COMMONWEALTH OF PENNSYLVANIA
LEGISLATIVE REAPPORPTIONMENT COMMISSION

In re: Public Hearing of the Legislative
Reapportionment Commission

VOLUME XIV - Pages 633-695

Stenographic report of hearing held
in Hearing Room No. 1, North Office
Building, Harrisburg, Pennsylvania

Monday
May 7, 2012
2:00 p.m.

HON. STEPHEN J. McEWEN, JR., CHAIRMAN

MEMBERS OF LEGISLATIVE REAPPORPTIONMENT COMMISSION

Sen. Dominic Pileggi
Sen. Jay Costa

Rep. Glenn Grell for
Rep. Mike Turzai
Rep. Frank Dermody

Also Present:

Hon. Joseph A. Del Sole, Chief Counsel
Charles E. O'Connor, Jr., Esq., Executive Director
William G. Corey, Esq., Deputy Executive Director
Michael H. Chung, Esq., Deputy Research Counsel
Kathy Sullivan, Executive Director, Legislative Data Processing
Center
David Woods, Chief of Staff, Senate Majority Leader
Erik Arneson, Policy Director, Senate Majority Leader
John Memmi, Director, Senate Republican Mapping Office
C.J. Hafner, Esquire, Chief Counsel, Senate Democratic Leader
Mark McKillop, Director, Senate Democratic Legislative Services
Lora S. Schoenberg, Senate Democratic Legislative Services
William R. Schaller, Director, House Republican Reapportionment
Services
Scott Casper, Director, House Democratic Office of
Demographic Analysis

Reported by:
Ann-Marie P. Sweeney
Senate Chief Official Reporter

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CHAIRMAN McEWEN: The hearing will come to order.

May I ask if there's any opening statement from--

SENATOR COSTA: Mr. Chairman, I do not have any opening statements, but I would like to reserve the right to submit comments once we conclude with today's testimony.

CHAIRMAN McEWEN: Once we begin the testimony?

SENATOR COSTA: After the testimony.

CHAIRMAN McEWEN: Whenever you want to.

SENATOR COSTA: It will be after the testimony.

Thank you.

CHAIRMAN McEWEN: You have carte blanche.

SENATOR COSTA: Thanks, Your Honor. I appreciate that. How far does that carte blanche go?

(Laughter).

CHAIRMAN McEWEN: Good question.

Senator Pileggi, do you have any opening statements?

SENATOR PILEGGI: No, thank you, Your Honor.

CHAIRMAN McEWEN: Representative?

REPRESENTATIVE GRELL: No.

CHAIRMAN McEWEN: Representative Dermody.

REPRESENTATIVE DERMOLOGY: I have no opening statement, Your Honor.

CHAIRMAN McEWEN: And we recognize Representative Glenn Grell, sitting for Mike Turzai, and he was with us.
Friday and welcome him again today.

REPRESENTATIVE GRELL: Thank you. Thank you, Judge.

CHAIRMAN McEWEN: I have at the outset, as at the beginning of prior hearings, a statement, and that is that you are all acquainted with the list of scheduled speakers and the time which has been allotted to each one of them. It is obvious from the list that a number of the speakers share a particular focus. Thus, there's bound to be considerable overlap and repetition.

Therefore, may I advise that the Commission retains the prerogative of directing a speaker to address a specific issue or to conclude the presentation, and by the same token, the prerogative of extending the listed time by a presenter who has particular remarks of interest to the Members of the Commission. Thank you.

Proceeding now to the call of a list, Senator Brewster.

SENATOR BREWSTER: Good afternoon, Mr. Chairman, Commission. Two things had to happen today for me to be up here. One, I have to wear these glasses, which I don't like to do, and having a recent replaced knee three weeks ago, I'm pretty proud that I could walk up here without crutches. I hope I don't need them on the way back.

So let me get into my testimony. Judge McEwen,
fellow Members of the Legislative Reapportionment Commission,
my name is Jim Brewster. I am a State Senator representing
the 45th District in Allegheny and Westmoreland Counties. As
you may know, I was elected to the Senate in 2010 in a special
election. Previously, I was Mayor of the City of McKeesport
for 7 years, and a member of city council in the city of
McKeesport for 10 years, and served as a vice president for
Mellon Bank for 27 years.

I'm a candidate for reelection this year and I'm
running unopposed for another term. I am greatly honored and
feel very privileged to be Senator representing the Greater
Mon Valley region. I want to thank you for providing me with
a bit of your time today permitting me to share my thoughts
about the Preliminary Reapportionment Plan.

Before digging into the substance of my comments
about the reapportionment plan, I want to thank you for
adopting a Preliminary Plan that keeps the 45th District
together and based in southern Allegheny County. While I
understand that the map can be adjusted to gather more of the
Greater Mon Valley Region in one entity, the fact that the
region seat and the voice was retained is important for its
future, and that region's future. I know that there has been
much deliberation, public meetings, and testimony taken about
the 45th Senatorial Districts, Senate, and House districts. I
also realize that the Members of the Commission have to weigh
a number of factors when it decides how lines are drawn and
make tough decisions and correct decisions as well. It is a
great responsibility and a great challenge, and I appreciate
your work. And Judge McEwen and Members of the Commission, I
am pleased that you recognize the value of keeping the 45th
Senate seat in the Greater Mon Valley.

The Greater Mon Valley is broad, has a unique
community of interest and historic context. Keeping its voice
in the Senate is about retaining a voice for the region as it
finally makes a turn around the economic corner. While the
Mon Valley contains former mill sites commonly referred to as
brownfields, lashed hard to the river by a shared industrial
history, the Greater Mon Valley region itself is very
encompassing and composed of suburbs boasting with economic
opportunity.

It stretches from the heart of the valley through
the eastern and southern suburbs and is composed of the
children and grandchildren of former residents now spread out
in neighboring communities. The current 45th Senatorial
District is made up of 37 cities, townships, and boroughs.
There are 16 school districts, two branches of Penn State, and
two different community colleges. The current district
includes White Oak and North Versailles and other
municipalities, but the region doesn't stop there. I would
argue that the Greater Mon Valley also stretches into many

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other communities in the east and South Hills not currently in
the district.

The Greater Mon Valley is now becoming one of the
manufacturing hubs that is producing product to the gas
industry. At former mill sites, shale drilling implements and
products are being produced on the old Camp Hill site, for
example. Daily there are trucks after trucks of pipe for that
industry that you can see going through these communities
heading for the drill sites. Folks working at these sites
come from an outer ring of suburbs and small towns adjacent to
the old mill towns themselves and the older cities. The
combination of a rebirth at the core with the influx of
workers from outside is exciting and a glimpse of what the
economic future holds.

The region's community of interest is vast,
geographically oriented, and economically structured. It is
composed of many parts and has a large geographical footprint.
The region is united by history and the will of its people and
has stood as the industrial bulwark of democracy through two
World Wars, times of trial and tribulation, and economic
dislocation. The region, including my hometown of McKeesport,
is bound together by a strong thread of working families. For
decades, beginning in the 1980s, we experienced economic
dislocation with the downturn of the steel industry. We are
now starting to rebound.
Producing items for the emerging Marcellus Shale drilling activities is helping us gain a new economic foothold powered by a new dynamic engine that will serve the region for years to come. In addition, there are regional projects that I am involved with and can speak about their importance. From using capital improvement funds to reclaim a former Alcoa building, luring potential investors to local big box retailer sites, building a new town center in one community, and demolition of vacant properties in another to gain space for industrial and residential development, there is no question that the energy continues to increase and build.

For example, in North Versailles, they have received an allocation from the Capital Budget and also from gaming money for the construction of a new road to open up an area for expansion. A pharmaceutical company will shut down its doors and take hundreds of jobs with them if the road is not completed.

We are also on the verge of some breakthroughs in older portions of the region. There are two new flyover ramps in the cities of Duquesne and McKeesport valued at $16 million, put there to develop those sites, the former mill sites. The key for the region is that we can't stop now. We must act regionally in order to succeed. While the lines of the municipalities intersect, our political subdivisions, there is no question that the Greater Mon Valley is an economic

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Lines on a map designating districts that are fungible, they can be adjusted and changed. What cannot be changed is the character of the underlying communities and the people that are served by the districts that are drawn by the Commission. Let me reiterate that the Greater Mon Valley is a regional community. Although some of our residents have moved away from McKeesport to Monroeville, or North Versailles to New Kensington, we are all about our deep historical roots.

Again, Justice McEwen and Members of the Commission, I want to thank you for listening and situating the 45th District in southern Allegheny County and retaining the region's voice in the State Senate. In closing, I want to thank you all personally. I know this is a difficult task. It's a process that's been questioned, and I know it has not been easy for the committee, and it hasn't been easy for the people in the 45th District. And I would say that the lives directly or indirectly for over 12 million people, when this map is done, will be impacted by what you do today and the next three or four months. So I want to thank you personally for having the courage to make the tough decisions. I think you speak well for the process, and I personally want to thank you for hearing my testimony today.

CHAIRMAN McEwen: Thank you very much for your cogent remarks, Senator.

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I neglected to state that will each speaker
provide to the stenographer, Ann-Marie, a copy of their
testimony. Thank you, sir.

Representative Frank Burns.

REPRESENTATIVE BURNS: Thank you for allowing me
to speak here today, and I want to thank each of the Members
for being present and listening to the public comment. I do
believe that's an important part of this process. The goal of
the Reapportionment Commission is to ensure that people get
effective and fair representation. And the decision to take
the seat out of -- the House seat out of Clearfield County is
detrimental to rural Pennsylvania and to the fair and
effective representation of Clearfield, Somerset, and Cambria
Counties.

The court issued the opinion that there were too
many unnecessary county and municipal splits. I request that
that issue is all that should be addressed by this Commission.
Removing a seat out of rural PA causes larger district shifts,
greater voter dilution, much greater, more difficult districts
to provide fair, effective, and equal representation.

Now I'll speak to the 72nd District directly as
it's currently drawn. Drastic departures from compactness are
a signal that something is amiss. I have not applied any
mathematical measure to the compactness of the 72nd or the
73rd Districts; however, I'm sure that they would not fare
well. The district spans roughly 90 miles. To put the size
of the 72nd District in perspective for each of the Commission
Members, it would be like having a district that spans from
Harrisburg to Baltimore, except in Johnstown to Clearfield, we
don't have a major interstate. So it's much more cumbersome
on the people of that region.

I argue the reason for such an odd-shaped district
is because the Commission chose to take a seat out of rural
PA. The primary goal of the redistricting is to provide
citizens with fair and effective representation for the
population of a given area. The more compact a district is,
the more effective the representation is for the people of
that region. If possible—and it is possible—we must prevent
districts from becoming so large that the availability of
access to citizens to their Representative is impaired.

Compact districts will also lead to a
Representative who understands the district and knows the
needs of the people within that district, so that the
Representative could be more responsive to their concerns. I
do believe that there is a constitutional mandate to create
fair and effective representation. The maps do not create
fair and effective representation for the people of
Clearfield, Cambria, and Somerset Counties. We owe it to the
people of this Commonwealth to draw districts that comply with
the Constitution. Attached is a map that creates a more fair
district in Cambria and Clearfield Counties without any major
impacts on other regions.

I'd like to address the communities of interest in
this as well. Community of interest is defined as the
recognition and maintenance of patterns of geography, social
interaction, trade, political ties, and common interests. A
geographical area comprised of residents who share similar
interests, including but not limited to social, cultural,
ethnic, geographic, or economic interest, or formal government
or quasi-governmental relationships.

The Greater Johnstown Chamber of Commerce defines
the Chamber of Commerce as including Cambria County and
northern Somerset. So Greater Johnstown is defined as Cambria
County combined with northern Somerset. The city of Johnstown
is located in the southernmost portion of Cambria County, with
its suburbs, including Somerset County. Cambria County,
Johnstown, and Somerset share many intergovernmental
partnerships, including school districts, authorities, police
departments, many nonprofits and associations all cross
boundaries with Cambria and Somerset Counties. The region is
linked by Route 219, which creates a natural flow of commerce
between northern Somerset and the Johnstown area.

Northern Somerset feels more a part of the Greater
Johnstown Region than it relates to its own county seat of
Somerset, which is 30 miles away. The northern part of
Somerset is only about 7 miles from the city of Johnstown, connected by a four-lane highway, Route 56. School districts in Somerset and Cambria compete in the same athletic conference and scholastic competitions, further building memories and forever connecting the people of Cambria and Somerset Counties.

Cambria and Clearfield, on the other hand, have yet to establish the bond that Somerset and Cambria have. It is important to the people of the Greater Johnstown Region not to have such fragmented districts. They deserve a unified voice and representation. That is why I'm asking the Commission to consider my revised map. The map will keep the 72nd District in the northern part of Somerset, so the suburbs of Johnstown in both Cambria and northern Somerset can work together for the common good of Greater Johnstown and the surrounding areas.

It is of utmost importance to keep communities of like interests and interests surrounding our third class cities as compact and unified as possible to create fair and effective representation. The 72nd District has basically surrounded the city of Johnstown both in Cambria and Somerset Counties for the past 21 years. The map will -- my map will prove to be more constitutional than what has passed, and it improves the compactness of districts, it combines communities of interest, and creates less municipal splits.
At the last hearing, Representative Dermody stated we must do everything we can to reduce municipal splits, and I must agree. Thus, my proposed map is more constitutional and it ensures all of us adhere to the Constitution. And we have some maps over here. My district is the yellow portion of that map. And I probably only go up to, you can't see it from here, but I only go up currently to Black Lick Township, which I'm going to step up and show you where that is. Currently, this is the top of my district (indicating).

Now, you can see, it doesn't take a genius or someone with a law degree to figure out the area of mass that we have to account for here, and the shape of the district, combined with the sheer distance from Upper Yoder Township, which used to be in the middle of the district, is now at the very bottom. So basically, what's happened, when you take the seat out of rural Pennsylvania, you shift the burden and the district spans over 90 miles. Like I said, it would be like having a district that spans from Harrisburg to Baltimore.

