

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JANUARY 30, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 9

### HOUSE OF REPRESENTATIVES

The House convened at 1:05 p.m., e.s.t.

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

#### PRAYER

The SPEAKER. Without objection, the prayer from today's special session will be printed in today's regular session Journal.

REV. CLYDE W. ROACH, pastor of Riverside United Methodist Church, Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Lord God, as we begin another legislative week, we rededicate ourselves to the endeavor of governing this Commonwealth. We ask You to give us guidance and direction, and may our labors reflect Your grace and mercy.

Give us resolve in seeking answers to the many problems which beset us, and let us not become weary in resolving them.

May we feel Your presence flowing through our bodies and throughout this chamber, giving reassurance and stimulating us to do great things for our State and Your kingdom.

And at the end of this day, may we rejoice in knowing that we have done our very best.

Bless, preserve, and keep our Speaker, the leadership on both sides of the aisle, and each individual legislator.

For it is in Your dear name we pray. Amen.

#### PLEDGE OF ALLEGIANCE DISPENSED WITH

The SPEAKER. Without objection, the Pledge of Allegiance will be dispensed with.

#### LEAVES OF ABSENCE

The SPEAKER. The leaves of absence granted in today's special session will also be granted in the regular session.

#### MASTER ROLL CALL

The SPEAKER. The master roll call taken in today's special session will also be the master roll call for the regular session.

The Chair hears no objection.

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Thursday, January 26, 1995, will be postponed until printed. The Chair hears no objection.

#### GUESTS INTRODUCED

The SPEAKER. On behalf of Representative George, I would like at this time to welcome students from the Hubert H. Humphrey Fellowship Program for international visiting scholars. These folks have traveled here today from Penn State University to meet with Representative George and learn about Pennsylvania State government. Representing the Fellowship this year are students from the Bahamas, Bangladesh, Cambodia, Gaza, Indonesia, Lesotho, Sierra Leone, South Africa, Syria, Tanzania, Tonga, and Uzbekistan.

They are all seated in the gallery today. Please join Representative George and me in welcoming these students to the hall of the House.

#### FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that it has given permission to Tom Herdman of the House Democratic broadcasting department, Holly Claycomb of the Democratic photography department, and Steve Durick of the Clearfield Progress newspaper to film on the floor for the next period of time in connection with the next announcement.

#### CHAD KROELL PRESENTED

The SPEAKER. I received the following communication from Representative Camille George. He requests of me the opportunity to present a citation on the House floor on January 30, 1995, today, to be presented to Chad Kroell of the Clearfield Area High School.

Mr. George points out to me that Chad has been recognized by USA Today as a member of the 1994 All-USA Team. He has broken season as well as career records as the quarterback for the Clearfield Bisons football team. There would be approximately 15 people in attendance, and they are here, and we are pleased to have them.

I might also add that this young man, who is a quarterback at the Clearfield Area High School, he and his principal receiver, Wes Dahlem, have agreed to go to Penn State University with this great talent of theirs, so it is my guess we are going to be doing more with citations with these two young gentlemen.

At this time, Mr. George, I would recognize you.

Mr. GEORGE. Mr. Speaker, I thank you for this opportunity. I know that my colleagues as well as you are enthusiastically and always in support of our young people who accomplish, and

therefore, Mr. Speaker, I rise today to recognize one of the finest young athletes to come out of Pennsylvania in quite some time. I have the pleasure to be joined today by Mr. Chad Kroell of Clearfield High School, who recently completed a career that saw him become one of the most prolific passers in Pennsylvania history.

Chad Kroell finished his career as the quarterback of the Clearfield Bisons last fall. He is the owner of 3 State passing records: 49 touchdown passes in a single season; 79 career touchdown passes, throughout all; and 3,224 passing yards in a single season. In addition to these records, Chad was also named as second team all-State quarterback and honorable mention on USA Today's, as the Speaker mentioned, 1994 All-USA Football Team.

Chad Kroell helped lead his football team to the District 9 title and its first ever State playoff victory. He is not only a fine athlete but a fine student as well. Chad Kroell is a young man who has certainly brought a great deal of pride to Clearfield County.

Mr. Speaker, I ask my colleagues to join me in welcoming Chad Kroell to the hall of the House, and I ask them to honorarily join me in sponsorship of this citation, with your permission, sir.

Mr. Kroell, my colleagues, along with the Speaker, I take great pleasure in presenting you with this citation. I do not think we should be redundant in making them aware of what your records are. We are proud of you.

Mr. Speaker, with your permission, the gentleman's mother and father are to your left, along with Mr. and Mrs. Janocko, his coach and his school principal, and I would ask that you would have the House recognize them.

The SPEAKER. Would these folks kindly rise.

Mr. GEORGE. Mr. Speaker, as you have tried so diligently to point out, we are all one body who should be united, and I want to remind you that his grandfolks come from Crawford County, and they are in the back of the room, along with the other counties in the west. So in reality, all of us in some way have a part of this young man, who the Speaker said, incidentally, was offered an opportunity to walk onto the Penn State field. After the young man that supposedly had been picked decided to go to Florida, then for some reason our man has now got the opportunity, along with his receiving end, to join the Penn State team for next year. Thank you, Mr. Speaker.

The SPEAKER. One of those western Representatives that you referred to seeks recognition, I suspect to claim some credit, the gentleman, Mr. Smith, from Jefferson.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, as someone from Punxsutawney whose kids had to play against this young man and on behalf of some of the other areas of District 9, we just wanted to verify that he was in fact a senior and leaving high school.

In all fairness, Mr. Speaker, we want to extend our congratulations to him, as competitors and teams that he beat out our way. He was a great student athlete.

The SPEAKER. The Chair thanks the gentleman, Mr. Smith, for his generous remarks.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. PITTS called up HR 15, PN 246, entitled:

A Resolution designating the week of March 20 through 26, 1995, as "Space, Satellite and Technology Week" in Pennsylvania in recognition of

the educational activities planned to make educators aware of the classroom benefits gained from space exploration and satellite technology.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Evans	Maitland	Sather
Allen	Fairchild	Major	Saylor
Argall	Fajt	Manderino	Schroder
Armstrong	Fargo	Markosek	Schuler
Baker	Farmer	Marsico	Scrimenti
Bard	Feese	Masland	Semmel
Barley	Fichter	Mayernik	Serafini
Battisto	Fleagle	McCall	Shaner
Bebko-Jones	Flick	McGeehan	Sheehan
Belardi	Gannon	McGill	Smith, B.
Belfanti	Geist	Melio	Smith, S. H.
Birmelin	George	Merry	Snyder, D. W.
Bishop	Gigliotti	Michlovic	Staback
Blaum	Gladeck	Micozzie	Stairs
Boscola	Godshall	Mihalich	Steelman
Boyes	Gordner	Miller	Steil
Brown	Gruitza	Mundy	Stern
Browne	Gruppo	Nailor	Stetler
Bunt	Habay	Nickol	Stish
Butkovitz	Haluska	Nyce	Strittmatter
Buxton	Hanna	O'Brien	Sturla
Caltagirone	Harhart	Olasz	Surra
Cappabianca	Hasay	Oliver	Tangretti
Carn	Hennessey	Perzel	Taylor, E. Z.
Carone	Herman	Pesci	Taylor, J.
Cawley	Hershey	Petrarca	Thomas
Chadwick	Hess	Petrone	Tigue
Civera	Horsey	Pettit	Travaglio
Clark	Hutchinson	Phillips	Trello
Clymer	Itkin	Piccola	Trich
Cohen, L. I.	Jadlowiec	Pistella	Truc
Cohen, M.	Jarolin	Pitts	Tulli
Colafella	Josephs	Platts	Vance
Conti	Kaiser	Preston	Van Horne
Cornell	Keller	Ramos	Veon
Corpora	Kenney	Raymond	Vitali
Corrigan	King	Readshaw	Walko
Cowell	Kirkland	Reber	Waugh
Coy	Krebs	Reinard	Williams
Curry	Kukovich	Richardson	Wogan
Daley	LaGrotta	Rieger	Wozniak
DeLuca	Laughlin	Roberts	Wright, D. R.
Dempsey	Lawless	Robinson	Wright, M. N.
Dent	Lederer	Roebuck	Yewcic
Dermody	Leh	Rohrer	Youngblood
DeWeese	Lescovitz	Rooney	Zimmerman
DiGirolamo	Levdansky	Rublely	Zug
Donatucci	Lloyd	Rudy	
Druce	Lucyk	Sainato	Ryan,
Durham	Lynch	Santoni	Speaker
Egolf			

NAYS-0

NOT VOTING-2

James

Washington

EXCUSED-2

Colaizzo                      Gamble

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

\* \* \*

Mrs. COHEN called up **HR 21, PN 247**, entitled:

A Resolution proclaiming the week of January 29 through February 4, 1995, as "National Catholic Schools Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-201

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrarca	Tigue
Chadwick	Hess	Petrone	Travaglio
Civera	Horshey	Pettit	Trello
Clark	Hutchinson	Phillips	Trich
Clymer	Itkin	Piccola	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Cohen, M.	James	Pitts	Vance
Colafella	Jarolin	Platts	Van Horne
Conti	Josephs	Preston	Veon
Cornell	Kaiser	Ramos	Vitali
Corpora	Keller	Raymond	Walko
Corrigan	Kenney	Readshaw	Washington
Cowell	King	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Richardson	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermody	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Rubley	Zug

Donatucci	Levdansky	Rudy	Ryan,
Druce	Lloyd	Sainato	Speaker
Durham	Lucyk	Santoni	
Egolf	Lynch	Sather	

NAYS-0

NOT VOTING-0

EXCUSED-2

Colaizzo                      Gamble

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

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Mr. BIRMELIN called up **HR 24, PN 308**, entitled:

A Resolution designating May 21, 1995, as "55 Alive/Mature Driving Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Fairchild	Major	Saylor
Allen	Fajt	Manderino	Schroder
Argall	Fargo	Markosek	Schuler
Armstrong	Farmer	Marsico	Scrimenti
Baker	Feese	Masland	Semmel
Bard	Fichter	Mayernik	Serafini
Barley	Fleagle	McCall	Shaner
Battisto	Flick	McGeehan	Sheehan
Bebko-Jones	Gannon	McGill	Smith, B.
Belardi	Geist	Melio	Smith, S. H.
Belfanti	George	Merry	Snyder, D. W.
Birmelin	Gigliotti	Michlovic	Staback
Bishop	Gladeck	Micozzie	Stairs
Blaum	Godshall	Mihalich	Steelman
Boscola	Gordner	Miller	Steil
Boyes	Gruitza	Mundy	Stern
Brown	Gruppo	Nailor	Stetler
Browne	Habay	Nickol	Stish
Bunt	Haluska	Nyce	Strittmatter
Butkovitz	Hanna	O'Brien	Sturla
Buxton	Harhart	Olasz	Surra
Caltagirone	Hasay	Oliver	Tangretti
Cappabianca	Hennessey	Perzel	Taylor, E. Z.
Carone	Herman	Pesci	Taylor, J.
Cawley	Hershey	Petrarca	Thomas
Chadwick	Hess	Petrone	Tigue
Civera	Horshey	Pettit	Travaglio
Clark	Hutchinson	Phillips	Trello
Clymer	Itkin	Piccola	Trich
Cohen, L. I.	Jadlowiec	Pistella	True
Cohen, M.	James	Pitts	Tulli
Colafella	Jarolin	Platts	Vance
Conti	Josephs	Preston	Van Horne
Cornell	Kaiser	Ramos	Veon
Corpora	Keller	Raymond	Vitali
Corrigan	Kenney	Readshaw	Walko
Cowell	King	Reber	Washington

