

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 25, 1999

SESSION OF 1999

183D OF THE GENERAL ASSEMBLY

No. 51

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

PRAYER

REV. WILLIAM A. MILLER, Chaplain of the House of Representatives and retired United Methodist minister, Myerstown, Pennsylvania, offered the following prayer:

Our Father, we thank You for watching over us this past week and for bringing us safely here today. For Your love and protection we are appreciative and grateful, and we thank You for Your great blessings upon our country. Help us to enjoy the beauty and the bounty of Your provisions for us, and may we ever be mindful of this good land that You have given us and not to waste the natural resources of our country.

Father, Your glory is in all the land, and in these halls of government, guide us by Your providence that we may dwell secure in Your care. For all who are in authority in our country and in this State, grant wisdom and courage to know and to do Your will. May Your blessing be upon our Speaker of the House and the former Speaker who is visiting with us today and all of our Representatives. Fill those who lead us with the love of truth and righteousness, and make them ever mindful of their calling to serve the people of their constituency.

May we always strive to show forth Your glory among the nations of the earth. 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, October 20, 1999, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1989 By Representatives YUDICHAK, SOLOBAY, GRUCELA, RUFFING, ARMSTRONG, BELARDI, COY, EVANS, FRANKEL, GIGLIOTTI, GEIST, MUNDY,

READSHAW, RUBLEY, SAYLOR, SCHULER, B. SMITH, WALKO, WILLIAMS, WATERS, PESCI, THOMAS, WILT, MAITLAND, LYNCH, E. Z. TAYLOR, CURRY, STABACK, McCALL, PETRARCA, PISTELLA, COSTA and BENNINGHOFF

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, further providing for school tobacco control.

Referred to Committee on EDUCATION, October 25, 1999.

No. 1990 By Representatives E. Z. TAYLOR, SCHULER, VANCE, GEORGE, ADOLPH, ARGALL, BELARDI, BELFANTI, BLAUM, BUNT, L. I. COHEN, CORRIGAN, DeLUCA, DEMPSEY, FAIRCHILD, FRANKEL, HALUSKA, HARHAI, HENNESSEY, HERMAN, LEDERER, LYNCH, MARSICO, McCALL, MUNDY, ORIE, PESCI, PISTELLA, RUBLEY, SAYLOR, SEYFERT, STABACK, TRUE, WILLIAMS, WILT, YOUNGBLOOD and ROSS

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, further defining "facility"; and further providing for applicability.

Referred to Committee on AGING AND YOUTH, October 25, 1999.

No. 1991 By Representatives STEVENSON, TRELLO, HENNESSEY, BARRAR, SAYLOR, McNAUGHTON, PIPPY, BATTISTO, STEIL, YOUNGBLOOD, CLYMER, DALLY and McILHINNEY

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for condominiums.

Referred to Committee on URBAN AFFAIRS, October 25, 1999.

No. 1992 By Representatives STEVENSON, TRELLO, HENNESSEY, BARRAR, SAYLOR, McNAUGHTON, PIPPY, BATTISTO, STEIL, YOUNGBLOOD, CLYMER, DALLY and McILHINNEY

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for planned community.

Referred to Committee on URBAN AFFAIRS, October 25, 1999.

No. 1993 By Representatives STEVENSON, TRELLO, HENNESSEY, BARRAR, SAYLOR, McNAUGHTON, PIPPY, BATTISTO, STEIL, YOUNGBLOOD, CLYMER, DALLY and McILHINNEY

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for real estate cooperatives.

Referred to Committee on URBAN AFFAIRS, October 25, 1999.

No. 1994 By Representatives CHADWICK, MAJOR, BAKER, BELFANTI, CAWLEY, DEMPSEY, DeWEESE, FAIRCHILD, FARGO, FEESE, HANNA, JADLOWIEC, LEH, LYNCH, McCALL, PESCI, SEYFERT, B. SMITH, SURRA, TANGRETTI, VAN HORNE, WILT, YOUNGBLOOD, SATHER and MASLAND

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, providing for payments to certain local taxing authorities to offset assessments reduced under this act.

Referred to Committee on LOCAL GOVERNMENT, October 25, 1999.

No. 1995 By Representatives DeWEESE, VEON, EVANS, M. COHEN, COY, BELARDI, LESCOVITZ, THOMAS, STETLER, BELFANTI, CASORIO, YUDICHAK, COLAFELLA, DERMODY, ROBINSON, STURLA, JOSEPHS, SAINATO, PESCI, CAPPABIANCA, FREEMAN, HARHAI, OLIVER, FRANKEL, BUXTON, CALTAGIRONE, DeLUCA, LUCYK, EACHUS, GRUITZA, McCALL, SCRIMENTI, MANN, KELLER, ROBERTS, MUNDY and KAISER

An Act prohibiting the operation of private correctional facilities in this Commonwealth.

Referred to Committee on JUDICIARY, October 25, 1999.

No. 1996 By Representatives REINARD, PETRONE, FICHTER, ARGALL, BROWNE, CAPPABIANCA, COY, DEMPSEY, GODSHALL, HARHAI, HENNESSEY, LEH, MAHER, MARSICO, ORIE, PIPPY, RAMOS, READSHAW, ROBINSON, STABACK, E. Z. TAYLOR, THOMAS, WALKO, WOGAN and WOJNAROSKI

An Act providing for court-appointed receivers to bring residential buildings into municipal code compliance when owners fail to comply.

Referred to Committee on URBAN AFFAIRS, October 25, 1999.

No. 1997 By Representatives KENNEY and BELFANTI

An Act amending the act of June 1, 1937 (P.L.1168, No.294), known as the Pennsylvania Labor Relations Act, further providing for the rights, duties and responsibilities of medical professional employees and health care financing firms.

Referred to Committee on LABOR RELATIONS, October 25, 1999.

No. 1998 By Representatives ROHRER, ARMSTRONG, BARRAR, BASTIAN, BELARDI, BIRMELIN, BLAUM, CAPPABIANCA, CLYMER, CORRIGAN, COSTA, CURRY, DAILEY, EGOLF, FAIRCHILD, FORCIER, GEIST, HESS, JADLOWIEC, LAUGHLIN, LEH, LYNCH, MAITLAND, METCALFE, ORIE, PETRARCA, READSHAW, ROBERTS, SEYFERT, STERN, E. Z. TAYLOR, J. TAYLOR, THOMAS, WALKO, WILT, YEWIC, YOUNGBLOOD, ZUG and SAYLOR

An Act prohibiting the Commonwealth and its political subdivisions from collecting and using Social Security numbers under certain circumstances; and providing for enforcement by the Attorney General.

Referred to Committee on CONSUMER AFFAIRS, October 25, 1999.

No. 1999 By Representatives McILHINNEY, RAMOS, J. TAYLOR and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for requirement for periodic inspection of vehicles.

Referred to Committee on TRANSPORTATION, October 25, 1999.

No. 2001 By Representatives McILHINNEY, BARRAR, HORSEY, ROSS, RUBLEY, SEYFERT, E. Z. TAYLOR, WILT and YOUNGBLOOD

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, adding a definition; and providing for the valuation of land used for wildlife preservation.

Referred to Committee on LOCAL GOVERNMENT, October 25, 1999.

No. 2002 By Representatives STERN, MASLAND, GORDNER, BIRMELIN, READSHAW, FAIRCHILD, LEDERER, BAKER, FARGO, CORRIGAN, SATHER, EGOLF, PLATTS, ARMSTRONG, PHILLIPS, TIGUE, WILT, GEIST, ORIE, ZUG, BARRAR, HENNESSEY, SCHULER, ROHRER, ARGALL, TRUE, SEMMEL, BENNINGHOFF, LEH, E. Z. TAYLOR, S. MILLER, CLYMER, METCALFE and BASTIAN

An Act providing for the use of certain historical writings, documents and records in public schools and during public school events; and prohibiting censorship based on religious or other references in certain historical writings, documents and records.

Referred to Committee on JUDICIARY, October 25, 1999.

No. 2003 By Representatives McILHINNEY, BARRAR, BEBKO-JONES, BELARDI, BISHOP, BROWNE, COLAFELLA, COSTA, DALEY, FRANKEL, GRUCELA, HARHAI, HORSEY, MARKOSEK, ORIE, RAMOS, SAINATO, SEYFERT, J. TAYLOR, THOMAS, TIGUE, WASHINGTON, WILLIAMS, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and ZUG

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for breast cancer awareness license plate.

Referred to Committee on TRANSPORTATION, October 25, 1999.

No. 2005 By Representatives SAMUELSON, S. MILLER, TRELLO, FARGO, M. COHEN, COY, BROWNE, DEMPSEY, MANN, PESCI, SAINATO, SAYLOR, SHANER, WILLIAMS, CAWLEY, CLYMER, FLICK, HERSHEY, LUCYK, McCALL, SCHULER, L. I. COHEN, COSTA, CURRY, DALLY, EGOLF, FREEMAN, HALUSKA, HARHART, JOSEPHS, LAUGHLIN, LEDERER, LEH, MASLAND, PETRARCA, ROONEY, STEELMAN, STURLA, THOMAS, TRAVAGLIO, WATERS, WOJNAROSKI, WRIGHT, YEWIC, YOUNGBLOOD, YUDICHAK and PIPPY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, excluding books from the sales and use tax.

Referred to Committee on FINANCE, October 25, 1999.

No. 2006 By Representatives S. MILLER, FARGO, SAMUELSON, CAWLEY, CHADWICK, CLYMER, L. I. COHEN, COY, DALLY, DEMPSEY, EGOLF, FEESE, FORCIER, GODSHALL, HASAY, HERSHEY, JOSEPHS, LEH, LUCYK, LYNCH, MAITLAND, MASLAND, McCALL, NAILOR, PESCI, PLATTS, SAINATO, SAYLOR, SCHULER, SEYFERT, SHANER, STERN, E. Z. TAYLOR, THOMAS, TRAVAGLIO, TRELLO, TRUE, WILT, WRIGHT and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for a sales and use tax exclusion for magazines; and providing for a sales and use tax exclusion for books.

Referred to Committee on FINANCE, October 25, 1999.

No. 2007 By Representatives BENNINGHOFF, BASTIAN, BELFANTI, CORRIGAN, CURRY, DAILEY, DeLUCA, DEMPSEY, FARGO, FRANKEL, GEIST, GIGLIOTTI, GODSHALL, HALUSKA, HARHAI, HENNESSEY, HERSHEY, HORSEY, JOSEPHS, MANDERINO, McILHATTAN, MELIO, MYERS, RAMOS, READSHAW, ROSS, SATHER, SEYFERT, B. SMITH, SOLOBAY, STABACK, STERN, E. Z. TAYLOR, THOMAS, TRELLO, WILT and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for expungement of criminal history record information.

Referred to Committee on JUDICIARY, October 25, 1999.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 288 By Representatives STEELMAN, HANNA, KREBS, PLATTS, FREEMAN and VITALI

A Resolution amending the Rules of the House of Representatives by adding a rule relating to automatic calendars and floor votes.

Referred to Committee on RULES, October 25, 1999.

No. 289 By Representative SURRA

A Resolution amending House Rule 43.

Referred to Committee on RULES, October 25, 1999.

No. 291 By Representatives SCHRODER, FARGO, ARGALL, ARMSTRONG, BATTISTO, DEMPSEY, EGOLF, FICHTER, GEIST, GIGLIOTTI, GRUCELA, HENNESSEY, HERSHEY, HORSEY, HUTCHINSON, KIRKLAND, LAUGHLIN, LEH, McILHINNEY, MELIO, METCALFE, S. MILLER, MUNDY, PESCI, PETRONE, PLATTS, READSHAW, ROBERTS, RUBLEY, SAYLOR, SHANER, STERN, E. Z. TAYLOR, J. TAYLOR, TRELLO, WILT and YOUNGBLOOD

A Concurrent Resolution calling on the United States Bureau of the Census to refrain from using statistical sampling in the decennial census.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, October 25, 1999.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 317, PN 1418

Referred to Committee on JUDICIARY, October 25, 1999.

SB 976, PN 1132

Referred to Committee on LOCAL GOVERNMENT, October 25, 1999.

COMMUNICATION FROM AUDITOR GENERAL

The SPEAKER. The Chair acknowledges receipt of the Auditor General's certificate submitted pursuant to Article VIII, sections 7(a)(4) and 7(c), of the Constitution of Pennsylvania and Act 176 of 1929 as amended.

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

COMMUNICATION FROM PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

The SPEAKER. The Chair acknowledges receipt of the Annual Report submitted by the Pennsylvania Intergovernmental Cooperation Authority.

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

**COMMUNICATION FROM PUBLIC
EMPLOYEE RETIREMENT COMMISSION**

The SPEAKER. The Chair acknowledges receipt from the Public Employee Retirement Commission of the certification of the Supplemental State Assistance allocated to municipalities for fiscal year 2000 and 2001.

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Robert Flick, Steve and Rita Pearson, here today with their daughter, Megan, who was one of the high finishers in the "One Vote Counts" contest of Chester County. They are to the left of the Speaker. Megan is, I expect, either holding a trophy for her work or a trophy that Mr. Flick would like to win with golf.

SENATE MESSAGE

**AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 148, PN 2489**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the week for the gentleman, Mr. DEMPSEY, from Lycoming County; the gentleman, Mr. MCGILL, from Montgomery County; and leave for the day for the gentleman from York, Mr. SAYLOR; the gentleman from York, Mr. MILLER. Without objection, leaves will be granted. The Chair hears no objection, and the leaves are granted.

