

COMMONWEALTH OF PENNSYLVANIA
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WEDNESDAY, JUNE 23, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 41

SENATE

WEDNESDAY, June 23, 2004

The Senate met at 11 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the Chair.

PRAYER

The Chaplain, Reverend CARL VINING, of House of Judah Ministries, Montgomery, offered the following prayer:

Dear, kind Heavenly Father, Creator of all things, we give honor unto the most high God. You have said that You esteem Your word even above Your name, so we pray Your word this day. What You have said, if my people, which are called by my name, would humble themselves and pray and seek my face and turn from their evil ways and wicked ways, we would hear from heaven and You would forgive our sins and heal our lands.

So, we humbly come before You this day to ask for strength to stand against the pressures and the demands of the lobbyists with their self-seeking interests that will not benefit the Commonwealth as a whole. Help us to guard against immoral people whose intentions are not pure and will degrade the standard of living and moral standards.

Lead, guide, and direct this honorable staff of the Senate and all the Senators of this fine Commonwealth of Pennsylvania, that we may lead a quiet and peaceful life. We ask, Heavenly Father, that You would just give us the wisdom to stand in Your perfect will concerning the budget. Once again, this day we pray that You would intervene there by Your supernatural wisdom and power that this thing would be resolved.

Father, we just ask Your blessing upon the families of the Senators and the staff, that You would be with them in this time away from their families and give them the strength that they need. Father, we ask all these things in Your Son's precious name, my Lord and Savior, Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Reverend Vining, who is the guest today of Senators Madigan and Greenleaf.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 22, 2004.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator BRIGHTBILL, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

**RECALL COMMUNICATIONS
LAID ON THE TABLE**

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 laid on the table:

**MEMBER OF THE CHILDREN'S
TRUST FUND BOARD**

June 23, 2004

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 23, 2004, for the appointment of Susan Eckert, 2509 Butter Road, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified, vice Glen S. Bartlett, M.D., Hummelstown, whose term expired.

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

EDWARD G. RENDELL
Governor

**JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY**

June 23, 2004

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 17, 2004, for the appointment of Edward J. Borkowski, Esquire, 243 Fisk Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Joseph A. Jaffe, resigned.

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

EDWARD G. RENDELL
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 CHILDREN'S
TRUST FUND BOARD**

June 23, 2004

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, Susan Eckert, 2509 Butter Road, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified, vice Glen S. Bartlett, M.D., Hummelstown, whose term expired.

EDWARD G. RENDELL
Governor

**JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY**

June 23, 2004

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, Edward J. Borkowski, Esquire, 243 Fisk Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Joseph A. Jaffe, resigned.

EDWARD G. RENDELL
Governor

HOUSE MESSAGES**SENATE BILLS RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 200** and **SB 508**, 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, these bills will be referred to the Committee on Rules and Executive Nominations.

BILLS REPORTED FROM COMMITTEES

Senator LEMMOND, from the Committee on State Government, reported the following bills:

SB 346 (Pr. No. 363)

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for filing fees.

SB 1184 (Pr. No. 1835)

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of Scranton, Lackawanna County, being conveyed by the city in return for the imposition of Project 70 restrictions on certain lands being conveyed to the city.

HB 1965 (Pr. No.2564)

An Act repealing the act of June 4, 1945 (P.L.1191, No.413), entitled "An act to authorize the Pennsylvania Post-War Planning Commission under certain conditions to enter into agreements with political subdivisions of this Commonwealth for the financing of plans and specifications for public works; and making an appropriation."

HB 2268 (Pr. No. 3119)

An Act repealing provisions relating to a permanent centennial exposition building in Philadelphia.

HB 2433 (Pr. No. 3732)

An Act amending the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, further providing for award of grants, for expenses incurred by the Pennsylvania Emergency Management Agency; and providing for allocation of appropriated funds.

Senator ORIE, from the Committee on Aging and Youth, reported the following bills:

SB 357 (Pr. No. 1736) (Amended)

An Act providing for the strengthening and enrichment of children and families by promoting safe, healthy and nurturing home environments, for the educational and supportive services of home visiting programs in this Commonwealth, for the Ounce of Prevention grant program and for integrated community-based delivery of services; specifying program requirements; designating an oversight board; providing for responsibilities of the board and the Department of Public Welfare; specifying criteria for community program grant funding; requiring training and an independent evaluation process; and providing for quality assurance.

SB 1002 (Pr. No. 1737) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel.

HB 309 (Pr. No. 4151) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for definitions, for release of information in confidential reports, for investigating performance of county agency, for annual reports to the Governor and General Assembly, for services for prevention, investigation and treatment of child abuse and for reports to department and coroner.

Senator EARLL, from the Committee on Finance, reported the following bills:

SB 765 (Pr. No. 1735) (Amended)

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 exclusions from sales and use tax.

SB 1155 (Pr. No. 1682)

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 imposition of the capital stock and franchise tax.

HB 2351 (Pr. No. 3279)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for retirement benefits of employees transferred to wastewater authorities.

HB 2467 (Pr. No. 3519)

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, further providing for contents of actuarial valuation report.

RESOLUTION REPORTED FROM COMMITTEE

Senator LEMMOND, from the Committee on State Government, reported the following resolution:

SR 205 (Pr. No. 1422)

A Resolution urging the Governor, the Pennsylvania Historical and Museum Commission, the Judiciary and all other agencies and authorities in this Commonwealth to exercise their power and authorities accordingly to preserve the historic site known as Camp Security, located in Springettsbury Township, York County.

The PRESIDENT. The resolution will be placed on the Calendar.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Madam President, I request legislative leaves for Senator Schwartz and Senator Tartaglione.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Schwartz and Senator Tartaglione. Without objection, the leaves will be granted.

CALENDAR

HB 2042 CALLED UP OUT OF ORDER

HB 2042 (Pr. No. 4058) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2042 (Pr. No. 4058) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for wild turkey hunting.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR DOMINIC F.
PILEGGI PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Pileggi.

Senator PILEGGI. Madam President, it is my pleasure this morning to introduce Rachel Bahn, a summer intern working in my Harrisburg office. She is seated in the gallery this morning. This past May she graduated summa cum laude from Saint Joseph's University, with a dual degree in international relations and French. While at Saint Joseph's, she spent time studying overseas, as well as working for the United States Department of State. She has participated in a variety of community service projects in the United States and in Haiti. She is a native of York, Pennsylvania, and is the daughter of Stephen and Anne Bahn. Her interests include travel, foreign languages and cultures, and music. This fall Rachel will move to Washington, D.C., to earn her master's degree in international affairs from George Washington University. Afterward, she intends to pursue a career in international economic development. Madam President, I ask that we extend our traditional warm welcome to Miss Rachel Bahn.

The PRESIDENT. Rachel, would you please rise so we can give you a nice warm welcome.