And the 73rd District is that in the blue. It doesn't fare much better than the 72nd. So I'm asking you to reconsider the drawing of those two districts to make it more fair, balanced, and representative of the population so that we can provide the people of Pennsylvania what's best for them.

Thank you.
CHAIRMAN McEWEN: Thank you, Representative, for your very precise statement.

Next, Mr. Kim Kesner, Clearfield County Solicitor.

MR. KESNER: Good afternoon. Judge McEwen,

Members of the Commission, I am Kim Kesner, Solicitor of Clearfield County, and I appear here today representing the Board of Commissioners of Clearfield County who are unanimously opposed to the relocation of the 74th District and the fracturing of Clearfield County into thirds. You'll also hear from both the Democratic and Republican County Committees, which will confirm to you that the planned split of Clearfield County, the opposition is universal and nonpartisan.

The Supreme Court, in Holt, rejected your previous plan because of undue, unnecessary splits. Mr. Chairman, the commands of Holt appear to be completely ignored in this case. It's impossible for us in Clearfield County to discern what legitimate cognizable legal basis there is for splitting Clearfield County into thirds, despite the clear prohibition in the Constitution that unless absolutely necessary, no county shall be divided. Eliminating the 74th and resplitting the county was not part of your initial plan and was not an issue before the Supreme Court in Holt. Press reports cited in my written remarks, which are more extensive than time will allow and are more detailed, have stated that the elimination...
of the 74th District replaces the relocation of the 45th District in Allegheny County. Whether this is true or not, the relocation of the 45th House District would be legitimate and legal because of population changes. Population has not changed in Clearfield County in the last 10 years, it's only decreased 2 percent, within the margin of error.

This plan was only proposed after the announcement of the retirement of our 18-term Representative that he would not seek reelection. Senator Scarnati appeared before you last week and suggested that basing redistricting on retirements and protection of incumbents is possibly unconstitutional. I would suggest to you that his equivocation is only because he is a nonlawyer. As counsel for Clearfield County, I do not have any professional difficulty stating to you that this is contrary to law.

The Holt court rejected this Commission's first effort because of undue splits. Your efforts since have required compromise, but Judge McEwen, as a jurist, you know that the Supreme Court will not be moved merely because a political bargain was the best that was available, if it's contrary to law.

CHAIRMAN McEwen: I didn't know the Supreme Court was going to reject the first plan, so.

MR. KESNER: I noted that Amanda Holt's testimony that the malady of undue splits remains not just with regard
to the 74th District, but she testified last week generally.
Her words resonate to us in Clearfield County that our
constitutional rights not be sacrificed on the altar of
incumbency.

Also globally, this plan discriminates against
rural Pennsylvania. The three districts being expanded into
Clearfield County have populations over 64,000, with the 73rd
almost 65,000. In comparison, the 45th District in Allegheny
County will have barely 61,000. Our written analysis, which
is attached to my written remarks, shows a significant
deviation between average populations of rural House districts
and urban districts principally when compared to Allegheny
County. Using a much greater population threshold for rural
Pennsylvania exacerbates the hardships that Representative
Burns talked about with regard to rural voters, discourages
voting in rural Pennsylvania, and dilutes the ultimate
objective of all of this, and that is one person, one vote.

I can delineate for you as passionately as anyone
the adverse effects that this will have on the citizens of
Clearfield County. But the Holt court indicated that many of
these things are amorphous and evasive. One thing that is not
amorphous or evasive are county boundaries which our Framers
set as the linchpin for analysis. The reason for this was to
protect rural Pennsylvania. If you compare Clearfield County
to our other sixth class counties in the area, they exist.
Clearfield County will not exist after this plan. If you look at these two maps and you look for Clearfield County, in the first one, you will find us. In the second one, you will not.

There is a groundswell now of very competent Americans who believe that constitutional provisions are being ignored for political expediency and constitutional rights denuded. I don't agree with that as a general proposition, but I would be hard-pressed to explain to any Clearfield County resident how the extra fracturing of our county into thirds comports with Article III [sic], Section 16. Perhaps you can. If you can't, this will buttress the adverse public perceptions of the integrity of this process. But as a lawyer, not a political scientist, my contention is that unless reconsidered, this plan will be rejected by the Supreme Court again. Also, as a citizen of Clearfield County, I would respectfully request for your considered review so that that becomes unnecessary.

Thank you very much.

CHAIRMAN MCEWEN: Thank you very much, Mr. Solicitor.

Now we have Commissioner Mark McCracken.

MR. MCCRACKEN: First off, I want to thank Judge McEwen and the Reapportionment Commission for the opportunity to speak in front of you today on behalf of the Executive Committee of the Clearfield County Democratic Party. The
first and most important objective of my testimony is to request the Reapportionment Commission return the 74th PA House District back to Clearfield County. The results of the 2010 Census clearly show that Allegheny County has lost over 58,000 in population from 2000 to 2010, while in comparison, Clearfield County only lost just over 1,700 citizens in the same period. Based on the Census data alone, I contend the Commission did make the proper decision in the first reapportionment plan to relocate the 45th District from Allegheny to Chester County. However, we object to the current plan that will relocate our district, the 74th District, to Chester County.

I also want to place on record objections to the Commission plan to split a significant portion of Clearfield County between the 72nd and 73rd House Districts based out of Cambria County. Of great concern is the fact that the 72nd District is drawn in such a way to bring a Representative from the Johnstown suburbs almost 90 miles away from Clearfield Borough and Lawrence Township to represent these vital and growing municipalities. Additionally, I register serious objection to the unnecessary split of Lawrence Township, Clearfield County's third largest municipality in population, between the 75th and 72nd Districts.

There is also great concern how a majority of the population is being allocated in both the 72nd District, with

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59 percent of the population located in Cambria County, and
even more alarming, the 73rd District, which has 65 percent of
the population allocated to Cambria County. The way the 72nd
and 73rd Districts are drawn has a real impact of turning
Clearfield County's voice and representation in the PA House
over to Cambria County. If we again apply the population loss
data from the U.S. Census from 2000 to 2010, the Census
numbers clearly show that Cambria County has lost over 8,900
citizens over that same period versus just 1,700 lost in
Clearfield County.

While I continue to stress that the most important
objective is to see the return of the 74th District to
Clearfield County, I am presenting on behalf of the Executive
Committee of the Clearfield County Democratic Party an
alternative map that fairly allocates the remaining four
legislative districts between Elk, Clearfield, and Cambria
Counties, strictly adhering to the intent of the Pennsylvania
Constitution. I included in my written remarks Article II,
Section 16. I'm not going to read that. The Commission
already knows that.

The alternative map presented, which you will find
on page 3 of my remarks, include and will provide the
following. It will eliminate the gerrymandered version of the
72nd District which attempts to form a legislative district
based in the suburbs of Johnstown and connecting with the
Borough of Clearfield 90 miles away. It will provide four
House districts that are comprised and compacted of contiguous
territory, as required in Article II, Section 16. It will
create four House districts meeting the equal in population
clause of Article II, Section 16, and I have the populations
listed there, and they are on the map.

It will follow clear and concise boundaries using_existing municipal boundaries and will have no municipality
split between districts in accordance Pennsylvania
Constitution. It will eliminate the unnecessary split of
Lawrence Township, the third largest municipality in
population in Clearfield County.

It will conform with existing and longstanding
regional relationships, with the 75th House District in Elk
and Clearfield County, providing almost 50/50 population split
for the 75th District between Elk and Clearfield County. It
will create a 73rd District that will fully conform with the
intent of Article II, Section 16, and will keep longstanding
regional and municipal relationships by keeping Clearfield and
Curwensville areas along with the Moshannon Valley and the
Glendale Valley in the same House district.

It will create a 72nd District that is centered in
Cambria County and will allow the citizens of Cambria County
to elect a Representative that can concentrate on their
problem and issues. It will keep the 71st District exactly as
the Commission designed in their most recent plan. And
finally, I will say the alternate plan does not impact any
other House districts outside of the four House districts that
are located in Elk, Clearfield, and Cambria County.

In conclusion, I will again stress that the
objective of my appearance before the Commission today is to
have the 74th District return to Clearfield County so we have
our voice and our representation in Harrisburg as we are
guaranteed by the Constitution. However, barring that plan, I
place before the Commission a viable alternative map that
creates four House districts in Elk, Clearfield, and Cambria
Counties that will fully comply with the spirit and intent of
the Constitution.

Thank you.

CHAIRMAN MCEWEN: Thank you, Commissioner.

Also from Clearfield County, Susan L. Williams.

MS. WILLIAMS: Judge McEwen and Members of the
Reapportionment Commission, thank you for your work on this
important task. My name is Susan Williams, and I speak today
on behalf of the Clearfield County Republican Committee, and I
am in complete agreement with the testimony given by Mr.
Kesner, Mr. McCracken, and following me, Mr. Noble.

You have heard their facts, figures, and
arguments, so I will not repeat those. But I will repeat the
need for the legislative district to remain primarily in

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Clearfield County. Our voice is already diluted in the Senate. Clearfield County has been divided into three senatorial districts. All three Senators have made every effort to represent Clearfield County, but we have seen that being three small parts of larger districts puts us in the car, but reduces us to the back seat status on many of our issues.

Clearfield County has not experienced a population loss as the 45th District has, and under the first plan, the 45th was moved to Chester County and the 74th left in place. Nothing has changed since the original map, except the announced retirement of the 74th District's current Representative. Using retirements as a determining factor in collapsing legislative districts is simply, to me, a maneuver to protect incumbents. While true that the voters who have elected an incumbent deserve to continue to have the person they elected to represent them, this argument fails in application to the 72nd -- 73rd, as the 73rd is significantly altered into a north/south configuration to allow the 72nd to extend its reach into Clearfield County. The 72nd voters in Somerset County will also have a new Representative.

Secondly, additional retirements of incumbents may occur over the next two years. Should voters in those districts get to keep their district intact simply due to the timing of a retirement? Last, consider that the voters of the
74th will have their own incumbent Representative when these maps, if they remain as they are, are enacted.

I'll comment briefly on the proposed 72nd and 73rd. Mr. Burns commented on how the communities of interest don't mesh. These legislative districts are of a size that negate the term "compact." Each of the district stretches roughly over 80 miles, or the approximate distance from here in Harrisburg to Allentown or Baltimore. And because Clearfield and Cambria are very rural, without major highway arteries, it is much more difficult and time-consuming to travel a district as fast. Also, how many offices will a Representative need to adequately serve the citizens of our area? The current 72nd already has three office locations. The current 75th has two office locations, but still being a compact rural district has the need to hold satellite hours in the month of May at six additional locations.

The proposed 72nd, 73rd, and 75th splinter Clearfield County and also divide the county seat, Clearfield, between two of the districts. The proposed 72nd and 73rd Districts attempt to combine counties that are not communities of interest. Although we share a border, Clearfield and Cambria share little less. Clearfield County and its residents share interests and values with the northwest portion of the State. Businesses and organizations historically draw their regions placing Clearfield with Centre
or Jefferson Counties. We have Cen-Clear Child Services, and 
Clearfield-Jefferson Mental Health, not Clearfield-Cambria, or 
Clear-Cam.

Clearfield County is part of the Erie Diocese of 
the Catholic Church, not the Altoona-Johnstown Diocese. And 
the Pennsylvania Department of Transportation puts Clearfield 
County with Centre, Clinton, Elk, Cameron, Potter, and McKean 
Counties, not Cambria, Blair, or Indiana Counties, which 
border us to the south. The consolidation of our healthcare 
systems has not fallen into a north/south configuration. 
We've seen Du Bois Regional Medical Center, Clearfield 
Hospital, and Brookville Hospital combine, again, not looking 
to our south.

Questions such as tolling Interstate 80 and 
Marcellus Shale development also separate Clearfield and 
Cambria Counties. Clearfield County did not support tolling 
Interstate 80. Cambria County's concern may focus more with 
the Pennsylvania Turnpike. Marcellus Shale lies beneath most 
of Clearfield County, very little of Cambria. The proposed 
map simply does not work for the citizens or the State 
Representatives who want to serve their constituents.

I'll conclude by asking the Commission to return 
the 74th District to the residents of Clearfield County. Move 
a district where the population has decreased. Don't place 
the careers of incumbents, those who have been elected to

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serve the people, above the people they have been elected to serve.

Thank you for your time.

CHAIRMAN McEWEN: Thank you very much, Ms. Williams.

Two more from Clearfield County. Theron G. Noble, Esquire.

MR. NOBLE: Gentlemen, good afternoon. On the way down here today, given the weather, I was reminded of the story of the gentleman that lived alongside the river. He was listening to the radio one day and he was advised that there was an impending flood coming. He said, I'm a religious man and I pray. God will save me. A short while later, as the water rose, a man in a canoe came by, offered him a ride. He would help him, take him to safety. The gentleman said, I'm a religious man. I pray. God will save me. A few hours later, as the gentleman had moved up to the roof of his house, a helicopter hovered over the top of him, dropped him a ladder, said grab the ladder, we'll take you to safety. The gentleman again responded, I'm a religious man. I pray. God will save me. A short while later, when he was in heaven, the Lord greeted him and said, "What are you doing here?" He said, "I don't know. I'm a religious man. I pray. I thought you would save me." He said, "I sent you a journalist, I sent you a person with a boat, I sent you a pilot. Why are you here?"
Members of this Commission, we have sent you elected Representatives ranging from one of our State Senators to Representatives elected to the House to our Commissioners. We have sent you our party representatives, both of the Republican and Democratic Party. We ask you to please heed us, that we are desperate for fair and equal representation that we do not feel is being provided by the new proposed plan.

You have heard our constitutional arguments by now under Article XVI, Section 2 [sic]. As far as equal representation, we take issue with the numbers. You've heard our arguments about the municipal splits. I will point out some different salient facts that are also inherent in what is now proposed. No other sixth class county is split in three ways. I've looked at the map, it is just not there. Multiple two-county splits, yes. But none have been carved up like a Thanksgiving turkey like we have been into threes. Also in that, there is not another sixth class county that does not at least provide the primary base for at least one seat. Clearfield County, if this map goes forward, would not provide the majority population of any one of the three seats.

