

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, JANUARY 3, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 3

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.s.t.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

PRAYER

REV. BARBARA C. YORKS, Chaplain of the House of Representatives and pastor of Paxton United Methodist Church, Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Dear God, we praise You as we move into this new year as the author of the year. We praise You for Your wisdom, Your power, Your strength, and Your direction. As we look back over the year 2001, we recognize that it was a year of challenge, a year of obstacles and blocks in our nation's progress, and yet a year when hope was renewed. We thank You for Your power and Your direction in days that have passed, and we anticipate and look forward to Your working in this year.

We thank You for the privilege and the challenge that our offices hold, and we ask for Your help as we make the decisions that are necessary, that we make the choices that are needed, and we ask that You help us in moving forward as a group in helping for our State and for our nation, that You lead us, that You guide us, that You sustain us during the difficult times. We thank You for the nation in which we live and the freedoms that we enjoy.

We ask that You be with us this day and work with us as we move into the days of 2002. We commit this time to You. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, January 2, 2002, will be postponed until printed. The Chair hears no objection.

REPUBLICAN AND DEMOCRATIC CAUCUSES

The SPEAKER. Members within sound of my voice in their offices, it will not be necessary to come to the floor. As soon as a little housekeeping is done, there will be an immediate call for a

caucus in both caucus rooms. Both Republicans and Democrats will caucus immediately.

There will be no votes taken at this time.

COMMUNICATIONS FROM GOVERNOR

APPROVAL OF HOUSE BILLS

The Speaker laid before the House communications in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bills had been approved and signed by the Governor:

HB 209, and HB 1633.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move the following bills be taken from the table:

HB 1012;
HB 2020;
HB 2052;
HB 2059; and
HB 2183.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 1012, PN 1157; HB 2020, PN 2660; HB 2052, PN 3086; HB 2059, PN 2709; and HB 2183, PN 3092.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Barley.

Mr. BARLEY. Mr. Speaker, I move the following bills be recommitted to the Committee on Appropriations:

HB 1012;
 HB 2020;
 HB 2052;
 HB 2059; and
 HB 2183.

On the question,
 Will the House agree to the motion?
 Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I move that HB 408 be taken from the table.

On the question,
 Will the House agree to the motion?
 Motion was agreed to.

BILL TABLED

The SPEAKER. The Chair recognizes the gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I move that HB 408 be returned to the table.

On the question,
 Will the House agree to the motion?
 Motion was agreed to.

COMMUNICATION FROM SPEAKER

The SPEAKER. A communication from the Speaker, which the clerk will read.

The following communication was read:

House of Representatives
 Commonwealth of Pennsylvania
 Harrisburg

December 11, 2001

The Honorable Jim Lynch
 162A East Wing
 Harrisburg, PA 17120

Dear Jim:

Pursuant to House Resolution No. 49 of 2001, I hereby appoint you Chairman to replace Representative Peter J. Zug to the Task Force to evaluate and make recommendations regarding the utilization of certain Commonwealth-owned lands for the 2001-2002 Legislative Sessions of the General Assembly.

Very truly yours,
 Matthew J. Ryan
 The Speaker

MJR:nk

cc: The Honorable John E. Barley
 The Honorable Arthur D. Hershey
 The Honorable Peter J. Zug
 The Honorable Ronald E. Miller
 The Honorable Jerry A. Stern
 Joint State Government Commission
 Governor's Office of Boards and Commissions
 Jackie Jumper

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley, for the purpose of making an announcement.

Members, please pay attention for a moment. We will shortly be going to caucus.

Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to call for a meeting of the House Appropriations Committee immediately on recess. It is a very short meeting. There are only two bills. So if members could report, we could then leave promptly for caucus. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Any announcements prior to the break for caucus?

Mr. Cohen, any ideas on the amount of time going to be necessary for this, or Mr. Smith? Mr. Smith, can you give us an idea of how much time you need for caucus?

Mr. S. SMITH. I would not think we would need more than an hour, Mr. Speaker.

Mr. COHEN. That sounds reasonable to me, Mr. Speaker. The question though is, how much time— When are we allowed to vote on this bill?

The SPEAKER. It was posted on the voting schedule yesterday at 4:10, so we will not vote on it until 4:10, but I am expecting, the leaders are expecting there will be some debate on it, so that we can return before 4:10 and start the debate if we are of a mind to do that.

Mr. COHEN. Maybe about 3 o'clock, Mr. Speaker?

The SPEAKER. I am sorry. Would you repeat that.

Mr. COHEN. I am suggesting maybe we come back at 3 o'clock.

The SPEAKER. That is fine.

RECESS

The SPEAKER. Without objection, this House will stand in recess until 3 p.m.

Members, please report to the caucus rooms to caucus on the congressional reapportionment situation.

RECESS EXTENDED

The time of recess was extended until 3:30 p.m.; further extended until 4 p.m.

AFTER RECESS

The time of recess having expired, the House was called to order.

LEAVES OF ABSENCE

The SPEAKER. Members will please take their seats. Members, please take your seats.

The Chair is about to take today's master roll call.

Prior to taking the roll call, the Chair recognizes the gentleman, Mr. Smith, who requests a leave be granted to the following Republican members for the day: STRITTMATTER, B. SMITH, REINARD, BOYES, and Mr. SAYLOR from York County. Without objection, these leaves will be granted. The Chair hears no objection.

The Chair recognizes the gentleman, Mr. Veon, who requests a leave of absence for the following members for today's session: Ms. BEBKO-JONES, Ms. JOSEPHS, Mr. TRELLO, Mr. ROONEY, and Mr. CRUZ. Without objection, these leaves will be granted. The Chair hears no objection. The leaves are granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—192

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, S. H.
Bard	Forcier	Mayernik	Solobay
Barley	Frankel	McCall	Staback
Barrar	Freeman	McGeehan	Stairs
Bastian	Gabig	McGill	Steelman
Belardi	Gannon	McIlhattan	Steil
Belfanti	Geist	McIlhinney	Stern
Benninghoff	George	McNaughton	Stetler
Birmelin	Godshall	Melio	Stevenson, R.
Bishop	Gordner	Metcalfe	Stevenson, T.
Blaum	Grucela	Michlovic	Sturla
Browne	Gruitza	Micozzie	Surra
Bunt	Habay	Miller, R.	Tangretti
Butkovitz	Haluska	Miller, S.	Taylor, E. Z.
Buxton	Hanna	Mundy	Taylor, J.
Caltagirone	Harhai	Myers	Thomas
Cappelli	Harhart	Nailor	Tigue
Casorio	Harper	Nickol	Travaglio
Cawley	Hasay	O'Brien	Trich
Civera	Hennessey	Oliver	Tulli
Clark	Herman	Pallone	Turzai
Clymer	Hershey	Perzel	Vance
Cohen, L. I.	Hess	Petrarca	Veon
Cohen, M.	Horsey	Petrone	Vitali
Colafella	Hutchinson	Phillips	Walko
Coleman	Jadlowiec	Pickett	Wansacz
Cornell	James	Pippy	Washington
Corrigan	Kaiser	Pistella	Waters
Costa	Keller	Preston	Watson
Coy	Kenney	Raymond	Williams, J.
Creighton	Kirkland	Readshaw	Wilt
Curry	Krebs	Rieger	Wogan
Dailey	LaGrotta	Roberts	Wojnaroski
Daley	Laughlin	Robinson	Wright, G.
Dally	Lawless	Roebuck	Wright, M.
DeLuca	Lederer	Rohrer	Yewcic
Dermody	Leh	Ross	Youngblood