The minority whip requests leave for the gentleman from Philadelphia, Mr. RAMOS, for the week; the gentleman from Mercer, Mr. GRUITZA, for the week; the lady from Erie, Ms. BEBKO-JONES, for the week; the gentleman, Mr. DALEY, from Washington County for the day; and the gentleman, Mr. THOMAS of Philadelphia County, for the day. Without objection, these leaves will be granted. The Chair hears no objection.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—194

Adolph	Fairchild	Manderino	Schuler
Allen	Fargo	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Serafini
Baker	Fleagle	Masland	Seyfert
Bard	Flick	Mayernik	Shaner
Barley	Forcier	McCall	Smith, B.
Barrar	Frankel	McGeehan	Smith, S. H.
Bastian	Freeman	McIlhattan	Snyder
Battisto	Gannon	McIlhinney	Solobay
Belardi	Geist	McNaughton	Staback
Belfanti	George	Melio	Stairs
Benninghoff	Gigliotti	Metcalfe	Steelman
Birmelin	Gladeck	Michlovic	Steil
Bishop	Godshall	Micozzie	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Habay	Myers	Strittmatter
Bunt	Haluska	Nailor	Sturla
Butkovitz	Hanna	Nickol	Surra
Buxton	Harhai	O'Brien	Tangretti
Caltagirone	Harhart	Oiiver	Taylor, E. Z.
Cappabianca	Hasay	Orie	Taylor, J.
Carn	Hennessey	Perzel	Tigue
Casorio	Herman	Pesci	Travaglio
Cawley	Hershey	Petrarca	Trello
Chadwick	Hess	Petrone	Trich
Civera	Horsey	Phillips	True
Clark	Hutchinson	Pippy	Tulli
Clymer	Jadlowiec	Pistella	Vance
Cohen, L. I.	James	Platts	Van Home
Cohen, M.	Josephs	Preston	Veon
Colafella	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corrigan	Kenney	Reinard	Washington
Costa	Kirkland	Rieger	Waters
Coy	Krebs	Roberts	Williams
Curry	LaGrotta	Robinson	Wilt
Dailey	Laughlin	Roebuck	Wogan
Dally	Lawless	Rohrer	Wojnaroski
DeLuca	Lederer	Rooney	Wright
Dermody	Leh	Ross	Yewcic
DeWeese	Lescovitz	Rubley	Youngblood
DiGirolamo	Levdansky	Ruffing	Yudichak
Donatucci	Lucyk	Sainato	Zimmerman
Druce	Lynch	Samuelson	Zug
Eachus	Maher	Santoni	
Egolf	Maitland	Sather	Ryan,
Evans	Major	Schroder	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—9

Bebko-Jones	Gruitza	Miller, R.	Saylor
Daley	McGill	Ramos	Thomas
Dempsey			

LEAVES ADDED—2

Masland	McNaughton
---------	------------

LEAVES CANCELED—4

Masland	McNaughton	Miller, R.	Saylor
---------	------------	------------	--------

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who quests that the gentleman from Dauphin, Mr. McNAUGHTON, and the gentleman from Cumberland, Mr. MASLAND, be placed on leave for the balance of today's session. Without objection, leaves will be granted. The Chair hears none.

CALENDAR

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:

SB 983, PN 1430; and SB 1004, PN 1431.

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader, Mr. PERZEL. Mr. Speaker, I move that SB 983 and SB 1004 be recommitted to the Committee on Appropriations.

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

HON. K. LEROY IRVIS PRESENTED

The SPEAKER. May I have the attention of the House, please? Members, please take your seats.

Former Speaker of this House Leroy Irvis is with us today. I have asked him if he would be kind enough to address the House. Members will please take their seats. Conversations on the floor, please cease. Sergeant at Arms, keep your eye on things, please.

At this time the Chair is pleased to invite former Speaker of this House K. Leroy Irvis to the rostrum for the purpose of addressing the members.

Mr. IRVIS. Thank you very much. Thank you. Thank you very much.

The House looks beautiful; it is glittering the way it should be glittering, but I look over at the desk where I sat and when I look at all these other desks, I am confused. Where are the quill pens that we used?

This is a glorious House, and the best years that I have lived were served here, and the things that we did and the things we tried to do have shaped the whole future for the next generation to follow us.

I want you all to remember how important you are. I said this from this position several times; I will say it again if invited. We are the voice of the people who send us here. It is not the Governor; it is the Senate and the House of Representatives who represent the people — how the people think and what the people wish for. Never forget that, because that is extremely important. You and I serving here do not serve for ourselves; we are the voice of the people who sent us here.

The happiest years of my life were spent in this House of Representatives, and I think when the time comes for you to walk

away, you will regret it as much as I, but you will know as I knew, there is a time to move and there is a time to stay, and it was time for me to move on. But believe me, I miss the friends; I miss the House; I miss the energy, but it was time to leave.

I come as a guest of the current Speaker and, of course, a former Speaker, who was a little late getting down to his seat. Caught you again, did I not?

I am a proud father and a very proud grandfather, but I am most proud in my life for the years I spent here, and I do not say that lightly. They have now started a library in my name; it is the University of Pittsburgh, and I thank all of you for the legislation which made that possible, even those of you who voted for it and did not know that. And you opened the doors of opportunity for my son, my daughter, and will open them for my grandchildren. But nothing — nothing — will ever touch the moment I felt when I first walked on the floor of this House, and nothing will ever match the sadness I felt when it was time to say goodbye.

Thank you for inviting me here. Please remember, serve as I tried to serve, always representing the people who sent you here, and not your interests but their interests are what governs. Thank you for your warm welcome.

RESOLUTIONS PURSUANT TO RULE 35

Mr. BENNINGHOFF called up **HR 245, PN 2296**, entitled:

A Resolution designating the month of November 1999 as "Epilepsy Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

Adolph	Fairchild	Manderino	Scrimenti
Allen	Fargo	Mann	Semmel
Argall	Feese	Markosek	Serafini
Armstrong	Fichter	Marsico	Seyfert
Baker	Fleagle	Mayernik	Shaner
Bard	Flick	McCall	Smith, B.
Barley	Forcier	McGeehan	Smith, S. H.
Barrar	Frankel	McIlhattan	Snyder
Bastian	Freeman	McIlhinney	Solobay
Battisto	Gannon	Melio	Staback
Belardi	Geist	Metcalfe	Stairs
Belfanti	George	Michlovic	Steelman
Benninghoff	Gigliotti	Micozzie	Steil
Birmelin	Gladeck	Miller, S.	Stern
Bishop	Godshall	Mundy	Stetler
Blaum	Gordner	Myers	Stevenson
Boyes	Grucela	Nailor	Strittmatter
Browne	Habay	Nickol	Sturla
Bunt	Haluska	O'Brien	Surra
Butkovitz	Hanna	Oliver	Tangretti
Buxton	Harhai	Orie	Taylor, E. Z.
Caltagirone	Harhart	Perzel	Taylor, J.
Cappabianca	Hasay	Pesci	Tigue
Carn	Hennessey	Petrarca	Travaglio
Casorio	Herman	Petrone	Trello
Cawley	Hershey	Phillips	Trich
Chadwick	Hess	Pippy	True
Civera	Horsey	Pistella	Tulli
Clark	Hutchinson	Platts	Vance
Clymer	Jadlowiec	Preston	Van Home
Cohen, L. I.	James	Raymond	Veon
Cohen, M.	Josephs	Readshaw	Vitali
Colafella	Kaiser	Reinard	Walko

Cornell	Keller	Rieger	Washington
Corrigan	Kenney	Roberts	Waters
Costa	Kirkland	Robinson	Williams
Coy	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wogan
Dailey	Laughlin	Rooney	Wojnaroski
Dally	Lawless	Ross	Wright
DeLuca	Lederer	Rubley	Yewcic
Dermody	Leh	Ruffing	Youngblood
DeWeese	Lescovitz	Sainato	Yudichak
DiGirolamo	Levdansky	Samuelson	Zimmerman
Donatucci	Lucyk	Santoni	Zug
Druce	Lynch	Sather	
Eachus	Maher	Schroder	Ryan,
Egolf	Maitland	Schuler	Speaker
Evans	Major		

Clark	Hutchinson	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	James	Raymond	Veon
Cohen, M.	Josephs	Readshaw	Vitali
Colafella	Kaiser	Reinard	Walko
Cornell	Keller	Rieger	Washington
Corrigan	Kenney	Roberts	Waters
Costa	Kirkland	Robinson	Williams
Coy	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wogan
Dailey	Laughlin	Rooney	Wojnaroski
Dally	Lawless	Ross	Wright
DeLuca	Lederer	Rubley	Yewcic
Dermody	Leh	Ruffing	Youngblood
DeWeese	Lescovitz	Sainato	Yudichak
DiGirolamo	Levdansky	Samuelson	Zimmerman
Donatucci	Lucyk	Santoni	Zug
Druce	Lynch	Sather	
Eachus	Maher	Schroder	Ryan,
Egolf	Maitland	Schuler	Speaker
Evans	Major		

NAYS-0

NOT VOTING-0

EXCUSED-11

Bebko-Jones	Gruitza	McNaughton	Saylor
Dailey	Masland	Miller, R.	Thomas
Dempsey	McGill	Ramos	

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

Mr. RAYMOND called up **HR 256, PN 2352**, entitled:

A Resolution designating the month of December 1999 as "Rheumatoid Arthritis Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-192

Adolph	Fairchild	Manderino	Scrimenti
Allen	Fargo	Mann	Semmel
Argall	Feese	Markosek	Serafini
Armstrong	Fichter	Marsico	Seyfert
Baker	Fleagle	Mayernik	Shaner
Bard	Flick	McCall	Smith, B.
Barley	Forcier	McGeehan	Smith, S. H.
Barrar	Frankel	McIlhatten	Snyder
Bastian	Freeman	McIlhinney	Solobay
Battisto	Gannon	Melio	Staback
Belardi	Geist	Metcalfe	Stairs
Belfanti	George	Michlovic	Steelman
Benninghoff	Gigliotti	Micozzie	Steil
Birmelin	Gladeck	Miller, S.	Stern
Bishop	Godshall	Mundy	Stetler
Blaum	Gordner	Myers	Stevenson
Boyes	Grucela	Nailor	Strittmatter
Browne	Habay	Nickol	Sturla
Bunt	Haluska	O'Brien	Surra
Butkovitz	Hanna	Oliver	Tangretti
Buxton	Harhai	Orie	Taylor, E. Z.
Caltagirone	Harhart	Perzel	Taylor, J.
Cappabianca	Hasay	Pesci	Tigue
Carn	Hennessey	Petrarca	Travaglio
Casorio	Herman	Petrone	Trello
Cawley	Hershey	Phillips	Trich
Chadwick	Hess	Pippy	True
Civera	Horsey	Pistella	Tulli

NAYS-0

NOT VOTING-0

EXCUSED-11

Bebko-Jones	Gruitza	McNaughton	Saylor
Dailey	Masland	Miller, R.	Thomas
Dempsey	McGill	Ramos	

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

RESOLUTION PASSED OVER

The SPEAKER. HR 259 is over.

Mr. WOJNAROSKI called up **HR 278, PN 2467**, entitled:

A Resolution designating the month of November 1999 as "Alzheimer's Disease Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-192

Adolph	Fairchild	Manderino	Scrimenti
Allen	Fargo	Mann	Semmel
Argall	Feese	Markosek	Serafini
Armstrong	Fichter	Marsico	Seyfert
Baker	Fleagle	Mayernik	Shaner
Bard	Flick	McCall	Smith, B.
Barley	Forcier	McGeehan	Smith, S. H.
Barrar	Frankel	McIlhatten	Snyder
Bastian	Freeman	McIlhinney	Solobay
Battisto	Gannon	Melio	Staback
Belardi	Geist	Metcalfe	Stairs
Belfanti	George	Michlovic	Steelman
Benninghoff	Gigliotti	Micozzie	Steil
Birmelin	Gladeck	Miller, S.	Stern

Bishop	Godshall	Mundy	Stetler
Blaum	Gordner	Myers	Stevenson
Boyes	Grucela	Nailor	Strittmatter
Browne	Habay	Nickol	Sturla
3unt	Haluska	O'Brien	Surra
Butkovitz	Hanna	Oliver	Tangretti
Buxton	Harhai	Orie	Taylor, E. Z.
Caltagirone	Harhart	Perzel	Taylor, J.
Cappabianca	Hasay	Pesci	Tigue
Cam	Hennessey	Petrarca	Travaglio
Casorio	Herman	Petrone	Trello
Cawley	Hershey	Phillips	Trich
Chadwick	Hess	Pippy	True
Civera	Horsey	Pistella	Tulli
Clark	Hutchinson	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	James	Raymond	Veon
Cohen, M.	Josephs	Readshaw	Vitali
Colafella	Kaiser	Reinard	Waiko
Cornell	Keller	Rieger	Washington
Corrigan	Kenney	Roberts	Waters
Costa	Kirkland	Robinson	Williams
Coy	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wogan
Dailey	Laughlin	Rooney	Wojnaroski
Daily	Lawless	Ross	Wright
DeLuca	Lederer	Rubley	Yewcic
Dermody	Leh	Ruffing	Youngblood
DeWeese	Lescovitz	Sainato	Yudichak
DiGirolamo	Levdansky	Samuelson	Zimmerman
Donatucci	Lucyk	Santoni	Zug
Druce	Lynch	Sather	
Eachus	Maher	Schroder	Ryan,
Egolf	Maitland	Schuler	Speaker
Evans	Major		

NAYS-0

NOT VOTING-0

EXCUSED-11

Bebko-Jones	Gruitza	McNaughton	Saylor
Daley	Masland	Miller, R.	Thomas
Dempsey	McGill	Ramos	

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

Mr. FRANKEL called up HR 280, PN 2468, entitled:

A Resolution designating November 6, 1999, as "The Carnegie International Day" throughout this Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-192

Adolph	Fairchild	Manderino	Scrimenti
Allen	Fargo	Mann	Semmel
Argall	Feese	Markosek	Serafini
Armstrong	Fichter	Marsico	Seyfert
Baker	Fleagle	Mayemik	Shaner
Bard	Flick	McCall	Smith, B.
Barley	Forcier	McGeehan	Smith, S. H.
Barrar	Frankel	McIlhattan	Snyder

Bastian	Freeman	McIlhinney	Solobay
Battisto	Gannon	Melio	Staback
Beardi	Geist	Metcalfe	Stairs
Belfanti	George	Michlovic	Steelman
Benninghoff	Gigliotti	Micozzie	Steil
Birmelin	Gladeck	Miller, S.	Stern
Bishop	Godshall	Mundy	Stetler
Blaum	Gordner	Myers	Stevenson
Boyes	Grucela	Nailor	Strittmatter
Browne	Habay	Nickol	Sturla
Bunt	Haluska	O'Brien	Surra
Butkovitz	Hanna	Oliver	Tangretti
Buxton	Harhai	Orie	Taylor, E. Z.
Caltagirone	Harhart	Perzel	Taylor, J.
Cappabianca	Hasay	Pesci	Tigue
Cam	Hennessey	Petrarca	Travaglio
Casorio	Herman	Petrone	Trello
Cawley	Hershey	Phillips	Trich
Chadwick	Hess	Pippy	True
Civera	Horsey	Pistella	Tulli
Clark	Hutchinson	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	James	Raymond	Veon
Cohen, M.	Josephs	Readshaw	Vitali
Colafella	Kaiser	Reinard	Waiko
Cornell	Keller	Rieger	Washington
Corrigan	Kenney	Roberts	Waters
Costa	Kirkland	Robinson	Williams
Coy	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wogan
Dailey	Laughlin	Rooney	Wojnaroski
Daily	Lawless	Ross	Wright
DeLuca	Lederer	Rubley	Yewcic
Dermody	Leh	Ruffing	Youngblood
DeWeese	Lescovitz	Sainato	Yudichak
DiGirolamo	Levdansky	Samuelson	Zimmerman
Donatucci	Lucyk	Santoni	Zug
Druce	Lynch	Sather	
Eachus	Maher	Schroder	Ryan,
Egolf	Maitland	Schuler	Speaker
Evans	Major		

