

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES

STATE GOVERNMENT COMMITTEE HEARING

STATE CAPITOL  
MAJORITY CAUCUS ROOM  
ROOM 140  
HARRISBURG, PENNSYLVANIA

TUESDAY, AUGUST 19, 2008  
10:30 A.M.

PRESENTATION ON  
REDUCING THE SIZE OF THE LEGISLATURE

BEFORE:

HONORABLE BABETTE JOSEPHS, MAJORITY CHAIRMAN  
HONORABLE MATTHEW E. BAKER, MINORITY CHAIRMAN  
HONORABLE KERRY A. BENNINGHOFF  
HONORABLE THOMAS W. BLACKWELL  
HONORABLE MIKE CARROLL  
HONORABLE PAUL I. CLYMER  
HONORABLE MARK B. COHEN  
HONORABLE TOM C. CREIGHTON  
HONORABLE LAWRENCE H. CURRY  
HONORABLE JARET GIBBONS  
HONORABLE GLEN R. GRELL  
HONORABLE WILLIAM C. KORTZ II  
HONORABLE CARL W. MANTZ  
HONORABLE JIM MARSHALL  
HONORABLE FRED McILHATTAN  
HONORABLE FRANK LOUIS OLIVER  
HONORABLE SEAN M. RAMALEY  
HONORABLE MIKE VEREB  
HONORABLE KATHARINE M. WATSON  
HONORABLE ROSITA C. YOUNGBLOOD

\* \* \* \* \*

**DEBRA B. MILLER REPORTING**  
**(717) 439-3785**  
***dbmreporting@msn.com***

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN ATTENDANCE:  
HONORABLE MARK T. MUSTIO

ALSO PRESENT:  
RODNEY OLIVER  
MAJORITY EXECUTIVE DIRECTOR  
SUSAN BOYLE  
MINORITY EXECUTIVE DIRECTOR

DEBRA B. MILLER  
REPORTER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

TESTIFIERS

<u>NAME</u>	<u>PAGE</u>
BRENDA ERICKSON PROGRAM PRINCIPAL IN THE LEGISLATIVE MANAGEMENT PROGRAM, NATIONAL CONFERENCE OF STATE LEGISLATURES.....	10
REPRESENTATIVE MARK T. MUSTIO PRIME SPONSOR OF HOUSE BILL 55.....	43
REPRESENTATIVE MARK B. COHEN.....	98
JOHN J. BELL GOVERNMENTAL AFFAIRS COUNSEL, PENNSYLVANIA FARM BUREAU.....	107
BARRY KAUFFMAN EXECUTIVE DIRECTOR, COMMON CAUSE/PA.....	114

## P R O C E E D I N G S

\* \* \*

CHAIRMAN JOSEPHS: We are going to start the hearing of the State Government Committee.

I would like to welcome everybody first, and I want to allow the members who are here to introduce themselves, say their name, their county that they come from.

I want also to make everybody aware that we are being telecast, I guess live, by PCN, which is a great opportunity for us to be able to explore these issues really in a real public way.

Starting to my left, if you would like to introduce yourself.

REPRESENTATIVE BAKER: Thank you, Madam Chairman.

Representative Matt Baker, Minority Chairman from rural Tioga and western Bradford Counties.

REPRESENTATIVE CREIGHTON: Tom Creighton, Lancaster County.

REPRESENTATIVE WATSON: Representative Kathy Watson. I represent a portion of Bucks County.

REPRESENTATIVE GRELL: Good morning. Glen Grell, 87th District, parts of Cumberland County.

1           REPRESENTATIVE CURRY: Lawrence Curry. I'm  
2 from Montgomery County.

3           REPRESENTATIVE McILHATTAN: I'm State  
4 Representative Fred McIlhattan. I represent the  
5 63rd Legislative District. That is all of Clarion  
6 and part of Armstrong.

7           REPRESENTATIVE OLIVER: Frank Oliver,  
8 Philadelphia County.

9           REPRESENTATIVE VEREB: Mike Vereb,  
10 Montgomery County.

11           REPRESENTATIVE CARROLL: Mike Carroll,  
12 Luzerne and Monroe Counties.

13           REPRESENTATIVE GIBBONS: Jaret Gibbons, the  
14 10th District, Beaver, Lawrence, and Butler Counties.

15           REPRESENTATIVE KORTZ: Good morning,  
16 everyone. My name is Bill Kortz. I'm from Allegheny  
17 County, the 38th District.

18           REPRESENTATIVE RAMALEY: Sean Ramaley,  
19 Beaver and Allegheny Counties.

20           REPRESENTATIVE CLYMER: Paul Clymer,  
21 representing the 145th in Upper Bucks County.

22           CHAIRMAN JOSEPHS: And we have two  
23 senior staff people here. If you will introduce  
24 yourselves.

25           Mr. Oliver.

1 MR. OLIVER: Good morning. Rodney Oliver,  
2 the Executive Director of the Democrats.

3 MS. BOYLE: Susan Boyle, Republican  
4 Director.

5 CHAIRMAN JOSEPHS: Thank you.

6 I am happy people are here. It is a very  
7 well attended hearing, with people coming from all  
8 over parts of the State.

9 We are here to discuss not one, not two, but  
10 really three bills having to do with reducing the  
11 size of the Legislature.

12 The first, Representative Stairs would  
13 reduce the House to 151 people, or districts that is,  
14 I guess, the Senate to 40.

15 Representative Kauffman's bill would, in  
16 steps, reduce the House from 183 to then 173, 163,  
17 and 153 at the end, which would happen, according to  
18 this bill, not until 2053. Mr. Kauffman's bill does  
19 not address the Senate.

20 And Mr. Mustio's bill, which reduces the  
21 House to 161 and the Senate to 40 districts.

22 I would like to say, in view of this  
23 abundance of bills, that this is really quite a small  
24 number compared to twice as many, more than twice as  
25 many. Seven were introduced in the 2005-2006 session

1 alone.

2           Aside from one informational meeting, which  
3 was not a hearing and was not public, in the House  
4 State Government Committee in that session, there was  
5 no action taken on any of these bills.

6           House Bills 1936, 2028, 2039, and 2966  
7 were referred to the State Government Committee.  
8 House Bills 1971, 2016, and 2854 were assigned to the  
9 Rules Committee. No action at all was taken on those  
10 bills.

11           In contrast, the State Government Committee  
12 this session has been very, very active. We have  
13 reported out nine government-reform bills, including  
14 an open-records bill and divestment of funds in our  
15 publicly held pensions in companies that support  
16 terrorism or genocide.

17           We reported out a bill to study the  
18 Constitution, which did not pass on the House floor.

19           We reported a resolution to end the  
20 so-called lame duck session.

21           We added a reporting period for campaign  
22 expense reports.

23           And we, among other things, allowed  
24 people to put political automated phone calls on a  
25 Do Not Call List.

1           We passed out three retirement bills,  
2 including one by one of our members here,  
3 Representative Gibbons, which would have raised the  
4 cost-of-living increase for people who have not  
5 gotten such a COLA for 6, almost 7 years now.

6           And we passed out seven election and voter  
7 registration reform bills, including moving the  
8 primary, consolidating Presidential primaries, and a  
9 bill of mine to change the Constitution to enhance  
10 absentee voting and add military ballots to our  
11 Constitution as a group of people who, under our  
12 Constitution, are entitled to vote by absentee  
13 ballot.

14           We moved 30 land-issue bills.

15           We had 16 public hearings. This will be, I  
16 guess, the 17th, including campaign expense reform  
17 and expanding the jurisdiction of the Pennsylvania  
18 Human Relations Commission to cover sexual  
19 orientation, gender expression, and gender identity.

20           We moved the largest land transfer from the  
21 State to another entity in recent history.

22           We had a hearing on redistricting and on  
23 many other vital issues.

24           This is a very wide-ranging committee so far  
25 as its jurisdiction goes. We have oversight of the



1 Department of General Services -- all the procurement  
2 and supplies; the Department of State -- elections,  
3 campaign reform, campaign expenses; the Pennsylvania  
4 Human Relations Commission; the Public Television  
5 Network; the State Employees' Retirement Commission  
6 and the Public Employee Retirement Commission; the  
7 Governor's Office -- the State Employees' Retirement  
8 System; I misstated -- the Governor's Office; the  
9 State Athletic Commission.

10 So we have a huge, huge mission, and we  
11 have done an enormous amount of activity in all  
12 areas.

13 The committee is important, and because we  
14 are all experts on all of these issues, having spent  
15 a great deal of time studying them, this is a place  
16 where language of bills is refined, questions are  
17 answered, ambiguities are cleared up, and unintended  
18 consequences are explored.

19 I am very happy to have the opportunity to  
20 have this hearing on this important issue.

21 Our first witness today is Brenda--- Oh;  
22 before we go ahead with Ms. Erickson, let me ask the  
23 Minority Chairperson whether he has anything he would  
24 like to say.

25 Mr. Baker.

1           REPRESENTATIVE BAKER: Not at this time,  
2 Madam Chair. I will have some questions, of course,  
3 of the testifiers.

4           I would like to thank all the members for  
5 their great attendance and for participating in the  
6 process of a very interesting topic and look forward  
7 to the testimony and the questions and answers.

8           Thank you very much.

9           CHAIRMAN JOSEPHS: Thank you.

10           We have been joined -- though our attendance  
11 was wonderful, it has gotten even better by  
12 Representatives Blackwell, Marshall, and Mantz.  
13 Welcome to these three gentlemen.

14           Ms. Erickson from the National Conference of  
15 State Legislatures is ready to address us and give  
16 us, I believe, some background so we can better  
17 comprehend this subject as a national subject. Thank  
18 you.

19           MS. ERICKSON: Thank you, Madam Chair.

20           Madam Chair and members of the committee, it  
21 is my pleasure to be here.

22           I am Brenda Erickson. I am a program  
23 principal in the Legislative Management Program of  
24 the National Conference of State Legislatures, and  
25 what I am going to be doing today is just providing a

1 short overview on the sizes of Legislatures and the  
2 arguments commonly offered when a change in size is  
3 considered.

4 I am going to start by giving kind of a  
5 background and a history lesson.

6 During the sixties and seventies, it was a  
7 time of change for State Legislatures. It was a  
8 period when they were assessing themselves and trying  
9 to become more of a coequal branch of government with  
10 the other branches, the judicial and executive  
11 branches.

12 At that time, prior to that, they were often  
13 called the "Sometime Governments," because most of  
14 them were biennial and not around, not full time as  
15 the other two branches were.

16 During the period of the sixties and  
17 seventies, you had 22 Legislatures shift from  
18 biennial to annual sessions. Many upgraded their  
19 staffing and facilities in order to strengthen their  
20 legislative institutions.

21 In addition, you had some court cases,  
22 *Baker v. Carr*, and other one man-one vote  
23 redistricting decisions that sparked an interest in  
24 the size of Legislatures.

25 During those years, 34 States changed the

1 size of their Legislature. Many, including  
2 Pennsylvania, made multiple modifications to the  
3 size.

4 Adjustments to the size after the period of  
5 the sixties and seventies has slowed down. In fact,  
6 only five States -- Idaho, New York, North Dakota,  
7 Rhode Island, and Wyoming -- have made changes to the  
8 size of their Legislature since 1990.

9 What you will see in some of that background  
10 information I have provided is that overall, since  
11 1960, there has been a slight downward trend in the  
12 number of State Legislators, from a high of 7,781 in  
13 1960 to 7,382 today.

14 But you will also see that not all  
15 Legislatures have gotten smaller. There in fact have  
16 been increases in sizes of Legislatures in several  
17 States.

18 I have given you a short summary there as to  
19 the ones where you can see more considerable  
20 reduction in size, which would be Connecticut,  
21 Illinois, Massachusetts, Rhode Island, and Vermont,  
22 and some of the States where you have seen more  
23 increases in their size, which are in Florida,  
24 Maryland, New Jersey, and Utah.

25 And in great detail in about a four- or

1 five-page document, I have provided you actually the  
2 detailed information on where changes in size have  
3 occurred, in the years that it occurred, and the  
4 amounts.

5           So what you will see is the biggest  
6 decrease, or one of the biggest ones, was actually  
7 in Connecticut in 1966. The Connecticut House  
8 reduced its size by a total of 117 members, going  
9 from 294 people to 177. They came back 6 years later  
10 and reduced it again another 26 members. So the  
11 current size of the Connecticut House is 151 members.

12           Florida increased the size of its House and  
13 Senate in 1962 and then has made adjustments up and  
14 down since that time.

15           Illinois also had a significant reduction  
16 in its size in 1982, where it reduced its size by  
17 59 members.

18           Maryland, as you will see, had an increase  
19 in the size of its Legislature and has adjusted it  
20 slightly up and down, depending upon the chamber  
21 since then.

22           Massachusetts had an 80-member decrease in  
23 1978.

24           And New Jersey had increased the size of its  
25 Legislature in the sixties, '66 and '68.

1            Pennsylvania has actually decreased the size  
2 of the House twice. In 1964, it went down one  
3 member, and it went down six members again in 1966.

4            Many of these changes, as I discussed  
5 earlier, are as a result of how they changed their  
6 redistricting because of some of the court cases.

7            Many of them have moved to what they call  
8 nested districts, where there are so many House  
9 members within a Senate district, which is the case  
10 in Wyoming as to why their most recent change  
11 occurred, is that they switched their districts to be  
12 nested districts.

13            You also had changes in many States from  
14 multi-member districts to single-member districts.

15            Rhode Island is probably the most recent  
16 State to do a change in its size, and it had a  
17 25-percent reduction in the size of its Legislature  
18 in 2004, where the Senate was reduced 12 members and  
19 the House was reduced 25 members.

20            This resulted from a constitutional  
21 amendment that had been put in place as a result of  
22 several things -- a couple of scandals following a  
23 State banking crisis and some other ones.

24            But also the Legislature wanted to have a  
25 pay increase, and one of the ways they felt that it

1 would be able to do that was to offer a reduction so  
2 there would be basically no net change in the cost of  
3 the Legislature. So their salary went from \$300 to  
4 \$10,000 per year and they had some other changes.

5 North Dakota has changed its size recently,  
6 and I believe that was the State where they were  
7 facing a ballot question or were trying to put a  
8 ballot question that would have reduced the size. So  
9 the Legislature decided that it would take it on  
10 itself to do the reduction rather than having someone  
11 else make a decision as to how large this Legislature  
12 should be.

13 They are also the State that has probably  
14 changed the size most. Part of that is because there  
15 are several Legislatures, including North Dakota,  
16 that have what they call "variable sizes," where the  
17 Constitution simply says the size of the Legislature  
18 must fall within a certain range, and therefore, they  
19 tend to adjust up and down.

20 They often adjust upward prior to a  
21 redistricting year and then reduce it down after the  
22 redistricting year, partly to have more input into  
23 the process.

24 One of the things that I want to talk about  
25 now, briefly -- and if you have questions, feel free

1 to interrupt me -- are some of the common arguments  
2 when a change in size is considered.

3           What you will see -- and I have again  
4 provided some information on that, kind of setting  
5 out what the arguments are by the proponents and the  
6 opponents.

7           Debate will almost always center around  
8 three major themes: representation, efficiency, and  
9 cost.

10           And again, rather than read through them, I  
11 have provided a detailed chart on the common  
12 arguments. And these were put together or compiled  
13 from some academic arguments that I have read and  
14 from some of the arguments that were put forth during  
15 the Massachusetts and Illinois change in size, some  
16 of the discussions that happened afterwards, and  
17 some of the things that I already discussed in  
18 Rhode Island and in North Dakota.