Representative Burns spoke to you about the natural alignment between Somerset and Cambria County. Mrs. Williams spoke with you about our natural alignments. I will put it in another term to you. Our citizens, when we look for
goods and services outside of Clearfield County, our people traditionally move toward State College, Altoona, or even Pittsburgh. Very little movement towards Johnstown, and I believe it was Attorney Kesner that mentioned to you it's because of the roads. The road from Clearfield to Johnstown is just not that passable, especially in wintertime.

The Marcellus development is going to be one of the leading industries over the next decade in Pennsylvania, if not even nationally. Clearfield County is at the epicenter of the Marcellus development. We also believe it is vital to the State, to the Commonwealth, to have an effective voice that comes out of Clearfield County that can help in the development and utilization of natural gas.

During the drive here today as well, I was also thinking, it is very similar, granted a few miles longer from Clearfield to Harrisburg, but not many more miles longer than the proposed district that Representative Burns would have to service. During that drive from Clearfield to Harrisburg, we pass through I believe seven House districts. Not one, but seven. Therefore, we kindly and firmly request that you reconsider what you have done to Clearfield County.

Thank you.

CHAIRMAN McEWEN: Thank you, Mr. Noble.

Finishing for Clearfield County will be Paul J. Monella.
MR. MONELLA: Thank you, Mr. Chairman and Members of the Commission. I have prepared testimony which you will find in your packet, but I'm not going to take up much more of your time, except to say you've heard the voice of Clearfield County today. This is not a Democrat or a Republican issue. This is an issue of people of Clearfield County, this is an issue where the people are looking for fair representation, and since this map has come out, they have contacted their legislative leaders, they have contacted the people who have already testified before me today, and they are trying to make their voice clear.

I want to point out that you're hearing a lot about the 72nd District with Mr. Burns, you're hearing a lot about that, and I agree with Mr. Burns' testimony and I agree with the testimony that has been given by both Democratic and Republican leaders here today. But I want to point out to you that I am here today on behalf of the Morris Township Supervisors. I am a resident of Morris Township, Clearfield County, and they have asked me to let you folks know that under this proposed legislative map, our closest legislative office would be in Patton Township, Cambria County. If you look at the map closest to me you'll find that that particular area is right where the "73" is. Where we live is almost to the top of the pink district.

Now, there is no major road that runs from where
we live in Morris Township, Clearfield County, to the nearest legislative office in Patton Borough, Cambria County. Therefore, our trip would take almost 40 minutes long in order to see and speak with our Representative.

Now, I want to just say this to you folks that you know that indeed your closest Representative and your closest voice to government is your State Representative, and hence that's why they call the State House the people's house. And I'm asking you today to please reconsider what you've drawn here to save the voice of Clearfield County, to save our community ties with the people that we have known and that we have been together with for how many years. And please, do your best, save our seat.

Thank you very much, gentlemen.

CHAIRMAN McEWEN: Thank you very much, Mr. Monella.

Now Rob Teplitz, regarding Senate District 15.

MR. TEPILITZ: Good afternoon. I'm Rob Teplitz.

In the interest of time, I have submitted my testimony for the record. I'll just hit the highlights.

CHAIRMAN McEWEN: Thank you.

MR. TEPILITZ: I appreciate the opportunity to testify today, both as a longtime resident of the 15th Senatorial District, and as the 2012 Democratic candidate for that State Senate seat. I've lived in this area most of my life, and I have a wealth of knowledge about the needs and concerns of this community. It is clear that the current district lines are not equitable and do not represent the interests of the people of this area.

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life. I grew up in Lower Paxton Township, went to Central Dauphin School District, the largest school district in the 15th District. My wife and I are now raising our kids in Susquehanna Township. And I've spent my entire professional career working in the city of Harrisburg. I provide that detail and others in my testimony as a way of illustrating the central flaw of the proposed plan for the 15th District. It splits an obvious community between two very different Senate seats. The current map, the 2001 map, fulfills the constitutional standards of compactness, contiguity, and respect for the integrity of political subdivisions.

Currently, the 15th District includes most of Dauphin County, including the city of Harrisburg and its suburbs, and five municipalities in northern York County that are so close to the Capitol that they too could be considered suburbs of Harrisburg. This is a community of common interests. Those of us who live, work, play, shop, worship, go to school in the city of Harrisburg and its surrounding municipalities share the same local priorities, values and concerns. And we're now represented by a single voice in the State Senate.

But the plan eviscerates that community of common interests. The proposed plan would move the city of Harrisburg, Susquehanna Township, and 25 other Dauphin County municipalities into the 49th District, with all of Lebanon
County. Lower Paxton Township and 12 other Dauphin County municipalities, plus the five current York municipalities and a dozen more, would stay in the 15th District. These are not communities of interest. The residents of the city of Harrisburg and its immediate suburbs don't share the same local priorities, concerns, and values as our friends in Lebanon County. That's not to say one community is superior or inferior, but they are different, and we need to recognize that.

This issue is particularly important now. We all know that Harrisburg is facing its greatest challenge in decades, and there's a real danger of the city spiraling downward and taking the whole region down with it. The city needs help from the State in whatever form that help takes, and that requires effective, consistent, and powerful representation in the State Senate now and for years to come. Despite the good faith efforts that individuals from other communities would certainly attempt to offer, they just don't have the historic ties, the intimate knowledge, or the firsthand personal interest to fight for Harrisburg and the suburbs in the way that is so desperately needed right now. A similar point detailed in my testimony can be made about dividing Central Dauphin School District and Lower Dauphin School District, dividing each of those districts between the two Senate seats.
In the Supreme Court opinion in February, the court singled out and rejected the Commission's previous division of the 15th District between -- I'm sorry, the previous division of Dauphin County between the 15th and 48th Senate Districts, and the court instructed this Commission to draw a new map that minimizes the number of municipal splits and, quote, will be attentive to the concerns of historically unified subdivisions such as county seats.

With all due respect to the Commission, and with sincere appreciation for all the challenges you face during this process, the Commission has not complied with the Supreme Court's instructions. The expulsion of the county seat and the primary municipality of Dauphin County, along with many of its suburbs, from their historic home in the Dauphin County Senate seat and forcing them into the Lebanon County Senate seat is not what the Supreme Court had in mind. In fact, as I previously stated, such a division was specifically rejected by the court.

On behalf of this community, I urge the Commission to put all of their motivations aside and approve a map that will meet the standards of State law, common sense, and fairness, that will be in the best interests of this community, and that will respect the expectations of the over 37,000 voters who cast their primary ballots for a State Senator to represent the 15th District.
One final thought. As I said at the beginning of my testimony, I'm running for the State Senate in the 15th District. Obviously, I have an interest in how this map is drawn, and it would be disingenuous for me to deny that or say otherwise. But I want to assure the Commission that my interest is the same as what I presume all of your interest was and continues to be in public service - trying to do right by your friends and neighbors, trying to fight for your community. Well, my community is struggling, and it needs the State's help right now. The easiest thing the State can do at no expense, and perhaps most effective, is to keep our community unified and give us a fighting chance to address our struggles.

I urge the Commission to be part of the solution and not part of the problem. Keep our community united.

Thank you very much. I appreciate the opportunity to testify.

CHAIRMAN McEWEN: Thank you, Mr. Teplitz.

Now Patty Kim, who will speak to us about Senate District 15 as well.

MS. KIM: Yes. Good afternoon, Judge McEwen and other distinguished Members of this Commission. Thank you for the opportunity to testify before you. My name is Patty Kim. I live in the City of Harrisburg. I am one of the elected members of Harrisburg City Council, and I am currently an
unopposed candidate in the race for the 103rd House District, which also includes the City of Harrisburg.

The Revised Preliminary Plan adopted by this Commission on April 12, 2012, proposes to change the boundaries for most, if not all, of the legislative districts across the Commonwealth. I add my voice to the chorus of frustration that seeing the City of Harrisburg, the county seat for Dauphin County, move from the 15th Senatorial District into the 48th Senate District, which includes all of Lebanon County. Why would such a radical change be required? Was it absolutely necessary? What is motivating the shift?

Compliance of law and respect for tradition require this Commission to abide by certain principles of redistricting. These include compactness, contiguity, the integrity of communities of interest must be respected, to the extent feasible. Since this is a very subjective term, it is difficult to say precisely what communities of interest means. You typically know it when you see it. There are, however, some very useful indicators that allow us to identify communities of interest.

Generally speaking, a community of interest can be defined as an area with recognized similarities of interest, including but not limited to racial, ethnic, geographic, governmental, regional, social, cultural, partisan, historic interests, media markets, and commonality of communications.
The Revised Preliminary Plan redraws the 48th District to combine the City of Harrisburg with northern Dauphin County and Lebanon County in its entirety. This combines three very distinct sociodemographic segments, cultures, and geography into one new legislative district. The result is hardly what a resident of Harrisburg would suggest is a community of interest.

Consider, for instance, that the planning authority, the mass transit authority, the airport authority, the educational Intermediate Unit that serve the interests of the citizens of Harrisburg do not overlap and have very little in common with the needs and interests of Lebanon County. There are other examples that could be cited. The removal of the county seat of Harrisburg from the preponderance of Dauphin County is extremely perplexing when one considers that both Dauphin County and the city of Harrisburg share more than $300 million in debt, as well as infrastructure, regional assets, and other community interests. With all due respect to its residents, Shafferstown in eastern Lebanon County has very little in common with Harrisburg, even if they are only 35 or so miles apart.

In pleadings before the Pennsylvania Supreme Court challenging the 2011 Preliminary Map, it was aptly pointed out that Harrisburg has long been a part of a Dauphin County district, a history that reflects the common interests of
Harrisburg and Dauphin County. This relationship is more important than ever because of recent experiences involving the State takeover of the City of Harrisburg. The plan obviously serves two partisan political purposes. First, it protects the incumbent Republican Party by removing the City of Harrisburg as the center of the 15th District. Secondly, by moving Harrisburg into the 48th District based in Lebanon County, it dilutes the voice of Harrisburg and disburses its influence. Harrisburg and its smaller and less affluent suburbs will become an isolated enclave in the 48th District.

The Commission's revised plan has cut Harrisburg from the 15th District for what appears to be nothing but political and partisan purposes. In fact, I would submit that the Commission has done so in complete defiance of the Pennsylvania Supreme Court, wherein the court specifically states that, and I quote from page 80 of the court's opinion, "Having said this, we trust that the LRC, in formulating its new plan, and necessarily reducing the political subdivision splits and fractures, will be attentive to the concerns of historically unified subdivisions, such as County seats."

Political goals produce partisan results, and this is what I believe this revised plan reflects. Portions of the reapportionment plan were designed to control and exploit partisan means and goals in the pursuit of particular self-interests and to the detriment of its citizens of...
Harrisburg and the broader Dauphin County community.

In conclusion, the submergence of a well-established urban area in a larger, predominantly rural district wherein substantially different socioeconomic interests predominate must be avoided. The final map should be redrawn to reintroduce Harrisburg into the 15th District, where it more genuinely and closely shares communities of interest, where its voice will not be weakened and its influence will not be diluted.

Thank you very much, Commissioners, for the opportunity to provide input. Thank you.

CHAIRMAN McEWEN: Thank you very much.

Next, the Honorable Corky Goldstein.

MR. GOLDSTEIN: Good afternoon. I'm Attorney Corky Goldstein, and I've been a resident of Harrisburg, the City of Harrisburg, for 71 years, and I've attended the public schools, been active in the city all my life. And my parents lived here, I raised my children here, my grandparents were here. I'm not here representing the law firm that I am senior counsel to. I'm representing myself and many, many of the citizens of Harrisburg, Pennsylvania.

Under our Pennsylvania Constitution, and I don't think this is left for legal interpretation either, in my opinion, it clearly states, "unless absolutely necessary," that's important, "unless absolutely necessary no county,
city, incorporated town, borough, township or ward shall be
divided in forming either a senatorial or representative
district." This word "shall" is not a meaningless word. It
is a legal term in many cases that means that it is a mandate,
not a suggestion. Yes, both political parties have violated
this constitutional command over the years, commonly called,
as you know, gerrymandering. But let's be honest about it:
Dividing the 15th Senatorial District by taking out the City
of Harrisburg and actually dumping it into rural Lebanon takes
gerrymandering to a whole new level of absurdity.

Is the plan better looking than the past one that
was turned down by the Supreme Court? Yes. And although it
might now even pass the muster of the Supreme Court, it
certainly violates the moral and ethical spirit of this law.
I recognize that the financial difficulties, which are
tremendous, of my beloved city, Harrisburg, and the need for
the State takeover may be helped in making this decision
easier for some people. If anything, I believe this financial
crisis should have caused you to more seriously consider the
negative ramifications of this move, regardless of your known
political objective, which in my opinion, and this is just my
opinion, and most people in Harrisburg, was only made to
create a safe or safer seat for one party, by moving
Harrisburg where you did. You have tossed the city to another
district, which has absolutely no commonality for an urban

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center like Harrisburg.

We are the capital city of Pennsylvania, Harrisburg. And I think this plan treats the citizens, the residents, like undesirables, with the majority, as we all know, being low-income and nonwhite. And it treats them as if they were disposable citizens, and I think makes this political move at this time in Pennsylvania's history even more distasteful and offensive. I was raised and schooled in the old-fashioned way, I guess, that the citizens, the citizens, the voters would choose their State Senators and not the legislature manipulating the political playing field so that one party has an overwhelming springboard to winning the election. You are marginalizing the City of Harrisburg.

As a registered Independent, which I am for many years, I strongly believe in term limits, but I also know that truly competitive political races usually make for much better and more responsive representation on all levels, and hopefully significantly more voter interest. As an example--

CHAIRMAN MCEWEN: Excuse me, Mr. Goldstein, you have exceeded your time by some margin. Would you bring your remarks to a close, please, and conclude with a final thought?

MR. GOLDSTEIN: Okay. Healthy competition in the private sector is always better for consumers of goods and services, and that should be your goal in establishing voter districts, not the other way around.
And I would just conclude by saying, restore Harrisburg to the 15th Senatorial District and say to yourself, no matter if it costs me the next election, I shall always be a true public servant of the people who sent me here.

