



# PA House of Representatives Republican Policy Committee

128, Main Capitol Building  
Harrisburg, PA 17120  
(717) 260-6144

**Rep. Joshua D. Kail**  
Chairman

## **PA House Republican Policy Committee Hearing “Constitutional Amendments: Why We Care” January 23, 2023 at 11 a.m. Room 140, Main Capitol Building Harrisburg, PA**

- 11:00 a.m. Welcome and Pledge of Allegiance
- 11:15 a.m. **Statute of Limitations & Amendment Process**  
*Rep. Jim Gregory, 80<sup>th</sup> Legislative District (Blair & Huntingdon)*
- 11:40 a.m. **Voter ID**  
*Secretary Frank LaRose – Ohio Secretary of State*
- 12:05 p.m. **Voter ID**  
*Madeline Malisa – Senior Fellow, Foundation for Government Accountability*
- 12:30 p.m. **Regulatory Veto Reform**  
*David Taylor – President & CEO, Pennsylvania Manufacturers’ Association*
- 12:35 p.m. **Regulatory Veto Reform**  
*Grant Gulibon – Environmental Specialist, Pennsylvania Farm Bureau*
- 12:40 p.m. **Regulatory Questions**  
*Grant Gulibon & David Taylor*
- 1:00 p.m. **General Questions Concerning SB 1**  
*All Testifiers*
- 1:25 p.m. **Final Comments and Conclusion**

*Report submitted by request of Rep. Jim Gregory:*

*“A Realistic Estimate of the Impact of SOL Reform in Pennsylvania” – CHILD USA*

*Written Testimony submitted by:  
Suzanne Estrella – Office of Victim Advocate  
Donna Greco – PA Coalition Against Rape  
Marci Hamilton – CHILD USA  
Stacie Rumenap – Stop Child Predators*



## Testifier Biographies

PA House of Representatives Policy Committee Hearing  
*"Constitutional Amendments: Why We Care"*



### State Representative Jim Gregory 80th Legislative District (Blair & Huntingdon)

Jim Gregory took the oath of office as state representatives for the 80th Legislative District on Jan. 1, 2019.

He serves on the following House committees: Human Services, Labor and Industry, Local Government, and Tourism and Recreational Development.

Prior to seeking public office, Jim spent five years as a legislative aide to a local state senator, was the marketing and sales director for the Altoona Curve and was a sportscaster for a local television station for 12 years.

Jim is a prolife and Second Amendment advocate who believes in commonsense governing. He wants to find solutions to lowering the tax burden on working families and address the rising opioid crisis that is destroying lives and families across Pennsylvania.

Jim's involvement in the community is extensive, including four years as a member of the Blair County Republican Committee; a former member of the Board of Director for Penn Highlands Community College; a member of the Hollidaysburg Area School Board; and a member of the PHCC Blair County Advisory Board and the Board of Directors of the Blair County Drug and Alcohol Partnership.

Jim currently resides in Hollidaysburg with his wife, Lynn. He has two adult sons, Matt and Mitch.

### Secretary Frank LaRose Ohio Secretary of State

Frank LaRose became Ohio's 51st Secretary of State on January 14, 2019, bringing to the office years of hard-earned leadership skills and public service developed as a U.S. Army Reservist, State Senator, U.S. Army Special Forces Green Beret, and Eagle Scout.

As Secretary of State, he oversees a statewide constitutional office responsible for administering elections and incorporating new businesses. Secretary LaRose principally serves as the state's chief elections officer, working with 88 county boards of elections to ensure the security, accuracy, and accessibility of Ohio's voting process.



## **Secretary Frank LaRose**

### **Ohio Secretary of State (cont.)**

In 2020, he helped guide the state through the unprecedented challenges of a presidential election conducted at the height of a global pandemic, successfully managing the highest voter turnout election in state history.

Secretary LaRose also positioned Ohio as a leader in election security and vulnerability assessment, putting more resources than ever into cybersecurity improvements, data retention, and post-election audit protocols. He created the office's first Public Integrity Division, launching a bipartisan Election Integrity Task Force and empowering a full-time investigative unit to review alleged violations of state election laws. He authorized the most aggressive effort in the history of the office to ensure the accuracy of Ohio's voter rolls, requiring regular audits of registration data and working with the state attorney general to prevent and potentially prosecute non-citizen voting activity.

Secretary LaRose also modernized the office's campaign finance disclosure system, improving the electronic accessibility and transparency of public reports, and he became one of just four secretaries of state nationwide to win a coveted award for innovative voter outreach and poll worker recruitment programs.

As the lead statewide agency responsible for helping businesses get organized and opened, Secretary LaRose's administration assisted job creators in registering more new ventures than at any time in Ohio's history. He also worked with the General Assembly to enact the most significant business modernization reform since 1994, providing new options for organizing LLCs and improving the office's electronic filing system for business start-ups.

Prior to his election as Secretary of State, LaRose served as a member of the State Senate, where he led efforts to increase government transparency and efficiency, particularly in the areas of elections administration and regulatory reform. Among numerous recognitions, LaRose earned the Legislator of the Year award from the Ohio Association of Election Officials for his efforts to improve Ohio's election process.

LaRose developed his strong work ethic and sense of responsibility at a young age while working on a small, family-owned farm in Northeast Ohio. After graduating from Copley High School, he fulfilled a lifelong dream of enlisting in the United States Army with the 101st Airborne, ultimately serving as a U.S. Special Forces Green Beret. During his decade in uniform around the globe, LaRose received numerous commendations and honors, including the Bronze Star. He continues to serve as an Army Reservist and helps to support his fellow veterans and advance the cause of patriotism as a member of the VFW and as a local board member for the Green Beret Foundation. LaRose graduated from The Ohio State University with a degree in Consumer Affairs and Business.

A life-long Northeast Ohioan, he now lives in Central Ohio with his wife, Lauren, and their three daughters.



**Madeline Malisa**  
**Senior Fellow, Foundation for Government Accountability**

Madeline Malisa is a senior fellow at the Foundation for Government Accountability, where she focuses on election and initiative integrity.

Prior to joining FGA, she was a director of government relations at Consolidated Communications. Previously, she served as chief counsel to Governor Paul LePage in the State of Maine. She started her career in private practice. As a civil litigator, she tried jury trials, bench trials, and appeals, including successfully before Maine's Supreme Court.

She holds a Bachelor of Arts in History from St. Lawrence University, and received her Juris Doctor from the University of Maine School of Law. She is licensed to practice in Maine and Massachusetts.

Madeline first experienced the value of work as a sales associate for her local Sears. To her, work is the foundation of freedom, self-determination, and the power to achieve the American Dream. She believes that one of the most important sources of America's greatness is the opportunity for its citizens to work.

Madeline is a fitness enthusiast and avid baker. A fan of the New England Patriots and the Boston Red Sox, Madeline and her husband live in Portland, Maine.

**David N. Taylor**  
**President & CEO, Pennsylvania Manufacturers' Association**

David N. Taylor is President & CEO of the Pennsylvania Manufacturers' Association, the statewide trade organization representing the manufacturing sector in Pennsylvania's public policy process. Now in his 26th year with PMA, Taylor is the association's chief spokesman at the state Capitol in Harrisburg and in the media. He is editor of the PMA Bulletin and host of the statewide television program "PMA Perspective" on the Pennsylvania Cable Network.

A frequently sought guest and commentator, David is also the host of "Capitol Watch", a twice-monthly news and commentary program on "Lincoln Radio Journal", which is heard on more than 90 radio stations across Pennsylvania.

David is chairman of the Pennsylvania Leadership Council and a member of the American Enterprise Institute's Leadership Network. He serves on the boards of directors of the Pennsylvania Manufacturers' Association, the Pennsylvania Steel Alliance, the Foundation for Free Enterprise Education, the Business-Industry Political Action Committee (BIPAC), and the Lincoln Institute for Public Opinion Research.



## **David N. Taylor**

### **President & CEO, Pennsylvania Manufacturers' Association (cont.)**

He is the immediate past chairman of the Pennsylvania Coalition for Civil Justice Reform and has completed his term on the executive committee of the Conference of State Manufacturing Associations (COSMA).

David was a member of Governor Tom Corbett's Manufacturing Advisory Council. He is school board president of Reach Cyber Charter School, an online public school providing a broad range of science, technology, engineering, and math (STEM) enrichment for students.

Prior to joining PMA, David worked in the United States Senate and the Senate of Pennsylvania.