19           What happened in Illinois and what I want to  
20 talk about a little bit is on some of the outcomes.

21           There was a study following the Illinois  
22 decrease in size as to whether the effects of the  
23 cutback actually occurred, and what the study  
24 actually found was that the administrative costs of  
25 running the General Assembly had not declined.



1           And this occurred, the decrease occurred in  
2 -- let me check here -- 1982, and the study took  
3 place in 1991, so about a decade after the change.

4           And again, the effects were that the  
5 administrative costs of running the General Assembly  
6 had not declined, and the number of staff had more  
7 than doubled.

8           The expected drop in the number of bills did  
9 not materialize. In fact, the House workload  
10 increased by about one-third.

11           Electoral competition did not increase. The  
12 House became more partisan, and the strength of the  
13 majority party's leadership increased. And women and  
14 minority representation did not decrease.

15           So again, those are based on the study of  
16 the outcomes 10 years after the Illinois cutback took  
17 place.

18           I have also provided you some information on  
19 current actual sizes of Legislatures. It is the  
20 chart entitled "Population and Legislative Size." So  
21 it ranks the State's population, the size of the  
22 Legislature, the size of the Senate, and the size of  
23 the House.

24           And then what I have also done is given you  
25 a rough approximation of what the district sizes are

1 currently, or based on 2005 population.

2           Again, this is not the actual district size;  
3 this is a rough estimation simply by dividing the  
4 number of Legislators or House and Senate members  
5 into the population.

6           But as you can see, of course, the State  
7 with the smallest chambers or smallest districts, of  
8 course, is going to be the New Hampshire House.

9           The New Hampshire House has 400 members.  
10 Their district sizes, as you can see, are very small,  
11 with slightly over 3,000 people in each district.

12           And the reason we talk about this is in a  
13 district size where you have 3,000 constituents  
14 versus a district size where in the California  
15 Assembly you have over 450,000, naturally a  
16 Legislator who only has to represent 3,000  
17 constituents is probably going to be slightly closer  
18 to those, and that is one of the arguments that  
19 you will hear, that basically district size does  
20 make a difference in how close you are to your  
21 constituents.

22           On the other side, you are also going to  
23 see in this modern day and age, technology can bring  
24 you closer even though you have a large constituent  
25 base.

1           But that gives you some background on  
2 legislative sizes.

3           As you can see here, Pennsylvania ranks  
4 sixth in population size. You rank second overall in  
5 total size of your Legislature. Your Senate ranks  
6 sixth, and your Assembly ranks second in size.

7           The largest Senate, of course, is in  
8 Minnesota, which is the size of 67 Senators, and  
9 where I used to work, in the Legislature in  
10 Minnesota. So if you have questions about their  
11 Legislature, I know a little bit more about that  
12 one.

13           In closing, so I can make sure I have plenty  
14 of time to take questions, I want to quote the  
15 authors of the "Sometime Governments," and they  
16 wrote, "Ideally, a legislature should be large  
17 enough to represent and reflect the diverse elements  
18 of its constituency and small enough to get things  
19 done."

20           And every Legislature is different, just  
21 like every other legislative process. I say the  
22 short version of this presentation could have been  
23 two words, "it varies."

24           And Legislatures across the country reflect  
25 their State's population, their traditions, and their

1 political cultures, and these factors vary.

2           There is no set opinion as to what the  
3 quote, unquote, "right size" for a Legislature should  
4 be. Hence, the differences in size from 435 members  
5 in New Hampshire to 49 Senators in Nebraska. And I  
6 do not think that there will ever be consensus on  
7 what the right size should be.

8           But I do want to commend you as a body for  
9 taking a look at yourself. It is one thing that is  
10 vital for government, because it flourishes when your  
11 public officials look to better themselves and the  
12 institutions that they serve.

13           Madam Chair, if there are any questions, I  
14 am willing to answer those.

15           CHAIRMAN JOSEPHS: Thank you, Ms. Erickson.  
16 Thank you for coming from Denver. We appreciate it.

17           MS. ERICKSON: Well, it's a pleasure.

18           CHAIRMAN JOSEPHS: I am sure there will be a  
19 lot of questions. There is a tremendous amount of  
20 material here.

21           Why don't we start with Mr. McIlhattan.

22           REPRESENTATIVE MCILHATTAN: Thank you,  
23 Madam Chairman.

24           Ms. Erickson, I think you hit the main  
25 reason for changing the size of a Legislature. You

1 said representation, efficiency, and cost.

2 Can you zero in on that? Is that really the  
3 main reasons that States have done that?

4 MS. ERICKSON: Those are the arguments that  
5 are usually put forth when it does occur. Oftentimes  
6 it is, as in several cases, the result of a looking  
7 at themselves because of some things that have  
8 happened internally.

9 As I said, in Rhode Island, and I think  
10 maybe in Illinois, there were some scandals behind  
11 it, so there was people's interest in the  
12 Legislature.

13 But again, it was looking at the cost of  
14 running it, the size itself, because in many cases,  
15 those were very large.

16 REPRESENTATIVE McILHATTAN: Well, one of the  
17 things that struck me, if I understood your testimony  
18 correctly, just because a State reduced the size of  
19 their Legislature, it didn't necessarily reduce their  
20 cost. Am I correct in that or not?

21 Is there a trend there? Can you talk to me  
22 a little bit about that?

23 MS. ERICKSON: That was the study that was  
24 done in Illinois. Ten years after the Illinois  
25 cutback, they found that many of the things that had

1    been discussed as what were supposed to be the  
2    benefits and drawbacks of the cutback did not occur,  
3    so you are correct in that.

4            REPRESENTATIVE McILHATTAN:   Was there any  
5    reason why they didn't occur?  Things didn't turn out  
6    the way they anticipated.  What didn't?  Do you have  
7    any idea?

8            MS. ERICKSON:  Actually, I think in some of  
9    the cases in Illinois, if I remember correctly from  
10   the arguments, there were, as far as cost, while the  
11   number of Legislators went down, actually the size of  
12   the staff went up.  So therefore, there was no change  
13   in savings there because the Legislators increased  
14   the size of their staffs so they could do more work  
15   that way.  So staff salaries basically offset the  
16   cuts that would have been saved by the legislative  
17   cutback.

18           REPRESENTATIVE McILHATTAN:  Okay.  One more  
19   question.

20            You know, I often thought if we really  
21    wanted to reduce cost and we really wanted to be  
22    efficient, maybe we ought to go from a bicameral to a  
23    unicameral Legislature, from two houses to one.

24            Has any State ever dealt with that  
25    discussion recently at all?

1 MS. ERICKSON: There have only been a couple  
2 of -- oh, Nebraska is the only unicameral  
3 Legislature. It has 49.

4 I believe Montana has switched back and  
5 forth. There have only been a couple of States that  
6 have been bicameral, went to unicameral, and then  
7 gone back again.

8 And I do not know what cost savings  
9 occurred, partly because the one chamber that I know  
10 that switched back, they were only unicameral for one  
11 session, I believe, and then went back.

12 REPRESENTATIVE McILHATTAN: And you  
13 don't know of any State that has looked at that  
14 recently or thought about that or wrestled with that  
15 issue?

16 MS. ERICKSON: There have been discussions  
17 in many States. Minnesota, I know that it was  
18 recommended there. I believe Maine has looked at it.  
19 But again, there was no -- nothing came of those  
20 discussions. They did not go forward with it, so you  
21 could not really look at actual savings or anything  
22 like that.

23 REPRESENTATIVE McILHATTAN: Okay. Thank you  
24 very much.

25 MS. ERICKSON: You are welcome.

1 CHAIRMAN JOSEPHS: Mr. Chairman Baker.

2 Oh, before you start, we have been joined by  
3 Representative Cohen.

4 REPRESENTATIVE BAKER: Thank you, Madam  
5 Chair.

6 Thank you, Ms. Erickson, for your testimony  
7 and for your very thorough analytical research.

8 I have been reading some of your comments  
9 actually that you proffered back in May 2007 at a  
10 Speaker's Commission, and that was very well done as  
11 well.

12 I happen to have one of the largest  
13 legislative districts in the State. It is actually  
14 300 square miles larger than the entire State of  
15 Rhode Island.

16 So I am very, very concerned about reducing  
17 the size of the Legislature and its impact on rural  
18 areas in particular and the voice of our constituents  
19 and citizens that live in rural areas, very concerned  
20 that if my district could be doubled or even tripled,  
21 arguably, it could be larger than perhaps some other  
22 States.

23 So I would like to know, has the downsizing  
24 in other States affected rural Legislators, and most  
25 importantly, their constituencies?



1 MS. ERICKSON: I want to say that a study  
2 done in Minnesota -- I believe it was a Minnesota  
3 study -- when they looked at it, that one of the  
4 impacts that they thought would occur was that there  
5 would be a more negative effect on rural districts,  
6 partly because simply to gain more people in a  
7 district, you have to therefore increase the  
8 size.

9 So you are putting more pressure on the  
10 rural members to have districts of equal person size,  
11 thereby increasing significantly the geographic size  
12 within which they have to work.

13 REPRESENTATIVE BAKER: So it is likely that  
14 there would be a reduction in the number of rural  
15 Legislators.

16 MS. ERICKSON: Actually, yes.

17 REPRESENTATIVE BAKER: Now, we have enough  
18 battles on the floor of the House now, rural versus  
19 urban versus suburban, and I am very, very concerned  
20 that this would make it even worse in terms of  
21 representing our constituents and having their voice  
22 and concerns heard and acted upon.

23 Another unintended consequence, perhaps,  
24 of legislating or legislative downsizing and larger  
25 legislative districts may be the need for

1 legislative candidates to spend even more time  
2 campaigning.

3 My district is almost 1,600 square miles,  
4 and if that were to double or triple, obviously, it  
5 would be very, very difficult to get around to all  
6 the various municipalities and counties and  
7 communities.

8 Often times, rural Legislators spend 10, 12,  
9 14 hours a day during a very busy campaign season,  
10 and I could just -- I think the constituents and the  
11 citizens would be shortchanged in terms of just being  
12 able to meet all of them and to be able to accept the  
13 various invitations that they get in a particular  
14 year, because it may take 2, 3, 4 hours or more just  
15 to get to one side of the district to the other.

16 I am very, very concerned about that, that  
17 complication. Would you see a correlation in the  
18 increase in campaign costs and time spent on  
19 campaigning as an unintended consequence of  
20 downsizing?

21 MS. ERICKSON: Actually, again, the  
22 Minnesota study that was done at the University of  
23 Minnesota and was titled "Does Legislative Size Make  
24 a Difference?" done in the eighties, mid-eighties,  
25 actually indicated that there might be an increase in

1 campaign costs for Legislators, again, especially for  
2 rural Legislators, and again, at the cost of gas  
3 these days. If you have a Legislator or a  
4 legislative candidate who has to drive many, many  
5 miles and must drive those miles in order to  
6 campaign, you are going to actually see a cost  
7 there.

8 REPRESENTATIVE BAKER: And I know that  
9 Representative McIlhattan referenced a couple of the  
10 major goals that I think the authors of this concept  
11 embody and engender, but reducing the size of a State  
12 legislative body and reducing the cost of operating  
13 such legislative body does not necessarily reduce its  
14 costs. Is that correct?

15 MS. ERICKSON: That is what happened in  
16 Illinois. That was the effect there, that the costs  
17 did not decrease. And again, generally it was felt  
18 that the costs that would have been saved by the  
19 decrease in the number of Legislators was offset by  
20 the increase in the number of staff.

21 REPRESENTATIVE BAKER: And, of course,  
22 another stated goal is to improve that efficiency,  
23 and again, is there a direct link between reducing  
24 the size of a legislative body and improving the  
25 efficiency of its operation? I presume not

1 necessarily.

2 MS. ERICKSON: Not necessarily.

3 REPRESENTATIVE BAKER: I really appreciated  
4 your common arguments and would ask our members to  
5 take a look at that. I thought it was very, very  
6 thoughtful, analytical, and you make some very,  
7 very good salient arguments on both the pro or the  
8 con.

9 But obviously I am very concerned about the  
10 rural impact that this could have on Pennsylvania.  
11 And Pennsylvania is one of the most rural populated,  
12 expansive States in the entire nation.

13 And the one comment, with fewer constituents  
14 a legislator is more likely to have face-to-face  
15 dealings with them, we have been referred to  
16 oftentimes as the people's house, the House of  
17 Commons. We have more direct contact with people.  
18 We are closer to the people. We have less  
19 constituents to represent than Senators, and you are  
20 right, we have much more face-to-face dealings with  
21 them. I suspect that would be impaired dramatically  
22 if the size of the Legislature was reduced.

23 And I am very concerned about your argument  
24 about one political party can more easily dominate a  
25 small sized Legislature; a smaller sized Legislature

1 also may increase regional rivalries, particularly  
2 between rural and urban areas. I think sometimes we  
3 have way too much rancor now on the floor of the  
4 House, and I am very, very concerned that this may be  
5 one of those unintended consequences.

6 And my last comment and question, is it  
7 conceivable that reducing the size of the  
8 Legislature, hence less lawmakers, reduces the voice  
9 of representation of rural citizens in districts and  
10 empowers potentially more special interest groups,  
11 more lobbyists, more staffers, all of which are  
12 unelected and obviously less accountable?

13 MS. ERICKSON: The Illinois experience, as I  
14 had mentioned already, they did see an increase in  
15 the number of staff.

16 As far as lobbyists, I do not know, but I am  
17 sure that the number of lobbyists has increased in  
18 all of the States in these years, whether they were  
19 smaller or larger.

20 REPRESENTATIVE BAKER: Okay. Thank you very  
21 much, Ms. Erickson. I appreciate your testimony.

22 CHAIRMAN JOSEPHS: Mr. Clymer.

23 REPRESENTATIVE CLYMER: Thank you,  
24 Madam Chair.

25 Welcome, Ms. Erickson, to the committee.

1           Representative Baker touched on some of the  
2 things that I want to have you think about, and that  
3 is, the representation when you have a State  
4 Legislator representing 435,000 people, even though  
5 you have high technology and those constituents can  
6 see who that person is, I would think that if there  
7 was a survey done, a number of people would not know  
8 who their State Legislator is, because there are only  
9 80 of them, and that kind of representation, I think,  
10 just fragments the ability to continue the  
11 legislative process.

12           I feel that people, because they are not  
13 actively involved with their local government,  
14 with their State government person, that they do not  
15 have that awareness and that concern about  
16 government.

17           I know that is more of an observation, and  
18 do you have a comment on that before I go to my next  
19 question?

20           MS. ERICKSON: I am sure that most polls  
21 across the country would show that many constituents  
22 do not know who their Legislators are. In fact,  
23 generally, they are lucky if they know who the  
24 President and Governor are.

25           REPRESENTATIVE CLYMER: Well, that is a

1 whole nother issue for education, but you really  
2 touched on an issue near and dear to my heart, and  
3 that is that we are not teaching American history the  
4 way it should be taught. But we will save that for  
5 another day.

6 Another concern I have is, in California,  
7 they have term limits -- 6 years for a Legislator and  
8 8 years for a Senator.

9 Now, here is my concern: With 80 and 40,  
10 how can they really deal with a multibillion-dollar  
11 budget when you have term limits and you cannot get  
12 the experience and there is only a small size?

13 If you had larger numbers, then I would  
14 think you would have more minds, more ability to try  
15 to control some of the fiscal problems that come your  
16 way. But if you have smaller numbers and you are  
17 turning over those numbers every 6 years and you do  
18 not get the experienced people there, I think it is  
19 detrimental.

