint etc at daycare centers](#), and [HB465 lead test school water](#) and [SB 522](#) testing for certain children and pregnant women. After nearly four years of blocked committee and floor votes, SB 522, the Universal Lead Testing for Children Bill, was amended in committee to require half the testing recommended by the Senate lead task force. In June, 2022, it finally reached the floor of the senate where it passed unanimously. Unless the House acts quickly, another session will have passed with no bills enacted while over 8000 more PA children per year experience irreversible lead poisoning. Learn more at [Lead-Free Promise Project](#).

## Clean energy

Pennsylvanians are increasingly recognizing that climate change is affecting us all and that action is urgently needed. In spite of this, bills that propose clean energy solutions are routinely blocked by either committee chairs or party leadership. One bill that has yet to be allowed a floor vote in this session would benefit the growing number of electric car owners by funding construction of new charging stations. The Clean Transportation Infrastructure Act ([SB435](#)) has bi-partisan support, a majority party primary sponsor, and was voted out of committee, but has been stymied by leadership in both this session and the last. In the last session, this bill was actually passed by the senate only to die without consideration in the house. Another bill that would enable people who don't own solar-friendly property to access solar power through community solar arrangements ([HB1555](#) and [SB472](#)) suffers from a similar fate, but more so. The sponsorship is bi-partisan and significant, but the bills have not been able to move out of committee in either chamber. These are meaningful climate solutions, but they are not getting a meaningful opportunity for a vote in the General Assembly.

## Equitable School Funding

For decades, Pennsylvania's school funding model has been criticized by experts, school boards and citizens as inequitable. Both rural and urban schools suffer. While there is honest disagreement about the best way to resolve this issue, legislation to change the model is ignored by leadership. The gridlock is so bad that citizens, school districts, and a diverse array of community groups (such as the Pennsylvania Association of Rural and Small Schools and the NAACP) have, in frustration, turned to the courts for resolution. Examples of school funding bills that have received little attention include [SB123 Fair funding](#) and [HB272 charter schools](#).

## Extreme Risk Protection Orders

Pennsylvanians have few options when they are worried a close family member might hurt themselves or others with a firearm. Extreme Risk Protection Orders (ERPOs) temporarily remove an individual's firearms so they can get the help they need before it is too late. Nineteen states – both red and blue – have enacted ERPO legislation and polling shows a larger majority of state residents support it. Since the ERPO law passed in Indiana, 70 percent of the cases requesting an ERPO involved suicide. In Connecticut, the law resulted in a 13.7 percent reduction in suicides. Meantime, nearly 60 percent of suicides in the Commonwealth involve a gun. In the current session, bipartisan ERPO legislation (HB 1903 and SB 134) has been sitting in each chamber's Judiciary Committee with no action. ERPO legislation introduced in the past two sessions (HB 1075 in 2019-20 and HB 2227 in 2017-18) never got a vote on the floor of either body.

## Farmers Protecting Water Supplies

Pennsylvania farmers want to implement best practices to reduce soil loss and improve local water quality, particularly streams affected by agricultural runoff. However, most farmers don't have the resources to personally pay for upfront costs. House Bill 1901 establishes the Agriculture Conservation Assistance Program (ACAP), which calls for the distribution of \$250 million of federal American Rescue Plan funding for these types of

projects including \$125 million for ACAP. This will give county conservation districts four years of predictable funding to help farmers conserve soil and ensure clean runoff that is tailored to local needs. The bill has bipartisan backing as well as support from the PA Farm Bureau, county conservation districts, and the Chesapeake Bay Commission. But just one person, the chair of the House Environmental Resources and Energy Committee, has blocked any action on the bill.

### **Gun Show Loophole for Long Guns**

While Pennsylvania law requires background checks for all purchases of handguns, the sale of long guns from an unlicensed seller does not (*Background Checks and Pennsylvania*, EveryTown for Gun Safety, Fact Sheet, 4/20/21). To close this loophole, House Bill 1235 has been repeatedly introduced by a Republican representative with bipartisan cosponsors. For six years the bill has been assigned to the House Judiciary Committee, but the chair refuses to give it any consideration.