A native of Huntingdon PA, David is a graduate of Dickinson College, where he majored in History and Dramatic Arts. He is an Elder of the Huntingdon Presbyterian Church and member of Central Pennsylvania MENSA. He lives near Hershey PA with his wife Erica and their daughter Meredith.



## **Grant R. Gulibon**

### **Environmental Specialist, Pennsylvania Farm Bureau**

Grant R. Gulibon serves as Environmental Specialist for the Pennsylvania Farm Bureau, the Commonwealth's largest general farm organization providing legislative support, information, and services to Pennsylvania's farmers and rural families since 1950. In this capacity, Mr. Gulibon serves as research analyst for state and federal environmental and other regulatory proposals affecting agriculture, concentrating on the topics of transportation, building codes, animal health and well-being, air and water quality, food safety, and nutrient management; as staff liaison to internal and external committees, boards, and

working groups formulating and evaluating such proposals; and as a resource for individual Farm Bureau members with questions or concerns regarding regulatory matters.

Mr. Gulibon has more than 25 years of Pennsylvania public policy research, advocacy, and governmental relations experience, and holds a Bachelor of Science degree in economics from Saint Vincent College and a Master of Science degree in public policy analysis from the H. John Heinz III School of Public Policy and Management, Carnegie Mellon University.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1 Session of  
2023

INTRODUCED BY LAUGHLIN, J. WARD, K. WARD, PITTMAN, AUMENT,  
PHILLIPS-HILL, BARTOLOTTA, MARTIN, BAKER, ARGALL, BROOKS,  
BROWN, COLEMAN, DiSANTO, DUSH, FARRY, GEBHARD, HUTCHINSON,  
LANGERHOLC, MASTRIANO, PENNYCUICK, REGAN, ROBINSON, ROTHMAN,  
STEFANO, VOGEL AND YAW, JANUARY 6, 2023

SENATOR PITTMAN, RULES AND EXECUTIVE NOMINATIONS, RE-REPORTED AS  
AMENDED, JANUARY 10, 2023

A JOINT RESOLUTION

1 Proposing separate and distinct amendments to the Constitution  
2 of the Commonwealth of Pennsylvania, further providing for  
3 COURTS TO BE OPEN AND SUITS AGAINST THE COMMONWEALTH, FOR <--  
4 action on concurrent orders and resolutions and for  
5 qualifications of electors.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby resolves as follows:

8 Section 1. The following separate and distinct amendments to  
9 the Constitution of Pennsylvania are proposed in accordance with  
10 Article XI:

11 (1) THAT SECTION 11 OF ARTICLE I BE AMENDED TO READ: <--

12 § 11. COURTS TO BE OPEN; SUITS AGAINST THE COMMONWEALTH.

13 (A) ALL COURTS SHALL BE OPEN; AND EVERY MAN FOR AN INJURY  
14 DONE HIM IN HIS LANDS, GOODS, PERSON OR REPUTATION SHALL HAVE  
15 REMEDY BY DUE COURSE OF LAW, AND RIGHT AND JUSTICE ADMINISTERED  
16 WITHOUT SALE, DENIAL OR DELAY. SUITS MAY BE BROUGHT AGAINST THE  
17 COMMONWEALTH IN SUCH MANNER, IN SUCH COURTS AND IN SUCH CASES AS

1 THE LEGISLATURE MAY BY LAW DIRECT.

2 (B) AN INDIVIDUAL FOR WHOM A STATUTORY LIMITATIONS PERIOD  
3 HAS ALREADY EXPIRED, OR WHOSE CLAIM WOULD OTHERWISE BE BARRED OR  
4 LIMITED BY A STATUTORY CAP ON DAMAGES, SOVEREIGN IMMUNITY OR BY  
5 GOVERNMENTAL OR OFFICIAL IMMUNITY, SHALL HAVE A PERIOD OF TWO  
6 YEARS, WITHOUT BAR OR LIMITATION BY SUCH CAPS OR IMMUNITIES,  
7 FROM THE TIME THAT THIS SUBSECTION BECOMES EFFECTIVE TO COMMENCE  
8 AN ACTION ARISING FROM CHILDHOOD SEXUAL ABUSE, IN SUCH CASES AS  
9 PROVIDED BY LAW AT THE TIME THAT THIS SUBSECTION BECOMES  
10 EFFECTIVE.

11 ~~(1)~~ (2) That section 9 of Article III be amended to read: <--

12 § 9. Action on concurrent orders and resolutions.

13 Every order, resolution or vote, to which the concurrence of  
14 both Houses may be necessary, except on the questions of  
15 adjournment, disapproval of a regulation or termination or  
16 extension of a disaster emergency declaration as declared by an  
17 executive order or proclamation, or portion of a disaster  
18 emergency declaration as declared by an executive order or  
19 proclamation, shall be presented to the Governor and before it  
20 shall take effect be approved by him, or being disapproved,  
21 shall be repassed by two-thirds of both Houses according to the  
22 rules and limitations prescribed in case of a bill.

23 ~~(2)~~ (3) That section 1 of Article VII be amended to read: <--

24 § 1. Qualifications of electors.

25 (a) Every citizen 21 years of age, possessing the following  
26 qualifications, shall be entitled to vote at all elections  
27 subject, however, to such laws requiring and regulating the  
28 registration of electors as the General Assembly may enact.

29 1. He or she shall have been a citizen of the United States  
30 at least one month.

2. He or she shall have resided in the State 90 days immediately preceding the election.

3. He or she shall have resided in the election district where he or she shall offer to vote at least 60 days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within 60 days preceding the election.

(b) In addition to the qualifications under subsection (a) of this section, a qualified elector shall provide a valid identification at each election in accordance with the following:

1. When voting in person, the qualified elector shall present a valid identification before receiving a ballot to vote in person.

2. When not voting in person, the qualified elector shall provide proof of a valid identification with his or her ballot.

(c) If a qualified elector does not possess a valid identification, he or she shall, upon request and confirmation of identity, be furnished with a government-issued identification at no cost to the qualified elector.

(d) For purposes of this section, the term "valid identification" means an unexpired government-issued identification, unless otherwise provided for by law.

Section 2. The following procedure applies to the proposed constitutional amendments in this joint resolution:

(1) Upon first passage by the General Assembly of the amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of

1 section 1 of Article XI of the Constitution of Pennsylvania.

2 (2) Upon the second passage of the amendments by the  
3 General Assembly, the Secretary of the Commonwealth shall  
4 proceed immediately to comply with the advertising  
5 requirements of section 1 of Article XI of the Constitution  
6 of Pennsylvania. The Secretary of the Commonwealth shall:

7 (i) Submit the amendment under section 1(1) of this  
8 resolution to the qualified electors of this Commonwealth  
9 as a separate ballot question at the first primary  
10 election which meets the requirements of section 1 of  
11 Article XI of the Constitution of Pennsylvania.

12 (ii) Submit the amendment under section 1(2) of this  
13 resolution to the qualified electors of this Commonwealth  
14 as a separate ballot question at the first primary  
15 election which meets the requirements of section 1 of  
16 Article XI of the Constitution of Pennsylvania.

17 (III) SUBMIT THE AMENDMENT UNDER SECTION 1(3) OF <--  
18 THIS RESOLUTION TO THE QUALIFIED ELECTORS OF THIS  
19 COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST  
20 PRIMARY ELECTION WHICH MEETS THE REQUIREMENTS OF SECTION  
21 1 OF ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA.

Thank you, Mr. Chairman, members of the policy committee, and colleagues for the opportunity to speak to you today on House Bill 14, the proposed constitutional amendment to bring about a two-year “lookback window” for victims of childhood sexual abuse.

My intention is to create a two-year period in which victims could file lawsuits if the statute of limitations has already expired in their case. In 2019, the General Assembly adjusted the statute of limitations for survivors of childhood sexual abuse. Survivors can file suit until they reach the age of 55, rather than 30. However, the lookback window lifting the statute of limitations is important because publicity about widespread abuse prompted older survivors to confront long-repressed, yet heinous, acts committed against them. I’ll describe how that has mirrored my own experience.

Mr. Chairman, your request of me was to provide you with a description of how we have gotten where we are and why we are attempting to amend the State Constitution. To do this, I must ask your indulgence, as I pass around an object related to my story and explain how I got here.

In order to do this for me, I must tell you that I ask my Higher Power, my Lord and Savior, to give me the words that I speak to you about this today.

