

**JOINT STATE GOVERNMENT COMMISSION**  
**Testimony on Senate Bill 1080 of 2011**  
**Before the Senate Committee on Intergovernmental Operations**  
**May 25, 2011**

Good morning Chairman Smucker, Chairman Blake and members of the Intergovernmental Operations Committee. I am David John, the Executive Director of the Joint State Government Commission. Thank you for allowing me the opportunity to testify on Senate Bill 1080. Please permit me to share some background information about our agency as I believe it will help you to understand the context of the comments I make regarding Senate Bill 1080.

The Joint State Government Commission, established by Act 459 of 1937, has served the General Assembly for over 70 years as its primary and central non-partisan, bicameral research and policy development agency. Our professional staff includes attorneys, public policy analysts, a fiscal analyst, and a data analyst / economist, all with a broad range of experience and expertise in both substantive and administrative matters. We study topics at the direction of the General Assembly and provide recommendations on how to improve the law in Pennsylvania. All our projects are conducted in-house, and our professional staff is able to move efficiently and effectively from one issue to the next.

Currently, we are conducting in-depth projects regarding alternative dispute resolution, common interest ownership communities, consumer credit, the criminal justice system in Philadelphia, decedents' estates laws, developments of regional significance and impact, domestic relations laws, services for children of incarcerated parents, guardianships, health care decision-making, human trafficking, methadone diversion, powers of attorney, public health law, real property, services to indigent defendants, and wrongful convictions.

The involvement of the Joint State Government Commission in such a wide variety of topics is typical of the work performed at the Commission since its establishment. This breadth and depth of experience means that: The Commission is renowned for its ability to quickly become well-versed in whatever topic of study is assigned. More importantly, this experience allows the professional staff of the Commission to serve as an indispensable link between the General Assembly and state and national experts working outside these halls.

In general, we conduct studies and investigations; gather information; conduct research and analysis of law and public policy; draft legislation and policy recommendations; and respond to inquiries from legislators, legislative staff and standing committees, governmental agencies, professionals, advocacy groups, constituents, and concerned citizens. We prepare comprehensive reports, which involve both short-term to long-term studies, and which may entail either staff analysis or input from advisory committees. These reports, which are the result of lengthy consultation and deliberation, contain findings and recommendations which are presented to the General Assembly, together with draft legislation and policy recommendations as deemed necessary. We also prepare official comments to legislation, which may be used in determining the legislative intent of General Assembly. We are able to provide these services to the General Assembly with a professional staff of between 12 and 15 individuals.

The Commission operates with an advisory committee structure and process to bring together a variety of stakeholders, professionals and concerned citizens to discuss legal and public policy matters. This structure and process enable the Commission to periodically review current Pennsylvania law regarding a variety of subject areas and bring together individuals and organizations to assist in modernizing, improving and codifying Pennsylvania law.

These advisory committee members are committed individuals who are not paid for their services to the Commission or the General Assembly. They volunteer countless hours of their time and provide invaluable service to the Commonwealth by lending their expertise and providing necessary input, exclusively for the purpose of bettering the law in Pennsylvania. These advisory committee members are your constituents -- attorneys, judges, business leaders, physicians and health care workers, educators, librarians, local and state government officials, land use planners, community leaders, geologists, engineers, parents, and others whose personal experiences and professional associations provide a needed voice to raising issues and becoming involved in the legislative process. They represent professional associations, local and county governments, and advocacy groups.

I should also note that the Commission has worked with hundreds of advisory committee members over the years. At last count, there were over 430 individuals volunteering their time and providing expertise to the General Assembly. One advisory committee working on revisions to the Probate, Estates and Fiduciaries Code estimated that the members of the Advisory Committee on Decedents' Estates Laws donate the equivalent of \$500,000 of legal advice and services annually to the legislature. That's just one advisory committee, which consists of 33 members from across the Commonwealth. To provide the Committee with more specific information, I note that in the past decade or so, the Commission has researched, analyzed and drafted legislation and policy recommendations involving such issues as -- Codification and Update of Law, including:

*Adoption Law*

*Alternative Dispute Resolution*

*The Consumer Credit Code, including motor vehicle sales finance and goods and services installment sales*

*Decedents' Estates Laws, including guardianships, health care decision-making, powers of attorney, principal and income, the prudent investor rule, and trusts*

*Domestic Relations Laws, including alimony, custody, divorce, equitable distribution, and marriage*