Thank you very much.

CHAIRMAN McEWEN: Thank you.

Monroe County Commissioner John R. Moyer.

MR. MOYER: Thank you, Your Honor, and Commission Members, for the opportunity to address you yet again on the issue of redistricting. And Judge McEwen, may I mention that you're looking even better than you did seven months ago when we met.

CHAIRMAN McEWEN: You're a nice man.

MR. MOYER: I am a politician, however.

CHAIRMAN McEWEN: No wonder you're chair of the commissioners.

MR. MOYER: At any rate, I am John Moyer. I'm the Chairman of the Monroe County Board of Commissioners. I've provided a synopsis of my testimony and a chart using or backing up the numerical evidence that I'll present today. I shall limit my comments to the proposed Pennsylvania State Senate representation in Monroe County. And before I suggest some minor alterations to the most recently proposed plan, I'd like to thank you for the recommendations that you made.
initially. And I have to admit, I don't know whether that's
the Preliminary Plan, the Revised Preliminary Plan, or the
Revised Revised Preliminary Plan, but at least one plan came
cut and gave us representation that was applauded by all
citizens of Monroe County.

As many of you know, since 2001 we've been
represented with no fewer than 10 different representatives in
our county, 6 of them State Senators and 4 Representatives.
What has this done for us? Basically, it would be easier to
answer the question of what has this done to us.

First, I believe that it probably is a safe
assumption that we have higher school property taxes than any
other county in the State. My own modest 2,000 square foot
home faces property taxes just for schools of nearly $4,000,
and that's before the budget is adopted this year. Taxes in
the $10,000 to $12,000 per home are not at all uncommon in
Monroe County.

Second, although we have a casino, as many
counties do, I believe we may be the only county in the State
that is forced to split our LSA gambling proceeds money with
surrounding counties. We have $10 million worth of requests
for that many every year; and a scant $3 million to
distribute.

And last, many of our social service organizations
are still being funded at levels that existed in either 1990
or 2000, despite the fact that our county population has mushroomed. This is what happens when only two of your State Senators and Representatives live within the county, and only two really need Monroe County’s votes to be reelected.

Your initial recommendations recommended one Senator, three Representatives. The newest plan suggests two Senators and three Representatives. And while I have to admit, it’s much more equitable than what we’re facing now, it’s less fair than that which was initially recommended. The April 2012 redistricting plan takes Monroe County, which is made up of 20 different townships and 4 municipalities, it takes Monroe County and separates out 2 of our townships, Coolbaugh and Tobyhanna, from the rest of the county for Senate representation. These two townships are combined with townships and municipalities from Lackawanna County, and a very small section of Luzerne County. I believe that under the redistricting procedures, counties and municipalities are not to be split unless absolutely necessary. Not only is this division unnecessary, it’s unfair, I believe, for a number of reasons.

First, Tobyhanna and Coolbaugh Townships are very different from the new district of which they will be a part. Monroe County by itself has grown significantly since 2000, at the rate of about 22 1/2 percent, while the counties of Luzerne and Lackawanna have remained static. Their growth has
been something in the half-percent range over the past 10 years. Even more dramatic are that the two Monroe County municipalities or townships that will be teased out have grown by greater than 33 percent, even faster than the rest of our county.

Coolbaugh and Tobyhanna deserve to be represented by a Senator whose primary concern is fighting for school tax relief. The very school district serving these two municipalities had a very contentious election last year. The now majority campaigned on the issue of not raising school taxes. To meet this goal, the Pocono Mountain School District is presently considering the layoff of over 200 teachers and staff to try to meet that objective. And while everybody knows that there are inefficiencies in every level of public service, perhaps save the committee of which you are Members, 200 teachers is a little bit more than simply creating efficiencies. I believe that our children's education will suffer.

It's doubtful that a district in which most of the voters live in Lackawanna County, with a few Luzerne County residents thrown in, represented by a Senator or electing a Senator, it's likely that he or she will not truly represent the constituents of Monroe County, whereas I have said, school tax relief is the most burning issue of the day. My citizenry can no longer afford to pay both school taxes and mortgage.
That's how bad it's gotten in Monroe County. And it's obvious that the residents of Monroe do not believe that their interests are presently being served through either their State Representatives or their State Senators.

As an example of how disenfranchised they feel, the only primary that was contested two weeks ago, April 24, was Republican Senator David Argall challenged by Brian Rich. Senator Argall's district spans parts of six counties, including parts of Monroe. While Senator Argall ended up victorious, he lost in Monroe County, in townships and municipalities very similar to those of Tobyhanna and Coolbaugh that will now be teased out of Monroe County and placed elsewhere. Monroe County's voters did not believe that he went far enough in trying to achieve school tax relief, and despite being defeated in three of the six counties that he represented, he won primarily because of his superior performance in Schuylkill County, where most of his constituents reside. In fact, if every Monroe County resident citizen that voted had voted for his opponent, Senator Argall would still have won.

This election result leads to the second area of inequity for Tobyhanna and Coolbaugh. The total population of the new proposed senatorial district, that is number 22, into which Coolbaugh and Tobyhanna Townships will be placed, is approximately 247,000 citizens. Of this total, less than 12
percent is made up of Monroe County residents, less than 2
percent is made up of residents from Luzerne County, and over
86 percent is made up of residents from Lackawanna County.
How likely is it that the new Senator for sections of Monroe
County will represent the interests of Tobyhanna and
Coolbaugh? Every voter in Monroe County could vote against
this person and his election or her election would be assured
simply by doing well in Lackawanna.

This would be mildly irksome if the interests of
the citizens in the two counties were the same. They are not.
School taxes in Monroe County are exploding. Such is not the
case in Lackawanna County. Monroe County's primary industry
is tourism; such is not the case in Lackawanna County.
Protection of environmentally sensitive areas is important to
Monroe County; such is not the case in Lackawanna County. And
people in Monroe County have been effectively represented by
fragmented senatorial representation in Harrisburg for years.
Such is certainly not the case in Lackawanna County. By
placing Coolbaugh and Tobyhanna with Lackawanna, 28,808 Monroe
County citizens will be disenfranchised by having
disinterested senatorial representation in Harrisburg.

You have a clear choice. You can determine that
one political party can be assured of electing its candidate
in every election going forward, or you can insure that all
247,000 citizens in this district receive the representation

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they deserve. I can only guess that trying to change these
districts is like trying to reshape a water balloon by
pressing on one part of it and expecting that everything else
will work out. I offer two alternatives.

Number one, go back to the way that it was in the
first plan where Monroe County has its own Senator, who then
has parts of Northampton County. Or two, I'm not at all
opposed to having two Senators in Monroe County, as long as
the population in those counties has a reasonable chance of
influencing the election of those two Senators. So either of
those alternatives would be far superior to teasing out two
townships, sticking them with another county whose interests
are very different.

Thank you for the opportunity to make these
remarks. I wish you well in your deliberations, and I thank
you for your willingness to serve all of the citizens of the
Commonwealth.

CHAIRMAN McEWEN: Thank you for your courtesy and
your very precise statement and providing alternatives to the
Commission, Mr. Chairman. Please give the warmest regards of
the Commission to your predecessor, Suzanne McCool, who is
still your colleague, as I understand.

MR. MOYER: I shall do that.

CHAIRMAN McEWEN: She was very personable to us
when we appeared up your way in September, as you mentioned.
MR. MOYER: Yes.

CHAIRMAN McEWEN: Thank you, sir.

The Honorable John D. W. Reiley, Mayor of the City of Pottsville.

MAYOR REILEY: Good afternoon, Your Honor and distinguished Members of the Commission.

CHAIRMAN McEWEN: Good afternoon, Mr. Mayor. You are as well the emissary from Yuengling?

MAYOR REILEY: That's correct, Your Honor. I played golf with him yesterday.

CHAIRMAN McEWEN: Will you pass the word of the Chairman, they do a great job and they make a great brew. So thank you.

MAYOR REILEY: Okay, Your Honor.

The City of Pottsville has the rich history of effective representation from the 123rd and the 125th Legislative Districts. In addition to successful bipartisan cooperation, dual representation has benefitted the City of Pottsville and the State of Pennsylvania. Pottsville has completed highly successful projects that would never have been possible without the collaboration and support of our legislative delegation. Just as a few of these projects include the Sharp Mountain Mine Reclamation Project. This model of public and private partnership has reclaimed over 15 acres of dangerous crop fall land as a result of over a
century of anthracite deep mining in the City of Pottsville. Investments from the Department of Environmental Protection Growing Greener initiative, coupled with significant private funding, have made the community safer and has been a great example of environmentally friendly cost-effective remediation.

The Union Station Intermodal Facility is a project that was made possible from the hard work of many Federal, State, and local officials. The instrumental support of the State Representatives has created not only a hub of transit in Schuylkill County, but also a hub of tourism and economic and business development. The facility, which was opened in June 2011, is now at 100 percent capacity with tenants such as the Schuylkill County Tourism Committee, the Schuylkill Transportation System, the Schuylkill County Chamber of Commerce, and the Schuylkill Economic Development Corporation.

Active, hands-on involvement by our State Representatives has incited economic and community development in Pottsville. The revitalization of our business district, with funding from Main Street and the Elm Street programs, has created many jobs and business opportunities in Pottsville. Representatives from the 123rd and 125th Legislative Districts have actively participated in countless committees through the Pottsville Development Corporation. These committees have coordinated revolving loan funds, created business incubators,
renovated historic buildings, and awarded entrepreneurs for creating jobs.

Quality of life issues have also been advanced, thanks to the legislative collaboration. The General George A. Joulwan Park was once a basketball court and a playground, adjacent to an abandoned 11-acre reservoir. That site is now expanded to include a veteran's monument honoring the 13 Congressional Medal of Honor recipients from Schuylkill County, a skate park, a picnic area, a nature education area, walking trails, and an outdoor amphitheater. Other recreational accomplishments include the newly renovated Jalappa Playground, and improvements of the JFK Swimming and Recreational Complex.

Obviously, the representation that the city has received from the 123rd and 125th Districts has benefitted the residents of Pottsville and surrounding communities. What is not quite as obvious is the effect that this dual representation has had on the State legislature. Empowering our State legislators to effectively support and provide leadership to cities such as Pottsville has been a results-oriented approach to government. Promoting bipartisan and multi-municipal solutions to local problems has proven successful for Pottsville. Maintaining representation from the 123rd and 125th Districts should continue to be a model for effective governance.
Thank you, gentlemen.

CHAIRMAN McEWEN: Thank you, Mayor. Thank you very much.

Mayor Lattanzi, from the City of Clairton.

MAYOR LATTANZI: Good afternoon. My name is Mayor Rich Lattanzi from the City of Clairton, and today, with all due respect, I brought a councilman, Richard Ford, and I am hoping you allow him to share my testimony with you guys.

CHAIRMAN McEWEN: Have you divided your time?

MAYOR LATTANZI: Yes.

CHAIRMAN McEWEN: Fine.

MAYOR LATTANZI: He will start first, on the first page.

CHAIRMAN McEWEN: Welcome.

MR. FORD: Good afternoon, Chairman and Commission. I thank you for this opportunity to speak. My name is Richard L. Ford III. I am the city council representative for Ward 2 of the City of Clairton. I would like to thank you for the opportunity to give my conversation on this 39th District, where the Clairton is seemingly being taken out of. And I will just read what I have on paper here for you.

The City of Clairton has been a part of the 39th Legislative District since the Pennsylvania Supreme Court made Clairton the district's hub back in 1965. With every
reapportionment since then, Clairton has remained part of the 39th Legislative District. As a third class city, Clairton is the hub of industry in the lower Allegheny County section of the Mon Valley. Placing Clairton in the 35th Legislative District would force Clairton to compete with other third class cities in the 35th Legislative District for the necessary services and support of its State Representative.

As a distinct third class city in the 39th District, Clairton would continue to command the support and attention of the 39th District State Representative. One of the most disturbing effects of moving Clairton to the 35th Legislative District, as proposed in this redistricting plan, would be to dilute the influence of African-American votes. A simple look at the number paints a clear picture. Clairton's total population is 6,796. Of those, 2,557 are African-American. Removing Clairton from the 39th District will leave the district with only 834 African-American residents.

In the 35th District, Clairton will be joining communities with significant African-American populations, though nowhere near a majority of the 35th District. The goal of equal representation is not to create a single minority African-American district and water down the African-American makeup in every other district so that they effectively lose their voice. Leaving Clairton in the 39th District guarantees that the issues of importance to the African-American

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community continue to command attention from the legislature. Also of significant interest is the fact that Clairton Municipal Authority's sewage treatment plant, which serves communities in the Peters Creek watershed, is planning a major expansion to comply with the Sewage Facilities Act and Clean Streams Law. Absolutely none of the communities of the proposed 35th District are served by the Clairton sewage treatment plant. Communities presently in the 39th District served by the plant include Jefferson Hills Borough, South Park Township, Union Township, Finleyville Borough, and Nottingham Township. These projects are complicated, cross many State and Federal agencies, and are vital to the well-being of our towns. Dealing with the legislator who represents Clairton and the upstream communities with a vested interest in the project is extremely helpful. Splitting Clairton from the other communities served by the treatment plant will hinder the project's smooth progress.

Another hindrance to Clairton in this plan is that the Monongahela River physically separates it from every other community that will make up the 35th Legislative District. That has an inherent negative impact on any potential working relationship with those communities.

That is the portion that I will read. My mayor will continue, and I do thank you again, and I hope you will consider this matter.

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CHAIRMAN McEWEN: Thank you, Councilman.

Your councilman didn't leave you much, did he?

MAYOR LATTANZI: No. Good guy. And now myself, Mayor Rich Lattanzi, will continue with the testimony on page 2.

Clairton already has a long history of valuable working relationships with the surrounding communities, especially for public safety. Our police, fire, and ambulance departments all support each other through mutual aid.

Another point to consider is that many employees of our largest employer, U.S. Steel, live in the communities that border Clairton. Being served by the same legislator for both your work and home environments has benefits.

