



COMMON
CAUSE

Pennsylvania

Working People's Movement

**TESTIMONY OF COMMON CAUSE/PENNSYLVANIA
ON HOUSE BILL 55
A PROPOSAL TO REDUCE THE SIZE OF
THE PENNSYLVANIA LEGISLATURE**

**House State Government Committee
August 19, 2008 – Harrisburg, PA**

Good morning Chairwoman Josephs and distinguished members of the House State Government Committee. I am Barry Kauffman, Executive Director of Common Cause/PA, a public interest advocacy organization with over 10,000 members and affiliates dedicated to promoting more open, accountable, responsive and effective government.

In the wake of the recent major scandals regarding the legislature's abuse of public funds, there appears to be a growing interest among Pennsylvania's citizens to reduce the size of the legislature. Certainly justifications can be made for doing so. Pennsylvania has the largest full-time legislature in the nation – nearly half the size of the U.S. Congress – and reportedly the most expensive. Many other states, even those much larger than PA, seem to do a reasonable job with smaller legislative bodies (although some have higher ratios of representatives to constituents).

Nevertheless, the Common Cause/PA State Board has not established a formal position on reducing the size of the legislature. That does not mean we oppose doing so. It merely means we want to be sure we fully understand what problem we are trying to solve; whether reducing the size of the legislature is the most effective way of solving the problem; and what other consequences could arise from reducing the size of the legislature.

Is the problem bloated legislative budgets and irresponsible spending by the chambers; or is it inefficiency and ineffectiveness caused by too many members; or is it poor leadership coupled with politicized management of the legislative process; or are ineffective legislative systems and a lack of legislative gumption to get the job done the real problems?

If the legislature is too large what is the right size? How do you determine the right size for Pennsylvania? Should Pennsylvania switch to multi-member districts to provide better representation? What is the best timing for any conversion?

These are some of the questions that Common Cause/PA is still struggling to answer. Regardless of how the above questions are answered we know that there will be ripple effects throughout our governing institutions and election processes.

IMPACTS OF A SMALLER LEGISLATURE

Reducing the size of the legislature cannot be done in isolation from other factors. The ripple effects of a smaller legislature will be wide and deep, having major impacts on our governing institutions and election processes.

Fewer Legislators Probably Means A Less Expensive Legislature – With fewer legislators taxpayers should have a less expensive legislature. But how much of a difference would it actually make? Even with fewer representatives, would staff and the number of district offices be reduced? There likely would be a reduction of senior staff, such as chiefs of staff, and cost reductions related to those positions, but there probably would not be fewer district offices. There likely would be fewer bills introduced and less redundancy of efforts simply to placate persistent constituents.

Fewer Legislators Probably Means A More Efficient Process – With fewer legislators, floor debates may shorter, committee discussions may be shorter and there may be fewer bills and amendments, thus speeding up the process.

Fewer Legislators Means Either More Committee Assignments for Each Legislator, or Fewer Committees -- By reducing the number of legislators, each legislator will have to take on more committee assignments. This means lawmakers' abilities to acquire expertise on the vast array of issues facing the General Assembly will be diminished, and could further empower lobbyists. Fewer legislators may mean less diversity of background that can produce issue expertise. An alternative would be to combine committees, which means each committee would have to address a larger number of issues and bills, and meet more often to do so. It also may create a need to restrict the number of bills each representative could introduce in a session, meaning each lawmaker would have to strictly prioritize his/her own efforts.

Fewer Legislators Means Larger Districts – With fewer legislators each legislator's district will increase in size to retain equal population of districts as required by federal law. Districts were originally designed to be relatively small so that there could be relative ease of communications between lawmakers and constituents. Obviously there have mind-numbing advances in communications and transportation technology since the 1870s that permit easier and more frequent contacts between lawmakers and constituents. But there also has been explosive growth in the past 130 years in the number of constituents represented by each lawmaker. Thus there will be less time available to meet and talk with constituents. With larger districts, representatives will be less likely to have shared backgrounds and experiences with constituents, or have a thorough understanding of most communities. It could mean slower and less personalized constituent service. It very likely means fewer town hall meetings in each local area.

Larger Districts Mean More Expensive and Less Personal Political Campaigns -- By increasing the size of districts and the number of people represented, political campaigns become more expensive and more media oriented. The opportunity for voters to actually meet and talk with candidates will be reduced. Candidates will spend more time dialing for dollars and talking with political fat-cats to pay for more expensive campaigns, and less time talking with constituents about their wants and needs. Political campaigns, thus will become more unidirectional, with candidates communicating *at* constituents, and have less two-way discussion between them. These increased costs will mean fewer people will have the financial

wherewithal to run for office, and that means representatives will look less like a typical constituent from any particular community. It means they will have to be people of wealth or possibly sell their souls to contributors with direct financial interests in public policy outcomes.

Fewer legislators means a more powerful lobbying corps. One of the reasons the legislature was doubled in size in the 1870s was to make it harder for the banks, railroads and timber barons to bribe the entire legislature. A smaller legislature will allow lobbyists to spread their perks and campaign contributions more heavily upon fewer people. It also gives them more time to try to manipulate a smaller number of representatives. This means a highly talented legislative staff will be even more important to help lawmakers learn "the rest of the story" not provide in customized lobbyist presentations.

ADDITIONAL RESPONSES

The above are some of the problems that the CC/PA Board has discussed as it considers making a recommendation on reducing the size of the legislature. However, we have our doubts that this legislature has the will-power to seriously tackle these problems. History suggests that problems like this can only be addressed at a constitutional convention, where the dominant voting concern is not preservation of one's own job, but the needs of a more open, accountable and responsive government.

