

**TESTIMONY OF STATE REP. MARK B. COHEN
BEFORE THE STATE GOVERNMENT COMMITTEE**

August 19, 2008

Madam Chairman Josephs, Chairman Baker, fellow members of the House State Government Committee, I am pleased to have this opportunity to testify on the perennial issue of reducing the size of the Pennsylvania General Assembly. As a member of the Speaker's Commission on Legislative Reform last year, I had the opportunity to listen to some testimony then, and to focus on this issue.

The Constitutional Amendment we are considering today seeks to amend the Constitution to reduce the size of the House, the Senate and legislative budget by 20%. In the unlikely event that budget negotiators cannot find a way to spend the money saved by a smaller legislative budget, this would reduce the overall budget by all of 2/10 of one percent, as the legislative budget is only about one percent of the total budget.

All 253 legislators have a combined base salary of \$19,269,239. All 1,048 elected judges have a combined base salary \$121,899,683. These figures do not count leadership compensation for 30 legislators and many more judges, and they do not count salaries paid to senior judges – about 100 – working on a part time basis. The base salaries of judges are more than 6.3 times the base salaries of legislators.

The introduction of this legislation may send a message of solidarity with the long standing editorial policy of the Pittsburgh Post-Gazette and various other media, but it does not advance the interests of Pennsylvania voters and taxpayers.

Cutting the size of the legislature by 20% will not cut the size of the state bureaucracy by 20% or the number of lobbyists by 20%. Nor will it cut the number of citizen problems or grievances by 20%.

Nor will it serve to expand citizen participation government, or make government closer to the people. I agree with legislative critic Eric Epstein that this proposal is

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“political candy,” irrelevant to fundamental problems and a step in the wrong direction toward solving them.

For the vast majority of public concerns, there are no lobbyists. The average citizen has no lobbyists representing him or her in Harrisburg. For the average citizen, the only advocate in state government is the State Representative and the State Senator. Cutting the number of legislators reduces the number of advocates for the average citizen, and does nothing to reduce the number of problems for the average citizen.

The Pennsylvania Legislature has not been insensitive to the demands for tax relief and political reform. Over the last 40 years, the legislature has dramatically reduced corporate income taxes, substantially increased sales tax exemptions, and been a national leader in state subsidies to offset property taxes, through the establishment of the state lottery, legalized gaming, and substantial state aid to local school districts. If certain key advocates to property tax reduction had not been in the legislature, property taxes being paid today would likely be much higher, and future prospects for tax relief would be far lower.

Even the latest source for public outrage – the so called Bonusgate scandal – was uncovered because the legislature in the late 1970’s established the state ethics commission, provided for full disclosure of campaign contributions and expenses, and created an elected attorney general and state investigating grand juries. Without these

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reforms, the sad events we now know of would not have come to public light. The long term role of the state legislature has been as a major source for reform, and not as an obstacle to reform.

But every proposed change is not a worthwhile reform. The problem with government at all levels is not that there are too many opportunities for public involvement, but that there are too few opportunities for public involvement.

Reducing the size of the legislature by 20% reduces the opportunities of citizens to contest legislative seats by 20% and raises the size of districts by 25%. The average population of districts across the state continues to grow each year because of population increases. Pennsylvania gains less population each year as a percentage of the whole than do many other states, but we continuously gain population nevertheless.

When I was first elected in 1974 for instance, I had a district of about 54,000 people according to the 1970 census. Today I have a district of about 62,000 people according to the 2000 census. This proposal would give me a district of about 80,000 people after the 2010 census as opposed to about 63,000 people without this bill.

The more people that a legislator represents, the more difficult it is to have personal relationships with significant numbers of concerned citizens, people with personal problems, and community leaders in one's district. Raising the number of constituents by 25% does not increase the number of hours in a day by 25% or reduce the number of problems or concerns by 25%.

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

The smaller House districts give House members more time to study issues in depth and produce solutions to major issues. The Senate's unfortunate habit of rewriting House bills under Senate sponsorship is, in part, a defensive response to the fact that the over whelming majority of all innovative ideas come from the House.

The smaller House districts also give protestors and advocates of one kind or another a greater chance to both make significant showings and to win elections. The leading figures on both sides of the abortion debate, for instance, came from the House. The leading advocates of expansion of senior citizen programs and tough anti crime policies and meaningful expansion of citizen rights all have come from the House.

Pennsylvania Clean Sweep Candidates without significant financial resources won some State House contests in 2006, but not any State Senate contests. The successful Clean Sweep Senate candidates had large contributors behind them. This experience has led Pennsylvania Clean Sweep leader Russ Diamond to oppose legislative size reduction.

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At a time in which we are told that a constitutional convention is needed, it is ironic that the size of the current legislature is a result of the constitutional conventions of 1873 and 1968.

At the 1873 convention, which is pre-eminently responsible for our current size, delegates' worries that lobbyists and special interests had too much power led delegates to dramatically raise the size of the legislature to make it impossible for lobbyists to bribe the entire membership. Today, of course, bribery of legislators by lobbyists fortunately appears to be a practice of the distant past, but lobbyists do exert influence by virtue of campaign contributions, compensated time to spend with legislators, and public pressure, as well as the inherent merit of the issues they espouse.

The size of the current districts means that there always will be some legislators on virtually every issue who are free from external pressure and can exercise independent judgment. These legislators serve as a vital public safe guard against unwise public policies.

No one – no one – has compared the policies enacted in Pennsylvania with the policies enacted in other large states and concluded that smaller legislators in large states have done a better overall job for the state's citizens. As any look at the tax structures of California, New York, and New Jersey will show, having a smaller Legislature can well co-exist with having a much higher overall tax burden than

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Pennsylvania does.

Reducing the size of the Pennsylvania Legislature is a bad idea that has been around for decades without getting much support among those knowledgeable about the Pennsylvania General Assembly. Just as the Speaker's Commission on Legislative Reform declined to support it, so should the State Government Committee.

At the end of the day, individual members are judged by how well they meet the needs of their constituents, not how well they engage in political spin. No amount of political spin that one is cutting the cost of government can offset the fact that cutting the size of the legislature cuts advocacy on behalf of individual constituents and reduces the role of citizens unrepresented by lobbyists in the governmental process.