

***Response to The Intelligencer's Request/
Grand Jury Recommendations on Reforming the Pennsylvania State Legislature***

Item #1: The Grand Jury recommends that taxpayer funded political caucuses be eliminated.

While I believe there are a number of abuses that should be curbed within the caucus system, such as unequal staffing; the distribution of committee assignments; and the unilateral power of the committee chairman, I do not agree that caucuses as an organizational entity should be eliminated totally. A caucus, fulfilling its intended purpose is an organizational tool to bring members together to review and debate proposed legislation. Sometimes, out of this analysis, comes a "caucus position" on a particular issue, such as health care. Often the discussion leads to a variety of opinions on a topic which results in amendments to a bill. That is a valid use of caucus time.

If the caucus is "political" in nature, meaning legislators brought together to discuss political strategy or campaign issues, then, absolutely, it must be held outside the Capitol; before or after working hours; and never on time that is taxpayer funded. That is a simple matter of ethical behavior and shouldn't need reform; it should be standard behavior for all.

However, if the caucus organization is totally abandoned, how will members come together and review their information and debate their views on legislative issues? Some might say that without the caucus, more floor debate will ensue. Yet floor debate can be limited to only some members while others are called off the floor for meetings with constituents or groups with knowledge on a particular subject. Without a caucus to bring members together, there is limited opportunity for members to acquire a wide range of information on a particular bill or issue. Getting information from limited sources such as staff, special interest groups or lobbyists would give those groups far too much influence. You will note in the May 27, 2010 *Philadelphia Inquirer* article that Professor Rosenthal also did not necessarily agree with ending the caucus system.

With regard to a more equal distribution of power between the rank-and-file members and Leadership members in the House of Representatives, the Grand Jury recommends the following:

Item #2: That the "Special Leadership Accounts" be eliminated or, at the minimum, the disbursements from such accounts should be a matter of public record and open to public inspection.

A formal answer to this recommendation is : "leadership accounts, and in fact all House Republican caucus expenses already are public records and are accessible via the Rule 14 Report or through an open record request". I would point out that the original intent of the Special Leadership Account was so that the Executive branch would not be able to hold unfair sway over the Legislature during budget deliberations. That said, legislative leadership has

moved from this purpose in recent years, and used the funding for robocalls on various issues and public service announcements. I do not believe these are appropriate expenditures, and should be ended.

Item #3: That a routine full, independent audit of all legislative expenses be conducted with the results of such an audit available to the public.

I agree with the Grand Jury, and as part of a legislative package (the House Republican PATH proposal), I expect that there will be legislation to address the issue. The goal would be to have independent audits that would be available to the public in person and on the web. On a personal note, I have saved each of my monthly statements from the caucus, and routinely make the offer in the 144th District newsletter for anyone to come in and inspect them. If nothing is being conducted improperly, there really isn't anything to fear.

Item #4: That each state representative should have one taxpayer funded district office and equal staff for that district office.

I must respectfully disagree with the Grand Jury on this one. I would amend it to say "each state representative is permitted to have more than one district office, but must maintain the offices on the same budget given to each member of the General Assembly". When I was first elected in 2000, residents in the upper part of the 144th noted that they felt "underserved" since their state representative's office was approximately 25 miles away, in Warminster. I asked Republican Caucus Leadership for a one-room office, to be located in the Hilltown Township Building, and they agreed. They noted that I was limited to the same amount of money for a district office that other representatives receive. Hilltown agreed to work with me as a courtesy to their residents, and over the past nine-and-a-half years the Hilltown office has provided full-time constituent service, similar to the work performed in the Warminster district office.

Please note: This is also why I continue to have some reservations about the expansion of legislative districts due to reducing the number of legislators. It is difficult enough for constituents to travel to see me at the district office, or for me to attend each Eagle Scout ceremony, town hall meeting, borough event, or township/state agency seminar. In reality, larger districts and fewer representatives ensure that the representative will not be as "in-touch" with the communities that she or he represents. Larger districts also mean that the stakes are higher for those seeking influence in government. I fear that lobbyists or political parties, unions, or corporations will seek to gain even more control of state government as a whole.

Additionally, allow me to point out that while I believe the money given for district offices should be "equal" in a perfect world, the reality is that Pennsylvania's cost-of-living and commercial space rental fees are very different from one area of the state to another. Periodically, I will look to see if I could get a "better deal" for the taxpayers at another safe,

well-lit location; but the reality is that for the amount of money that the caucus allows, the two locations are the best deal I can find.