By hearing my story, hopefully it will help you understand and even accept more clearly the impact that child sexual abuse has on an individual and what that victim then perpetrates on his family and others, the secondary trauma that creates even more victims, and thus the ripple effect of child sexual abuse that sadly is still so pervasive in our families and communities today.



I provided you with some pictures today to give you the face of child sexual abuse.

The first one you see is my face at around 10 years of age. It represents the faces of so many children who, like me, were abused at a very young age. The purpose of House Bill 14 and similar legislation is to allow for the temporary lifting of the statute of limitations because many, like me, repressed what happened and don't reveal the abuse until decades later.

In my case, the abuse happened at 10 and I first started to talk about it under very difficult circumstances at age 48.

The next picture is of my family's house at 35 Avenue D, Latrobe. In the attic of that house my brother, Brian, and I shared a bedroom and spent our childhood making memories together.



Unfortunately, in the summer of 1972, in another house on that block, my best friend introduced me to

something new. Immediately, that *Playboy* magazine somehow felt wrong or dirty. That interaction evolved and soon Randy was explaining how he was going through puberty and would have hair on his pelvis like the centerfold model had. He asked to look at me.

Several days after that, Randy and I were in my attic bedroom. My mom, as she stood at the base of the steps and out of sight, hollered

up, “What are you guys doing? Are you okay?” I quickly and instinctively answered that yes, we are okay, just playing.

At that moment, I now realize, it was the first moment in my life that I told a lie to cover up what I was doing as a “bad boy.” For the next 38 years, I lived with that shame, guilt and embarrassment.

What we were doing was a sexual act during which Randy explained what was happening physically. I think often about how my life would be so different if my mother had walked up five steps to see what was going on before she startled us with her question.

If that happened?

I know in God’s world, I would not be here with you today. My path would have been different in so many ways. But, sometimes awful things turn into blessings, too. Being sexually abused brings me here to tell victims – I am speaking for you today because I know the pain you feel every day.

I know what it did to me, leading to destructive behaviors, multiple addictions and dangerous situations. It continues to impact me today.



The next photos show the space between two garages where, within eyesight of my family home, Randy introduced me to anal sex. It happened between those two garages as I was pressed up against the wall on the right. If you notice, at the bottom of the white siding, there is some green, gritty, asphalt-feeling siding that has been covered over.

I will never forget how that siding felt against my fingertips. My fellow victims will tell you we never forget any feel, smell, sight, taste or sound of what was happening around us in that moment. We live with it for sometimes entire decades. The shame, guilt and embarrassment eat us up from the inside. Our insides are never able to match our outsides as we go through life trying to hide it all.

There was a third episode that I don't need to describe, except to tell you another 13-year-old boy participated in it with Randy and me.

Now, you know why I am so passionate about being here today. I am here to speak for those who can't or just haven't had the support or belief that they could.

I speak because God blessed me with an opportunity to speak as a legislator and someone who not only survived, but thrived, after childhood sexual abuse. I cannot live as a victim anymore. To do so would allow the shame and guilt to seep into my life again and take me back to my addictive behaviors.

I hope all of you who have had a chance pass around, look at and feel the texture of the piece of siding that I have passed around for you. That's an actual piece of the garage that I was pressed up against.

We are here to help people who can't help themselves. I'm here for the victims.

In 2018, then-Rep. Mark Rozzi was unsuccessful in convincing the Senate that the statutory path was constitutional. I was watching that unfold from Blair County, site of the Altoona-Johnstown Catholic Diocese grand jury report that uncovered hundreds of abuse cases as well as efforts by the diocese and even law enforcement to cover them up.

I came to Harrisburg with a promise to my constituents that I would a different path, via a constitutional amendment, to allow the people a voice with their vote and give victims more legal certainty. I am here today to keep that campaign promise.

There are two other amendments that are being pursued to appear on the ballot at the same time as the lookback window.

I am critical of this effort because victims waited 15 years before my efforts began. Victims have waited almost four years for the constitutional process to take its course. In fact, in a cruel twist, they were further aggrieved when the Department of State forgot to advertise the most important amendment for the victims while properly advertising three other constitutional amendments that appeared on the ballot in 2021.

Victims have now waited two more agonizing years. Because we can't agree on the House rules or even which party has the majority to set those rules, I am sadly resigned to knowing House Bill 14 will have to wait yet again and hopefully be on the November ballot. This goes beyond cruel. We sped past cruel two years ago.

To the speakers here today for Voter ID and regulatory reform, I support the need for both.

For the sake of the faces like the 10-year-old boy you saw pictured



today, allow House Bill 14 to appear on the ballot by itself.

If you have questions, I am happy to answer them but would like to take the time to do so in a thoughtful manner. I ask that you submit them to me in writing.

- Rep. Jim Gregory, 80<sup>th</sup> District

TESTIMONY FROM OHIO SECRETARY OF STATE FRANK LAROSE for the Pennsylvania House Republican Policy Committee:

Thank you, Chairman Kail and members of the Pennsylvania House Republican Policy Committee for the invitation to speak with you today. It's good to be back. I sincerely believe the path forward to strengthen this country is here at the state level – sharing ideas and learning from each other as 50 laboratories of democracy. The last time I had the opportunity to speak with Pennsylvania's elected representatives, we talked about important procedures we in Ohio have in place which allow our state to swiftly count ballots on election night and other efforts that have made Ohio a national model for election administration. Simply put, we make it both easy to vote and hard to cheat. I hope we can continue our dialogue and inspire other states to look our way in our efforts to boost both the integrity and accessibility of our election system.

Ohio became a national model because we've had a relentless drive to innovate, modernize, and improve. For decades, Ohio has served as the epicenter of presidential politics – As Ohio Goes, So Goes the Nation has long been a part of the American political lexicon. That intense focus on our elections required Ohio to get it right because the world is watching. As a result, we've continuously improved the logistics, security, and convenience of our elections to deliver both a good voter experience and elections that Ohioans can trust – even when their favorite candidate loses.

What makes elections work -- what makes our democratic republic work more than anything else is the confidence voters have in our elections. Without that confidence, there is no "consent of the governed", as prescribed by Thomas Jefferson in the Declaration of Independence. Without that confidence, there is no democratic republic.

So where does that confidence stand right now?

A poll conducted after the 2022 election by Pew Research Center showed nearly 1 in 3 voters aren't confident in their elections. That's not just Republican voters – it's ALL voters. Just four years ago, it was less than 1 in 5. Voter confidence is getting worse, and it's getting worse fast.

In Ohio, we're working aggressively to turn these concerns around. We've worked with community leaders to conduct seminars that educate them about misinformation and disinformation and how to respond to it. We invited news media to tour our county boards of elections and learn more about the efforts made to keep our elections secure and accessible. We built out a full rapid-response team that has been recognized in the New York Times for its efforts to fight back against misinformation and disinformation around election season. Most recently, we launched a brand-new Public Integrity Division whose mission is to address allegations of voter fraud & suppression, among other tasks designed to strengthen the confidence of voters in our elections.

Because we're never one to rest on our laurels, we worked to find other ways to boost voter confidence, and there was an easy change with big support that could go a long way towards getting the job done. Continuing our efforts to focus on the concerns of voters, we have seen overwhelming approval for voter photo ID requirements. Pew Research Center shows 76 percent support it nationally. That number is 80 percent according to Monmouth University, and NPR shows 79 percent want photo ID requirements. From my understanding, Pennsylvania polling shows very similar levels of support for this improvement.

With my support, Ohio leaders in our General Assembly took action. Last month, they passed legislation requiring photo identification to vote, and they did it the right way. In order to ensure no one will be left out, they are making state-issued photo identification available for free. Additionally, exceptions were made for religious reasons, and no additional identification requirements were made for our successful and secure vote-by-mail system.

Because of the way the law is structured, it won't prevent individuals from voting. Instead, it simply ensures that only eligible citizens are able to do so. This is a fair and reasonable measure to maintain the integrity of our elections, and to build confidence in the election process.

Will this change impact the voting experience for a lot of Ohio voters? The answer is no. According to a sampling of our county boards of elections, about 98 percent of Ohioans were already using either their driver license or state-issued photo ID card to vote in the 2022 election, and that's consistent with other previous elections.

Government works best when we work together on common-sense solutions with strong support from the people. That happened in Ohio, and it can happen here in Pennsylvania.

Thank you, and I look forward to answering your questions.