20 And California has many unique problems,  
21 different from Pennsylvania, but when you are running  
22 a multibillion-dollar deficit as that State is doing  
23 this year -- and I am not being critical; I am just  
24 being factual -- it just seems to me that you have  
25 Legislators who are involved in trying to solve many

1 problems, and there are so few of them, and then they  
2 have their constituent problems.

3 I think they need to increase the number of  
4 people, of Legislators, both Senate and House  
5 members, of course, and bring in more people to deal  
6 with the monumental problems that this State has.

7 Your thoughts?

8 MS. ERICKSON: NCSL has done a major study  
9 with a couple of other groups, some academics and  
10 some other major organizations like NCSL -- the  
11 Council of State Governments, the State Legislative  
12 Leaders Foundation -- and generally they have found  
13 that term limits have been detrimental to  
14 Legislators; i.e., as you said, you have a loss of  
15 institutional memory that can be helpful when you are  
16 dealing with issues that are large of scope or long  
17 term. It puts the Legislature at a disadvantage to  
18 executive branch agency heads that have no term  
19 limit, and therefore, can generally, quote, unquote,  
20 "out wait" the Legislature.

21 And it does increase, to some extent,  
22 although there are questions, as to the amount of  
23 power that staff has, but in some of the States, the  
24 staff turn over just as fast or faster than the  
25 Legislators.



1           But also the lobbying group, because again,  
2 the lobby has the power and the information and no  
3 term limit.

4           And again, as you noted, neither the  
5 executive branch agency heads usually -- the lobby  
6 and the staff are not elected by the people, so there  
7 is not a direct link between the people and their  
8 Legislator.

9           REPRESENTATIVE CLYMER: Thank you,  
10 Madam Chair, and thank you, Ms. Erickson, for your  
11 very timely testimony.

12          CHAIRMAN JOSEPHS: Mr. Mantz.

13          REPRESENTATIVE MANTZ: Ms. Erickson, could  
14 you tell us what formula one would ideally use to  
15 measure the "efficiency," quote, unquote, of a State  
16 legislative body?

17          MS. ERICKSON: I actually do not think there  
18 is one.

19          REPRESENTATIVE MANTZ: Well---

20          MS. ERICKSON: Unfortunately, with  
21 everything else, the procedures and processes of  
22 Legislatures across the country vary significantly,  
23 and I think you as the Legislators yourselves  
24 probably have a better feel for what is happening in  
25 your own chambers or in your own Legislature to know

1 whether it is being done efficiently or  
2 effectively.

3 Normally one would -- some people may say,  
4 well, just simply the passage of the number of bills  
5 would be a sign of effectiveness, but that, again,  
6 varies depending upon the types of bills that you are  
7 passing or the number that are allowed to be put in  
8 place.

9 For example, some States have actually had  
10 bill introduction limits, and therefore, the number  
11 of bills that they even look at is much lower than  
12 many other States. But some of them argue that that  
13 is an efficiency, where members can only introduce a  
14 certain number of bills. In Colorado, it is  
15 five bills per member per year, with a few  
16 exceptions.

17 You have people looking at the openness of  
18 their committee processes and the effectiveness of  
19 their committees and how hard they work. But again,  
20 that is a subjective argument, because again, what  
21 happens in a committee, they may not pass a bill  
22 simply because they have to gather lots of testimony  
23 from all of the people who are on opposing sides,  
24 and sometimes that takes a significant amount of  
25 time.

1           The legislative process as a whole is not  
2 necessarily meant to be efficient and effective. It  
3 is meant to bring out all of the varying viewpoints  
4 and bring them together to sometimes develop the best  
5 solution for the State, which, again, may not be  
6 efficient and effective.

7           REPRESENTATIVE MANTZ: Thank you.

8           MS. ERICKSON: Sure.

9           CHAIRMAN JOSEPHS: I am going to make this  
10 the last question, because we do have to move on.

11          Mr. Gibbons.

12          REPRESENTATIVE GIBBONS: Thank you.

13          A lot of my questions were addressed by some  
14 of the former speakers talking about the rural  
15 populations. While my district is nowhere near as  
16 big as Representative Baker's, it is still 260 square  
17 miles with about an hour to drive across it, so I  
18 certainly feel those.

19          One of the things that I wanted to ask about  
20 was, are you aware of any studies that regard like  
21 the functions of different Legislatures? Of course,  
22 you know, the main function traditionally has been  
23 passing laws, passing budgets.

24          But I know in Pennsylvania, our offices, my  
25 office spends, you know, a majority of its time

1 working on constituent services more so than  
2 legislation, and I do not know if that is a unique  
3 thing here in Pennsylvania. I know in looking at  
4 Ohio, my understanding is that they don't even have  
5 district offices where they do local constituent  
6 services.

7           You know, is there something that factors  
8 into that as to why you would want to have a larger  
9 size with more local offices versus something smaller  
10 where the offices might be more spread out?

11           MS. ERICKSON: Again, the whole idea of  
12 district offices varies across the State.

13           You will have some that have district  
14 offices like they have here in Pennsylvania. Usually  
15 in many of your larger States, larger population  
16 States, you will see that. Florida has district  
17 offices, California.

18           Some of your smaller States, with smaller  
19 populations, probably do not. They have generally  
20 smaller numbers of staff overall.

21           REPRESENTATIVE GIBBONS: Okay.

22           And moving on to the talk about efficiency.

23           I believe there are some studies out there  
24 looking at the numbers versus -- I believe the NCSL,  
25 and I didn't print it out to bring it with me, has

1 some studies from previous sessions where they  
2 compare the percentage of passage rate. And, you  
3 know, as I was looking at that, it jumped out at me  
4 that, you know, even though, looking at your number,  
5 it says that we are one of the larger ones, there are  
6 smaller ones that actually have a lower passage rate  
7 than we do. I can point to New York specifically,  
8 whose their's was, I believe, the lowest at around a  
9 4-percent passage rate.

10 So it does not necessarily equate to  
11 efficiency just because it is smaller.

12 MS. ERICKSON: No, no, and actually, I  
13 usually pull that chart together, which, of course, I  
14 did not bring with me today.

15 On average, about 25 percent of the bills  
16 that are introduced pass. That is pretty much a  
17 standard nationwide. It varies from 25 to  
18 29 percent.

19 So that, I always normally put that in my  
20 head. You can almost always figure that in most --  
21 and it varies depending upon resolutions, if you  
22 include those, because oftentimes resolutions are  
23 commemorative things and have a tendency to pass at a  
24 much higher percentage than actual bills do. If you  
25 take the resolutions out, it is probably a little bit

1 lower.

2 REPRESENTATIVE GIBBONS: All right. Two  
3 more real quick things.

4 One of them is going back to the discussion  
5 of the unicameral versus the bicameral.

6 I have read, you have a couple papers on  
7 your Web site dealing with Nebraska's changeover.  
8 The clerk from there wrote a nice paper about it.

9 And I know it happened back in the 1930s,  
10 and, you know, I looked at how they did it. And a  
11 big part of why they felt, at last he felt that it  
12 was able to work was not only that they went to an  
13 unicameral but also that they made it a nonpartisan  
14 system, and by going that way, they felt that that  
15 was part of the reason why it was able to function  
16 more efficiently in that way.

17 I mean, do you feel, looking at that,  
18 because I looked at the cost, and right now, you  
19 know, our cost for the Senate versus the House, it is  
20 about \$190 million I think we did this year for the  
21 House and \$100 million for the Senate roughly. So to  
22 go unicameral, you know, you are looking at a fairly  
23 large, more than even a 20-percent reduction. So I  
24 could see that looking at the cost side of it.

25 But I guess the question here is, is there a

1 reason to look at a bicameral being more effective or  
2 better for a State than a unicameral? Because when I  
3 think of the Federal government, my main reason and  
4 understanding in history for the bicameral was the  
5 fact of the upper body being distributed two per  
6 State balances out the size of States.

7 Now, as you said, because of some of the  
8 decisions back in the sixties, one person-one vote,  
9 we cannot do that. We cannot use that upper body to  
10 balance out, say, the size of counties, say Lawrence  
11 County where I live with 90,000 people versus, you  
12 know, Philadelphia County with over a million.

13 So, I mean, is there really the need for  
14 that upper body?

15 MS. ERICKSON: The rationales for a  
16 bicameral Legislature, usually an upper chamber of  
17 the Senate is viewed, because they are usually given  
18 longer terms of office, is usually viewed to be  
19 taking the longer view of things, where a House of  
20 Representatives or Assembly or House of Delegates,  
21 depending upon what they are called, members there  
22 usually have 2-year terms, a shorter term of office.  
23 They represent smaller numbers of people, and  
24 therefore, are supposed to take the shorter term  
25 view, be closer, as someone said the people's body,

1 be closer to the people, be more in touch with the  
2 issues that are currently being faced, and be  
3 slightly more quickly reactive to those issues.

4           Again, where the upper chamber, longer terms  
5 of office, usually 4 years in State Legislatures, to  
6 take a longer viewpoint, look at the long-term  
7 effects of things, and balance and blend the  
8 constituencies of the smaller, where they are  
9 representing oftentimes either two legislative House  
10 districts or sometimes three. So again, taking a  
11 broader viewpoint of the population.

12           REPRESENTATIVE GIBBONS: All right.

13           And a final question, and this is really  
14 going to be very brief.

15           When you talked about the ranks and the  
16 sizes and the total rank in Pennsylvania with  
17 253 members being two and the Senate ranking six,  
18 the House is second, but I also was looking at the  
19 per capita numbers, and if you look at the per capita  
20 number, which I think is more important because that  
21 is saying how many people you are actually  
22 representing, we, you know, are certainly not quite  
23 the largest.

24           We drop in the House down to the rank of  
25 15 per capita, and the Senate moves down just a



1 little bit to seven. But I think those per capita  
2 numbers are very important to note as well, because  
3 that is saying actually how many people you are  
4 representing, not just the overall size comparison.

5 MS. ERICKSON: Yes, and those are rough  
6 estimates, again, just simply because I divided the  
7 number of Legislators, House or Senate, into the  
8 population. So those are rough and probably not  
9 exact district sizes, which would have been based on  
10 2000 population.

11 REPRESENTATIVE GIBBONS: Okay. Thank you  
12 very much. I appreciate it.

13 MS. ERICKSON: You are welcome.

14 CHAIRMAN JOSEPHS: Ms. Erickson, I am not  
15 going to ask a question, but it does occur to me, and  
16 perhaps you will give us some information later, part  
17 of what we have not talked about here is part-time  
18 versus full-time Legislatures. And if you could send  
19 to me and I will circulate to the members of the  
20 committee who is part time, who is full time. Do any  
21 of these issues have any affect on a part-time  
22 Legislature that would be different from the affect  
23 it might have on a full-time Legislature?

24 REPRESENTATIVE GIBBONS: They have a very  
25 nice printout from NCSL that does that.

1 MS. ERICKSON: Yes; it is on our Web site.

2 CHAIRMAN JOSEPHS: Thank you.

3 MS. ERICKSON: But also one of the things  
4 that I would caution you is that, as with many other  
5 things, some of those discussions are subjective,  
6 depending upon what types of information you are  
7 looking at to determine full time or part time.

8 CHAIRMAN JOSEPHS: Well, if you would just  
9 send us. I am sure that you will also tell us---

10 MS. ERICKSON: I will do that.

11 CHAIRMAN JOSEPHS: ---what the principle  
12 was, and we can, of course, also go to the Web site.

13 MS. ERICKSON: Okay. And I can also, which  
14 I did not distribute, if you would like, I have a  
15 summary of the arguments, basic academic arguments,  
16 and the State experiences, which is much more  
17 detailed than what I have provided, if you would like  
18 that.

19 CHAIRMAN JOSEPHS: If you will provide that  
20 to my office, we can get it circulated.

21 MS. ERICKSON: Okay.

22 CHAIRMAN JOSEPHS: I do want to move on.

23 Thank you so much. I know the members are  
24 aware of the fact that they can contact you if other  
25 questions occur to them---

1 MS. ERICKSON: Absolutely.

2 CHAIRMAN JOSEPHS: ---and we really  
3 appreciate your participation here.

4 Mr. Mustio is our next testifier.

5 I would also like to say as you are coming  
6 up, sir, that we had invited Representative Stairs  
7 and Representative Kauffman, who also have bills to  
8 reduce the size of the Legislature, and neither one  
9 of them had schedules which would allow them to join  
10 us.

11 And we have written testimony submitted by  
12 the League of Women Voters of Pennsylvania and the  
13 Manufacturer & Business Association.

14 Representative Mustio, I have a request,  
15 since you were kind enough to give us your written  
16 testimony, to summarize, please, as much as you are  
17 able.

18 It is very voluminous. We will read it. If  
19 you could make your main points, we would appreciate  
20 it. Thank you.

21 REPRESENTATIVE MUSTIO: Well, I guess my  
22 first comment was going to be that the first  
23 testifier was from 10:30 to 11, and it is 25 after  
24 11. You had allotted me 15 minutes, and my request  
25 was going to be for perhaps some leeway.

1           It has been an issue that I have been  
2 working on since 1974, and I just would like to have,  
3 quite honestly, a candid and friendly debate.

4           I respect all of you. I respect all the  
5 members of this body for all the hard work that we  
6 all do. But nothing that I am going to say today in  
7 any way is meant as a personal attack but rather as  
8 constructive criticism to an organization that  
9 perhaps has an opportunity to improve itself.

10           And I apologize up front for my passion on  
11 this issue. There are times when I get a little bit  
12 intense, and this is an issue that I have been  
13 working on, as I said, since 1974 when I was a junior  
14 in high school.

15           With that being said, I will get quickly  
16 into my testimony.

17           Chairs Josephs and Baker and members of the  
18 House State Government Committee, I thank you for the  
19 opportunity to speak on House Bill 55.

20           I am State Representative Mark Mustio from  
21 the 44th Legislative District in Allegheny County.  
22 I will be making my testimony on the legislation and  
23 also speaking briefly on the attachments to my  
24 written comments that I have provided.

25           My legislation will reduce the size of the

1 Pennsylvania House and Senate by 20 percent, taking  
2 the House from 203 members to 161 members, and taking  
3 the Senate to 40 members from 50 members.

4           These numbers are a change from the  
5 legislation from last session that Senator Pippy and  
6 I sponsored in our respective chambers that would  
7 have reduced each body size by 40 percent.

8           The reason we backed off from the 40 percent  
9 was because of the testimony heard at the hearings  
10 the Senate conducted on that previous legislation.

11           The other difference in House Bill 55 is  
12 that there is, also as a result of the hearings in  
13 the Senate, is a requirement that the budget to run  
14 the Legislature is also cut 20 percent.

15           We have heard several comments made by the  
16 previous testifier that we would need to increase  
17 staff. It is going to be very difficult to increase  
18 staff if the money is not there to do it.

19           This will prevent the hiring of additional  
20 staff to replace the reduction in elected Senators  
21 and State Representatives, a common argument quoted  
22 as a reason not to enact this legislation.

23           I testified in front of the Speaker's Reform  
24 Commission on this issue and the specific  
25 legislation. I have been interested in the

1 downsizing of our Legislature since approximately  
2 1974.

3 My State Representative at the time came to  
4 Moon Area High School to speak to our government  
5 class. The day before he came to our class, our  
6 teacher said we needed to have a question for him.

7 I went home and asked my father, what should  
8 I ask him? He said, ask him why we have more State  
9 Senators and State Representatives compared to  
10 California.

11 I asked the question, and the response I  
12 received was not much unfamiliar than what we heard  
13 today: We receive better service in Pennsylvania.