I concur that members should have an equal number of district office staff. What is interesting is that until 2007, district office staff members were paid unequally – based on a number of factors, including the close relationship a House member might have with various members of the leadership team. In the House Democratic Caucus, for instance, Rep. DeWeese retaliated against a Democrat member from Philadelphia who had voted against him on an issue, by cutting her district office budget and staff. My thought is that district office staff is there to serve the residents, not so much the member, and although they are subject to an annual review by the legislator who approves or rejects merit-based increases, they should be tied to a pay scale that can't be harmed by political retaliation. I support a salary structure based on education, experience, and years of service.

Item #5: A “Rank-and-File Member’s Bill of Rights” that explicitly states what each state representative should receive, including but not limited to equal staffing and office resources for the member’s district office.

My first reaction is that this shouldn't even be necessary. Leadership teams in all four caucuses should not use staffing or resources, pit members against each other, or try to curry favor with various members for their votes or “insider information” on what is going on in each other's counties. If it is determined to be necessary, fine with me, but much like ethics, I believe you either have them or you don't. You do not need to tell me how fairly you want to treat your members or constituents; just show me.

Item #6: The Grand Jury recommends that legislative members’ per diem payments should be eliminated or, at the minimum reduced to actual expenses per day (verified by receipts) with a relatively low cap on the total reimbursement allowed per day.

I support supplying receipts for actual expenses. You will note that I have one of the lower per diem rates because I chose not to raise it when a new one was instituted. My rate is the same as it was in 2001. I never voted for or took the pay raise; don't take the full per diem rate; have paid for my vehicle rather than using a taxpayer-funded vehicle; never increased my own pension multiplier; and always turn back office expense money to the House at the close of each two-year Session. I am sure that per diems have been abused by some. However, that sad fact does not negate the necessity of finding a place to stay in Harrisburg. Please note that I pay the rent on my one-room studio apartment for twelve months whether or not I am in Harrisburg.

Of note: The Grand Jury might be interested to know that a newer colleague of mine went to the House Comptroller's office and indicated her desire to submit receipts, rather than take a fixed per diem amount. The Comptroller's office attempted to dissuade her from this, citing the additional work that “would be required” to maintain a receipt-based system. It seems that a little reshuffling would be in order to ensure a more accountable system.

Item #7: The Grand Jury recommends that the General Assembly become a true part-time legislature, with commensurate reductions in legislative salaries, staff, and staff salaries.

I am not sure where to begin with this recommendation. First, I submit that if various members of legislative and executive leadership would stop posturing and finger-pointing, there would be more legislative work done with less time spent in Harrisburg. We can and should be more efficient.

In regard to the reduction of legislative salary commensurate with part-time status, I accept that reality. However, I have concerns about what “part-time” would really mean for constituents. Do I think a part-time legislature, where members would have other full-time jobs, would serve the needs of those who come into the office on a regular basis? I do not. People come to my office from all walks of life, needing help with Medical Assistance applications, PACE/PACENET questions, health insurance claims, county and municipal issues, or school district concerns. I receive 75-100 e-mails from constituents each day, asking questions about legislative matters, ranging from gun control to school choice to third-party tax collection. More than 99% of people get immediate answers, written letters, e-mails or phone calls. I don’t understand how members can do this job part-time. In fact, my office staff even put together a book over several weekends to provide constituents with Frequently Asked Questions, in order to anticipate and alleviate the massive volume of inquiries we receive.

I think a constitutional convention, if scoped properly, can be beneficial. But I would caution that going to a “part-time legislature” would severely impact constituent services and that would mean that bureaucrats in Harrisburg would be in sole control, with no real recourse for bad information or service given.

Allow me to cite a recent example: A gentleman approached our office after being stopped by the police for having an insurance lapse. The trouble was, his insurance never lapsed; it was a PENNDOT error. The police officer, not knowing this, took his license plate and impounded his vehicle. Had it not been for one of my office staff, who contacted the gentleman’s insurance company, and then pleaded with PENNDOT to recheck their records, the mistake would never have been caught. The office staffer then contacted the police to make sure that the plate was still in the department’s possession and coordinated with PENNDOT to make sure proof was provided to get the constituent back on the road. However, four weeks later, a bench warrant was issued, because the police department mistakenly filed the ticket, even after giving the vehicle back. Again, our office contacted PENNDOT, the District Justice’s office, and the police department, to ensure that our constituent was not again mistakenly taken off the street. Constituent issues like these happen every day; a part-time district office with little staff would simply not have the time to solve these state-related problems.