Coy	Kirkland	Reinard	Waugh
Curry	Krebs	Richardson	Williams
Daley	Kukovich	Rieger	Wogan
DeLuca	LaGrotta	Roberts	Wozniak
Dempsey	Laughlin	Robinson	Wright, D. R.
Dent	Lawless	Roebuck	Wright, M. N.
Dermody	Lederer	Rohrer	Yewcic
DeWeese	Leh	Rooney	Youngblood
DiGirolamo	Lescovitz	Rubley	Zimmerman
Donatucci	Levdansky	Rudy	Zug
Druce	Lloyd	Sainato	
Durham	Lynch	Santoni	Ryan,
Egolf	Maitland	Sather	Speaker
Evans			

NAYS-0

NOT VOTING-2

Carn Lucyk

EXCUSED-2

Colaizzo Gamble

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

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Mrs. TRUE called up **HR 26, PN 309**, entitled:

A Resolution condemning acts of violence against health care clinics and commending those with opposing viewpoints who are able to rationally further their cause through nonviolent means.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-201

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.

Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrarca	Tigue
Chadwick	Hess	Petrone	Travaglio
Civera	Horsey	Pettit	Trello
Clark	Hutchinson	Phillips	Trich
Clymer	Itkin	Piccola	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Cohen, M.	James	Pitts	Vance
Colaella	Jarolin	Platts	Van Home
Conti	Josephs	Preston	Veon
Cornell	Kaiser	Ramos	Vitali
Corpora	Keller	Raymond	Walko
Corrigan	Kenney	Readshaw	Washington
Cowell	King	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Richardson	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermody	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Rubley	Zug
Donatucci	Levdansky	Rudy	
Druce	Lloyd	Sainato	Ryan,
Durham	Lucyk	Santoni	Speaker
Egolf	Lynch	Sather	

NAYS-0

NOT VOTING-0

EXCUSED-2

Colaizzo Gamble

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

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Mr. PITTS called up **HR 27, PN 310**, entitled:

A Resolution petitioning the Postmaster General of the United States Postal Service to issue a commemorative stamp recognizing the significant and unique contributions of Rebecca Webb Pennock Lukens to the American iron and steel industry and as a pioneer woman corporate executive and chief executive officer of the Brandywine Iron Works.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Evans	Major	Saylor
Allen	Fairchild	Manderino	Schroder
Argall	Fajt	Markosek	Schuler
Armstrong	Fargo	Marsico	Scrimenti
Baker	Farmer	Masland	Semmel
Bard	Feese	Mayernik	Serafini
Barley	Fichter	McCall	Shaner
Battisto	Fleagle	McGeehan	Sheehan
Bebko-Jones	Flick	McGill	Smith, B.
Belardi	Gannon	Melio	Smith, S. H.

Belfanti	Geist	Merry	Snyder, D. W.
Birmelin	George	Michlovic	Staback
Bishop	Gigliotti	Micozzie	Stairs
Blaum	Gladeck	Mihalich	Steelman
Boscola	Godshall	Miller	Steil
Boyes	Gordner	Mundy	Stern
Brown	Gruitza	Nailor	Stetler
Browne	Gruppo	Nickol	Stish
Bunt	Habay	Nyce	Strittmatter
Butkovitz	Haluska	O'Brien	Sturla
Buxton	Hanna	Olasz	Surra
Caltagirone	Harhart	Oliver	Tangretti
Cappabianca	Hasay	Perzel	Taylor, E. Z.
Carn	Hennessey	Pesci	Taylor, J.
Carone	Herman	Petrarca	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafella	Jarolin	Preston	Van Horne
Conti	Josephs	Ramos	Veon
Cornell	Kaiser	Raymond	Vitali
Corpora	Keller	Readshaw	Walko
Corrigan	Kenney	Reber	Washington
Cowell	King	Reinard	Waugh
Coy	Kirkland	Richardson	Williams
Curry	Krebs	Rieger	Wogan
Daley	LaGrotta	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rublely	Zimmerman
DiGirolamo	Levdansky	Rudy	Zug
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	Ryan,
Durham	Lynch	Sather	Speaker
Egolf	Maitland		

NAYS-0

NOT VOTING-1

Kukovich

EXCUSED-2

Colaizzo            Gamble

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

**GUESTS INTRODUCED**

The SPEAKER. The Chair welcomes to the hall of the House Connie Wright, the executive director of the Bedford County Tourist Promotion Agency, and Bette Slayton, the executive director of the Bedford County Office of Economic Development. These folks are the guests of Representatives Dick Hess, Jerry Stern, and Rick Geist, located to my left. Would the guests please rise.

**CONDOLENCE RESOLUTION**

The SPEAKER. Ladies and gentlemen of the House, we are about to take up a condolence resolution on the death of a former member of this House. Members will please take their seats.

The Sergeants at Arms will close the doors of the House. The clerk will read the resolution.

The following resolution was read:

**COMMONWEALTH OF PENNSYLVANIA  
THE HOUSE OF REPRESENTATIVES**

**RESOLUTION**

WHEREAS, A. Joseph Valicenti, a four-term member of the Pennsylvania House of Representatives, recently passed away at the age of seventy-one; and

WHEREAS, A distinguished statesman, Mr. Valicenti served the 35th Legislative District in the Pennsylvania House of Representatives from 1971-1979. During his last term, he was chairman of the House Labor Relations Committee; and

WHEREAS, In 1942, Mr. Valicenti became a member of the United Steel Workers of America, Local 1219, while employed at the USX Edgar Thomson Works in Braddock and served as president of Local 1219 from 1958-1970. A World War II veteran of the United States Army, he served with the 110th Infantry, 28th Division in Europe. Mr. Valicenti retired as a dispatcher with the Allegheny County Department of Property and Supplies in 1990; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with deep regret the passing of A. Joseph Valicenti whose life greatly benefited all those who lived, served and worked with him; express heartfelt condolences to his wife, Eleanor M. Bucci Valicenti; daughters, Teresa M. Cready, Tina L. and Toni M.; and son, Mark A.; and be it further

RESOLVED, That a copy of this resolution be transmitted to Mrs. Eleanor M. Valicenti.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable Ivan Itkin and unanimously adopted by the House of Representatives.

Matthew Ryan  
Speaker of the House

On the question,  
Will the House adopt the resolution ?

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

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable A. Joseph Valicenti.)

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

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the gentleman, Mr. Fargo, for the purpose of announcing a caucus.

Mr. FARGO. Thank you, Mr. Speaker.

The Republican members will caucus at 1:45 in the majority caucus room. This is an extremely important caucus, so I would appreciate it if you were there immediately, and thank you.

The SPEAKER. The Republicans will caucus at 1:45.

### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen. Mr. COHEN. Thank you, Mr. Speaker.

There also will be a Democratic caucus at 1:45.

The SPEAKER. The Chair thanks the gentleman.

The majority and minority caucus chairmen have requested that their respective members go to caucus at 1:45. The House will recess on declaration until 3 p.m., at which time we will come back and take up a calendar.

Is there any further business? Do the majority or minority leaders have any further business?

### RECESS

The SPEAKER. This House stands in recess.

### AFTER RECESS

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

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 376** By Representatives WOZNIAK, ROONEY, STABACK, BLAUM, McCALL, BATTISTO, TIGUE, DeLUCA, GEIST, WASHINGTON, FLEAGLE, KING, STERN, WAUGH, SURRA, HERSHEY, DALEY, TRELLO, DEMPSEY, LEH, READSHAW, ROBERTS, LAUGHLIN, RAYMOND, PRESTON, MARKOSEK, EGOLF, FAJT, ARMSTRONG, BELARDI and CIVERA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for child sex offender registration.

Referred to Committee on JUDICIARY, January 27, 1995.

**No. 377** By Representatives ROONEY, TRELLO, HERSHEY, COY, ARMSTRONG, COLAFELLA, M. COHEN, OLASZ, MELIO, BELARDI, LaGROTTA, BAKER, ROBINSON, LAUGHLIN, CLARK, DALEY, HASAY, YOUNGBLOOD, WOGAN, TIGUE, GEIST, HUTCHINSON, BELFANTI, LEH, DIGIROLAMO and MERRY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for unlawful sale of recorded material with warning labels and for penalties.

Referred to Committee on JUDICIARY, January 27, 1995.

**No. 378** By Representatives ROONEY, TRELLO, COY, COLAFELLA, D. R. WRIGHT, VEON, M. COHEN, L. I. COHEN, MELIO, LaGROTTA, DALEY, BATTISTO, PRESTON, THOMAS, CIVERA, BELFANTI, LAUGHLIN, JOSEPHS, WOGAN, YOUNGBLOOD and MICHLOVIC

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the storage of firearms within easy access of children; and imposing penalties.

Referred to Committee on JUDICIARY, January 27, 1995.

**No. 379** By Representatives ROONEY, COY, COLAFELLA, D. R. WRIGHT, TRELLO, M. COHEN, STABACK, MELIO, LaGROTTA, DALEY, BATTISTO, PRESTON, DeLUCA, THOMAS, CIVERA, BELFANTI, BROWNE, LAUGHLIN, JOSEPHS and MICHLOVIC

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the storage of firearms within easy access of certain individuals; and imposing penalties.

Referred to Committee on JUDICIARY, January 27, 1995.

**No. 380** By Representatives ROONEY, TRELLO, COY, COLAFELLA, D. R. WRIGHT, M. COHEN, MELIO, LaGROTTA, DALEY, BATTISTO, PRESTON, TRICH, THOMAS, CIVERA, BELFANTI, BROWNE, LAUGHLIN, JOSEPHS, STABACK and MICHLOVIC

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, upgrading the penalty for the sale or lease of weapons and explosives.

Referred to Committee on JUDICIARY, January 27, 1995.