14 The reasons I feel this legislation is  
15 important are as follows: accountability; leadership  
16 and credibility to reduce not only the size of the  
17 rest of government but also to make other substantive  
18 changes to our operations here; and finally, tax  
19 savings.

20 Accountability is important to me and will  
21 become a factor in our government when the  
22 Constitution is changed to reduce our size. Each  
23 vote will mean so much more. No longer will a  
24 member's vote be lost in the tally. Constituents  
25 will see more easily that each vote really matters.

1           Leadership and credibility to reduce the  
2 size of the rest of our State government and to make  
3 substantive changes to our operations will be much  
4 easier to accomplish. Those tough decisions will be  
5 much easier to make when we can say, hey, look; look  
6 what we had enough courage to do to our own body in  
7 the interests of our taxpayers. The "let them eat  
8 cake" attitude that sometimes avails here in  
9 Harrisburg will be on its way out.

10           The tax savings that will be realized from  
11 this specific deduction alone will be in the  
12 neighborhood of \$60 million. That is because of the  
13 20-percent reduction mandated in the legislation for  
14 the cost of operations.

15           However, the real savings and opportunity  
16 for reduction in State taxes, i.e., leaving more  
17 money in the hands of our State citizens, will be  
18 accomplished when we streamline and reduce the rest  
19 of our State government.

20           To be honest, under this Administration, the  
21 last time I checked, as a process in background  
22 information on this legislation, the Governor has  
23 done a good job in reducing the total number of  
24 State employees on the payroll, but more can be  
25 done.

1           Because I am testifying first, it is going  
2 to be difficult for me to address the comments that  
3 are being made by those testifying after me. But  
4 fortunately, you will see in the handouts that I have  
5 or attachments that I have, most of the testimony  
6 that we are going to hear today, in fact, the  
7 testimony we just heard, is verbatim from what was  
8 stated to the Senate committee on August 1, 2006,  
9 almost word for word.

10           The detractors or opponents of downsizing  
11 list several arguments, some of which were identified  
12 by Brenda Erickson.

13           Please note that I did not know for certain  
14 what she would say today, but in my testimony I also  
15 reference the person who was originally scheduled to  
16 speak from the Farm Bureau, but I noticed on the  
17 agenda that that changed.

18           In a few minutes, I will get specifically to  
19 the Reform Commission, but let me first address some  
20 of the perhaps arguments against downsizing that we  
21 will hear from those testifying after me.

22           I am sure we will hear from the Pennsylvania  
23 Farm Bureau that rural districts will have less  
24 representation on their issues or that the geographic  
25 size of a rural district will increase.



1 First let me speak to the first issue.

2 As Senator Pippy stated at the 2006 Senate  
3 Policy Committee hearing, the fact is that by having  
4 a fewer number of Senators and State Representatives,  
5 it will enable more, not less members to be exposed  
6 to rural issues.

7 Let me repeat that: Having fewer members of  
8 the Senate and the State Representatives, the State  
9 House, will enable more, not less members to be  
10 exposed to rural issues.

11 The current geographic layout of my  
12 legislative district would create a significant  
13 opportunity to have more exposure to rural issues in  
14 a reduced Legislature. That argument that the rural  
15 districts would be less represented is just not a  
16 factual one, but it certainly gives cover to the  
17 rural Legislator to vote "no" on this bill, but it is  
18 not the truth.

19 A second argument is that geographic size of  
20 all districts will increase. This also is not  
21 correct.

22 I spent a great deal of time speaking with a  
23 member of the reapportionment staff on this issue.  
24 Let's look at the extremes as an example.

25 The largest legislative district in terms of

1 geographic size is Representative Causer's at  
2 approximately 2,100 square miles. The smallest is,  
3 coincidentally, Chair Josephs at 2.8 square miles.  
4 This legislation does not deal with drawing lines or  
5 anything of that nature, so it is important for us to  
6 keep that issue separate.

7           The point I am making here on the geographic  
8 size is that it is not necessarily the case that a  
9 district's geographic size will increase. The reason  
10 for that is that district elimination will free up  
11 population, and that population availability may  
12 actually reduce the geographic size of many  
13 districts.

14           I encourage those that try to make the  
15 argument to their constituents not to do that,  
16 because it is not 100 percent true or based on  
17 fact.

18           In Representative Josephs's case, as an  
19 example, if she does not have any open space to trade  
20 off for gaining more population to represent under a  
21 smaller Legislature, then logically it would make  
22 sense that her district's geographic size would  
23 increase. My sense is, though, in Philadelphia, you  
24 would not have to go very far to gain the added  
25 12,000 constituents.

1           Anyway, I digressed on the issue of actually  
2 drawing district lines, which this legislation does  
3 not address.

4           Another argument is that service will  
5 deteriorate, and that is a common argument that I  
6 have heard since 1974, as I stated.

7           The reason we need so many more to represent  
8 us in the State of Pennsylvania and in California is  
9 because our service is so much better.

10           Certainly we all know the advancements in  
11 technology made just over the last 3 years alone.  
12 in fact, as I was sitting here listening to  
13 Ms. Erickson's testimony, I e-mailed several of you  
14 and I received responses.

15           So we know that as we are doing work on  
16 various pieces of legislation, we e-mail our staffs  
17 from these committee meetings saying "Check this fact  
18 out." We may get an e-mail from a constituent; we  
19 e-mail them back at that time. We have cell phones.  
20 We have the ability to access the Web from this  
21 little thing right here, okay?

22           We have the opportunity to use this  
23 technology to improve not only the service, which we  
24 have done over the last few years, but also to reduce  
25 costs for our constituents.

1           This meeting is being taped and sent off via  
2 PCN, which is something we couldn't do earlier on.  
3 And Ms. Erickson indicated that, you know, she had  
4 addressed the efficiency issues and technology, but  
5 the studies that she identified in some cases were  
6 almost 25 years old.

7           You know, in the early eighties, we barely  
8 had copy machines that were efficient. You know, in  
9 the early 1990s, this did not exist, okay? So I  
10 would encourage you to do a study based on modern  
11 technology and not come here and testify to give  
12 members a reason to vote "no" on old data. It is  
13 bogus as far as I'm concerned, and I would expect  
14 more from a body that is representing State  
15 Legislators, to be honest with you.

16           The process of having a cell phone, who has  
17 been here a long time and can remember going back to  
18 your desk and getting that stack of pink slips of  
19 phone numbers to return telephone calls? There were  
20 lots of those. And you would call them back, and the  
21 process of phone tag would start.

22           We don't have that anymore, because now most  
23 people e-mail you when they need to get something,  
24 and you can, at your convenience, respond to them  
25 with not only a prompt answer but something that is

1 documented in writing. So I think that is certainly  
2 a very positive thing.

3           Excuse me; I am trying to summarize, as the  
4 Chairman requested.

5           For those of us that drive 3 or 4 hours  
6 one way to get here for this hearing or for session,  
7 we certainly have the opportunity to use that time  
8 or pull over, and certainly not do it while we  
9 are driving, but we have the opportunity to pull  
10 over at rest stops or whatever and respond to  
11 e-mails.

12           The ability to provide this service is not  
13 just because of technology but because we have  
14 trained and quality staff, training that we continue  
15 to improve upon.

16           This evening, I will have my second  
17 telephone town hall meeting. Technology permits us  
18 to call every listed residential phone number in my  
19 legislative district and speak to constituents on  
20 issues, but more importantly, to have them ask  
21 questions of us, and that is something I would  
22 certainly encourage all of my rural Legislators to  
23 utilize.

24           They do not have to use gas to drive to a  
25 meeting hall in our legislative district. We don't

1 have to use gas to drive to see them in a lot of  
2 instances. Think about how this technology helps  
3 all of us, but particularly those in the rural  
4 areas.

5 My final comments on service are these:  
6 This legislation should not be enacted in a vacuum,  
7 and I would say that we don't enact it unless we are  
8 going to make other changes.

9 Should our offices really be processing  
10 paperwork for handicapped placards? Is that what we  
11 were elected to do?

12 Why does it take 1 1/2 years for a  
13 constituent to get their unclaimed property back from  
14 the Treasury, but if a constituent comes to our  
15 office it takes 6 weeks? Does that give us an  
16 opportunity for other reforms? Had we looked at this  
17 2 years ago, 4 years ago, we probably would have been  
18 well on our way to do that.

19 Think about all the paperwork we process in  
20 our offices because some agencies drop the ball or  
21 are not able to offer online access to our residents  
22 for their services.

23 At the beginning of this term, I cut my  
24 staff by 20 percent as a test case, because I was  
25 sensing that the handwriting was on the wall that

1 this legislation may not move. And I invite all of  
2 you to come see my office and all the thank-you notes  
3 for the continued quality service that a trained  
4 staff can provide, trained staffs that all of you  
5 have.

6 The 20-percent number is the same,  
7 coincidentally, in House Bill 55. Since we did not  
8 reduce the size of the Legislature, I wanted to use  
9 that as an example. To me, it is written validation  
10 from my constituents that the service level has not  
11 dropped.

12 We know recently there has been a lot of  
13 discussion based on some of the Attorney General's  
14 comments, that in a bipartisan manner, there have  
15 been some troubles here in Harrisburg where there  
16 have been some instances of staff not working for  
17 constituents on taxpayer dollars. To me, that was  
18 just another validation that there are way too many  
19 people here.

20 In the testimony after mine, I am sure  
21 we will hear comments about the need for other  
22 reforms instead of or in conjunction with this  
23 legislation.

24 I suspect that Mr. Kauffman from  
25 Common Cause will make similar comments that he made

1 in January 2006 to this State Government Committee;  
2 to paraphrase those comments, that perhaps other  
3 reforms were more critical and that downsizing  
4 legislation could be part of a broader strategy to  
5 effect reform, but that it could not fix real or  
6 perceived problems on its own. And as I stated, I  
7 agree that this should not be done in a vacuum. I  
8 also believe he questioned at that time what problem  
9 downsizing advocates are attempting to solve.

10 Matt from the Commonwealth Foundation will  
11 list the savings and other reforms that are needed.  
12 Fortunately, we can work on more than one reform at a  
13 time, and we have the time to phase in these other  
14 reforms, because it did take 4 years to implement any  
15 downsizing. I will talk about this more when we look  
16 at the attachments.

17 At this time, I would like to quickly review  
18 the attachments, the first of which is the House  
19 Journal from the debate on the floor regarding the  
20 discharge resolution.

21 When I brought the discharge resolution up  
22 for a vote, one of the reasons to vote it down on the  
23 floor was because we did not have hearings, and I was  
24 questioned on the floor about that. I said, no, I  
25 did not request a hearing of this committee. I did



1 not see a reason to spend more taxpayer dollars on  
2 testimony that we had already seen on August 1 of  
3 2006 or at the Speaker's Commission.

4 As I indicated earlier, most of what we are  
5 going to hear today was already provided to the  
6 Senate on August 1 of 2006, and that certainly  
7 could be part of the reforms that we are looking at,  
8 the duplicity of many of the things that we do up  
9 here.

10 The next handout is today's agenda, which,  
11 again, just reinforces what I just said. It is the  
12 agenda for today.

13 The following is the agenda of the speakers  
14 that were at the Senate hearing. You can see today  
15 we have written testimony provided by the League of  
16 Women Voters, and at the Senate hearing, they  
17 actually were there in person.

18 Next is the roll-call vote for the discharge  
19 resolution. And I have the poster board in the  
20 front here indicating roughly a little over  
21 90 members who signed on to various forms of  
22 reduction legislation.

23 Unfortunately, when the bill came up, or the  
24 discharge resolution came up for a vote, there were  
25 only 65 "yea" votes. And I understand that some of

1 those members were saying no to it because they felt  
2 that the committee process was being circumvented.  
3 But as Representative Schroder said that day on the  
4 floor, the rule is in our rules for a reason, and  
5 I had the opportunity to utilize it that day.  
6 Unfortunately, it is 10 months later at this  
7 point.

8           The next is a list of the three bills that  
9 we were going to be speaking about today and the  
10 status of them.

11           The following several pages address the  
12 population issue, and you can see there is the 1980  
13 size by district, the 1990 size by district, and the  
14 2000 size by legislative district.

15           Following that is a 50-State comparison and  
16 some questions and answers to various pro-and-con  
17 issues that NCSL provided, not only at the hearing on  
18 August 1 of 2006 but also at the Speaker's Reform  
19 Commission early on in 2007, and I suspect that the  
20 data has not changed that drastically from that  
21 time.

22           There is a USA Today article that talks not  
23 only about Pennsylvania, but it does reference  
24 Michigan. It is looking at changing the size of  
25 their Legislature from 148 members to 80 members.

1 And the comment there from one of their  
2 Representatives, it is like "herding cats.... We have  
3 148 class presidents basically."

4 I have attached a copy of the members of  
5 this committee just so we can all see that, you know,  
6 there are many that represent a lot of different  
7 municipalities and some just represent certain parts  
8 of certain cities. So we do have a geographic issue  
9 that we have addressed, and we tried to do that by  
10 reducing the amount of the reduction from 40 percent  
11 to 20 percent.

12 The next section there talks about the  
13 history of why and how we got to where we are in  
14 Pennsylvania and some of the possible cost savings in  
15 a couple of different scenarios that are listed  
16 there.

17 And there is also an attachment that shows  
18 the various sizes of our constituent base based on a  
19 different percentage of reduction.

20 Then we have a comparison. As  
21 Representative, I believe it was Josephs, Chairman  
22 Josephs, had mentioned earlier, you know, there are  
23 a lot of different States out there, and it is  
24 difficult to compare apples to apples.

25 And there are only four States that have

1 full-time State representation, that being  
2 California, Michigan, New York, and Pennsylvania.  
3 And this gives us an indication of the total number  
4 of seats and the populations of various States.

5 And finally, you know, we talked earlier  
6 about opportunities that we have had for change here,  
7 and I have attached some of the recommendations for  
8 legislative budget reductions that were a result of  
9 the Speaker's Reform Commission.

10 This was the same list that I was approached  
11 in October to pull my discharge resolution because we  
12 were going to work on these; we were going to  
13 implement these changes. And as I said at that time,  
14 my fear was that if I pulled the discharge  
15 resolution, that the bill would never see the light  
16 of day and these changes would not be made.

17 And I think if we take an honest look and  
18 review most of these, that one of the looks I am  
19 getting in the hall is that it is time for us to make  
20 some real change up here, and if we are not going to  
21 reduce the body, because we are running out of time  
22 to do that, then let's get serious. Let us not say  
23 we are going to run reform measures and not do it.  
24 Let us do it.

25 Can you honestly say that in a \$29 billion

1 budget we cannot cut \$31 million out of our own  
2 operations?

3           When we reengineered my company, a lot of  
4 the employees said, we can't do that. My partners  
5 and I said, if we hear the word "can't," you're  
6 fired.

7           You got this button, and it says "That's the  
8 Way We've Always Done It," and there is a red circle  
9 around it with a line through it.

10           I thank you for the opportunity. As I said,  
11 I am passionate. I respect all of you, but let us  
12 get something done.

13           Thank you.

14           CHAIRMAN JOSEPHS: Thank you.

15           Representative Mustio, before we go to  
16 questions, a few things.

17           We have been joined by Representative  
18 Youngblood and by Representative Benninghoff.

19           And also, I regret very much, I want to  
20 acknowledge Matt Brouillette, the President of the  
21 Commonwealth Foundation. We have his testimony. I  
22 do have to let people ask questions.

23           I am sorry, sir; I know you have to be back  
24 to your office. You may not have a chance to present  
25 it to us at this time. I do apologize.

1           REPRESENTATIVE MUSTIO: Madam Chairman, if  
2 he wants to sit up here and answer questions with me,  
3 that is fine, because we may be opposed on some of  
4 the issues.