Historically, Clairton has been through some rough times, and historically, we have had good working relationships with our legislators. If Clairton is to continue to redevelop itself, we need to work with legislators who have served Clairton, understand what the city has endured, and what we need to grow and redevelop the community.

Removing the City of Clairton, New Eagle Borough, Carroll Township, and half of South Park Township from the 39th District, including Somerset and Peters Townships, contravenes the Supreme Court's guidelines of contiguousness and compactness.

We are well aware that the political priorities of
individual legislators are inherent to the redistricting process, but the proposed redistricting as it impacts the 39th District creates two unnecessary municipal splits, violates the core principles of compactness and contiguosity, and most importantly, dilutes and minimizes the impact of African-American voters of the City of Clairton. We strongly urge the Commission to respect history, prior legislative redistricting, and the concerns that we have raised here, and continue to allow Clairton to remain part of the 39th Legislative District.

Submitted by Clairton Mayor Rich Lattanzi and Councilman Richard Ford. Thank you very much for your time.

CHAIRMAN McEWEN: Thank you, gentlemen. Thank you both.

Final witness is David J. Buchewicz, Chairman of the South Park Board of Supervisors.

MR. BUCHEWICZ: Thank you. Honorable Members of the Commission, Judge McEwen, Senator Pileggi, Senator Costa, Representative Glenn Grell, and Representative Dermody, thank you for providing South Park Township officials with the opportunity to testify before the Commission to express our concerns regarding the most recent redistricting plan. We really need your help. My name is David Buchewicz, Chairman of the Board of Supervisors of South Park Township, Allegheny County, 2675 Brownsville Road, South Park, PA 15129. I will
give my testimony on behalf of myself and my fellow
supervisors, Walter Sackinsky and Ed Snee, who had to work
today. Accompanying me to answer any questions you may have
concerning the management of the township when dealing with
State issues and insuring the safety of our residents during a
disaster, when our Representative must be called upon for
assistance, are Township Manager Karen Fosbaugh, and our
Deputy Police Chief, Emergency Management Director, and Fire
Chief, Dennis McDonough. Karen has been in one township with
one House district for 26 years, Dennis has been in one House
district, South Park Township, for 38 years. So they know the
operations of the township. We respectfully submit the
following to convince the Members of the Commission that the
redistricting plan further complicates and adds undue stress
to the residents of South Park Township when dealing with an
already complex and cumbersome State government.

As we reviewed the reapportionment proposal for
South Park Township, the wording of Article II, Section 16, of
the State's Constitution reads, "...unless absolutely
necessary no county, city, incorporated town, borough,
township or ward shall be divided in forming either a
senatorial or representative district." I want to read that
again, please. As we reviewed the reapportionment proposal
for South Park Township, the wording of Article II, Section
16, in the State Constitution reads, "...unless absolutely
necessary no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district."

We have been unable to identify any absolutely necessary circumstance that would pull 6 of 12 districts in South Park Township out of the 39th Legislative District and move them to the 38th District. Furthermore, to achieve its reapportionment plan, the Commission has also reached into a neighboring legislative district named Peters Township, split this community, and placed six of its districts into the 39th. It makes no sense to split townships into two different legislative districts and sprinkle them across both districts. It flies in the face of the Constitution and in the face of reasoning.

Since 1845, South Park Township has stood as one House district. South Park Township is the largest community in the 39th District. To divide the township into two would seriously damage its ability to provide cohesive government services to the residents who have come to expect a high level of service, quick response, and smooth operations from the interactions between its local and State officials. A resolution of any problem that involves coordinated efforts with the State, such as protecting our residents during emergencies relating to storms, floods, other types of disasters, road concerns, bridge issues, to name several, would
be further complicated by additional government bureaucracy when having to deal with two Representatives. Each legislator may have a perspective as to how to resolve a township-wide problem that is diametrically opposed to his or her counterpart's. How would this benefit our residents?

South Park Township is fortunate in that there is currently one school district being serviced by one legislative district. It is important that you know that our elementary and high schools will be in one House district, 39, and our middle school will be in House District 38. It is unconscionable that no thought was given to the negative effect that such a division would have upon the educational standards available to our residents at this time. Should an educational problem arise, what will be the impact upon our students from two separate districts whose respective Representatives may have opposing views?

South Park Township is primarily a suburban bedroom community that continues to progress. Township officials deal with a multitude of State-related matters which could be affected by the opinions of two different legislators. Our residents share similar interests, goals, socioeconomic levels, and populations with other municipalities currently in the 39th District, such as Jefferson Hills and Union Township. We have also fostered and nurtured relationships from neighboring communities and share

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mutual interests of concern. We have worked well together to
resolve problems for the benefit of the citizens of each
municipality. These relationships are potentially at risk
because of the redistricting plan.

Not only is splitting South Park Township a
sure-fire route to destroying a progressive community, but
adding parts of Peters Township to the 39th District is in no
way a grouping together of similar communities. A look at the
average household income levels draws a stark difference. The
average household income in South Park Township is $65,492,
while the more affluent Peters Township averages $107,841 in
income. The priorities of a more affluent community may
greatly vary from the priorities of our residents.

Another point is the town hall meeting concept.
At this time, all residents are invited to participate in one
meeting with one Representative. Under the proposed
redistricting plan, confusion will no doubt be a large problem
since residents will be uncertain as to where and when they
can express their views. Again, if two Representatives have
varying opinions, further confusion will be the result.

A related matter is the office space that South
Park Township offers to elected Representatives at no cost to
the State. This is a convenience that is provided for the
benefit of our residents, which enables them to meet with
their elected officials. Once again, two Representatives add
further confusion as far as our government.

Finally, I must point out the fact -- I have copies for everybody by the way. This is the way our township currently looks, (indicating). One Congressman, one Senator, one State Rep. Real nice and clean. Now with the new redistricting plan, what's going to happen, we lose this (indicating), and now we come to this (indicating). Two legislative districts.

Okay, I must point out the fact that the proposed district number 4, this is district 4 right here (indicating) is near Union Township, near to Peters Township, was placed in House District number 38. So 38 is the yellow highlight. Township district number 4 is contiguous with and positioned in the middle of township districts number 3, 7, 10, and 11. You see the pink going up? All right. Was placed in House District 38. However, township districts number 3, 7, 10, and 11, which are pink going up, were placed in District number 39, which now will include that 6 from Peters Township. And please see the color coded map, which I'm showing you. It appears that this is an attempt to distance the less affluent, low- to moderate-income nonwhite minority related district 4, which is right in the middle of the pink there, from the more affluent Peters Township, which was placed in House District number 39.

I would like to invite you to visit South Park and

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tour some of the distressed areas in township district number 4.

CHAIRMAN McEWEN: Excuse me, sir. Mr. Chairman, you've exceeded your time. We thank you for your testimony. Will you bring your remarks to a conclusion.

MR. BUCHEWICZ: Yes, okay.

The primary responsibility and duty of an elected official at every government level is to best serve the needs of their constituents. Dividing South Park Township will not provide good and efficient government to the residents of our municipality. We urge the Commission to reconsider this poorly conceived plan and the drastic impact it would have on our community.

So thank you very much for your time.

CHAIRMAN McEWEN: Thank you very much, sir.

MR. BUCHEWICZ: We have copies for everybody.

CHAIRMAN McEWEN: Thank you for the companions that visited with you.

This concludes a critical portion of this entire process, hearing from the public. And we thank those people who journeyed to Harrisburg to testify, and particularly on a day like this, which has been just dreadful weather. April and May, I'll tell you.

So thank you all. The public hearings are adjourned.
(Whereupon, the proceedings were concluded at 3:40 p.m.)
I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause, and that this is a true and correct transcript of the same.

ANN-MARIE P. SWEENEY
Chief Official Reporter
Senate of Pennsylvania

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ANN-MARIE P. SWEENEY
Chief Official Reporter
Senate of Pennsylvania
Room 644, Main Capitol Building
Harrisburg, PA 17120
(717) 787-4206

Legislative Reapportionment Commission
COMMONWEALTH OF PENNSYLVANIA
LEGISLATIVE REAPPORTIONMENT COMMISSION

In re: Public Hearing of the Legislative
Reapportionment Commission

VOLUME XV - Pages 696-731

Stenographic report of hearing held
in Hearing Room No. 1, North Office
Building, Harrisburg, Pennsylvania

Friday
June 8, 2011
2:00 p.m.

HON. STEPHEN J. McEWEEN, JR., CHAIRMAN

MEMBERS OF LEGISLATIVE REAPPORTIONMENT COMMISSION

Sen. Dominic Pileggi
Sen. Jay Costa

Rep. Mike Turzai
Rep. Frank Dermody

Also Present:

Hon. Joseph A. Del Sole, Chief Counsel
Charles E. O'Connor, Jr., Esq., Executive Director
William G. Corey, Esq., Deputy Executive Director
Michael H. Chung, Esq., Deputy Research Counsel
Kathy Sullivan, Executive Director, Legislative Data Processing Center
David Woods, Chief of Staff, Senate Majority Leader
Erik Arneson, Policy Director, Senate Majority Leader
John Memmi, Director, Senate Republican Mapping Office
C.J. Hafner, Esquire, Chief Counsel, Senate Democratic Leader
Mark McKillop, Director, Senate Democratic Legislative Services
Lora S. Schoenberg, Senate Democratic Legislative Services
William R. Schaller, Director, House Republican Reapportionment Services
Scott Casper, Director, House Democratic Office of
Demographic Analysis

Reported by:
Ann-Marie P. Sweeney
Senate Chief Official Reporter

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CHAIRMAN McEWEN: I call this meeting to order and note at the outset that what you just witnessed, this 15-minute delay, was to enable us to confer. But we only could confer two people at a time. I was not able to confer with the two Leaders of the Senate or the two Leaders of the House. We had to do it one by one. And that's an absurd, inefficient, ineffective approach. And of course, it is required by the Sunshine Law. So I would urge my colleagues in the legislature in the near future to change that provision of the Sunshine Law so that future Commissions will not be subject to such a narrow, simple-minded restriction. Although the people who drafted that, I don't mean they're simple-minded. The concept is.

That wasn't the opening statement, but I'll call for them.

Senator Pileggi.

SENATOR PILEGGI: No opening statement, Mr. Chairman.

CHAIRMAN McEWEN: Senator Costa.

SENATOR COSTA: No, sir.

CHAIRMAN McEWEN: Representative Turzai.

REPRESENTATIVE TURZAI: I'm going to hold until we actually have a plan in front of us to make comments.

CHAIRMAN McEWEN: Okay, fine.

Representative Dermody.
REPRESENTATIVE DERMODY: Mr. Chairman, I just have
one matter I'd like to take care of at this time. I have
remarks here from Representative John Sabatina of Philadelphia
that I would like to submit for the record, and I think each
Member has been given a copy of these remarks and a map.

CHAIRMAN McEWEN: It will be submitted. And
supply, of course, Frank, a copy to the court stenographer.

REPRESENTATIVE DERMODY: I will.

CHAIRMAN McEWEN: We'll proceed to administrative
matters, the adoption of resolutions.

It is hereby resolved that Charles E. O'Connor,
Jr., Esquire, shall continue to serve as Executive Director of
the 2011 Legislative Reapportionment Commission throughout the
pendency of any litigation arising out of a Final
Reapportionment Plan filed by the Commission, unless the
Commission directs that his services be terminated.

All those in favor -- oh, do I have a second?

SENATOR COSTA: Second.

CHAIRMAN McEWEN: All those in favor?

SENATOR PILEGGI: Aye.

SENATOR COSTA: Aye.

REPRESENTATIVE TURZAI: Aye.

REPRESENTATIVE DERMODY: Aye.

CHAIRMAN McEWEN: That was Resolution 5A-6-8-12.

Resolution 5B-6-8-12. It is hereby resolved that,
upon unanimous written approval of the Commission, changes may be made to the Final Reapportionment Plan to remedy technical defects discovered during the course of review. Such technical corrections shall be made and incorporated in the plan at the direction of the Commission until such time as review is complete, and until the Final Plan is published in newspapers pursuant to the Constitution. Thereafter, no changes shall be made in the plan except at the order of a court of competent jurisdiction.

So moved. Is there a second?

SENATOR PILEGGI: Second.

CHAIRMAN McEWEN: All those in favor?

SENATOR PILEGGI: Aye.

SENATOR COSTA: Aye.

REPRESENTATIVE TURZAI: Aye.

REPRESENTATIVE DERMOODY: Aye.

CHAIRMAN McEWEN: Resolution 5C-6-8-12. It is hereby resolved the Executive Director of the Commission, in conjunction with Commission staff, shall prepare an official report of the 2011 Legislative Reapportionment Commission to provide in the present time information to the public concerning the 2011 reapportionment process and to serve as a resource for future Commissions.

Actually, Roberts Rules would say I shouldn't be making the motion.
SENATOR PILEGGI: I make a motion.

CHAIRMAN McEWEN: Is there a second?

SENATOR COSTA: Second.

CHAIRMAN McEWEN: All those in favor?

SENATOR PILEGGI: Aye.

SENATOR COSTA: Aye.

REPRESENTATIVE TURZAI: Aye.

REPRESENTATIVE DERMOODY: Aye.

CHAIRMAN McEWEN: Resolution 5D-6-8-12. It is hereby resolved that all official documents, maps and other records of the 2011 Legislative Reapportionment Commission shall be deposited in the Archives of the Commonwealth of Pennsylvania upon conclusion of any and all litigation.

Is there a motion?

SENATOR COSTA: So moved.

CHAIRMAN McEWEN: Is there a second?

REPRESENTATIVE DERMOODY: Second.

CHAIRMAN McEWEN: All those in favor?

SENATOR PILEGGI: Aye.

SENATOR COSTA: Aye.

REPRESENTATIVE TURZAI: Aye.

REPRESENTATIVE DERMOODY: Aye.

CHAIRMAN McEWEN: Finishing with personnel matters, Resolution 5A-6-8-12. It is resolved that William G. Corey, Esquire, shall continue to serve as Deputy Executive Director

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to the Commission and shall remain in that position under the same terms established by Resolution 1B-5-11-2011.

Is there a motion?

SENATOR COSTA: So moved.

CHAIRMAN MCEWEN: Second?

