

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, OCTOBER 4, 1999

SESSION OF 1999

183RD OF THE GENERAL ASSEMBLY

No. 40

SENATE

MONDAY, October 4, 1999

The Senate met at 2 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the Chair.

PRAYER

The Chaplain, Reverend MICHAEL PETRESKY, of Fisherville Lutheran Parish, Halifax, offered the following prayer:

Let us pray.

Almighty God, You are our eternal king and Your rule is from everlasting to everlasting. Bless those whom You have called to govern Your people and keep them mindful of their days. In particular, help our legislators to remember the seasons are swiftly passing and their time of service grows even shorter. In the time that You have allowed to them, O Lord, pour out upon our State Senators all Your best gifts. Among others, give them the gifts of abundant wisdom, kindness, patience, mercy, endurance, courage, and understanding, that they might bless Your people as You continue to pour out Your blessings upon them.

In Your great goodness, O Lord, let the laws of this great Commonwealth be fair and just to all of Your people, that they might be protected from harm, encouraged to do that which is good, and live happy and peaceful lives. Grant that all who are called to govern and lead Your people do so with fear and trembling, knowing that one day all that is now hidden will be revealed for all to see. In particular, may those who legislate be timid in all cleverness to do wrong, but bold in all honesty in doing what is right and good.

Lastly, O Lord, keep before us our proper place in Your creation, that we might be humble, even as we strive to do great things in Your name. Let those who seek to lead others know what it means to follow in the path of faith, that those who seek to be an authority over others accept Your divine and righteous authority. Let those who seek greatness find true greatness in selfless and obedient service. Be with us and among us in all we do and say.

Hear our prayer, O Lord, not because we are worthy to be heard, but rather because we cry out to You in our unworthiness. For the good of this legislative body, this Commonwealth, this nation, and for all Your people, help us, guide us, and answer our pleas that we might all better serve. Amen.

The PRESIDENT. The Chair thanks Reverend Petresky, who is the guest today of Senator Piccola.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of September 29, 1999.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

September 29, 1999

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mark Navarro, 4184 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2003 and until his successor is appointed and qualified, vice Anthony J. Gallagher, Havertown, resigned.

THOMAS J. RIDGE Governor

MEMBER OF THE BOARD OF DIRECTORS OF THE PENNSYLVANIA ECONOMIC DEVELOPMENT FINANCING AUTHORITY

September 30, 1999

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sandor Yelen, 650 Charles Avenue, Kingston 18704, Luzerne County, Twentieth Senatorial District,

for reappointment as a member of the Board of Directors of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**COMMONWEALTH TRUSTEE OF LINCOLN
UNIVERSITY-OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION**

September 30, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph H. Tucker, Jr., Esquire, 1504 Ashford Way, Wynnewood 19096, Montgomery County, Seventeenth Senatorial District, for reappointment as a Commonwealth Trustee of Lincoln University-of the Commonwealth System of Higher Education, to serve until August 31, 2002, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PUBLIC SCHOOL EMPLOYEES'
RETIREMENT BOARD**

September 30, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Samuel M. Sanzotto, Ed.D., 6122 Charing Cross, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Public School Employees' Retirement Board, to serve until February 14, 2001 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD**

September 30, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nicholas J. Maiale, 225 South 18th Street, Apt. 1406, Philadelphia 19103, Philadelphia County, First Senatorial District, for reappointment as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE**

September 30, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Shirley J. Reed (Republican), 44 Elm Street, P.O. Box 392, Eldred 16731, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice Judith Anne LeRoy, Bradford, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE**

September 30, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marcia H. Shuman (Republican), P.O. Box 135, Rixford 16745, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice George R. Tufts, Smethport, resigned.

THOMAS J. RIDGE
Governor

**CORRECTION TO NOMINATION
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE STATE
CIVIL SERVICE COMMISSION**

September 29, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

Please note the nomination dated July 9, 1999 for the appointment of Katherene Holtzinger Conner, 1772 Kendall Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2002 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Charles J. Lieberth, Pittsburgh, resigned, should be corrected to read:

Katherene Holtzinger Conner, 1772 Kendall Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2002 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Charles J. Lieberth, Pittsburgh, resigned.

HOUSE MESSAGES**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 963**.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 173**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 264**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

September 30, 1999

Senators COSTA, BELAN, SALVATORE, TILGHMAN, EARLL, BODACK, O'PAKE, KASUNIC, MELLOW and SCHWARTZ presented to the Chair **SB 1116**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the definition of "offensive weapons," for use or possession of electric or electronic incapacitation devices and for penalties.

Which was committed to the Committee on JUDICIARY, September 30, 1999.

Senators COSTA, O'PAKE, BELAN, LEMMOND, BOSCOLA and EARLL presented to the Chair **SB 1117**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, exempting certain military personnel from license requirements.

Which was committed to the Committee on GAME AND FISHERIES, September 30, 1999.

Senators COSTA, RHOADES, BELAN, BODACK, O'PAKE, EARLL and BOSCOLA presented to the Chair **SB 1118**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for State reimbursement.

Which was committed to the Committee on EDUCATION, September 30, 1999.

Senators MELLOW, BODACK, MUSTO, WHITE, KASUNIC, COSTA and BELAN presented to the Chair **SB 1119**, entitled:

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, further providing for lien of warehouseman.

Which was committed to the Committee on JUDICIARY, September 30, 1999.

Senators MELLOW, O'PAKE, MUSTO, KASUNIC, BELAN, WAGNER, STAPLETON, SCHWARTZ, COSTA and BOSCOLA presented to the Chair **SB 1120**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for oaths for judicial officers.

Which was committed to the Committee on JUDICIARY, September 30, 1999.

October 1, 1999

Senators ARMSTRONG, COSTA, THOMPSON, CORMAN, SLOCUM, BRIGHTBILL and HART presented to the Chair **SB 1113**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for teachers' and employees' retirement plans.

Which was committed to the Committee on FINANCE, October 1, 1999.

RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled, and referred as follows, which was read by the Clerk:

October 1, 1999

Senators TILGHMAN, HART, ARMSTRONG, LOEPER, CONTI, JUBELIRER, WAGNER, MURPHY, HELFRICK, TOMLINSON, COSTA, ROBBINS, MOWERY, WOZNIAK, BRIGHTBILL, O'PAKE, MADIGAN, GERLACH, RHOADES, WHITE, DENT, MUSTO, SLOCUM, SCHWARTZ, LEMMOND, BOSCOLA, KUKOVICH, EARLL, SALVATORE, CORMAN, THOMPSON, WENGER, PICCOLA, PUNT, HOLL, WAUGH and BELL presented to the Chair **SR 103**, entitled:

A Resolution requesting the Public Employee Retirement Commission to undertake a study relating to the funding of cost-of-living adjustments for retired State and public school employees.

Which was committed to the Committee on FINANCE, October 1, 1999.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

SB 242 (Pr. No. 930) (Rereported)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, requiring the establishment of a mandatory boater education program; and fixing additional fees.

SB 300 (Pr. No. 1364) (Amended) (Rereported)

An Act amending the act of July 31, 1968 (P.L.805, No.247), entitled, as amended, Pennsylvania Municipalities Planning Code, further providing for the purpose of the act; adding certain definitions; authorizing intergovernmental cooperation; further providing for various matters relating to comprehensive plans; and adding provisions concerning zoning ordinances and jurisdictional challenges.

SB 317 (Pr. No. 312) (Rereported)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for protection from abuse; and providing for appointing guardians for care-dependent persons.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I request legislative leaves on behalf of Senator Earll and Senator Brightbill.

The PRESIDENT. Senator Loeper requests legislative leaves for Senator Earll and Senator Brightbill. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Boscola.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Boscola. Without objection, that leave is granted.

LEAVES OF ABSENCE

Senator LOEPER asked and obtained a leave of absence for Senator HELFRICK, for today's Session, for personal reasons.

Senator MELLOW asked and obtained leaves of absence for Senator BODACK, Senator TARTAGLIONE, and Senator FUMO, for today's Session, for personal reasons.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, October 4, 1999

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 18, 1999, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, October 18, 1999, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

YEA-46

Armstrong	Hart	Mowery	Stout
Belan	Holl	Murphy	Thompson
Bell	Hughes	Musto	Tilghman
Boscola	Jubelirer	O'Pake	Tomlinson
Brightbill	Kasunic	Piccola	Wagner
Conti	Kitchen	Punt	Waugh
Corman	Kukovich	Rhoades	Wenger
Costa	La Valle	Robbins	White
Dent	Lemmond	Salvatore	Williams
Earll	Loeper	Schwartz	Wozniak
Gerlach	Madigan	Slocum	
Greenleaf	Mellow	Stapleton	

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, at this time I request a recess of the Senate, first for the purpose of a meeting of the Committee on Rules and Executive Nominations in the Rules room at the rear of the Senate Chamber, and immediately following the adjournment of that meeting, a Republican caucus. I ask all Members of the Republican Caucus to report to the first floor caucus room at the conclusion of that meeting.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, immediately upon the conclusion of the Committee on Rules and Executive Nominations meeting, I ask the Democratic Members to report to our caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations, to be followed immediately by Republican and Democratic caucuses, the Senate stands in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

CALENDAR

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL
OVER IN ORDER

SB 1050 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL OVER IN ORDER

HB 58 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL AMENDED

SB 647 (Pr. No. 1335) -- The Senate proceeded to consideration of the bill, 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 Senate agree to the bill on third consideration?

CORMAN AMENDMENT A3347

Senator CORMAN offered the following amendment No. A3347:

Amend Table of Contents, page 1, line 18; page 2, lines 1 through 4, by striking out all of said lines on said pages and inserting:

Section 301. Adoption by regulations.

Section 302. Referenced standards.

Section 303. Existing municipal building codes.

Section 304. Revised or successor codes.

Amend Table of Contents, page 2, by inserting between lines 8 and 9: Section 504. Appeals.

Amend Sec. 102, page 3, line 26, by striking out "MINIMUM"

Amend Sec. 103, page 5, line 26, by inserting a period after "Code"

Amend Sec. 103, page 5, lines 26 and 27, by striking out "OR CHAPTER 1 OF THE I.C.C. INTERNATIONAL ONE AND" in line 26 and all of line 27

Amend Sec. 103, page 8, lines 3 through 6, by striking out all of said lines and inserting:

"Uniform Construction Code." The code established in section 301.

Amend Sec. 104, page 9, lines 23 and 24, by striking out "WHICH DOES NOT EQUAL OR EXCEED THE UNIFORM CONSTRUCTION CODE"

Amend Sec. 301, page 15, lines 8 through 24, by striking out all of said lines

Amend Sec. 302, page 15, line 25, by striking out "302" and inserting: 301

Amend Sec. 302, page 17, line 6, by striking out "304(B)" and inserting: 303(b)

Amend Sec. 302, page 18, lines 2 and 3, by striking out "WHICH DO NOT EQUAL OR EXCEED THE UNIFORM CONSTRUCTION CODE"

Amend Sec. 303, page 19, line 6, by striking out "303" and inserting: 302

Amend Sec. 304, page 20, line 3, by striking out "304" and inserting: 303

Amend Sec. 304, page 20, line 5, by striking out "(C)" and inserting: (d)

Amend Sec. 304, page 20, line 6, by striking out "THE EFFECTIVE DATE OF THIS ACT" and inserting: January 1, 1998,

Amend Sec. 304, page 20, line 12, by striking out "(C)" and inserting: (d)

Amend Sec. 304, page 20, line 16, by striking out "THE EFFECTIVE DATE OF THIS ACT" and inserting: January 1, 1998, or reenactments of provisions of simultaneously repealed ordinances which were originally adopted prior to January 1, 1998,

Amend Sec. 304, page 20, by inserting between lines 18 and 19:

(c) Ordinance adopted after January 1, 1998.—Except as provided in subsection (d), any municipal building code ordinance adopted or effective after January 1, 1998, except reenactments of provisions of simultaneously repealed ordinances which were originally adopted prior to January 1, 1998, shall continue in effect only until the effective date of the regulations promulgated under this act, at which time the municipal building code ordinance shall be preempted by the regulations promulgated under this act and shall be deemed thereafter to be rescinded.