**No. 381** By Representatives ROONEY, TRELLO, COY, COLAFELLA, D. R. WRIGHT, M. COHEN, STABACK, BOSCOLA, MELIO, LaGROTTA, DALEY, BATTISTO, PRESTON, TRICH, THOMAS, FAJT, CIVERA, BROWNE, LAUGHLIN, JOSEPHS and DIGIROLAMO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for transfer to criminal proceedings.

Referred to Committee on JUDICIARY, January 27, 1995.

**No. 382** By Representatives ROONEY, TRELLO, COY, COLAFELLA, D. R. WRIGHT, M. COHEN, STABACK, MELIO, LaGROTTA, DALEY, BATTISTO, PRESTON, TRICH, THOMAS, FAJT, CIVERA, BROWNE, LAUGHLIN and JOSEPHS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing a penalty for firearms carried without a license.

Referred to Committee on JUDICIARY, January 27, 1995.

**No. 383** By Representatives ROONEY, TRELLO, COY, COLAFELLA, D. R. WRIGHT, VEON, M. COHEN, MELIO, LaGROTTA, DALEY, BATTISTO, PRESTON, DeLUCA, TRICH, THOMAS, FAJT, CIVERA, BROWNE, LAUGHLIN, JOSEPHS and MICHLOVIC

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for persons to whom delivery shall not be made.

Referred to Committee on JUDICIARY, January 27, 1995.

**No. 384** By Representatives ROONEY, TRELLO, COY, COLAFELLA, D. R. WRIGHT, VEON, M. COHEN, NAILOR, STABACK, BOSCOLA, MELIO, LaGROTTA, DALEY, BROWN, BATTISTO, PRESTON, CIVERA, BELFANTI, LAUGHLIN and WOGAN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for inspection of court files and records.

Referred to Committee on JUDICIARY, January 27, 1995.

**No. 385** By Representatives ROONEY, TRELLO, COY, COLAFELLA, D. R. WRIGHT, M. COHEN, STABACK, MELIO, LaGROTTA, DALEY, PRESTON, DeLUCA, THOMAS, CIVERA, BELFANTI, BROWNE and LAUGHLIN

An Act requiring school districts to provide the Department of Education with information relating to incidents of crime on school property.

Referred to Committee on EDUCATION, January 27, 1995.

**No. 386** By Representatives HERMAN, CLARK, CAWLEY, GEIST, TIGUE, STURLA, TRELLO, OLASZ, STEELMAN, PETTIT, LEH, GANNON, E. Z. TAYLOR, STERN, J. TAYLOR, HORSEY, PETRONE, YOUNGBLOOD and MICHLOVIC

An Act amending the act of May 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water Act, further providing for testing by the Department of Environmental Resources.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 27, 1995.

**No. 387** By Representatives HERMAN, GEIST, FARGO, YOUNGBLOOD, STABACK, GANNON, SATHER, KENNEY, COLAFELLA, BELFANTI, TRELLO, JAMES and MICHLOVIC

An Act amending the act of June 28, 1947 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance Act, further providing for repossession.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, January 27, 1995.

**No. 388** By Representatives LAWLESS, HERSHEY, STABACK, CORRIGAN, PRESTON, ROBINSON, GANNON, FLEAGLE, BUNT, TRELLO, TRUE, FARMER, CIVERA, RAYMOND, E. Z. TAYLOR, GODSHALL, GEIST, MELIO, BROWNE, SCHULER, DONATUCCI, HUTCHINSON and SAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for a mandatory minimum penalty for delivery of contraband to certain confined persons.

Referred to Committee on JUDICIARY, January 27, 1995.

**No. 389** By Representatives D. R. WRIGHT, ITKIN, M. COHEN, COY, GORDNER, HALUSKA, BLAUM, JOSEPHS, PESCI, ROONEY, SANTONI, STABACK, STURLA, SURRA, TRELLO, RICHARDSON, CURRY, BELFANTI and PETRARCA

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Office of Consumer Advocate for Insurance as an independent office within the Governor's Office and prescribing its powers and duties.

Referred to Committee on INSURANCE, January 27, 1995.

**No. 390** By Representatives E. Z. TAYLOR, FARGO, BARD, CORRIGAN, OLASZ, ARMSTRONG, MERRY, HENNESSEY, FLICK, HERSHEY, WAUGH and TRELLO

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for employers' records and reports.

Referred to Committee on LABOR RELATIONS, January 27, 1995.

**No. 391** By Representatives GAMBLE, CURRY, LYNCH, TRELLO, MICHLOVIC, BELARDI, COLAFELLA, VAN HORNE, BATTISTO, COY, JAROLIN, McCALL, PRESTON, STABACK, BISHOP, LAUGHLIN, PESCI, THOMAS, ROBERTS and YOUNGBLOOD

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for the basis for determining any pension payable.

Referred to Committee on LOCAL GOVERNMENT, January 27, 1995.

**No. 392** By Representatives GAMBLE, HENNESSEY, TRELLO, VAN HORNE, LAUGHLIN, PESCI, THOMAS and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "tangible personal property" with respect to prebuilt housing; and further providing for the imposition of the tax on prebuilt housing.

Referred to Committee on FINANCE, January 27, 1995.

**No. 393** By Representatives GAMBLE, E. Z. TAYLOR, TRELLO, GEIST, TIGUE, CIVERA, BATTISTO, PETTIT, McCALL, PRESTON, STABACK, LAUGHLIN and PESCI

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 the disposition of public utility realty tax proceeds to local taxing authorities.

Referred to Committee on FINANCE, January 27, 1995.

**No. 394** By Representatives GAMBLE, CIVERA, TRELLO, LYNCH, PRESTON, PETTIT, LAUGHLIN, PESCI, FAJT, READSHAW and YOUNGBLOOD

An Act amending the act of October 23, 1988 (P.L.1059, No.122), entitled "An act amending the act of April 9, 1929 (P.L.177, No.175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined,' requiring the Auditor General to periodically audit the affairs of the Pennsylvania Turnpike Commission; further providing for powers and duties of the Department of Agriculture relative to the manufacture and use of ethyl alcohol and the transportation of poultry, and for leases of lands and offices by nonprofit corporations to the Commonwealth; making an editorial change; providing for the exemption from taxes of the lease upon the Eastern Pennsylvania Psychiatric Institute; authorizing and directing The General State Authority and the Department of General Services to remove all restrictions or encumbrances on certain land situate in Philadelphia; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey certain easements and parcels of land situate in the Borough of New Hope, Bucks County, Pennsylvania, to the River Road Development Corporation, and to accept the conveyance to the Commonwealth of certain parcels of land in the same borough; authorizing the Department of Environmental Resources to accept the conveyance of an easement in the same borough; authorizing and directing the Department of General Services, with the approval of the Governor, to sell and convey a tract of land situate in East Allen Township, Northampton County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to sell and convey a certain parcel of land in Erie County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to the county commissioners of Lackawanna County a tract of land situate in the Borough of Moosic, Lackawanna County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey to Kirwan Heights Volunteer Fire Department a tract of land situate in Collier Township, Allegheny County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey a tract of land situate in the City of Pittsburgh, Allegheny County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Canon-McMillan School District 3.109 acres of land, more or less, situate in the Borough of Canonsburg, Washington County, Pennsylvania; and making a repeal," further providing for a conveyance of land to the Kirwan Heights Volunteer Fire Department located in Collier Township, Allegheny County.

Referred to Committee on STATE GOVERNMENT, January 27, 1995.

**No. 395** By Representatives GAMBLE, CIVERA, TRELLO, MERRY, BELFANTI, RAYMOND, OLASZ, CARONE, TIGUE, HENNESSEY, VAN HORNE, JAROLIN, McCALL, STABACK, MELIO, BISHOP, LAUGHLIN, PESCI and FAJT

An Act amending the act of June 5, 1968 (P.L.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," further prohibiting policy cancellation; and imposing a limitation on premium surcharges.

Referred to Committee on INSURANCE, January 27, 1995.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 34** By Representatives M. N. WRIGHT, MICOZZIE, GEIST, COLAFELLA and GAMBLE

A Resolution directing the House of Representatives to conduct a study of the number of vehicles being operated without insurance and/or registrations on Pennsylvania's highways and the risk that is posed for the citizens of this Commonwealth.

Referred to Committee on RULES, January 27, 1995.

### ADDITIONS AND DELETIONS OF SPONSORS

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

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

### SENATE MESSAGE

#### ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate  
January 30, 1995

RESOLVED, (the House of Representatives concurring), That when the Regular Session of the Senate adjourns this week it reconvene on Monday, February 6, 1995, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Regular Session of the House of Representatives adjourns this week it reconvene on Monday, February 6, 1995, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,  
Will the House concur in the resolution of the Senate?  
Resolution was concurred in.  
Ordered, That the clerk inform the Senate accordingly.



## CALENDAR CONTINUED

## BILLS ON THIRD CONSIDERATION

## BILLS PASSED OVER

The SPEAKER. The Chair turns to page 1 of today's calendar.

On page 1 of today's calendar, HB 38 and HB 39, without objection, will be over for the day.

\* \* \*

The House proceeded to third consideration of **HB 3, PN 7**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for definitions and for the schedule of compensation.

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

Ms. **MANDERINO** offered the following amendment No. **A0377**:

Amend Sec. 2 (Sec. 306), page 2, line 25, by striking out "binaural" and inserting

monaural

Amend Sec. 2 (Sec. 306), page 2, line 26, by inserting after "Guides" except that the frequency of five hundred hertz shall be replaced by the frequency of four thousand hertz in the monaural calculation

Amend Sec. 2 (Sec. 306), page 2, line 28, by striking out "binaural" and inserting

monaural

Amend Sec. 2 (Sec. 306), page 2, line 28, by inserting after "impairment"

for each ear

Amend Sec. 2 (Sec. 306), page 2, line 29, by striking out "the Impairment Guides" and inserting this paragraph

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

The SPEAKER. On that question, the Chair recognizes the lady, Ms. Manderino.

Mr. WALKO. Mr. Speaker?

The SPEAKER. Will the lady, Ms. Manderino, yield.

### MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER. For what purpose does the gentleman, Mr. Walko, rise?

Mr. WALKO. Mr. Speaker, I would like to come forward and make a motion to place HB 3 on the third consideration postponed calendar to a date certain, February 13.

Mr. Speaker, may I speak on behalf of my motion?

The SPEAKER. Does the lady, Ms. Manderino, who was previously recognized, yield to the gentleman, Mr. Walko? The lady yields to the gentleman.

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

The SPEAKER. The gentleman may speak to his motion.

Mr. WALKO. Thank you, Mr. Speaker.

I would like to make the motion to place the bill on the third consideration postponed calendar to February 13 for a number of reasons.

May I state my reasons, Mr. Speaker?

The SPEAKER. The gentleman is in order and may proceed.