(Applause.)

**GUESTS OF SENATOR ROGER A.
MADIGAN PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, again today it is my honor to host our Chaplain, Reverend Carl Vining, of the House of Judah Ministries in Montgomery, Lycoming County. He is accompanied by his daughter, Ann Marie, as well as his assistant pastor, Todd Alexander. I ask that we give them our usual warm Senate welcome.

The PRESIDENT. Would our guests please rise so we can give you a nice round of applause.

(Applause.)

**GUESTS OF SENATOR CHARLES D.
LEMMOND PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Madam President, I am joined today by Nate Bohlander, a young man going into his fourth year at Dickinson College, who is working with me for the summer majoring in government and just enjoying a wonderful day with us today. With him is Tom Yoniski, who covers the top of the State for all of us in the Senate, and does a fantastic job on the part of Pennsylvania between the Endless Mountains and the Pocono Mountains. I appreciate having them today, and I appreciate the opportunity to introduce them to all of my friends in the Senate.

The PRESIDENT. Will you both please rise so we can give you a nice round of applause.

(Applause.)

**GUESTS OF SENATOR JOHN C.
RAFFERTY PRESENTED TO THE SENATE**

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

Senator RAFFERTY. Madam President, I have the distinct pleasure today of introducing to the Members of the Senate three young people who are interning in my district offices this summer.

Madam President, we often read in the headlines of newspapers and hear television reports about all the trouble with young people in our Commonwealth and in this country. Well, Madam President, all you would have to do is meet these three young individuals and you would know that with people like them, our future is in good hands.

Madam President, I introduce to the Members of the Senate Mary Kate Bustard, who attends Kutztown University and is majoring in telecommunications and electronic media. Also with her is Matt Rogers, who is a student at the University of Scranton with a major in history, and I believe his future pursuits include law school. Also, Melissa Bova, who attends Gettysburg College and is majoring in political science. I have the good fortune of knowing the families of all three of these individuals, and they are good people with good, solid backgrounds with an interest in community service. I am benefitting, as are the people in my district, by having them serve in my district office.

Madam President, I ask my colleagues in the Senate to give our traditional warm welcome to these three individuals.

The PRESIDENT. Will Mary Kate, Matt, and Melissa please rise.

(Applause.)

Senator RAFFERTY. Madam President, they are accompanied by one of the district representatives of my staff, Julia Harper, and I would like to have the opportunity to introduce her to the Members of the Senate, if I may.

The PRESIDENT. Julia, would you please rise.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL REREPORTED FROM COMMITTEE AS
AMENDED ON THIRD CONSIDERATION,
OVER IN ORDER TEMPORARILY

HB 147 (Pr. No. 4148) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, authorizing a film production tax credit; and providing for the powers and duties of the Department of Community and Economic Development and the Department of Revenue.

On the question,

Will the Senate agree to the bill on third consideration?

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

Senator MELLOW. Madam President, may we be at ease for a moment?

The PRESIDENT. The Senate is at ease.

(The Senate was at ease.)

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, at this time I request a brief recess for the purpose of a Republican caucus to be held immediately in the Rules room. We hope to be back in about 30 minutes.

The PRESIDENT. Senator Brightbill requests a recess for the purpose of a Republican caucus.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request the Democrats report to our caucus room for a brief caucus.

The PRESIDENT. Senator Mellow requests the Democrats report for a Democratic caucus.

Without objection, the Senate stands in recess for a half hour.

AFTER RECESS

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

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

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I request a legislative leave for Senator Earll.

The PRESIDENT. Senator Piccola requests a legislative leave for Senator Earll. Without objection, the leave will be granted.

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

Senator PICCOLA. Madam President, I request that House Bill No. 147 go over in its order temporarily.

The PRESIDENT. Without objection, the bill will go over temporarily.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I request a recess of the Senate for the purpose of a meeting of the Committee on Appropriations to be held immediately in the Rules room.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations, without objection, the Senate will stand in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I request a temporary Capitol leave for Senator Mary Jo White.

The PRESIDENT. Senator Piccola requests a temporary Capitol leave for Senator Mary Jo White. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 217 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Madam President, I request a temporary Capitol leave for Senator Musto.

The PRESIDENT. Senator O'Pake requests a temporary Capitol leave for Senator Musto. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

SB 1139 CALLED UP OUT OF ORDER

SB 1139 (Pr. No. 1708) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator PICCOLA, as a Special Order of Business.

BILL AMENDED

SB 1139 (Pr. No. 1708) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions, for application of act, for adoption of regulations, for administration and enforcement, for changes in Uniform Construction Code and for exemptions.

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

SCARNATI AMENDMENT A2483

Senator SCARNATI offered the following amendment No. A2483:

Amend Sec. 1 (Sec. 103), page 4, line 6, by inserting after "**CLASS**": and a county of the second class where the building area is established by local ordinance

Amend Sec. 3, page 5, lines 29 and 30, by striking out all of said lines and inserting:

Section 3. Section 301(a) of the act is amended by adding a paragraph to read:

Amend Sec. 3 (Sec. 301), page 6, lines 4 through 12, by striking out all of said lines and inserting:

(8) The regulations shall exclude section R313.1.1 of the 2003 International Residential Code for One- and Two-Family Dwellings or its successor code from applying to existing one-family and two-family unit dwellings undergoing alterations, repairs or additions.

Amend Sec. 4 (Sec. 501), page 6, lines 18 through 24, by striking out all of said lines and inserting:

(g) Technical assistance to municipalities.—The Governor's Center for Local Government Services in the Department of Community and Economic Development shall be the principal agency for developing and providing technical assistance to municipalities for implementing, administering and enforcing the provisions of this act.

Amend Sec. 5, page 6, line 25, by striking out all of said line and inserting:

Section 5. Sections 503(a) and 701(b) and (d) of the act are amended to read:

Amend Sec. 5 (Sec. 503), page 6, line 29, by inserting after "EDITION," : or successor codes.

Amend Sec. 5, page 7, by inserting between lines 4 and 5: Section 701. Training of inspectors.

(b) Categories of inspectors.—

(1) The department, in consultation with BOCA and other interested parties, shall establish appropriate categories of code administrators.

(2) A code administrator may act in place of a lumber grading or inspection agency to satisfy the requirement set forth under sec-

tion 2303.1.1 of the 2000 International Building Code.

(d) Waiver.—The department shall by regulation establish a procedure for the consideration of requests for waivers of the initial training and certification requirements for individuals who present documentation that they have previously satisfied substantially similar training, testing and certification requirements. The department shall also consider past work experience as an inspector when deciding a request for a waiver. Any waiver shall not apply to continuing education requirements.