Amend Sec. 304, page 20, line 29, by striking out "(C)" and inserting: (d)

Amend Sec. 305, page 21, line 7, by striking out "305" and inserting: 304

Amend Sec. 501, page 22, lines 10 and 11, by striking out "PROVIDING" in line 10 and all of line 11

Amend Sec. 501, page 22, line 12, by striking out "ADOPT" and inserting: adopting

Amend Sec. 501, page 22, lines 14 through 16, by striking out "303(A). A" in line 14, all of lines 15 and 16 and inserting: 302(a).

Amend Sec. 501, page 23, lines 28 and 29, by striking out "OR CHAPTER 1 OF THE I.C.C. INTERNATIONAL ONE AND TWO FAMILY DWELLING CODE"

Amend Sec. 501, page 24, by inserting between lines 7 and 8:

(3) When a municipality cannot find persons to serve on a board of appeals who meet the minimum qualifications of Chapter 1 of the BOCA National Building Code, the municipality may fill a position on the board with a qualified person who resides outside of the municipality.

Amend Sec. 501, page 24, line 18, by striking out all of said line and inserting: subsection (b)(1), (3) and (4).

Amend Sec. 502, page 29, line 23, by striking out all of said line and inserting:

(3) (i) If the Department of Transportation fails

Amend Sec. 502, page 29, by inserting between lines 27 and 28:

(ii) Notwithstanding the provisions of subparagraph (i), if the highway occupancy permit requires a determination by the United States Department of Transportation, the Pennsylvania Department of Transportation shall have 60 days from the receipt of the determination to take action on the permit or the permit shall be deemed to be issued.

Amend Sec. 503, page 30, line 19, by striking out "RELATING TO ADMINISTRATION." and inserting: consistent with the provisions of section 501(c).

Amend Bill, page 31, by inserting between lines 26 and 27:

(j) Challenge of ordinance.—

(1) Aggrieved parties shall have 30 days from date of enactment of the ordinance to file a written challenge with the department and the municipality. The challenge shall state the reason or reasons for the challenge. A municipal ordinance may not take effect for a period of 35 days following its enactment. If a challenge is filed in writing with the department within 30 days, the department has five business days from the end of the 30-day filing period to notify a municipality of the challenge. There may be no enforcement of the ordinance until a ruling is issued by the secretary or 45 days after the filing date of the last challenge to the ordinance, whichever occurs first.

(2) The department shall review any ordinance which would equal or exceed the minimum requirements of the Uniform Construction Code based on the following standards:

(i) that certain clear and convincing local climatic, geologic, topographic or public health and safety circumstances or conditions justify the exception;

(ii) the exemption shall be adequate for the purpose intended and shall meet a standard of performance equal to or greater than that prescribed by the BOCA National Building Code; and

(iii) the exception would not diminish or threaten the health, safety and welfare of the public.

(k) Ruling by secretary.—A ruling on a challenge by an aggrieved party shall be issued by the secretary within 45 days of receipt of the filing of the last challenge to the ordinance. If the secretary approves the ordinance, the municipality may begin to administer and enforce the ordinance. If the secretary disapproves the ordinance, the ordinance shall be null and void. The secretary shall state the reasons for the disapproval in writing to the municipality.

Section 504. Appeals.

(a) Ruling of secretary.—An appeal of the secretary's ruling may be taken to the Commonwealth Court within 30 days of the date of the ruling.

(b) Application for enforcement of ordinance.—Any person aggrieved by the application or enforcement of any provision of an ordinance adopted pursuant to section 503 shall have the right to challenge the validity of the ordinance in the appropriate court of common pleas.

Amend Sec. 1103, page 39, line 6, by striking out "302, 303" and inserting: 301, 302

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, this is an amendment to the piece of legislation more notably known as the statewide building code, which would, I think, strike a compromise that really addresses everyone's needs on this issue in that it would establish the BOCA Code as the code for municipalities across the State but still allow municipalities the right to enhance that code if they deem it necessary by going through a process of passing a regular ordinance, and at the same time it would allow individuals to challenge that more stringent code than the BOCA Code by appealing that decision to the Department of Labor and Industry.

This decision should be made on the basis of climatic, geologic, topographic, and public health concerns, and that way it would become the code and give us a uniform building code which I think we have been trying to reach here in Pennsylvania for many years. It would still allow municipalities the flexibility again to have a more stringent code if done for the reasons I stated earlier and still give the individual the right to appeal that decision if they deem it necessary. If they do not appeal it, of course, the ordinance then becomes law and they have a stricter code in their municipality, which in many areas it will be necessary to have a stricter code than the BOCA Code.

That is the essence of my amendment. It really goes back to the initial intentions of the maker of this piece of legislation, Senator Waugh, and I ask my colleagues for a "yes" vote.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Boscola has returned, and her legislative leave is cancelled.

And the question recurring,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Tilghman.

Senator TILGHMAN. Mr. President, I ask for a negative vote on Senator Corman's amendment. The bill before us came out of the Committee on Appropriations with one negative vote, and the rest were unanimous in favor of the bill as it is before us. In the bill before us, essentially the change put in by the Committee on Appropriations allows a municipality, if it wishes, to have a stricter code than the minimum code.

I am not going to speak a great deal about the general code, but I want to let you know that the Pennsylvania Fire Service Institute, which has two Members of this Senate on that institute - Senator Madigan, who is an honorary co-chairman, and Senator O'Pake - and two House Members, supports this legislation as it is before us at the present time. The Association of Township Supervisors supports this legislation as it is before us. A Member of this Senate who left the Senate, Frank Kury, represents a legal firm, and he wrote a letter saying that he and his firm support the legislation as it is before us. The County Commissioners Association of Pennsylvania supports the legislation with the printer's number that is before us, as does the Society of the American Institute of Architects. The legislation is further supported by the State Association of Boroughs, and a few hours ago I received a letter of support for this printer's number from the township of New Britain.

The reason these organizations support this legislation is sometimes lost in the debate on amendments and where we would go with a uniform building code. We are simply speaking about safety. The purpose of the building code is to build safe structures. The purpose of the amendment put in in the Committee on Appropriations to allow a municipality to have a stricter code if it wishes for that municipality is due to safety. Those people, and I am not speaking about Senator Corman at this moment, but the general people who oppose that type of belief, that is local effort, are talking about convenience. Some people want the convenience of going to a township on one side of the State, to a township on the other side of the State, and submitting the same paperwork to the municipal authorities. That would be nice, but unfortunately, the world does not necessarily work that way, and I think that safety is paramount. The fire commissioners, the volunteer fire companies, are on the front line of safety. They understand what it would mean to have a better code if you wish to do it.