Until there is a reduction in the size of the legislature there are other things that can be done to reduce costs and improve the performance of the General Assembly.

If perceived problem is excessive costs --

- *Combine the numerous legislative research offices* into one. As the saying goes "while you are entitled to your own opinion, you are not entitled to your own facts." Information should not be political; it should be factual. How a lawmaker uses that information may be spun for political purposes, but the gathering and presentation of information should be strictly apolitical.
- *Cut legislative compensation to that permitted by the constitution.* Article II, Section 8 is clear and unambiguous. Legislative compensation is to be *fixed* by law, and it is to be limited exclusively to salary and reimbursement for mileage. The constitution does not permit continuously upward floating salaries via COLAs without voting. It appears that in their great wisdom constitutional drafters wanted the life experiences of lawmakers to fairly closely resemble that of their constituents. They did not intend for representatives to be insulated from the kind of economic vicissitudes experienced by their constituents. In order to attract bright, motivated, and creative people to the legislature we need to compensate them fairly for their work. However they must still personally experience the same turmoil's of life that most constituents do in order to be sensitive and sensible representatives (e.g. the rapid rise in health insurance premiums, rapidly rising energy costs and automobile costs, skyrocketing educational costs, and other economic uncertainties).

- *Eliminate multiple in-house television and radio studios.* Much of what is done in the caucus media studios is more politically oriented than governing oriented. Media productions that are not directly and exclusively related to governing functions should be out-sourced and paid with political monies rather than public funds.
- *Outlaw the use of public funds for political polling, robo-calls, government paid commercial lobbyists, and other essentially political functions.*
- *Require the legislature to return unused funds at the end of each fiscal year* (with the possible exception of an amount equal to one or two month's operating funds).
- *Examine the possibility of returning to a part-time legislature.* Returning to a part-time is probably a bad idea, but deserves to be considered. Pennsylvania is a large diverse state, with plenty of issues to keep an effective legislature working full-time. Shifting back to a part-time legislature would further diminish the likelihood that lawmakers would resemble their constituents. It would restrict the candidate pool to people who have the financial wherewithal to be away from their "real jobs" for extended periods of time, and when there are conflicts it would leave in question whether lawmakers' loyalties are principally with their constituents or their full-time employers. A part-time legislature also would dramatically shift power to the Executive Branch, and would increase the power of lobbyists. But if legislative leaders continue to run the legislature as if it were part-time, bunching massive amounts of voting into June and November instead of scheduling activity more uniformly throughout the year, then it may make sense to revert to a part-time legislature. The congestion of the voting calendar is, after all, intentionally managed to create artificial crises and force rank-and-file members to be dependent on the judgments of leadership instead of conducting independent verification of facts and voting one's conscience. Furthermore, it must be asked, what would be the impact on recruiting and maintaining highly qualified staff whose loyalties remain with the public interest, and what would staff do in non-session periods?

If the perceived problem is gridlock and inefficiency --

- *Implement a GAVEL system similar to what Colorado has done.* Give A Vote to Every Legislator (GAVEL) requires every bill to be voted by a committee within a certain period of time, and generally requires committee approved bills to get floor votes within a certain period of time. Colorado also has rules restricting the number of bills a legislator may introduce, although it does permit committees to introduce bills and assign them to lawmakers without affecting their overall personal limit.
- *Establish term limits for committee chairs and caucus leaders.*
- *Enact a carefully designed system for initiative and referendum.*
- *Consider returning to a part-time legislature.* Since legislative leaders currently run the legislature as if it were part-time, it would certainly be more efficient to become part-time. But in the long-run this is probably a bad idea for the reasons stated above.

If the perceived problem is political polarization –

Structure the legislative systems and operations to encourage more bi-partisan cooperation and cross-fertilization of ideas and efforts.

- *Put House electronic voting Boards in strict alphabetical order without consideration of party.* This would reduce herd voting.
- *End the segregation of office assignments by party.*
- *Seat representatives on the floor by strict seniority and alphabetical order rather than party.*
- *Require party leaders to remain in their seats once the voting process begins.*

TIMING OF A REDUCTION IN THE SIZE OF THE LEGISLATURE

What is the proper timing for implementing a reduction in the size of the legislature?

While it can be done at anytime, reducing the size of the legislature automatically requires a redistricting of the entire state. Therefore, it would be most appropriate and cost-effective to do it in conjunction with a regularly scheduled redistricting process. It would be very difficult to accomplish a reduction of the legislature in time to be implemented in conjunction with the required 2011 redistricting process. If a reduction is enacted between 2011 and 2021 it could require an interim redistricting.

CONCLUSION

The real problem may not be that the legislature is too large; it may be that it is poorly managed and unaccountable. Reforming the redistricting system and establishing campaign contribution limits would have culture-changing impacts, making the legislature more accountable through truly competitive elections. Coupled with other legislative reforms identified above, the general assembly could substantially reduce its costs and become more effective and more efficient without a reduction in size.

It may behoove legislators to learn exactly what the voters and taxpayers want, need and expect from their legislature. Do they want high levels of very timely and personal constituent service, OR do they just want their representatives to examine critical problems, create public policy, fund the essential needs and then shut down for the year. Other states have proven smaller legislatures can be effective and efficient -- but we must be prepared to deal with all the attendant consequences.

Thank you for allowing Common Cause/PA to present our concerns and recommendations.