DeWeese	Lescovitz	Rubley	Yudichak
DiGirolamo	Levdansky	Ruffing	Zimmerman
Diven	Lewis	Sainato	Zug
Donatucci	Lucyk	Samuelson	
Eachus	Lynch	Santoni	
Egolf	Mackereth	Sather	Ryan,
Evans, D.	Maher		Speaker

ADDITIONS—0**NOT VOTING—0****EXCUSED—10**

Bebko-Jones	Josephs	Saylor	Strittmatter
Boyes	Reinard	Smith, B.	Trello
Cruz	Rooney		

LEAVES ADDED—1

Preston

COMMUNICATION FROM DEPARTMENT OF HEALTH

The SPEAKER. The Chair acknowledges receipt of the report of the "2000 Abortion Statistics" submitted by the Department of Health.

(Copy of communication is on file with the Journal clerk.)

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair at this time requests the attention of the members.

Representative Chuck McIlhinney became a father last night of a 7-pound-3-ounce baby boy named Charles III. Mother and son are doing fine.

The gentleman is recognized.

Is this your first? I have you under interrogation.

Mr. McILHINNEY. Yes, it is, Mr. Speaker. The first grandchild as well.

The SPEAKER. The gentleman is recognized.

Mr. McILHINNEY. I would just like to invite all my colleagues to stop by my office or my desk to join me in a celebratory cigar, those who wish to partake, to mark this momentous occasion. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

Hopefully this momentous occasion will not be celebrated in the hall of the House. No.

SENATE MESSAGE**REPORT OF COMMITTEE OF CONFERENCE
ADOPTED BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has adopted the report of the committee of conference on the subject of the differences existing between the two Houses on **SB 1200, PN 1645**.

CALENDAR

REPORT OF
COMMITTEE OF CONFERENCE

Mr. PERZEL called up for consideration the following report of the committee of conference on **SB 1200, PN 1645**, entitled:

An Act to apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

On the question,

Will the House adopt the report of the committee of conference?

The SPEAKER. Those in favor of adopting the conference committee report will vote “aye”; opposed—

Mr. Santoni, do you desire to be recognized?

Mr. SANTONI. Thank you, Mr. Speaker.

I know everybody wants to roll this thing, but a few of us have some concerns about SB 1200, and I am one of them.

Mr. Speaker, I stand in opposition to SB 1200, conference report, for a number of different reasons. Mr. Speaker, if you thought the last redistricting legislation that we passed in this House was bad, this one is 10 times worse.

I am very sad and disappointed in what we have just been presented just yesterday – it was passed out of the conference committee – because what has happened is the big wheels, the high rollers down in Washington, DC, are telling us here in Pennsylvania how to split up our congressional delegation, our congressional districts, behind closed doors, I might add. People down in Washington that have put forth this plan to this House do not care about our communities, do not care about our neighborhoods. They care about one thing, and that is power, raw power.

Mr. Speaker, we all know that the population is shifting in this country. It is shifting from the Northeast part of this country, where we live, to the South and to the Southwest and to the West, and

we are in a position where we lose two Congress people, from 21 to 19. And I understand the political reality of what is happening when the Republicans control the House and the Republicans control the Senate and the administration is Republican. We were under the assumption that the two Congressmen that we would lose would be Democratic Congressmen, but the Republican majority did not stop there. The Republican majority continued on to chop up two more Democratic Congressmen. So right now we have 10 Democrats and 11 Republicans, and after this plan is approved, which I think it will be, there will be 6 Democrats left and 13 Republicans.

Mr. Speaker, we are chopping up areas of this Commonwealth that have actually grown in population. Montgomery County – and I hope that some of my colleagues from Montgomery County will get up and argue against this plan – and the county that I reside in, that I represent, is being chopped up, Berks County. It is being chopped up into three congressional districts, Mr. Speaker, three congressional districts. We have been one congressional district – Berks and Schuylkill Counties have comprised the majority of that district – for as long as I have been on this earth,

but because of the power brokers down in Washington, DC, and because we are represented by a Democratic Congressman, they are going to chop us up three ways. They are actually going to chop the city of Reading up, a third-class city that has about 75,000 people in it, two ways. So our clout in Washington not only would be diminished, it would probably be gone forever.

Of the three congressional districts that now, not now, but will be representing Berks County, one congressional district, about 30 percent of the constituents in Berks County; the other congressional district, about 20 percent of the constituents will be located in Berks County; and the final congressional district, somewhere in the neighborhood of about 5 to 6 percent of the constituents of that congressional district will reside in Berks County. So when those Congressmen are doling out those congressional dollars for a number of different Federal programs, the counties that represent the majority of the constituents are going to get the cake and Berks County is going to get the crumbs.

I hear a lot of the arguments from some of my colleagues. I hear the argument that it is better to have two or three Congressmen representing your county than one, two or three heads are better than one, but let us be honest. When the larger percentage of the constituents of that congressional district are not located in Berks County, Berks County is not going to get their share of the pie.

And I hear another argument: Well, the redistricting is not really a concern of the average citizen out there; it is an insider game; you guys up in Harrisburg and Washington, you are playing that game. But, Mr. Speaker, it might be, and when you take a poll of your constituents, redistricting is certainly not on the radar screen. Education, economic development, transportation, taxes, those are the issues that the people of my district and I am sure the people of your district are concerned about, not redistricting, but make no mistake about it, they are related.

When you are a Congressman and you have X amount of Federal dollars to bring home to your district, you are not going to focus on the minority of your district. When you are bringing economic development money home, transportation issues and transportation funding home, education dollars home, that is what people are concerned about, and whether they put redistricting on the poll or not, that is what they are going to yell at us for when we cannot bring home that money back to our legislative districts and our congressional districts.

A member of the Berks County Chamber of Commerce spoke to me the other day in opposition to this plan for obvious reasons, and he said to me that when he first saw the draft of this reapportionment plan, he thought it was a joke; he laughed. I wish it was April 1, Mr. Speaker, but it is not; it is January 3, and the reality of this plan is getting ready to hit us.