That is what is in the legislation that is on your desks, and I request that you support that and vote "no" on Senator Corman's amendment.

Thank you very much.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, one thing I did want to mention that is very important which was part of a compromise on this piece of legislation that would stand under my amendment is the grandfathering of existing codes that are already above what this new code would be, so if you had a code in

place before January 1, 1998, in a municipality, it would stay there. It would stand as grandfathered in and it still would be in place. So that is very important for everyone to know, for municipalities that may have codes that are higher than the proposed BOCA Code, that would stay in existence. And again as I mentioned, it still allows municipalities the ability to do so, which is very important because many municipalities will want to have a stricter code than the BOCA Code.

All my amendment does is set certain criteria, such as I mentioned, local climatic, geological, topographic, and public health and safety concerns to have them have stricter codes. These are all very important issues that will give them the ability to have higher codes than the BOCA Code, and my amendment allows for that. What it does prevent is municipalities using codes for land use or zoning, which the codes are not for. Codes are for public safety. This amendment keeps its focus on the public safety side.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Tilghman.

Senator TILGHMAN. Mr. President, relevant to the term "grandfather," when we are talking about the building code, when you grandfather something in, it is of that instant. And let us suppose that a new material is invented, let us suppose that a better shingle is developed than the asbestos shingle, something that does just as much, is lighter and faster to put on, you could not use it because you are grandfathering in what is in existence when this legislation passes. Grandfather is for an instant and would prevent cities and municipalities from using a new invention.

Thank you.

And the question recurring,
Will the Senate agree to the amendment?

The yeas and nays were required by Senator CORMAN and were as follows, viz:

YEA-26

Conti	Kitchen	Piccola	Waugh
Corman	Lemmond	Punt	Wenger
Costa	Loeper	Salvatore	White
Dent	Mellow	Stapleton	Williams
Earll	Murphy	Stout	Wozniak
Gerlach	Musto	Thompson	
Hart	O'Pake	Tomlinson	

NAY-20

Armstrong	Greenleaf	Kukovich	Robbins
Belan	Holl	La Valle	Schwartz
Bell	Hughes	Madigan	Slocum
Boscola	Jubelirer	Mowery	Tilghman
Brightbill	Kasunic	Rhoades	Wagner

A majority of the Senators having voted "aye," the question was determined in the affirmative.

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

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, as most of you know, I have been involved in this discussion on the uniform building code for quite some time, both in the House and now in the Senate, and one of the things that I have tried to achieve throughout the debate and discussion, and frankly everyone I think who is involved in it has tried to achieve, is uniformity. The amendment that I had prepared was an attempt to strike some balance toward that end. However, Senator Corman's amendment that just passed I believe goes a long way toward achieving better uniformity. Therefore, I will not offer the amendment I had drafted.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended:

RHOADES AMENDMENT A3418

Senator RHOADES offered the following amendment No. A3418:

Amend Table of Contents, page 1, by inserting between lines 11 and 12:

Section 106. Accessibility Advisory Board.

Amend Sec. 102, page 4, line 26, by inserting after "Code." Further, it is the intent of this act that the Uniform Construction Code requirements for making buildings accessible to and usable by persons with disabilities do not diminish from those requirements previously in effect under the former provisions of the act of September 1, 1965 (P.L.459, No.235), entitled, as amended, "An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical handicaps, and providing for enforcement."

Amend Sec. 103, page 5, by inserting between lines 12 and 13: "Advisory board." The Accessibility Advisory Board created in section 106.

Amend Sec. 103, page 7, by inserting between lines 16 and 17: "Technically infeasible." An alteration of a building or a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

Amend Sec. 105, page 11, line 2, by striking out "MAY" and inserting: shall

Amend Sec. 105, page 11, line 5, by inserting after "act":, including specifically complaints concerning accessibility requirements

Amend Sec. 105, page 12, lines 20 through 28, by striking out all of lines 20 through 27, "(E)" in line 28 and inserting: (d)

Amend Sec. 105, page 13, line 11, by striking out "(F)" and inserting: (e)

Amend Bill, page 13, by inserting between lines 15 and 16:

Section 106. Accessibility Advisory Board.

(a) Creation and composition.—

(1) There is hereby created an Accessibility Advisory Board which shall be composed of 11 members appointed by the secretary. At least six members of the advisory board shall be public members, three of whom shall be persons with physical disabilities, one shall be an architect registered in Pennsylvania, one shall be a member of the business community and one shall be a representative of the multifamily housing industry. One member shall

be a municipal official. The chairman and minority chairman of the Labor and Industry Committee of the Senate and the chairman and minority chairman of the Labor Relations Committee of the House of Representatives, or their designees, shall be members. All members of the advisory board, except the members of the General Assembly, shall serve for a term of two years and until their successors are appointed.

(2) The members of the advisory board shall be paid traveling expenses and other necessary expenses and may receive a per diem compensation at a rate to be determined by the secretary for each day of actual service in the performance of their duties under this act.

(3) Meetings of the advisory board shall be called by the secretary. A quorum of the advisory board shall consist of four members.

(4) The initial advisory board shall be the body constituted under the former provisions of section 3.1 of the act of September 1, 1965 (P.L.459, No.235), entitled, as amended, "An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical handicaps, and providing for enforcement."

(b) Advice on regulation.—The advisory board shall review all proposed regulations under this act and shall offer comment and advice to the secretary on all issues relating to accessibility by persons with physical disabilities, including those which relate to the enforcement of the accessibility requirements.

(c) Recommendations for modifications.—The advisory board shall review all applications from individual projects for modifications of the provisions of Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code, and shall advise the secretary regarding whether modification should be granted or whether compliance by existing facilities with provisions of Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code is technically infeasible.

Amend Sec. 302, page 16, lines 27 and 28, by striking out "EX-EMPT COMPLIANCE WITH CHAPTER 11" in line 27, all of line 28 and inserting: include a provision that the secretary shall have the exclusive power to grant modifications and decide issues of technical infeasibility under Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code for individual projects.

(4) The secretary shall consider the recommendations of the advisory board as provided in section 106(c). The department shall consider the comments of the advisory board with respect to accessibility issues in any proposed regulations.