5           CHAIRMAN JOSEPHS: Thank you,  
6 Representative. I am the Chair of this meeting.

7           REPRESENTATIVE MUSTIO: Okay. Thank you.

8           CHAIRMAN JOSEPHS: Mr. Clymer.

9           REPRESENTATIVE CLYMER: Thank you,  
10 Madam Chair.

11           Well, good morning. And certainly I am  
12 going to, Representative Mustio, I am going to look  
13 at the testimony and make a decision, trying to be  
14 very objective, not to be biased, but that is why I  
15 am here this morning.

16           REPRESENTATIVE MUSTIO: Right.

17           REPRESENTATIVE CLYMER: So I appreciate your  
18 testimony.

19           But just on modern technology, while it has  
20 some wonderful assets, there are some problems with  
21 it. So what I am going to say is that we have to  
22 make sure that as we, if indeed it is the will of  
23 this General Assembly to reduce the number of members  
24 and staff, to just think about this.

25           Have you ever picked up -- and I'm sure you

1 did; we have all had this experience. We dial a  
2 number and we get someone who says, if you want to  
3 proceed further, then hit 1 or 2. Then we hit 1 or 2  
4 or 3 or whatever it is, and then we continue on  
5 through this very arduous process of trying to get  
6 someone to talk to. And we may hit three or four or  
7 five different numbers and we're as frustrated as  
8 ever because no one is coming on to solve the  
9 problem, even though we think we are hitting the  
10 right numbers. And the satisfaction comes when we  
11 hear that voice and that voice says, "Can I help  
12 you?" And why is that a comfort? Because we know  
13 that is a real person. That person is going to  
14 listen to our concern, try to get us the assistance  
15 that we are looking for.

16           So I just mention that in passing, that  
17 while modern technology has some wonderful things  
18 about it, and I certainly try to use all this modern  
19 technology in my Harrisburg and district office as it  
20 becomes available, and yet the human touch is still  
21 very critical in the legislative process, and we  
22 cannot ignore that.

23           So an observation, and that concludes my  
24 question, Madam Chair.

25           REPRESENTATIVE MUSTIO: And I will answer

1 the question. I think that is absolutely right, and  
2 I think that we have the opportunity to reach even  
3 more people, personally.

4 And tonight, as I said, in the tele  
5 town hall meeting, there won't be any touching 1,  
6 touching 2, to do whatever it is. They will be able  
7 to talk live in a way that we would not have been  
8 able to do several years ago.

9 I think that -- I am not aware of any of our  
10 offices at this point that have touch buttons. You  
11 know, we have people that answer the phone. But  
12 technology, though, gives us the opportunity to work  
13 at 7 o'clock in the morning until 10 o'clock at night  
14 because of the cell phone. You can e-mail somebody  
15 and say, here's my cell phone; call me. So we have  
16 expanded the operating hours and the ability for us  
17 to provide better service.

18 I am not saying that we diminish it; I am  
19 saying that we have had the opportunity. And if you  
20 look at the population by district, we can, in my  
21 opinion, because of the reduction I did in staff,  
22 we can easily, easily handle the number  
23 increase.

24 That is my opinion; you have yours. Thank  
25 you.



1           CHAIRMAN JOSEPHS: Mr. Kortz.

2           REPRESENTATIVE KORTZ: Thank you, Madam  
3 Chair.

4           Thank you, Representative, for bringing this  
5 before the committee today.

6           There is a bill also in the Senate to  
7 address this same thing. Can you tell me where that  
8 stands currently?

9           REPRESENTATIVE MUSTIO: Yes. That was voted  
10 out of committee in the Senate.

11          REPRESENTATIVE KORTZ: Before we left in  
12 July?

13          REPRESENTATIVE MUSTIO: No; well before  
14 that.

15          REPRESENTATIVE KORTZ: Well before that?

16          REPRESENTATIVE MUSTIO: Yes.

17          REPRESENTATIVE KORTZ: Okay. So it is  
18 coming to the House.

19          REPRESENTATIVE MUSTIO: Right, and that is  
20 why it is important, in my personal opinion,  
21 important to get it out of this committee, so then I  
22 can go to my Senator and put pressure on to get it  
23 moving there, too, at the same time we put pressure  
24 on moving this one. But this sits here.

25          Come on; we know how it operates around

1 here, don't we?

2 REPRESENTATIVE KORTZ: We will move on to  
3 the next question.

4 REPRESENTATIVE MUSTIO: Okay.

5 REPRESENTATIVE KORTZ: I came from the steel  
6 industry, okay? And back in the eighties, we went  
7 through a very troubling time. It was very bad with  
8 the imports coming in, so we had a downsizing, a  
9 reengineering, if you will, flattened out our  
10 management, and it was dramatic cuts, and it was very  
11 painful across the board. And what you want to do  
12 here is to downsize to get more efficiencies, to  
13 glean synergies---

14 REPRESENTATIVE MUSTIO: Right.

15 REPRESENTATIVE KORTZ: ---to make the  
16 government more accountable and more responsible. Is  
17 that correct?

18 REPRESENTATIVE MUSTIO: Right.

19 REPRESENTATIVE KORTZ: I mean, are we really  
20 going to get more accountable? Are we going to get  
21 better government? Isn't that the goal, that we want  
22 to get a better, more responsive government? Will we  
23 do that with the reduction, in your opinion?

24 REPRESENTATIVE MUSTIO: In my opinion, yes,  
25 we will. I mean, each vote will be worth so much

1 more.

2           You know, as I said earlier and as Senator  
3 Pippy said in his response to a testifier from the  
4 Farm Bureau, you will have Representatives that do  
5 not have any farms in their district now that will be  
6 exposed, because of the percentage increase in their  
7 district, to maybe 5 or 10 percent. So then you have  
8 an issue that you will be able to be much more well  
9 versed on, okay?

10           And certainly the technology and the change  
11 at the steel company did not take place overnight,  
12 and with this legislation, it takes 4 years, as I  
13 said, to implement. And that gives us plenty of time  
14 -- particularly as you see the number of people that  
15 retired.

16           In 2007, it was the largest retirement in  
17 this State because there was a change in benefits and  
18 those that retired at the right time. Normally, the  
19 retiree number is around 3,000 to 4,000 a year. That  
20 year was 7,000.

21           So over the course of the 3 or 4 years, the  
22 implementation of this legislation and approval by  
23 the voters, we will be able to see, again, some  
24 people that retire. And we will probably be able to  
25 have that reduction but not really laying anyone off,

1 just not rehiring to fill the positions, because at  
2 the same time, you are going to look at your  
3 operations: How are we doing it? Can we do it  
4 better?

5 Look inside you. You see things here every  
6 day, honestly. You came here as a reformer. You see  
7 things every day where there's the opportunity to  
8 improve. I'm just saying, let's take a serious look  
9 at it and do it, not give it lip service.

10 REPRESENTATIVE KORTZ: Sure. And there's no  
11 doubt, we can improve what we have. And in fact in  
12 business, if you look at it in the real world, you  
13 know, they are looking at continuous improvement and  
14 what can we do to cut costs and improve customer  
15 service.

16 REPRESENTATIVE MUSTIO: Right.

17 REPRESENTATIVE KORTZ: So in that regard,  
18 I'm all for it; don't get me wrong.

19 I guess I'm going to go back to one thing  
20 you did mention in your testimony, that from the  
21 rural perspective you do not see it will impact the  
22 constituent service?

23 I mean, standing back just thinking about  
24 what you are saying here, geographically you are  
25 going to expand these districts because you are going

1 to decrease the number, and in Chairman Baker's area  
2 -- he has one of the largest rural -- I could foresee  
3 that since you want to cut 20 percent of the costs,  
4 there would also be less district offices. So those  
5 members that disappear, those 40 members, their  
6 constituent offices go away.

7           So in other words, if someone from the rural  
8 area wanted to come to his office, they are going to  
9 have to travel a lot further potentially. Would you  
10 not agree with that?

11           REPRESENTATIVE MUSTIO: No, I wouldn't agree  
12 with that.

13           As I said, and I do not know if any of you  
14 have had a discussion with anyone from the  
15 reapportionment department, it is not a factual  
16 statement to say that a rural district will guarantee  
17 an increase in size.

18           There are those districts -- this is not a  
19 reapportionment bill. We are not drawing lines with  
20 this bill, but it is conceivable that district size  
21 will decrease, because the border of a current  
22 district may be next to a large population base, but  
23 the other side of this district may be full of  
24 forests where there is no one there.

25           So if you move a line and take in 12,000

1 people and you have only moved the line 3 miles and  
2 you take off 400 square miles -- okay? -- there is a  
3 difference.

4           You have to -- the whole reapportionment  
5 issue is very complicated, as I learned in the  
6 discussion that I had with that department, but that  
7 is an entirely different issue. But to say  
8 categorically that the district size is going to  
9 increase is not correct.

10           REPRESENTATIVE KORTZ: But still you would  
11 agree that the high-dense areas, the cities of  
12 Philadelphia and Pittsburgh, I mean, we are not  
13 talking about these big cities all over the State.  
14 I mean, you are going to have an expansion of the  
15 districts. Would you not agree?

16           REPRESENTATIVE MUSTIO: Not every district.  
17 You have some cities where their population is 12,000  
18 that are borders of other districts, and they can be  
19 taken into the others. Remember, you are losing in  
20 this House 42 districts, so that is going to generate  
21 and release a lot of population.

22           Again, this is not a reapportionment bill.  
23 It is very easy to sit there and say that, because  
24 logically that would seem to make sense. But until  
25 you actually look at how the process works, just what

1 I took the time to do, that is not factual, okay?

2 REPRESENTATIVE KORTZ: Okay. One last  
3 question.

4 I would like your comment to this, and this  
5 came from the USA Today in May of '07 and actually  
6 was Mr. Kauffman's statement. I'm sure he'll talk  
7 about it later. And he said, quote, "On the positive  
8 side, you can save a lot of money by reducing. On  
9 the negative side, fewer people allow for less input  
10 that could hurt in a big relatively rural State with  
11 two major but very different cities." That was his  
12 comment.

13 REPRESENTATIVE MUSTIO: Well, and he is  
14 entitled to that comment. And I think I testified to  
15 that fact, that it would actually -- when you come at  
16 something from the perspective of, let us find ways  
17 not to do it, as my employees said, we can't, then  
18 it is easy to make those arguments and look for  
19 those arguments and look for testifiers to support  
20 that.

21 When you want to find a way to do something,  
22 then you look at different angles at it, don't you?  
23 And I think that is what we are trying to do here and  
24 a lot of us ran on, particularly the last election.  
25 Let's find a different way to do it and not do it the

1 same way.

2           So if you take the time and ask the  
3 questions and look at other testimony, testimony  
4 that was not provided by the Farm Bureau, but when  
5 Senator Pippy had the knowledge to inquire and  
6 interrogate him and say, you know what? Wouldn't  
7 that then give me the opportunity as a Senator to be  
8 exposed to more farm issues, and would you not then  
9 have another advocate, somebody who traditionally  
10 would not be necessarily advocating a farm issue but  
11 now you are representing on a direct basis those core  
12 issues?

13           From a service standpoint, I think we all  
14 need to look at our own operations individually. You  
15 know, are we honestly working as hard as we could be  
16 working? And I think we all are. You know, are our  
17 staffs doing that? Is there an opportunity for us to  
18 do things differently?

19           For example, Senator Pippy and I are looking  
20 to combine our offices, okay? You know, there is an  
21 opportunity there where we can -- assuming  
22 reelection; we don't know how that is going to work  
23 out, obviously -- but you certainly try to plan  
24 ahead. So with that in mind, we are looking to  
25 combine, so then we don't have the redundancy of two



1 people answering that phone.

2 We still have a person answering the phone,  
3 to address Representative Clymer's comments---

4 CHAIRMAN JOSEPHS: Gentlemen, mercy, please.

5 Let's bring this to an end, Mr. Kortz,  
6 please.

7 REPRESENTATIVE KORTZ: Yes, Madam Chair.

8 Thank you, Representative. I appreciate  
9 your comments.

10 One last comment I would like to make is I  
11 am all for rightsizing the Legislature. I think it  
12 is the right thing to do. We have to continually  
13 improve just like regular industry does, although  
14 this is a little different obviously.

15 I'm just not certain whether your 20-percent  
16 cut in the cost is also in alignment with it, because  
17 again, I'm thinking not so much in my district but in  
18 the rural areas where you are going to be  
19 geographically spread out -- I know we differ on this  
20 -- I can see that constituent services would drop off  
21 and it would just take a lot longer for some of these  
22 older folks to get into the offices and may not just  
23 come.

24 So thank you.

25 CHAIRMAN JOSEPHS: Mr. Baker.

1           REPRESENTATIVE BAKER: Thank you,  
2 Madam Chair.

3           In the interests of time, I, too, thought we  
4 would be concluding, according to the agenda, by  
5 12:30 at the latest, so I am going to waive on my  
6 questions.

7           Mr. Mustio and I are friends, but obviously  
8 I could not disagree with him more based upon the  
9 preponderance of objective analytical case studies  
10 that have actually involved other States, and its  
11 correlating impact to rural areas certainly leads me  
12 to the conclusion that this is contraindicated with  
13 respect to rural areas in particular.

14           So I am just going to leave it at that. I  
15 am going to thank the gentleman, my good friend,  
16 Mr. Mustio, for his testimony, and I am going to  
17 waive on my questions so we can move along.

18           We have got a lot of people that want to be  
19 asking Mr. Mustio questions. There are a lot more  
20 testifiers before us. And we are going to go over  
21 12:30, but I will have to ask for everyone's  
22 forgiveness; I have to leave by 12:30.

23           Thank you.

24           CHAIRMAN JOSEPHS: Thank you, Mr. Chairman.  
25 Mr. Gibbons.

1           REPRESENTATIVE GIBBONS: Thanks.

2           I will just make my comments quick, and then  
3 if you want to, I will do them altogether, and if you  
4 want to respond to any of it.

5           REPRESENTATIVE MUSTIO: Sure.

6           REPRESENTATIVE GIBBONS: Because really I  
7 just want to respond to a few of the different things  
8 you made.

9           And I certainly agree with you that your  
10 goals for this that you have set out are good --  
11 accountability, leadership, the tax and cost savings.  
12 I think those are all good goals. But, you know,  
13 when I look at this proposal, I somewhat, you know, I  
14 have always looked at it as taking a hacksaw where we  
15 need a scalpel. I think that it is going a little  
16 bit too far, and I think it could solve those, but I  
17 think there are a lot of other ways that I would  
18 prefer to solve those as opposed to doing it this way  
19 that would not affect, in my opinion, the voices of  
20 the people.

21           I know you made the comment that each vote  
22 will mean more, but, you know, when I am casting the  
23 vote for 80,000 versus 60,000, but that also means  
24 that each of those individual voices means less to  
25 me. You know, I have to listen to 60,000 as opposed

1 to 80,000.

2 On the comment about, you know, the new  
3 groups coming in. Now, a Representative who might  
4 not represent a farm community now will represent,  
5 you know, maybe a couple hundred farmers. But  
6 really, is that urban Representative with a couple  
7 hundred farmers going to represent those people or  
8 overlook them in favor of the people in the city that  
9 make up the majority of that district?

10 And, sir, you point to your reduction in  
11 staff as being a way that you say that we can do  
12 this, and I agree. I think we all can reduce staff.  
13 In looking ahead at Mr. Kauffman's testimony, he  
14 points out a lot of different reductions --  
15 television studios, things of that nature that are  
16 redundancies that I think we can get rid of, you  
17 know.