In Berks County, headed by one of our county commissioners, and, really, a unanimous board of county commissioners back home have what is called the Reading-Berks Economic Development Partnership that they have been working together with private enterprise and government, and they have been working on this and it is finally coming to fruition, and it is going to require State and Federal dollars to help move it forward, and, Mr. Speaker, the fact that we are going to be chopped up three ways is probably going to put a major crimp in that initiative.

Mr. Speaker, I understand the political ramifications of this plan. I have been here for five terms and I am not a novice at that, but let us talk about the political reality of it. Let us talk about what Berks County has done. Berks County is a Republican

County,

Mr. Speaker. There are seven members of the Berks County delegation that come to Harrisburg – two are Democrats, five are Republican – and when our plan is approved for the State House and the State Senate, we are going to have seven Republicans and two Democrats. In the State Senate with the new plan, there are going to be three Republican Senators, one Democratic Senator. Every row office in Berks County, with the exception of one, is Republican. So why are you doing this to us, Mr. Speaker? We are a Republican county.

Mr. Speaker, maybe some of my colleagues have not had a lot of correspondence with regard to redistricting, but I have. The business community, typically a Republican stronghold back in Berks County, is vehemently opposed to this redistricting plan. There was just a letter to the editor today from the leader of one of the veterans groups in Berks County. They are vehemently opposed to this legislation and what it is going to do to the veterans groups of Berks County.

The farming community, of which our Congressman is the only Democratic member of the delegation that is sitting on that presently, Congressman Tim Holden, will be hurt because he no longer will be a member of the Agriculture Committee, certainly if he is no longer a member of Congress.

Mr. Speaker, I understand what is going to happen today and I understand the political reality and I know that the deals have been made and promises have been made and the deals have been cut, but I am going to keep an eye on the board and put up a lot of votes for a lot of different areas of this Commonwealth, and I know the deals have been cut and I understand that, and I may be a donkey instead of an elephant, Mr. Speaker, but I am not going to forget.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. Cohen, on the question of concurrence.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, most of the time when we do things in the House of Representatives, the rest of the nation does not pay a lot of attention. I have a feeling that this is the kind of vote that a lot of people in this country are going to pay attention to.

So far in the entire country this year, there has been no State which has adopted a reapportionment plan which has eliminated more than two congressional seats of either political party. This plan breaks new ground by eliminating at least four members of the Democratic Party.

So far, Mr. Speaker, in the history of this country, no plan has ever been declared unconstitutional strictly on the basis of political gerrymandering. In 1986 the Supreme Court issued a decision in the case of *Davis v. Bandemer*, which said that plans could be declared unconstitutional for political gerrymandering but in the case at issue in the State of Indiana, in which after a plan was adopted the Democrats got 52 percent of the vote and 43 percent of the House seats, that difference between the votes and the House seats was not significant enough to be counted as political gerrymandering, but here under this plan I would think the Democrats could get 65 percent or 70 percent of the total vote in the State of Pennsylvania for Congress and still not get a majority of the House seats.

This may be the plan that the Supreme Court or the Third Circuit Court of Appeals would agree could be held unconstitutional purely on the basis of political gerrymandering.

Whether the courts find that this plan is an unconstitutional gerrymander or not, it is a bad plan. It helps some Democratic Congressmen, including one very good friend of mine, but it has the effect of seriously discriminating against the right of registered Democrats in the Commonwealth of Pennsylvania to elect Congressmen. It requires a massive landslide of unprecedented proportions in Pennsylvania for the Democrats to get a majority of the Pennsylvania congressional delegation, and therefore, I will vote “no” and urge others to vote against this plan.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to the conference report, and I was not really going to weigh in on this issue until I really took a look at this map and started to really realize the absurdity of some of these districts and the cold, hard politics of this issue and how what is best for the people is just simply put aside on this, and I know we are not going to change the outcome here today, but I think it is important to just underscore, especially for those of you who are about to cast a “yes” vote, what a cold, hard political vote it is, totally disconnected from what is best for the people of Pennsylvania.

I was looking, for example, at the 12th Congressional District. I count that being in nine, nine different counties when it could easily have been put in three or four counties. This stretches all over western Pennsylvania. It is difficult to justify how this could be in the best interest of the people. The same is true for the 18th Congressional District, which just stretches through county after county.

In my own Seventh Congressional District, the newly created Sixth District is totally wrapped around it. It is just really indefensible that we could craft districts this way.

I was told that the Eighth District in Bucks County just jumps in and takes a little piece of Montgomery County, the reason being for ethnic reasons. I am told they just wanted to make the 13th District more Republican by pulling out a Jewish section of the 13th District. To me that is not defensible; it is not good politics.

Mr. Speaker, I would urge a “no” vote, and I would hope that people out there realize what a bad vote this is for those who cast their vote in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman, Mr. Vitali, and recognizes the lady from Indiana County, Ms. Steelman. Will the lady yield, please.

You did the right thing then.

Conferences on the floor, please break up.

Ms. STEELMAN. Thank you, Mr. Speaker.

The SPEAKER. Will the lady yield, please.

Ms. STEELMAN. Yes.

The SPEAKER. Conferences in the back of the House, please. Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

The plan that is before us is a reflection of the partisan political process by which it was developed. As many of you know, for a number of years now I have tried to convince the General Assembly that we would better serve the people of Pennsylvania if we moved away from this process and adopted a nonpartisan and nonpolitical process of reapportionment. Obviously, I have failed in that endeavor, and as a result, what we see in this plan is a set of congressional districts that do not serve the interests of the people of Pennsylvania; they do not serve the

interests of many of the people who are incorporated within these districts, and it is questionable whether they serve the interests of Pennsylvania as a whole.

It would be hard to develop a truly responsive representative plan as long as we are so dramatically politicized in our process, but at least the last time that we went through reapportionment, when I thought it could not get any worse, we were more nearly politically balanced. At this point we have almost complete control of the political process by one party, and unfortunately, what we see in this plan is the epitome of the aphorism that power corrupts and absolute power corrupts absolutely. This plan is essentially at its heart corrupted by the desire to grab power rather than to perform the act that we should, as members of the government, to serve the people that we are supposed to represent.

Thank you. I hope that we will vote not to concur, although I have very little hope of that happening. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the lady from Berks County, Mrs. Miller. Mrs. MILLER. Thank you, Mr. Speaker.

I rise in support of SB 1200, and my purpose for supporting this legislation is because, unlike my colleague from Berks County, I feel that this congressional redistricting at this point will protect Berks County's interests in Washington, DC.