(5) The regulations shall provide for a system of periodic compliance reviews conducted by the department and for enforcement procedures conducted by the department to ensure that code administrators are adequately administering and enforcing Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code.

Amend Sec. 302, page 16, line 29, by striking out "(4)" and inserting: (6)

Amend Sec. 302, page 17, line 9, by striking out "(5)" and inserting: (7)

Amend Sec. 502, page 28, line 28, by inserting after "application" where it appears the first time: for a construction permit for one-family and two-family dwelling units and utility and miscellaneous use structures

Amend Sec. 701, page 33, line 12, by inserting after "with": the advisory board,

Amend Sec. 701, page 33, line 15, by inserting after "administrators.": This education program shall include accessibility requirements contained in and referenced by the Uniform Construction Code.

Amend Sec. 701, page 34, line 4, by inserting before "(1)": (1)

Amend Sec. 701, page 34, by inserting between lines 13 and 14:

(2) Notwithstanding the provisions of this subsection, the department shall adopt regulations specifically providing for the department's

administration and enforcement of the provisions of Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code until code administrators have been certified regarding accessibility provisions. The department shall maintain jurisdiction over the provisions of Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code until such time as municipal code administrators meet the requirements for certification.

Amend Sec. 1101, page 37, lines 18 through 22, by striking out all of said lines

Amend Sec. 1102, page 38, by inserting between lines 13 and 14: Act of September 1, 1965 (P.L.459, No.235), entitled, as amended, "An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical handicaps, and providing for enforcement."

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, as proposals for a statewide building code have come before the General Assembly in the past, I have always questioned how this new system would impact individuals with disabilities in Pennsylvania. A particular concern to me was language that repealed Act 235 of 1965, Pennsylvania's Accessibility Law. As many of you remember, we worked with the Commonwealth's persons with disabilities in 1988 to strengthen Act 235. Our objective always was to ensure that buildings in Pennsylvania complied with State and Federal requirements on accessibility issues. Our concern always was that these requirements be adequately enforced.

It was these concerns that led me to oppose the repeal of Act 235 that Senate Bill No. 647 requires. I opposed the repeal because I did not believe that the State oversight and enforcement of accessibility requirements was adequate until today. The amendment that I offer today contains language that I and a number of disability organizations, more particularly the ones that we worked with back in 1988, and the administration have agreed to. The language goes further than ever before in ensuring that persons with disabilities can count on the enforcement of State and Federal accessibility requirements.

In summary, the amendment continues the Accessibility Advisory Board created by Act 235 and allows the advisory board to have input on the development of regulations that impact on accessibility issues, requires the Department of Labor and Industry to promulgate regulations establishing a system of periodic reviews to ensure that local code administrators are administering the accessibility requirements, requires the Department of Labor and Industry to promulgate regulations establishing procedures for enforcing accessibility requirements across the State, and requires the Department of Labor and Industry to review the work of local code administrators where there is just cause to do so.

In my view, this amendment represents a reasonable compromise. However, it does not compromise the basic principles for which I and many of you have fought so long. It does not compromise the right of Pennsylvanians with disabilities to have

access to public buildings. It does not compromise the right of Pennsylvanians with disabilities to have environments that do not restrict their interaction with the public, and it does not compromise the right of Pennsylvanians with disabilities to look to their government for the enforcement of these rights.

I thank the Governor's Office, the Department of Labor and Industry, my staff, Dave Broderic and Pat Krommes, and the advocates in Pennsylvania's disabled community for working with me to develop this compromise.

Mr. President, I ask my colleagues again to stand with me in support of this amendment and for the disabled community of Pennsylvania.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I stand in support of the Rhoades amendment. Throughout the workings of putting this code together over the last several years, unfortunately, there has always been, and I do not believe it is any reason other than maybe some miscommunication, but there has always been a little bit of difficulty in bringing together all the groups who represent folks with disabilities, and I think it was a sincere concern on the part of all organizations and all those around the table, if you will, and I commend Senator Rhoades for putting together what he has here by way of this amendment. There is now an understanding amongst the various stakeholders. That bodes well for all of our citizens who have disabilities, and those who care for them. So with that in mind, I would again like to offer my support for this amendment and thank Senator Rhoades for his work in this very critical area.

And the question recurring,
Will the Senate agree to the amendment?

The yeas and nays were required by Senator RHOADES and were as follows, viz:

YEA-46

Armstrong	Hart	Mowery	Stout
Belan	Holl	Murphy	Thompson
Bell	Hughes	Musto	Tilghman
Boscola	Jubelirer	O'Pake	Tomlinson
Brightbill	Kasunic	Piccola	Wagner
Conti	Kitchen	Punt	Waugh
Corman	Kukovich	Rhoades	Wenger
Costa	LaValle	Robbins	White
Dent	Lemmond	Salvatore	Williams
Earll	Loeper	Schwartz	Wozniak
Gerlach	Madigan	Slocum	
Greenleaf	Mellow	Stapleton	

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

And the question recurring,
Will the Senate agree to the bill on third consideration, as amended?

SALVATORE AMENDMENT A3444

Senator SALVATORE offered the following amendment No. A3444:

Amend Sec. 103, page 6, by inserting between lines 18 and 19: "IAPMO." The International Association of Plumbing and Mechanical Officials.

Amend Sec. 301, page 15, by inserting between lines 24 and 25:
(c) Uniform plumbing code.—The Uniform Plumbing Code as published by the IAPMO is hereby established as the standard for the installation of plumbing systems 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 Uniform Plumbing Code, the provisions of the Uniform Plumbing Code shall apply.

(d) Uniform mechanical code.—The Uniform Mechanical Code as published by the IAPMO is hereby established as the standard for the installation of mechanical systems 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 Uniform Mechanical Code, the provisions of the Uniform Mechanical Code shall apply.

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

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Salvatore.

Senator SALVATORE. Mr. President, this amendment sets forth a higher standard of requirements for plumbing, mechanical, and air conditioning over BOCA. BOCA is the uniform plan used now by most builders. This would set a higher standard for anything used in plumbing, mechanical, and air conditioning. It is what is called the International Association of Plumbing and Mechanical Officials. They set the standards for the uniform code.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, just so the record is clear, and I am not going to interrogate Senator Salvatore, but if I am wrong, I hope that I am corrected, what the amendment will actually do is if the Uniform Plumbing Code is higher than the BOCA Code, the Uniform Plumbing Code will take effect, and if the Uniform Mechanical Code is higher than the BOCA Code, then the Uniform Mechanical Code will take effect. Is that correct?