18 And you and I both signed the letter earlier  
19 this year, or I guess last year it is now, but that  
20 Representatives Vulakovich and Smith put together,  
21 and a number of us did, saying that we wanted to see  
22 the cost going, you know, not even 10 but 20 percent  
23 beyond what the Reform Commission said, and I agree  
24 with that.

25 I think there are a lot of places where

1 these cuts can be made, but I think that even your  
2 experience shows that we can reduce that cost, reduce  
3 that staff, reduce these things without also reducing  
4 the representation. So I just do not see that.

5 And just coming back to the whole idea of,  
6 yes, a lot of us did come in as reformers and a lot  
7 of us, you know, who did not support the discharge  
8 resolution do not necessarily think, you know, me,  
9 especially being a rural person, that is another part  
10 of my reason.

11 But the fact is that, you know, I did come  
12 in looking for reforms, and I think there are a lot  
13 of them that I do support. I could run you a laundry  
14 list, whether it is campaign finances or, you know,  
15 restructuring how leadership functions, term limits,  
16 whatever, that I have been involved with that I think  
17 could -- and some of those other things that I said,  
18 with the reductions in the streamlining.

19 And I would like to say, I agree with you.  
20 If we are going to say we are going to do it, let's  
21 do it. Let's hold our leaders' feet to the fire and  
22 say okay, because really, you understand as well as I  
23 do that most of those staffing issues, it is not us  
24 as individuals; it comes from the leadership down.  
25 It comes from the shared services. It comes from

1 doing things bipartisanly, so that maybe we can  
2 combine some of the functions and instead of doing  
3 them House/Senate, you know, we can put the House  
4 and Senate's functions together, or the  
5 Republican/Democrat, or neighboring all four caucuses  
6 together and, you know, do things together, do more  
7 things together and less things separate.

8 But, you know, I just feel, like I said, I  
9 think this is an overbroad reform to fix the  
10 problems. I think that if we look at more of the  
11 finite things, we can make the same if not greater  
12 savings by going that way than we can by simply doing  
13 this.

14 So again, you know, I understand what you  
15 are doing and I can agree -- I can see your sides of  
16 the arguments as well. And as you said, we are all  
17 going to have our opinions, and many of us will  
18 disagree. And I certainly consider you a friend and  
19 I consider your reasonings very good, but, you know,  
20 for those reasons, that is why I tend to come at this  
21 from a different direction.

22 So I thank you, and you are free to respond  
23 if you feel---

24 REPRESENTATIVE MUSTIO: I will make it  
25 quick, as the Chairman wants me to move on.

1           If you want to use the scalpel, then let's  
2 do it. My basic point is, we have had the  
3 opportunity and that is not being done, so sometimes  
4 you have to come in with a hammer. That is what the  
5 people are telling me.

6           And hopefully we represent all of the people  
7 in our districts. We look at the arguments and we  
8 vote accordingly. I think we will hear from the  
9 Farm Bureau that there has been a significant  
10 reduction in the farm population in this State. So  
11 they probably will redraw lines, but we will have  
12 more people still representing us there.

13           Thank you.

14           CHAIRMAN JOSEPHS: Mr. Vereb.

15           REPRESENTATIVE VEREB: Thank you,  
16 Madam Chair.

17           Representative Mustio, I obviously regard  
18 you as a friend and a colleague and sat on the  
19 Speaker's Reform Commission and heard your  
20 presentation back then. And what has happened  
21 between then and now is I certainly have had a lot of  
22 opportunity to absorb, not only from a district  
23 office operation standpoint but from an operation  
24 up here in the Capitol, just how it has been  
25 working, even after the summer reforms that we have

1 enacted.

2           And you brought up about your own staff,  
3 20 percent. What does that mean in terms of your  
4 district, since I am not familiar with it? What kind  
5 of a district is it, and where were you and where are  
6 you today head count-wise in the district?

7           REPRESENTATIVE MUSTIO: I had four staff in  
8 the district, and now I have three. But I count the  
9 one in Harrisburg as well. So if you take five  
10 people and you remove one, that is 20 percent.

11           REPRESENTATIVE VEREB: Now, what is your  
12 district -- my district, I go from dense Section 8  
13 housing all the way up to, you know, high number  
14 valued properties in my district. So obviously there  
15 are certain areas of my district that require more  
16 assistance than others per se of State agencies.  
17 Where would you say your district is?

18           REPRESENTATIVE MUSTIO: I would say it is  
19 similar. We have an area that was having some tough  
20 economic times when I was first elected with the  
21 US Air situation. Pittsburgh Airport is right in the  
22 middle of my district.

23           The district is divided by a river, and the  
24 people on the other side of the river just do not go  
25 across the river, you know, so we have to have an



1 office there to service them. And we do that, and  
2 that is, quite honestly, one of the offices that we  
3 are looking to combine should we have a need to do so  
4 with Senator Pippy, as well as one of the offices in  
5 Moon Township on the other side of the district.

6 REPRESENTATIVE VEREB: Well, I think it is a  
7 great idea for yourself and Senator Pippy when it is  
8 politically amenable, and I know that Representative  
9 Reichley does similar things with Senator Wonderling  
10 as well.

11 But you brought up technology, and I have to  
12 agree with my good friend, Chairman Clymer, in terms  
13 of technology. It certainly does save some money and  
14 does save some time, but it also is more of a  
15 hands-off type of approach for our constituents.

16 An example: About 15 minutes ago I got real  
17 red, and that is because my Democratic opponent  
18 solicited me on my State e-mail for money for his  
19 campaign. So while I am curious as to how he got my  
20 e-mail address -- maybe it takes a trip to Strawberry  
21 Square to figure out how that happened -- I do think  
22 that we have to be more careful when dealing with our  
23 constituents with technology.

24 And I agree with you, tele town hall  
25 meetings as a direct communication works effectively,

1 but to get caught in call queues in offices, whatever  
2 it might be, it could present some inaccuracies and  
3 some problems, which will get better.

4 REPRESENTATIVE MUSTIO: Right.

5 REPRESENTATIVE VEREB: But if we are talking  
6 about staffing issues, I agree with you that you have  
7 to wonder why we have to mediate a driver's license  
8 issue or other issues, and the fact is because there  
9 are some inadequate responses from State-level  
10 agencies.

11 And the other day I had a call from one of  
12 Representative Cohen's constituents who was visiting  
13 my district, and family members had no idea who their  
14 local council person was in Philadelphia, and of  
15 course they have heavy representation there.

16 So I think there are some communication  
17 issues. I think there is lack of information that  
18 our constituents have that we are able to provide.  
19 So I somewhat defend, you know, the district office  
20 opportunities.

21 And I respect your venture into this and  
22 would certainly support you in looking at leadership  
23 accounts where they do control the amount of staffing  
24 that is here in the Capitol and in the district  
25 offices. And what we cannot control through

1 leadership, certainly the best reform tool that  
2 exists is Title 18, the Pennsylvania Crimes Code.  
3 But thank you.

4 REPRESENTATIVE MUSTIO: Thanks to that.

5 And your comment about technology, I'm not  
6 saying we all implement voice mail, but with e-mails,  
7 we can go back and forth with a constituent to  
8 actually set a date, set a date to meet, as opposed  
9 to, you know, having a phone message on your desk and  
10 going back and forth.

11 So there are advantages, and that is  
12 something you look at when you look at quality  
13 control.

14 CHAIRMAN JOSEPHS: Mrs. Watson.

15 REPRESENTATIVE WATSON: Excuse us; we are  
16 having some technological difficulties here.

17 Thank you, Madam Chairman. I will try to be  
18 brief.

19 And I should, in full disclosure mode,  
20 Representative Mustio and I are friends, and we  
21 actually are working together on one bill right now  
22 that we both have brought a lot of concern and  
23 passion to to try to get passed.

24 So even though he is my good friend, he  
25 knows there are times when I disagree. So I will

1 harangue him a little in public the way I usually do  
2 in private, but I will be very brief about that.

3 But very seriously, I guess I have trouble  
4 understanding, and if you would specifically say,  
5 for House Bill 55, what problem does the bill attempt  
6 to fix? What specific problem do you believe it  
7 fixes?

8 REPRESENTATIVE MUSTIO: In my personal  
9 opinion, I think that we have too many elected  
10 Representatives and Senators in Pennsylvania. That  
11 is my opinion.

12 And I think that of the specific areas that  
13 I addressed, accountability is a really important  
14 one, because I think your vote is not lost. Your  
15 vote means a lot more when you -- you would have less  
16 to get to. You cannot kind of hide with a "no" vote,  
17 okay? I just think it means a lot.

18 And maybe what Representative Gibbons  
19 addressed earlier about taking a hammer when maybe  
20 you need a scalpel or an ax -- I mean, a scalpel,  
21 that is kind of a different metaphor -- but we are  
22 not addressing some of the other issues that I think  
23 that even the Reform Commission addressed.

24 So if we are not going to do a lot of these  
25 things, in my opinion, we cannot do them with 161 as

1 we are not doing them with 203, okay? That basically  
2 is the opinion, and the opinion of a lot of the  
3 constituents, not only in my district but in  
4 southwestern Pennsylvania.

5 I think if we did some of these other  
6 reforms and show that we really are cutting some of  
7 these other things, then maybe it is a different  
8 scenario. But as I said, we cannot do it with less  
9 people, as far as I am concerned, and then that gives  
10 us the ability to go out and say, hey, we have done  
11 it to ourselves first; we are going to go do it to  
12 the rest of government, too.

13 REPRESENTATIVE WATSON: Okay.

14 REPRESENTATIVE MUSTIO: It is really a  
15 leadership thing, I think. And I wouldn't be doing  
16 this if I thought it was going to drop service. That  
17 is why I kind of wanted to test it myself to see, and  
18 I am comfortable with it.

19 You know, most of you are probably going to  
20 disagree with me, but I would hope that as we do with  
21 a lot of bills, let us at least get it out of  
22 committee on the floor for debate where we have  
23 96 people that are interested in it.

24 REPRESENTATIVE WATSON: All right.

25 I might then -- that led really to my second

1 question; I thought I knew where you might go.

2 I guess I have trouble, and I admit this is  
3 personal, but I have trouble understanding or the  
4 suggestion that because I am 1 of 203, my vote  
5 doesn't count right now.

6 I do not make a vote that my vote doesn't  
7 count, and I would suggest to you that there's a  
8 mindset here, and I guess the old English teacher in  
9 me comes out again, but each vote will mean so much  
10 more.

11 REPRESENTATIVE MUSTIO: Right.

12 REPRESENTATIVE WATSON: My vote means a lot  
13 right now. I hope it means a lot to the people I  
14 represent.

15 REPRESENTATIVE MUSTIO: Sure.

16 REPRESENTATIVE WATSON: It definitely means  
17 a lot to me or I don't make the vote.

18 REPRESENTATIVE MUSTIO: Right.

19 REPRESENTATIVE WATSON: And I would suggest  
20 or hope that among the colleagues of those that I  
21 know the best, I would not say that they hide, that  
22 they vote what they want to do.

23 I would suggest to members, and I know that  
24 most of them do it, I mean, I write my own  
25 newsletter. It comes out, and one of the columns in

1 it is always how your Representative voted on the key  
2 issues, which, by the way, yes, I got an e-mail from  
3 somebody who is a good friend of mine but goes, "Kat,  
4 on this environmental you said...", and it is too  
5 long for me to read on there; I will look and I will  
6 actually call him.

7 Which also brings up, I heard your  
8 20 percent, and I guess let me just be anecdotal  
9 really fast -- I will talk as fast as I can,  
10 Madam Chairman.

11 When I came to office -- so it started  
12 January of 2001 -- there was one office for the  
13 district. It was in the absolute, literally the last  
14 four blocks of the district. We will call it at the  
15 bottom of the district, if you will, the furthest  
16 point south.

17 I had asked, could I have a second office,  
18 and they said yes. New person that I was, I didn't  
19 think to say, oh, do we get more money to open a  
20 second one? And the answer is no, you don't. And in  
21 the southeast, it is very difficult; rents are very  
22 expensive.

23 But I have a second office, small as it is,  
24 in one of my township buildings in the top part of my  
25 district so that Representative Clymer over there who

1 borders me, the folks who live in the upper part of  
2 my district never drove to the bottom of the  
3 district. It is more congested when you travel. It  
4 is more suburban. They wouldn't do it. They went  
5 over to Representative Clymer who very nicely, with  
6 his little staff, tried to help people that were a  
7 part of the 144th, not part of the 145th.

8           That office is extremely busy. It is there  
9 5 days. We only have three people now, plus me, to  
10 work the offices, the two offices. We are busy all  
11 the time.

12           I have looked, like you have, at how do we  
13 make it better? How do we do more? I always feel  
14 like I am running. I never feel like I can quite get  
15 ahead. I never clear my desk. That may speak more  
16 of me than my colleagues who do a good job.

17           But I have to tell you, too, I have a lot of  
18 seniors, many of whom who are not -- this is a  
19 generation still that is not computer literate and  
20 some of whom who do not have facilities in their  
21 homes. So to suggest e-mail, we have tried.

22           You mentioned the teleconferencing? I just  
23 kind of floated that because I had heard about it,  
24 and what I heard, I was speaking to a senior group  
25 and they are going, why? Don't you want to see us in



1 person? Don't you want to come talk to me? Can't I  
2 talk to you in the supermarket?

3 And admittedly, that may be a function,  
4 gentlemen, of your female colleagues, too, that we  
5 are out and about more, you know, shopping, doing all  
6 the things that we have to do, too, and this job.  
7 That is another story.

8 But in any event, you do see more people,  
9 and I worry that if you were to expand that -- I have  
10 77,000 now. I'm supposed to have 60,000, but again,  
11 if you live in areas that are constantly growing, I  
12 just have more people. How do I keep up with them  
13 and do them? I mean, we always look at, how do we do  
14 better? The folks in the office, how do we cover  
15 more?

16 REPRESENTATIVE MUSTIO: Sure.

17 REPRESENTATIVE WATSON: When you also said  
18 we do not want to be doing handicapped placards, but  
19 yes, you are there. I would suggest that even my  
20 folks who represent the city, the big cities, I am  
21 sure what they do, is what I have heard, some of  
22 their work is just helping their constituents not  
23 with a State issue but navigate problems within the  
24 city.

25 Regardless, because we are so accessible,

1 people come to us. They can get to me before they  
2 can actually get to the county commissioner, and they  
3 are fairly accessible, but you have to drive up there  
4 and go to the courthouse. So they come to us with  
5 county problems, and we redirect them to where they  
6 need to go or make the call.

7 I thought that was part of our job, at least  
8 that is what I instructed my staff. We do not turn  
9 anybody really away if we can; we help them or we  
10 direct them exactly where they need to be or phone  
11 numbers.

12 My vote does count, Representative Mustio.  
13 It counts right now. I do not disagree with you,  
14 because I get frustrated. You and I have discussed  
15 things that we think could work better here and be  
16 fairer. I'm just not sure if this is the way to do  
17 it. If I don't do all the other things -- I'm just  
18 not sure.

19 I feel like the doctor -- what's the guy on  
20 TV? "House"? -- who always does about 30 different  
21 things before they figure out what is really wrong  
22 with a patient. That makes me a little nervous,  
23 because the people of Pennsylvania, or my  
24 constituents, are the patient.

25 I mean, I should know about -- I have some

1 rural but not a lot, so I read the rural affairs  
2 information that we get. I have to know that because  
3 Representative Baker needs me to vote on things that  
4 help him or Representative McIlhattan's rural  
5 district, so I have to know that stuff.