Earlier in the week when we looked at a plan that had Berks County carved up into four congressional districts, my colleagues and I were not pleased. So therefore, we started the communication that had been going on, but when we saw the four-way plan, we decided that this was not something we could accept and so we reinvigorated the communication with the leadership in the Senate. As a result of that, we saw the three-way congressional district plan come forward, and as we look at it now, we can see that the one portion that is going into the district now served by Congressman Gekas is strictly one that has the major portion of Berks County's agricultural community tied in all the way from Earl and Oley Townships all the way across the northern part of Berks County into Lebanon, Dauphin, Schuylkill, and Perry Counties.

Mr. Speaker, this is a benefit for us, and even though our current Congressman has served on the House Agriculture Committee in Washington, DC, we have assurances that Pennsylvania will continue to have a person in that seat in the House in Washington.

Mr. Speaker, we have also been working with and making sure that anyone who would be serving as our new Congressman in the Sixth Congressional District does not—

The SPEAKER. Will the lady yield for a moment.

Please, conferences on the floor, move off the floor. Please.

Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

As I was saying, I feel that we have started a communication. Even today with the people who may be representing Berks County if this plan is approved, they are coming into Berks County, meeting with our leadership, talking with us, and they are not going to forget our urban center, the city of Reading. Mr. Speaker, I believe that we must continue to make sure that we as citizens, we as State legislators, continue to communicate with our Congressmen to make sure that we stay in touch with them so

that we can continue to have the benefits of having programs that will benefit the city of Reading.

And, Mr. Speaker, for those reasons and because of the fact

that I feel this is the best plan that we can have at the moment, I am going to be supporting SB 1200.

The SPEAKER. The Chair thanks the lady.

Mr. James, do you wish to speak on this subject? The gentleman is recognized.

Mr. JAMES. Mr. Speaker, I am trying to find my remarks. Can you come back to me? Can you be at ease or either come back to me?

The SPEAKER. No, it will not be easier. We have only the two floor leaders to debate and we save them until last.

Mr. JAMES. Okay. I am all right now.

The SPEAKER. If you like, you could submit your remarks for the record.

Mr. JAMES. That is okay, Mr. Speaker. I got it.

The SPEAKER. Mr. James, you are recognized.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, I would like to express my frustration with this proposed congressional redistricting plan. I am disturbed and concerned about this plan not only because of how it would impact the majority of my constituents but also because of what it will mean to the minority population of Philadelphia.

Mr. Speaker, 10 years ago I filed a court action against the redistricting plan on behalf of the Pennsylvania Legislative Black Caucus under the leadership of then Representative and now Senator Vincent Hughes, and our goal was to ensure that the majority of the First Congressional District be of the minority population whereby it would become a majority minority district, because Philadelphia qualifies, Mr. Speaker, and Philadelphia deserves two majority minority districts. The settlement that was reached as a result of that court suit gave the First Congressional District a 52-percent African-American population and a 10-percent Hispanic population.

This current redistricting plan reduces that and it gives the First Congressional District only about a 47-percent African-American population and a 12-percent Hispanic population. Now, some might say, well, why am I so concerned when the district is still slated to have a majority of minorities? Well, I am satisfied with that part, that it is going to be a majority of minorities, but I am distressed that the district was redrawn to represent fewer African Americans, thereby reducing their vote and an opportunity to elect an African American.

In a city with a significant African-American population, the redrawn First Congressional District does not reflect the city's population. Of the city's 1.5 million people, the African-American population, according to the 2000 U.S. census, is only 2 percent less than that of the white population, and compared with the 1990 census, the white population in Philadelphia has decreased while the African-American population has increased. I believe, Mr. Speaker, that the new district does not adequately reflect the minority population and brings about a significant decrease in African-American representation.

It is difficult for me to approve a plan that I object to, but I reluctantly am doing so because this issue needs to be addressed now, and I do not want to have the Federal court throw it back to the State Supreme Court — unless, of course, then maybe Judge Wogan is on the State Supreme Court; then that may be okay — but I do not want it to go on to the Supreme Court under its new leadership to be decided how our district maps should be redrawn.

So additionally, Mr. Speaker, Congressman Brady, who currently represents the First District, in a conversation that I had

with him yesterday, has said that he welcomes a larger minority population for his district, and although he is disappointed with the new plan, he, however, accepts it. Congressman Fattah, on the other hand, who is also a Congressman in my district, he does not like the plan that much either, and he is opposed to the plan and he does not accept it.

But I also reluctantly agree to this new plan because Congressman Brady has indicated that the African-American voting-age population will increase by 16,000 within the next 2 years. However, Mr. Speaker, I am voicing my extreme disappointment that the First Congressional District does not remain a majority minority district of African Americans.

So reluctantly I would cast my vote for this, Mr. Speaker. Thank you.

The SPEAKER. The gentleman, Mr. Belfanti. Will the gentleman yield for a moment.

Members, please.

Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker, and what a great day to be a member of the Grand Old Party.

I am standing here because I would like to interrogate Representative Gerry Mander, Jr., but I understand that he is still in the conference room with his father, Senator Gerry Mander, Sr.

I am still trying to figure out how to respond to these squiggly lines that seem to draw the congressional district map we have before us. The two Gerry Manders are trying to explain the shape of the 12th, 18th, and 4th Districts in the southwest, the 6th, 7th, and 13th Districts in the southeast, the 3d District in the northwest, and the 10th District in the northeast, which is now where my district is, stretching from the mid-State up to the New York border and over to the New Jersey border.

Mr. Speaker, I think the editorial boards in this State – and hopefully the State courts at some point – will see that while we have presently 21 Congressmen that are 11 Republican and 10 Democrats, and the fair thing to have done would have been to eliminate one of each party and make it a 10-and-9 congressional delegation, but even at worst we assume that the GOP having control of both chambers would eliminate two Democratic Congressmen and still leave themselves in a very healthy control of the Senate, but, Mr. Speaker, four seats had to be eliminated by the makers of this map, Senator Gerry Mander, Sr., and Representative Gerry Mander, Jr. We are now looking at a map that will contain 13 Republican districts and 6 Democratic districts in a Commonwealth that has a 500,000-plus Democratic majority. I do not know how that is possible without a lot of squiggly lines, and I have been looking at them all morning and all afternoon.

Mr. Speaker, I am rising to oppose this map, and I know how to count. I understand that this map is going to be adopted today. However, it is my hope that the many organizations that intend to appeal this map will be successful and we will find ourselves back into a conference room leaving the two Gerry Mander House and Senate members out.

Thank you.

REMARKS SUBMITTED FOR THE RECORD

Mr. WOJNAROSKI submitted the following remarks for the Legislative Journal:

Mr. Speaker, I rise to speak against this congressional reapportionment plan because the only plan I will vote for is a plan that will “retain” the integrity of the 12th Congressional District.