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## Protecting Election Integrity

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### Overview of Voter ID

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Presented to Pennsylvania House of Representatives  
Republican Policy Committee

January 23, 2023

Madeline Malisa

Senior Fellow

Foundation for Government Accountability

Chairman Kail and members of the committee, thank you for the opportunity to testify today. My name is Madeline Malisa, and I'm a senior fellow at FGA, a nonprofit public policy organization that works with lawmakers across the country on reforms that increase election integrity. I've been in many states to discuss this issue, and from what I've seen around the country, voter ID laws are one of the more popular and impactful reforms.

Pennsylvania voters are passionate about the fundamental right that we all have as Americans to vote and participate in our democratic process. They don't want loopholes and weaknesses in the design of elections to threaten that right. One of the biggest deterrents to illegal voting practices is voter ID. No voter should have their vote canceled out or diluted by an illegal vote. Requiring voter ID uniformly for ballots will increase ballot security for Pennsylvania voters regardless of whether they choose to vote in person or by mail.

### **Voter ID increases election security and voter confidence**

Voter ID is the single most effective and secure way to verify a voter's identity. It does this in a very practical way. It simply requires that a voter prove they are who they say they are. It also removes the problems of guesswork or lack of training inherent in other verification processes, like signature matching, which can lead to illegal votes being counted and legal votes being rejected.

Voter ID helps to prevent illegal voting activities, such as impersonating another registered voter or double voting. It also prevents ineligible voters like out-of-state residents or non-citizens from casting ballots. This reform likewise stops state officials from mistakenly issuing more than one ballot to each voter.

ID requirements are critical to fighting ballot harvesting. They deter crime rings from engaging in large-scale illegalities and irregular harvesting tactics, that often target vulnerable voters like the elderly. Without voter ID, bad actors can easily game elections without consequences.

Voter ID requirements are also crucial for voter confidence. Voters need to have confidence in the election process in order to have confidence in the election results. They want to know that they are voting in free, fair, and valid elections.

Of course, showing an ID isn't groundbreaking or new for residents in your state. Anyone who has ever been checked into a hospital, picked up a prescription, opened a bank account, or bought a beer knows that producing an ID is just a normal part of everyday life in Pennsylvania. For residents who do not have an ID, offering a free voter ID provides an easy option to meet this requirement.

### **Voter ID laws have been widely enacted across the country**

Currently, Pennsylvania is one of only 15 states where voters can cast their ballot without showing an ID document. This is a significant vulnerability in the election process.

In 35 states, voters must show some type of ID document to vote.<sup>1</sup> Under a strict ID requirement, voters without acceptable identification will vote on provisional ballots and then must return to an election office within a few days to show an acceptable ID. States with this requirement include Florida, Indiana, Ohio, Rhode Island, and Wisconsin.<sup>2</sup>

Just this month, Ohio enacted comprehensive voter ID requirements for both in-person and absentee voting. In 2022, Florida, South Carolina, Kentucky, Indiana, and Missouri all passed bills to strengthen their voter ID laws. This session, voter ID bills have been introduced in Nebraska, Virginia, and West Virginia.

## **Voter ID laws are strongly supported by Pennsylvania voters**

Voter ID is good policy and it is clear that Pennsylvania voters agree. A large majority of Pennsylvania voters say they support requiring a valid, government-issued ID for those voting in person or dropping off an absentee ballot at a drop box.<sup>3</sup> This is not a partisan issue either, it is a view shared across the political spectrum. In fact, 66 percent of Independents and 65 percent of all voters support voter ID in Pennsylvania. Nationally, nearly eight in 10 Americans consider election integrity and security very important to them.<sup>4</sup> Voter ID laws are popular for a reason—voters understand that they increase security in the process, and certainty in the outcome.

In closing, I commend the members of this committee for your commitment to election integrity in Pennsylvania. Public access to and public confidence in the integrity of elections are fundamental components of enduring freedom. When Pennsylvania voters cast their ballots, they deserve to know that their votes will count. I appreciate your time today and I'm happy to answer any questions.

<sup>1</sup> National Conference of State Legislatures, "Voter ID laws," NCSL (2022), <https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>.

<sup>2</sup> *Ibid.*

<sup>3</sup> Center for Excellence in Polling, "Pennsylvania Voters," (August 2022), <https://excellenceinpolling.com/wp-content/uploads/2023/01/Pennsylvania-Election-Integrity-Briefing-Book-9-21-2022.pdf>.

<sup>4</sup> Center for Excellence in Polling, "2022 National Election Security Poll," (June 2022), <https://excellenceinpolling.com/poll/2022-national-election-security-poll>.



**Pennsylvania Manufacturers' Association**

January 23, 2023

House Republican Policy Committee

Importance of Regulatory Disapproval Clause in Constitutional Amendment (Senate Bill 1)

David N. Taylor  
President & CEO

Good morning, Chairman Kail and members of the committee.

I am David N. Taylor, President & CEO of the Pennsylvania Manufacturers' Association, the statewide nonprofit trade organization representing the people who make things here in the commonwealth. Manufacturing adds \$92 billion in value every year, directly employing over a half-million Pennsylvanians and sustaining millions of additional Pennsylvania jobs through supply chains, distribution networks, and industrial vendors.

Because the manufacturing sector adds the most value, manufacturing jobs offer the best wages and benefits in the marketplace. The manufacturing process also has the strongest multiplier effect on job creation. Additionally, manufacturing employers are significant local taxpayers, sustaining the local tax base and funding important local services. As we all know, a community that loses its factory is a community facing significant decline. This is why Pennsylvania's policymakers should be interested in the health of our manufacturing economy and how state policy decisions affect the competitiveness of our business environment.

Thank you for the opportunity to testify on the portion of Senate Bill 1 pertaining to the General Assembly's disapproval of a regulation.

While generally understood, it still must be stated that the role of the executive branch in creating regulations is to implement the laws passed by the general assembly. But all too often, regulatory overreach occurs when unelected bureaucrats' regulatory powers extend far beyond the intent of passed legislation; entirely bypassing the General Assembly's legislative process.

According to the Pennsylvania Bulletin database, there were 474 proposed rulemakings and 507 rules and regulations during Governor Tom Wolf's tenure (January 20, 2015 - January 16, 2023). Some of these examples are veto notices, emergency declarations, or notices of public meetings. But far too many were rules and regulations stemming from departments, under the jurisdiction and direction of the executive branch, that had transformational policy impacts.

One example of a transformational policy impact is seen when in late December of 2017, the Department of Revenue issued rules completely altering the treatment of bonus depreciation and the depreciation of capital investments. This was done only because a department spokesperson cited the need to, "spare the General Fund from lower collections." This surprise rulemaking was fixed by the General Assembly with the passage of Senate Bill 1056, but not until more than six months later. Most ironically, Governor Wolf held a bill signing for Senate Bill 1056 later in the summer of 2018 – approving the bill to fix the problem his administration created. Nevertheless, it's unknown just how much business development and investment we missed out on in this period of ambiguity because of unnecessary uncertainty driven by overzealous bureaucratic regulations.

Another glaring example of regulatory overreach came in the earliest days of the COVID-19 pandemic. From the initial "essential" versus "nonessential" business closure orders to the 139 pages of rules to be enforced or suspended as per the Governor's office, most if not all orders came without consultation or cooperation of the General Assembly. While most of these rules were passed under the authority given via emergency powers, and this process was fixed via constitutional amendment in May of 2021, these examples provide insight into the power of the

executive branch in creating laws with no approval or oversight by the body of government assigned with this task. The provision I testify to today closely mirrors the sentiment that was passed and approved by the voters of Pennsylvania just two years ago via constitutional amendment.

Perhaps the most egregious example is found when the Environmental Quality Board, under the direction of Governor Wolf, proposed to amend Chapter 145, Subchapter E, establishing the CO<sub>2</sub> Budget Trading Program, more commonly known as Pennsylvania's entry into the Regional Greenhouse Gas Initiative. The rulemaking was challenged by the General Assembly, both in terms of its impact of PA's energy policy but also in terms of its blatant unconstitutionality as the rulemaking implements a tax (as we do believe will soon be adjudicated in the PA Courts), and in entering our commonwealth into a multi-state accord. Both actions are not implied powers of the Executive Branch and every tax, and every multi-state accord Pennsylvania has ever participated in, has been with the approval of the General Assembly. The General Assembly, with a bipartisan vote in both Chambers, voted via joint resolution to suspend this rulemaking, but the vote to suspend a regulation by the executive branch requires that executive's signature. With the joint resolution vetoed, the veto-override fell just short of the necessary votes and now the process is tied up in the courts – creating massive levels of business investment uncertainty all while spending an untold and unnecessary amount of taxpayer dollars in legal fees.