NAYS-0

NOT VOTING-0

EXCUSED-11

Bebko-Jones	Gruitza	McNaughton	Saylor
Daley	Masland	Miller, R.	Thomas
Dempsey	McGill	Ramos	

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

Mrs. FORCIER called up HR 283, PN 2471, entitled:

A Resolution declaring November 6, 1999, as "Ida Tarbell Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-192

Adolph	Fairchild	Manderino	Scrimenti
Allen	Fargo	Mann	Semmel
Argall	Feese	Markosek	Serafini

Armstrong	Fichter	Marsico	Seyfert
Baker	Fleagle	Mayernik	Shaner
Bard	Flick	McCall	Smith, B.
Barley	Forcier	McGeehan	Smith, S. H.
Barrar	Frankel	McIlhattan	Snyder
Bastian	Freeman	McIlhinney	Solobay
Battisto	Gannon	Melio	Staback
Belardi	Geist	Metcalfe	Stairs
Belfanti	George	Michlovic	Steelman
Benninghoff	Gigliotti	Micozzie	Steil
Birmelin	Gladeck	Miller, S.	Stern
Bishop	Godshall	Mundy	Stetler
Blaum	Gordner	Myers	Stevenson
Boyes	Grucela	Nailor	Strittmatter
Browne	Habay	Nickol	Sturla
Bunt	Haluska	O'Brien	Surra
Butkovitz	Hanna	Oliver	Tangretti
Buxton	Harhai	Orie	Taylor, E. Z.
Caltagirone	Harhart	Perzel	Taylor, J.
Cappabianca	Hasay	Pesci	Tigue
Carn	Hennessey	Petrarca	Travaglio
Casorio	Herman	Petrone	Trello
Cawley	Hershey	Phillips	Trich
Chadwick	Hess	Pippy	True
Civera	Horsey	Pistella	Tulli
Clark	Hutchinson	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	James	Raymond	Veon
Cohen, M.	Josephs	Readshaw	Vitali
Colafella	Kaiser	Reinard	Walko
Cornell	Keller	Rieger	Washington
Corrigan	Kenny	Roberts	Waters
Costa	Kirkland	Robinson	Williams
Coy	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wogan
Dailey	Laughlin	Rooney	Wojnaroski
Dally	Lawless	Ross	Wright
DeLuca	Lederer	Rubley	Yewcic
Dermoddy	Leh	Ruffing	Youngblood
DeWeese	Lescovitz	Sainato	Yudichak
DiGirolamo	Levdansky	Samuelson	Zimmerman
Donatucci	Lucyk	Santoni	Zug
Druce	Lynch	Sather	
Eachus	Maher	Schroder	Ryan,
Egolf	Maitland	Schuiar	Speaker
Evans	Major		

NAYS—0

NOT VOTING—0

EXCUSED—11

Bebko-Jones	Gruitza	McNaughton	Saylor
Daley	Masland	Miller, R.	Thomas
Dempsey	McGill	Ramos	

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the chairman of the Appropriations Committee, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to call for a meeting of the House Appropriations Committee immediately upon the call of recess in the conference room at the 245 complex, Main Capitol.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority caucus chairman, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

There will be an important Republican caucus, and we will start that caucus at 1:50 in order to give time for the Appropriations Committee meeting prior to that. So we will start at 1:50. We will be back on the floor at 3 o'clock for additional votes. Thank you.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the Democratic caucus chairman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will also caucus at 1:50 today.

The SPEAKER. The Chair thanks the gentleman.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

At the call of recess, State Government will be meeting in room 39; at the call of recess, State Government. Thank you.

The SPEAKER. The Chair thanks the gentleman.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1087, PN 2529 (Amended)

By Rep. B. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for bows and arrows or crossbow in vehicles and for the time periods of permits.

GAME AND FISHERIES.**RECESS**

The SPEAKER. Are there any further reports of committees? Any corrections to the record? Does the majority leader or minority leader have any further business?

Hearing none, this House will stand in recess to the call of the Chair.

Mr. Irvis is on the rostrum. If any of you would like to talk to him, I suspect we could prevail upon him to remain there for a few moments.

This House is in recess until 3 o'clock, unless sooner recalled by the Chair.

RECESS EXTENDED

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

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 236, PN 1750 By Rep. BARLEY

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for certain liability limits; and providing for notice of arrest for school or child-care service employees.

APPROPRIATIONS.

HB 882, PN 956 By Rep. BARLEY

An Act amending the act of December 2, 1992 (P.L.741, No.113), known as the Children's Health Care Act, further providing for loan forgiveness for primary health care practitioners.

APPROPRIATIONS.

HB 1601, PN 2030 By Rep. BARLEY

An Act amending the act of January 14, 1952 (1951 P.L.1898, No.522), known as the Funeral Director Law, further providing for licenses.

APPROPRIATIONS.

HB 1675, PN 2398 By Rep. BARLEY

An Act amending the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, further providing for employment of children at establishments where alcoholic beverages or malt liquor is sold.

APPROPRIATIONS.

HB 1724, PN 2530 (Amended) By Rep. BARLEY

An Act establishing community reparative disposition programs for offenders and community reparative disposition boards; and providing for the powers and duties of the Pennsylvania Commission on Crime and Delinquency and for expungement of criminal arrest records in certain circumstances.

APPROPRIATIONS.

HB 1841, PN 2258 By Rep. BARLEY

An Act requiring the Department of Agriculture to enter into an agreement with the Federal Crop Insurance Corporation for the purpose of making payments relating to catastrophic risk protection administrative fees paid by producers of agricultural commodities.

APPROPRIATIONS.

HB 1888, PN 2455 By Rep. BARLEY

An Act providing for emergency drought relief as a result of weather conditions in 1999; establishing the Agricultural Drought Emergency Oversight Board; and making an appropriation.

APPROPRIATIONS.

HB 1893, PN 2338 By Rep. BARLEY

An Act providing for emergency drought relief as a result of weather conditions in 1999; and making an appropriation.

APPROPRIATIONS.

HB 1953, PN 2441 By Rep. BARLEY

An Act providing for grants to assist producers in purchasing or updating technology or equipment for irrigation and water conservation projects; providing for loans to assist producers in purchasing or updating technology which will increase productivity or provide entrance into new product markets; establishing the Agricultural Technology Assistance Fund; providing for powers and duties of the Department of Agriculture; and making an appropriation.

APPROPRIATIONS.

SB 405, PN 1384 By Rep. BARLEY

An Act providing a mechanism for parents to confer upon other persons the power to consent to medical and mental health care of their children; and regulating procedure.

APPROPRIATIONS.

SB 647, PN 1446 By Rep. BARLEY

An Act establishing a Uniform Construction Code; imposing powers and duties on municipalities and the Department of Labor and Industry; providing for enforcement; imposing penalties; and making repeals.

APPROPRIATIONS.

SB 1004, PN 1431 By Rep. BARLEY

An Act amending the act of December 22, 1989 (P.L.732, No.101), entitled Election District Alteration and Data Reporting Act, further providing for alteration of election districts.

APPROPRIATIONS.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 1981, PN 2490 By Rep. CLYMER

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the date of the general primary election in the year 2000.

STATE GOVERNMENT.

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 882, PN 956; HB 1601, PN 2030; HB 1675, PN 2398; and SB 405, PN 1384.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

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

LEAVES OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the majority whip, who requests that the gentleman, Mr. McNaughton, be taken from the leave-of-absence list, as well as the gentleman, Mr. Miller; the gentleman, Mr. Saylor; and the gentleman, Mr. Masland. Without objection, the members just announced will be taken from the leave list.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Gannon, who requests an immediate meeting of the Judiciary Committee in the majority Appropriations Committee meeting room. The Judiciary Committee staff member on the floor will please make this a short meeting.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who requests an immediate meeting of the Rules Committee at the majority leader's desk.

RESOLUTION REPORTED FROM COMMITTEE

HR 176, PN 1722

By Rep. PERZEL

A Concurrent Resolution expressing the sense of the General Assembly with respect to the coverage of individuals under long-term care insurance.

RULES.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 1981 be removed from the table.

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

SUPPLEMENTAL CALENDAR B

RESOLUTION PURSUANT TO RULE 35

Mr. GORDNER called up **HR 297, PN 2528**, entitled:

A Resolution designating the week of October 24 through 30, 1999, as "Polycystic Kidney Disease Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Fargo	Markosek	Schuler
Allen	Feese	Marsico	Scrimenti
Argall	Fichter	Masland	Semmel
Armstrong	Fleagle	Mayernik	Serafini
Baker	Flick	McCall	Seyfert
Bard	Forcier	McGeehan	Shaner
Barley	Frankel	McLhattan	Smith, B.
Barrar	Freeman	McIlhinney	Smith, S. H.
Bastian	Gannon	McNaughton	Snyder
Battisto	Geist	Melio	Solobay
Belardi	George	Metcalfe	Staback
Belfanti	Gigliotti	Michlovic	Stairs
Benninghoff	Gladeck	Micozzie	Steelman
Birmelin	Godshall	Miller, R.	Steil
Bishop	Gordner	Miller, S.	Stern
Blaum	Grucela	Mundy	Stetler
Boyes	Habay	Myers	Stevenson
Browne	Haluska	Nailor	Strittmatter
Bunt	Hanna	Nickol	Sturla
Butkovitz	Harhai	O'Brien	Surra
Buxton	Harhart	Oliver	Tangretti
Caltagirone	Hasay	Orie	Taylor, E. Z.
Cappabianca	Hennessey	Perzel	Taylor, J.
Carn	Herman	Pesci	Tigue
Casorio	Hershey	Petrarca	Travaglio
Cawley	Hess	Petrone	Trello
Chadwick	Horsley	Phillips	Trich
Civera	Hutchinson	Pippy	True
Clark	Jadlowiec	Pistella	Tulli
Clymer	James	Platts	Vance
Cohen, L. I.	Josephs	Preston	Van Home
Cohen, M.	Kaiser	Raymond	Veon
Colafella	Keller	Readshaw	Vitali
Cornell	Kenney	Reinard	Walko
Corrigan	Kirkland	Rieger	Washington
Costa	Krebs	Roberts	Waters
Coy	LaGrotta	Robinson	Williams
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wogan
Dally	Lederer	Rooney	Wojnaroski
DeLuca	Leh	Ross	Wright
Dermody	Lescovitz	Rubley	Yewcic
DeWeese	Levdansky	Ruffing	Youngblood
DiGiroliamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Evans	Manderino	Schroder	Speaker
Fairchild	Mann		

NAYS—0

NOT VOTING—0

EXCUSED—7

Jones	Dempsey	McGill	Thomas
	Gruitza	Ramos	

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 647, PN 1414, entitled:

An Act establishing a Uniform Construction Code; imposing powers and duties on municipalities and the Department of Labor and Industry; providing for enforcement; imposing penalties; and making repeals.

On the question, Will the House agree to the bill on third consideration?

Mr. REINARD offered the following amendment No. A3839:

Amend Sec. 104, page 10, by inserting between lines 17 and 18 (f) Application to swimming pools and spas.— (1) The provisions of this act as they relate to swimming pools and spas, shall not be applicable to those constructed or installed prior to the effective date of this act. (2) All swimming pools and spas constructed or installed after the effective date of this act, shall be governed by the requirements of the Pennsylvania Construction Code Act including section 503.

On the question, Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, as the House is aware, we have on two previous occasions passed legislation dealing with pool ordinances. The legislation that passed previously and this amendment before us were both drafted to the current version of the BOCA (Building Officials and Code Administrators International, Inc.) Code. The legislation before us in SB 647 fully addresses the concerns, but in order to make it crystal clear that it applies to, one, pools, and two, grandfathers existing pools, the legislation and the amendment here are offered.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, those in favor will vote— The Chair is in error. The gentleman from Bucks, Mr. Steil, desires recognition. Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

We support the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

Adolph	Fairchild	Markosek	Schuler
Allen	Fargo	Marsico	Scrimenti
Argall	Feese	Masland	Semmel
Armstrong	Fichter	Mayernik	Serafini
Baker	Fleagle	McCall	Seyfert
Bard	Flick	McGeehan	Shaner
Barley	Forcier	McIlhattan	Smith, B.
Barrar	Frankel	McIlhinney	Smith, S. H.
Bastian	Freeman	McNaughton	Snyder
Battisto	Gannon	Melio	Solobay
Belardi	Geist	Metcalfe	Staback
Belfanti	George	Michlovic	Stairs
Benninghoff	Gigliotti	Micozzie	Steelman
Birmelin	Gladeck	Miller, R.	Steil
Bishop	Godshall	Miller, S.	Stern
Blaum	Grucela	Myers	Stetler
Boyes	Habay	Nailor	Stevenson
Browne	Haluska	Nickol	Stritmatter
Bunt	Hanna	O'Brien	Sturla
Butkovitz	Harhai	Oliver	Tangretti
Buxton	Harhart	Orie	Taylor, E. Z.
Caltagirone	Hasay	Perzel	Taylor, J.
Cappabianca	Hennessey	Pesci	Tigue
Carn	Herman	Petrarca	Travaglio
Casorio	Hershey	Petrone	Trello
Cawley	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Jadlowiec	Platts	Vance
Clymer	James	Preston	Van Horne
Cohen, L. I.	Josephs	Raymond	Veon
Cohen, M.	Kaiser	Readshaw	Vitali
Colafella	Keller	Reinard	Walko
Cornell	Kenney	Rieger	Washington
Corrigan	Kirkland	Roberts	Waters
Costa	Krebs	Robinson	Williams
Coy	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daily	Lederer	Ross	Wright
DeLuca	Leh	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lucyk	Sainato	Yudichak
DiGirolamo	Lynch	Samuelson	Zimmerman
Donatucci	Maher	Santoni	Zug
Druce	Maitland	Sather	
Eachus	Major	Saylor	Ryan,
Egolf	Manderino	Schroder	Speaker
Evans	Mann		

NAYS—4

Gordner	Lescovitz	Mundy	Surra
---------	-----------	-------	-------

NOT VOTING—0

EXCUSED—7

Bebko-Jones	Dempsey	McGill	Thomas
Daley	Gruitza	Ramos	

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question, Will the House agree to the bill on third consideration as amended?