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

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

YEA-41

Armstrong	Kasunic	Orie	Thompson
Boscola	Kitchen	Piccola	Wagner
Brightbill	Kukovich	Pippy	Waugh
Corman	LaValle	Punt	Wenger
Costa	Lemmond	Rhoades	White, Donald
Earl	Logan	Robbins	White, Mary Jo
Ferlo	Madigan	Scarnati	Williams, Anthony H.
Fumo	Mellow	Schwartz	Wozniak
Gordner	Mowery	Stack	
Hughes	Musto	Stout	
Jubelirer	O'Pake	Tartaglione	

NAY-9

Conti	Greenleaf	Tomlinson
Dent	Pileggi	Williams, Constance
Erickson	Rafferty	Wonderling

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?

ERICKSON AMENDMENT A2488

Senator ERICKSON offered the following amendment No. A2488:

Amend Sec. 1 (Sec. 103), page 4, line 6, by inserting after "CLASS": and a county of the second class A

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

FERLO AMENDMENT A2520

Senator FERLO offered the following amendment No. A2520:

Amend Sec. 4, page 6, lines 14 and 15, by striking out "A SUBSECTION" and inserting: subsections

Amend Sec. 4 (Sec. 501), page 6, by inserting between lines 17 and 18:

(a.1) Notwithstanding the provisions of subsection (a), a municipality located within a county of the second class shall not administer and enforce plumbing code provisions of an ordinance adopting the Uniform Construction Code and incorporated codes for the purposes of section 302(a). A county of the second class that has adopted a plumbing code and accompanying rules and regulations, pursuant to the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law, shall retain the authority to promulgate and enforce such plumbing code and to make such changes as it deems necessary, provided that such changes meet the minimum requirements as defined in the Uniform Construction Code.

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

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PICCOLA.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I request temporary Capitol leaves for Senator Don White and Senator Erickson.

The PRESIDENT. Senator Piccola requests temporary Capitol leaves for Senator Don White and Senator Erickson. Without objection, the leaves will be granted.

The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Madam President, I request a temporary Capitol leave for Senator Connie Williams.

The PRESIDENT. Senator O'Pake requests a temporary Capitol leave for Senator Connie Williams. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 871 (Pr. No. 1730) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, further providing for appointment by nonprofit corporations; providing for humane society police officers' appointment, qualifications, authority and discipline; conferring powers and duties on the Department of Agriculture; establishing the Humane Society Police Officer Advisory Board and the Humane Society Police Officer Account; and making a related repeal.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

BILL OVER IN ORDER

SB 931 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL OVER IN ORDER TEMPORARILY

SB 1039 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PICCOLA.

BILLS AMENDED

SB 1040 (Pr. No. 1691) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 22, 1993 (P.L.105, No.24), known as the Environmental Education Act, providing for the establishment of the Pennsylvania Center for Environmental Education and the Pennsylvania Center for Environmental Education Board; making an appropriation; and making editorial changes.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PICCOLA offered the following amendment No. A2509:

Amend Sec. 2 (Sec. 3.1), page 8, line 20, by striking out "TO" and inserting: for

Amend Sec. 5 (Sec. 8), page 13, line 30; page 14, line 1, by striking out "except as provided in this" in line 30, page 13 and "section," in line 1, page 14

Amend Sec. 7, page 14, line 21, by striking out "THIS" and inserting: The addition of section 3.1 of the

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PICCOLA.

SB 1042 (Pr. No. 1732) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Energy and Pollution Reduction Program; establishing the Office of Energy and Pollution Reduction within the Department of Environmental Protection; providing an Environmental Compliance Report Card; establishing the Rachel Carson Environmental Excellence Award; and making an appropriation.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

MOTION TO RECONSIDER SB 1042

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Madam President, I move to reconsider the vote by which Senate Bill No. 1042 was agreed to on third consideration.

The PRESIDENT. Senator O'Pake moves to reconsider the vote by which the bill was agreed to on third consideration.

The motion was agreed to by voice vote.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE, on behalf of Senator MELLOW, offered the following amendment No. A2493:

Amend Sec. 4, page 4, line 29, by striking out "small"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PICCOLA.

BILLS OVER IN ORDER

SB 1147, HB 1487, HB 1488 and HB 2330 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 445 (Pr. No. 4074) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for State registration of individuals providing sign language interpreting and transliterating services to individuals who are deaf or hard of hearing; and imposing duties on the office for the deaf and hard of hearing in the Department of Labor and Industry.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 492, HB 835, SB 844, SB 885, HB 994, SB 1027, SB 1095, SB 1096, SB 1097 and SB 1111 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILL ON SECOND CONSIDERATION

SB 1113 (Pr. No. 1606) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1984 (P.L.652, No.136), known as the Milk Producers' Security Act, further providing for definitions; providing for passage of title to milk; further providing for security bonds, for bonds, for the security fund and for new licenses; providing for review of security; and further providing for trusteeship, for prohibitions and violations and for penalties.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

HB 1117, SB 1140, SB 1160, SB 1161, HB 1329, HB 1330, HB 1331, HB 1424, HB 1801, HB 1860, HB 1861, HB 1912, HB 1937, HB 2046, HB 2218, HB 2224, HB 2230, HB 2378, HB 2397, HB 2405 and HB 2649 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

**UNFINISHED BUSINESS
DISCHARGE PETITION**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

June 23, 2004

A PETITION

To place before the Senate the nomination of David W. Jones as a member of the Council of Trustees of Kutztown University.

TO: The Presiding 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 David W. Jones, Washington, Pennsylvania, as a member of the Council of Trustees of Kutztown University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D Robbins
David J. Brightbill
Jeffrey E. Piccola
Noah W. Wenger
Robert C. Jubelirer

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

**COMMUNICATIONS FROM THE GOVERNOR
TAKEN FROM THE TABLE**

Senator ROBBINS called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE CHILDREN'S
TRUST FUND BOARD**

June 23, 2004

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 23, 2004, for the appointment of Susan Eckert, 2509 Butter Road, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified, vice Glen S. Bartlett, M.D., Hummelstown, whose term expired.

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

EDWARD G. RENDELL
Governor

**JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY**

June 23, 2004

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 17, 2004, for the appointment of Edward J. Borkowski, Esquire, 243 Fisk Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Joseph A. Jaffe, resigned.

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

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

A voice vote having been taken, the question was determined in the affirmative.

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Madam President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

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

March 17, 2004

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, David W. Jones, 127 4th Street, SE, Washington, DC 20003, for appointment 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 2009, and until his successor is appointed and qualified, vice Joseph A. Deklinski, Wormleysburg, whose term expired.

EDWARD G. RENDELL
Governor

On the question,
Will the Senate advise and consent to the nomination?

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

YEA-50

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 147 CALLED UP

HB 147 (Pr. No. 4148) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PICCOLA.

**BILL REREPORTED FROM COMMITTEE AS
AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 147 (Pr. No. 4148) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, authorizing a film production tax credit; and providing for the powers and duties of the Department of Community and Economic Development and the Department of Revenue.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

NAY-1

Rhoades

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate

has passed the same with amendments in which concurrence of the House is requested.