Beyond these potential changes in state law, I would also urge lawmakers to craft legislation in a manner that minimizes the discretion of the regulatory agencies. Too often, bills are approved that point toward particular policy goals but allow the bureaucracy great latitude in promulgating the specific rules with which the public must comply. Jefferson said the price of liberty is eternal vigilance, and that ancient American truth is equally applicable here. Do not give the bureaucrats the chance to misrepresent your legislative intent.

As lawmakers you have both the opportunity and the responsibility to rebalance the scales and defend the separation of powers. On behalf of Pennsylvania's manufacturing employers, I thank the committee for its interest in this important subject and I will do my best to answer your questions.

**Testimony of Grant R. Gulibon, Environmental Specialist**  
**Pennsylvania Farm Bureau**  
**Pennsylvania House Republican Policy Committee**  
**January 23, 2023**

Good afternoon, Mr. Chairman, and members of the committee. On behalf of the Pennsylvania Farm Bureau and our more than 30,000 member families across the Commonwealth, thank you for the opportunity to offer comments on state regulatory policy and the proposed constitutional amendment affecting regulatory veto reform, and share some of the principles that our members believe are necessary for creating a regulatory climate that safeguards essential public health and safety—without encroaching on the inherent freedom of individual Pennsylvanians to better their lives and the lives of their families and neighbors.

Farm Bureau, like a number of business organizations, has been and continues to be concerned about the regulatory climate at the national, state, and local level. We believe that a business climate that promotes innovation and entrepreneurship is critical to encourage the next generation of potential agriculture professionals to choose farming. At the same time, we encourage Pennsylvania to promote itself as—and truly become—a business-friendly state that welcomes new agriculture-related businesses and processors to open in the Keystone State, and we appreciate the good work of so many in the General Assembly who share those goals.

Farmers appreciate the need for some common-sense regulations. We know that our food must meet safety guidelines to create and maintain consumer confidence in our food supply. Likewise, Pennsylvania farmers have always taken pride in caring for the land that is their legacy and the foundation of all they do. They have invested their own funds to install best management practices (BMPs) that protect the soil, air and water, and this work ultimately improves the quality of life for every Pennsylvanian—by protecting the waterways we all enjoy and depend upon, and by ensuring a reliable, safe, and affordable food, fuel and fiber supply in an increasingly competitive, growing, and expensive global marketplace. We do all of this under federal, state, and local regulatory regimes that are too often confusing, contradictory, and certainly costly and time-consuming to navigate with any degree of success.

There is much discussion of regulatory “horror stories” in settings like these, and with good reason, because a business or individual’s negative experience with a government agency often has effects far beyond the particulars of that case, in terms of influencing the perception of the Commonwealth’s business-friendliness that I referenced earlier. What is just as destructive, but much less visible, is the relentless accumulation of regulatory requirements that Pennsylvania’s farmers—and other job creators and economic generators—must comply with daily, with the specter of potentially crippling penalties a constant presence looming over their operations. Often, today’s regulatory “horror story” was years, or even decades, in the making.

Many of our members, in addition to the steadily rising costs of farm inputs, also regularly shoulder the cost of engaging with technical professionals to make sure they do not run afoul of obscure, but still critical, regulatory requirements. This in turn reduces the financial resources available to make investments in conservation practices or other enhancements to their operations. Farmers have an ingrained conservation ethic and take active and voluntary measures to protect the soil and water on their farms. In those areas, farmers justifiably view themselves as part of the solution, not the problem.

To ensure that state regulations are truly in the public interest and that scarce public and private resources are used most effectively and efficiently, the people’s representatives must take a more active role in overseeing the actions of regulatory agencies. This would be the intended outcome of adopting a constitutional amendment no longer requiring presentation of a regulatory disapproval resolution to the governor for his signature or veto.

Much as with the constitutional amendment approved by Pennsylvania voters in May 2021 rebalancing the exercise of emergency declaration authority, the effect of such an amendment should be to promote greater cooperation between the executive and legislative branches of state government and allow more direct public input from Pennsylvanians in the regulatory process through the branch of government closest to them. The expanded oversight I spoke of earlier should also foster more thoughtful consideration of whether a new regulation or regulatory change is necessary in the first place. (On a related note, Farm Bureau supports the Regulation Freedom Amendment to the United States Constitution.)

In conclusion, Pennsylvania's farm families understand the need for practical regulations, particularly those that protect food security, consumer confidence, and the land, air, and water that make the other benefits of agriculture possible. However, we see the need for a few basic standards when looking at new or existing regulations. In the interest of helping to craft regulatory policies that can command broad public support, respect the inherent property rights of Pennsylvanians that our state and federal constitutions were created to defend, and protect public health and safety, we offer the following principles for your consideration:

- The purpose of regulation should be limited.
- Agencies should enforce existing regulations prior to promulgating additional regulations on related matters.
- Agencies should also provide notice of proposed rules, regulatory changes, or other significant actions directly to targeted stakeholders, stakeholder communities as well as organizations representing affected parties.
- Government must recognize that property rights are the foundation for resource production and must be protected.
- Regulations should be based on sound scientific data that can be replicated and peer reviewed, with more transparency and communication regarding rule development and interpretation.
- Risk assessment analysis should be conducted prior to final action, along with an estimate of the costs and benefits associated with public and private sector compliance action.
- Actions must allow for flexibility to suit varying local conditions.
- Actions should be subject to independent analysis and public scrutiny.
- Alternatives to the action must be thoroughly and publicly considered, especially market-based incentives.
- Actions must properly acknowledge and provide for the reality, practicality, and limitations of doing business in the affected sector.

We believe that adherence to these and other common-sense principles is the best way to ensure that Pennsylvania creates and maintains a regulatory climate that allows the Commonwealth's farmers to farm more and better and protects their inherent, natural rights. When we do that, every Pennsylvanian benefits.

Thank you for providing Pennsylvania Farm Bureau the opportunity to offer input on this vital issue. I would be happy to entertain your questions.



## A Realistic Estimate of the Impact of SOL Reform in Pennsylvania

*In response to a report from the Susquehanna Valley Center for Public Policy*

AJ Ortiz, Social Science Director, CHILD USA

January 18, 2023

**Main takeaway:** The Susquehanna Valley Center for Public Policy estimates between 10,000 to 100,000 claims would be filed against public schools under a SOL revival window in PA – in reality, claims would likely total less than 1,000, or one tenth of their lower estimate. An appropriate estimate range would be between 300 to 900 claims.

### Background

Child sexual abuse (CSA) survivors face many challenges in the aftermath of their abuse. They suffer long lasting effects of trauma and struggle to disclose their abuse to others. Taking legal action is even more difficult. When survivors do decide to take legal action, they often run into a wall – many states have short statutes of limitation (SOLs) which put a time limit on their right to seek justice.

Pennsylvania is one of these states. While 24 states and 3 U.S. territories have passed legislation to revive formerly time-barred civil CSA claims,<sup>1</sup> Pennsylvania has repeatedly failed to pass such legislation. Most recently, a constitutional amendment opening a revival window was slated to be added to the ballot in Pennsylvania until the Secretary of State's office mishandled the public information process<sup>2</sup>, leading to delayed justice for survivors. As lawmakers once again consider approving a ballot measure, opposition groups have begun a campaign to mislead the public about the impact of SOL reform on Pennsylvania taxpayers.

The campaign centers on a recent report from the Susquehanna Valley Center for Public Policy, a local conservative think tank. The report, "The Economic Impact of a Constitutional Amendment to Implement Pennsylvania House Bill 14 of the 2021-22 Session,"<sup>3</sup> is full of false information and represents an egregious misuse of social science research. Focusing on inflated estimates of potential lawsuits that would be filed against public schools, the authors, Peter Zaleski and Charles Greenawalt, attempt to scare voters into opposing justice for CSA survivors.

<sup>1</sup> CHILD USA. (2023). 2023 SOL Tracker. <https://childusa.org/2023sol/>

<sup>2</sup> Budryk, Z. (2021, February 2). Pennsylvania secretary of state resigns over ballot initiative error. *The Hill*. <https://thehill.com/homenews/state-watch/536902-top-election-official-resigning-in-pennsylvania-over-failure-to/>

<sup>3</sup> Zaleski, P. & Greenawalt, C. (2023). The economic impact of a constitutional amendment to implement Pennsylvania House Bill 14 of the 2021-22 session. Susquehanna Valley Center for Public Policy. <https://susvalleypolicy.org/wp-content/uploads/2023/01/January-10-2023-Final-Report.pdf>



## Impact of PA SOL Reform: A Realistic Estimate

Below, we will provide a more accurate view of the situation using data from previous SOL revival windows for CSA claims.