Mr. **McILHINNEY** offered the following amendment No. **A3716**:

Amend Sec. 503, page 32, by inserting between lines 2 and 3 For the purposes of this section, aggrieved parties shall mean residents of the municipality and shall include any person who works or has business in the municipality. Aggrieved party shall also include any person who has a vested interest in the municipality.

Amend Sec. 503, page 32, line 26, by inserting after "ordinance" or within 30 days of the hearing on the challenge which must be held by the department upon the request of the municipality, in the municipality wherein the ordinance is proposed, whichever last occurs

Amend Sec. 504, page 33, line 4, by striking out "Commonwealth Court" and inserting appropriate court of common pleas

On the question,
Will the House agree to the amendment?

PARLIAMENTARY INQUIRY

AMENDMENT DIVIDED

PART 1 OF AMENDMENT WITHDRAWN

The **SPEAKER**. On the question of the adoption of the amendment, the Chair recognizes the gentleman.

Mr. **McILHINNEY**. Thank you, Mr. Speaker.

It is my understanding that Representative Feese has an amendment that will further define "aggrieved parties," so I would like to divide my amendment between lines 6 and 7.

The **SPEAKER**. Mr. **McIlhinney**, which section would you not be voting on?

Mr. **McILHINNEY**. Lines 1 through 6.

The **SPEAKER**. The amendment is divisible in the area that the gentleman has requested. The vote then is on lines 7 through 15 of amendment A3716, the first portion being withdrawn by the gentleman. Is that correct?

Mr. **McILHINNEY**. That is correct, Mr. Speaker.

On the question,
Will the House agree to part 2 of the amendment?

The **SPEAKER**. On the question before the House, whether or not the divided amendment shall be adopted, the Chair recognizes the gentleman.

Mr. **McILHINNEY**. Mr. Speaker, this amendment is placed at two portions, one being that a hearing shall be provided at the request of the municipality within 30 days of the challenge. It is my understanding that the Department of Labor and Industry has no problem and that there is a letter that they will be able to provide this service to the municipalities. And the second portion calls for any appeal to be heard at the common pleas court and not at the Commonwealth Court.

The **SPEAKER**. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. **Buxton**, from Dauphin County, who yields to Mr. **Steil**.

Mr. **STEIL**. Thank you, Mr. Speaker.

We would ask the members to seriously consider this amendment, and we would ask you to vote in the negative. The reason relates to the issue of Commonwealth versus court of

appeals. What we are being asked to accomplish here is to place appeals from administrative decisions — in this particular case, the Department of Labor and Industry — into the county court of appeals rather than into Commonwealth Court, which was specifically constituted to hear appeals from State agencies. If we accept appeals to a county court, we are setting a precedent for all other appeals from State agency decisions.

Secondly, we have to be aware that such appeals may not accomplish in the municipality's mind what they hope to accomplish by going to a local court. First of all, because it is very clear that such decisions will probably be appealed to Commonwealth Court and could eventually be appealed to the Supreme Court, the municipality now faces three legal challenges rather than two. Secondly, it is the Commonwealth Court which establishes precedent for particular ordinances which may be drafted exceeding the BOCA Code. Therefore, if the court of appeals rules, that precedent will not be set except at the Commonwealth Court level. All we are doing here is imposing another layer of review and setting a very dangerous precedent for appeals from State agencies.

We would ask for a negative vote on this amendment.

The **SPEAKER**. The gentleman, Mr. **Veon**, do you desire recognition on this?

The gentleman, Mr. **Freeman**, do you desire recognition? The gentleman is recognized.

Mr. **FREEMAN**. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the **McIlhinney** amendment. I think this amendment goes a long way to improving the bill. It makes the process a lot more user friendly for our local officials who will have to deal with this appeals process, and if I recall correctly, if my memory serves me well, I believe LCB (Liquor Control Board) appeals are heard before common pleas court. So I do not think we are really setting that much of a precedent by this process or by this amendment, but we are making it a much more user-friendly procedure for our local units of government.

We must keep in mind that our local officials are, by and large, individuals who serve in their capacity as part-time individuals, and anything that can make this process a lot easier for them to deal with I think is in the best interests of this Commonwealth. So I would urge the membership to vote in support of this amendment.

The **SPEAKER**. The Chair thanks the gentleman.

Mr. **Buxton**, did you care to be recognized?

On the question of the adoption of the amendment, Mr. **McIlhinney**.

Mr. **McILHINNEY**. Mr. Speaker, the previous speaker is correct. We do have a precedent set with regard to the local liquor control code. The LCB makes decisions currently, and they are heard in the common pleas court. Right now we are changing the way that we are going to do business in Pennsylvania. We are now taking it out of the control of the local officials and putting it in the State as a statewide building code.

I recognize that we need to make these changes in regard to the safety of Pennsylvania, but there is no need to completely bring the cost up to a Commonwealth Court level. We can continue to do this at the common pleas level and have much less cost provided there. To say that we have to go directly to Commonwealth assumes that we are going to have appeals all the way up through the system. That is not the case. It could be decided at the local level, and so I am asking for an affirmative vote so that we continue to leave some local jurisdiction in this.

There has also been a case made that some counties could have different opinions. Montgomery County could have a different opinion than Erie County. Well, that is true, but that is exactly what the intent of this legislation is. We are not looking for one Commonwealth Court to decide what the fate is of the building code and how it is applicable to every municipality in the Commonwealth of Pennsylvania. We want different decisions. We want decisions that show the unique qualities that one municipality can have a different situation than the other municipalities. Therefore, it is my contention that the court of common pleas can handle these at much less cost to both the plaintiff and to the defendant.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks County, Mr. Melio.

Mr. MELIO. Thank you, Mr. Speaker.

I just want to tell the members that I received correspondence from the associations of boroughs, townships, cities, that they would favor this amendment, and it would make these associations have more reasonable acceptance of the bill if this amendment were in the bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to part 2 of the amendment?

The following roll call was recorded:

YEAS—138

Adolph	Feese	Manderino	Seyfert
Allen	Fichter	Mann	Smith, B.
Baker	Flick	Masland	Smith, S. H.
Bard	Forcier	McCall	Snyder
Barrar	Freeman	McGeehan	Staback
Bastian	Gannon	McIlhinney	Stairs
Belardi	Geist	Melio	Steelman
Belfanti	George	Michlovic	Stern
Birmelin	Gigliotti	Micozzie	Stetler
Bishop	Gordner	Miller, S.	Strittmatter
Blaum	Grucela	Mundy	Sturla
Boyes	Habay	Myers	Surra
Browne	Haluska	Nailor	Tangretti
Bunt	Hanna	O'Brien	Taylor, E. Z.
Butkovitz	Harhart	Oliver	Taylor, J.
Carn	Hasay	Petrarca	Tigue
Cawley	Hennessey	Petrone	Trello
Chadwick	Hess	Phillips	True
Civera	Horsey	Preston	Vance
Clark	Hutchinson	Raymond	Van Horne
Clymer	Jadlowiec	Reinard	Vitali
Cohen, L. I.	James	Rieger	Walko
Colaifella	Josephs	Roberts	Washington
Cornell	Keller	Roebuck	Waters
Costa	Kenney	Rohrer	Williams
Coy	Kirkland	Ross	Wilt
Curry	Krebs	Rubley	Wogan
Dally	LaGrotta	Ruffing	Wojnaroski
DiGirolamo	Lederer	Samuelson	Yewcic
Donatucci	Lescovitz	Santoni	Youngblood
Eachus	Lucyk	Sather	Yudichak
Egolf	Lynch	Schroder	Zug
Evens	Maher	Schuler	
Fairchild	Maitland	Semmel	Ryan,
Fargo	Major	Serafini	Speaker

NAYS—58

Argall	Druce	Mayernik	Rooney
Armstrong	Fleagle	McIlhattan	Sainato
Barley	Frankel	McNaughton	Saylor
Battisto	Gladeck	Metcalfe	Scrimenti
Benninghoff	Godshall	Miller, R.	Shaner
Buxton	Harhai	Nickol	Solobay
Caltagirone	Herman	Orie	Steil
Cappabianca	Hershey	Perzel	Stevenson
Casorio	Kaiser	Pesci	Travaglio
Cohen, M.	Laughlin	Pippy	Trich
Corrigan	Lawless	Pistella	Tulli
Dailey	Leh	Platts	Veon
DeLuca	Levdansky	Readshaw	Wright
Dermody	Markosek	Robinson	Zimmerman
DeWeese	Marsico		

NOT VOTING—0

EXCUSED—7

Bebko-Jones	Dempsey	McGill	Thomas
Daley	Gruitza	Ramos	

The majority having voted in the affirmative, the question was determined in the affirmative and part 2 of the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. HENNESSEY offered the following amendment No. A3727:

Amend Sec. 501, page 21, lines 29 and 30, by striking out all of line 29 and "this act" in line 30 and inserting

(1) (i) In order to administer and enforce the provisions of this act and except as authorized in subparagraphs (ii) and (iii)

Amend Sec. 501, page 22, by inserting between lines 5 and 6

(ii) Where municipalities make no attempt to exceed the provisions of the Uniform Construction Code established in section 301, they shall be authorized and empowered to enforce the provisions of this act without the necessity of adopting an ordinance incorporating its provisions.

(iii) Where municipalities seek to exceed the provisions of the Uniform Construction Code, they shall do so by ordinance, and the procedures set forth in section 503 shall be followed and the municipalities may employ such personnel as are necessary to accomplish the purposes of this act.

(iv) Municipal governments may employ such personnel as are necessary to accomplish the purposes of this act, subject to the provisions of Chapter 7.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes the gentleman from Chester County, Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, may I ask that the gentleman from Bucks County consent to a brief interrogation?

The SPEAKER. The gentleman, Mr. Steil, indicates he will stand for interrogation. You may begin.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, with regard to the question of how a municipality must act should this code pass, I am concerned about the interplay of the words "equal or exceed" as it is used on a number of occasions in chapter 3 and chapter 5 of the bill. What I would like to see if I can hammer down is to find out the legislative intent here and have it stated expressly for the record.

If a municipality seeks just to adopt BOCA '99, it does not seek to exceed it in any way, is that municipality required to go through the extensive L&I review which is set forth in detail in section 503 of SB 647 or is it simply a case of requiring that review if the municipal government wants to have some sort of different code besides BOCA '99 as its standard?

Mr. STEIL. Mr. Speaker, it is our understanding that if a municipality intends to adopt the BOCA '99 Code as it is written, then they would not need and are not subject to any L&I review.

Mr. HENNESSEY. Okay. With regard to their intention to adopt, is it still your understanding under the provisions of SB 647 as it is before us that those municipalities not seeking to exceed BOCA but simply seeking to adopt BOCA in its current form would still be required to go through with a process of advertising and adopting a new ordinance?

Mr. STEIL. Again, Mr. Speaker, if the municipality intends to adopt the BOCA '99 Building Code as it is written, then they would not need to adopt an ordinance implementing that code.

Mr. HENNESSEY. Okay. In that sense, the term "equaling" as it is used in the phrase "equaling or exceeding" the Uniform Construction Code standard, you are intending then the term "equaling" to mean something different from BOCA but in some way paralleling it or providing for an alternative but not in any way exceeding or rising above the current BOCA '99 standard.

Mr. STEIL. The intent is that if the municipality proposes to equal the BOCA Code but in a manner different than it is written in BOCA, then they would need to adopt the ordinance or pass an ordinance adopting the BOCA Code and would need to propose a revision to that BOCA Code so as to adopt an ordinance that equals or achieves the same result but in a different way than it is written in the BOCA Code.

Mr. HENNESSEY. Okay. But once again, with regard to a township who simply wishes to adopt BOCA '99, it is not, in your intention here, it is not required that they actually enact an adopting ordinance. It would be automatic in the same way as if we had amended the Crimes Code and they are authorized to implement the provisions of the Crimes Code without requiring local ordinance action.

Mr. STEIL. That is correct, as long as it is adopted as it is written.

Mr. HENNESSEY. Okay. Thank you.

Mr. Speaker, that concludes my interrogation.

AMENDMENT WITHDRAWN

Mr. HENNESSEY. With that understanding and with that statement—

The SPEAKER. On the question.

Mr. HENNESSEY. Thank you, Mr. Speaker.

With that understanding and with the legislative intent expressed for the record, I will withdraw the amendment. Thank you.

The SPEAKER. My records indicate you have two amendments. Do you have another one or is that also withdrawn?

Mr. HENNESSEY. No, Mr. Speaker, that is not withdrawn.

The SPEAKER. The clerk will read the second Hennessey amendment.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. HENNESSEY offered the following amendment No. A3751:

Amend Chapter Heading, page 36, line 3, by inserting after "EXEMPTIONS"

, APPLICABILITY

Amend Bill, page 36, by inserting between lines 14 and 15 Section 902. Applicability to historic buildings, structures and sites.

The provisions of the 1999 BOCA National Building Code, Fourteenth Edition, relating to the construction, repair, alteration, addition, restoration and movement of structures shall not apply to existing buildings and structures, or new buildings and structures not intended for residential use on historic sites, that are identified and classified by the Federal, State or local government authority as historic buildings or sites where such buildings and structures are judged by the code official to be safe and in the interest of public health, safety and welfare.

Amend Sec. 902, page 36, line 15, by striking out "902" and inserting

903

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Amendment 3751 addresses a question, really an extension of an existing exemption which is present already in BOCA '99.

BOCA '99 gives an exemption to historic buildings. If they are to be renovated, reconstructed, moved, if there is any work to be done on them, so long as they are deemed to be safe by the local code enforcement official, they are not required to meet the modern-day building practices that are encapsulated in BOCA '99. What this amendment would do is extend that exemption a little bit further.