Senator SALVATORE. Yes, it is, Mr. President.

And the question recurring,
Will the Senate agree to the amendment?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEA-33

Belan	Holl	Mellow	Thompson
Bell	Hughes	Murphy	Tilghman
Boscola	Jubelirer	Musto	Tomlinson
Conti	Kasunic	O'Pake	Wagner
Costa	Kitchen	Rhoades	Williams

Dent	Kukovich	Salvatore	Wozniak
Earll	LaValle	Schwartz	
Gerlach	Lemmond	Stapleton	
Hart	Loeper	Stout	

NAY-13

Armstrong	Madigan	Robbins	White
Brightbill	Mowery	Slocum	
Corman	Piccola	Waugh	
Greenleaf	Punt	Wenger	

A majority of the Senators having voted "aye," the question was determined in the affirmative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

BOSCOLA AMENDMENT A3400 OFFERED

Senator BOSCOLA offered the following amendment No. A3400:

Amend Sec. 105, page 13, by inserting between lines 15 and 16:
(g) Department study.—

(1) The General Assembly finds and declares as follows:

(i) The occurrence of fire in high-rise buildings poses an ever present danger to the citizens of this Commonwealth.

(ii) Automatic water sprinkler systems are highly effective means for providing fire protection in tall buildings to protect lives and property.

(iii) The Uniform Construction Code, as established under this act, does not require existing high-rise buildings to be retrofitted with an automatic water sprinkler system.

(iv) High-rise buildings that lack an automatic water sprinkler system would be more susceptible to fire than those with such fire-control equipment.

(v) The General Assembly recognizes that municipalities require some assistance from the Commonwealth in determining the extent of the potential fiscal impact on municipalities through the determination of the technical and economic feasibility of a municipal ordinance requiring the retrofitting of high-rise buildings with an automatic water sprinkler system. Absent this assistance from the Commonwealth, the municipalities may be fiscally unable to proceed with an ordinance for the inspection of such high-rise buildings, and as a consequence, the occupants of such high-rise buildings may remain subject to this ongoing threat of fire.

(2) The department shall conduct a study to examine the technical and economic feasibility for municipalities to enact and implement municipal ordinances that identify existing high-rise buildings that lack an automatic water sprinkler system and require the installation of such a fire protection system. This study shall include consideration whether municipalities may need additional State fiscal and technical assistance to establish an inspection and review program for such a municipal ordinance for the protection of the occupants of such under protected high-rise buildings. The department shall submit a report to the chairman of the Labor and Industry Committee of the Senate and the chairman of the Labor Relations Committee of the House of Representatives within 18 months of the effective date of this act.

(3) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph:

(i) "Automatic water sprinkler system." Any fire suppression system, fire sprinkler system or fire extinguishing systems, as defined in the 1999 BOCA Code.

(ii) "High-rise building." A building that has an exterior face which is more than 75 feet when measured from ground level to five feet above the highest occupiable floor level.

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

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, here in the Senate we have a great opportunity to create a single set of building and construction codes for use in our Commonwealth, but I think that we should take one more step to make it the safest uniform construction code that we can. Senate Bill No. 647 is designed to assist code officials, design professionals, builders, manufacturers, and others involved in the construction process.

My amendment does not change any of this, nor would I want it to. However, I feel that there is one area dealing specifically with public safety, health, and welfare that we should also be addressing. Incidents of fire in high-rise buildings pose an ever-present danger to citizens of our Commonwealth. Automatic sprinkler systems are highly effective in providing fire protection to tall buildings and protecting both property and the lives of individuals. However, the Uniform Construction Code, as established under this act, does not require existing high-rise buildings to be retrofitted with automatic sprinkler systems. Even with the passage of this bill, high-rise buildings that lack an automatic water sprinkler system will continue to be more susceptible to fire than those with such fire control equipment.

Mr. President, I would never think of inserting an unfunded mandate into a bill in the form of requiring all existing high-rise buildings to be retrofitted with automatic water sprinkler systems. Not because I do not think it is the right thing to do, but because I recognize that the cost to both owners and enforcement efforts would be enormous. That is why this amendment would direct the Department of Labor and Industry to conduct a study to examine the technical and economic feasibility of retrofitting. This study would also include a determination as to whether municipalities across Pennsylvania will need fiscal and technical assistance from the State in order to accomplish retrofitting for the protection of the occupants of such underprotected high-rise buildings.

This study would include some better ideas as to what the cost of extensive retrofitting would be. I think we all understand that conflicting and incompatible regulations can cause havoc in the enforcement process of building and construction codes. And while that is important, all my amendment attempts to do is address the inconsistencies that exist in providing adequate fire detection and protection services that could mean the difference between life and death for my constituents and yours. For that reason, I ask for an affirmative vote.

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, unfortunately, we did not have a chance to discuss that amendment in our caucus this afternoon. However, my understanding is that it would impose costs upon the Commonwealth as far as the study is concerned. However, I think the issue is the sprinkling of high-rise buildings in order to try to protect life and property, and that is certainly I think a meritorious cause that all of us are interested in and one that we would certainly want to support. However, I am

not certain that it belongs in a bill that we are trying to move through this Senate dealing with a uniform statewide building code, and maybe it would be better either as a stand-alone study to be done by the department or as an amendment to another bill, and I think we would be in a position to support that concept in that kind of context.

However, I would like to see the uniform statewide building code bill move forward tonight without that study included in it.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, could we be at ease for a moment?

The PRESIDENT. The Senate will be at ease.
(The Senate was at ease.)

AMENDMENT WITHDRAWN

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, it is my understanding, along with Senator Waugh, that I will be putting a bill together, a stand-alone bill, and that we have a commitment it would be moved out of committee, at least through the Senate body, and because of that, I would like to withdraw this amendment and have the statewide building code bill pass without this amendment in it.

The PRESIDENT. Senator Boscola has withdrawn the amendment.

Senate Bill No. 647 will go over as amended.