Since I was first elected to the House, I have been told time and again about the importance of seniority. Seniority gets you a seat at the table, it gets you on the right committees, and it gets you the right chairmanships. That is one of the reasons why I will be voting against this map, Mr. Speaker, because it destroys seniority and bipartisanship in favor of party politics.

This map severely weakens my Congressman, Jack Murtha, the dean of the Pennsylvania delegation. Congressman Murtha has 27 years of seniority in Congress, the most of anyone in our State and among the top 10 in the entire Congress. This map weakens Jack Murtha, and as a result, it hurts Cambria County and all of Pennsylvania, from Pittsburgh to Philadelphia and everywhere in between.

When I first came here, I voted to make sure that members with seniority receive committee chairmanships. I voted for seniority then and I am voting for seniority now. Preserving Jack Murtha’s seniority is important to Cambria County and all of Pennsylvania.

Mr. Speaker, I urge my colleagues to vote against this bill. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. There is nothing but roguery to be found in villainous man. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Perzel.

Mr. DeWeese, you have further remarks?

Mr. DeWEESE. Due to the very smooth engineering of my worthy counterpart, the majority leader, today’s debate and this week’s endeavor will be very short. But I would be remiss if I did not embrace the opportunity to make some observations about an event that only transpires once a decade.

Falstaff had it all on target. In fact, Falstaff could be amongst us today. There is roguery in this map; there is villainy in this map, and the people that will suffer are preeminently poor people and middle-class working families in our State.

As has been said but needs said again for the record, in the last decade Pennsylvania had 21 congressional Representatives. Because of a swing in population toward Georgia and Florida and Texas and California and the stability in our population, we only have 19.

Mr. Speaker, may I ask for some additional order? Mr. Speaker?

The SPEAKER. The gentleman will yield.

Conferences, please. Members, take your seats. Mr. DeWeese is the next to the last speaker. We will be out of here soon enough. Conference in the aisle, break up.

Mr. DeWeese.

Mr. DeWEESE. Thank you very much, Mr. Speaker.

But we are going to go from 21 seats to 19 seats, and although there are one-half a million more Democrats in Pennsylvania, Mr. Veon and myself and the men and women who serve with us on the Democratic side of the aisle embrace that French phrase of “realpolitik,” and we believe that the Democrats are outnumbered in the House and the Senate, and we do not control the Governor’s Mansion, so we thought it would be appropriate to sculpt Pennsylvania’s new reapportionment map of 19 members with 10 Republicans and 9 Democrats – 10 to 9 for our 19. Even our map was a bipartisan acquiescence to the realities of governing in the Assembly and in the Governor’s Mansion, but that did not seem to be good enough. So what we have today, Mr. Speaker, is a map that could very conceivably render 14 Republican

congressional Representatives and 5 Democrats – 14 to 5 – notwithstanding the fact that we have almost a half a million more Democrats in Pennsylvania than there are Republicans.

About 450 years before Christ, the Greek historian Thucydides said that the source of evil in government is a thirst for power from rapacious and ambitious passions. I look around the room and I see well-educated young people who went to Liberty University, who went to West Point, who went to Harvard, who studied Thucydides, but today their ambitious and rapacious passions are foreordained. They forget the lessons of history, and they will succumb to this map, which I believe is a betrayal and a deception and a debauchery. I think that in some flight of metaphorical fancy, it might even be referred to by a more extreme hyberbolist as political buggery, but not by me, of course. Even Genghis Khan and his pyramid of skulls was treachery that was in your face. This is more subtle; this is more politically sublime.

Your warrior elders are anticipating a 14-to-5 congressional victory, and some of my Democratic United States congressional brethren have acceded in this mischief. Long before the American Revolution, Jeremy Bentham promulgated a philosophy that was undergirded with the phrase “the greatest good for the greatest number.” If you look at this map, the greatest good for the greatest number is contravened by Republican mapmakers. In fact, one of these, the 12th Congressional District, you do not even have to turn it upside down, just look at it like I am looking at it, and you will see a supine sea horse with its legs extended, a sore throat, and genitalia extending toward Wheeling, West Virginia. This is an obscenity of the first magnitude.

Now, I will admit that I have to turn Pennsylvania on its side, as the honorable majority leader and his deft technicians have done, to come up with a description of the 18th. My passion for Freud is such that I still do not have a good metaphor for this one, but it almost looks like an instrument of military aggression.

I had a wonderful Christmas. I fell in love, with a guy, named John Adams. David McCullough, David McCullough, David McCullough, who spoke at the Chamber of Commerce banquet with all of my wonderful Republican friends, was sharing that book with Mr. Perzel and Mr. Barley and the Governor and myself, Mr. Jubelirer and many, many others, and I took the time to read it over the week between Christmas and New Year’s, and I was transfixed, and nothing affected me more than a comment by a man who preceded the American Revolution, Mr. James Harrington. He was a member of the House of Lords, but he was very enlightened, and he said that a representative Assembly – our congressional districts – a representative Assembly should be an exact portrait in miniature of the people represented – an exact portrait in miniature of the people represented.

Now, this colossal bastardization that you have foisted upon us, with the help of four of my congressional brethren, is allowing an honorable worthy from Johnstown to extend his sphere of influences to those rural townships in western Greene County. It takes days to traverse that long and winding path, and hopefully, hopefully, there will be mechanisms to redress this map in the near future. But I am having a hard time finding out how all of you inspired, decent, worthy, many of you Protestants, could go against your education, your upbringing, and allow something like this to take place. Gerrymandering has always been a reference dripping with pejorative, and you are acceding to one of the most aggressive gerrymandering phenomena in the United States of America. People who study these issues in Washington, DC, say

amongst the 50 States, amongst the 50 States, this is the most rancid and coruscating manifestation of tragicomic arrogance and Republican aggrandizement, period.

Now, for those of you who think that good, solid Americanism went by the wayside with Abigail Adams, you may be right. But Abigail said something, and I think I saw her in the balcony a little bit ago; it might have been a specter. Not Arlen; Arlen is with Perzel. Abigail Adams made a wonderfully poignant reference that I think is apropos to this debate. She said, I am more and more convinced that man is a dangerous creature, and that power vested in many or vested in few is ever grasping. Mr. Speaker, this map, this gerrymandered monstrosity, is an ever-grasping effort on the part of the State Republican apparatus to change the way working families are represented in Pennsylvania.

Ever grasping brings me to my second of three points, and I again have to hearken to John Adams. I would recommend that every man and woman privileged to serve momentarily as a part of a representative government would embrace that book, but John Adams said that most people, most people in the late 18th century had about as much to say in their government as they did about the weather. That is about what Veon and DeWeese and the rest of us had to do with this map. We had about as much influence on this map as we had upon whether that golden orb would shine or be beclouded today. This representative Assembly has effectively cut out approximately half of its membership. This is the product of one party, and although there will be members of this caucus support the map, it will be for obvious and understandable political impulses.