In my district we have a historic site which already has existing historic buildings properly designated. However, there is a need to create some new buildings to shelter some of the property—lawn mowers, electrical equipment, whatever it might be. The historic site wishes to build new buildings, but it wishes to build them with methods that are true to the period that they are honoring with the historic designation. What this amendment says is that in addition to existing historic buildings, if there is a new building built in a historic site which is not intended for residential use, that new building need not conform to BOCA '99 so long as the code enforcement official is satisfied that people are still safe, that the building is safe for people to go in and out of, not to reside.

I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Steil.

Mr. STEIL. Mr. Speaker, this amendment is agreed to, and we would ask the members to support it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Adolph	Fargo	Markosek	Schuler
Allen	Feese	Marsico	Scrimenti
Argall	Fichter	Masland	Semmel
Armstrong	Fleagle	Mayernik	Serafini
Baker	Flick	McCall	Seyfert
Bard	Forcier	McGeehan	Shaner
Barley	Frankel	McIlhattan	Smith, B.
Barrar	Freeman	McIlhinney	Smith, S. H.
Bastian	Gannon	McNaughton	Snyder
Battisto	Geist	Melio	Solobay
Belardi	George	Metcalfe	Staback
Belfanti	Gigliotti	Michlovic	Stairs
Benninghoff	Gladeck	Micozzie	Steelman
Birmelin	Godshall	Miller, R.	Steil
Bishop	Gordner	Miller, S.	Stern
Blaum	Grucela	Mundy	Stetler
Boyes	Habay	Myers	Stevenson
Browne	Haluska	Nailor	Strittmatter
Bunt	Hanna	Nickol	Sturla
Butkovitz	Harhai	O'Brien	Surra
Buxton	Harhart	Oliver	Tangretti
Caltagirone	Hasay	Orie	Taylor, E. Z.
Cappabianca	Hennessey	Perzel	Taylor, J.
Carn	Herman	Pesci	Tigue
Casorio	Hershey	Petrarca	Travaglio
Cawley	Hess	Petrone	Trello
Chadwick	Horsey	Phillips	Trich
Civera	Hutchinson	Pippy	True
Clark	Jadlowiec	Pistella	Tulli
Clymer	James	Platts	Vance
Cohen, L. I.	Josephs	Preston	Van Horne
Cohen, M.	Kaiser	Raymond	Veon
Colafella	Keller	Readshaw	Vitali
Cornell	Kenney	Reinard	Walko
Corrigan	Kirkland	Rieger	Washington
Costa	Krebs	Roberts	Waters
Coy	LaGrotta	Robinson	Williams
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wogan
Dally	Lederer	Rooney	Wojnaroski
DeLuca	Leh	Ross	Wright
Dermody	Lescovitz	Rubley	Yewcic
DeWeese	Levdansky	Ruffing	Youngblood
DiGiroiama	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	
Evans	Manderino	Schroder	
Fairchild	Mann		

NAYS—0

NOT VOTING—0

EXCUSED—7

Bebko-Jones	Dempsey	McGill	Thomas
Daley	Gruitza	Ramos	

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

GUESTS INTRODUCED

The SPEAKER. The Chair at this time would like to welcome to the hall of the House Bobby Kidd, who is working for us as a guest page. He is sponsored today by Representative Wilt. His parents, Gary and Susan, are located in the balcony. Would the Kidds please rise.

CONSIDERATION OF SB 647 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Ms. BARD offered the following amendment No. A3741:

Amend Sec. 301, page 16, lines 23 through 30; page 17, line 1, by striking out all of lines 23 through 30, page 16 and "(d)" in line 1, page 17 and inserting

(c)

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes Ms. Bard.

Ms. BARD. Thank you, Mr. Speaker.

The purpose of this amendment is to clarify the language of this section, and I would like to interrogate the floor manager, if I may.

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin.

Ms. BARD. First I would like to confirm that it is the legislative intent of this section to adopt the BOCA model energy code as the energy standard for construction in Pennsylvania and that this section calls for a one-to-one translation of the BOCA performance standards into actual prescriptive standards.

Mr. STEIL. That is correct, Mr. Speaker.

Ms. BARD. And secondly, I would like to clarify that when the Department of Labor and Industry develops a prescriptive standard, that it does not in any way preclude someone from building to the same performance levels but using a different methodology.

Mr. STEIL. That is correct, Mr. Speaker. The concept here is that we will achieve the result described and the standard established in the BOCA Code, but the methodology by which that is achieved is available in several different ways. It is the concept that we will achieve that result so as to confirm the BOCA standard.

Ms. BARD. Thank you very much. That ends my interrogation.

AMENDMENT WITHDRAWN

Ms. BARD. Mr. Speaker, I would like to—

The SPEAKER. On the question.

Ms. BARD. I would like to withdraw the amendment.

The SPEAKER. The Chair thanks the lady.

Ms. BARD. Thank you.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. GEORGE offered the following amendment No. A3749:

Amend Sec. 503, page 32, lines 18 and 19, by striking out all of said lines and inserting

(3) The department shall take into consideration, in rendering the determination:

(i) the provision, code development process history,

Amend Sec. 503, page 32, line 23, by removing the period after "CODES" and inserting ; and

(ii) the degree to which not granting an exception would create an administrative and financial burden for municipalities having a population of 10,000 or less.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the George amendment, the gentleman, Mr. George, is recognized.

Conversations in the vicinity of Mr. George, please break up.

Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, for those who want this BOCA bill, this amendment does nothing to interfere. It simply places within the bill another segment of option that local government municipalities under 10,000 population can ask for a waiver in regard to the minimum or maximum, and while asking for that, it simply places the emphasis on the Department of Labor where the Secretary will make that decision as to whether it will hurt the municipality in a financial manner or in an administrative manner.

This does not hurt the bill. In reality, it should help the bill in convincing those that are concerned about the rural area and the fact that administratively and financially, we just do not have as much to work with. It should help in a manner where we can go back home and say, look, we worried about this concept but we have made it better for you, and I am asking that we accept this amendment as the best way to be fair about what we impose on those who can little afford any future imposition. Thank you.

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

Mr. BUXTON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the George amendment. What this amendment would actually do is subterfuge a statewide standard for one in which municipalities could actually opt out of any standard of building construction within their municipality if their appeal to the Secretary of Labor and Industry were successful.

This bill seeks to set a standard in all of 2,600 local governments throughout the Commonwealth of Pennsylvania. This amendment would diminish that standard in 90 percent of the municipalities in Pennsylvania that have populations under 10,000. This really goes to the core of what we are trying to accomplish today in establishing a statewide standard that impacts every area of this Commonwealth, and therefore, I would ask that the members vote "no" on the George amendment.

The SPEAKER. The Chair thanks the gentleman.

Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I do not stand here to in any way be controversial with my colleague. I just want to remind him and those of you that might feel what he said is accurate that he is close but not at point. We are not adding anything to the bill. There are five specific criteria at this time. We are not doing anything to limit or add or hurt. And secondly, the Secretary of Labor or this administration ought to be those that make the decision on a waiver, because there are other parts of this bill that talk about specific waivers. Now, if we are going to give waivers to those municipalities that are going to argue about waivers and not worry about financial dilemma, well, they say that is acceptable, but what I am saying to you is that we ought to really take a look at this amendment and agree, especially those of us that represent municipalities, many of them under the 10,000 population, that we would be in error and be remiss if we did not vote "yes" for this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Centre, Mr. Herman.

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

I have to concur with the gentleman from Harrisburg, that he is absolutely right in terms of this amendment in that it retreats from the basic premise of providing for a uniform construction building code in the Commonwealth of Pennsylvania. This amendment, as I have been told, would affect nearly 92 percent of the municipalities in the Commonwealth if it were adopted. So I urge everyone to vote against this adoption. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Buxton, for the second time.

Mr. BUXTON. Thank you, Mr. Speaker.

The sponsor of the amendment has said to us here on the floor that he believes that enactment of this legislation may provide some type of hardship on many municipalities in Pennsylvania. The bill recognizes that municipalities in Pennsylvania may not have the wherewithal in the beginning to implement and adopt all the standards that are included in this legislation. Therefore, this bill provides that those municipalities who perhaps lack an inspection agency or other personnel to implement this legislation, the bill provides that they may band together among themselves, among different municipalities, to hire someone that can work within several municipalities, or it allows them to go out and hire third-party inspection agencies to administer the provisions of the BOCA Code.

So we recognize that perhaps if a hardship does exist in some of our municipalities in Pennsylvania, this bill addresses that whereby giving them the authority to come together and hire one individual to enforce the provisions of this legislation. Therefore, I would continue to urge my colleagues to defeat the Bud George amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

For all of the reasons already cited, and in addition keep in mind that municipalities are the ones who initiate the code revision process, so therefore, the costs are known to them at the time they begin that process. For all of those reasons we would ask for a negative vote on amendment A3749. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—52

Baker	Gigliotti	McGeehan	Scrimenti
Barrar	Gordner	Melio	Shaner
Butkovitz	Hanna	Mundy	Steelman
Carn	Horsey	Myers	Surra
Casorio	James	O'Brien	Tangretti
Cawley	Josephs	Oliver	Tigue
Chadwick	Keller	Petrarca	Trello
Clark	Kirkland	Pistella	Vitali
Curry	LaGrotta	Rieger	Washington
Donatucci	Lederer	Roberts	Waters
Evans	Lucyk	Robinson	Yewcic
Freeman	Manderino	Roebuck	Youngblood
George	Mann	Rooney	Yudichak

NAYS—143

Adolph	Egolf	Major	Schroder
Allen	Fairchild	Markosek	Schuler
Argall	Fargo	Marsico	Semmel
Armstrong	Feese	Masland	Serafini
Bard	Fichter	Mayernik	Seyfert
Barley	Fleagle	McCall	Smith, B.
Bastian	Flick	McIlhattan	Smith, S. H.
Battisto	Forcier	McIlhinney	Snyder
Belardi	Frankel	McNaughton	Solobay
Belfanti	Gannon	Metcalfe	Staback
Benninghoff	Geist	Michlovic	Stell
Birmelin	Gladeck	Micozzie	Stern
Bishop	Godshall	Miller, R.	Stetler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Habay	Nailor	Strittmatter
Browne	Haluska	Nickol	Sturla
Bunt	Harhai	Orie	Taylor, E. Z.
Buxton	Harhart	Perzel	Taylor, J.
Caltagirone	Hasay	Pesci	Travaglio
Cappabianca	Hennessey	Petrone	Trich
Civera	Herman	Phillips	True
Clymer	Hershey	Pippy	Tulli
Cohen, L. I.	Hess	Platts	Vance
Cohen, M.	Hutchinson	Preston	Van Home
Colafella	Jadlowiec	Raymond	Veon
Cornell	Kaiser	Readshaw	Walko
Corrigan	Kenney	Reinard	Williams
Costa	Krebs	Rohrer	Wilt
Coy	Laughlin	Ross	Wogan
Dailey	Lawless	Rubley	Wojnaroski
Dally	Leh	Ruffing	Wright
DeLuca	Lescovitz	Sainato	Zimmerman
Dermody	Levdansky	Samuelson	Zug
DeWeese	Lynch	Santoni	
DiGrolamo	Maher	Sather	Ryan,
Druce	Maitland	Saylor	Speaker
Eachus			

NOT VOTING—1

Stairs

EXCUSED—7

Bebko-Jones	Dempsey	McGill	Thomas
Daley	Gruitza	Ramos	

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. SAYLOR offered the following amendment No. A3752:

Amend Sec. 303, page 19, line 22, by striking out "JULY 1, 1999" and inserting

January 1, 1998

Amend Sec. 303, page 19, line 24, by striking out "JULY 1, 1999" and inserting

January 1, 1998

Amend Sec. 303, page 20, line 2, by striking out "JULY 1, 1999" and inserting

January 1, 1998

Amend Sec. 303, page 20, line 5, by striking out "JULY 1, 1999" and inserting

January 1, 1998

On the question,
Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, I would like to withdraw that amendment and offer amendment A3825, for which I would have to suspend the rules.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

RULES SUSPENDED

The SPEAKER. The gentleman, Mr. Saylor, moves that the rules of the House be suspended to permit him to offer amendment A3825.

On the question,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—185

Adolph	Fargo	Mann	Schroder
Allen	Feese	Markosek	Schuler
Argall	Fichter	Marsico	Scrimenti
Armstrong	Fleagle	Masland	Semmel
Baker	Flick	Mayernik	Serafini
Bard	Forcier	McCall	Seyfert
Barley	Frankel	McGeehan	Shaner
Barrar	Freeman	McIlhattan	Smith, B.
Bastian	Gannon	McIlhinney	Smith, S. H.
Battisto	Geist	McNaughton	Snyder
Belardi	George	Metcalfe	Staback
Benninghoff	Gigliotti	Michlovic	Stairs
Birmelin	Gladeck	Micozzie	Stern
Bishop	Godshall	Miller, R.	Stetler
Blaum	Gordner	Miller, S.	Stevenson
Boyes	Grucela	Mundy	Strittmatter
Browne	Habay	Myers	Sturla
Bunt	Haluska	Nailor	Surra
Butkovitz	Harhai	Nickol	Tangretti
Buxton	Harhart	O'Brien	Taylor, E. Z.
Caltagirone	Hasay	Oliver	Taylor, J.

Cappabianca	Hennessey	Orie	Tigue
Cam	Herman	Perzel	Travaglio
Cawley	Hershey	Pesci	Trello
Chadwick	Hess	Petrarca	Trich
Civera	Horsley	Phillips	True
Clark	Hutchinson	Pippy	Vance
Clymer	Jadlowiec	Pistella	Van Horne
Cohen, L. I.	James	Platts	Veon
Cohen, M.	Josephs	Preston	Vitali
Colafella	Kaiser	Raymond	Walko
Cornell	Keller	Readshaw	Washington
Corrigan	Kenney	Reinard	Waters
Costa	Kirkland	Rieger	Williams
Coy	LaGrotta	Roberts	Wilt
Curry	Laughlin	Robinson	Wogan
Dailey	Lawless	Roebuck	Wojnaroski
Dally	Lederer	Rohrer	Wright
DeLuca	Leh	Rooney	Yewcic
Dermody	Lescovitz	Ross	Youngblood
DeWeese	Levdansky	Rubley	Yudichak
DiGirolamo	Lucyk	Ruffing	Zimmerman
Donatucci	Lynch	Sainato	Zug
Druce	Maher	Samuelson	
Egolf	Maitland	Santoni	Ryan,
Evans	Major	Sather	Speaker
Fairchild	Manderino	Saylor	

NAYS—10

Belfanti	Hanna	Petrone	Steelman
Casorio	Krebs	Solobay	Steil
Eachus	Melio		

NOT VOTING—1

Tulli

EXCUSED—7

Bebko-Jones	Dempsey	McGill	Thomas
Daley	Gruitza	Ramos	

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. SAYLOR offered the following amendment No. A3825:

Amend Sec. 303, page 19, line 22, by striking out "JULY 1, 1999" and inserting

January 1, 1999

Amend Sec. 303, page 19, line 24, by striking out "JULY 1, 1999" and inserting

January 1, 1999

Amend Sec. 303, page 20, line 2, by striking out "JULY 1, 1999" and inserting

January 1, 1999

Amend Sec. 303, page 20, line 5, by striking out "JULY 1, 1999" and inserting

January 1, 1999

On the question,
Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, this amendment simply changes the date of grandfathering for local municipalities to January 1 of 1999.