SB 1039 CALLED UP

SB 1039 (Pr. No. 1731) -- Without objection, the bill, which previously went over in its order temporarily was called up, from page 2 of the Third Consideration Calendar, by Senator PICCOLA.

BILL AMENDED

SB 1039 (Pr. No. 1731) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, clarifying the definition of "agency."

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A2523:

Amend Sec. 1 (Sec. 703), page 2, line 15, by inserting after "A" where it appears the first time: mutually binding legal

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Madam President, the affiliation of the Dickinson School of Law with Penn State began with a very bright promise. However, the future of the institution in Carlisle clouded considerably when a possible move of the law school to State College surfaced very suddenly. This controversial shift is being aggressively fought by individuals, business and professional groups, the State, and local officials. A freshly-conceived dual site plan has not lessened community anxiety. With a study of the notion underway, the final chapter is yet to be written.

In this process, the community is further troubled because too much crucial decisionmaking is taking place behind closed doors. We believe a move of this magnitude should be deliberated openly, as well as fully. Those who challenged the closed-meeting approach of the Board of Governors won in Common Pleas Court, but Commonwealth Court, in a narrow 3 to 2 ruling, recently held that the board is not covered by Sunshine Law requirements. Although open government advocates may appeal to the State Supreme Court, the majority opinion in this case was carefully thought through and no sure bet for a reversal. The question is not where the public interest is found. The matters the Board of Governors has discussed and will decide are quite important for the Carlisle community and for the Commonwealth as well regarding this move. The deliberations should be open. The board did voluntarily open up slightly, but not to the extent necessary.

When the Sunshine Law was written, there was an effort made to have it apply according to the responsibilities of a body, not by how the body was titled. However, the authors could not have anticipated the circumstances arising from the mergers of institutions and the unique division of authority struck in this particular

agreement. Therefore, the Sunshine Law must be amended. This amendment is drawn to make it clear that the Board of Governors, charged with making recommendations that affect degree programs, is covered by the Sunshine Law. This is fair, and it is the right thing to do. Their role is not purely advisory. What they recommend is by all accounts determinant to constituents and the kind of official action that the Sunshine Law is designed to cover.

It is not all that often that we change the Sunshine Law, because it has held up over the years very well, and the public certainly has benefitted from its open meetings. But, there is now an apparent weakness in a very key place, and it is time to address that directly and effectively. Sunshine provides no guarantee against bad decisions being made, but it gives the public the ability to see how a matter is decided and how the votes are cast, and thus gives the important ingredient of public accountability. In this situation, the people of Carlisle and this region are extremely interested in accountability and responsibility.

Madam President, we have the opportunity here today, and I ask my colleagues to support this Sunshine Law. We here in the legislature live with open reform and opportunity for the public to participate. We think when you are dealing with millions and millions of dollars, when you are disrupting a community at a time when other communities around Pennsylvania are having financial problems and taking away large sums of money that support these communities, such as maybe \$20 million will be lost if the law school were to move out of the borough of Carlisle, I think it is very important that we bring sunshine so the community, regardless of what this decision is going to end up being, has the opportunity to visibly not only see, but also hear what is going into this decisionmaking process.

Thank you very much, Madam President.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PICCOLA.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I request a recess of the Senate for approximately one-half hour Senate time.

The PRESIDENT. Without objection, the Senate stands in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1042 (Pr. No. 1743) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Energy and Pollution Reduction Program; establishing the Office of Energy and Pollution Reduction within the Department of Environmental Protection; providing an Environmental Compliance Report Card; establishing the Rachel Carson Environmental Excellence Award; and making an appropriation.

Considered the third time and agreed to, And the amendments made thereto having been printed as required by the Constitution,

On the question, Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Table listing names of senators who voted 'YEA' for SB 1039. Names include Armstrong, Hughes, Orié, Thompson, Boscola, Jubelirer, Piccola, Tomlinson, etc.

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative. Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1039 (Pr. No. 1744) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, clarifying the definition of "agency."

Considered the third time and agreed to, And the amendments made thereto having been printed as required by the Constitution,

On the question, Shall the bill pass finally?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Connie Williams has returned, and her temporary Capitol leave will be cancelled.

And the question recurring, Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Table listing names of senators who voted 'YEA' for SB 1040. Names include Armstrong, Hughes, Orié, Thompson, Boscola, Jubelirer, Piccola, Tomlinson, etc.

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative. Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 4

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1040 (Pr. No. 1742) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 22, 1993 (P.L.105, No.24), known as the Environmental Education Act, providing for the establishment of the Pennsylvania Center for Environmental Education and the Pennsylvania Center for Environmental Education Board; making an appropriation; and making editorial changes.

Considered the third time and agreed to, And the amendments made thereto having been printed as required by the Constitution,

On the question, Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Table listing names of senators who voted 'YEA' for SB 1040. Names include Armstrong, Hughes, Orié, Thompson, Boscola, Jubelirer, Piccola, Tomlinson, etc.

Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1139 (Pr. No. 1741) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions, for application of act, for adoption of regulations, for administration and enforcement, for changes in Uniform Construction Code and for exemptions.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Scarnati.

Senator SCARNATI. Madam President, I stand in support of Senate Bill No. 1139, which amends the Uniform Construction Code, commonly known as the UCC. This is a bipartisan effort to relieve residential homeowners from an intrusive piece of legislation that would only act to handcuff all homeowners in the communities of the Commonwealth. The construction code is as confusing for homeowners as it is to municipalities, a basic administrative and enforcement nightmare for all parties involved. While I was not in office when the code was passed, quite frankly, I would not have supported it, because it is clear this has been the mother of all mandates. This law needs to be amended and amended now before we go home for the summer. We owe it to the people who elected us to represent their thoughts and represent their beliefs in our State Capitol. Instead of pressuring homeowners--the citizens whom we were elected to represent--into more bureaucratic nonsense, we need to come together and create reasonable flexibility, which will, in turn, ensure successful programs. Often these regulations and requirements are a knee-jerk reaction to a problem that can be solved, for the most part, by the local municipalities. Local governments know what is best for their respective areas and certainly do not need Big Brother coming in with another unfunded mandate.

Pennsylvania is one of the most diverse States in the country, therefore, uniformity is highly possible. It has often been said

that Pennsylvania is like Pittsburgh and Philadelphia with Alabama in the middle. In this State, a one-size-fits-all approach to government is not feasible, and definitely not necessary. What is good for one area may not be in the best interest for all the communities in a rural district. Although I am actually in favor of total repeal--it would make me happy, so happy to repeal the entire Uniform Construction Code--I recognize that with much discussion in all four Caucuses, this language is the best opportunity we have for change at this time.