**We estimate less than 1,000 claims would be filed against public schools in Pennsylvania.**

Zaleski and Greenawalt use faulty logic and poor methodologies to estimate that between 10,000 to 100,000 civil claims would be filed against public schools following the passage of revival window legislation in Pennsylvania. This leads to their conclusion that taxpayers would be on the hook for at least \$5 billion in payouts to CSA survivors. These estimates are wildly inflated. Leaving aside the absurdity of the upper end of their estimate and focusing on the 10,000 figure, we can confidently say that the number of actual claims filed against public schools would total **less than one-tenth** of their estimate.

CHILD USA is the leading think tank for collecting and analyzing data on SOL reform legislation around the country. We can use historical data on the success of revival windows in other states as a basis for estimating claims resulting from a window in Pennsylvania.

State	Year	Population	Number of lawsuits filed	Percent of population that filed lawsuits under revival window
Arizona	2020	7,151,502	358	0.01%
California	2003	35,484,453	1,150	0.003%
Delaware	2011	907,381	1,402	0.15%
Delaware	2008	876,794	175	0.02%
Georgia	2016	10,300,000	20	0.0002%
Hawaii	2018	1,421,000	206	0.01%
Michigan	2018	9,984,000	332	0.003%
Minnesota	2016	5,523,000	1,006	0.02%
New Jersey	2021	9,267,130	1,220	0.01%
New York	2021	19,800,000	10,857	0.05%
N. Carolina	2021	10,550,000	241	0.002%
Utah	2019	3,206,000	4	0.0001%

## Impact of PA SOL Reform: A Realistic Estimate

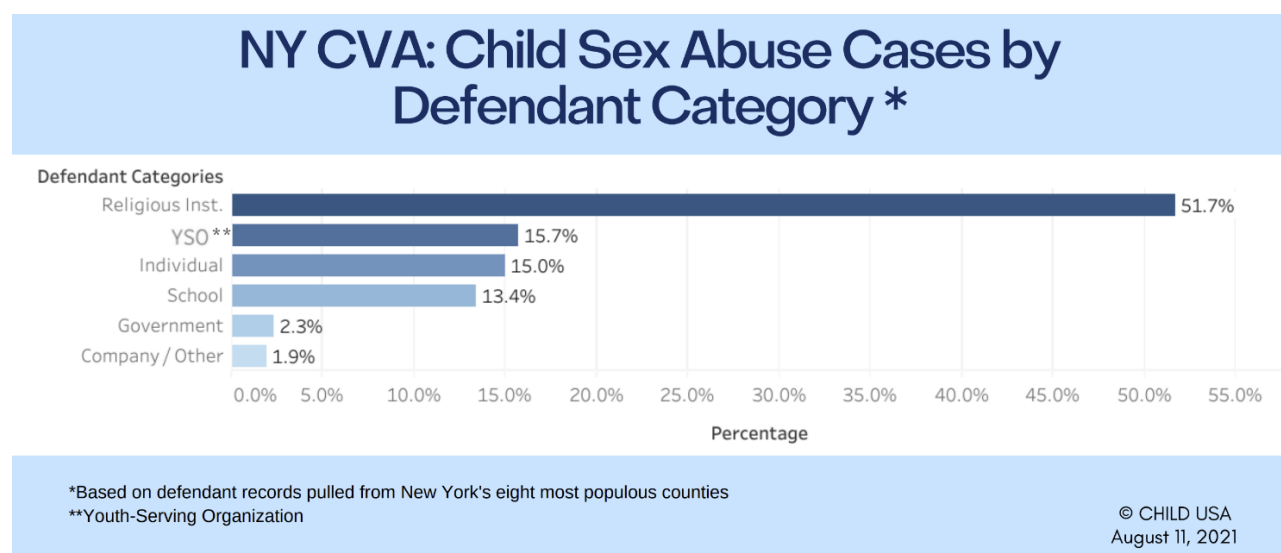
The table above<sup>4</sup> highlights two important state examples: Delaware (2011)<sup>5</sup> and New York.

### *Delaware*

Delaware represents the state in which the highest proportion of the population (.15%) filed a CSA claim under a revival window. Although clearly an outlier, we can use this proportion to attempt an aggressive estimate of claims against public schools in Pennsylvania. If we applied the same rate of claims to Pennsylvania's population, we would expect a total of less than 20,000 claims.<sup>6</sup> The Zaleski and Greenawalt estimate of 10,000 would mean that **half** of all claims filed under a Pennsylvania revival window would be against public schools. To understand why that is completely unrealistic, we can turn to evidence from New York.

### *New York*

The New York Child Victims Act (CVA) was the most successful SOL window legislation passed at the state level, resulting in almost 11,000 total claims.<sup>7</sup> CHILD USA collected court records from the state's eight most populous counties and categorized the defendants named in legal complaints.<sup>8</sup>



<sup>4</sup> CHILD USA. (2022). The relative success of state windows for child sexual abuse claims. [https://childusa.org/wp-content/uploads/2022/04/CHILD\\_USA\\_Relative\\_Success\\_Memo\\_Revival\\_Windows-4.12.22.pdf](https://childusa.org/wp-content/uploads/2022/04/CHILD_USA_Relative_Success_Memo_Revival_Windows-4.12.22.pdf)

<sup>5</sup> For the sake of clarity we only focus on the 2011 window in Delaware, as the 2008 window yielded very few claims and is therefore unlikely to strongly influence the subsequent estimates.

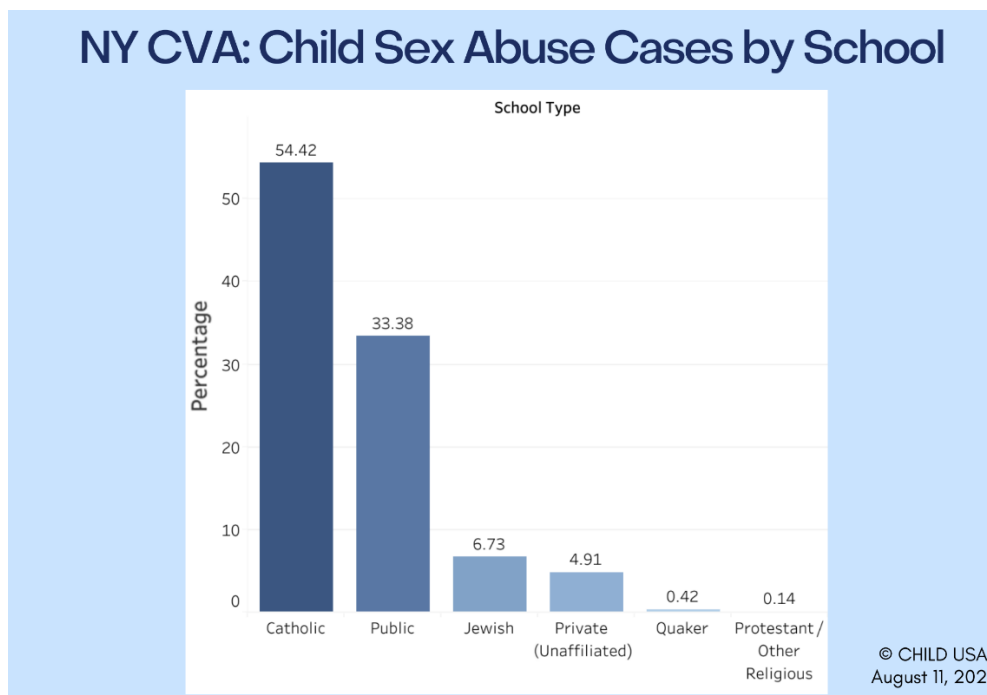
<sup>6</sup> PA population (12,972,008) \* Percent of DE population filing claims (0.0015) = 19,458; Population source: <https://www.census.gov/quickfacts/PA>

<sup>7</sup> CHILD USA. (2022). The relative success of state windows for child sexual abuse claims. [https://childusa.org/wp-content/uploads/2022/04/CHILD\\_USA\\_Relative\\_Success\\_Memo\\_Revival\\_Windows-4.12.22.pdf](https://childusa.org/wp-content/uploads/2022/04/CHILD_USA_Relative_Success_Memo_Revival_Windows-4.12.22.pdf)

<sup>8</sup> CHILD USA. (2021). Statute of limitations reform serves the public interest: A preliminary report on the New York Child Victims Act. <https://childusa.org/wp-content/uploads/2021/08/A-Preliminary-Report-on-the-New-York-Child-Victims-Act.pdf>

Because access to court records is maintained separately by county in New York, we chose to focus on highly populated counties where the highest rate of filings occurred and where records were not paywalled.