The SPEAKER. On the question of the adoption of the amendment, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

I would ask the members to support amendment A3825.

This amendment changes the grandfathering date in a compromise fashion. The original bill as it came from the Senate had January 1, 1998; as it came from committee, July 1, 1999. This is a compromise provision arranged between various parties, and I believe it is a fair revision to the grandfathering date. Very simply, the grandfather date means that all municipal ordinances adopted prior to that time or readopted from previous passage after that date will be grandfathered and protected permanently.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Saylor amendment.

In committee we inserted a grandfather date of July 1 of 1999, and that was to reflect the hard work that was done by some municipalities to bring their building codes up to a proper standard. I do not think it is in the best interest of those local units of government or the Commonwealth to just cast aside that hard work. I think we should give recognition to the fact that many municipalities have been looking long and hard at this issue, have been trying to address it on their own local level, and I think it is only reasonable to retain the grandfather clause of July 1. We should ask no less of our local officials who have done such a good job at trying to address this issue.

So I would urge this membership to please show your support for the hard work done by local officials who were thoughtful enough to proceed in updating their codes and retain the grandfather clause of July 1 by voting "no" on the Saylor amendment. Thank you.

The SPEAKER. The gentleman, Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask this House to not agree with this amendment.

This proposal has been around for a number of sessions, and before whenever we have dealt with it, we have amended it or grandfathered the existing township ordinances to a date fairly close to when we adopted the bill in this House. Last session, in 1997-98, we updated the bill from January 1 of 1996 to January 1 of 1997 when we voted on it in June of 1997. It is about 5 months. In the prior session, we updated it to January 1, 1996, when we voted on it in June of 1996 — again, a timespan of about 5 months. Currently the bill stands at about 4 months.

When we have considered this proposal over several terms, municipal governments have been busy, trying to make sure that they could craft ordinances to deal with their local problems. Most amendments have dealt with issues of public safety, many of them being driven by fire companies and volunteer firefighters who have seen safety problems when they responded to these scenes of an emergency. Often these changes that the township governments have made are responses to those kinds of local incidents or events.

In my own district, Caln Township has an ordinance which, again, is a response to a tragic fire in a township right next to them. Their ordinance strips away one of the alternatives that was given to BOCA. BOCA '96 and BOCA '99 required a complete separation of firewall between individual row homes or townhouses. BOCA gave an exception and allowed for the replacement of those 30-inch-high firewalls above the roof, to be replaced by laminated fire-resistant-treated plywood. However, the problem that Caln Township has found is that many of those instances of the applied plywood have delaminated over the years. There is a development in the township that is about 10 years old, and many of the residents are finding themselves having to tear out this plywood and replace it, because any kind of exposure to the elements causes it to delaminate and to lose its fire resistance.

Adoption of this amendment could totally nullify their effort to protect their citizenry. It seems to me that we should not penalize local governments for being on their toes and nullify work that they have done by rolling back the date within which the bill will grandfather them. It makes sense here in October of 1999 that we update the bill to support their efforts.

I would like to point out to the House that in several sections of the bill as it is before us, in its unamended state, we have dates which are actually—

The SPEAKER. Will the gentleman yield.

The gentleman has been recognized to speak on the amendment, not on the bill.

Mr. HENNESSEY. Thank you, Mr. Speaker.

It makes sense to me, Mr. Speaker, that we acknowledge the work that our local governments have done. By rejecting this amendment, we would act consistently with what we have done in this House on prior occasions when we dealt with it in the 1995-96 session and we dealt with a similar bill in the 1997-98 session. We would be acting more consistently with other provisions in the bill. There are effective dates in the current bill which allow for the regulations to take effect or for these new rights to take effect when the regulations are first published. There are other permits that are granted and grandfathered up to the day that the act is adopted or becomes effective and also dates when the regulations later become effective. So it would seem to me that the closer, the tighter we hold the date to the time that we pass this bill, the more consistently we act with our own history and also with the language in the current bill.

I would ask that you vote against the amendment and preserve the July 1, 1999, grandfathering date. I would point out one other thing. When this was dealt with in the Local Government Committee, the recent date, July 1, 1999, received the support of 20 of the 24 members casting their votes, so it was overwhelmingly supported in the Local Government Committee, and I would ask that we act consistently with that as well and reject this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Solobay, on the question.

Mr. SOLOBAY. Thank you, Mr. Speaker.

I also rise in opposition to the amendment.

The emergency service community has spent a lot of time trying to get codes updated to reach the July 1 deadline, and if this amendment would go through, a lot of communities who have exceeded the minimum will have a lot of hard time to backtrack and regress what they have done.

So I urge everyone a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—64

Allen	Gannon	McIlhattan	Sather
Argall	Godshall	McNaughton	Saylor
Baker	Habay	Metcalfe	Schuler
Barley	Herman	Miller, R.	Semmel
Battisto	Hershey	Nailor	Smith, B.
Benninghoff	Hess	Nickol	Steil
Birmelin	Horsey	Orie	Stern
Bunt	James	Perzel	Stevenson
Buxton	Kaiser	Pesci	Trello
DeWeese	Laughlin	Phillips	True
Donatucci	Lawless	Pippy	Tulli
Druce	Lucyk	Pistella	Veon
Evans	Markosek	Platts	Walko
Fairchild	Marsico	Readshaw	Waters
Fargo	Masland	Reinard	Wright
Fleagle	Mayernik	Rieger	Zimmerman

NAYS—132

Adolph	Eachus	Maitland	Seyfert
Armstrong	Egolf	Major	Shaner
Bard	Feese	Manderino	Smith, S. H.
Barrar	Fichter	Mann	Snyder
Bastian	Flick	McCall	Solobay
Belardi	Forcier	McGeehan	Staback
Belfanti	Frankel	McIlhinney	Stairs
Bishop	Freeman	Melio	Steelman
Blaum	Geist	Michlovic	Stetler
Boyes	George	Micozzie	Strittmatter
Browne	Gigliotti	Miller, S.	Sturla
Butkovitz	Gladeck	Mundy	Surra
Caltagirone	Gordner	Myers	Tangretti
Cappabianca	Grucela	O'Brien	Taylor, E. Z.
Cam	Haluska	Oliver	Taylor, J.
Casorio	Hanna	Petrarca	Tigue
Cawley	Harhai	Petrone	Travaglio
Chadwick	Harhart	Preston	Trich
Civera	Hasay	Raymond	Vance
Clark	Hennessey	Roberts	Van Horne
Clymer	Hutchinson	Robinson	Vitali
Cohen, L. I.	Jadlowiec	Roebuck	Washington
Cohen, M.	Josephs	Rohrer	Williams
Colafrella	Keller	Rooney	Wilt
Cornell	Kenney	Ross	Wogan
Corrigan	Kirkland	Rubley	Wojnaroski
Costa	Krebs	Ruffing	Yewcic
Coy	LaGrotta	Sainato	Youngblood
Curry	Lederer	Samuelson	Yudichak
Dailey	Leh	Santoni	Zug
Dally	Lescovitz	Schroder	
DeLuca	Levdansky	Scrimenti	Ryan,
Dermody	Lynch	Serafini	Speaker
DiGrolamo	Maier		

NOT VOTING—0

EXCUSED—7

Bebko-Jones	Dempsey	McGill	Thomas
Daley	Gruitza	Ramos	

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. KELLER offered the following amendment No. A3753:

Amend Sec. 303, page 19, line 4, by inserting after "MEET" minimum

Amend Sec. 303, page 19, line 5, by inserting after "(2)," the provisions of

Amend Sec. 303, page 19, line 7, by striking out "comply with" and inserting

equal or exceed

Amend Sec. 303, page 19, line 15, by striking out "THE ORDINANCE MUST" and inserting

those provisions of the ordinance which do not comply with the minimum requirements of the regulations promulgated under this act shall

Amend Sec. 303, page 19, line 15, by striking out "MEET" and inserting

provide for

Amend Sec. 303, page 19, line 27, by removing the period after "effect" and inserting

until such time as any such provisions fail to equal or exceed the minimum requirements of the regulations promulgated under this act, at which time the provisions of such ordinances shall be amended to provide for the minimum requirements of the regulations promulgated under this act.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes the gentleman.

Mr. KELLER. Thank you, Mr. Speaker.

This is just clarifying language in the bill, and I believe it is agreed to with everybody.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-195

Table listing names of members who voted 'YEAS-195', including Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Bastian, Battisto, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boyes, Fargo, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gannon, Geist, George, Gliotti, Gladeck, Godshall, Gordner, Grucela, Habay, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Michlovic, Micozzie, Miller, R., Miller, S., Mundy, Myers, Schuier, Scrimenti, Semmel, Serafini, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, Solobay, Staback, Stairs, Steelman, Steil, Stern, Stetler, Stevenson.

Table listing names of members who did not vote or were excused, including Brown, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Carn, Casorio, Cawley, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Cornell, Corrigan, Costa, Coy, Curry, Dailey, Dally, DeLuca, Dermody, DeWeese, DiGirolamo, Donatucci, Druce, Eachus, Egolf, Evans, Fairchild, Haluska, Hanna, Harhai, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Jadlowiec, James, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, LaGrotta, Laughlin, Lawless, Leh, Lescovitz, Levdansky, Lucyk, Lynch, Maher, Maitland, Major, Manderino, Mann, Nailor, Nickol, O'Brien, Oliver, Ori, Perzel, Pesci, Petrarca, Petrone, Phillips, Pippy, Pistella, Piatts, Preston, Raymond, Readshaw, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Schroder, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Tigue, Travaglio, Trello, Trich, True, Tulli, Vance, Van Home, Veon, Vitali, Walko, Washington, Waters, Williams, Wilt, Wogan, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zimmerman, Zug, Ryan, Speaker.

NAYS-0

NOT VOTING-1

Lederer

EXCUSED-7

Table listing names of members who were excused: Bebko-Jones, Daley, Dempsey, Gruitza, McGill, Ramos, Thomas.

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mrs. COHEN offered the following amendment No. A3755:

Amend Table of Contents, page 1, lines 14 through 17; page 2, line 1, by striking out all of said lines on said pages and inserting

Section 301. Establishment.

Section 302. Adoption by regulations.

Section 303. Referenced standards.

Section 304. Existing municipal building codes.

Section 305. Revised or successor codes.

Amend Table of Contents, page 2, line 6, by striking out all of said line

Amend Sec. 102, page 3, line 23, by inserting after "provide" minimum

Amend Sec. 103, page 5, line 23, by inserting after "EDITION" or Chapter 1 of the I.C.C. International One and Two Family Dwelling Code

Amend Sec. 103, page 7, lines 14 through 22, by striking out all of said lines

Amend Sec. 103, page 7, lines 28 and 29, by striking out all of said lines and inserting

“Uniform Construction Code.” The Commonwealth’s Statewide minimum construction code based on the 1999 BOCA National Building Code, Fourteenth Edition and the International Fuel Gas Code or their successor editions or codes.

Amend Sec. 104, page 9, line 16, by inserting after “government” which does not equal or exceed the Uniform Construction Code

Amend Sec. 105, page 10, line 20, by striking out “shall” and inserting

may

Amend Bill, page 14, by inserting between lines 17 and 18 Section 301. Establishment.

(a) General rule.—The 1999 BOCA National Building Code, Fourteenth Edition is hereby established as the Uniform Construction Code in this Commonwealth. The Uniform Construction Code shall be construed to be a minimum code, the provisions of which may be exceeded at any time by a municipality upon adoption of an ordinance establishing a local building code exceeding the requirements of the Uniform Construction Code.

(b) International Fuel Gas Code.—The International Fuel Gas Code is hereby established as the standard for the installation of fuel gas piping systems and fuel gas utilization equipment and related accessories in this Commonwealth and shall be construed to be part of the Uniform Construction Code. Where differences occur between provisions of the 1999 BOCA National Building Code, Fourteenth Edition and the International Fuel Gas Code, the provisions of the International Fuel Gas Code shall apply.

Amend Sec. 301, page 14, line 18, by striking out “301” and inserting

302

Amend Sec. 301, page 15, line 4, by inserting after “edition” or its successor

Amend Sec. 301, page 17, line 4, by inserting after “codes” which do not equal or exceed the Uniform Construction Code

Amend Sec. 302, page 18, line 13, by striking out “302” and inserting

303

Amend Sec. 303, page 19, line 1, by striking out “303” and inserting

304

Amend Sec. 303, page 19, lines 21 through 30; page 20, lines 1 through 9, by striking out all of said lines on said pages and inserting Municipal building code ordinances in effect on the effective date of this act which contain provisions which equal or exceed the specific requirements of the regulations promulgated under this act shall remain in effect.

Amend Sec. 304, page 20, line 18, by striking out “304” and inserting

305

Amend Sec. 501, page 21, line 30, by inserting after “ordinance” providing for a local building code which at a minimum shall

Amend Sec. 501, page 22, line 1, by striking out “adopting” and inserting

adopt

Amend Sec. 501, page 22, line 3, by inserting after “303(a).” A local building code ordinance enacted by a municipality may exceed the provisions of the Uniform Construction Code.

Amend Sec. 501, page 23, line 17, by inserting after “EDITION” , or Chapter 1 of the I.C.C. International One and Two Family Dwelling Code

Amend Sec. 501, page 23, lines 25 through 29, by striking out all of said lines

Amend Sec. 503, page 30, lines 11 and 12, by striking out “consistent with the provisions of section 501(c)”

Amend Sec. 503, page 31, lines 20 through 30; page 32, lines 1 through 30; page 33, lines 1 through 10, by striking out all of said lines on said pages

Amend Sec. 1103, page 39, line 3, by inserting after “302,” 303,

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The lady withdraws the amendment. Thank you.