REPRESENTATIVE DERMODY: Second.

CHAIRMAN MCEWEN: All those in favor?

SENATOR PILEGGI: Aye.

SENATOR COSTA: Aye.

REPRESENTATIVE TURZAI: Aye.

REPRESENTATIVE DERMODY: Aye.

CHAIRMAN MCEWEN: And it has been resolved that Michael H. Chung, Esquire, also serve under the prior terms pursuant to, as Deputy Research Counsel to the Commission, pursuant to Resolution 1B-5-11-2011. Is there a motion?

SENATOR COSTA: So moved.

CHAIRMAN MCEWEN: Second?

REPRESENTATIVE DERMODY: Second.

CHAIRMAN MCEWEN: All those in favor?

SENATOR PILEGGI: Aye.

SENATOR COSTA: Aye.

REPRESENTATIVE TURZAI: Aye.

REPRESENTATIVE DERMODY: Aye.

CHAIRMAN MCEWEN: It is resolved that Cathy Cray Kane shall continue to serve as Executive Secretary to the
Commission and shall remain in her position under the same
terms established by this Commission in Resolution 2E-8-17-11.

Is there a motion?

SENATOR PILEGGI: So moved.

CHAIRMAN McEWEN: Second?

SENATOR COSTA: Second.

CHAIRMAN McEWEN: All those in favor?

SENATOR PILEGGI: Aye.

SENATOR COSTA: Aye.

REPRESENTATIVE TURZAI: Aye.

CHAIRMAN McEWEN: It is further resolved that Diane
S. Bohr shall continue to serve as administrative assistant to
the Chairman of the Commission and shall remain in her position
under the same terms established by this Commission in
Resolution 2E-8-17-11.

Is there a motion?

SENATOR COSTA: Moved.

CHAIRMAN McEWEN: Second?

REPRESENTATIVE TURZAI: Second.

CHAIRMAN McEWEN: All those in favor?

SENATOR PILEGGI: Aye.

SENATOR COSTA: Aye.

REPRESENTATIVE TURZAI: Aye.

REPRESENTATIVE DERMODY: Aye.

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CHAIRMAN McEWEN: It is further resolved that Barbara Butterfield Janecko shall continue to serve as assistant to the Commission and shall remain in her position under the same terms established by the Commission in Resolution 2F-8-17-11.

Is there a motion?

REPRESENTATIVE DERMODY: So moved.

CHAIRMAN McEWEN: Second?

SENATOR COSTA: Second.

CHAIRMAN McEWEN: All those in favor?

SENATOR FILEGGI: Aye.

SENATOR COSTA: Aye.

REPRESENTATIVE TURZAI: Aye.

REPRESENTATIVE DERMODY: Aye.

CHAIRMAN McEWEN: New business. Introduction, discussion, and vote on a proposed Final Plan or plans.

Is there a motion.

SENATOR FILEGGI: Mr. Chairman, I offer proposed Final Plan No. 1 and move for its adoption.

REPRESENTATIVE TURZAI: I second it.

CHAIRMAN McEWEN: All those in favor?

SENATOR COSTA: Mr. Chairman.

CHAIRMAN McEWEN: Oh, I'm sorry, beg your pardon.

Having made the motion, do you have a statement to make prior to the motion?
SENATOR PILEGGI: I do, Mr. Chairman. Thank you.

Mr. Chairman, my comments pertain only to the Senate portion of the Proposed Final Plan. Copies of the Senate map are available in the room, and will be available on my Web site.

This Senate map responds to the Supreme Court's majority opinion of February 3, 2012, which rejected past precedent and set forth new rules for the Commission's work, and to the public comments this Commission received during the 30-day comment period after the Revised Preliminary Plan was adopted on April 12, 2012.

The Court's direction was to give greater weight to minimizing the number of split political subdivisions and making districts more compact, while giving less weight to population equality among districts. This plan complies with these directives.

In response to the directive to reduce the number of split municipalities, compared to the remanded plan, this Senate map increases the number of whole counties from 39 to 42; eliminates the divisions of Darby Borough and Upper Darby Township, both in Delaware County. The only remaining split municipalities are the city of Philadelphia and the city of Pittsburgh, both of which must be divided because of their population size. The plan eliminates 19 ward splits in Philadelphia, while respecting the four minority-majority
districts which are protected by the Voting Rights Act. In total, this Senate map has just 37 political subdivisions, counties, municipalities, and wards. By comparison, the Senate map in the remanded plan split 58 political subdivisions.

In response to the directive to give less weight to population equality, the overall range of population deviation increases from 3.89 percent to 7.96 percent, a level well within the population deviations which had been approved by the United States Supreme Court for other State legislative redistricting plans.

Also in response to the Court's direction, this Senate map features districts which are significantly more compact, especially those districts noted in the Court's opinion: Senate Districts 3, 15, and 35. Other districts which are notably more compact than the remanded plan include Senate Districts 33, 38, 39, 41, 46 and 47.

In addition, this Senate map makes several changes in response to the public comments this Commission received about our Revised Preliminary Plan, including redrawing Senate District 15 to include the city of Harrisburg; reducing the number of splits in Butler, Montgomery, and Westmoreland Counties; including Cranberry Township, Butler County, in Senate District 21; and unifying the North Hills of Allegheny County in a single district.

In addition, this plan also incorporates the Senate

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districts in Philadelphia drawn as proposed by my colleague on the Commission, Senator Costa. I also note that Pittsburgh's population of 305,704 individuals warrants 1.2 Senate seats. It is too large for a single district, but in this plan it is divided into three Senate districts.

Mr. Chairman, I have additional remarks which I will submit for the record. I ask for an affirmative vote on Proposed Final Plan no. 1.

Thank you, Mr. Chairman.

CHAIRMAN McEWEN: Are there remarks from the seconder?

REPRESENTATIVE TURZAI: Yes. Thank you very much, Mr. Speaker.

We have reached the end, again, of a segment of the reapportionment process. It's important to remind everyone that the first principle of redistricting is the manifestation of the constitutional principle of "one person, one vote." It's a vital part of our Republican form of government. It's the reason we must go through this particular exercise.

In the first instance, the 1968 convention set up a Reapportionment Commission. It specifically chose to have four Caucus leaders, along with a neutral Chair. The idea, given the legislative history behind the constitutional change, was that each of the leaders would be bringing their knowledge of the State of Pennsylvania—and the community of interest that
they would garner from talking to their Members—to the negotiations, and that with a neutral Chair would compromise, but taking into account many important constitutional and statutory factors. Of them, certainly and probably, in some respects, at least according to past Supreme Court precedent: Population; "one person, one vote"; and then also the integrity of particular municipal and county lines; whether or not we were abiding with Federal statutes for minority-majority representation; contiguity, and compactness.

The first job that each and every one of us had on the Commission was to take into account the Census data that occurs every 10 years. What we do in looking at the maps and reconfiguring seats is to take into account what have been the population shifts within the Commonwealth of Pennsylvania such that they're a fair representation for each and every area. Once again, I'd like to reiterate, if you divide the State into six regions, which would be appropriate—the southeast, the northeast, the south central, the north central, the northwest, and the southwest—these are the facts that you have to take into account.

The northeast increased in population from 890,000, approximately, to 950,000, approximately, for a gain overall of about 57,000 people, plus 6.5 percent. The north central, in fact, gained from about 660,000 to about 685,000, a population gain of about 25,000, or 3.7 percent. The northwest increased
from a million -- or excuse me, decreased, the northwest
decreased from 1,073,000 to 1,049,000, for a total population
loss of about 24,000, a minus 2.2 percent. The southwest, of
which I am from, had 2,695,000. In the 2010 Census, it had
2,600,000. It is a very populated area, significant
population, but it did overall lose 87,000 persons, for about a
minus 3.2 percent. Now, certain parts of that grew, other
parts of it lost, but the vast majority of it lost, and that's
true with the northwest too.

South central went from 2,500,000 to 2,700,000, for
a gain of about 220,000 folks, a plus 7 percent gain. And then
the southeast, which is the most populous of the regions, was
at 4,460,000, an increase to 4,690,000, for a gain of about
229,000, or about a plus 5.1 percent.

So as we then look to determine where should seats
be moved, it was clear that seats needed to be moved from the
northwest by one, and there probably should have been three
seats moving from the southwest, given what the population
region losses and gains were. In addition, it must be said
that the gains and losses in the southwest, the southwest
losses were certainly specific to the Democratic House seats,
of which there were 26 of 28 Democratic House seats in the
southwest lost population.

Now, we were instructed that in fact another seat
needed to come from the northwest, north central area, although
I'm not convinced that the population changes reflected that, but that's the process of negotiating. And as a result, instead of two seats coming from the southwest in the original plan that was sent to court, there are -- three excuse me, there are now two seats coming from the southwest, and arguably two seats coming from the northwest. And in one seat, the Lackawanna/Luzerne area has specifically lost population, and that seat had to be moved as well. Philadelphia, in comparison to the rest of the State, also lost population overall in comparison and needed to lose at least one seat, if not a seat and a half.

So a seat is being moved from Philadelphia to York, a seat is being moved from Lackawanna/Luzerne over to Monroe, a seat is being moved from the Crawford/Erie area to Berks, the city of Pittsburgh seat is being moved to Allentown, and then the seat that was in contention from Clearfield County is being moved to Chester County. Earlier, that was being moved from southwestern Pennsylvania. Nobody had any political advantage with respect to those seat movements under the former map or this map. It is a reflection of population loss and moving seats to population gain.

With respect to the Court's, the Supreme Court's new guidance, under the particular House map that's in front of us, we have increased from a 5.97 percent deviation to a 7.88 percent deviation. The Counsel to this Commission recommended

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not to exceed an 8-percent deviation, and we did not.

The municipal splits. There's 2,574 municipalities in the State of Pennsylvania. I find it quite interesting, whenever anybody talks about, oh, there were too many municipal splits, and then I ask them, do you know how many municipalities are in the State of Pennsylvania? Invariably, the answer is no, they do not have a clue. 2,574 municipalities in the State of Pennsylvania. In the map that was sent to the Supreme Court, there were 108 splits, down from 122 in the approved map of 2001. We had reduced it by 14 municipal splits. That amounted to less than 4 percent of all municipalities in the State of Pennsylvania. I think it quite ironic that for that we are now running under 2001 lines, which are clearly not appropriate, given the population changes over the last 10 years.

This particular map now, because we have a higher deviation, has 68 municipal splits, less than 2 percent. I'm convinced that there are those in the populace that thrive on chaos and disorganization and have nothing to do with continuity of good government. Split wards have been reduced, although wards, and I will submit for the record a memo on the history and the definition of municipalities and wards, wards are a political creation. Why they have constitutional protection, I'm not quite sure, but wards are a political creation. But we do have reduced split wards and we do have
terms that are absolutely new into the parlance and I think are not appropriate terms, but there are reduced total municipal splits and total ward splits, since it seems to be taken into account under the new guidelines from the court.

We do have, as we always have, three minority-majority Hispanic seats, and there is also an influence Hispanic seat, as is appropriate, under the 2012 map. It's interesting that in the 2001 lines that we're going to be running on for the next two years, there is only one Hispanic seat, and I think that, in fact, it is an insult to the Hispanic community that that is the case. But we are abiding by the Supreme Court's decision.

Certainly, with respect to compactness, by any compactness score, our compactness is better than what was in the 2001 plan. Our contiguity is better, and I want you to understand that there are, in fact, noncontiguous municipalities in Pennsylvania, and I think we need to address that by statute, that you should not have noncontiguous municipalities, so that we can eliminate that from future consideration.

I just do want to say this, the plan for 2011 map had a 4 to 1 vote. The 2011 Final Plan was constitutionally sound, based on 40 years of Pennsylvania Supreme Court precedence. The 2011 Final Plan was better than the 2001 Final Plan, which had been upheld by the court in 2002. The
Commonwealth experienced a population growth overall of 3.43 percent. As I indicated, a significant shift of that population center was towards the east overall, a little bit less in the west.

The Commission took very serious its obligations under all accounts, both in the first map and in this map, and beyond a mere recitation of the facts, even the Pennsylvania Supreme Court agreed that the 2011 Final Plan was better than the 2001 plan. Chief Justice Castille, in his opinion -- remember, it was a 4-3 vote -- did say, "...we do not doubt that this Final Plan is an improvement over the 2001 Final Plan." And in his concurring and dissenting opinion, Justice Saylor said, "Moreover, with regard to the 2011 Final Plan, I agree with the majority that it is an improvement over the 2001 plan,...which surmounted the challenges raised in the appeals before this Court." In his concurring and dissenting opinion in Holt, Justice Eakin explained, "The 2011 plan has fewer problems than the plan we found constitutional in Albert; it is not unconstitutional under existing precedent."

Let there be no confusion, the 2011 Final Plan, which was the work product of this Commission, was constitutional based on all the case law which existed prior to the court's surge for a new standard in Holt. But the rules seem to have changed, and not with necessarily clearer direction.
It's worth quoting directly from the Justices in Holt. Chief Justice Castille said in his majority opinion that "The LRC's reliance on prior cases as creating an expectation that its Final Plan will be found constitutional, is untenable." I'm sorry, but where else would you look?

"...we believe that the prospective recalibration of certain of our precedents would be salutary and helpful in this unusual area of law..." "...our own review of our governing precedent," all of these are quotes, "in deciding these appeals has led us to conclude that it should be recalibrated to allow the LRC more flexibility in formulating plans, and particularly with respect to population deviation.... Our prior precedent sounds in constitutional law; to the extent it is erroneous or unclear, or falls in tension with intervening developments, this Court has primary responsibility to address the circumstance." That may be true, but it certainly should have been done in a prospective manner and not in a retroactive manner. You cannot change, I do believe, the rules in the middle of the game and require that we run under 2001 lines which are not appropriate.

I will submit additional remarks and memos for the record. I think that we need to make the case that certainly given the new standards, they have been addressed, deviation has been increased, splits have been decreased. Every factor has been taken into account. All the seats meet the Voting

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Rights Act, that's crucial, and I would request an affirmative vote.