Madam President, I urge my colleagues to support passage of Senate Bill No. 1139. Many of you voted on final passage for legislation that just was not meant to intrude into the everyday lives of homeowners. Good-intentioned legislation has resulted in onerous regulations and additional costs to comply with a mandate that makes any tax increase, any tax increase we pass in this Chamber, look like pocket change to a homeowner. Homeowners in Pennsylvania deserve better from us, and I can tell you, we need to act today. Pennsylvanians are tired of more and more costs to live in this Commonwealth. Tell the senior citizens who still manage to live alone that when their hot water tank goes bad on Saturday morning, not only do they have to find a plumber, now they need to find a municipal officer to issue a permit for a fee, have the hot water tank installed, and then they must find an inspector to turn it on. I do not think that is the real world in rural Pennsylvania. Tell the young couple who just bought a home or will buy a home that the house they are buying, they will not be able to repair or fix it up together. I believe that the American dream of buying a house and turning it into a home is so important. I do not want to see these things happen, and I do not believe any of you do either. The UCC, as it stands, is wrong for homeowners and for Pennsylvania, and we need to do this before we leave. I urge an affirmative vote.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, I agree to a great extent that we do need to take action on this bill. I do think that at least in the short term, as Senator Scarnati said, with the limited time we have before us, at the very least we need to take this action to address some of the more intrusive residential problems to which the Senator referred. Quite frankly, I would have liked to have gone further and done some more, but we have been collaborating on this for some time, and we understand that the House of Representatives might want to take a slightly different approach. We are hopeful at this point, and our communications with them tell us that they would accept what we are about to pass today, and I have been informed by the Governor's Office that they would sign this bill into law if we pass it as it is, and I think in the short term it will alleviate some of those concerns, I think most or all of the concerns that residential homeowners have.

That being said, and appreciating the fact that there is a great deal of pressure to have a code like this, there are a couple of things that will still need to be addressed, and we will have to revisit this issue again.

Number one, part of the purpose for this code, on which debate began over 15 years ago, was to try to have uniformity. Already from different municipalities that have opted into this code

from very different counties, we are seeing sets of guidelines that are very different because there are different interpretations, municipality by municipality, of the statewide code. So, one of the main purposes of uniformity already does not appear to be working.

Secondly, of the roughly 2,600 municipalities in this State, a rather small percentage so far have made a determination as to whether to opt in or opt out, and of that group, roughly 50 percent have opted out. If that trend continues, and it seems that it will, it will put a tremendous burden on the State to have enough inspectors to do the work necessary, which means we have to come back and review this or else the law will be ignored, or there will be construction delays of tremendous magnitude, which could lead to cost overruns and the slowing down of our economy. So, there are broader concerns that we have yet to address, and a lot of this is because of the confusion surrounding interpretation of this code. No matter how well intended, no matter how much most everybody in the Capitol wants to promote public safety and create uniformity to make it easier for building in the construction industry, we have an obligation now to revisit this again to make sure that we can get a buy-in from everybody in Pennsylvania to help all of us.

I want to commend Senator Scarnati for acting promptly, for not only working with me and my Caucus, but also our respective Caucuses on the House side, and I want to thank the Governor's Office for being responsive to our immediate needs with this bill, and I ask my colleagues for an affirmative vote.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Madam President, I come from Philadelphia County, which in large part is not as affected by this. I also represent parts of Delaware County that are involved. It is indeed complicated for many of us on this floor in terms of how it has evolved. But I want to make it very clear that I stand in the affirmative for one specific reason: because of Senator Kukovich. I want to also make it very clear that while we would like to consider that we do many things in a bipartisan way in Harrisburg, frankly, we do not. But, without the leadership of my colleague, many of us in my Caucus would not have been quite as persuaded to be involved or engaged in something this significant because, frankly, for many of us it was very complicated, very troublesome, and all of us can find reasons not to be in the affirmative on this particular bill.

I just really had to come down here to make it clear to those whom I represent and those whom I do not represent that it is singular in nature that one Member of our Caucus made it very clear that while there are many obstacles and many reasons why we should not be involved and could not be involved, he made it very clear that we had to start someplace. He made it very clear how we could start at that place and where we were going forward. So, I want to thank him, I want to thank Senator Kukovich for his leadership, his guidance, his direction, and his support of a beginning conversation of something that is very difficult but very important for all Pennsylvanians. So I want to make it very clear why we, as Democrats, were able to take this step today.

Thank you, Madam President.

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

Senator WAUGH. Madam President, I was not going to speak today, but I really feel compelled to, and there are a few reasons for that.

First of all, I guess, as has been stated earlier, I am the author of the mother of all mandates because I was the prime sponsor of the Uniform Construction Code when it came through, and believe me, it did not sail through. For those of us who have been here over the years, it was here long before me and many others. For about 20 years or better this issue has been debated. I think it is important to express that, because some would make it appear as though this bill, which became a law and then had regulations attached over a period of about 5 years, was somehow, as they say, snuck through late at night and put into place by ill-meaning politicians and bureaucrats. The reality is, like unfortunately has happened so many times in our history, we ended up being one of the last States out of the 50 in this great nation to finally address the issue of having some sort of uniform statewide building code. We took the time, we took the effort, we took the energy, and a lot has been said in both the House and Senate this week about how people made votes by mistake. The reality is, the bill passed the House and the Senate by nearly unanimous votes on both sides. But now today, now this week, now as the regulations, after years of effort, start to take place and go into effect, we have a few municipalities, a few citizens, and naturally, because of that, a few legislators who are quite concerned and opposed, so we deal with it.

It was said earlier, and I say this with all due respect to my good friend and colleague, Senator Scarnati, that Pennsylvania is somehow Alabama in the middle, if you will. Well, I consider myself a resident of the great State of Pennsylvania, and for those who live in Alabama, I say get on board and become part of the 21st century, ladies and gentlemen, because as long as you want to stay in Alabama and stay in that century, I guess our State will be that way.

Let me give you a couple of quotes I pulled from news articles in the Alabama portions of Pennsylvania. "...Toni Ritchey called the fight against the code a 'fight for our homeland security.'"

"The fight to have the code repealed is 'a battle for our homes, our property, our liberty,' said LaRue Gray....'to take back our country from politicians.'"

They are the types of people who are generating the action that we are taking today. After 20-plus years of deliberation, hard work, and effort on the part of a lot of people in these Chambers, a few people who wave flags and admit they might actually be from Alabama are changing a law that we worked so hard to get. I think we are making a very big mistake today. I think we are reacting in a way that is improper for a legislative body. But let me just say this: I do believe there is need for some change and consideration in the regulations that were written. I believe that some of what Senator Scarnati proposed is good. I do not believe that a permit should be needed to put a new roof on an existing home or dwelling. Unfortunately, the regulations say we need one. That should be changed. I do not believe that a homeowner should have to purchase a permit to put a water heater in their home or replace a water heater. Unfortunately, the regulations say we need to. We do need to revisit the regulations, and I have

suggested during the discussions the last few days that there is a way for us to allow the municipalities that claim to be burdened to opt out, but to allow the municipalities that have had codes in their townships and boroughs, in some cases for 20 years, to allow them to proceed with the Uniform Construction Code as they have planned to do and as they have made an investment and put resources into doing. Instead of shotgunning and in a knee-jerk, reactive way trying to pull all these things together in a matter of a week, I think is wrong.