You had two amendments, Mrs. Cohen? Both down. Thank you.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

The SPEAKER. The Chair at this time inquires as to whether or not the gentleman, Mr. Freeman, has an amendment to offer.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, given the consideration that the McIlhinney amendment went in to improve the bill, that we were able to maintain the grandfather date of July 1, I will at this time withdraw my amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Barley. Mr. Barley, do you have an amendment? The gentleman’s amendment is withdrawn.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. FEESE offered the following amendment No. A3754:

Amend Sec. 504, page 33, line 10, by inserting after “pleas.” In order to be aggrieved, a person must have a direct, immediate and substantial interest in the application or enforcement of the ordinance.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Adolph	Fargo	Markosek	Schuler
Allen	Feese	Marsico	Scrimenti
Argall	Fichter	Masland	Semmel
Armstrong	Fleagle	Mayernik	Serafini
Baker	Flick	McCall	Seyfert
Bard	Forcier	McGeehan	Shaner
Barley	Frankel	McIlhattan	Smith, B.
Barrar	Freeman	McIlhinney	Smith, S. H.
Bastian	Gannon	McNaughton	Snyder
Battisto	Geist	Melio	Solobay
Belardi	George	Metcalfe	Staback
Belfanti	Gigliotti	Michlovic	Stairs

Benninghoff	Gladeck	Micozzie	Steelman
Birmelin	Godshall	Miller, R.	Steil
Bishop	Gordner	Miller, S.	Stern
Blaum	Grucela	Mundy	Stetler
Boyes	Habay	Myers	Stevenson
Browne	Haluska	Nailor	Strittmatter
Bunt	Hanna	Nickol	Sturla
Butkovitz	Harhai	O'Brien	Surra
Buxton	Harhart	Oliver	Tangretti
Caltagirone	Hasay	Orie	Taylor, E. Z.
Cappabianca	Hennessey	Perzel	Taylor, J.
Carn	Herman	Pesci	Tigue
Casorio	Hershey	Petrarca	Travaglio
Cawley	Hess	Petrone	Trello
Chadwick	Horsey	Phillips	Trich
Civera	Hutchinson	Pippy	True
Clark	Jadlowiec	Pistella	Tulli
Clymer	James	Platts	Vance
Cohen, L. I.	Josephs	Preston	Van Horne
Cohen, M.	Kaiser	Raymond	Veon
Colafella	Keller	Readshaw	Vitali
Cornell	Kennedy	Reinard	Walko
Corrigan	Kirkland	Rieger	Washington
Costa	Krebs	Roberts	Waters
Coy	LaGrotta	Robinson	Williams
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wogan
Daily	Lederer	Rooney	Wojnaroski
DeLuca	Leh	Ross	Wright
Dermody	Lescovitz	Rubley	Yewcic
DeWeese	Levdansky	Ruffing	Youngblood
DiGrolamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Evans	Manderino	Schroder	Speaker
Fairchild	Mann		

NAYS-0

NOT VOTING-0

EXCUSED-7

Bebko-Jones	Dempsey	McGill	Thomas
Daley	Gruitza	Ramos	

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

AMENDMENT A3839 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Gordner, who moves that the vote by which amendment 3839 was passed to SB 647, PN 1414, be reconsidered. The gentleman, Mr. Surra, is the second to this.

On the question,
Will the House agree to the motion?

The following roll call was recorded:

YEAS-196

Adolph	Fargo	Markosek	Schuler
Allen	Feese	Marsico	Scrimenti
Argall	Fichter	Masland	Semmel
Armstrong	Fleagle	Mayernik	Serafini
Baker	Flick	McCall	Seyfert
Bard	Forcier	McGeehan	Shaner
Barley	Frankel	McIlhattan	Smith, B.
Barrar	Freeman	McIlhinney	Smith, S. H.
Bastian	Gannon	McNaughton	Snyder
Battisto	Geist	Melio	Solobay
Belardi	George	Metcalfe	Staback
Belfanti	Gigliotti	Michlovic	Stairs
Benninghoff	Gladeck	Micozzie	Steelman
Birmelin	Godshall	Miller, R.	Steil
Bishop	Gordner	Miller, S.	Stern
Blaum	Grucela	Mundy	Stetler
Boyes	Habay	Myers	Stevenson
Browne	Haluska	Nailor	Strittmatter
Bunt	Hanna	Nickol	Sturla
Butkovitz	Harhai	O'Brien	Surra
Buxton	Harhart	Oliver	Tangretti
Caltagirone	Hasay	Orie	Taylor, E. Z.
Cappabianca	Hennessey	Perzel	Taylor, J.
Carn	Herman	Pesci	Tigue
Casorio	Hershey	Petrarca	Travaglio
Cawley	Hess	Petrone	Trello
Chadwick	Horsey	Phillips	Trich
Civera	Hutchinson	Pippy	True
Clark	Jadlowiec	Pistella	Tulli
Clymer	James	Platts	Vance
Cohen, L. I.	Josephs	Preston	Van Horne
Cohen, M.	Kaiser	Raymond	Veon
Colafella	Keller	Readshaw	Vitali
Cornell	Kennedy	Reinard	Walko
Corrigan	Kirkland	Rieger	Washington
Costa	Krebs	Roberts	Waters
Coy	LaGrotta	Robinson	Williams
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wogan
Daily	Lederer	Rooney	Wojnaroski
DeLuca	Leh	Ross	Wright
Dermody	Lescovitz	Rubley	Yewcic
DeWeese	Levdansky	Ruffing	Youngblood
DiGrolamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Evans	Manderino	Schroder	Speaker
Fairchild	Mann		

NAYS-0

NOT VOTING-0

EXCUSED-7

Bebko-Jones	Dempsey	McGill	Thomas
Daley	Gruitza	Ramos	

The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,
Will the House agree to the amendment?

The clerk read the following amendment No. A3839:

Amend Sec. 104, page 10, by inserting between lines 17 and 18
(f) Application to swimming pools and spas.—

(1) The provisions of this act as they relate to swimming pools and spas, shall not be applicable to those constructed or installed prior to the effective date of this act.

(2) All swimming pools and spas constructed or installed after the effective date of this act, shall be governed by the requirements of the Pennsylvania Construction Code Act including section 503.

On the question recurring,
Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman, Mr. Reinard, indicates he will stand for interrogation. You may begin.

Mr. GORDNER. Thank you, Mr. Speaker.

Mr. Speaker, in the past I know you have introduced and proposed and supported language dealing with swimming pools and spas and enclosures and barriers for them. In regard to your amendment, could you let me know what is in BOCA as it relates to barriers for swimming pools and spas?

Mr. REINARD. Mr. Speaker, we are looking to see if there is a specific BOCA Code update version here. I do not know it personally. If there is a version here, I will be glad to refer it to you, if you would be happy to take a look at it. I am not a contractor, nor do I profess to know what those construction codes are.

Mr. GORDNER. Okay. As I have read through the bill and the analysis of the bill, I have been thinking in the form of structures and buildings and residences and all of those things. I was not thinking of the BOCA Code as relating to swimming pools and spas. But in an off-record conversation with you, you did indicate that the BOCA Code does include barriers for swimming pools and spas. Is that correct?

Mr. REINARD. That is correct, Mr. Speaker. As a matter of fact, it is my understanding, as I said initially in my remarks when I introduced the amendment, that without the amendment offered by myself, I am under complete belief that the legislation would apply and does apply to swimming pools. However, because of my concern on making sure that grandfathering of existing pools is stated in the act so those residents of the Commonwealth that have an existing swimming pool somewhere are not held to a higher standard when this act was not applying to them, that would then be part of this statute.

Mr. GORDNER. Okay. Under your amendment, it says that after the effective date of this act, swimming pool and spa owners would have to come into compliance with the BOCA Code, so those folks, whether they live in a rural area, regardless of whether they have a 100-acre, 200-acre, or 300-acre parcel, would have to provide a barrier for a swimming pool or a spa.

Mr. REINARD. Mr. Speaker, all I am saying in that amendment is what the statute before you presently already addresses.

Mr. GORDNER. All right.

Thank you, Mr. Speaker. I have no further questions. I would like to comment on the amendment.

The SPEAKER. The gentleman is in order.

Mr. GORDNER. And I guess, shame on me. As I was reviewing this legislation or reviewing the lengthy analysis of it, I assumed wrongly that this legislation strictly dealt with structures and buildings and residences and outbuildings and those sorts of things. Only within the last half hour did I understand or realize that this also will require barriers for outdoor swimming pools, both inground and aboveground, as well as spas, and I happened to have put a spa just behind my house about 2 weeks ago, and under the provisions of this — and maybe I will be lucky and be grandfathered in — but I am not sure that I support the idea of having to put barriers for these things, and as we talked about before, someone that has a 200-acre farm and has a swimming pool in the middle of it, I am not sure if that individual should have to provide a barrier as provided by the BOCA Code.

So I will be voting against this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the question of the adoption of the amendment, Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Again, Mr. Speaker, just to respond to the comments regarding 200-acre farms, the legislation that I have introduced dealing with pools treats the BOCA Code standard the same as it does for any structure, whether it be on farms. It just addresses exactly what is already in the bill that is before you. It does not address it any less; it does not address it any more. And shy of the legislation offered in my amendment, the bill that is before you today still does the same exact thing.

Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—170

Adolph	Fairchild	Mayernik	Schuler
Allen	Fichter	McCall	Semmel
Argall	Fleagle	McGeehan	Serafini
Armstrong	Flick	McIlhinney	Seyfert
Bard	Frankel	McNaughton	Shaner
Barley	Freeman	Melio	Smith, B.
Barrar	Gannon	Metcalfe	Snyder
Bastian	Geist	Michlovic	Solobay
Battisto	George	Micozzie	Staback
Belardi	Gigliotti	Miller, R.	Steil
Belfanti	Gladeck	Miller, S.	Stern
Benninghoff	Grucela	Myers	Stetler
Bishop	Habay	Nailor	Stevenson
Blaum	Haluska	Nickol	Strittmatter
Browne	Hanna	O'Brien	Sturla
Bunt	Harhai	Oliver	Tangretti
Butkovitz	Harhart	Orie	Taylor, E. Z.
Buxton	Hennessey	Perzel	Taylor, J.
Caltagirone	Herman	Pesci	Tigue
Cappabianca	Hershey	Petrone	Travaglio
Carn	Hess	Phillips	Trello
Casorio	Horsley	Pippy	Trich
Cawley	Jadlowiec	Pistella	True
Civera	James	Platts	Tulli
Clymer	Josephs	Preston	Vance
Cohen, L. I.	Kaiser	Raymond	Van Home
Cohen, M.	Keller	Readshaw	Veon
Colafella	Kenney	Reinard	Vitali
Cornell	Kirkland	Rieger	Walko
Corrigan	Krebs	Roberts	Washington
Costa	LaGrotta	Robinson	Waters

Coy	Laughlin	Roebuck	Williams
Curry	Lawless	Rohrer	Wilt
Dailey	Lederer	Rooney	Wogan
Dally	Leh	Ross	Wojnaroski
DeLuca	Levdansky	Ruble	Wright
Dermody	Lucyk	Ruffing	Youngblood
DeWeese	Maher	Sainato	Yudichak
DiGirolamo	Manderino	Samuelson	Zimmerman
Donatucci	Mann	Santoni	Zug
Druce	Markosek	Sather	
Eachus	Marsico	Saylor	Ryan,
Evans	Masland	Schroder	Speaker

NAYS—26

Baker	Feese	Lynch	Scrimenti
Birmelin	Forcier	Maitland	Smith, S. H.
Boyes	Godshall	Major	Stairs
Chadwick	Gordner	McIlhattan	Steelman
Clark	Hasay	Mundy	Surra
Egolf	Hutchinson	Petrarca	Yewcic
Fargo	Lescovitz		

NOT VOTING—0

EXCUSED—7

Bebko-Jones	Dempsey	McGill	Thomas
Daley	Gruitza	Ramos	

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

On the question of final passage, the gentleman, Mr. Buxton, is recognized.

Mr. BUXTON. Thank you, Mr. Speaker.

Mr. Speaker, today we hope the third time is the charm. This House of Representatives has passed a statewide standard for building in three different legislative sessions, dating back to 1993. Today we are voting on final passage of a bill that has really been the culmination of 6 years of intensive work by a lot of individuals here in the House and by many stakeholders who will be under the provisions of this bill if enacted.

This bill provides for the public safety, health, and welfare of Pennsylvania residents at a time when they are making the largest investment of their life, the purchase of a home. This legislation ensures that that investment is going to be built to a standard, a standard that will be the same in all of our 2,600 municipalities across this Commonwealth. We have provided safeguards for local governments so that they can enact this legislation by banding together to enforce it through the employment of an individual or a third-party inspection agency. We have provided in this bill that inspections that are performed in this Commonwealth by code inspectors are done by people who are certified as code inspectors, and yes, we also require that those code inspectors or

administrators continue their education so that they can keep abreast of the changing standards within the construction industry.

We are asking for your support of this legislation today, hopefully so that by the end of this year, we will see a statewide standard adopted in Pennsylvania. I believe that 1999 is critical in finally sending a bill to the Governor for his signature, because the Federal Emergency Management Agency has adopted certain rules and regulations that will impact upon all our municipalities and upon our State government if we do not have some type of standard in place. What the Federal government has said is that without some type of standard, any Federal disaster relief funds that would come into this Commonwealth or come into our communities could not be used to bring facilities up to code where codes do not exist. In other words, if a house with a 50-amp electric service in your district were flooded and qualified for disaster relief, that house would only be repaired up to the 50-amp service; it would not be repaired up to a code standard, which would require a 100-amp electric service. So we not only are confronted with the prospect of losing certain Federal moneys through natural disasters, but we are confronted with the awesome task of trying to get our municipalities in Pennsylvania on board to recognize that this is something that is going to help all consumers, including those individuals in municipalities who are elected who may fight us on this issue.

I encourage you to, for the third time since 1993, pass a statewide building code which sets forth minimum standards for construction, which will protect our consumers in Pennsylvania. Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind the members that we do have an event scheduled at 5 o'clock, the rededication of the building next door. This is an important issue. The Chair would not ask any member to abbreviate their remarks but just wanted to point out that we do have an important event pending.