BILL OVER IN ORDER

SB 844 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 285, SB 380 and SB 630 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 958 (Pr. No. 1090) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for confidential communications with sexual assault counselors.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

SB 1038 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, from the Committee on Rules and Executive Nominations, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE COUNCIL OF TRUSTEES OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

September 28, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 13, 1999 for the appointment of William C. Baer, 3600 Raymond Street, Laureldale 19605, Berks County, Eleventh Senatorial District, as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Ronald H. Frey, Fleetwood, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

September 28, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 19, 1999 for the appointment of Michele M. Grove, 220 Umberto Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as District Justice, in and for the County of Westmoreland, Magisterial District 10-1-05, to serve until the first Monday of January 2000, vice John Smittle, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

THOMAS J. RIDGE
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE BOARD OF TRUSTEES
OF CLARKS SUMMIT STATE HOSPITAL**

August 9, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John Gustin, 294 Elmhurst Boulevard, Scranton 18505, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice John J. Jennings, Scranton, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF HARRISBURG STATE HOSPITAL**

August 24, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rosalie A. Sarfert, 236 Laurel Drive, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Barbara G. Edmiston, Camp Hill, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA HISTORICAL
AND MUSEUM COMMISSION**

September 9, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Janet S. Klein, 1475 Hampton Road, Rydal 19046, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 2003 and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
SELINGSGROVE CENTER**

September 8, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ruthann Helfrick, RD 1, Box 140, Elysburg 17824, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Frank J. Fendt, Sunbury, whose term expired.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

May 26, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Casimir T. Kosciolk, 370 Lake Drive, Nesquehoning 18240, Carbon County, Twenty-ninth Senatorial District, for appointment as District Justice, in and for the County of Carbon, Magisterial District 56-3-03, to serve until the first Monday of January 2000, vice Irene M. Hudasky, resigned.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

September 13, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Phillip L. Sweet, RR #5, Box 330A, Wellsboro 16901, Tioga County, Twenty-third Senatorial District, for appointment as District Justice, in and for the County of Tioga, Magisterial District 04-3-02, to serve until the first Monday of January 2000, vice William G. Farrell, resigned.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

**UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED**

Senators PICCOLA, BRIGHTBILL, LOEPER, MUSTO, ARMSTRONG, TILGHMAN, MOWERY, BELAN, WAGNER, O'PAKE, DENT, RHOADES, EARLL, LEMMOND, WHITE, WENGER, THOMPSON, COSTA, SCHWARTZ,

TOMLINSON, HART, BOSCOLA, SLOCUM and KUKOVICH, by unanimous consent, offered **Senate Resolution No. 104**, entitled:

A Resolution designating October 1999 as "Rett Syndrome Awareness Month" in Pennsylvania.

Which was read, considered and adopted.

Senators MOWERY, EARLL, COSTA, DENT, GREENLEAF, O'PAKE, BELAN, BRIGHTBILL, RHOADES, KASUNIC, MURPHY and BOSCOLA, by unanimous consent, offered **Senate Resolution No. 105**, entitled:

A Resolution declaring October 24 through 30, 1999, as "Reflexology Week" in Pennsylvania.

Which was read, considered and adopted.

DISCHARGE PETITIONS

The PRESIDENT laid before the Senate the following communications, which were read by the Clerk as follows:

In the Senate, October 4, 1999

A PETITION

To place before the Senate the nomination of Rozell A. Stidd, as a member of the Pennsylvania Fish and Boat Commission.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Rozell A. Stidd, as a member of the Pennsylvania Fish and Boat Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout

In the Senate, October 4, 1999

A PETITION

To place before the Senate the nomination of Robert Martin, as a member of the Board of Trustees of the Polk Center.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Robert Martin, as a member of the Board of Trustees of the Polk Center, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout

In the Senate, October 4, 1999

A PETITION

To place before the Senate the nomination of Richard M. Mosquera, as a member of the Municipal Police Officers' Education and Training Commission.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Richard M. Mosquera, as a member of the Municipal Police Officers' Education and Training Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout

The PRESIDENT. These communications will be laid on the table.

CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Richard McComsey and to Mr. and Mrs. Thomas Haley by Senator Armstrong.

Congratulations of the Senate were extended to Martin Keller, Donald Hackworth, Daniel Edwards and to Aaron Lauer by Senator Belan.

Congratulations of the Senate were extended to Kyle Walter Brun and to the Rotary Club of Kennett Square by Senator Bell.

Congratulations of the Senate were extended to Justin Hay by Senators Boscola and Dent.

Congratulations of the Senate were extended to Jesse W. Soby American Legion Post 148 of Langhorne by Senators Conti and Tomlinson.

Congratulations of the Senate were extended to Alfred E. Hoberman by Senator Corman.

Congratulations of the Senate were extended to Michael N. Kaiser by Senators Dent and Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. William Harding by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Paul F. Ashenfelder, Mr. and Mrs. Ralph L. Watts and to Donald P. Micozzi by Senator Helfrick.

Congratulations of the Senate were extended to the United Church of God, In Love, of Philadelphia and to Youth Development and Encouragement, Inc., of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to King David Lodge No. 763 of Kingston by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Emerson Abell, Mr. and Mrs. Charles E. Saxton and to Cynthia Casale by Senator Madigan.

Congratulations of the Senate were extended to St. Mary's Church of Avoca by Senator Mellow.

Congratulations of the Senate were extended to Deka Battery of Lyons Station and to East Penn Manufacturing Company of Lyons Station by Senator O'Pake.

Congratulations of the Senate were extended to John J. Haggerty by Senator Salvatore.

Congratulations of the Senate were extended to Brenda M. Brown by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Perry Woodward and to Reverend Ferd B. and Lura Jean Park by Senator Stapleton.

Congratulations of the Senate were extended to Joseph E. Raimato by Senator Thompson.

Congratulations of the Senate were extended to Bensalem Township Lions Club by Senator Tomlinson.

Congratulations of the Senate were extended to Jonathan M. Kotchish and to Justin Michael Angle by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Howard Harnish and to Mark William Lucia by Senator White.

SENATE RESOLUTION ADOPTED

Senators MELLOW, HUGHES, MUSTO, CONTI, LOEPER, THOMPSON, STAPLETON, TARTAGLIONE, WAGNER, BELAN, MURPHY, BODACK, TOMLINSON, COSTA, EARLL, WOZNIAK, STOUT, O'PAKE, KASUNIC, SCHWARTZ, LEMMOND and BOSCOLA, by unanimous consent, offered Senate Resolution No. 106, entitled:

A Resolution designating the week of October 3 through 9, 1999, as "Latex Allergy Awareness Week" in Pennsylvania.