Mr. WALKO. Mr. Speaker, I have come to this General Assembly as a new member. On January 3 I was sworn in along with 22 others. Since then, I feel like I am on a runaway freight train, traversing the mountains of Pennsylvania, but in the case of HB 3, there are important rights at stake for working men and women in our Commonwealth.

As a member of the Labor Relations Committee, we reported this bill out of committee, although the ink was still wet. I could smell it as I, for the first time, reviewed the words of the bill.

Now, it is true, there were hearings on similar legislation in months and years past, but I did not hear them, I did not participate, and if I was aware, it was not as a Representative. No constituents contacted me in that context. No constituents contacted me or lent their opinion based upon the fact that I could be acting on a bill which substantially could deprive working men and women of rights.

I, therefore, respectfully request an affirmative vote on this motion for the sake of justice, for good legislative policy, and for the working people of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, Mr. Walko.

On the question, the Chair recognizes the majority leader.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, this is not a runaway freight train. We are not going to continue to do business the way we used to do business. We are not going to go back to caucus for 4 more hours, and then we are going to break for dinner, and then after dinner we are going to stay out for a couple hours and then come back tomorrow, and sometime in 1996 we are going to handle this piece of legislation. Mr. Speaker, this is what the minority party tried last week on welfare reform.

It is time to move forward. Everyone was given advance notice. Everybody knows what we are attempting to do. This is just another delaying tactic, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Walko, desire to be recognized?

Mr. WALKO. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. WALKO. Thank you.

First of all, I did set a date certain of February 13 to act upon this matter, Mr. Perzel, the gentleman, the leader, should know, Mr. Speaker.

Furthermore, I still believe that I need time, personally, and this body needs time. I just learned today the formal name for ear doctor. I cannot even pronounce it, and yet this bill makes substantial changes in the tests to determine hearing loss. February 13, it will not stop the train too long. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, last session we dealt with workers' compensation, and that came at the end of about a 3-year debate and discussion on the various issues involved. Hearing loss at one point was to be included in that legislation, but it was such a complex and complicated issue that all of the interested parties agreed that hearing loss ought to be put off for another day.

Now, following this signature into law of Act 44, my committee, both majority and minority, worked feverishly and tirelessly right up until sine die to attempt to forge some working language that would be fair to workers, fair to business, and would not in any way exacerbate what has become a growing problem as far as this issue.

Mr. Speaker, today in caucus it was very difficult if not impossible to try and explain such a complicated issue to the newer members of the House in the small amount of time that we had. We could only go over the amendments that were being offered and explain the amendments, but we only skimmed the surface of this issue.

I believe that since we did not have the opportunity in any way to amend this bill or even address it in committee—it was run within minutes after the House reorganized its committees and run out of committee on a party-line vote—I believe that it is only prudent that we delay this to a date certain, and I respectfully request that the members allow both sides the opportunity to have the ability to explain to the members of their respective caucuses the complicated matter known as hearing loss. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, this is the same bill that passed the Senate 33 to 13 June 20, 1994.

For the information of the members, I have a few names here circled that voted "yes" for it - Afflerbach, Lewis, Mellow, Musto, O'Pake, Pecora, Schwartz, Stapleton.

Mr. Speaker, we have a date certain. It is January 30, 1995. We are here to do the people's business. We are going to run this bill today. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

In 1993 I was a freshman member of the House Labor Relations Committee, and at that time I empathized with my colleague on the opposite side of the aisle. However, as a freshman, I was ready to take up the issue of hearing loss, was ready to vote it, and I am ready now, Mr. Speaker. Let us get on with it.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Mr. Speaker, it would seem rather apparent that there are members that are ready to vote on this legislation today. I would ask them—and unfortunately there have been a lot of telephones removed from the floor of the House—however, I would simply ask them to get themselves to the nearest telephone and call their ear doctor, the person that they would normally talk to and ask about hearing problems, about this bill, because I randomly called ear, nose, and throat physicians in my area this morning and was met with some astonishment on their part that we would begin to use the AMA (American Medical Association) standard as a standard to determine someone's hearing loss, because they do not believe that it is an accurate standard.

So I guess what I am asking for is that if we are going to not pass this motion, that members would at least take the time to call the person that I believe they would call for advice on this, their physician, and ask them about it. I doubt that if any member was having hearing problems, that they would call their insurance company and ask them whether they were having hearing problems, or that they would call their boss and say, hey, I think I am having hearing problems; can you tell me if I am or not? They would tell them to call their ear, nose, and throat physician, and so I would urge members at this point in time to call their ear, nose, and throat physician and ask them about this bill before we vote on it. Thank you.

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

The following roll call was recorded:

YEAS-89

Battisto	Donatucci	Lucyk	Sainato
Bebko-Jones	George	Manderino	Santoni
Belardi	Gigliotti	Mayernik	Scrimenti
Belfanti	Gordner	McCall	Shaner
Bishop	Gruitza	McGechan	Steelman
Blaum	Haluska	Melio	Stetler
Boscola	Hanna	Michlovic	Sturla
Buxton	Horsey	Mihalich	Surra
Caltagirone	Itkin	Mundy	Tangretti
Cappabianca	James	Olasz	Thomas
Carn	Jarolin	Oliver	Tigue
Cawley	Josephs	Pesci	Travaglio
Cohen, M.	Kaiser	Petrarca	Trello
Colafella	Keller	Petrone	Trich
Corpora	Kirkland	Pistella	Van Horne
Corrigan	Kukovich	Preston	Veon
Cowell	LaGrotta	Ramos	Walko
Coy	Laughlin	Readshaw	Washington
Curry	Lederer	Richardson	Williams
Daley	Lescovitz	Rieger	Wozniak
DeLuca	Levdansky	Robinson	Yewcic
Dermody	Lloyd	Roebuck	Youngblood
DeWeese			

NAYS-109

Adolph	Farmer	Marsico	Semmel
Allen	Feese	Masland	Serafini
Argall	Fichter	McGill	Sheehan
Armstrong	Fleagle	Merry	Smith, B.
Baker	Flick	Micozzie	Smith, S. H.
Bard	Gannon	Miller	Snyder, D. W.
Barley	Geist	Nailor	Staback
Birmelin	Gladeck	Nickol	Stairs
Boyes	Godshall	Nyce	Steil
Brown	Gruppo	O'Brien	Stern
Browne	Habay	Perzel	Stish
Bunt	Harhart	Pettit	Strittmatter
Carone	Hasay	Phillips	Taylor, E. Z.
Chadwick	Hennessey	Piccola	Taylor, J.
Civera	Herman	Pitts	True
Clark	Hershey	Platts	Tulli
Clymer	Hess	Raymond	Vance
Cohen, L. I.	Hutchinson	Reber	Vitali
Conti	Jadlowiec	Reinard	Waugh
Corneli	Kenney	Roberts	Wogan
Dempsey	King	Rohrer	Wright, D. R.
Dent	Krebs	Rooney	Wright, M. N.
DiGirolamo	Lawless	Rublely	Zimmerman

Druce	Leh	Rudy	Zug
Durham	Lynch	Sather	
Egolf	Maitland	Saylor	Ryan,
Fairchild	Major	Schroder	Speaker
Fargo	Markosek	Schuler	

NOT VOTING-3

Butkovitz	Evans	Fajt
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EXCUSED-2

Colaizzo	Gamble
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The question was determined in the negative, and the motion was not agreed to.

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

The SPEAKER. The Chair recognizes the lady, Ms. Manderino, on her amendment.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, this amendment makes two changes to HB 3.

At the outset I want to make clear that this amendment is not changing what I believe are the objectives of the bill, which are to make sure that there is predictability in claims and consistency in claims as well as a fairness standard that applies. What my amendment attempts to do is acknowledge the realities of audio testing and try to enter a little bit more fairness in that.

Right now, as proposed, the hearing test, which is a tonal test, will remain the same, but the tonal test that is suggested in the bill is at four levels - 500 hertz, 1,000 hertz, 2,000 hertz, and 3,000 hertz. My amendment proposes to drop the very lowest end of that test of 500 hertz and add the next level that would normally be done by an otolaryngologist or an audiologist, which is the 4,000-hertz range.

The reason for this is that most testing that is done to determine hearing loss is done in two ways - first with a tonal test that ranges up to usually at least 8,000 hertz when the normal range of human hearing goes up to almost 18,000 to 20,000 hertz. What most otolaryngologists and audiologists will tell you is that at 500, which is the very lowest end frequency, almost everybody can hear that, even those with very noticeable and measurable hearing loss, that the real peak of people with hearing loss disorder just starts to show up at the 4,000-hertz level. So recognizing the realities and the practical realities of hearing in our society, what I have suggested we do is drop the 500, which really measures nothing, and include at least that hertz level, 4,000, that starts to show up when somebody would have a hearing disability that was affected by noises from the workplace.

This does not, by the way, for those who wonder how testing is done out there in the normal range, this does not propose to add the second component which almost every audiologist or otolaryngologist you would call would tell you they will also test for, which is the speech differentiation test. Industry seemed to feel that that was too subjective. While the experts who actually do the testing would argue that that is a necessary component, I am not even suggesting we add that but I am suggesting that we go up to the 4,000 hertz so that at least an inclination towards not being able to hear at that level would be measurable.

This is really important, because what you find is that at the low-level frequencies, oftentimes you will be able to hear certain sounds but not others. In my speaking here on the floor of the House, it is very likely that the range of my voice has nothing to do with the loudness but the frequencies are ranging anywhere from 1,000 to 8,000 hertz as I speak and depending on the intonation I use for certain words. So while you may be able to hear me if you have no hearing loss and hear all the words that I am enunciating, somebody with hearing loss may only be able to hear the lower end or what are vowel sounds. So while I may use a word of "yes," I want to vote "yes" on this, somebody who cannot hear those higher level frequencies will only be hearing the "e" sound. They do not know if I am saying "yes"; they do not know if I am saying "yet" or "jet" or "get" or "guess," because all they are hearing is an "e" sound.

I submit that for the practical functional hearing in society, that is inadequate and that is something that any of us would consider to be a hearing loss that is significant for somebody's ability to function in the world.

The second part of my amendment deals with the compensation formula. Right now under AMA or other hearing guidelines, all the testing is done at a monaural level. You test one ear, you see if there is loss; you test the other ear, you see if there is loss. The testing is done monaurally, if I am saying that correctly. If the testing is done that way, we should be consistent that the compensation be done that way, too.

Right now, for example, in workers' comp the same thing happens with eyesight. If you have an eye loss that is measurable and determinable to be compensated in your left eye, you get compensated for the loss in your left eye.