CONSIDERATION OF SB 647 CONTINUED

The SPEAKER pro tempore. With that, the gentleman from Bucks County, Mr. Steil, on final passage.

Mr. STEIL. Mr. Speaker, I would like to defer to Representative Stern.

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that the bill has been agreed to for the third time as amended.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

MOTION TO RECONSIDER AMENDMENT A3825

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion filed by the gentleman, Mr. Saylor, who moves that the vote by which amendment A3825 was defeated be reconsidered.

On the question,
Will the House agree to the motion?

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. Does the gentleman, Mr. Hennessey, seek recognition on the question of reconsideration?

Mr. HENNESSEY. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. On the question, the gentleman is recognized.

Mr. HENNESSEY. Thank you, Mr. Speaker.

A question of parliamentary procedure.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. HENNESSEY. I thought that the debate on final passage of SB 647 had already started. Had it not? Am I mistaken on that?

The SPEAKER pro tempore. The gentleman is correct, but I rescinded my announcement that it had been agreed to for the third time.

Mr. HENNESSEY. Thank you, Mr. Speaker.

But had not the debate already started, and it seemed to me— The question I would pose to the Chair is, once the debate starts on final passage, is it appropriate to thereafter consider even a motion for reconsideration of a prior amendment which had been defeated?

The SPEAKER pro tempore. The Chair understands the gentleman's point, but this is a prerogative of the Speaker, and it is done on an occasional basis.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. Mr. DeWeese.

Mr. DeWEESE. Is it done on a regular basis, apropos of what the gentleman just argued, after debate has commenced? I think from time to time it is done after— At the pell-mell pace of the Speaker and the activity at the Speaker's dais, I can see where it would happen from time to time, but once debate commences, I would reject your comment that it is just inexorable, pro forma. I reject that, *with all due respect, Mr. Speaker, and I would think that the gentleman's point is worthy and should be at least commented upon by you vis-a-vis the Parliamentarian's perspective.*

The SPEAKER pro tempore. Would the gentleman, Mr. DeWeese, and the gentleman, Mr. Veon, come to the rostrum, please.

(Conference held at Speaker's podium.)

MOTION WITHDRAWN

The SPEAKER pro tempore. The gentleman, Mr. Saylor, withdraws his reconsideration motion.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman from Blair County, Mr. Stern.

Mr. STERN. Thank you, Mr. Speaker.

For the purposes of legislative intent, I would like to interrogate the sponsor.

The SPEAKER pro tempore. Mr. Stern, it is a Senate bill. Whom would you like to interrogate?

Mr. STERN. Mr. Steil.

The SPEAKER pro tempore. The gentleman indicates he is willing to stand for interrogation. You may proceed.

Mr. STERN. On page 10, line 10, section 104, subsection (4) of the bill, Mr. Speaker, there is a provision in there that states that "Nothing in this act shall limit the ability of the Department of Aging, the Department of Health or the Department of Public Welfare to promulgate or enforce regulations which exceed the requirements of this act." Could you establish for legislative purposes, Mr. Speaker, what the intent of that particular legislation is?

Mr. STEIL. Thank you, Mr. Speaker.

The intent of this particular paragraph on page 10, lines 10 through 13, is to clearly establish that the executive agencies — that is, the Departments of Aging, Health, or Public Welfare — shall have a right to promulgate regulations which exceed the BOCA Code. Now, it is clear under current law that these agencies have that right. They must pass those regulations through the Independent Regulatory Review Commission, and they still must do that. This act changes nothing in that regard.

Mr. STERN. So we are in fact, by passage of this legislation, not passing any additional rules or regulations that would allow any one of these three agencies, other than what they are already currently allowed to do according to the law.

Mr. STEIL. That is correct, Mr. Speaker. This imposes no additional burden or requirement on the departments. It simply, as current law does, permits them to do so should they choose.

Mr. STERN. The concern that I received and the letter that I received came from some personal-care homes in my legislative district, Mr. Speaker, and what I would like to do is ask you if you have heard concerns such as this from other personal-care homes across Pennsylvania or by any statewide organizations that represent personal-care homes in Pennsylvania.

Mr. STEIL. Mr. Speaker, there are in my file no letters from any personal-care, intermediate-care, or continuing-care facilities of any kind requesting or expressing concern over this provision.

Mr. STERN. So if I had a municipality that currently did not have any standards or BOCA Code currently, this subsection would not apply to them?

Mr. STEIL. Mr. Speaker, this subsection would not apply to that municipality. It would only apply to the agency that may choose, as they may now, to change the regulations regarding facilities under their management.

Mr. STERN. So it would add nothing additional, right, Mr. Speaker?

Mr. STEIL. That is the intent of the legislation, Mr. Speaker.

Mr. STERN. Thank you.

The SPEAKER pro tempore. The gentleman from Northampton County, Mr. Freeman, on final passage.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Steil, stand for a brief period of interrogation?

The SPEAKER pro tempore. He will. You are in order and may proceed.

Mr. FREEMAN. Thank you.

Mr. Speaker, I am trying to seek some clarification on an aspect regarding how the BOCA Code will apply to older construction. I am trying also to seek on the record legislative intent in this regard. As I understand it, this act will apply not only to new construction but to existing construction if it were to be repaired or extensively altered. Is that not correct?

Mr. STEIL. According to the 1999 BOCA Code — and this code is a revision from prior BOCA Codes regarding renovation or reconstruction — currently and in the 1999 code, the BOCA Code and the requirements of this act are applicable only to that portion of the structure which is renovated. It does not apply to any other portion unless the structure is being renovated in contemplating a new use.

Mr. FREEMAN. Can you give me an example, Mr. Speaker, as to what type of construction of an existing building would serve to kick in the total requirements?

Mr. STEIL. If a one- or two-family dwelling unit were renovated or reconstructed to become apartments, then it would have to be entirely reconstructed to meet the current BOCA Code. If it was renovated or reconstructed only to continue the existing use — that is, one- or two-family dwelling units — then only that portion which is reconstructed or renovated need meet the code.

Mr. FREEMAN. Would this apply then to existing apartment buildings, buildings that had been converted into apartments, Mr. Speaker?

Mr. STEIL. It does, as long as the use is not changed.

Mr. FREEMAN. But in terms of the 1999 standard, if these are buildings that were converted into apartment buildings prior to the establishment of BOCA, would they also now be covered under BOCA?

Mr. STEIL. They would.

Mr. FREEMAN. Mr. Speaker, I am also curious as to— Well, let me phrase the question this way, if I may: As is true of probably the vast majority of this membership, most of us represent older communities that have extensive older housing stock — housing stock that was built prior to the creation of most BOCA standards or at least their application in most municipalities, housing stock which in many respects is even sounder in its construction principles than what is being built today. Nevertheless, I have a concern, which I would like to lay to rest today with this interrogation, whether that housing stock would be impacted in such a way that individuals would not be able to occupy those properties or purchase those properties unless they are called upon to bring it up to a standard which is either impossible to meet or a

standard that would be so expensive that it would diminish the possibility of utilizing existing residential stock.

Mr. STEIL. The question again applies to what type of renovations are being accomplished on this older structure. If in contemplation of new residential use, continuing residential use, the new owner determines that they want to replace the electrical systems in the house, the electrical systems would have to be reinstalled or renovated in accordance with the 1999 BOCA Code. They could not be reinstalled in the manner that they had previously been installed.

Mr. FREEMAN. Although, Mr. Speaker, the previous installation, if not touched, would be grandfathered? Is that correct?

Mr. STEIL. The previous installation, if the existing electrical systems in the building were not being renovated or were not being changed in any way, they are grandfathered.

Mr. FREEMAN. And finally, Mr. Speaker, is there any provision within the 1999 BOCA Code which provides an appeal format so that if a decision were to go against a property owner of an older property, they might be able to seek some sort of relief through an appeals process?

Mr. STEIL. The BOCA Code has always and continues in 1999 to contain an appeals board section. This is a section whereby the local municipality constitutes an appeals board that hears appeals from owners, builders, or anyone else who believes that the interpretation of the current BOCA Code does not meet their needs or is subject to different interpretations. The local appeals board is not in any way subject to L&I oversight. It is not subject in any way to any other oversight other than that municipality which has constituted the appeals board itself.

Mr. FREEMAN. So it is then your understanding, Mr. Speaker, that that appeals board could provide relief to older homeowners who felt that they would suffer severe harm as a result of trying to apply BOCA?

Mr. STEIL. That is the purpose of the appeals board.

Mr. FREEMAN. Okay. Thank you. Thank you, Mr. Speaker. I have concluded my interrogation.

The SPEAKER pro tempore. On final passage, the Chair recognizes the lady from Berks County, Representative Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Would the gentleman, Mr. Steil, stand for a brief interrogation?

The SPEAKER pro tempore. It appears that he will. You are in order and may proceed.

Mrs. MILLER. Thank you, Mr. Speaker.

For purposes of establishing legislative intent and for clarification, SB 647 provides an exemption for agricultural buildings, and I would appreciate if you could outline briefly what this exemption entails.

Mr. STEIL. Thank you, Mr. Speaker.

The section which exempts agricultural structures in effect exempts all structures other than the residence.

Mrs. MILLER. And, Mr. Speaker, does this apply to existing buildings that would be renovated as well as new construction?

Mr. STEIL. Yes. It does include all buildings, existing buildings. Again, if they are renovated, this code does not apply since the BOCA Code does not apply in any way to any agricultural building that does not contemplate or does not incorporate habitable space.

Mrs. MILLER. Okay. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On final passage, the gentleman from Bucks County, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

Today we stand on the precipice of joining a number of other States — the fact is, most other States — that have already adopted a statewide building code. This body should take great pride in the legislation that we will vote on in a few minutes. This body crafted this legislation. It came about because of the best traditions of compromise, of listening, and of incorporating all of the opinions and advice from many different interest groups. As a matter of fact, over 30 constituent and interest groups had their say in the formation of this legislation. This legislation, in essentially the form you have before you today, has passed this House twice before, and so I ask all members to support this legislation and vote “yes” on SB 647. Thank you.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Fleagle, who submits for the record remarks regarding SB 647.

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

Thank you, Mr. Speaker.

Mr. Speaker, I am going to vote for SB 647 on final passage. I must, however, express my concern for a situation which I feel may develop. If this bill is signed into law, I fear there will be a drastic shortage of building inspectors available to my constituents who are building new homes and businesses.

I feel it is incumbent upon us here in the legislature to monitor the supply of qualified inspectors should this bill be signed into law and take whatever steps are needed to ensure such an adequate supply. We owe that to our constituents, our builders, and our municipalities.

Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—180

Adolph	Fargo	Masland	Scrimenti
Allen	Fichter	Mayernik	Semmel
Argall	Fleagle	McCall	Serafini
Armstrong	Flick	McGeehan	Shaner
Barley	Frankel	McLhattan	Smith, B.
Barrar	Freeman	McNaughton	Snyder
Bastian	Gannon	Melio	Solobay
Battisto	Geist	Michlovic	Staback
Belardi	Gigliotti	Micozzie	Stairs
Belfanti	Gladeck	Miller, R.	Steelman
Benninghoff	Godshall	Miller, S.	Steil
Birmelin	Gordner	Mundy	Stern
Bishop	Grucela	Myers	Stetler
Blum	Habay	Nailor	Stevenson
Joyes	Haluska	Nickol	Strittmatter
Browne	Hanna	O'Brien	Sturla
Bunt	Harhai	Oliver	Tangretti
Butkovitz	Harhart	Orie	Taylor, E. Z.
Buxton	Hasay	Perzel	Taylor, J.
Caltagirone	Hennessey	Pesci	Tigue

Cappabianca	Herman	Petrarca	Travaglio
Carn	Hershey	Petrone	Trello
Casorio	Horsey	Phillips	Trich
Cawley	James	Pippy	True
Chadwick	Josephs	Pistella	Tulli
Civera	Kaiser	Platts	Vance
Clymer	Keller	Preston	Van Horne
Cohen, L. I.	Kenney	Raymond	Veon
Cohen, M.	Kirkland	Readshaw	Vitali
Colafella	Krebs	Reimard	Walko
Cornell	LaGrotta	Rieger	Washington
Corrigan	Laughlin	Roberts	Waters
Costa	Lawless	Robinson	Williams
Coy	Lederer	Roebuck	Wilt
Curry	Leh	Rohrer	Wogan
Dailey	Lescovitz	Rooney	Wojnaroski
Dally	Levdansky	Ross	Wright
DeLuca	Lucyk	Rubley	Yewcic
Dermody	Lynch	Ruffing	Youngblood
DeWeese	Maher	Sainato	Yudichak
DiGirolamo	Maitland	Samuelson	Zimmerman
Donatucci	Major	Santoni	Zug
Druce	Manderino	Saylor	
Eachus	Mann	Schroder	Ryan,
Evans	Markosek	Schuler	Speaker
Fairchild	Marsico		

NAYS—16

Baker	Feese	Hutchinson	Sather
Bard	Forcier	Jadlowiec	Seyfert
Clark	George	McIlhinney	Smith, S. H.
Egolf	Hess	Metcalfe	Surra

NOT VOTING—0

EXCUSED—7

Bebko-Jones	Dempsey	McGill	Thomas
Daley	Gruitza	Ramos	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

The SPEAKER pro tempore. There will be no further votes today.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 461, PN 481

By Rep. GANNON

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for notice of arrest for school or child-care service employees.

JUDICIARY.

HB 524, PN 548

By Rep. GANNON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the offense of fleeing or attempting to elude police officers.

JUDICIARY.

HB 1258, PN 1435

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for damages resulting from computer date failure; and further providing for exceptions to sovereign immunity and for exceptions to governmental immunity.

JUDICIARY.

HB 1801, PN 2207

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for guardians ad litem in juvenile matters; further providing for counsel in juvenile matters; and making a repeal.

JUDICIARY.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee at the majority leader's desk.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE****SB 392, PN 1417**

By Rep. PERZEL

An Act amending the act of December 5, 1980 (P.L. 1107, No. 190), entitled The Philadelphia Municipal Court Fee Law, increasing the fee for initial service of process.

RULES.

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 461 be removed from the table and placed on the active calendar.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Waters.

Mr. WATERS. Mr. Speaker, I move that this House do now adjourn until Tuesday, October 26, 1999, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?

Motion was agreed to, and at 5:01 p.m., e.d.t., the House adjourned.