## Impact of PA SOL Reform: A Realistic Estimate



Schools were named as defendants in 13% of the cases we analyzed, one-third of which were public schools. Although data is not available on exactly how many total lawsuits were filed against public schools in New York, we estimate that the number is **under 500** claims.<sup>9</sup> This indicates that **less than 5%**<sup>10</sup> of all claims under a window would be made against public schools.

If we apply this same rate from New York to the projected total claims in Pennsylvania above, we would expect **under 900** claims against public schools.<sup>11</sup> Considering that the proportion of Delaware's population filing under the 2011 window was a considerable outlier, this forms the basis for an upper limit for our estimate range. Using New York's population numbers from CHILD USA's Relative Success Memo to form our lower limit estimate for Pennsylvania<sup>12</sup>, we would expect **under 300 claims**.

Therefore, an accurate estimate range of claims filed against public schools in Pennsylvania would be between **300 to 900**.

<sup>9</sup> Total NY CVA claims (10,857) \* Est. proportion of claims filed against schools (0.134) \* Est. proportion of those claims filed against public schools (0.334) = 485.9 claims against public schools.

<sup>10</sup>  $0.134 * 0.334 = 0.045$  or 4.5%

<sup>11</sup> Estimated PA claims using DE filing rate (19,458) \* New York public school claims rate (0.045) = 875.6

<sup>12</sup> This is reasonable given the fact that the average percent of state population filing under a revival window was 0.02%. New York, at 0.05% is above average, and therefore would be unlikely to under inflate our lower range estimate.

## Impact of PA SOL Reform: A Realistic Estimate

**The Susquehanna Valley Center for Public Policy report draws many other misleading conclusions.**

Zaleski and Greenawalt dramatically inflate estimates of claims filed against public schools in an attempt to scare taxpayers, and along the way they make several errors in reasoning and methodology which we summarize below:

A key tenet of social science research is using representative samples. The authors selected 20 CSA lawsuits for their sample without explanation for why they were selected. The report also cherry-picks the example of Ken-Ton Schools in New York, which was a fairly extreme case of a serial abuser in a school leading to a high number of lawsuits. Extrapolating out from one outlier is irresponsible data analysis.

Zaleski and Greenawalt cite to an important study of the costs of CSA borne by society,<sup>13</sup> but they misuse the article in several ways. The Letourneau et al. (2018) study has no relation to estimating potential payouts to victims themselves following an abuse lawsuit; rather, the study estimates the costs different public sector entities incur as they interact with survivors suffering in the wake of trauma. SOL reform shifts the costs of abuse from victims and taxpayers to the institutions responsible for their abuse.

The authors consistently use unreliable sources without corroborating evidence to support their calculations used to arrive at their estimates. For example, they make an unsupported assumption that the rate of abuse in public schools matches that of abuse in Catholic institutions to arrive at one estimate. For another estimate, they rely on a quote from a researcher affiliated with the Department of Education claiming that the scale of abuse in public schools is 100 times the abuse occurring in Catholic institutions. Again, this claim is unsupported by any evidence or peer-reviewed research.

Overall, the Susquehanna report conveniently ignores many important variables influencing how many claims are filed and how those claims translate to costs borne by taxpayers. Only a small minority of abuse victims would be willing and able to file a lawsuit. Not all CSA lawsuits are successful. And for those that are successful, liability insurance often covers a significant portion of the dispensation. Zaleski and Greenawalt ignore these variables and do a disservice to all Pennsylvanians, especially those who experienced CSA.

### Conclusion

SOL reform benefits society by allowing CSA survivors to be heard, seek restitution, and hold institutions accountable for negligence. Victims need financial compensation to help cover the lifelong costs of therapy and medical services. Taking legal action also gives survivors the opportunity to understand how abuse took place and to protect children from future abuse. Attempts to scare taxpayers into opposing the pursuit of justice are irresponsible, and journalists, academics, and lawmakers have a duty to focus on the facts regarding SOL reform.

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<sup>13</sup> Letourneau, E. J., Brown, D. S., Fang, X., Hassan, A., & Mercy, J. A. (2018). The economic burden of child sexual abuse in the United States. *Child Abuse & Neglect*, 79, 413-422.



**pennsylvania**

OFFICE OF VICTIM ADVOCATE

*Courage • Strength • Resilience*

*Giving Crime Victims a Voice*

To: The House Republican Policy Committee

From: Suzanne V. Estrella, Esq.  
Commonwealth Victim Advocate

Date: January 21, 2023

Re: Senate Bill 1

The Office of the Victim Advocate (OVA) is the state agency with the duty and authority to advocate for the rights and needs of all crime survivors. In carrying out our responsibilities we strive to bring the voices of victims to the forefront of legislative discussions that specifically impact victims and their access to justice. Reforming the statute of limitations in Pennsylvania is a legislative priority that will impact adult survivors of childhood sexual abuse and assault.

Unfortunately, for the citizens of the Commonwealth, our history of statute of limitations reform is riddled with procedural errors, administrative mishandlings and disappointments that have left crime survivors without an adequate remedy to redress wrongs suffered. We are overdue for vital change that opens a window to justice, holds offenders accountable and provides a pathway to healing.

As a community, Pennsylvania has reviewed numerous studies on delayed reporting of childhood sexual abuse. We understand the impact of the trauma and the calculated methods used by offenders to perpetuate silence and manipulate vulnerabilities. We can no longer allow these tactics to thrive in our communities. We must move forward.

OVA acknowledges the tenacious work of survivors, advocates, legislators, and community members who together stand for justice. As an agency that advocates for all crime survivors, we comprehend the challenge of managing and addressing multiple issues of importance for different constituents. While we appreciate the work of this committee and the bill sponsors, we respectfully request that statute of limitations reform be considered separately and moved forward in a manner that is consistent with lessons we have learned from previous legislative sessions.

Thank you for the opportunity to be heard. We look forward to continued collaboration as we strive for safer caring communities where justice thrives.



Help • Hope • Healing

**House Republican Policy Committee  
Public Hearing on Senate Bill 1  
January 23, 2023**

**Written testimony submitted by Donna Greco, Public Policy and Legislative Affairs Director,  
Pennsylvania Coalition Against Rape**

Thank you Chairman Kail and members of the House Republican Policy Committee for convening a public hearing on Senate Bill 1 (Laughlin). If passed, this legislation would send three proposed changes to the PA Constitution to voters for approval: Voter ID Requirements; Regulatory reform; and a Retroactive window for child sexual abuse survivors to seek civil remedies.

The Pennsylvania Coalition Against Rape works to eliminate all forms of sexual violence and advocate for the rights and needs of sexual assault victims. We are a Coalition comprised of rape crisis centers that serve all 67 counties of the Commonwealth of Pennsylvania. Together, we seek legislative reforms that expand the rights and options of victims and strengthen sexual assault prevention in every community.

Today, PCAR writes to express its support for advancing a constitutional amendment to create a retroactive window to justice for adult survivors of childhood sexual abuse and assault in 2023. This remains a top priority of the Coalition and the network of rape crisis centers we represent. We extend our gratitude to Representative Gregory for sponsoring that legislation and to both Representatives Rozzi and Gregory for their courageous leadership and dedication to victims of childhood sexual abuse.

PCAR and the network of rape crisis centers are deeply concerned the window will face legal scrutiny as proposed in SB 1 because it is bundled with other constitutional amendments. We are concerned the window could face legal challenges and be overly confusing to voters who eventually need to parse out very complex potential amendments to the PA constitution. This confusion and legal uncertainty will not serve victims and survivors of sexual assault and abuse who have waited over 20 years for this remedy.

A retroactive window provides adults abused as children a form of justice and healing. It is also a form of public safety and sexual assault prevention. It will allow the Commonwealth to identify and bring to justice individuals who have perpetrated child sexual abuse in the past and who may still pose a risk today.

We owe survivors this opportunity to heal, and to pursue justice. For decades, trusted organizations and adults knowingly endangered children and permitted abuse. Child sexual abuse is the result of a broad, systemic failure to protect the safety of our children. It is our responsibility to respond to survivors' needs after society has so deeply

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failed to protect them. Survivors therefore deserve support, acceptance, and a pathway to justice from all of us. This includes the tools they require to heal, and one of those tools is a retroactive window to justice.