*Guardianship Law*

*Human Trafficking*

*The Library Code*

*Administrative Shortages in Pennsylvania's Public School Districts*  
*Information Disclosure of the State-Related Universities*  
*Intermediate Units*  
*Instructional Output and Faculty Salary Costs of State-Related and State-Owned Universities*  
*Part-Time Faculty at Institutions of Higher Education*  
*Public School Performance*  
*Student Drug and Alcohol Violence at Institutions of Higher Education*  
*Funding and Benefit Structure of the Statewide Retirement System*  
*Tax Provisions for Poverty Relief*  
*The Tobacco Settlement Agreement*  
*Transportation Funding*  
*Assisted Reproductive Technologies*  
*Biomedical Research*  
*Cervical Cancer*  
*Child Safety*  
*Distribution and Use of Methadone*  
*Influenza Prevention and Control*  
*Medical Professional Liability*  
*Public Health Laws*  
*School Nurses in Pennsylvania and Other States*  
*Stroke Prevention and Treatment*  
*Waiting Lists for Community-Based Mental Retardation Services*  
*The Criminal Justice System in Philadelphia*  
*Effects of Children of Incarcerated Parents*  
*Geriatric and Seriously Ill Inmates*  
*Minority Representation in the Jury Selection Process*  
*Services to Children and Youth*  
*Services to Indigent Criminal Defendants*  
*Wrongful Convictions*  
*Clean and Green*  
*Common Interest Ownership Communities*  
*Developments of Regional Significance and Impact*  
*The Kilbuck Township Landslide*  
*Real Property*  
*Driver Distractions*  
*Eminent Domain*  
*Energy Policy for Pennsylvania*  
*Exotic Wildlife*  
*Primary Election Dates*  
*The Procurement Code*  
*Violent Interactive Video Games*  
*Waste Tire Recycling and Reuse*

Senate Bill 1080 proposes the consolidation of the Joint State Government Commission with several other legislative service organizations into a newly created Pennsylvania Office of Research and Public Policy. Despite the Commission's success at continually improving the quality of its work while streamlining operations, it is apparent that more can be done in service to the Commonwealth. Merging the Commission's scope of institutional and staff experience with focused expertise of other legislative service agencies can further enhance the services provided to the Commonwealth.

Senate Bill 1080 is an opportunity. An expansion of each legislative service agency's limited resources through consolidation would create a sum even greater than its parts. It is critically important that any re-structuring or re-configuration of the legislative service agencies maintain the integrity of the work performed by each agency and utilize the services of the experienced professionals employed by each agency. A newly constituted office should be constructed with specific divisions or bureaus encompassing the work of each LSA and should require a sharing of staff and other resources. The current language of Senate Bill 1080 establishes specific "units" and refers to four specific subsections. We would recommend that this language be changed to state that these units include the areas of study within the entire section in order to capture the work performed by each of the legislative service agencies proposed for consolidation.

There will be both economic and policy benefits to this structure. At a time when politics at all levels of government is becoming increasingly polarized and partisan, the importance of independent, non-partisan research and policy development has never been greater. Historically, the Commission and its fellow LSAs have weathered numerous changes in the majority parties in both the House of Representatives and the Senate and continued to produce high quality work. A Pennsylvania Office of Research and Public Policy must be sufficiently independent from partisanship in order to maintain this record of success. Ensuring that the staff leadership of the new office has a track record of non-partisanship is essential to establishing this independence.

Having spoken in general, philosophical terms about the legislation, let me now address some of the specifics. First, the transition period itself must be carefully structured to maintain a continuity of services by each of the agencies. Projects in existence on the effective date of the

act should be permitted to continue and the current language in Section 16 of the bill should be maintained.

Second, language in Senate Bill 1080 should require that the interim director appointed by the transition committee be an individual with extensive familiarity with the work of the LSAs. Additionally, this individual should be charged with the responsibility of working in conjunction with the existing LSA directors to provide for a smooth transition by addressing all of the issues involved in establishing a new office, including the physical location of the new office as well as the issues specified in Section 17 of the legislation. Requiring the interim director to work with the existing LSA directors will also help to flush out specific areas where administrative and other cost savings can be realized.

Third, when determining what constitutes an “appropriate portion” of the general administrative, overhead and supporting personnel to be transferred to the new office, as specified in Section 17, we would recommend that the legislation specify the interim director take into consideration the institutional and professional experience and qualifications of all personnel, including how the personnel can fulfill the objectives and functions of the new office. This language will enable the interim director to reduce personnel costs without jeopardizing the ability of the new office to employ the most highly experienced and qualified individuals.

Fourth, Senate Bill 1080 currently states that any report, prior to release, must contain the comments of the governmental agency involved in the study. While this is a reasonable provision for audit and other such financial reports, it would be counter-productive to other research and policy reports where governmental agencies may only have a limited role in the study and the development of the final report. We would recommend that this current language be amended to pertain specifically to audit and financial reports.

Fifth, Senate Bill 1080 enables the new office to perform research for individual members of the General Assembly. We believe this is an important tool for legislators to be able to access the depth of research Caucus staffs may not have time to perform given their numerous other legislative responsibilities. It is important to note that the proposed Pennsylvania Office for Research and Public Policy would complement the valuable work of Caucus staffs, not duplicate it.

Senate Bill 1080 would establish a unique “one-stop shop” for independent, non-partisan research and policy development. By preserving the work of the existing LSAs under one roof and “right-sizing” the office to meet the needs of its consumers in the Legislature, this proposed office has the potential to be a model for other states to follow as they, too, deal with challenging economic circumstances.

On behalf of our chairman, Representative Florindo Fabrizio, our vice chairman, Senator John Rafferty and the staff of the Commission, I would like to thank the committee for the opportunity to be here today. I would be delighted to answer any questions you may have.