6 REPRESENTATIVE MUSTIO: Thank you. And I  
7 was not saying that your vote does not count, but  
8 there are certain big issues that we all know that  
9 are voted upon here -- we are going to give you a  
10 pass on this one. That happens.

11 As far as your office staff, I am not saying  
12 you have to reduce your staff; I'm saying that we  
13 need to look at the operations.

14 You have 77,000 people that you represent.  
15 Based on these numbers, your district wouldn't change  
16 because you are growing. Your district would remain  
17 the same.

18 And again, this is not being proposed in a  
19 vacuum. If we don't make these other changes, I'm  
20 saying don't do it. But you have listed a multitude  
21 of items that need to be changed.

22 Yes, we do handicapped placards; yes, we  
23 help with PACE applications; yes, we do all those  
24 things, but I am saying, what is our real function?  
25 You know, were we elected and do we use that in our

1 campaign brochures that, you know, we will help you  
2 with your handicapped placard and we'll do PACE  
3 brochures, or are we saying a lot of other issues in  
4 our flyers?

5 I mean, again, it gets back to, is it time  
6 to look at those issues? That is why this  
7 legislation is proffered, to start that debate, and  
8 there's a 4-year timeline to do it. We are running  
9 out of time to do that.

10 Many of our seniors do have e-mail. I still  
11 have town hall meetings, but for those that can't  
12 make it, they can answer the phone. They don't have  
13 to pay the gas to go.

14 Just please consider it, and it is the way  
15 we have always done it. That is all I am saying.

16 And I am sorry, Chairman, if I have gone on;  
17 I am passionate about it. And I appreciate greatly  
18 you giving us the opportunity to have this really  
19 friendly debate. I mean, like I said, I don't hate  
20 all you guys; I just want to discuss it.

21 CHAIRMAN JOSEPHS: I am reassured, sir.

22 REPRESENTATIVE MUSTIO: Well, and I am  
23 sensitive to the tone a little bit, but, you know,  
24 I'm appreciative.

25 CHAIRMAN JOSEPHS: No; I'm just impatient.

1 I'm just impatient, because I do like---

2 REPRESENTATIVE MUSTIO: And I am, too. I  
3 have waited a long time for this.

4 CHAIRMAN JOSEPHS: I do like to see these  
5 hearings go, and in that vein, I am going to call on  
6 Mr. Blackwell, and that will be the last question for  
7 Mr. Mustio, who is available to us, of course, as a  
8 colleague for all kinds of questions.

9 REPRESENTATIVE BLACKWELL: Thank you,  
10 Madam Chair.

11 Thank you, Representative Mustio.

12 From my talking around this place and making  
13 speeches on the floor, I guess you can assume that  
14 I am totally in agreement with you in talking about  
15 it. But historically, poorer districts, minority  
16 districts, always seem to be at the bottom whenever  
17 change comes about.

18 And while we talk about modern technologies,  
19 things like that, which I agree with -- you know,  
20 many times around my district office, I think we  
21 waste a lot of paper when we do have these modern  
22 technologies. But unfortunately, a lot of people in  
23 my district do not have a lot of these modern  
24 technologies available to them, and they do not have  
25 access to a computer. A lot of them do not even know

1 how to use a computer, and I am talking about my  
2 seniors, to which the distrust of government from  
3 seniors, because, you know, in my community, a lot of  
4 times, you know, we encourage people to vote, and a  
5 lot of times around election time we hear you say,  
6 you know, people have died for you to have the right  
7 to vote and this, that, and the other. But right  
8 after the election, those people who we question  
9 about voting, their station or their status in life  
10 never changes. It never changes, because they do not  
11 have access to a lot of things that we have access to  
12 and other more affluent districts do in fact have  
13 access to.

14 So, you know, when you are talking about  
15 cutting -- you know, I listened to you saying that,  
16 you know, you told the people in your company about  
17 "can't." Well, I was the President of a labor union,  
18 and, you know, I heard Chairman Baker talk about this  
19 is the people's house. So when I'm working and  
20 supposed to be doing the people's business, it is not  
21 up to me to say, do it or you are fired. I can't do  
22 that. I have to represent my constituency.

23 I heard Chairman Baker and Representative  
24 Gibbons talk about rural areas. Well, I am talking  
25 about the inner city, an urban area. I have two

1 offices. One is in west Philadelphia, the other one  
2 is in north Philadelphia -- competing interests.

3 Now, you said this bill does not deal with  
4 reapportionment, but you are going to have to get  
5 into reapportionment because of this bill and talking  
6 about it because of the competing interests in one  
7 district itself. That presents a problem.

8 Also, staffing. You were able to cut your  
9 staff 20 percent. A lot of us are not able to do  
10 that because we are fighting to get more staff as it  
11 is, because it is needed because of the type of  
12 issues that we deal with.

13 Representative Watson stole my thunder. She  
14 stole my thunder when she talked about how we have to  
15 navigate through the system. Even though I am a  
16 State elected official, most people do not know the  
17 difference between State issues, city issues, county  
18 issues, or Federal issues. We have to navigate that  
19 for them.

20 I think we are elected to represent people.  
21 Again, I do not allow my staff, when someone comes to  
22 my office, to ask them where they live, because it  
23 doesn't matter to me. Because I am an elected  
24 official and I am paid by taxpayer dollars, it is my  
25 job to help people that come in that office. That is

1 the way we look at it.

2 Now, can we do it by ourselves? Of course  
3 not. Again, remember, we navigate the system for  
4 them, because I don't give my constituents  
5 assignments or say to my constituents, okay, well,  
6 you call this number or you call that number. Well,  
7 they are taxpayers, too. I am obligated to represent  
8 them, too, when they come in and ask for help.

9 So while I agree that this needs to be  
10 talked about, because I do think there is a lot of  
11 waste in government. I really do, because I think a  
12 lot of the waste that exists could go into helping  
13 constituents. But I think, you know, to compare  
14 your private business with the people's house, as  
15 Chairman Baker said, is really mixing apples and  
16 oranges.

17 Bring the ideas of trying to run an  
18 efficient business within government, but remember  
19 that there is a human element here, okay? You know,  
20 I can't tell my constituent, well, I am going to do  
21 it this way because this is more efficient; you don't  
22 like it, then don't come in here. I would be crazy  
23 to do that.

24 And sometimes I feel like we are just  
25 spinning our wheels around here, because, you know, I



1 see -- if I cut my staff 20 percent, I might as well  
2 be in the office by myself. Really. And I am not  
3 saying that to be funny, but I might as well be there  
4 by myself, because we have so many issues that we  
5 have to deal with.

6 Remember, you have rural issues, you have  
7 inner-city issues, you have other issues. You know,  
8 I might not understand the issues that you have to  
9 deal with in your area. You may not understand  
10 mine.

11 I will give you one in particular -- the gun  
12 issue; the gun issue. I have been here now almost  
13 4 years, and we still haven't gotten a handle on  
14 that. It doesn't mean that you're wrong and I'm  
15 right; it doesn't mean that I'm right and you're  
16 wrong. But I agree with you, we do need a dialogue  
17 on it.

18 But we cannot forget the human element when  
19 we are talking about reducing the size of the  
20 Legislature, the State Legislature, the House anyway,  
21 because remember, we are considered the people's  
22 house.

23 Thank you, Madam Chair.

24 CHAIRMAN JOSEPHS: Thank you.

25 Thank you, Representative. I appreciate

1 your testimony.

2 REPRESENTATIVE MUSTIO: Thank you, Chairman,  
3 for your expansion of time and your openness for this  
4 issue.

5 CHAIRMAN JOSEPHS: You are welcome.

6 As I said, Mr. Brouillette had to leave us.  
7 The members do have his testimony. I urge you all to  
8 read it. I am sure you all will.

9 We now have State Representative Mark Cohen,  
10 and since I asked his colleague, Mr. Mustio, to  
11 summarize, I am also going to ask Mr. Cohen, to the  
12 extent that it is possible, to summarize his  
13 testimony.

14 Begin whenever you are ready. Thank you.

15 REPRESENTATIVE COHEN: Thank you,  
16 Madam Chair.

17 Madam Chairman Josephs, Chairman Baker,  
18 fellow members of the State Government Committee,  
19 I am pleased for the opportunity to testify  
20 today.

21 As a member of the Speaker's Commission on  
22 Legislative Reform last year, I had the opportunity  
23 to listen to the same testimony then and to focus on  
24 this issue.

25 The constitutional amendment we are

1 considering today -- I am referring to Representative  
2 Mustio's bill -- seeks to amend to reduce the size of  
3 the House, the Senate, and the legislative budget by  
4 20 percent.

5           In the unlikely event that budget  
6 negotiators cannot find the way to spend the money  
7 saved by a smaller legislative budget, this would  
8 reduce the overall budget for this Commonwealth of  
9 Pennsylvania by two-tenths of 1 percent, as the  
10 legislative budget is only about 1 percent of the  
11 total State budget.

12           All 253 Legislators have a combined base  
13 salary of \$19,269,239. All 1,048 elected judges have  
14 a combined base salary of \$121,899,683. The base  
15 salaries of judges are more than 6.3 times the base  
16 salaries of Legislators.

17           The introduction of this legislation may  
18 send a message of solidarity to those media that  
19 support this legislation, but it does not advance the  
20 interests of Pennsylvania voters and taxpayers.

21           Cutting the size of the Legislature by  
22 20 percent will not cut the size of the State  
23 bureaucracy by 20 percent, or the number of lobbyists  
24 by 20 percent, or the number of citizen problems or  
25 grievances by 20 percent. Nor will it serve to

1 expand citizen participation in government or make  
2 government closer to the people.

3 I agree with legislative critic Eric Epstein  
4 that this proposal is "political candy," irrelevant  
5 to fundamental problems and a step in the wrong  
6 direction towards solving them.

7 For the vast majority of public concerns,  
8 there are no lobbyists. The average citizen has no  
9 lobbyist representing him or her in Harrisburg.

10 For the average citizen, the only advocates  
11 in State government are the State Representative and  
12 the State Senator. Cutting the number of Legislators  
13 reduces the number of advocates for the average  
14 citizen and does nothing to reduce the number of  
15 problems for the average citizen.

16 The Pennsylvania Legislature has not been  
17 insensitive to demands for tax relief and political  
18 reform. Over the last 40 years, the Legislature has  
19 dramatically reduced corporate income taxes,  
20 substantially increased sales tax exemptions, and  
21 been a national leader in State subsidies to offset  
22 property taxes.

23 If certain advocates to property tax  
24 reduction had not been in the Legislature, property  
25 taxes being paid today would likely be much higher

1 and future prospects for tax relief would be far  
2 lower.

3           Even the latest source for public outrage --  
4 the so-called Bonusgate scandal -- was uncovered  
5 because the Legislature in the late 1970s established  
6 the State Ethics Commission to provide for full  
7 disclosure of campaign contributions and expenses and  
8 created an elected Attorney General and State  
9 investigating grand juries.

10           Without these reforms, the sad events -- I  
11 should say, more precisely, the sad alleged events  
12 -- we now know of would not have come to public  
13 light.

14           The long-term role of the State Legislature  
15 has been as a major source of reform and not as an  
16 obstacle to reform. But every proposed change is not  
17 a worthwhile reform. The problem with government at  
18 all levels is not that there are too many  
19 opportunities for public involvement, but there are  
20 too few opportunities for public involvement.

21           Reducing the size of the Legislature by  
22 20 percent reduces the opportunities for citizens to  
23 contest legislative seats by 20 percent and raises  
24 the size of districts by 25 percent. The average  
25 population of districts across the State continues to

1 grow each year because of population increases.

2           Pennsylvania gains less population each year  
3 as a percentage of the whole than do many other  
4 States. We continuously gain population  
5 nevertheless.

6           When I was first elected in 1974, I had a  
7 district of about 54,000 people. Today, my district  
8 is 62,000. According to the last Census, I would  
9 have 63,000 people or so without this bill, and about  
10 76,000 people with this bill.

11           The more people that a Legislator  
12 represents, the more difficult it is to have personal  
13 relationships with significant numbers of concerned  
14 citizens, people with personal problems, and  
15 community leaders in one's district.

16           Raising the number of constituents by  
17 25 percent does not increase the number of hours in a  
18 day by 25 percent or reduce the number of problems or  
19 concerns by 25 percent.

20           As things now stand, State Senators often  
21 have to explain why larger districts make it  
22 impossible for them to attend as high a percentage of  
23 community events as State Representatives do. Under  
24 this proposal, both House members and Senators will  
25 inevitably be attending a much lower percentage of

1 community events.

2           The smaller House districts give House  
3 members more time to study issues in depth and  
4 produce solutions to major issues. The Senate's  
5 unfortunate habit of rewriting House bills under  
6 Senate sponsorship is in part a defensive response to  
7 the fact that the overwhelming majority of all  
8 innovative ideas come from the House.

9           The smaller House districts also give  
10 protestors and advocates of one kind or another a  
11 greater chance to make significant showings and to  
12 win elections.

13           The leading figures on both sides of the  
14 abortion debate, for instance, came from the House.  
15 The leading advocates of expansion of senior  
16 citizens' programs, the tough anticrime policies, and  
17 the meaningful expansion of citizen rights have all  
18 come from the House.

19           Pennsylvania CleanSweep candidates, without  
20 significant financial resources, won some State  
21 contests in 2006 but not any State Senate contests.  
22 The successful CleanSweep candidates in the Senate  
23 had large contributors behind them. This experience  
24 had led Pennsylvania CleanSweep leader, Russ Diamond,  
25 to oppose legislative size reduction.

1           At a time in which we were told the  
2 Constitutional Convention is needed, it is ironic  
3 that the current Legislature's size is the result of  
4 the Constitutional Conventions of 1873 and 1968.

5           At the 1873 Convention, which is  
6 preeminently responsible for our current size,  
7 delegates' worries that lobbyists and special  
8 interests had too much power led delegates to  
9 dramatically raise the size of the Legislature to  
10 make it impossible for lobbyists to bribe the entire  
11 membership.

12           Today, of course, bribery of Legislators by  
13 lobbyists appears to be a practice with a distant  
14 past, but lobbyists do exert influence by virtue of  
15 campaign contributions, compensated time to spend  
16 with Legislators, and public pressure, as well as the  
17 inherent merit of the issues they espouse.

18           The size of the current districts means  
19 there always will be some Legislators on virtually  
20 every issue who are free from external pressure and  
21 can exercise independent judgment. These Legislators  
22 serve as a vital public safeguard against unwise  
23 public policies.

24           No one, no one has compared the policies  
25 enacted in Pennsylvania with the policies enacted in



1 other large States and concluded that small  
2 Legislatures in large States have done a better job  
3 overall for the State's citizens.

4 As any look at the tax structures of  
5 California, New York, New Jersey will show, having a  
6 smaller Legislature can well coexist with having a  
7 much higher overall tax burden than Pennsylvania  
8 does.

9 Reducing the size of the Pennsylvania  
10 Legislature is a bad idea. It has been around for  
11 decades without getting much support among those  
12 knowledgeable about the Pennsylvania General  
13 Assembly.

14 Just as the Speaker's Commission on  
15 Legislative Reform declined to support it, so should  
16 the State Government Committee.

17 At the end of the day, individual members  
18 will be judged by how well they meet the needs of  
19 their constituents, not how well they engage in  
20 political spin.

21 No amount of political spin that one is  
22 cutting the cost of government can offset the fact  
23 that cutting the size of the Legislature cuts  
24 advocacy on behalf of individual constituents and  
25 reduces the role of citizens unrepresented by

1 lobbyists in the governmental process.