### **Health Care Access: Nurse Practitioners**

Despite the shortage of medical doctors in rural communities, efforts to provide nurse practitioners with independent practicing privileges remain stalled even though majorities of legislators support this change. This has a direct impact on access to and the cost of healthcare in all areas of the state. The Senate has passed legislation to address this problem in multiple sessions ([SB25](#)), but the House has taken no action.

### **Health Care Safety: Staffing**

Bills on this topic have been introduced for the past seven years. None have ever received a floor vote. In 2021, House Bill 106, sponsored by two Republican representatives (with 107 cosponsors), shows that even if a legislator is a member of the majority party their bills can be ignored or blocked. Healthcare professionals struggle and patients suffer ([HB106](#)). A Senate bill, [SB240](#), fared no better. Learn more at [Nurses of Pennsylvania](#).

### **Health Care: Telehealth**

Telehealth, the remote delivery of health care services using telecommunications technology, is a significant and rapidly growing component of health care. Its value has become even more apparent during the COVID pandemic, particularly for rural and elderly Pennsylvanians. Legislation to establish guidelines for providing telehealth services, require insurance reimbursement, and set requirements for evaluation and treatment has made little progress. With the exception of one bill passed by the Senate this session but stuck in a House Committee ([SB705](#)), and despite several bills sponsored by members of both parties, only one limited telehealth bill (HB 2419, dealing just with outpatient psychiatric clinics) has been successfully enacted.

### **Legislator Ethics and Money**

Across the Commonwealth, proposals to ban legislators from accepting gifts, control the inappropriate use of per diems, and reduce the impact of "dark money" are wildly popular regardless of political affiliation. Yet legislation to deal with these issues languishes in committees or is ignored by leadership, allowing deep-pocket lobbyists and funders to

control the agenda in Harrisburg. Pennsylvania is one of just eight states with no gift ban for state legislators. Most recently, House Speaker Bryan Cutler admitted that fixing the per diem transparency problem would require a change to the rules and a bill has now passed the House requiring all legislator expenses to be posted on-line. But no action yet on gift bans. Learn more at [GiftBan.org](http://GiftBan.org).

## **Open Primaries**

Pennsylvania is one of just nine states with totally-closed primary elections (only Republicans can vote in GOP primaries and only Democrats can vote in Democratic primaries). That means an estimated 1.1 million voters registered as unaffiliated or independent – the fastest growing segment of registered voters – are disenfranchised. These voters are prevented from participating in local, state, and federal primaries that are likely the most important elections in their communities. And since state tax dollars pay for primaries, these unaffiliated and independent voters are helping support an electoral process from which they are barred; talk about taxation without representation. According to the good government *Committee of Seventy* and its *BallotPA* project, the current system guarantees that fewer voters participate, elections are less competitive, and political polarization is reinforced, contributing to legislative gridlock and hampering good governance. Repeated efforts to open primaries to all voters – a change supported by the majority of voters – have failed to gain traction in the Legislature session after session. The latest bills, [SB 690/HB 1369](#), remain in committees. Both were introduced in May 2021, hearings were held 10 and 13 months later. Neither has received a vote in committee despite bipartisan support.

## **Minimum Wage Increases**

Pennsylvania remains among a minority of states with a minimum wage of \$7.25 an hour, an amount unchanged since 2009. Indeed, all bordering states have raised the minimum wage for their workers. While legislators and the Governor have proposed plans for a gradual increase, and it appears that a majority of legislators would support an increase, legislative leaders, particularly in the House, have blocked any vote on these proposals. In 2019, the Republican-controlled Senate passed a bill (SB 79) to increase the minimum wage to \$9.50 per hour, but it never received consideration in the House. In the current session, seven minimum wage bills (HB 15, HB 345, HB 923, SB 12, SB 332, SB 625, and SB 672) and one resolution to authorize a statewide ballot initiative (HB 1646) on increasing the minimum wage have been introduced with no action.

## **Minority-Sponsored Legislation Denied a Vote**

The Commonwealth's population has become increasingly diverse. According to the 2020 census, communities of color, most notably Hispanic residents, accounted for all the growth in Pennsylvania's population since 2010. Yet issues of importance to these voters (now nearly 40 percent of the state's population) go nowhere because committee chairs refuse to consider them. *Of the 350+ bills sponsored or cosponsored by Hispanic and African-American legislators in this session, only seven – that's right, seven or less than two percent – received a committee vote.* The bills ignored cover the gamut of issues important to these citizens including broadband expansion, tax incentives for affordable housing, small business block

grants, firearms safety and registration, criminal sentencing rules, inclusion of Latino and Black history in school curricula, treatment of pregnant prisoners, and anti-discrimination policies. None of the bills on these topics received even one vote in committee.