Now, I am going to contradict myself, because in a minute I am going to vote for Senator Scarnati's proposal to show him that I do believe some of what he is doing is right, but I think there is a better way. I hate to stand and go on record saying something like that, that I kind of oppose it but yet want to support it. I just want to make the point to my colleagues that there was a better way for us to handle this, and at the end of Session, before we break, once again we are knee-jerking into passing this bill.

Let me close by just emphasizing what I believe is most true of all statements when it comes to the Uniform Construction Code and the reason why we truly do need one in this State. Senator Scarnati closed by saying it is unfortunate that the house the young couple was about to buy, they will not be able to fix it up or make repairs together. That is not true. What is true is that they will be able to do those repairs. What is even more true is, with a good uniform statewide building code in all 67 counties, I believe homes will all be much safer and there will be much less need for repairs or concerns about safety in homes.

Thank you.

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Madam President, unlike Senator Scarnati, I was in the House when we were debating the Uniform Construction Code, and it was a long debate and there were some very serious concerns that were addressed and worked out on this building code. I know that my predecessor in the Senate, Senator Tilghman, was very concerned about the impact of the codes, especially in areas like southeastern Pennsylvania, where we have strong building codes now, whether they would weaken them. It disturbs me today what we are doing to this bill in the manner in which we are doing it, and I agree with Senator Waugh on that, not only because there are some standards, and I agree, I mean, if a young couple buys a house and wants to fix it up, paint the walls, that is great, but should they be doing the electrical work? That is a concern I have anywhere in the State. You have to know something about electricity. You can have a catastrophe if you do not, and you can lose your home.

I am concerned about it today because of the way we are doing it and I have concerns about these changes from the communities in southeastern Pennsylvania, and if other changes will happen in the House. We have been told that there may not be changes in the House, but we never know what the House is going to do. We have also heard from emergency services and from our firefighters who are very concerned about their safety as they go into places where they are not sure and they cannot depend on how a building was constructed or how the electric was put in, or what was causing whatever the emergency was.

So, I am not going to vote for this today. I am very disappointed in how we are approaching this. Some of the changes, I

agree, may need to be changed, but I do not agree with the way that we are doing it.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

Senator SCARNATI. Madam President, I represent a very rural area, as do many other Members of this body. In that rural area, although we consider ourselves between Philadelphia and Pittsburgh, there are thousands of people across this Commonwealth who have expressed an interest in this change, and I can tell you, you cannot change a hot water tank under the current codes. You cannot fix your roof. You cannot do electrical work in your house. This is Big Brother, this is a mandate, and this is a mandate that homeowners are opposed to. Sure, the builders support this bill, they have a vested interest. Sure, the uniform officers who do the inspections support this bill, they have an interest. I am supporting the homeowners here, and the homeowners have told me loud and clear, have told many Members in this body and in the House, that this needs to be changed.

Those people who live in rural Pennsylvania are proud to live there, and we are proud of where we are at and how we operate, but we cannot build half-million dollar homes. We do not have the jobs there. If we had jobs in rural Pennsylvania, if we had an economic base to draw from, if we had more money for our schools, we could do better. Maybe if we had that kind of economy there, we would support a Uniform Construction Code, but my constituents tell me it is bad, and they are whom I am here to represent.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Madam President, I had not intended to rise or frankly even be in the building at this time, but I have been called to the microphone to address some of the comments that have been made. I stand strongly with my colleague from York County in his earlier comments. I have been part of the building code debate for exactly 20 years, 10 years as a local official when I greatly opposed it. Yes, that is right, somebody from southeastern PA could greatly oppose an enhanced building code. We fought it as long as we could and lost that battle 10 years ago, and when I came to the General Assembly, it became obvious we needed a minimum code here in Pennsylvania. I was proud to work as a House Member at that time, I am proud to work with the Members of this Chamber in getting this bill into law.

It appears to me that in a regulatory process things have gotten carried away. The General Assembly had an opportunity in the independent regulatory review process to look at this. We were asleep at the switch, Madam President. We did not do our jobs at that time when we had the opportunity to comment on the regulations that have greatly expanded the intent of the statute that was passed by both Chambers. Everybody has a right to vote their district, nobody supports that more than I do. We are very much used to losing by 40 to 10 votes on anything pertaining to managed growth, and I love every corner of Pennsylvania. I will not become part of the divisiveness of comments about Alabama and who can afford to build what type of housing. It is inappropriate, we are all Pennsylvanians.

I was admonished 6 months ago to hang my head in shame on the substance of a bill in this Chamber. I would never do that to a colleague on the substance of a bill. We have a right to vote our districts, but today, Madam President, we should hang our heads in shame on the protocol process and procedure that we are utilizing in moving this forward when it was entirely greased through the House of Representatives through the Governor's office. It is wrong. It is a sad day for the Senate of Pennsylvania, it is not the way we should do business, so I will be unsupportive of this legislation today, yet agree with the Senator from York that there are many things we should be looking at in an ongoing process to improve this initiative for the minimum building code across this State.

Thank you very much, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Madam President, I rise to urge support for Senate Bill No. 1139. This legislation is the result of bipartisan effort aimed at bringing some balance and common sense to Pennsylvania's Uniform Construction Code. I want to thank Senator Scarnati for his work and effort in working with me to draft an amendment and to include an amendment in this bill that would exclude all alterations and repairs to residential dwellings. This bill will make the construction code more reasonable, and it will save Pennsylvanians millions and millions of dollars.

Madam President, it is important to note that the statewide code will still have the important safety standards that underscored the original legislative intent. But what happened was, this went beyond the legislative intent and became very burdensome. As Senator Scarnati already mentioned, we heard, we heard from our constituency, the people we represent, and they did not like the idea of the high cost and burden that this was going to place on senior citizens and people on fixed incomes. The idea that somebody doing a minor improvement was going to have this additional cost just was not fair and is not fair to the people whom we represent. So, as I said, it is important, it is important to know that we will still have the important safety standards that underscore this original intent, and yet, at the same time, it will protect families and emergency personnel from substandard construction.

This bill also protects homeowners from unnecessary and costly inspections which they simply cannot afford. I am confident that Senate Bill No. 1139 strikes that important balance, and I urge approval of this piece of legislation today. I also predict, Madam President, that this will continue to be a work in progress, and when we come back this fall, I am sure we will be looking at other issues that will be cropping up in the meantime that this legislative body will and should address.