Unfortunately, under HB 2 as currently drafted, we have created a fictional formula called a binaural formula that nobody in the real world that measures hearing loss does it this way, but we have said if you have permanent loss in one ear or you have measureable loss in one ear but not in the other ear, we are going to factor; we are going to test you singularly. We are going to test your left ear; we are going to test your right ear, but then through some magic formula, we are going to factor it all together to see if that is compensatable, but the reality of it is that that factoring, that formula, is a fictional man-made formula. That is not something that really tests whether or not you can hear in society. So what I am suggesting is that we keep the compensation consistent with the testing and have them both be monaurally.

That is what amendment 377 would do, and I ask for your favorable support.

The SPEAKER. The Chair thanks the lady.

Does the gentleman, Mr. Chadwick, seek recognition?

Mr. CHADWICK. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman.

Mr. CHADWICK. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is a bill killer, and it is a bill killer two ways.

First of all, the lady is absolutely right. She goes to a monaural testing system, but in addition to that, this amendment would have the effect of permitting claimants to be compensated twice and would essentially double the amount of compensation because you would be compensated for each ear instead of once together. That would drive the cost to a prohibitively high level, and it is simply not acceptable.

Secondly, this bill mirrors the American Medical Association guides which test at four levels - 500, 1,000, 2,000, and 3,000 hertz. The lady's amendment deviates from the American Medical

Association guidelines by testing up to 4,000 hertz. That is significant because only one other State, Oregon, only one other State tests above the American Medical Association guidelines of 3,000 hertz.

If we go beyond the AMA guidelines and take us out of sync with all of the other States in the Nation, that is just one more bull's-eye painted on the backs of Pennsylvania business men and women.

I thought that we were attempting to turn around Pennsylvania's business climate and make this a friendly place to do business. Yet once again, here we go attempting to do something that will make Pennsylvania a worse place to do business and will not attract businesses to come to Pennsylvania.

For those reasons, I recommend that we defeat the Manderino amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I think this legislation is long overdue and it is a good piece of legislation. But I took it upon myself to call three doctors that live in my district, ear specialists, and they tell me the AMA standard from 500 to 3,000 simply indicates absolutely nothing. He said it compares to getting your eyes examined when I asked for an explanation.

If you put the person about 2 inches in front of the sign that has the little letters on it, he says that is the comparison. If you are half blind, you can read that chart if you are 2 inches away from it, and the AMA standards from 500 to 3,000 do not tell you a thing about a person's ability to hear or not hear. It is above and beyond that when they start getting into the technical details to tell you if you have a problem with the ear.

So I think the Manderino amendment is a good amendment. I do not know where the gentleman across the aisle got his information, but I can tell you he did not get it from the doctor that I talked to.

I appreciate an affirmative vote for the Manderino amendment.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, this is a very complicated portion of this legislation.

I agree with the gentleman, Mr. Trello. Hearing-loss legislation is long overdue and it is an issue that we ought to be dealing with. But to try and put in perspective what the Manderino amendment does, please visualize this: Human hearing range runs between 20 hertz to 20,000 hertz. The Senate bill cuts off the floor at 3,000 hertz.

Mr. Speaker, at 3,000 hertz—and I know we are in a complicated area here—no one in this room would be able to hear a child's voice, not that you would not be able to discern what the child was saying; you would not hear a child's voice because of the pitch. You would not hear a bell ring. You could not hear a fire or a police alarm at 3,000 hertz; you would not even hear it. Now, at 4,000 hertz, at least you would hear those tones.

Mr. Speaker, what we tried to do last session was forge a compromise that would not restrict this legislation to only a tone test but also to a test that would test you for functional impairments so that you could understand the words that Representative Manderino was trying to explain. Somebody cannot tell the difference between "his" and "mine." That is a functional impairment.

Mr. Speaker, we have decided against attempting to make this bill totally right and just try to bring about some simple fairness so that people who have a definite hearing impairment have the ability to collect not all, but a partial claim.

By raising the standard to 4,000 hertz, it is not going over the AMA guidelines as Representative Chadwick would have you believe. The AMA only tests to 3,000 hertz to detect level of impairment. They are not in the compensation business. They are not testing you for functional impairments at all. AMA, that is like apples and oranges. If we went by the AMA guidelines on workers' compensation reform last session, none of what we passed would have passed here because the AMA standards were much higher than the floors that we imposed in Act 44. Now, only because a 3,000-hertz limit will preclude 90 percent of people who have a real hearing loss from ever collecting compensation, now and only now we want to refer to an AMA guideline, which again has nothing to do with compensation claims, awards, or payments.

Mr. Speaker, this amendment is fundamental. A very good argument could be made that we should have raised this to 6,000 hertz. The present law allows testing up to 8,000 hertz. The Republican bill, as originally adopted in the Senate last year, cut it to 3,000, but we had agreements, we had agreements; we could not forge a total agreement on this legislation, but all parties concerned agreed that 4,000 hertz was very, very reasonable.

I respectfully request a "yes" vote on the Manderino amendment so that those of you who do not care to listen to the rest of this debate ought to try this: Put your hands over your ears, pull your earphones out, put your hands over your ears and listen to the rest of the debate that way. Then you will understand what a hearing-impaired person has to live with day in and day out, and if it was a work-related injury, it is only right that one should be able to hear a fire truck in back of them or a police vehicle or a baby crying. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Mr. Speaker, I rise in support of the Manderino amendment for several reasons. One, there are a lot of good things in this bill. Unfortunately, one of them is not the test that we use for our standard.

A previous speaker said that there is only one State that goes above the 3,000 level. That is incorrect. There are in fact 27 States that go above the 3,000 level.

When you talk to most otolaryngologists, they will tell you that most people's hearing loss, particularly from industrial-related causes, hits a peak at around 4,000. What we have done is taken that peak and completely eliminated it from the test. What Representative Manderino's amendment does is say that the standard test that most otolaryngologists give, which is 500, 1,000, 2,000, 3,000, 4,000, and 8,000, she is saying, let us throw out the high test and the low test and we will take everything in between. The way the bill is written right now, we take the bottom four and let the top two out.

As a previous speaker pointed out, most people with a hearing loss at 4,000 hertz could not understand what was being said on the floor of the House today. I believe it is important that members understand what this means. You can pass this test the way it is currently in the bill, from 500 to 3,000, and not be able to function in society. The equivalent would be, when we passed standards for students in grade school and high school, we just set out some standards. We said, in a certain grade level you are going to need to know this. In 3d grade we are going to give you a test and you need to know something; in 9th grade we are going to give you another test and you need to know more; and in 11th grade you need to pass another test before we graduate you. What the current standard in this bill does is say, when you are in 11th grade, we give you that test for 3d graders, and if you can pass that one, you will function in society

because you passed a test. It did not matter what the test was; you passed a test.

The test that measures a person's ability to function in society includes a 4,000 range. That is something that needs to be included in our legislation. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Northampton, Ms. Boscola. Ms. BOSCOLA. Thank you, Mr. Speaker.

Friends, Pennsylvanians, statesmen, lend me your ear. I do not want to revisit workmen's comp hearing loss again because of which party is in leadership.

We have an opportunity today. Right now, this bill as it stands is overkill in favor of business, and this Manderino amendment and some others begin to bring that balance back that we need - the balance between business and labor.

I encourage all of you to support this Manderino amendment. It makes the bill more fair, and I will be able to vote for this bill if we vote for some of these amendments. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Cumberland County, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

I rise, briefly, to oppose this amendment, and I will just make a couple quick points.

First of all, the AMA guidelines were revised in 1993, I believe, and they were specifically revised to address some of the issues that have been raised in support of this amendment. They were revised to address the issue of daily living. They were revised to address the issue of the ability to understand speech. I think that is important to point out, because it includes the 3,000 level specifically because that is a level at which speech can be understood.

Mr. Speaker, we are going to hear, probably throughout this debate, various people rise and make reference to what you can and cannot hear on the floor of the House, and I submit that that may be a good argument on other bills, but it does not apply to this bill, whether, as Mr. Belfanti said, we put our hands over our ears or we take the carplugs out or we do this or we do that. We can go through all kinds of gyrations, but those are subjective gyrations. That is the whole point of going toward the AMA guidelines, so that we have an objective standard.

I believe it is a good objective standard. It is good enough for 24 other States and the Federal Government, and I think we should get onto that wagon so that we have something objective we can all live by. Thank you.

It is the trend, too, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, Mr. Masland.

Does the lady, Ms. Manderino, desire further recognition?

Ms. MANDERINO. Yes, Mr. Speaker, if no one else does.

The SPEAKER. The lady is in order and may proceed.

Ms. MANDERINO. Mr. Speaker, just quickly, a few comments on things that were said priorly that were not accurate. Just to reiterate that the majority of the States do not use this test; 26 States do not.

Secondly, the AMA has standards for impairments that they use for totally different reasons on all kinds of injuries or measurements, none of which we use in workers' comp loss, so this would be a first.

And third, this bill would not allow any double-dipping as may have been alluded to earlier. The intent is not to increase nor would my amendment increase the maximum benefit to anything more than

what is currently in law, which is 260 weeks, and I urge an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the lady, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

I rise in support of the Manderino amendment. I would like to point out that at the same time that we are all rightfully concerned with trying to encourage businesses to stay in Pennsylvania and, if possible, to move to Pennsylvania, another issue that many of us are deeply concerned with is the importance of being able to retain our young people in Pennsylvania. If we are going to pass a bill that says to young people who are now being trained in our sophisticated school-to-work programs, well, unfortunately, folks, if when you get out and go to work after going through a tech prep program and you suffer work-related hearing loss, your chances under this legislation of collecting are minimal, I think that what we are actually saying to these young people is, you had better get out of Pennsylvania while you can still hear in both your ears, because if you work in Pennsylvania and lose your hearing, we are going to make sure that you are not going to be compensated for that, and I think that that is not a very good message to send to the young people that we are trying to train and encourage to stay here and work in manufacturing operations where they may be put at risk.

