

AMENDMENTS TO SENATE BILL NO. 1230

Sponsor: REPRESENTATIVE FLOOD

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1 Amend Bill, page 2, lines 23 through 30; page 3, lines 1
2 through 4; by striking out all of said lines on said pages and
3 inserting

4 (5) The board shall commence a review of the updated
5 sections twenty-one (21) months following the publication of a
6 new edition of the ASME A17.1 codes. The following shall apply:

7 (i) Each updated section subject to review under this
8 paragraph shall be examined by applying all of the following
9 criteria:

10 (A) The impact that the section may have upon the health,
11 safety and welfare of the public.

12 (B) The economic and financial impact of the section,
13 including impact on the end consumer.

14 (C) The technical feasibility of the section.

15 (ii) The board shall review the updated sections as follows:

16 (A) There shall be a one hundred twenty-day period to
17 receive comments from board members and the general public
18 regarding the updated sections and the period shall commence
19 thirty (30) days following the start of the board's review under
20 this paragraph. A notice of public comment shall be sent to the
21 Legislative Reference Bureau for publication in the next
22 available issue of the Pennsylvania Bulletin and on the
23 Department of Labor and Industry's publicly accessible Internet
24 website. In the absence of an Internet website, the notice of
25 public comment may be announced in any other manner that the
26 Secretary of Labor and Industry determines will provide
27 substantially similar public notice.

28 (B) All public comments shall be submitted on a form created
29 by the board. Each comment shall relate to a single updated
30 section. The comment shall, at a minimum, specify the updated
31 section to which the comment relates, state whether the updated
32 section should be adopted, rejected or modified and specify the
33 rationale for the recommended action based on the criteria under
34 subparagraph (i). A proposed modification shall meet or exceed
35 the standards of the proposed updated section already in effect
36 or being reviewed and the proposed modification shall be within
37 the standards under review.

1 (C) All public comments submitted in accordance with clause
2 (A) shall be provided to all board members and posted on the
3 Department of Labor and Industry's publicly accessible Internet
4 website. In the absence of an Internet website, public comments
5 shall be provided in any other manner as the Secretary of Labor
6 and Industry determines will provide substantially similar
7 public notice. All public comments submitted in accordance with
8 clause (B) shall be reviewed individually by the board.

9 (D) After the expiration of the public comment period, the
10 board shall review all of the updated sections, regardless of
11 whether a public comment has been received. The board may also
12 review any related updated section, any existing section or any
13 related collective elevator code section as needed to ensure
14 consistency and effectiveness of the ASME A17.1 codes. Even if
15 an updated section has not received a public comment in
16 accordance with clause (A), a board member may select one or
17 more of the updated sections for individual consideration by the
18 board under clause (H) (II).

19 (E) For each updated section that receives a comment
20 recommending modification or rejection in accordance with clause
21 (B) or a member of the board has separately selected for
22 individual review by the board, the board chairman shall compile
23 a list of the updated sections. Notwithstanding any other
24 provision of this clause, updated sections that do not receive a
25 comment recommending modification or rejection in accordance
26 with clause (B) and that a member of the board has not
27 separately selected for individual review by the board shall be
28 noted in a separate list as unopposed.

29 (F) The lists compiled under clause (E) shall be posted on
30 the Department of Labor and Industry's publicly accessible
31 Internet website or, in the absence of an Internet website, in
32 any other manner as the Secretary of Labor and Industry
33 determines will provide substantially similar public notice.
34 Lists shall be posted at least ten (10) business days prior to
35 holding the first hearing under this paragraph.

36 (G) After compilation of the lists under clause (E), the
37 board shall hold at least three public hearings. One of the
38 public hearings shall be held in Harrisburg, one shall be held
39 in the eastern region of this Commonwealth and one shall be held
40 in the western region of this Commonwealth.

41 (H) After completion of the hearings, the board shall hold
42 one or more official meetings of the board to decide whether to
43 adopt, reject or modify the updated sections and any related
44 section identified in clause (D). The following shall apply:

45 (I) The board shall consider and vote on the unopposed
46 sections as a group. Prior to a vote on the unopposed sections
47 as a group, the board shall first consider any motion made by a
48 board member to exclude a section from the unopposed group. A
49 motion to exclude shall only be in order if it is supported by
50 written explanation, made available to the board, describing new
51 information not considered by the board previously and the

1 underlying rationale for the motion. If the motion is supported
2 by a two-thirds majority of the board membership, that section
3 shall be removed from the unopposed group. Unopposed sections
4 that remain as part of the group, after consideration of motions
5 to exclude sections, shall be adopted by a majority vote of the
6 board members. If the unopposed sections fail to be adopted by a
7 majority vote, the board shall conduct a subsequent vote to
8 reject the unopposed sections by a two-thirds majority vote of
9 the board members. If the board fails to reject the unopposed
10 sections by a two-thirds majority vote, the unopposed sections
11 shall be adopted. All unopposed sections that are rejected as a
12 group or successfully excluded from the group shall be subject
13 to the procedure specified in subclause (II).

14 (II) Except for the unopposed sections, a two-thirds
15 majority of the board members is required for adoption or
16 modification of the updated sections. The board may vote on the
17 updated sections individually or in groups. A modification shall
18 meet or exceed the standards of the section in effect or being
19 reviewed and shall be within the standards under review.

20 (iii) The board shall submit a report to the Secretary of
21 Labor and Industry within the twenty-four-month period following
22 the commencement of the review process by the board with
23 sections of the updated ASME A17.1 codes and additional codes
24 that are specified for adoption or modification. The sections of
25 the codes that are specified for adoption or modification shall
26 be separately designated in the report.

27 (iv) Notwithstanding any other provision of law, nine (9)
28 months after the receipt of the report under subparagraph (iii),
29 the Department of Labor and Industry shall promulgate final-
30 omitted regulations under the act of June 25, 1982 (P.L.633,
31 No.181), known as the "Regulatory Review Act," to adopt the
32 board's decisions contained in the report without change.

33 (v) For the purposes of this paragraph, the term "ASME"
34 shall mean the American Society of Mechanical Engineers.

35 Section 2. Any provision of law relating to the adoption of
36 standards for elevators or other lifting devices in this
37 Commonwealth in the act of November 10, 1999 (P.L.491, No.45),
38 known as the Pennsylvania Construction Code Act, are repealed
39 insofar as they are inconsistent with this act.

40 Amend Bill, page 3, line 5, by striking out "2" and inserting

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