Which was read, considered and adopted.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

October 4, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William A. Hawkins, 21 Appaloosa Way, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2005 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

RECALL COMMUNICATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

October 4, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 13, 1999 for the appointment of Thomas White, 213 Mission Meade Road, New Castle 16105, Lawrence County, Forty-seventh Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jesse C. Achenbach, Pottsville, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

THOMAS J. RIDGE
Governor

RECALL COMMUNICATION LAID ON THE TABLE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and laid on the table:

MEMBER OF THE BOARD OF TRUSTEES OF WHITE HAVEN CENTER

October 4, 1999

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 19, 1999 for the appointment of Harold C. Snowden, Jr., 420 Wyoming Avenue, Kingston 18704, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committee indicated:

October 4, 1999

HB 182 and 763 -- Committee on Local Government.

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

October 4, 1999

Senators WAGNER, TILGHMAN, SALVATORE, HELFRICK, COSTA, EARLL, BODACK, THOMPSON, STOUT, PICCOLA, WOZNAK, BELL, HART, TOMLINSON, WAUGH, SLOCUM and SCHWARTZ presented to the Chair **SB 1109**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the discrimination on account of guide dog.

Which was committed to the Committee on JUDICIARY, October 4, 1999.

Senators WAUGH, CONTI, BODACK, COSTA, EARLL, O'PAKE, TARTAGLIONE, HART, MELLOW, BOSCOLA and BRIGHTBILL presented to the Chair **SB 1121**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further providing for personal income tax returns and liability.

Which was committed to the Committee on FINANCE, October 4, 1999.

Senators WAUGH, WHITE and WOZNAK presented to the Chair **SB 1122**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for twenty-year limitation for actions upon instruments under seal.

Which was committed to the Committee on JUDICIARY, October 4, 1999.

Senators WAUGH, HART and BRIGHTBILL presented to the Chair **SB 1123**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "financial responsibility."

Which was committed to the Committee on BANKING AND INSURANCE, October 4, 1999.

Senators MOWERY, CONTI, WAGNER, COSTA, GREENLEAF, TARTAGLIONE, EARLL, HELFRICK, SALVATORE, THOMPSON, O'PAKE, CORMAN, PUNT, BELL, DENT, TILGHMAN, WAUGH, WOZNAK, MELLOW, SLOCUM, WHITE, RHOADES, SCHWARTZ and LEMMOND presented to the Chair **SB 1124**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further defining "income" for personal income tax purposes to provide for an exclusion of certain income earned by persons under 18 years of age.

Which was committed to the Committee on FINANCE, October 4, 1999.

Senators SALVATORE, HELFRICK, TOMLINSON, WAUGH, TARTAGLIONE, BOSCOLA, SCHWARTZ, MELLOW, BODACK, KUKOVICH, LAVALLE, CONTI, STOUT, HOLL, ARMSTRONG, MURPHY and BELL presented to the Chair **SB 1125**, entitled:

An Act relating to bloodborne pathogen standards governing exposure to certain persons.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 4, 1999.

Senators SALVATORE, WAUGH, BOSCOLA and HOLL presented to the Chair **SB 1126**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for examination of applicant for driver's license.

Which was committed to the Committee on TRANSPORTATION, October 4, 1999.

Senators WHITE, MADIGAN, EARLL and KASUNIC presented to the Chair **SB 1127**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for powers and duties of the Pennsylvania Public Utility Commission relating to video programming providers.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 4, 1999.

Senators WHITE, CONTI, GERLACH, MELLOW, EARLL, COSTA, BODACK, THOMPSON, STOUT, GREENLEAF, CORMAN, O'PAKE, PUNT, BOSCOLA, HART, TOMLINSON and SCHWARTZ presented to the Chair **SB 1128**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for junior driver's licenses.

Which was committed to the Committee on TRANSPORTATION, October 4, 1999.

Senators BOSCOLA, DENT, GREENLEAF, LEMMOND, SALVATORE, THOMPSON, TILGHMAN, WAUGH, BELAN, COSTA, MELLOW and O'PAKE presented to the Chair **SB 1129**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for aggravating circumstances.

Which was committed to the Committee on JUDICIARY, October 4, 1999.

RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled, and referred as follows, which was read by the Clerk:

October 4, 1999

Senators WAUGH, MURPHY, COSTA, THOMPSON, O'PAKE, STOUT, BELL and RHOADES presented to the Chair **SR 102**, entitled:

A Resolution urging the Department of Transportation to abandon its policy to proceed with metric conversion.

Which was committed to the Committee on TRANSPORTATION, October 4, 1999.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the presence of the Senate signed the following bills:

SB 173 and HB 963.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, OCTOBER 5, 1999

9:30 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (to consider Senate Bill No. 976; and House Bill No. 1109)	Room 8E-B East Wing
10:00 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on pharmacy issues)	Room 8E-A East Wing
11:00 A.M.	BANKING AND INSURANCE (to consider Senate Bill No. 1003)	Room 461 Main Capitol
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 774, 842 and 1047; and House Bill No. 643)	Room 8E-B East Wing

WEDNESDAY, OCTOBER 6, 1999

10:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 544, 598 and 1011; House Bill No. 1268; and any other business that may come before the Committee)	Room 461 Main Capitol
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THURSDAY, OCTOBER 7, 1999

9:00 A.M.	EDUCATION (Joint Forum with the House Education Committee to receive presentations on issues related to PA's current system of school finance)	Room 8E-A and 8E-B East Wing
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WEDNESDAY, OCTOBER 13, 1999

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on Y2K Compliance: Third Quarter Report)	Room 8E-A East Wing
9:30 A.M.	JUDICIARY (public hearing to consider Senate Bill No. 1025)	Room 8E-B East Wing

TUESDAY, OCTOBER 19, 1999

10:00 A.M.	FINANCE (public hearing on the PA Lottery)	Majority Caucus Rm.
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MONDAY, OCTOBER 25, 1999

1:30 P.M.	LABOR AND INDUSTRY (to consider Senate Bills No. 201, 203, 204, 359 and 569)	Rules Cmte. Conf. Rm.
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ADJOURNMENT

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, October 5, 1999, at 1 p.m. Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:04 p.m., Eastern Daylight Saving Time.