Mr. Speaker, this is an ostentatious display of power by people in the State Senate, by the long, palpitating musculature of Richard Santorum and Melissa Hart and one as ambitious as Oliver Cromwell – Timothy Murphy in the State Senate.

I saw an article the other day in the Valley News Dispatch, Mr. Speaker, and it reminded me of the whole essence of this debate, especially when 500,000 Democrats are potentially disenfranchised by our efforts today. To quote from Dr. Timothy Murphy a day or two before Christmas, “I just heard we’re going to go back into session and vote on something,” Murphy said. “It looks like there’s going to be a new district out here.” Gee whiz. Golly. Holy mackerel. The queen bee of the South Hills pirouetting in Pittsburgh, all these machinations upwelling within his own Machiavellian design, and he tells the newspaper, we may be going back; there may be a new district. What disingenuousness, Dr. Murphy. Do not let us think that you were just casually standing by, that raw, naked ambition was not the fundamental core of this map. Mr. Murphy, wherever you are, you are responsible, in my view, for this map that looks like a supine sea horse with a sore throat, and you know the rest of the story. You were responsible for this dagger into the heart, this dagger into the heart of the sea horse. Anybody that sees this map should talk to Dr. Timothy Murphy of Pittsburgh, Pennsylvania. This is a depraved and farcical and avaricious map, and it is numbing to the eyes.

Whatever happened, whatever happened to all you well-educated young men and women? Do you not remember words that you learned in school, like “common good” and “public trust” and “checks and balances”? The refrain is probably in the negative. There is no common good here. There is no natural right. I would like you to unbosom yourself to this map, but I think that is to no avail. And speaking of unbosoming, I have a third and final point. You should like this one.

Mark Schweiker; Mark Schweiker. Veon remembers it very well. September 11 had just come and gone. The Honorable Governor of the Commonwealth, Thomas Ridge, is in the balcony of the United States Congress. A joint session is hearing the President of the United States summon our Governor to Washington. Within hours, to his infinite credit, the man we all like, enjoy, get a kick out of, and have a fraternal bond with, Mark Schweiker, calls Mike Veon, calls Bill DeWeese, and calls the leaders in the four caucuses, and I will never forget what he said, and that is why I still have hope for the sea horse and the dagger. He said, Bill, we are not Republicans, we are not Democrats – you guys can hear him now – we are not Democrats, we are not Republicans; we are Pennsylvanians. Well, Mark, if you have a jot or tittle of idealism in your governing ethos, you will not sign this bill; you will veto this proposal. You have a chance to be a bold dragoon. You have a chance to be like Jeb Stuart at Catlett's Station. You have a chance to ride hard, Mark Schweiker. These young politicians here will acquiesce to the merest breeze, to the merest whimsy, but you are a Governor. You are not running again. You have a chance to be audacious and intrepid and strong and adamant and unyielding. You have a chance to make history. I doubt if it will happen, but—

Mr. Speaker, I have almost concluded my observations on this emanation from the legislative dungyard.

The SPEAKER. And you would not lie to us.

Mr. DeWEESE. I would not.

If this excrescence makes its way past our young Governor, then I am hopeful that a unanimous Supreme Court will find it worthy of condign censure, and if that eminently bipartisan series of jurists decides to ingratiate themselves to my worthy colleague, the majority leader, and his elders, then naturally I hope that the Federal authorities at the court will give it a severe verdict. This monstrous legislative afterbirth surely cannot be sustained in front of the bar of history.

The greatest Republican of them all, Mr. Speaker, spoke on a field in Pennsylvania in November of 1863, and his refrain still reverberates through all of history, and it should make a resonant sound in the heart of every true Republican, especially Republicans who grew up reading our history, who read about natural rights as they evolved in Philadelphia, who read about a balance of power, checks and balances, a man like Abraham Lincoln, who affirmed the immortal words “with malice toward none and charity for all.”

Let us move forward. This is full of malice, it is devoid of charity, and it deserves a negative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

I am reminded of the words of that same President when he said, he can compress the most words into the smallest idea of any man I ever met.

Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

I would apologize to the members for not having as much rest as the minority leader over the last couple days to be able to keep up with that.

I did want to remind him, though, that—

The SPEAKER. The gentleman will yield for a moment, please.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Veon, who requests that Mr. PRESTON be placed on leave for the balance of today's session. Without objection, leave will be granted. The Chair hears none.

CONSIDERATION OF SB 1200 CONTINUED

The SPEAKER. Mr. Perzel. I apologize.

Mr. PERZEL. But I thought for the sake of the members and for facts, Mr. Speaker, 400 years before the birth of Christ I believe the Greeks were in charge, not the Republican Party. So we have not been around doing things like that all those years. We did keep Greene County whole, also, Mr. Speaker. We made sure he was all right.

It is unfortunate, and I do not think anybody in this chamber wanted us to lose a congressional member despite the fact that we are going to lose two – we did not want to lose any – and we had to draw a map that reflected the fact that we would lose two congressional seats. It was mentioned by one of the members earlier about the fact in Philadelphia that the minority areas did not actually grow in minority representation, but that was because of involuntary retrogression, Mr. Speaker. Both of those seats had to pick up 125,000 people, so we had to go wherever we could to pick up those people. Our deviations on this map range from plus 9 to a minus 10 from the largest to the smallest of districts. That is a range of 19. And as I said, the districts had to grow from 565,000 10 years ago to 650,000 now, Mr. Speaker.

In our plans we were able to keep Congressmen Murtha and Mascara in separate districts in southwestern Pennsylvania. As a matter of fact, in a newspaper article, very recent, Murtha said, the compromise map being worked out will not be to my disadvantage; that was what I was worried about. So he supports the map that we have before us, Mr. Speaker. And yes, we did get other congressional members to be for the map. I would be a liar to say anything less than that, Mr. Speaker. But there are a couple of things.

We kept the two majority minority seats intact, and a minority can win either one of those two seats, Mr. Speaker. And this plan – and this is the most important part – this plan has seven districts with Republican registration majorities, seven with Democrat registration majorities, five where neither party has the majority. Of the five, Mr. Speaker, three have a GOP plurality and two have a Democrat plurality, Mr. Speaker. The voters in those districts will decide who gets elected in those congressional districts, Mr. Speaker. Not the people on the floor of this House, the voters of those congressional districts will make a decision as to who they elect.