I think that we need to look very carefully at applying an appropriate and reasonable standard for work-related hearing loss, and the 500- to 3,000-hertz range, which only deals with about a sixth of the normal range of frequencies heard by normal human beings, is not that standard. Thank you.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-95

Battisto	Donatucci	Markosek	Scrimenti
Bebko-Jones	Evans	Mayernik	Shaner
Belardi	George	McCall	Staback
Belfanti	Gigliotti	McGeehan	Steelman
Bishop	Gordner	Melio	Stetler
Blaum	Gruitza	Michlovic	Sturla
Boscola	Haluska	Mihalich	Surra
Butkovitz	Horsey	Mundy	Tangretti
Buxton	Itkin	Olasz	Thomas
Caltagirone	James	Oliver	Tigue
Cappabianca	Jarolin	Pesci	Travaglio
Carn	Josephs	Petrarca	Trello
Cawley	Kaiser	Petrone	Trich
Cohen, M.	Keller	Pistella	Van Home
Colafella	Kirkland	Preston	Veon
Corpora	Kukovich	Ramos	Vitali
Corrigan	LaGrotta	Readshaw	Walko
Cowell	Laughlin	Richardson	Washington
Coy	Lederer	Rieger	Williams
Curry	Lescovitz	Roberts	Wozniak
Daley	Levdansky	Robinson	Wright, D. R.
DeLuca	Lloyd	Roebuck	Yewcic
Dermody	Lucyk	Sainato	Youngblood
DeWeese	Manderino	Santoni	

## NAYS-106

Adolph	Fajt	Lynch	Saylor
Allen	Fargo	Maitland	Schroder
Argall	Farmer	Major	Schuler
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	McGill	Sheehan
Barley	Flick	Merry	Smith, B.
Birmelin	Gannon	Micozzie	Smith, S. H.
Boyes	Geist	Miller	Snyder, D. W.
Brown	Gladeck	Nailor	Stairs
Browne	Godshall	Nickol	Steil
Bunt	Gruppo	Nyce	Stern
Carone	Habay	O'Brien	Stish
Chadwick	Hanna	Perzel	Strittmatter
Civera	Harhart	Pettit	Taylor, E. Z.
Clark	Hasay	Phillips	Taylor, J.
Clymer	Hennessey	Piccola	True
Cohen, L. I.	Herman	Pitts	Tulli
Conti	Hershey	Platts	Vance
Cornell	Hess	Raymond	Waugh
Dempsey	Hutchinson	Reber	Wogan
Dent	Jadlowiec	Reinard	Wright, M. N.
DiGirolamo	Kenney	Rohrer	Zimmerman
Druce	King	Rooney	Zug
Durham	Krebs	Rublely	
Egolf	Lawless	Rudy	Ryan,
Fairchild	Leh	Sather	Speaker

## NOT VOTING-0

## EXCUSED-2

Colaizzo            Gamble

The question was determined in the negative, and the amendment was not agreed to.

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

Mr. GLADECK. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Gladeck.

Mr. GLADECK. Thanks.

Mr. Speaker, on the last two votes my switch has not operated. It simply will not record "no."

The SPEAKER. Just a minute, Mr. Gladeck. Let me see if you are being recorded on the official roll call.

It may be that the board is not lighting up, but you have been recorded on the official roll call.

Mr. GLADECK. Well, we will get a copy of it.

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

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

Mr. GEORGE. Mr. Speaker, I think I am going to withdraw this amendment, but first I would like to ask if I could interrogate the prime sponsor of this bill.

The SPEAKER. The gentleman, Mr. Gladeck, has indicated he will stand for interrogation. The gentleman, Mr. George, may proceed.

Mr. GEORGE. Mr. Speaker, this amendment that I had intended to offer, I was concerned in that I have been getting a number of calls from individuals in my district who have told me that the establishment of the Self-Insurance Guaranty Fund, as thought at the time that it was conjured, would alleviate any problems that our constituency would have in regard to being injured and the company that they were employed for would have been in financial straits, that this would have guaranteed a continual payment of such.

Now, since I am told that even though this amendment is germane, but yet the intent of the bill is to offer it without any sideline and only deal with hearing-loss impairment, I am asking if you would be receptive to accepting an amendment like this or if you have any intention of allowing another compensation bill to come out soon so that I can apply the thoughts of this amendment into it.

Mr. GLADECK. Mr. Speaker, it would be our hope that sometime during this session we would address other aspects of the workers' compensation law, and at that time we would be more than willing to try to work out an acceptable end to your problem.

Mr. GEORGE. Well, Mr. Speaker, again, I, too, am hopeful along with members on both sides of the aisle, but I must remind you that someone whose payments are no longer forthcoming are not only hungry but they are not getting the care, and if we are just going to delay, why, then I am not going to wait, but if I can be assured that within a reasonable time we are going to work on something, then I will in fact remove my amendment.

Mr. GLADECK. Yes. But, Mr. Speaker, you are asking whether or not we are going to address workers' compensation at some future point in this session. Is that not correct?

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I then remove my amendment, if you please.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. BELFANTI offered the following amendment No. A0353:

Amend Bill, page 5, by inserting between lines 15 and 16

Section 3. Notwithstanding any period of limitation, period of repose or notice requirement imposed under this act for the bringing or maintenance of claims for compensation, any employee shall have one year from the effective date of this act to file a claim for compensation for hearing loss.

Amend Sec. 3, page 5, line 16, by striking out "3" and inserting  
4

Amend Sec. 4, page 5, line 24, by striking out "4" and inserting  
5

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

## AMENDMENT WITHDRAWN TEMPORARILY

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

Mr. BELFANTI. That is amendment 0353, Mr. Speaker?

The SPEAKER. Yes, it is.

Mr. BELFANTI. Mr. Speaker, I may withdraw this amendment depending upon what happens to the Lloyd amendment A0291, and I prefer to pass over this particular amendment until after the Lloyd amendment is voted so that we can save some time.

The SPEAKER. Without objection, the amendment is temporarily withdrawn. The Chair thanks the gentleman.

The gentleman, Mr. Belfanti, does he intend to offer amendment 0378?

Mr. BELFANTI. Yes, Mr. Speaker.

The SPEAKER. The clerk will read the amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. BELFANTI offered the following amendment No. A0378:

Amend Sec. 2 (Sec. 306), page 5, line 5, by striking out "three years after" and inserting

three hundred weeks from

Amend Sec. 2 (Sec. 306), page 5, line 6, by inserting after "last"

employment in the industry or occupation in which the

Amend Sec. 2 (Sec. 306), page 5, lines 6 and 7, by striking out "in the" in line 6, all of line 7 and inserting

occurred, except that in the case of any employee who has been last employed in an industry or occupation in which such exposure occurred more than three hundred weeks from the effective date of this subclause, the claim shall be barred unless a petition is filed within three years from the effective date of this subclause.

On the question,

Will the House agree to the amendment?

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, amendment 0378 puts the provisions of hearing-loss workers' compensation reform into the same statute of repose as all of the other provisions that were adopted last year and signed into law as Act 44. It provides for 300 weeks after the last exposure to occupational noise for an employee to determine whether or not he has a claim. When this determination is made, the employee would then have the 3 years to file a claim.

It makes this bill consistent with Act 44 of last session, and I ask for a favorable vote.

The SPEAKER. On the question of the Belfanti amendment 0378, the gentleman, Mr. Gladeck, is recognized.

Mr. GLADECK. Thank you, Mr. Speaker.

Mr. Speaker, I believe that this amendment is not necessary. I think that it is excessive and too potentially expensive to be supported. I also happen to think that it would allow further expansion as to the costs of workers' compensation insurance, and I think it would put Pennsylvania in a less competitive position than it would be if the bill passed as it is currently drafted.

I would therefore ask the House to oppose the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Will the gentleman, Mr. Gladeck, stand for interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. DeWeese, may proceed.

Mr. DeWEESE. Will the gentleman from Montgomery please share with the members of the House the different point of view that he has today relative to Mr. Belfanti's amendment and the perspective that he had when he voted for Act 42, the other workers' compensation proposal of last year, since there is a specific differentiation, and I cannot quite tell the difference. Act 44; excuse me.

Mr. GLADECK. Act 44. In what respect are you- Partial hearing loss was not addressed in Act 44. We tried to have it included, but we could not get you guys to support it at that time.

Mr. DeWEESE. The gentleman, Mr. Belfanti, is asking for 300 weeks. If my recollection is correct, in Act 44 there were substantially fewer weeks, and I am only asking for the gentleman to enlighten the House as to why he thinks other injuries would be worth X and hearing loss worth one-half X vis-a-vis the amount of time available to receive these payments.

Mr. GLADECK. Mr. Speaker, it is my understanding that the occupational disease statute of repose was not addressed in Act 44.

Mr. DeWEESE. The Chair thanks the gentleman.

Mr. GLADECK. Thank you.

The SPEAKER. The question recurs-

Mr. DeWEESE. Just to finish, Mr. Speaker, if I may. I have concluded my interrogation.

The SPEAKER. Of course.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. I believe the gentleman, Mr. Belfanti, Mr. Speaker, is only asking for the same statute of repose with this amendment that we realized when we passed Act 44, and I just wanted that to go on the record. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the Belfanti amendment, does the gentleman, Mr. Belfanti, seek recognition?

Mr. BELFANTI. Yes, I do.

The SPEAKER. The gentleman is in order and may proceed.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, apart from making this bill and prospective statute consistent with Act 44 of last session, the reason for this amendment is the nature of hearing loss is such that people exposed to noise over long periods of time are not immediately aware of their hearing loss. Losing hearing is not like losing a finger or a limb or a leg or an ear. It is not as obvious, especially to an employee who is suffering the loss.

The amendment limits the filing time to the same period of time that other employees have under occupational diseases. It is entirely consistent with other Pennsylvania statute, and if we are to listen to the arguments made against the Manderino amendment that, boy, we ought to go by the AMA guidelines, even though they did not have anything to do with that amendment, now I am saying let us go by present Commonwealth statute on all other occupational-related diseases and disorders, which is 300 weeks.

I had an amendment drafted to make it 500 weeks. We even got that on the negotiating table last session. We are taking it back to 300 weeks, which was agreed to by all the parties concerned last session. If we would have forged the compromise on the entire act, this was part of the compromise, 300 weeks. It makes it consistent with all other State law, and I would appreciate an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.  
 The Chair recognizes the gentleman, Mr. Chadwick.  
 Mr. CHADWICK. Thank you, Mr. Speaker.  
 Mr. Speaker, the gentleman, Mr. Belfanti, would love to call occupational hearing loss a disease, but it is not; it is an injury. Once the exposure stops, the progression of the damage stops as well.  
 The fact is, the gentleman's amendment takes a 3-year statute of repose and extends it to almost 9 years. That is simply too long, and we oppose the amendment.

The SPEAKER. The Chair thanks the gentleman.  
 Mr. BELFANTI. Mr. Speaker, 300 weeks, 9 years—  
 The SPEAKER. The gentleman, Mr. Belfanti, has spoken twice on the subject.

On the question of the adoption of the amendment—  
 Mr. DeWEESE. Mr. Speaker?  
 The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Just a correction of the record. I think 300 weeks does not come close to being 9 years.

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

Mr. CHADWICK. Thank you, Mr. Speaker.  
 There is a 300-week statute of repose, but the amendment also indicates that you can extend that time for up to 3 years if the last exposure was within 300 weeks of the effective date of the act. So in certain cases, you could go up to almost 9 years.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. DeWeese, has he completed his interrogation?

The Chair recognizes the lady, Ms. Boscola.  
 Ms. BOSCOLA. I realize that this is probably going to fall on deaf ears, but when you are talking about hearing loss, normally, and to my colleagues on the right, the nature of hearing loss as it is, it is very gradual, and if you would just take a minute, maybe I will give you an analogy here.

