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**TESTIMONY PRESENTED BY
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AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA
TO
SPEAKER'S COMMISSION ON LEGISLATIVE REFORM
APRIL 26, 2007
PHILADELPHIA**

Good morning members of the Speaker's Commission on Legislative Reform. My name is Larry Frankel and I am the Legislative Director for the American Civil Liberties Union of Pennsylvania.

Let me begin by congratulating and commending all of you on your accomplishments to date and the commitment you have shown, and are continuing to demonstrate, to making significant changes in how laws are made in Pennsylvania. During the first phase of your deliberations you made several important recommendations that should enhance the ability of the citizens of Pennsylvania to follow legislation that is being considered by the Pennsylvania General Assembly and to offer comments on proposed legislation before it is actually voted on.

I believe that many of the changes that have been adopted to the Rules of the House can enhance the work product of the General Assembly if the end result is greater deliberation prior to the passage of legislation. The citizens of this Commonwealth are better served when their legislators have sufficient time to:

- (1) read bills;
- (2) discuss issues at Committee meetings;
- (3) consider their constituents' views on bills: and
- (4) engage in informed discussion and debate with each other.

All of this should produce better laws.

I hope that the principles reflected in the changes to the Rules – giving citizens more access to the legislative process by establishing procedures that enable the citizens to be better informed about the work of the legislature and better able to express their concerns in a timely manner as well as fostering a more deliberative legislative process that allows legislators to become better educated about the issues – will guide your consideration of a number of the issues that are part of phase two of your work.

OPEN RECORDS

The ACLU supports major revisions to Pennsylvania's open records law. We believe that there is a lot of momentum for making significant changes to the existing law. The ACLU strongly supports three important changes:

- (1) establishing a presumption that a record is a public record;
- (2) placing the burden on agencies to demonstrate why their records should not be disclosed; and
- (3) the creation of an advocate who will promote better disclosure practices throughout all the agencies of this Commonwealth.

We think these changes would foster more open government, one that the citizens will have greater trust in.

At the same time, we hope that careful consideration will be given to ensuring that the privacy rights and interests of ordinary citizens are protected. We do not think that an open records law should result in public access to each and every item of information that citizens routinely submit to the government.

SIZE OF LEGISLATURE AND TERM LIMITS

The ACLU does not support efforts aimed at reducing the size of the legislature or setting term limits. We believe that both of these “reforms” are misguided attempts that would only result in a loss of wisdom, expertise and years of institutional memory by forcing legislators out of office even though the voters have not ousted them.

I have come to appreciate, in my many years of lobbying, that legislators do learn a lot over the years. They study bills, attend hearings, speak with constituents, take advantage of other educational opportunities and develop a sound understanding of policy, procedure and how to build a consensus among those with conflicting views and interests. Why would we want to sacrifice that kind of experience? In what other line of work would we devalue those who have put in years to master their trade?

Furthermore, as someone who has lobbied the Pennsylvania General Assembly for more than 14 years, I believe that term limits would end up enhancing the power of folks like me. In fact, it might be more appropriate (although undoubtedly unconstitutional) to establish term limits for lobbyists. After all, if term limits are adopted, it would be the lobbyists and the long-time staff who would have the knowledge about how bills become laws and how the process really works. To me, this sounds like giving way too much power to the unelected.

AUTOMATIC CALENDAR

I also believe that it would be a bad idea to enact any kind of automatic calendar – whether it is in the form of a rule that would require a committee to consider any bill or one that would require a floor vote on any bill voted out of committee. I also think it would be a bad idea to adopt a rule that would permit each member to designate one bill for a committee vote.

I say this because it has been my experience that the legislature already deals with too many pieces of legislation -- too many bills are introduced and too many bills receive some kind

of action. The General Assembly is drowning in the volume of legislation and it appears that the sheer quantity of bills has replaced quality of legislation and quality of deliberation. The public has expressed a concern over what appears to be too much legislation that is passed without sufficient study and debate. Any movement toward an automatic calendar will only exacerbate these problems and could lead to a lot of time being spent on a large number of additional bills (possibly 203 more) rather than focusing on a specific agenda and the larger issues that need to be addressed.

SIZE OF COMMITTEES

Finally, I would like to mention a topic that is not on your list for phase two, but which I hope you will consider at some point in your deliberations. I firmly believe that the quality of the legislative process and the product of the legislature would dramatically improve if members of the House served on fewer committees and committees had fewer members. Members would have an opportunity to really learn the subject matter of 2 or 3 committees, have more time to devote to committee work and committee meetings, and be less likely to need to vote by proxy. Smaller committees could lead to more real deliberation and a greater sense of responsibility and ownership for the work product of the committees. With support from leadership, the rank and file members and the public might even develop greater respect for the work of the committees. This could lead to fewer amendments on the floor and more importantly greater public confidence that the work product was the result of open deliberations with real opportunities for rank and file members to participate.

Thank you for allowing me to testify today. I will be happy to answer questions as time permits.