I do have this comment on the Senate map. Certainly, with respect to being a House Leader, the focus I've been on is on the House. I do work with my colleagues on the other side. With respect to the Senate map, I do live in Allegheny County. The seat that is being moved under the Senate version is the 40th Senate seat. I happen to live within that particular Senate seat. I do believe that given our prior votes that the population loss in Allegheny County, from my understanding, was first in the 38th District, first and foremost, and it seems to me that either that seat or the 45th District should be the seat that is moving to reflect population loss. However, given particular direction from the Chair and the need to move forward, we have before us the 40th District technically being moved out east, and that the 38th District will cover much of what the 40th District already entails.

Personally, I believe that it should have been the 38th District that was moved, or the 45th District, as we had previously, because those are the districts that suffered population loss, and first and foremost, that's our constitutional obligation. The Supreme Court's opinion certainly did not address seat movement in the least. Whether or not it was an underlying factor remains to be seen and will

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probably not be known.

I would ask for an affirmative vote. I think given
the instructions that have been placed before us or the
parameters placed before us, it's the best we can do. Thank
you very much.

CHAIRMAN McEWEN: Thank you, Leader Turzai.

Are there any statements from, how about Senator
Costa?

SENATOR COSTA: Mr. Chairman, I would like to, at
this time, offer what I will label Costa Amendment dated June
8, 2012, to the Senate portion of the plan that was offered by
my colleague, Senator Pileggi.

CHAIRMAN McEWEN: Is there a second to the
amendment?

REPRESENTATIVE DERMODY: I second the amendment.

SENATOR COSTA: Mr. Chairman, yesterday afternoon I
received a copy of the Proposed Final Plan of the Republican
Senate Caucus, and this was the first time that the plan was
made available to our Caucus. In the short time of reviewing
that proposed plan, I recognized a significant number of
unnecessary county splits. These splits apparently, in our
opinion, were to included for only one partisan purpose: To
improve Republican performance to the greatest extent possible.
This, however, is not a valid basis under the Pennsylvania
Constitution, with the directives of the Pennsylvania Supreme
Court.

Last evening, our Caucus staff was able to substantially improve the plan. We were able to eliminate 10 unnecessary county splits. Significantly, we did this while preserving the exact same population deviation as the Republican Senate plan before us. The amendment that I’m offering to the plan offered by Senator Pileggi, as I mentioned, identified as Senate Amendment dated June 8, 2012, contains the same population deviation of 7.96 and eliminates the following unnecessary county splits: Locating a portion of Senate District 37 in Washington County, locating a portion of Senate District 46 in Beaver County, locating a portion of Senate District 47 in Butler County, locating a portion of Senate District 45 into Westmoreland County, locating a portion of Senate District 26 in Chester County, locating a portion of Senate District 44 in Berks County, locating a portion of Senate District 33 in Cumberland County, locating a portion of Senate District 30 in Franklin County, and locating a portion of Senate District 21 in Warren County, and finally, locating a portion of Senate District 12 in Bucks County.

As I stated, we can eliminate 10 unnecessary county splits while maintaining the same population deviation level. Further, our plan does not interfere with the continuity of representation, nor does it seek a partisan advantage by adhering and altering the voting tendencies of the districts.
No one from this Commission has provided any justification from the splits that I described above, other than ensuring partisan advantage.

Therefore, Mr. Chairman, under the Pennsylvania Constitution, we believe and ask that this Commission agree that these 10 splits are unnecessary and should be eliminated. For these reasons, I ask that my amendment being offered be adopted and substituted for the plan as it relates to the Senate plan submitted by my colleague, Senator Pileggi.

I thank my Commission Members for their consideration.

CHAIRMAN McEWEN: Thank you, Senator Costa.

Are there any other individuals who wish to speak to the amendment?

REPRESENTATIVE TURZAI: I would just say that I'm opposed to this particular amendment. I think it ironic that the party that is here with respect to seat movement who has asked that a quote, unquote, Republican seat be moved from Allegheny County, that the map in front of us that we are voting on that Senator Pileggi has put into play, that I seconded, in fact does exactly what the good Senator who is the Leader of the Democratic Caucus has asked. So in fact, the map that is under Revised Final Plan No. 1 moves the 40th Senate seat, which is being demanded by my colleague who is the Leader of the Democratic Caucus in the Senate, does that, and yet at
the same time, he is still opposed to it. I think it's ironic, and I'm not convinced that there could have ever been a "yes" from that particular Caucus.

CHAIRMAN McEWEN: Thank you, Representative Turzai.

SENATOR COSTA: Mr. Chairman, first of all, I think we can do without the gentleman's comments with respect to what type of vote would come from this side of the aisle. The gentleman was not involved in any of the discussions that I had with you, Mr. Chairman, nor with Senator Pileggi, in this process. We worked very hard, and I think you know it, Mr. Chairman, and so does my colleague, we worked very, very hard to put together something we think was fair and appropriate.

The map proposed today does not address that. We recognize that the 40th District is one that's being moved, but at the end of the day, all we're doing is substituting the number 40 for the number 38, and we have the same nearly identical district in western Pennsylvania.

Mr. Chairman, in addition to that, there are a multiple number of other districts that are negatively impacted for Democratic Members. Ten out of 11 Senate Republican districts are improved, performing better. Multiple splits were put into place, multiple splits were added in counties for pure partisan advantage. And, Mr. Chairman, I was not intending to get on this path, but I will continue to make reference to very specific districts that are now impacted in a
favorable way.

The 47th District is now a more partisan Republican district. The 16th District is a more partisan Republican district. The 15th District, while we achieved success in keeping Harrisburg in Dauphin County, together with Susquehanna Township, the district is improved for Republican performance.

And I can go right down the line to a variety of districts that achieve the same type of partisan advantage. And there were Democratic districts that were done, but again, they were done so that they could create the splits to create the districts that were most appropriate and suited for the Republican Party and.

Now, I appreciate the efforts of my colleague, Senator Pileggi, incorporating some of the things that we have done over the course of this process. But we have worked very hard to try to get an appropriate map that reflects the desire of our Members, so that our Members are in a position to continue to represent the people of Pennsylvania in a manner they have grown accustomed to. We have a population advantage by nearly 1 million Democrats than Republicans, but yet we have a plan that's going to perpetuate, that's going to perpetuate Republican dominance in the State Senate.

So for those reasons, Mr. Chairman, I want to respond to my colleague's request. It's very, very easy to ask for compromise and try to get compromise and suggest that the

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other side can compromise when they've got three votes on a
five-vote Commission. When you're sitting in a place where
you're sitting in the minority, that's a little bit different,
and I take exception to the comments that we need to recognize,
and the lecturing about what the rules should be, both in this
forum, at previous hearings, and other places, where the role
of the Commission Members should be to accept compromise, as
defined by the folks who hold three votes.

    Thank you, Mr. Chairman.

CHAIRMAN MCEWEN: Thank you, Senator Costa.

Senator Pileggi.

SENATOR PILEGGI: Thank you, Mr. Chairman.

Mr. Chairman, I'd just like to make a couple
points. First, as to the reference that the first time that
the Senate proposed map that was included in my motion was
available to my colleagues in the Senate Democratic Caucus, the
fact is, that we have had extensive discussions since --
through this process, most intently in the last week. I know
the discussions resulted in changes to at least three districts
in Luzerne County - Senate District 14, and Senate District 20,
and Senate District 22. There also were, as a result of those
discussions, changes to the seven Philadelphia districts, and
any complaint as to an excessive number of splits should
reflect the fact that the Philadelphia district includes 10
ward splits and 1 precinct split, at the expressed request of

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the Senate Democratic Caucus. And also, that in the city of
Pittsburgh in Allegheny County, while our preference would have
been to move Senate District 38 or Senate District 45, moving
Senate District 38 would have allowed the city of Pittsburgh to
only have been split once and have two senatorial districts
rather than three, but as an accommodation, or in the spirit of
negotiation, and as a result of direction of the Chairman, we
have an additional split in the city of Pittsburgh.

So the first point is just to make sure that the
record is clear that there was discussion. Unfortunately, we
could not come to agreement, but we did agree on a number of
changes. And secondly, as to the issue of the number of splits
from one map to another in municipal boundaries, many of those
divisions of those municipal boundaries occurred with the
support of my colleague from the Senate Democratic Caucus.

CHAIRMAN McEWEN: Thank you, Senator Pileggi.

SENATOR COSTA: Mr. Chairman, just if I could
respond. I think it's important to note that all my comments
and all my references to splits were to county splits. We were
able to eliminate 10 unnecessary county splits. Had nothing to
do with the municipal splits that were referenced by my friend
and colleague, Senator Pileggi. That's all. Thank you.

CHAIRMAN McEWEN: How about Leader Dermody?

REPRESENTATIVE DERMODY: No comments.

CHAIRMAN McEWEN: No comments. All right.
Now I call for a vote on the amendment.

Senator Pileggi.

SENATOR PILEGGI: No.

CHAIRMAN McEWEN: Leader Turzai.

REPRESENTATIVE TURZAI: No.

CHAIRMAN McEWEN: Leader Dermody.

REPRESENTATIVE DERMODY: Yes.

CHAIRMAN McEWEN: And I vote "no."

SENATOR COSTA: And I vote "yes," Mr. Chairman.

Thank you.

CHAIRMAN McEWEN: Yes, fine.

SENATOR COSTA: Thank you.

CHAIRMAN McEWEN: The motion is rejected.

Placing back on the floor, for our attention, the motion of Senator Pileggi who presented a plan. That seems to be ripe for our vote. May I call upon that vote.

SENATOR COSTA: Mr. Chairman, before you proceed to a vote, I'd like to offer, for the record, my statement relative to the plan put together by Senator Pileggi.

CHAIRMAN McEWEN: All right, fine. Your earlier remarks having been addressing your own plan, but here you go on this one.

SENATOR COSTA: These are my remarks for the subsequent plan, and I ask that they be entered into the record.
CHAIRMAN McEWEN: Thank you, Senator Costa.

Does anybody else have remarks on the motion, and
the motion would be to adopt the plan submitted by Senator
Pileggi?

REPRESENTATIVE TURZAI: Yes. Just the notion that
the Chair controlled -- that the Commission Chair was in fact
anything but neutral is not a fair comment by my colleague.
The fact of the matter is, on many issues, as we negotiated
through, he heard both sides with respect to those particular
issues, and it is clear, I must absolutely state for the
record, the neutrality of the Chair. We may not have always
agreed on some of the decisions as we moved through this
constitutional process, but his independence was never, never
questioned.

Thank you very much.

CHAIRMAN McEWEN: Leader Turzai, I am quite
grateful for your remarks. I only wish that I lived in your
district so I could vote for you.

How about Leader Dermody.

REPRESENTATIVE DERMODY: Thank you, Mr. Chairman.

Mr. Chairman, there is no perfect map, and this
House map is not perfect. However, it meets constitutional
requirements. It has far fewer split municipalities than the
2011 plan that was rejected by the Supreme Court, it reduces
the number of split wards in the city of Philadelphia from the

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plan that the court rejected. It meets the very specific
concerns that the court expressed in its February opinion. It
repairs what I viewed as a major flaw in the preliminary plan
adopted in April, which was the extreme stretching of both the
72nd and 73rd Districts in Clearfield and Cambria Counties.

So as far as the House component of this plan goes,
this plan is the result of negotiations and a long process of
compromise, using ground rules set down by the Chairman.

I want to thank the Chairman and the other Members
of the Commission for their hard work on developing this plan.

Thank you, Mr. Chairman.

CHAIRMAN McEWEN: Thank you, Leader Dermody.

I will now call for that vote.

Senator Pileggi.

SENATOR PILEGGI: Yes.

CHAIRMAN McEWEN: Senator Costa.

SENATOR COSTA: No.

CHAIRMAN McEWEN: Leader Turzai.

REPRESENTATIVE TURZAI: Yes.

CHAIRMAN McEWEN: Leader Dermody.

REPRESENTATIVE DERMODY: Yes.

CHAIRMAN McEWEN: And I vote "yes." The plan
passes.

Next order of business will be -- the motion
passes, adopting the plan presented by Senator Pileggi.
The final order of business will be closing statements.

Senator Pileggi.

SENATOR PILEGGI: No.

CHAIRMAN McEWEN: Senator Costa.

SENATOR COSTA: No, sir.

CHAIRMAN McEWEN: Leader Turzai.

REPRESENTATIVE TURZAI: No.

CHAIRMAN McEWEN: Leader Dermody.

REPRESENTATIVE DERMOHY: No.

CHAIRMAN McEWEN: Well, sorry about this, but I do have one.

This public hearing concludes the deliberations of this Legislative Reapportionment Commission and the process of defining the boundaries of Pennsylvania's 203 seats in the House and 50 seats in the Senate of the General Assembly. When I was appointed to serve upon this Commission, I undertook to learn both the constitutionally assigned role of the Commission, as well as the role of a Member of the Commission. That study included an examination of the proceedings of the four Commissions which preceded the current effort. Subsequent reflection upon that study led me to certain operational conclusions, but most importantly to an overarching imperative based upon fairness and ethics.

The conceptual conclusion I reached flowed from the

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fact that, while the Commission wields vast and far-reaching powers, the five Commissioners were not directly elected by citizens of Pennsylvania to exercise those powers. Thus, the Commission must be restrained in realigning the districts of the General Assembly so as to avoid any unnecessary disenfranchisement of the electorate. I concluded that if a population loss in a region required loss of Senate seat, the seat to be moved must be a vacant seat. And if there was a vacant seat in the region, seniority should be the sole factor in identifying the sitting legislator who was to be evicted, since the uncontrolled or uncontrollable factor of seniority is the yardstick beyond control or suggestion of party politics or party affiliation.

The rationale underlying my conclusion is both simple and demonstrably ethical: People above party. We all know the system of justice in this country relies upon the law, but because mechanical application of the law can sometimes cause hardship and harm, the justice system reaches for adjustment to the jurisprudence of equity, a quite simple synonym for fairness, or the even humble notion of decency. And so it was that a Senate seat was moved.

