

Questionnaire for Gubernatorial Candidates

Submitted by **Rock the Capital** and **Democracy Rising PA**

www.rockthecapital.org

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Please return your responses by August 1.

If you wish to receive and return the questionnaire electronically, please send an email to tim.potts@democracyrisingpa.com or lechambon@comcast.net. We will email the questionnaire to you. If you are responding by surface mail, please send your responses to P.O. Box 618, Carlisle, PA 17013.

Part 1

Statewide Investigating Grand Jury Recommendation for a Constitution Convention

The 28th Statewide Investigating Grand Jury's report of criminal and wasteful conduct in the General Assembly, most particularly in the House of Representatives, makes official the concerns that integrity advocates have raised for years. Among many recommendations, the grand jury calls for a Constitution convention where citizens can debate many possible changes to the Constitution as it pertains to the General Assembly.

Long before the grand jury's report, integrity advocates and ordinary citizens argued for a Constitution convention to debate possible changes affecting every article of the Constitution, not merely those affecting the General Assembly. A January 2010 Franklin & Marshall College Poll found that 78% of voters believe state government needs significant improvement, and 72% of voters believe that Pennsylvania needs a Constitution convention.

The first action necessary for a convention to occur is for the General Assembly to place a referendum on the ballot for voters to approve or reject.

1. What actions will you take as governor to compel the General Assembly to place the referendum on the ballot?

You are on record as favoring a "limited" Constitution convention.

2. What limits would you impose?
3. Do you support allowing voters to choose the convention's limits, if any? If not, how would you give legally enforceable meaning to Article I, Section 2 of the PA Constitution?

2.

One of the critical aspects of a Constitution convention is the selection of delegates. In 1967, the procedure used to choose delegates resulted in a convention of 163 delegates where only 11 were women; only six were minorities; 44% were lawyers; and 11% represented insurance and real estate interests. Thirteen of the delegates were legislative leaders who controlled the agenda and conduct of the convention.

Many believe that the next convention's delegates should more accurately represent the Commonwealth's citizenry.

4. Do you agree with the goal of ensuring that delegates to a convention, in the aggregate, accurately reflect Pennsylvania's citizenry geographically, demographically and economically? If so, how would you ensure that the delegate selection process achieves this goal?
5. If you disagree with the goal, what difficulties do you anticipate, if any, in gaining support for the convention's recommendations if the body of delegates does not reflect the citizenry?

The response of most legislators to the grand jury's report has been silence. A few have criticized the grand jury while a few others have called for action to implement some recommendations, to create a stronger system for enforcing ethics and standards of public integrity, and otherwise to prevent a repetition of the conduct at the center of the Bonus Scandal.

6. If the General Assembly fails to enact the grand jury's recommendations in 2010, will you call a Special Session of the General Assembly to deal solely with matters of public integrity? If so, what specific statutory changes will you ask the General Assembly to enact? If not, what other methods will you use to prompt the General Assembly to address the grand jury's recommendations and other improvements?
7. How will you lead citizens and media who support a Constitution convention into a force the General Assembly cannot ignore?

Part 2 **WAMs**

Since the 1980s, governors and lawmakers have collaborated to provide hundreds of millions of dollars in grants directed by lawmakers to projects in their own communities. Originally known as Walking Around Money (WAMs), these grants have changed names several times and have been referred to as "legislative initiative grants" and "discretionary grants."

3.

In 1995, Commonwealth Court declared in Common Cause of Pennsylvania v. Commonwealth, 668 A.2d 190, affirmed by the PA Supreme Court, that such grants are unconstitutional because they violate the separation of powers by giving lawmakers the ability to direct the use of funds after the funds have been appropriated to executive branch agencies. Even so, credible sources place the value of WAMs at \$640 million in the 2007-2008 budget and \$750 million in the 2008-2009 budget, \$120 million of which was carried forward into 2009-2010. In passing the current year's budget, the General Assembly included at least \$60 million in new money for WAMs.

All WAMs are contracts between the Commonwealth and the local entity receiving the funds. As such they require the prior approval of the governor, the state treasurer and the attorney general.

8. As governor, will you refuse to approve any contracts in which legislators have influenced, either directly or indirectly, the awarding of the contract *after* the money for it has been appropriated to an executive agency? Why or why not?
9. Given Common Cause of Pennsylvania v. Commonwealth, 668 A.2d 190, what legal authority do you believe permits the governor to approve WAMs? If you believe this case is current law, will you enforce it and refuse to approve WAMs?

Part 3 **The Legislature's Surplus**

As state government cuts services to citizens and lays off employees for lack of funds, the four caucuses of the General Assembly collectively have \$180 million in surplus funds from previous years. In passing this year's budget, the General Assembly contributed nothing of its surplus to the General Fund. Instead, it made insignificant cuts to its own budget, even as it promised to implement some cost-saving ideas from various sources and predicted a large number of staff retirements. As a result, the legislature's surplus by the end of this fiscal year is expected to exceed \$200 million.

In the past, according to the Statewide Investigating Grand Jury, surplus funds have been used for illegal purposes, leading the grand jury to make the following recommendations:

- "a) 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.
- "b) That a routine full, independent audit of all legislative expenses be conducted with the results of such an audit available to the public ."

10. Do you believe the legislature, unlike executive and judicial agencies with rare exceptions, should be able to carry funds forward that were not expended in the year for which they were appropriated? Please explain.

4.

11. If not, will you blue-line as many line items in the budget for the General Assembly as necessary to ensure that the legislature spends down its surplus funds from previous years? Please explain.
12. If so, how large a surplus do you believe is appropriate for the legislature to carry forward? Why shouldn't executive and judicial agencies be able to carry forward similar funding?

*Thank you for answering these questions.
Your answers will appear on our web sites as soon as possible.*