2 CHAIRMAN JOSEPHS: Thank you, Representative  
3 Cohen.

4 Do we have any questions?

5 Mr. Carroll.

6 REPRESENTATIVE CARROLL: Thank you,  
7 Madam Chair.

8 Just one quick comment.

9 As I thought about the testimony this  
10 morning and now into the afternoon, it dawned on me  
11 that in Pennsylvania, and I cannot cite the exact  
12 stat off the top of my head, but we have a far fewer  
13 number of State employees per capita than almost any  
14 other State in the nation. And when I compare that  
15 stat with the operations in district offices  
16 throughout the State, it seems to me that we operate  
17 in district offices a satellite office for every  
18 single State agency in this Commonwealth, whether  
19 it be PENNDOT or the Department of Health or any  
20 others.

21 And when we consider the prospect of a  
22 reduction in size, what we are essentially doing is  
23 reducing even further the ability for the average  
24 person in this Commonwealth to have access to State  
25 agencies. Not everybody lives near Harrisburg, and

1 not everybody is capable of being able to come to  
2 Harrisburg to solve a problem.

3           So it is not a question, Mr. Cohen, as you  
4 know, but the fact of the matter is that in this  
5 Commonwealth and in this wide diverse State, we need  
6 to have the ability for the average person to have  
7 access to Commonwealth services, and district offices  
8 serve that purpose. And I am fearful that if we  
9 engage in the reduction in size, we will make it even  
10 harder for the average person to engage Commonwealth  
11 services.

12           REPRESENTATIVE COHEN: Thank you. I  
13 completely agree with that.

14           CHAIRMAN JOSEPHS: Mr. Cohen, thank you very  
15 much.

16           Thank you, committee members. I appreciate  
17 your restraint.

18           Mr. Bell, from the Pennsylvania Farm Bureau.  
19 If you can be as brief as possible, we would really  
20 appreciate it.

21           Thank you so much for coming, and welcome.

22           MR. BELL: Thank you for having me.

23           You may run the risk of me going longer  
24 trying to extemporaneously summarize my testimony  
25 than if I would read it, believe me. I have had

1 chairs say "wrap it up" when I have tried to shorten  
2 my prepared statement, so let me go through the  
3 prepared statement.

4 I am John Bell, and I appreciate the  
5 opportunity on behalf of the Pennsylvania Farm Bureau  
6 to testify here today on what we believe to be the  
7 only issue that this committee was going to consider  
8 today about reducing the size of the State  
9 Legislature.

10 Certainly the notions of "political reform"  
11 in Pennsylvania generally and "reform of the General  
12 Assembly" in particular have gained significant  
13 popularity in recent years.

14 Times have been troubling for many  
15 Pennsylvanians, and the situation has created a  
16 growing unrest among the citizens of the Commonwealth  
17 regarding the degree of concern and responsiveness of  
18 State government to the needs and problems of its  
19 constituents.

20 Substantial political unrest often leads  
21 to cries for sweeping changes in the current system  
22 in which our government and our Legislature  
23 functions, but the potential danger and impulsive  
24 responses to these cries is a "cure" that is  
25 politically worse than the "evil" the cure is

1 attempting to remedy.

2           The Farm Bureau believes that any reduction  
3 in the number of legislative districts in the General  
4 Assembly would worsen, not improve, the functions of  
5 the Legislature and its ability to truly represent  
6 all interests of the Commonwealth.

7           We would note, and I think other folks who  
8 have testified earlier would note, that this House  
9 has taken several very important steps in reforming  
10 its functions, including passing the Right-to-Know  
11 Law, which makes public documents, including many  
12 legislative documents, available to the public and  
13 hold all of us, inside and outside the Legislature,  
14 accountable. And this House has revised its  
15 procedural rules to make it more difficult for the  
16 use of procedural tactics that many found to be  
17 counterproductive to the fair and effective  
18 consideration of proposed legislation in the  
19 House.

20           But measures to "improve efficiency" in our  
21 Legislature should not come at the cost of seriously  
22 compromising existing opportunities for needs and  
23 concerns of local Pennsylvanians to be meaningfully  
24 heard and represented in the legislative process.

25           Whether or not the sentiment is justified,

1 many citizens have become alienated by the workings  
2 of their government and are pessimistic that their  
3 needs and concerns are being seriously addressed and  
4 considered.

5           We believe that legislation to reduce the  
6 number of districts and increase the population being  
7 represented by each district would further erode  
8 meaningful participation of constituents and  
9 representation and advocacy of their interests in the  
10 legislative process, particularly in rural  
11 Pennsylvania.

12           Farm and rural communities do have some  
13 legitimate reasons for being concerned about what  
14 further dilution of representation in the General  
15 Assembly may mean for them.

16           Pennsylvania's population numbers clearly  
17 show that farmers make up a small minority of  
18 Pennsylvania's population.

19           The 2002 Ag Census estimates that 85,000  
20 farmers are operating 58,000 farms in Pennsylvania.  
21 Pennsylvania's farm population is only .7 percent of  
22 Pennsylvania's total population of 12.2 million  
23 estimated for 2000 under the U.S. Census.

24           According to population estimates reported  
25 in the Pennsylvania abstract between 1990 and 2000,

1 Pennsylvania's rural population declined by nearly  
2 875,000, while Pennsylvania's urban population  
3 increased by more than 1.25 million.

4           During this time, the relative percentage of  
5 Pennsylvania's population living in rural areas  
6 declined from 31 percent to 23 percent. This is a  
7 significant decline and has already affected the  
8 demographic makeup of many legislative districts in  
9 the Commonwealth.

10           Because of these changes in population  
11 demographics, there has been already a considerable  
12 geographic shift in legislative districts toward  
13 urban areas and away from farming and rural areas,  
14 and certainly we anticipate that trend to  
15 continue.

16           Court interpretations of the United States  
17 Constitution essentially prohibit Pennsylvania and  
18 other States from establishing legislative districts  
19 on the basis of geographical regions.

20           State legislative districts must be  
21 established on the basis of relative equality of  
22 populations in each district. Yet the forefathers of  
23 our Federal Constitution recognized the wisdom in  
24 creating a bicameral Legislature whose representation  
25 is based on both geography and population to better

1 ensure that needs and interests of citizens living in  
2 less populated regions will be expressed and  
3 considered in Congress.

4           Although Pennsylvania may not have the legal  
5 ability to structure legislative representation  
6 exclusively on geography, the bicameral system with  
7 numerous districts representing smaller numbers of  
8 people better ensures that the interests of less  
9 densely populated areas do not get left behind in the  
10 exercise of democracy and legislative action does not  
11 merely become a tyranny of the majority.

12           Legislatively speaking, the bills you are  
13 considering today would propose to reduce the number  
14 of legislative districts by at least 20 percent, and  
15 I believe previous questions have identified that  
16 that would significantly increase the number of  
17 people that are represented, both in the State Senate  
18 and the State House.

19           Such changes would seriously hurt the  
20 opportunity for those in rural areas to have a  
21 meaningful voice in our Commonwealth's business.  
22 not only would this increase the likelihood of  
23 shifting representation away from the rural  
24 communities, the fewer districts remaining in  
25 rural areas would likely be larger in size, making



1 it even more difficult and time-consuming for those  
2 representing these districts to adequately serve  
3 their constituents.

4 And we do appreciate the time, the  
5 significant amount of time, that you and the  
6 Legislature do devote in serving your constituents,  
7 and obviously we particularly appreciate those who  
8 serve in rural legislative districts.

9 For these reasons and others, Pennsylvania's  
10 Farm Bureau members have adopted the policy position  
11 that the number of legislative districts in the  
12 Pennsylvania General Assembly remain at 50 in the  
13 Senate and 203 in the House of Representatives. We  
14 would therefore not support legislative proposals to  
15 reduce the size of the General Assembly.

16 We again thank you for the opportunity to  
17 share with you our views on this particular issue,  
18 and I will try to answer any questions you may  
19 have.

20 CHAIRMAN JOSEPHS: Thank you.

21 Well, good members.

22 Thank you very much. We appreciate your  
23 speed reading.

24 We know, Mr. Bell, where we can get ahold of  
25 you if we have questions, and I am sure that we will

1 do that if that becomes necessary.

2 MR. BELL: Absolutely.

3 CHAIRMAN JOSEPHS: Thank you very much.

4 MR. BELL: Thank you.

5 CHAIRMAN JOSEPHS: Our last witness,

6 Mr. Barry Kauffman from Common Cause.

7 I will ask you to either summarize or become  
8 a speed reader. Your choice.

9 MR. KAUFFMAN: Okay. In the interests  
10 of time, I will do the former. I will be very  
11 brief.

12 Thank you, Madam Chairman, for inviting us  
13 to participate in today's hearing.

14 I am Barry Kauffman, Executive Director of  
15 Common Cause, with about 10,000 members and  
16 affiliates throughout the State of Pennsylvania who  
17 are devoted to accomplishing more open, accountable,  
18 and effective government.

19 Certainly in the wake of the recent  
20 scandals, there has been a much greater interest in  
21 reducing the size of the Legislature over the  
22 recent years, and I think you can probably make at  
23 least a reasonable case for that, since our  
24 Legislature is in fact half the size of Congress  
25 and we have the largest full-time Legislature in

1 the nation.

2           Having said that, the Common Cause State  
3 Board has not taken a formal position on reducing the  
4 size of the Legislature. It is not because we  
5 necessarily oppose it; it is merely because we want  
6 to make sure we fully understand what problem we are  
7 trying to solve here.

8           Is the problem with bloated budgets, or is  
9 the problem mismanagement of the Legislature, or is  
10 the problem some combination of all of the above?

11           Certainly if you do reduce the size of the  
12 Legislature, it means it may be a less expensive  
13 Legislature, but we are not sure. We can't really  
14 determine how much so, because while you may reduce  
15 the number of lawmakers, you probably will not reduce  
16 the staff much, and I doubt you are going to reduce  
17 the number of district offices.

18           Fewer Legislators probably also means a more  
19 efficient process. Fewer Legislators may mean fewer  
20 bills being introduced, which may mean shorter  
21 debates in both committee and on the floor of the  
22 House.

23           Fewer Legislators means also that either  
24 more committee assignments will be made for each  
25 Legislator or fewer committees. That in this place

1 may mean that each Legislator has to spend a lot more  
2 time in committees. They may not have the expertise  
3 which you normally have in these discussions, and the  
4 alternative would be to combine committees, which  
5 means an even more enhanced workload and less  
6 expertise.

7           Few Legislators means larger districts.  
8 the larger districts means that each Legislator  
9 represents more people, which in its turn means that  
10 constituents will have a lesser relationship with  
11 their Legislator and may have much farther to travel  
12 to visit that Legislator.

13           It means a Legislator will certainly have a  
14 lesser understanding of each of the communities in  
15 his district, and it means a Legislator is less  
16 likely to look like any given typical member.

17           Larger districts will also mean more  
18 expensive campaigns and less personal political  
19 campaigns. It is going to mean more media-driven  
20 campaigns. It is going to mean more expensive  
21 campaigns. It is going to mean people are not going  
22 to get out to see the candidates as often, and it  
23 means that you will be, as candidates, more dependent  
24 on large campaign contributions from special  
25 interests.

1           And also, fewer Legislators means a more  
2 powerful lobbying corps. You are not going to see  
3 the number of lobbyists go down; they will simply be  
4 able to spend more money and spread the money more  
5 lavishly on campaign contributions and legislative  
6 perks. They will be able to dominate the legislative  
7 process even more than they do so now.

8           I have listed a whole series of possible  
9 options in the case that the perceived problem is  
10 excess costs. There are other things you can do to  
11 reduce costs.

12           If the perceived problem is gridlock and  
13 inefficiency, there is a whole range of activities  
14 you can do to improve the efficiency and  
15 effectiveness of the process.

16           And if the perceived problem is partisanship  
17 and polarization, there are additional things which I  
18 have listed here which you can do.

19           Certainly with regard to the timing of this  
20 measure, it is virtually impossible for you to  
21 implement this proposal for the 2011 redistricting  
22 process. There is still a very miniscule outside  
23 chance it could be done, but the time is rapidly  
24 running away for you to accomplish that.

25           Finally, in conclusion, the real problem may

1 not be that the Legislature is too large; it may be  
2 that it is poorly managed and unaccountable.  
3 Reforming the redistricting system and establishing  
4 campaign contribution limits would have  
5 culture-changing impacts, making the Legislature  
6 more accountable through truly competitive  
7 elections.

8           And if you couple these with other  
9 legislative reforms I have identified in my written  
10 testimony, the General Assembly could substantially  
11 reduce this cost and become a more effective and more  
12 efficient Legislature without reducing its size.

13           Other States have proven that even smaller  
14 Legislatures can be effective and efficient, but we  
15 must be prepared to deal with all the attendant  
16 consequences.

17           Thank you for allowing me to present  
18 our testimony, and I will try to address any  
19 questions.

20           CHAIRMAN JOSEPHS: Thank you very much,  
21 Mr. Kauffman. We appreciate it.

22           Any questions?

23           Mr. Carroll.

24           REPRESENTATIVE CARROLL: Thank you,  
25 Madam Chair.

1 Thank you for your testimony, Barry.

2 My district, as you know, or I think you  
3 know, stretches from the Susquehanna River to the  
4 Northampton County line---

5 MR. KAUFFMAN: Yes.

6 REPRESENTATIVE CARROLL: ---and is one of  
7 the districts that really does not meet any kind of  
8 test for compactness whatsoever.

9 And it is my great fear that if we were to  
10 reduce the size of the General Assembly without a  
11 concurrent reexamination of the way district lines  
12 are drawn, I can expect a district that goes from the  
13 Susquehanna River to the Delaware River. And for  
14 that single reason, I have great concerns with the  
15 reduction in size by itself.

16 And again, not a question, more of a  
17 comment.

18 MR. KAUFFMAN: I mean, you are 100 percent  
19 right. For instance, my congressional district,  
20 which was, you know, in the original redistricting  
21 in 2001, stretched from the Susquehanna River to  
22 just a little bit east of Pittsburgh. So you are  
23 right.

24 CHAIRMAN JOSEPHS: Mr. Gibbons.

25 REPRESENTATIVE GIBBONS: Barry, I know when

1 I was talking to Representative Mustio earlier I  
2 mentioned some of your things, and I think, you know,  
3 I am not going to go through your additional  
4 responses here, but I think those were the scalpels  
5 that I was referring to.

6           These are the things that, you know, I think  
7 if we can enact those, the size and reducing the  
8 voice of the people, the representativeness that we  
9 have heard about, you know, we can avoid those by  
10 doing a lot of these other things.

11           So I certainly, you know, look forward to us  
12 taking those up. I hope, you know, whatever  
13 committees they are in or if they have been  
14 introduced or members will introduce them, that we  
15 can get to work on a lot of those.

16           I think, you know, as I said, those things  
17 will do a lot of what I think the people who are  
18 proposing these are trying to get at, but in a way  
19 that I think is going to be more productive as  
20 opposed to being counterproductive.

21           MR. KAUFFMAN: Sure. I agree.

22           CHAIRMAN JOSEPHS: I see no one else.

23           I want to thank everybody who participated.  
24 Thank you, Mr. Kauffman.

25           Thank you, all of the members who came. I



1 think it was a productive and interesting, although a  
2 little bit too long of a hearing.

3           The hearing is adjourned.

4

5           (The hearing adjourned at 1 p.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1           I hereby certify that the proceedings and  
2 evidence are contained fully and accurately in the  
3 notes taken by me from the audio file and that this  
4 is a correct transcript of the same.

5

6

7

-----  
Debra B. Miller, Reporter

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25