The retroactive window improves public safety. The retroactive window for child sexual abuse cases is a community safety measure, because it gives survivors a chance to name the person who abused them and any institution that enabled this abuse. Without this path to justice, people who commit abuse and institutions that enable violence can currently enjoy anonymity amongst the general public. People who commit child sexual abuse rarely act one time, and institutions that enabled abuse may have concealed multiple incidents. It's important that survivors be allowed an opportunity to alert communities and families of potential harm that may be repeated. The window would enhance community safety policies that Pennsylvania's legislature has already enacted to increase public transparency.

Without the window, the statute of limitations protects people who have perpetrated child sexual abuse. Child sexual abuse has always been a crime; it is not as though people who committed abuse were doing something that was legal at the time. Some crimes are too egregious to warrant a vested right in not having to defend oneself simply because time has passed. Those responsible for child sex abuse should not go unpunished because their victim is too late to demand justice, especially when abuse is designed to scar a victim so deeply that they usually cannot act within the previously acknowledged timeframe.

In the other states that have passed windows, public institutions of any kind rarely or never suffered significant financial hardship as a result of the window. Yet, as of today, survivors bear many economic burdens associated with abuse, through costs like counseling, addiction treatment, etc., as well as through lost wages, productivity, and earning potential. According to the Centers for Disease Control and Prevention, recent estimates put the lifetime cost of rape is \$122,461 per survivor—including medical costs, lost productivity, criminal justice engagement, and other costs related to victimization.

We urge the House of Representatives to swiftly pass a constitutional amendment to establish a retroactive window for survivors of childhood sexual abuse to seek civil remedies, healing, and justice. We ask you to move this as a stand-alone bill, cleanly and swiftly so it may be considered by voters in May 2023.

Thank you for your leadership, time, and consideration.



**TO:** The Honorable Members of the Republican Policy Committee

**FROM:** Marci Hamilton, Founder & CEO, CHILD USA; Professor, University of Pennsylvania, and Kathryn Robb, Executive Director, CHILD USA Advocacy

**RE:** SB1: A joint resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania to provide for a two-year window for victims of childhood sexual assault to file previously time barred claims, require qualified electors to provide valid identification at each election, and to restrict the Governor's veto power over certain regulations.

**DATE:** January 20, 2023

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Dear Honorable Members of the Republican Policy Committee,

Thank you for allowing us, Professor Marci Hamilton of CHILD USA and Kathryn Robb of CHILD USA Advocacy, to submit testimony expressing our concerns regarding the potential SB 1 has to make the window amendment unconstitutional. By way of introduction, Professor Marci Hamilton is a First Amendment constitutional scholar at the University of Pennsylvania who has led the national movement to reform statutes of limitations to reflect the science of delayed disclosure of childhood sexual abuse and who founded CHILD USA, a national nonprofit think tank devoted to ending child abuse and neglect. Kathryn Robb is the Executive Director of CHILD USA Advocacy, an advocacy organization dedicated to protecting children's civil liberties and keeping children safe from abuse and neglect. Kathryn is also an outspoken survivor of child sex abuse.

The proposed amendment package, which combines the bi-partisan window amendment with two politically charged, wholly unrelated amendments, is unnecessary, inappropriate, and potentially unconstitutional. It is also cruel to the victims who have been waiting 17 years for justice in the Commonwealth. This act of political gamesmanship at the expense of justice for survivors is reprehensible and we urge leaders to reject SB1 and treat the window amendment as it deserves to be treated—with care and attention to all possible details so that it can finally pass—as promised by both parties—and provide the justice denied to the victims of child sex abuse for decades in the state.

Pennsylvania law requires that a proposed amendment be passed twice by both houses in separate sessions. PA CONST Art. 11, § 1. The combination of three distinct and independent subjects of legislation in a single resolution has never been tried in Pennsylvania. While two amendments could be passed together via a resolution, Pennsylvania law does not provide carte blanche coupling of amendments. The subject of the amendments and the subject of the original bill language must constitute a unifying scheme to accomplish a single purpose, for consideration of the original bill in order to pass constitutional muster. Washington v. Department of Public Welfare of Commonwealth, 188 A.3d 1135 (Pa. 2018).



The purpose of this transparency requirement for passage of an amendment through two successive sessions in both houses with identical language was designed to curb the practice of inserting into a single bill a number of distinct and independent subjects of legislation and purposefully hiding the real purpose of the bill. Pennsylvanians Against Gambling Expansion Fund, Inc. v. Com., 583 Pa. 275 (2005). A resolution with multiple amendments addressing discrete issues muddies the legislative waters, and casts a cloud over the passage of the amendment. The public deserves and needs more to be put on alert that a constitutional amendment on a specific topic is coming their way. This requirement also serves the purpose of encouraging an open, deliberative, and accountable government. Id. The packaging of SB1 undermines these purposes.

This political packaging also sends a message to the victims in this state and the hidden predators that victims are once again second-class citizens whose proven needs are to be held hostage by a process drenched in politics they do not deserve.

We ask that you reject SB1 in favor of separating out the window amendment and finish what you started years ago. It's time. Survivors of child sexual abuse have already waited too long to be able to access justice they deserve—this process must not add to the delay. For more information about statute of limitations reform, visit [childusa.org/sol/](http://childusa.org/sol/) or email [info@childusa.org](mailto:info@childusa.org). Please do not hesitate to contact us if you have questions regarding SOL reform or if we can be of assistance in any way on other child protection issues.

Sincerely,



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**Testimony of Stacie Rumenap  
President, Stop Child Predators  
Pennsylvania House of Representatives Republican Policy Committee  
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Good morning, Chairman Kail and members of the policy committee. Thank you for this opportunity to testify in support of your efforts to make victims of childhood sexual abuse a top priority this session. Whether the abuse is reported as a child or as an adult, the victim is still a child.

My name is Stacie Rumenap, and I am the President of Stop Child Predators - a national nonprofit which was founded in 2005 after the kidnapping of nine-year old Jessica Lunsford in Florida. Jessica was abducted, raped, and murdered by a twice-convicted sex offender. At that time - the average child molester spent only three years of a seven-year sentence in prison before being released back into society.

For more than 15 years, we've convened policymakers, advocates, and law enforcement to protect children from predators - evolving especially with rapidly changing technology, information access and exchange, and legal systems that can barely keep up with this incredibly dynamic environment. We crafted The Sexual Offenses Against Children Act - a national response to Florida's Jessica's Law. This legislation mandates a minimum 25-year prison sentence and lifetime electronic monitoring for adults convicted of lewd and lascivious acts against a child under the age of 12. We worked with states across the country and passed the Act in 46 of 50 states - including Pennsylvania.

Our work in Pennsylvania did not end with the passage of Jessica's Law. We also were engaged in the legislative and constitutional amendment solutions that allow a victim of childhood sexual abuse the ability to hold their abuser accountable in a civil action. This access is crucial when the abuse is not simply the act committed by the abuser but also the efforts of others to hide the abuse and abuser behind a veil, enabling the continual and pervasive abuse of others to continue. This must stop and the only way to ensure it does is to lift the veil and allow accountability to be obtained.

We are excited to continue our work advocating for children, through the Pennsylvania legislature's focus on reforming Statute of Limitations restrictions. The existing statute of limitations restrictions have stymied justice for approximately 42 million survivors across the country. More than 20% of these victims were under the age of 8 when the crime occurred. Groomed by predators whom they may have trusted, young children do not always understand that they have been victimized

until years later-when they have reached adulthood and the statute of limitations for holding their abuser civilly accountable has passed.

No survivor, hoping to hold their abuser accountable for the abuse they suffered as children, wants to learn that their “window of opportunity” has passed. Talking about the abuse takes courage. Reporting it - even more so. Statute of limitations laws prevent the victims from ever finding justice and prevent those who commit these heinous, disgusting acts from being held accountable. Help us to ensure that justice that is delayed is not the equivalent of justice being denied.

The vehicle of how this change is to be done is of no moment to victims. Standalone or as part of an omnibus package of issues is not a concern for victims, it is simply that this solution-opening a window for victims to be heard in court- is all that matters.

Thank you, again, for making Statute of Limitations Reform a priority through a proposed constitutional amendment and continuing to show that Pennsylvania is a national leader in stopping child predators.