So, at this time, Madam President, I urge unanimous approval and support for this legislation, and as I said, I predict we will be back here again further tinkering and working with this to make it more palatable and more agreeable to the people of the Commonwealth.

Thank you, Madam President.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Erickson and Senator Mary Jo White have returned, and their temporary Capitol leaves will be cancelled.

And the question recurring,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, I do not want to belabor the issue, the hour is late, but it seems everybody is having their opinion today, and I am in no hurry to go home. I think there is a little confusion about what is going on out there. What the Uniform Construction Code's intention was, at least in my mind, and I sat in the House and the Senate over the many years that it went through, was to create a standard throughout the State for construction of residential homes and commercial buildings to a standard that is acceptable in every subdivision of the State. There are over 3,000 local governments, and everybody doing their own thing is not exactly the wisest thing in the world, so we tried to create the Uniform Construction Code so that new construction or additions to houses that are put up are set to certain standards that everybody accepts. What happened along the way is that it got a little convoluted and the concern became real when the language actually said that you could not go in and change your own hot water heater, you could not change windows and make them more cost-effective and energy efficient. We heard from the general public, and I do not think it was the intent of this legislature or Senate to do that to the average resident.

What the Scarnati language does is basically says that you are still king of your castle. You can go in at 11 o'clock at night and fix your water heater yourself when it goes bad. You can put windows in if you have the talent to do it. Most people, I would suspect, are going to hire somebody to put windows in, because that is a skill that is even beyond me, but what we want to make clear is that we are not trying to sit here and take the responsibility, many people are handy, they can do a lot of things around their house, allow them to do that. Now, if they want to put a solarium on the back of their home or add another 500 square feet to it, then they are going to have to use the standard construction code that we created in this language. But what we are trying to do is take care of the average citizen taking care of the average maintenance of his or her castle.

So, there is no reason to say that this thing was greased. For 3 weeks I have heard conversations back and forth about trying to find the language on this legislation, and I sure wish I could have agreement in the Senate and House and with the Governor and have my bills greased so they would go right through, because it would be ideal in a world that does not always work that well. So, that means there is a lot of support out there to move something as quickly as this, because it is responsible, it is pragmatic, it makes sense, and it is here to help Joe and Mary Pafuffna.

Thank you very much.

And the question recurring,
Shall the bill pass finally?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes that Senator Musto has returned, and his temporary Capitol leave is cancelled.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-40

Armstrong	Jubelirer	Musto	Stack
Boscola	Kasunic	O'Pake	Stout
Brightbill	Kitchen	Orie	Tartaglione
Corman	Kukovich	Piccola	Wagner
Costa	LaValle	Pippy	Waugh
Earll	Lemmond	Punt	Wenger
Ferlo	Logan	Rhoades	White, Donald
Fumo	Madigan	Robbins	White, Mary Jo
Gordner	Mellow	Scarnati	Williams, Anthony H.
Hughes	Mowery	Schwartz	Wozniak

NAY-10

Conti	Greenleaf	Thompson	Wonderling
Dent	Pileggi	Tomlinson	
Erickson	Rafferty	Williams, Constance	

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

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

BILLS REPORTED FROM COMMITTEE

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

SB 1099 (Pr. No. 1739) (Amended) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas of certain judicial districts.

SB 1158 (Pr. No. 1740) (Amended) (Rereported)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for general powers of the Pennsylvania Liquor Control Board, for when sales may be made at Pennsylvania Liquor Stores, for sales by Pennsylvania Liquor Stores, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for renewal of licenses, for temporary provisions for licensees in armed service and for limited wineries.

HB 2105 (Pr. No. 4072) (Rereported)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further defining "public venue"; further providing for unlawful acts relative to liquor, malt and brewed beverages and licensees; and providing for distilleries.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Janet K. Speros by Senator Armstrong.

Congratulations of the Senate were extended to Peter Habegger, Daphne C. Martens and to the Neversink Fire Company of Lebanon by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Glenn Hassinger, Darrick L. Grose and to Mary K. Taylor by Senator Corman.

Congratulations of the Senate were extended to L.A. Advertising of Allentown by Senator Dent.

Congratulations of the Senate were extended to Logan Thomas Hanna by Senator Earll.

Congratulations of the Senate were extended to Jane C. Davidowski and to Brian Anderson by Senator Ferlo.

Congratulations of the Senate were extended to Mr. and Mrs. Robert E. Brown, Mr. and Mrs. Harry Cromley, Mr. and Mrs. John S. Fetterolf, Mr. and Mrs. Eugene Kreamer and to Mr. and Mrs. Herbert Hewlett by Senator Gordner.

Congratulations of the Senate were extended to the Delaware Valley Historical Aircraft Association of Willow Grove by Senator Greenleaf.

Congratulations of the Senate were extended to Echoes of Africa in the City of Philadelphia by Senator Hughes.

Congratulations of the Senate were extended to Dr. and Mrs. Robert G. Shaheen, Mr. and Mrs. Daniel W. Fasnacht, Mr. and Mrs. Robert E. Hess, Mr. and Mrs. Lester Hamman, Mr. and Mrs. Robert J. Gherrity, Mr. and Mrs. Frank Auerbeck, Mr. and Mrs. Richard Crust, Reverend Frank Oessenich and to Barbara V. Bloom by Senator Jubelirer.

Congratulations of the Senate were extended to Point Marion Volunteer Fire Department and to the Fayette County Fair by Senator Kasunic.

Congratulations of the Senate were extended to Janie L. Wilson Jenkins by Senator Kitchen.

Congratulations of the Senate were extended to Mr. and Mrs. Milos O'Bradovich by Senator Kukovich.

Congratulations of the Senate were extended to Dr. Jesse L. Steinfeld, Rudy Lagatta and to Charles J. Betters by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Smith and to Mr. and Mrs. John Casmer by Senator Lemmond.

Congratulations of the Senate were extended to Mary Lee Wade Gainey and to Mount St. Peter Roman Catholic Church of New Kensington by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Joe E. Hume, Mr. and Mrs. Clyde H. Myers and to the Lewisburg Area High School Girls' Track and Field 400-Meter Relay Team by Senator Madigan.

Congratulations of the Senate were extended to Anita Appleton by Senator Mellow.

Congratulations of the Senate were extended to Richard D. Foltz, Philip M. Stutzman and to Gerald L. Fowler by Senator Mowery.

Congratulations of the Senate were extended to Andre Broussard, Anthony Masi, Rose Morgans, Stefania Filar Kaminski and to the E. L. Meyers High School Boys' Track and Field 400-Meter Relay Team of Wilkes-Barre by Senator Musto.

Congratulations of the Senate were extended to Lisa Marie Waller and to Doris Bryant by Senator Piccola.