Another reservation about a part-time legislature is the timing and length of the Session. If the determination would be that the legislative Session would last for one month or even six weeks, my question would be – what farmer, school teacher, nurse, UPS driver, or carpenter could be

gone from his/her employer for an extended period of time and still keep his/her job? This would mean that legislators would come from only a few professions where they could schedule their own time. Certainly the General Assembly would not be representative of occupations and socio-economic groups in Pennsylvania. I view that as a distinct negative for true representative democracy.

Certainly there can be reductions in duplicative legislative staff in Harrisburg. My caucus has been doing this through not filling vacant positions. I believe we can do more through consolidation of services, although as noted, I do have concerns with taking the constituent service element out of the legislature entirely.

Item #8: The Grand Jury recommends a limited constitutional convention to increase the length of a state representative's term from 2 years to 4 years.

I would agree with this recommendation. I have always enjoyed the work, because I am an issues-based person. I can't claim to enjoy the political part of the job; I really just want to work on issues and policies such as teen driving, assisted living regulation, and long-term care planning. It is difficult when you can't spend your evening reading about the latest trends in long-term care or NHTSA's recent crash data, because you have to attend a fundraiser; go out door-knocking; or speak at a political dinner.

Item #9: The Grand Jury recommends a limited constitutional convention to provide term limits for all elected members of the Pennsylvania General Assembly.

I am of two minds on this. I have never liked the idea of term limits, because I think it's "lazy democracy". Citizens should pay attention to who their elected officials are and what they say and do; reporters should report based on the facts; editorial boards should do their homework; and elected officials should say what they mean, rather than worry about the next "gotcha" election advertisement. Likewise, I dislike the notion of public service being a "career" or "stepping stone" for ambitious politicians, although to deny that this happens would be disingenuous.

Interesting to note, I ran for leadership twice in my caucus, and both times was shut out of the process for "not being here long enough". While I would not be so presumptuous as to think this would apply to me, I think we play a counter-productive game if we place longevity over the merit of ideas. It was very easy, under House rules, for two members of the House Majority Leadership team to hold their own caucus at bay during last year's budget negotiations, just because they had been there long enough to obtain a position of power.

If term limits were instituted, it would have to be carefully constructed so as to specifically delineate what role(s) staff might play; otherwise the longevity of staff would supersede the ideas of elected representatives and it would be staff that would control the agenda. The voices of local residents could be lost in this scenario.

Item #10: The Grand Jury recommends that legislative hiring and staffing be performed by a bipartisan Human Resources Department based upon standardized, published job descriptions.

While the standardized, published job descriptions for the House Republican Caucus were written and instituted in 2007, I think more can be done to ensure fairness and equality among staff members in different legislative offices, and between Harrisburg and the districts. If that means a bipartisan department, I am certainly fine with that change.

Item #11: The Grand Jury recommends that the HDC and HRC print shops be combined.

I am not opposed to this concept, but I would suggest that a more efficient solution would be to combine House and Senate Republican Print Shops and then combine House and Senate Democratic Print Shops.

Item #12: The Grand Jury recommends that the HDC and HRD print shops, IT departments, and Human Resources departments be made bipartisan with commensurate reductions in staffing.

I can only speak to the House Republican Caucus and their cost-saving efforts, but I am aware that several technology service contracts have been combined with significant savings. I do think that we have a worthwhile bipartisan "CORE" team that oversees the Chief Clerk's office, the benefits department, the bill room, mail room, and calendar staff, and certainly I would support similar changes.

With respect to staffing practices, the Grand Jury recommends the following:

Item #13: All "compensatory time" in connection with the Pennsylvania General Assembly should be eliminated. If an hourly staffer is required to work extra time, the staffer should be compensated with overtime pay.

A policy has been set in my caucus that comp time may not be used for election campaign purposes, and must be used within six months. I am comfortable with that, as Harrisburg staff may accrue comp time during lengthy budgetary sessions and it may be cheaper to award comp time rather than "overtime pay". I do not think that specific legislation should be needed to address this practice. It should merely be common sense and ethical behavior.

On a district level, I should note that my staff has been known from time-to-time to go to homebound constituents to assist with problems, and has freely given up their nights and/or weekends to help with our Senior Expo and assorted municipal meetings. They are not compensated in any way for that. I am very fortunate to have people who truly care about our region and its residents.