### **Pre-canvassing: Processing Mail-in Ballots Prior to Polls Closing on Election Day**

While most states allow election officials to process mail-in ballots prior to polls closing on election day (known as pre-canvassing), the Commonwealth only permits county election staff to start processing the morning of election day, creating an enormous logistical challenge and delaying the release of unofficial results. Indeed, the winner of Pennsylvania's 2020 presidential election could not be called until three days after polls closed. County commissioners of both parties, election directors, and experts have appealed for more time to verify, open and flatten mail-in ballots. Multiple bills have been introduced to address this issue including [SB878](#) authored by Sen. David Argall (R) and Sen. Sharif Street (D) and based on recommendations from a bipartisan Senate report. Despite bipartisan support and strained county election offices, pre-canvassing remains stuck in the Legislature. SB 878 is also supported by bipartisan groups including the Committee of Seventy, the County Commissioners Association of Pennsylvania, and the Joint State Government Commission.

### **Property Tax Reform**

While Pennsylvanians have different views on what constitutes good property tax reform for the average homeowner's primary residence, the General Assembly has done nothing significant to change a system that large majorities of citizens view as inequitable.

Numerous proposals have been presented in recent years, but outside of a few measures to help special groups, no major reforms to address the interests of the majority of property owners have been passed into law, let alone received votes in committee. Indeed, the last significant changes occurred in 2006 with the Special Session Act 1 and before then in 1971 (Property Tax/Rent Rebate Program). In 2017, a constitutional amendment was approved by voters giving municipalities the authority to eliminate property taxes in favor of other revenue generating measures. However, the General Assembly never bothered to pass enabling legislation to let municipalities implement it. Since 2017 there have been many attempts to introduce and reintroduce enabling legislation in multiple sessions, but none have received a committee vote. This session the bills are [HB 835](#) and [SB 587](#). The amendment gave voters the appearance of action without the Legislature actually doing anything.

### **Puppy Mills**

The overwhelming majority of Pennsylvanians want puppy mills shut down. Puppy mills breed dogs for profit while ignoring the health of pups and their mothers. Yet, animal-welfare advocates have spent years organizing support for a bill called Victoria's Law, named for a German shepherd rescued from a dog breeder. In the last session, a bill (SB 44) to ban pet stores from selling pets produced in this way was sponsored by Sen. Tom Killion (R-9) and attracted 31 bipartisan cosponsors, a majority of the Senate membership. But the bill went nowhere. In this session, Sen. Kristen Phillips-Hill (R-28) sponsored the same bill (SB 234) with 16 Democratic and nine Republican cosponsors. Yet again

legislative rules make it possible for the committee chair to block this bill and protect the unscrupulous puppy mills. As a result, puppies with disease continue to be sold online or to pet stores and unsuspecting customers.

### **Surprise Medical Bills**

Few costs are more devastating to families than unexpected medical bills. In fact, one-third of Pennsylvania's privately insured citizens had a surprise medical bill in 2021. For years, legislators from both parties offered bills to prevent health care providers and insurers from billing patients for services they received without knowing the costs or that were outside their networks, particularly in emergency situations (HB 1862 and SB 822 in 2019-2020 and HB 1553 and SB 678 in 2017-18). Such basic patient rights should be a no-brainer. Congress did pass the "No Surprises Act" in 2021, although that legislation does not cover ground ambulance, urgent care centers, addiction, hospice, birthing centers and retail clinics. Meantime, nothing yet from Harrisburg.

### **Term Limits**

Limiting the number of terms legislators can serve in the General Assembly is popular across the Commonwealth. Indeed, fifteen states across the nation – both red and blue – have enacted term limits. Bills to bring term limits to Pennsylvania have been introduced in the past two sessions with bipartisan support (HB 815 and HB 902 in 2019-20 and HB 735 in the current session). But after being assigned to the House State Government Committee, they've sat without hearings or a vote.