So, Mr. Speaker, with that being in mind, this is as fair as we can be at this point in time, Mr. Speaker. I would ask the members for a positive vote on SB 1200. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the report of the committee of conference?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—132

Adolph	Fichter	Marsico	Ruffing
Allen	Fleagle	Mayernik	Sainato
Argall	Flick	McCall	Sather
Armstrong	Forcier	McGill	Schroder
Baker, J.	Gabig	McIlhattan	Schuler
Baker, M.	Gannon	McIlhinney	Semmel
Barley	Geist	McNaughton	Smith, S. H.
Barrar	Gordner	Melio	Steil
Bastian	Habay	Metcalfe	Stern
Birmelin	Harhart	Michlovic	Stetler
Bishop	Harper	Micozzie	Stevenson, R.
Blaum	Hasay	Miller, R.	Stevenson, T.
Browne	Hennessey	Miller, S.	Taylor, E. Z.
Bunt	Herman	Mundy	Taylor, J.
Butkovitz	Hershey	Myers	Thomas
Civera	Hess	Nailor	Tulli
Clymer	Horsey	Nickol	Turzai
Cohen, L. I.	Jadlowiec	O'Brien	Vance
Coleman	James	Oliver	Wansacz
Cornell	Kaiser	Perzel	Washington
Corrigan	Keller	Petrarca	Waters
Costa	Kenney	Petrone	Watson
Creighton	Kirkland	Phillips	Williams, J.
Dally	Krebs	Pickett	Wilt
DeLuca	LaGrotta	Pippy	Wogan
Dermody	Lederer	Pistella	Wright, M.
DiGirolamo	Leh	Raymond	Youngblood
Diven	Lewis	Readshaw	Yudichak
Eachus	Mackereth	Rieger	Zimmerman
Egolf	Maher	Roebuck	Zug
Evans, D.	Maitland	Rohrer	
Evans, J.	Major	Ross	
Fairchild	Mann	Rubley	Ryan,
Feese	Markosek		Speaker

NAYS—59

Bard	Daley	Lescovitz	Stairs
Belardi	DeWeese	Levdansky	Steelman
Belfanti	Donatucci	Lucyk	Sturla
Benninghoff	Frankel	Lynch	Surra
Buxton	Freeman	Manderino	Tangretti
Caltagirone	George	McGeehan	Tigue
Cappelli	Godshall	Pallone	Travaglio
Casorio	Grucela	Roberts	Trich
Cawley	Gruitza	Robinson	Veon
Clark	Haluska	Samuelson	Vitali
Cohen, M.	Hanna	Santoni	Walko
Colafella	Harhai	Scrimenti	Wojnaroski
Coy	Hutchinson	Shaner	Wright, G.
Curry	Laughlin	Solobay	Yewcic
Dailey	Lawless	Staback	

NOT VOTING—0

EXCUSED—11

Bebko-Jones	Josephs	Rooney	Strittmatter
Boyes	Preston	Saylor	Trello
Cruz	Reinard	Smith, B.	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SB 1200, PN 1645

An Act to apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

Whereupon, the Speaker, in the presence of the House, signed the same.

CONDOLENCE RESOLUTION

The SPEAKER. Members, please stay on the floor for a moment. A former member of the House recently died, a very fine member, Jim Barber from the city of Philadelphia. Please take your seats. The condolence resolution is about to be read.

The Sergeants at Arms will close the doors of the House. Please take your seats. May I have your attention, please? The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, The House of Representatives of Pennsylvania notes with deepest regrets that the Honorable James D. Barber, a former member of the House who served the 190th Legislative District, passed away December 23, 2001, at the age of eighty-one; and

WHEREAS, Mr. Barber was born in Columbia, South Carolina. He relocated to Philadelphia as a teenager and then returned to South Carolina to attend Allen University. He began his political career as a Committeeman in 1947 and was elected to the House of Representatives of Pennsylvania in 1968. He was reelected for eight consecutive terms. Mr. Barber served as an elective board member of the NAACP; as the first Chairman of the Pennsylvania Legislative Black Caucus; as Chairman of the House Democratic Health and Welfare Committee; and as a member of the Governor's Task Force for Special Needs Children. He was also Vice Chairman of the Philadelphia Black Elected Officials and a member of the Board of Trustees of the Philadelphia Prison Board. Additionally, Mr. Barber was a former member of the Monumental Baptist Church and in 1998, he joined the White Rock Baptist Church. Prior to his political career, he was employed at the Philadelphia Naval Yard and pursued a business career by opening a restaurant and a number of barber shops in the West Philadelphia area; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of the Honorable James David Barber, who served his community and this Commonwealth in a way most befitting the highest ideals of public service; extend heartfelt condolences to his daughter, Diane Hannah; and two grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Michael Horsey, be transmitted to the family of the Honorable James David Barber.

Matthew J. Ryan
Speaker of the House
ATTEST:
Ted Mazia
Chief Clerk of the House

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for a former member. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable James D. Barber.)

The SPEAKER. The resolution has been unanimously adopted. The Sergeants at Arms will open the doors of the House.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen, is recognized for the purpose of making an announcement.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, for those members who are in Harrisburg, there will be a meeting in the Democratic caucus room to go over what we know about the schedule in January at 10 a.m. tomorrow morning.

The SPEAKER. The Chair advises the members that there will be a nonvoting session tomorrow.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Mr. Solobay, I understand you have remarks for the record.

Mr. SOLOBAY. Thank you, Mr. Speaker.

I have remarks to submit for the record on SB 1200. Thank you.

The SPEAKER. The gentleman will please send them forward.

Mr. SOLOBAY submitted the following remarks for the Legislative Journal:

In my experience, things look better if you are positive. Solutions are easier if you think outside the box.

Driving down the turnpike this morning, I had about 4 hours to think of something positive that could come out of this plan.

In 4 hours of positive thinking, I came up with nothing. Not one good thing can come from this plan.

When we debated the plan a few weeks ago, our colleague, Pete Daley, referred to the plan as "chipped chopped ham." Now it is minced ham. Not only will this decimate the southwestern counties, but it splits counties that have never before been split. It splits communities and townships in Washington County and even splits wards in voting precincts. That does not make any sense!

The bipartisan unity we enjoyed so briefly following the horrible events of September 11 has died a quick death. Its tombstone will be this plan.

I cannot vote for this plan. I urge everyone, if you are truly dedicated and committed to fair and proper representation for all Pennsylvanians, to vote against this plan.

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman, Mr. Trich, who asks that the record reflect that his vote on SB 406 on December 12, 2001, should have been in the affirmative. The remarks of the gentleman will be spread on the record.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Mr. Costa.

Mr. COSTA. Thank you, Mr. Speaker.

I would like to submit comments for the record, please, on SB 1200.

The SPEAKER. The Chair thanks the gentleman. Send the remarks to the desk.