For all of us who have eyeglasses, the very first time, when did you realize that you did not have 20/20 vision? It probably was not immediately. It was probably a couple years afterwards. Do you remember the first time that you put your eyeglasses on? I remember. I walked out on the street and I saw leaves on the trees that I never even knew were defined the way they were. I was on the road and could read the signs along the road and license plates. That is what this is about.

Again, this bill and this amendment start to draw us back into the middle where a lot of us started campaigning on, that we have to strike a balance. We have to come somewhere in the middle. This amendment helps that. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.  
  
 On the question recurring,  
 Will the House agree to the amendment?

The following roll call was recorded:

YEAS-89

Bebko-Jones	Evans	McCall	Scrimenti
Belardi	George	McGeehan	Shaner
Belfanti	Gigliotti	Melio	Staback
Bishop	Gruitza	Michlovic	Steelman
Blaum	Haluska	Mihalich	Stetler

Boscola	Horsey	Olaaz	Sturla
Butkovitz	Itkin	Oliver	Surra
Buxton	James	Pesci	Tangretti
Caltagirone	Jarolin	Petrarca	Thomas
Cappabianca	Josephs	Petrone	Tigue
Carn	Keller	Pistella	Travaglio
Cawley	Kirkland	Preston	Trello
Cohen, M.	Kukovich	Ramos	Trich
Colafella	LaGrotta	Readshaw	Van Home
Corpora	Laughlin	Richardson	Veon
Corrigan	Lederer	Rieger	Walko
Cowell	Lescovitz	Roberts	Washington
Curry	Levdansky	Robinson	Williams
Daley	Lloyd	Roebuck	Wozniak
DeLuca	Lucyk	Rudy	Wright, D. R.
Dermody	Manderino	Sainato	Yewcic
DeWeese	Mayermik	Santoni	Youngblood
Donatucci			

NAYS-112

Adolph	Fajt	Lynch	Saylor
Allen	Fargo	Maitland	Schroder
Argall	Farmer	Major	Schuler
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Sheehan
Barley	Flick	McGill	Smith, B.
Battisto	Gannon	Merry	Smith, S. H.
Birmelin	Geist	Micozzie	Snyder, D. W.
Boyes	Gladeck	Miller	Stairs
Brown	Godshall	Mundy	Steil
Browne	Gordner	Nailor	Stern
Bunt	Gruppo	Nickol	Stish
Carone	Habay	Nyce	Strittmatter
Chadwick	Hanna	O'Brien	Taylor, E. Z.
Civera	Harhart	Perzel	Taylor, J.
Clark	Hasay	Pettit	True
Clymer	Hennessey	Phillips	Tulli
Cohen, L. I.	Herman	Piccola	Vance
Conti	Hershey	Pitts	Vitali
Cornell	Hess	Platts	Waugh
Coy	Hutchinson	Raymond	Wogan
Dempsey	Jadlowiec	Reber	Wright, M. N.
Dent	Kaiser	Reinard	Zimmerman
DiGirolamo	Kenney	Rohrer	Zug
Druce	King	Rooney	
Durham	Krebs	Rublely	Ryan,
Egolf	Lawless	Sather	Speaker
Fairchild	Leh		

NOT VOTING-0

EXCUSED-2

Colaizzo	Gamble
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The question was determined in the negative, and the amendment was not agreed to.

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

Mr. YEWIC offered the following amendment No. A0311:

Amend Sec. 2 (Sec. 306), page 5, by inserting between lines 1 and 2 (viii) If the employer does not provide a copy and explanation of the results to the employe within thirty days of the date the results are available



the employer may not assert lack of long-term exposure or lack of occupational noise as an affirmative defense.

Amend Sec. 2 (Sec. 306), page 5, line 2, by striking out “(viii)” and inserting

(ix)

Amend Sec. 2 (Sec. 306), page 5, line 8, by striking out “(ix)” and inserting

(x)

Amend Sec. 2 (Sec. 306), page 5, line 13, by striking out “(x)” and inserting

(xi)

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

#### AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER. The Chair recognizes the gentleman, Mr. Yewcic, on the amendment.

This is amendment 0311.

Mr. YEWIC. Mr. Speaker, I would ask to temporarily pass over the amendment—

The SPEAKER. Will the gentleman yield until the board is in order.

All right. The gentleman may proceed.

Mr. YEWIC. I would ask to temporarily pass over the amendment until the Lloyd amendments are run. They are predicated on what happens with his amendments. I have to run one or the other.

The SPEAKER. Is the gentleman indicating that the two amendments that are listed for the gentleman are to be temporarily withdrawn?

Mr. YEWIC. Temporarily, until the Lloyd amendments are run, right.

The SPEAKER. Without objection, both amendments offered by the gentleman, Mr. Yewcic, will be temporarily withdrawn.

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

Mr. **M. N. WRIGHT** offered the following amendment No. **A0307**:

Amend Sec. 4, page 5, line 24, by striking out “immediately” and inserting

in 180 days

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

#### AMENDMENT WITHDRAWN

The SPEAKER. Does the gentleman from Bucks, Mr. Wright, have an amendment?

The gentleman withdraws his amendment.

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

Mr. **LLOYD** offered the following amendment No. **A0291**:

Amend Sec. 3, page 5, lines 16 through 23, by striking out all of said lines and inserting

Section 3. The amendment or addition of sections 105.4, 105.5, 105.6 and 306(c)(8) of the act shall apply to claims filed on or after the effective date of this act.

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

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

Will the gentleman yield.

This apparently is the amendment that everyone is waiting for, so I would ask that the members take their seats. I would ask that conversations on the floor please cease.

I apologize to the gentleman.

Mr. LLOYD. Mr. Speaker, I think the amendment that everybody is waiting for is A206.

The SPEAKER. Which one do you want to do first?

Mr. LLOYD. A206.

#### AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER. The Chair temporarily withdraws 0291.

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

Mr. **LLOYD** offered the following amendment No. **A0206**:

Amend Sec. 2 (Sec. 306), page 5, by inserting between lines 12 and 13  
(x) Whether the employe has been exposed to hazardous occupational noise or has long-term exposure to such noise shall be affirmative defenses to a claim for occupational hearing loss and not a part of the claimant's burden of proof in a claim.

Amend Sec. 2 (Sec. 306), page 5, line 13, by striking out “(x)” and inserting

(xi)

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Lloyd, on 0206.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this issue deals with the burden of proof.

Under the bill, an employee is entitled to a hearing-loss benefit if he was exposed to noise in excess of the OSHA (Occupational Safety and Health Administration) standards for more than 3 days a week for more than 40 weeks in a year. Under the bill, it is the employee's obligation to prove that. This amendment would put that obligation on the employer.

Mr. Speaker, I understand that this is an agreed-to amendment.

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

Mr. GLADECK. Thank you, Mr. Speaker.

Mr. Speaker, it is an agreed-to amendment, and I urge the House to support it. Thank you.

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

The following roll call was recorded:

YEAS-201

- |              |            |            |               |
|--------------|------------|------------|---------------|
| Adolph       | Evans      | Maitland   | Saylor        |
| Allen        | Fairchild  | Major      | Schroder      |
| Argall       | Fajt       | Manderino  | Schuler       |
| Armstrong    | Fargo      | Markosek   | Scrimenti     |
| Baker        | Farmer     | Marsico    | Semmel        |
| Bard         | Feese      | Masland    | Serafini      |
| Barley       | Fichter    | Mayernik   | Shaner        |
| Battisto     | Fleagle    | McCall     | Sheehan       |
| Bebko-Jones  | Flick      | McGeehan   | Smith, B.     |
| Belardi      | Gannon     | McGill     | Smith, S. H.  |
| Belfanti     | Geist      | Melio      | Snyder, D. W. |
| Birmelin     | George     | Merry      | Staback       |
| Bishop       | Gigliotti  | Michlovic  | Stairs        |
| Blaum        | Gladeck    | Micozzie   | Steelman      |
| Boscola      | Godshall   | Mihalich   | Steil         |
| Boyes        | Gordner    | Miller     | Stern         |
| Brown        | Gruitza    | Mundy      | Stetler       |
| Browne       | Gruppo     | Nailor     | Stish         |
| Bunt         | Habay      | Nickol     | Strittmatter  |
| Butkovitz    | Haluska    | Nyce       | Sturla        |
| Buxton       | Hanna      | O'Brien    | Surra         |
| Caltagirone  | Harhart    | Olasz      | Tangretti     |
| Cappabianca  | Hasay      | Oliver     | Taylor, E. Z. |
| Carn         | Hennessey  | Perzel     | Taylor, J.    |
| Carone       | Herman     | Pesci      | Thomas        |
| Cawley       | Hershey    | Petrarca   | Tigue         |
| Chadwick     | Hess       | Petrone    | Travaglio     |
| Civera       | Horsey     | Pettit     | Trello        |
| Clark        | Hutchinson | Phillips   | Trich         |
| Clymer       | Itkin      | Piccola    | True          |
| Cohen, L. I. | Jadlowiec  | Pistella   | Tulli         |
| Cohen, M.    | James      | Pitts      | Vance         |
| Colafrilla   | Jarolin    | Platts     | Van Horne     |
| Conti        | Josephs    | Preston    | Veon          |
| Cornell      | Kaiser     | Ramos      | Vitali        |
| Corpora      | Keller     | Raymond    | Walko         |
| Corrigan     | Kenney     | Readshaw   | Washington    |
| Cowell       | King       | Reber      | Waugh         |
| Coy          | Kirkland   | Reinard    | Williams      |
| Curry        | Krebs      | Richardson | Wogan         |
| Daley        | Kukovich   | Rieger     | Wozniak       |
| DeLuca       | LaGrotta   | Roberts    | Wright, D. R. |
| Dempsey      | Laughlin   | Robinson   | Wright, M. N. |
| Dent         | Lawless    | Roebuck    | Yewcic        |
| Dermody      | Lederer    | Rohrer     | Youngblood    |
| DeWeese      | Leh        | Rooney     | Zimmerman     |
| DiGirolamo   | Lescovitz  | Rubley     | Zug           |
| Donatucci    | Levdanskyy | Rudy       |               |
| Druce        | Lloyd      | Sainato    |               |
| Durham       | Lucyk      | Santoni    |               |
| Egolf        | Lynch      | Sather     |               |

NAYS-0

NOT VOTING-0

EXCUSED-2

- |          |        |
|----------|--------|
| Colaizzo | Gamble |
|----------|--------|

Ryan,  
Speaker

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

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

Mr. LLOYD offered the following amendment No. A0380:

Amend Sec. 2 (Sec. 306), page 3, lines 19 through 24, by striking out "to allow for the average amount of hearing" in line 19, all of lines 20 through 24 and inserting if there is a level of binaural hearing impairment as calculated under the impairment guides which is equal to or less than ten per centum, no benefits shall be payable. Notwithstanding the provisions of subclauses (i) and (ii) of this clause, if there is a level of binaural hearing impairment as calculated under the impairment guides which is equal to or more than seventy-five per centum, there shall be a presumption that the hearing impairment is total and complete, and benefits shall be payable for two hundred sixty weeks.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Lloyd.  
Mr. LLOYD. Mr. Speaker, this is an amendment that has also been worked out with the other side.