This Commission is, of course, obliged to proceed in an efficacious fashion and in accordance with Sections 15 and 17 of the Pennsylvania Constitution, obliged as well to proceed in an expeditious manner, so as to meet the deadlines
imposed by the Constitution and the court, following its remand.

That requirements of timeliness are superseded by the overarching imperative that fairness be the intrinsic element of the plan presented by the Commission for each body of the legislature. Fairness, just like its kith and kin, justice and equity and balance, is a highly subjective term and, therefore, subject to personal perspectives and views, just as are the terms substantial, significant, and partisan. Nonetheless, each of the four legislative leaders of this Commission, in an exercise of precious balance, exerted every effort to fulfill the innate, intrinsic demand that fairness be the controlling, the consummate, the ultimate achievement of the reapportionment process.

Even so, while the Final Plan will inspire relief, if not satisfaction, for some, it will for others trigger dismay, if not distress, thereby casting the Commissioners as either visionaries or villains.

I now proceed to expression of a personal view. Namely, I am absolutely and more firmly convinced than ever that the current system of reapportionment, specifically a Commission that includes the four legislative leaders, is more proficient by far than other methods that have been suggested. As well-intended as those suggestions might be, I echo the view of U.S. Supreme Court Justice Stephen Breyer. I quote:

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"[P]olitical considerations will likely play an important and proper, role in the drawing of district boundaries. In part, that is because politicians, unlike nonpartisan observers, normally understand how 'the location and shape of districts' determine 'the political complexion of the area.' It is precisely because politicians are able to predict the effects of boundary changes that the districts they design usually make political sense...[and, as such, are uniquely qualified to perform the task of reapportionment]."

That being said, I hasten to emphasize that it was the deep sense of duty of these legislative Leaders which impelled the Leaders to strive to reach beyond the realm of partisan considerations as the Commission today, finally, reaches its destination.

I again express my personal gratitude to the Pennsylvania Supreme Court for the honor of selection to serve as Chairman of the Commission, and for the close association I have enjoyed for more than a year with the Leaders of the legislative branch of Pennsylvania who have conducted the process of the constitutionally required redrawing of the 253 legislative boundaries.

And, of course, all the Members of the Commission join in commending those individuals who appeared as witnesses at all the public hearings, some of whom I see here again today, as it was with quite some personal effort that those

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witnesses journeyed to Harrisburg, and to the other public
hearing sites, and then waited before providing an expression
of critique or recommendation. Their formal testimony and the
messages received were considered and, as is apparent from the
plan, triggered a number of significant revisions to the
Preliminary Plan.

Finally, and most importantly, may I again extend
verbal bouquets to the staff members who were steadfast and
unwavering in assisting their particular Member to address each
issue in a discerning, confident fashion. Those individuals
are: Erik Arneson and John Memmi for Senator Pileggi; Mark
McKillop and Lora Schoenberg for Senator Costa; Bill Schaller
for Representative Turzai; Scott Casper for Representative
Dermody; Judge Del Sole, General Counsel to the Commission, and
his assistants, Mike Chung and Bill Stickman; Charlie O’Connor,
the Executive Director of the Commission, his deputy, Bill
Corey, and his administrative assistant, Diane Bohr. As well
as, and in the back of the room today, and they have been with
us throughout, the two Commission secretaries, Cathy Cray Kane
and Barbara Janecko. But of course, I cannot overlook Kathy
Sullivan, and as well, our effervescent official stenographer,
Ann-Marie Sweeney.

In closing, may I echo the thought that the
constitutional mandate of "one man, one vote" only reaches the
pinnacle of equality sought by the Founding Fathers if each and
every citizen votes in each and every election.

Ave atque vale. Thank you.

Is there a motion to adjourn?

REPRESENTATIVE TURZAI: Yes.

REPRESENTATIVE DERMODY: Second.

(Whereupon, the proceedings were concluded at 3:36 p.m.)
I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause, and that this is a true and correct transcript of the same.

ANN-MARIE P. SWEENEY
Chief Official Reporter
Senate of Pennsylvania

THE FOREGOING CERTIFICATION DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR SUPERVISION OF THE CERTIFYING REPORTER.

ANN-MARIE P. SWEENEY
Chief Official Reporter
Senate of Pennsylvania
Room 644, Main Capitol Building
Harrisburg, PA 17120
(717) 787-4206

Legislative Reapportionment Commission
May 14, 2012

Mr. Charles O’Connor, Executive Director
Legislative Reapportionment Commission
104 North Office Building
Harrisburg, PA 17120

Dear Mr. O’Connor:

Included with this cover letter are the exceptions that I am filing today to the April 12, 2012 Preliminary Reapportionment Plan.

Sincerely,

Senator Jay Costa

JAC/ag
2011 Legislative Reapportionment Commission

Exceptions to the Revised Preliminary Reapportionment Plan Filed by the 2011 Legislative Reapportionment Commission

Submitted by

Honorable Jay Costa
Member, Reapportionment Commission

May 14, 2012
2011 Legislative Reapportionment Commission

Exceptions to the Preliminary Reapportionment Plan Filed by the 2011 Legislative Reapportionment Commission

Pursuant to Article II, Section 17(e) of the Pennsylvania Constitution, the Honorable Jay Costa hereby files exceptions to the revised preliminary plan (the “Preliminary Plan”) filed by the 2011 Legislative Reapportionment Commission (the “Commission”) with the Pennsylvania Secretary of State on April 12, 2012.

Exception 1

1. The Preliminary Plan splits counties when not “absolutely necessary,” contrary to the requirements of Article II, Section 16 of the Pennsylvania Constitution. Several of the counties in the Commonwealth include at least one unnecessary split. These counties include: Beaver, Butler, Montgomery, Northampton and Washington.

Exception 2

2. Proposed Senate District 47 violates the constitutional requirement of Article II, Section 16 of the Pennsylvania Constitution that “unless absolutely necessary” no political subdivision shall be divided in forming a senatorial district. The Preliminary Plan unnecessarily splits Beaver and Butler counties. Senate District 47 should be redrawn to encompass Lawrence and Beaver counties in their entirety, thereby eliminating one county split in Lawrence County and one county split in Butler County.

Exception 3

3. The Preliminary Plan violates the constitutional requirement of Article II, Section 16 of the Pennsylvania Constitution that “unless absolutely necessary” no political subdivision shall be divided in forming a senatorial district. The Preliminary Plan unnecessarily splits Butler County among four Senate Districts, including the split caused by
placing Cranberry Township in Senate District 45. Butler County should be split no more than one time. By making an adjustment to Senate District 47 as I proposed in Exception 2, Butler County, including Cranberry Township, can be placed almost wholly within Senate District 21. The southeastern portion of Senate District 21 can be located in Senate District 41, which currently includes Indiana and Armstrong Counties.

**Exception 4**

4. The Preliminary Plan violates the constitutional requirement of Article II, Section 16 of the Pennsylvania Constitution that “unless absolutely necessary” no political subdivision shall be divided in forming a senatorial district. The Preliminary Plan unnecessarily splits Washington County among two Senate Districts. By making the adjustments referred to in Exceptions 2 and 3, Senate District 45 can be confined wholly within Allegheny County. As a result, Senate District 46 can be redrawn to encompass Washington and Greene counties in their entirety thereby removing an unnecessary split of Washington County.

**Exception 5**

5. Proposed Senate District 15 violates the constitutional requirement of Article II, Section 16 of the Pennsylvania Constitution that districts “be composed of compact and contiguous territory” and is contrary to the mandate of the Pennsylvania Supreme Court in *Holt v. 2011 Legislative Reapportionment Commission*. Senate District 15 was again redrawn only to remove the City of Harrisburg from its historical district. The failure to retain the City of Harrisburg, the capital of Dauphin County within Senate District 15, fails to appropriately consider the importance of keeping the capital of the county with its historic seat. This configuration also ignores the express concern stated by the Supreme Court in *Holt* that a capital city of a county be preserved, with the historic county seat. The Commission should redraw District 15 so that it includes Harrisburg and remains a compact
district in the final plan. In addition, as of the April 24th primary election, Rob Teplitz is the Democratic nominee for Senate District 15. Mr. Teplitz resides in Susquehanna Township which the Commission has removed from Senate District 15. The Commission should redraw Senate District 15 to include Susquehanna Township in the final plan.

Exception 6

7. The Commission should be consistent in its treatment of Senate Districts 15 and 37 and redraw both to account for the residences of party nominees for the November, 2012 general election for those Senate seats.

Exception 7

9. Proposed Senate District 18 violates the constitutional requirement of Article II, Section 16 of the Pennsylvania Constitution that districts “be composed of compact and contiguous territory.” Senate District 18 makes a “V-Shaped” protrusion into the Lehigh Valley. Senate District 18 should be redrawn and should remain a compact district in the final plan. The Commission should leave Lehigh County intact in District 16 other than the inclusion of Bethlehem, a municipality situated in both Northampton and Lehigh Counties, in Senate District 18.

Exception 8

10. Proposed Senate District 35 violates the constitutional requirement of Article II, Section 16 of the Pennsylvania Constitution that districts “be composed of compact and contiguous territory.” Senate District 35 stretches from the southern border of Pennsylvania in Bedford County to the northern border of Clearfield County. Senate District 35 should be redrawn and should remain a compact district in the final plan. Senate District 35 can be designed entirely within three counties: Cambria, Clearfield and Clinton.
Exception 9

11. The 30th District should be drawn in a compact and contiguous manner, by including the following counties: Bedford, Blair, Fulton, Huntington, and the Western municipalities of Franklin.

Exception 10

12. The Commission should reconsider and adopt the Senate Democratic Preliminary Plan which contains less county splits than the Preliminary Plan.

Exception 11

13. Due to the application of the Sunshine Act, the members of the Commission were unable to hold meetings at which both of the Senate or House leaders and the Chairman were present. As a result, the established process did not include a mechanism by which the Commission members could effectively meet to discuss various options. This resulted in the adoption of a Preliminary Plan that was not made available to all Commission members until the day of the Commission’s vote on April 12, 2012.

Exception 12

14. The final plan passed by the Commission should not go into effect until after the 2012 general election. Consistent with the Pennsylvania Constitution, the new districts’ boundaries, which are to be used for the 2014 primary and general elections, should not become absolute until after the 2014 general election.

WHEREFORE, for the reasons set forth herein, the Preliminary Plan should be adjusted so as to address the Exceptions noted above.

Respectfully Submitted,

By

The Honorable Jay Costa
May 14, 2012
BEFORE THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

SENATOR JAY COSTA, SENATOR LAWRENCE M. FARNESE, JR., SENATOR CHRISTINE M. TARTAGLIONE, SENATOR SHIRLEY M. KITCHEN, SENATOR LeANNA M. WASHINGTON, SENATOR MICHAEL J. STACK, SENATOR VINCENT J. HUGHES, SENATOR ANTHONY H. WILLIAMS, SENATOR JUDITH L. SCHWANK, SENATOR JOHN T. YUDICHAK, SENATOR DAYLIN LEACH, SENATOR LISA M. BOSCOLA, SENATOR ANDREW E. DINNIMAN, SENATOR JOHN P. BLAKE, SENATOR RICHARD A. KASUNIC, SENATOR JOHN N. WOZNIAK, SENATOR JIM FERLO, SENATOR WAYNE D. FONTANA, SENATOR JAMES R. BREWSTER, and SENATOR TIMOTHY J. SOLOBAY,

Petitioners,

v.

2011 LEGISLATIVE REAPPORTIONMENT COMMISSION,

Respondent.

COMMONWEALTH OF PENNSYLVANIA )
) SS:
COUNTY OF DAUPHIN )

Lora Schoenberg, being duly sworn according to law, deposes and states as follows:

1. I am a staff member for the Pennsylvania Senate Democratic Legislative Services.

2. In this role I am responsible for assisting the current Senate Minority Leader, Senator Jay Costa, in his role as a member of the 2011 Pennsylvania Legislative Reapportionment Commission.
3. On July 23, 2012, the Omnibus Answer of the 2011 Legislative Reapportionment Commission to petitions for Review challenging the June 8, 2012 Final Reapportionment Plan (the "Omnibus Answer").


6. A shapefile is a common electronic file that can be used across various computer mapping software packages that contains geographic renderings, such as Senate Districts.

7. I then created maps for each of the shapefiles in Maptitude. Maptitude is a Geographic Information System software program created by Caliper Corporation. It is one of the two main programs used for redistricting.

8. I then exported the data and sent each of the plans to the Legislative Data Processing Center to create legal descriptions.

9. Upon receipt of the legal descriptions for each shapefile, I verified the political subdivision split information from the Legislative Data Processing Center with the Pennsylvania Manual description of each plan.

10. I then created a spreadsheet, attached as Exhibit 1, that contained the number of subdivision splits for each plan and compared the number of splits in each plan with the 2012 Final Plan for the Pennsylvania Senate.

11. According to the opinions published by the Pennsylvania Supreme Court with respect to the reapportionment plans in 1971, 1981, 1991 and 2001, the deviation for each plan is as set forth below. As shown on Exhibit 1, the reapportionment plans in 1971, 1981, 1991 and 2001, contained the number of subdivision splits set forth below.

\[
\begin{array}{ccc}
\text{Reapportionment Plan} & \text{Deviation} & \text{Total Number of Subdivision Splits} \\
1971 & 4.31\% & 65 \\
1981 & 1.93\% & 73 \\
\end{array}
\]

\(^1\) The Commission website is available at http://www.redistricting.senecapd.us/MapView/index.cfm.
12. The comparison I created revealed that the final reapportionment plan passed by the Commission in 1971 contained fewer total subdivision splits than the 2012 Final Plan despite having a deviation of only 4.31%. In addition, the comparison showed that despite having deviations below 2%, the 1981 final reapportionment plan contained only two more subdivision splits than the 2012 Final Plan.

Lora Schoenberg

Sworn to and subscribed
Before me this 3rd day of
August, 2012

Pinar Yucel-Ramsey
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL

PINAR YUCEL-RAMSEY, Notary Public
City of Harrisburg, Dauphin County
My Commission Expires September 02, 2013
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Based on the data provided by the PA Legislative Reapportionment Commission and the PA Legislative Data Processing Center