Mr. COSTA submitted the following remarks for the Legislative Journal:

Mr. Speaker, over the past few months I have seen several versions of congressional redistricting maps. In my opinion, they all had their own pros and cons. Unfortunately, this version splits my municipality, Wilkins Township, by putting one voting district (ward 2 district 2, where I live) in the 14th Congressional District and the other six voting districts into the 18th Congressional District. My neighbors who live down the street from me and who vote at the same polling place as I do will be voting for and will be represented by a different Congressperson than I will. My fear is that this will cause confusion for not only the voters but also the candidates. If I had input into this map, I would have liked to make municipalities whole or at least keep municipal wards whole. Unfortunately, I was not selected to be on the conference committee.

I realize that we have a responsibility to the people of this Commonwealth to have the 19 congressional districts drawn in a timely manner. I also realize that it is practically impossible to make everybody happy. Therefore, I will reluctantly vote for SB 1200.

Thank you, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

Ms. WASHINGTON submitted the following remarks for the Legislative Journal:

The latest figures for year 2000 from the U.S. Census Bureau indicate that the Commonwealth of Pennsylvania is populated by 12,281,054 citizens, 1,224,612 of which are of black and/or African-American descent (12 percent of the State's population). Hispanics who reported their race as black, either alone or in combination with other races, are included in the number for blacks. Of the 1,224,612 African Americans said to reside in Pennsylvania, one-half (655,824) live within the confines of Philadelphia County, while 568,788 African Americans are dispersed throughout the remaining 66 of Pennsylvania's 67 counties. After Philadelphia County, with its 655,824 African-American residents, the next 10 counties in terms of resident population of African Americans are Allegheny County (159,058); Delaware (79,981); Montgomery (55,969); Dauphin (42,580); Chester (27,040); Bucks (19,495); Erie (17,202); Berks (13,778); and Lancaster (12,993). These figures, in accordance with Public Law 94-117, are used to draw boundaries for legislative districts (redistricting) and congressional districts (reapportionment).

African Americans in Pennsylvania do not have "proportional" representation in either the Senate of Pennsylvania or the Pennsylvania House of Representatives. Out of a total of 50 Senators, Pennsylvania seats three from minority districts in the Philadelphia area. If 12 percent of the African-American population were proportionally represented in

the Pennsylvania Senate, there would be six sitting minority Senators. Similarly, there are 16 sitting minority members in the Pennsylvania House of Representatives. If 12 percent of the African-American population were represented in the membership of the body of the House, they would hold at least 24 of the 203 House seats. Of the 16 minority members of the Pennsylvania House of Representatives, 2 represent citizens from Allegheny County, 1 represents citizens from Delaware County, and the remaining 13 represent citizens from Philadelphia County. In effect, the remaining African-American citizens dispersed throughout Pennsylvania have no direct representation in either legislative body. If it were not for the advocacy of the PA Legislative Black Caucus, the 5,189 African Americans living in Lycoming County, the 59 African Americans living in Jefferson County, the 3,544 African Americans living in Centre County, et cetera, would have no legislative "voice" in Pennsylvania at all.

According to law, each of Pennsylvania's 203 legislative districts is to have approximately 50,000 individuals residing in each. With recent population shifts since the last census, we are told that the areas with a growing concentration of minority voters will not gain legislative representation, while the growing areas of the State with concentrations of majority voters will gain legislative representation.

In most of Pennsylvania, the legislative redistricting process and the congressional reapportionment process have little significance or effect on populations of color because the numbers, in comparison to the numbers from the 1990 census, have neither risen nor fallen significantly enough to have an impact one way or another. Thus, in my opinion, the processes are a "non-issue" in every one of Pennsylvania's counties with the exception of Philadelphia County, since people of color lack representation anyway.

Philadelphia County, Pennsylvania, ranks number four in the United States in total population of black and/or African-American people. According to U.S. census figures and information provided for purposes of congressional reapportionment and legislative redistricting, over the last 10 years, more people who classify themselves as white (142,572) have left Philadelphia, thus increasing the minority population, as the city's black, non-Hispanic population increased by 32,314 and its Latino population increased by 39,735. Accordingly, logic seems to follow that instead of the two "minority" congressional districts that are seated in Philadelphia, a third minority district should be added. However, it is my understanding that such a scenario has never been given serious consideration by members of Pennsylvania's bipartisan Reapportionment Commission. It is interesting to note here that of the two "minority" congressional seats located in Philadelphia, only one is held by a person of color, the Honorable Chaka Fattah. The other is held (coincidentally?) by the Honorable Bob Brady, who is also the powerful chief of the Philadelphia Democratic Party. Mr. Brady currently serves as the only majority member in the United States Congress who represents a minority district.

Getting back to the issue of legislative redistricting, it appears that the final plan, particularly in the case of Philadelphia, has been drawn in such a fashion as to dilute the voting strength of minority populations in certain districts and group together communities that have little or nothing in common, and splits communities that share factors of commonality such as ethnicity and certain geographical boundaries. Although the Latino population has grown in such number as to dictate a second legislative seat and increased representation on Capitol Hill, if the current plan is approved and put into place, such representation will not be forthcoming in the newly configured districts. This appears to be a violation of the equal protection clause of the 14th Amendment to the Constitution of the United States. When looked at realistically and not through lenses tainted by racism, politicism, and favoritism, the mathematical calculations show that at least 60 percent of legislative seats will go to 45 percent of the (white) population.

Based on my reading and research into the issue of Pennsylvania's current legislative redistricting and congressional reapportionment process, I would conclude that in Pennsylvania, there are no positive aspects to the 2001 redistricting and reapportionment plans as they relate

to African-American and other minority people. The current plan will lessen representation and a strong voice for the Commonwealth's citizens of color, at least for the next 10 years, if not beyond. At a time in Pennsylvania when, according to the PA Human Relations Commission, hate crimes are on the rise and the Ku Klux Klan is actively and aggressively establishing a strong presence in northern Pennsylvania, the current plan bodes ill for citizens of color in the Commonwealth.

It is indeed a travesty and gross injustice that instead of growing, a design has been agreed to and put into place to shrink African-American political power and representation in the nation's fifth largest city – the city where the quest for "liberty and justice for all" is said to have begun.

I would like to thank my staff and Cindie Watkins for their assistance with the research.

BILLS REREPORTED FROM COMMITTEE

HB 50, PN 36

By Rep. BARLEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for per capita taxes.

APPROPRIATIONS.

SB 400, PN 1466

By Rep. BARLEY

An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, further providing for the State Board of Physical Therapy; providing for a certificate of authorization to practice physical therapy without the required referral; requiring professional liability insurance coverage and continuing education; and providing penalties.

APPROPRIATIONS.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. Does the majority leader or minority leader have any further business?

Hearing none, the Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I move that this House do now adjourn until Friday, January 4, 2002, at 10 a.m., e.s.t., unless sooner recalled by the Chair.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:18 p.m., e.s.t., the House adjourned.