Item #14: The Grand Jury recommends that if a legislative staffer takes leave to work on a campaign, that staffer receives absolutely no legislative money, including but not limited to pay, any benefits (including but not limited to medical benefits), and no contribution to any retirement plans.

In the House Republican Caucus, these practices were codified last year. Any staffer who wants to work for a campaign will be taken totally off payroll, including benefits.

Item #15: The Grand Jury recommends that there should be standardized written ethics policies for the entire General Assembly and annual updates to the initial ethics training administered by a bipartisan ethics oversight committee (at least until partisan political caucuses are eliminated).

House Rules mandate a written Ethics Policy and training. Our caucus has had at least one each Session as long as I have been there. There is a House Ethics handbook, and I am a new member of the bipartisan House Ethics Committee.

With respect to the state budget, the Grand Jury recommends the following:

Item #16: The budget planning process must be open and transparent.

Absolutely. Legislation has already been drafted to this point, to put into place a bicameral, bipartisan commission to develop changes to the state budget process. I am a cosponsor of the legislation. I do have concerns that the “powers that be” in certain caucuses’ leadership will never accept any recommendations that usurp their decision-making authority. After all, last year’s budget, which was one of the more open processes in recent memory, resulted in a 101-day delay because rather than make tough, public decisions, the Governor and Senate Leadership decided that it was easier to travel the state in a tour bus and play the public relations game.

Item #17: The budget must contain, to the extent possible, all line item expenditures. For example, a line item for “operation of the House [Democratic or Republican] Caucus” would be unacceptable.

This is another of my pet peeves. Look at last year’s budget! House Democrats simply have a line item that reads “House Democrat Operations” and “House Democrat Staff”; Republicans have similar line items. (It is interesting to note that House Democrat staff needed hundreds of thousands of dollars more than their Republican counterparts.) I understand that this imprecise way of notation has been used for years, but it doesn’t make it right. It should be precise, detailed, and explanatory.

Item #18: All votes related to budget or appropriations matters must be by roll call vote; voice votes on important matters rob the taxpayers...

The Grand Jury must have had incorrect information. I have never witnessed a budget or related amendment done by voice vote; it is always recorded. I can only assume that the Grand Jury was referring to the federal health care maneuver that could have taken place around the time they were writing the recommendations.

Item #19: If the budget is not passed by the constitutionally mandated deadline, all state legislators and the governor must forfeit all pay and per diems until the budget is passed. Any forfeited pay and/or per diems cannot be recouped in any way.

In theory, I'd agree with this. In fact, last year, I did not take pay during the budget fiasco. The problem is that a Governor could simply veto every single budget ever sent to him/her in order to force the legislature to cave into his/her demands. Thus, the balance of power again goes to the executive branch.

If my constituents are adamant that I should vote to keep taxes low during a recession, and polling would indicate that desire, as well as everyone who walks up to me in the grocery store, and the Governor wants to spend \$45 million on a new stadium, should I be obligated to vote "YES" just so that legislative staff could receive a paycheck? Would *The Intelligencer* castigate me for being a "budget holdout" or for being a "recalcitrant lawmaker" if I were to stand up for my residents?

As noted, I would not object to the policy – in fact, I think it's only fair. However, I'm not interested in doing half-a-job, just to get out of town, as was done with slot machines for "property tax relief" just a few years ago.

Item #20: At the end of a budget year, all unused budget money must be returned to the state treasury. Any such unused budget money could then be used for the next budget cycle or for emergency public works projects.

Conceptually, this is an appropriate practice. However, as was said before, keeping something on reserve to pay staff in the event of an executive-legislative showdown is necessary in order to preserve a balance of power.

Item #21: The Grand Jury recommends a ban on using the same vendors for both legislative and campaign purposes.

Our caucus has instituted this practice, specifically as a result of the allegations raised by the Attorney General. I am not aware what House Democrats have done. It could conceivably be something worthy of legislation, and I would support it.

Item #22: The Grand Jury recommends that all campaign entities (including but not limited to the HDCC and HRCC) should ban any legislative staffer from the campaign entity's premises during the normal legislative work day, including during the "lunch hour."

This practice was ended by my caucus and is included in the Employee Handbook. While I have no problem with staff members who wish to help out on a campaign, the proper time and place for that is on their own time, after work, and never in a legislative office.