Congratulations of the Senate were extended to Dr. Thomas McBride and to Philip Wenrich by Senator Pileggi.

Congratulations of the Senate were extended to Mr. and Mrs. Donald K. Homm, Mr. and Mrs. George Strausser, Mr. and Mrs. Earl Startzel, Dr. James Steven Fogarty and to Stanley William Matlowski by Senator Rhoades.

Congratulations of the Senate were extended to Eric Sparks and to Joel Roger Bollinger by Senator Robbins.

Congratulations of the Senate were extended to Phillip Dale by Senator Scarnati.

Congratulations of the Senate were extended to Donald W. DeVore by Senator Schwartz.

Congratulations of the Senate were extended to Jonathan Perrone by Senator Stack.

Congratulations of the Senate were extended to Gerri Moore by Senator Stout.

Congratulations of the Senate were extended to Albert Torres by Senator Tartaglione.

Congratulations of the Senate were extended to Robert V. Duprey, Andrew Parker Keyes and to the citizens of Willistown Township by Senator Thompson.

Congratulations of the Senate were extended to Goodwill Fire Company No. 1, Station 18, of Jacobus, and to the York Twinning Association by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Noah W. Kreider, Jr., by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Lehnerd, Mr. and Mrs. Donald Wingard, Benjamin David Kindya, Constance Cauvel and to Stephen James Oleksa by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald Kiser, Mr. and Mrs. Ronald Black, Mr. and Mrs. James Callihan and to the West Hickory United Methodist Church by Senator M.J. White.

Congratulations of the Senate were extended to James Alyn Greene and to the Co-Operative Club of Mt. Zion African Methodist Episcopal Church of Norristown by Senator C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Peter Gonzalez and to Mr. and Mrs. Woodrow Siegfried by Senator Wonderling.

Congratulations of the Senate were extended to the Centre County Conservation District by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Robert Eugene Woods by Senator Hughes.

Condolences of the Senate were extended to the family of the late Celestine Whyte Bell by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Nellie Ruth Hoover by Senator Mowery.

Condolences of the Senate were extended to the family of the late Russell Anthony Burgio by Senator Orié.

Condolences of the Senate were extended to the family of the late Bradli N. Coleman by Senator D. White.

BILLS ON FIRST CONSIDERATION

Senator STOUT. Madam President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

SB 346, SB 357, SB 765, SB 1002, SB 1155, SB 1184, HB 309, HB 1965, HB 2268, HB 2351, HB 2433 and HB 2467.

And said bills having been considered for the first time,

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

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:

June 23, 2004

Senator ARMSTRONG presented to the Chair **SB 1165**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for use of surplus notes.

Which was committed to the Committee on BANKING AND INSURANCE, June 23, 2004.

Senators BOSCOLA, DENT, KITCHEN, WAGNER, STOUT, COSTA, LAVALLE, KUKOVICH, TARTAGLIONE, MUSTO, HUGHES, LOGAN, RAFFERTY, GREENLEAF, RHOADES, STACK, WOZNIAK, ORIE and PIPPY presented to the Chair **SB 1177**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further defining "income" to exclude certain veterans' disability payments.

Which was committed to the Committee on AGING AND YOUTH, June 23, 2004.

Senators THOMPSON, RAFFERTY, COSTA, ERICKSON, BOSCOLA, M. WHITE, MADIGAN, WENGER, WAUGH, ORIE, PIPPY, EARLL, CORMAN and ARMSTRONG presented to the Chair **SB 1178**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, making repeals to eliminate county boards of assistance.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 23, 2004.

Senators MOWERY, LEMMOND, O'PAKE, ORIE, RAFFERTY, RHOADES, ROBBINS and FERLO presented to the Chair **SB 1180**, entitled:

An Act joining with other states in an effort to establish an interstate compact to regulate designated insurance products.

Which was committed to the Committee on BANKING AND INSURANCE, June 23, 2004.

Senators COSTA, LOGAN, WAGNER, FERLO, BOSCOLA, O'PAKE, FUMO, EARLL, C. WILLIAMS and WOZNIAK presented to the Chair **SB 1181**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for time for filing.

Which was committed to the Committee on JUDICIARY, June 23, 2004.

Senators SCHWARTZ, LOGAN, WOZNIAK, TARTAGLIONE, STACK, WAGNER, MUSTO, COSTA, O'PAKE, PIPPY, BOSCOLA and C. WILLIAMS presented to the Chair **SB 1182**, entitled:

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 net profits and for income of Pennsylvania S corporations.

Which was committed to the Committee on FINANCE, June 23, 2004.

Senators SCHWARTZ, LOGAN, WOZNIAK, TARTAGLIONE, STACK, WAGNER, MUSTO, COSTA, O'PAKE and PIPPY presented to the Chair **SB 1183**, entitled:

An Act requiring certain health insurers, service corporations and health maintenance organizations to offer standardized health benefits programs to certain employers; establishing a reinsurance program; providing for coverage by multiple employer arrangements; providing for action by the Insurance Commissioner regarding health benefit plans; and imposing a penalty.

Which was committed to the Committee on BANKING AND INSURANCE, June 23, 2004.

Senator MELLOW presented to the Chair **SB 1184**, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of Scranton, Lackawanna County, being conveyed by the city in return for the imposition of Project 70 restrictions on certain lands being conveyed to the city.

Which was committed to the Committee on STATE GOVERNMENT, June 23, 2004.

Senator D. WHITE presented to the Chair **SB 1185**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for cardiopulmonary resuscitation training.

Which was committed to the Committee on EDUCATION, June 23, 2004.

Senators CONTI, WONDERLING, PIPPY, MUSTO, GREENLEAF, GORDNER, RHOADES, TOMLINSON, BOSCOLA, O'PAKE, LOGAN, DENT, SCHWARTZ, ERICKSON and CORMAN presented to the Chair **SB 1187**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further defining "health care provider"; and

further providing for abatement program, for procedure and for certificate of retention.

Which was committed to the Committee on BANKING AND INSURANCE, June 23, 2004.

Senator KUKOVICH presented to the Chair **SB 1188**, entitled:

An Act abrogating regulations promulgated under the Pennsylvania Construction Code Act.

Which was committed to the Committee on LABOR AND INDUSTRY, June 23, 2004.

Senators GORDNER, WAUGH, DENT, ERICKSON, C. WILLIAMS and EARLL presented to the Chair **SB 1189**, entitled:

An Act providing for dispute resolution procedures relating to residential construction defects between contractors and members of associations; and prescribing penalties.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, June 23, 2004.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, at this time I move that the Senate stand in recess to the call of the President pro tempore.

The PRESIDENT. Senator Piccola moves that the Senate stand in recess to the call of the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed to the call of the President pro tempore.

AFTER RECESS

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

ADJOURNMENT

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Monday, June 28, 2004, at 3:15 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.