Essentially, it does three things: Number one, it removes from the bill the provision which says that once you reach age 40, that any claim thereafter, you deduct half a percent a year from whatever the hearing-loss test shows. Number two, it says that there is no hearing-loss benefit paid unless you pass a threshold of at least 10-percent hearing loss. Number three, it says that if your hearing loss is in excess of 75 percent according to the test, you are entitled or the presumption is that you get 100-percent benefit.

I would ask for a "yes" vote.

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

Mr. GLADECK. Thank you, Mr. Speaker.

I concur with the gentleman's explanation of the amendment, and I would urge the House to accept it. Thank you.

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

The following roll call was recorded:

YEAS-201

- |             |           |           |               |
|-------------|-----------|-----------|---------------|
| Adolph      | Evans     | Maitland  | Saylor        |
| Allen       | Fairchild | Major     | Schroder      |
| Argall      | Fajt      | Manderino | Schuler       |
| Armstrong   | Fargo     | Markosek  | Scrimenti     |
| Baker       | Farmer    | Marsico   | Semmel        |
| Bard        | Feese     | Masland   | Serafini      |
| Barley      | Fichter   | Mayernik  | Shaner        |
| Battisto    | Fleagle   | McCall    | Sheehan       |
| Bebko-Jones | Flick     | McGeehan  | Smith, B.     |
| Belardi     | Gannon    | McGill    | Smith, S. H.  |
| Belfanti    | Geist     | Melio     | Snyder, D. W. |
| Birmelin    | George    | Merry     | Staback       |
| Bishop      | Gigliotti | Michlovic | Stairs        |
| Blaum       | Gladeck   | Micozzie  | Steelman      |

Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrarca	Tigue
Chadwick	Hess	Petrone	Travaglio
Civera	Horsey	Pettit	Trello
Clark	Hutchinson	Phillips	Trich
Clymer	Itkin	Piccola	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Cohen, M.	James	Pitts	Vance
Colafella	Jarolin	Platts	Van Home
Conti	Josephs	Preston	Veon
Cornell	Kaiser	Ramos	Vitali
Corpora	Keller	Raymond	Walko
Corrigan	Kenney	Readshaw	Washington
Cowell	King	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Richardson	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermody	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Rublely	Zug
Donatucci	Levdansky	Rudy	
Druce	Lloyd	Sainato	Ryan,
Durham	Lucyk	Santoni	Speaker
Egolf	Lynch	Sather	

NAYS-0

NOT VOTING-0

EXCUSED-2

Colaizzo                      Gamble

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

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

Mr. LLOYD reoffered the following amendment No. A0291:

Amend Sec. 3, page 5, lines 16 through 23, by striking out all of said lines and inserting

Section 3. The amendment or addition of sections 105.4, 105.5, 105.6 and 306(c)(8) of the act shall apply to claims filed on or after the effective date of this act.

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

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

Mr. LLOYD. Mr. Speaker, this issue deals with retroactivity, and on this issue, I think, we will have a disagreement.

Under the bill now, the provisions dealing with long-term exposure do not apply to claims which have already been filed, but all of the other changes in rules do. My amendment says that none of the changes in this bill apply to any claims which have already been filed. Now, let me explain why I think that is necessary, and I will do that by way of giving some examples.

Under the current law, you have 3 years from the time you discover a hearing-loss problem to file a claim, and so let us assume that you did that but that that happened to be more than 3 years after you last worked for the employer where you were exposed to that noise. Under the current law, you are entitled to proceed, and you either win or you lose your benefit. If this bill passes without my amendment, you are out, because you waited too long, even though you did not wait too long under the rules that were in effect at the time that you filed the claim, because the bill says that you may file the claim only within 3 years of your last exposure to the noise. That is example number one which I think is unfair.

Example number two: If you filed a claim and you lost before the referee and you are now on appeal, either to the workers' compensation appeals board or to the Commonwealth Court, under the bill the new rules apply, even though those were not the rules under which the evidence was put in by either you or your employer or the insurance company at the time of the hearing, and that, I think, is unfair.

And number three: Under the bill as it is currently written, if you filed your claim and you were ready to go to hearing and the employer asked for a postponement and the effect of that postponement means that the case did not get decided, you are now going to have to comply with the new rules, even though it was not your fault that the case was not decided when the old rules were in effect.

Those are just three examples. I am sure we could find many others if we went through the bill at some length. I think the way to solve that problem is to make the new rules applicable only to new claims, and in support of that, I will note that in SB 1 in the last session, we said specifically that the changes in the law did not apply to injuries which had already occurred. I am not even asking to go that far. All I am saying is, if the claim has already been filed, then it ought to be decided under the rules that were in effect at the time the claim was filed.

Mr. Speaker, I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Chadwick, on the question.

Mr. CHADWICK. Thank you, Mr. Speaker.

This is an excellent opportunity to bring up a point that probably needed to be made anyway.

The only aspects of this bill that would apply to pending cases are that we would apply the AMA guidelines and the benefit schedule. Now, that is a good thing for claimants who have cases pending, not a bad thing. Remember that under current law, you have an all-or-nothing case. We do not pay for partial loss, so claimants are rolling the dice. We have had actual cases in Pennsylvania where claimants with only a 6-percent loss under the AMA guidelines won and received the entire amount of over \$100,000, while on the other hand, we have had cases where claimants with as much as an 87-percent loss lost their cases and got nothing at all.

This bill removes that terrible roll of the dice from claimants with cases pending; gives them the opportunity, if they had a partial loss,

to be compensated for a partial loss; and removes that risk that they faced. This is going to help claimants with cases pending, not harm them. We oppose the amendment.

The SPEAKER. On the question, the Chair recognizes the lady, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

We talked about hypotheticals. Let me give you some actualities from Berks County, and while my colleague on the other side had cited some things that are unfair for those filing claims, let me share with you some things that I also feel are unfair from the side of business.

In one particular case, a business in Berks County, one of the two hearing-loss claims that have been filed against this company were actually sustained by the employee when he was employed by a firm that is no longer in business. However, the cost of this claim is being borne by his current employer. The potential award and the cost of this legal suit could run in excess of \$133,000.

Another company in Berks County has been targeted by a media campaign where they are out encouraging folks to file hearing-loss claims against this company regardless of their hearing loss, and because of this, this Fortune 90 company has the highest workers' compensation rates for this company in the State, and also, the Pennsylvania plants are one of the highest in the Nation. The company is in receipt of 150 letters representing these employees, with 90 percent of the letters coming from a law firm in Philadelphia. These claims represent more than \$9 million in hearing-loss liability. More than 60 percent of these claims involve retirees, and roughly 70 percent of the claims filed involve employees with AMA impairment ratings of 15 percent or less. At the current rate of the claims that these petition filings would accumulate, it is anticipated that future liability will increase for this company \$10 to \$20 million just for those cases filed in 1995.

So therefore, Mr. Speaker, I urge the defeat of this so that we do not have these extenuating circumstances.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, no matter how many problems you bring up and no matter how many abuses you talk about, you cannot get away from the fact that the hypothetical situations I put are going to happen. You cannot get away from the fact that a person who was doing what he was supposed to be doing, filed his claim a year ago but more than 3 years after he left employment, thought and today thinks and his lawyer and the insurance company's lawyer are today preparing for a hearing on the assumption that that is a justiciable claim, and when this bill passes, that person is out. I think that is of questionable constitutionality, but it is at least unfair, and I ask that we not allow that to happen and that we apply these new rules across the board prospectively. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-100

- |             |        |          |           |
|-------------|--------|----------|-----------|
| Battisto    | Evans  | Markosek | Santoni   |
| Bebko-Jones | Fajt   | Mayernik | Scrimenti |
| Belardi     | George | McCall   | Shaner    |

- |             |           |            |               |
|-------------|-----------|------------|---------------|
| Belfanti    | Gigliotti | McGeehan   | Staback       |
| Bishop      | Gordner   | Melio      | Steelman      |
| Blaum       | Gruitza   | Michlovic  | Stetler       |
| Boscola     | Haluska   | Mihalich   | Sturla        |
| Butkovitz   | Hanna     | Mundy      | Surra         |
| Buxton      | Horsey    | O'Brien    | Tangretti     |
| Caltagirone | Itkin     | Olasz      | Thomas        |
| Cappabianca | James     | Oliver     | Tigue         |
| Carn        | Jarolin   | Pesci      | Travaglio     |
| Cawley      | Josephs   | Petrarca   | Trello        |
| Cohen, M.   | Kaiser    | Petrone    | Trich         |
| Colafella   | Keller    | Pistella   | Van Horne     |
| Corpora     | Kirkland  | Preston    | Veon          |
| Corrigan    | Kukovich  | Ramos      | Vitali        |
| Cowell      | LaGrotta  | Readshaw   | Walko         |
| Coy         | Laughlin  | Richardson | Washington    |
| Curry       | Lederer   | Rieger     | Williams      |
| Daley       | Lescovitz | Roberts    | Wogan         |
| DeLuca      | Levdansky | Robinson   | Wozniak       |
| Dermody     | Lloyd     | Roebuck    | Wright, D. R. |
| DeWeese     | Lucyk     | Rudy       | Yewcic        |
| Donatucci   | Manderino | Sainato    | Youngblood    |

NAYS-101

- |              |            |          |                  |
|--------------|------------|----------|------------------|
| Adolph       | Fairchild  | Lynch    | Schroder         |
| Allen        | Fargo      | Maitland | Schuler          |
| Argall       | Farmer     | Major    | Semmel           |
| Armstrong    | Feese      | Marsico  | Serafini         |
| Baker        | Fichter    | Masland  | Sheehan          |
| Bard         | Fleagle    | McGill   | Smith, B.        |
| Barley       | Flick      | Merry    | Smith, S. H.     |
| Birmelin     | Gannon     | Micozzie | Snyder, D. W.    |
| Boyes        | Geist      | Miller   | Stairs           |
| Brown        | Gladeck    | Nailor   | Steil            |
| Browne       | Godshall   | Nickol   | Stern            |
| Bunt         | Gruppo     | Nyce     | Stish            |
| Carone       | Habay      | Perzel   | Strittmatter     |
| Chadwick     | Harhart    | Pettit   | Taylor, E. Z.    |
| Civera       | Hasay      | Phillips | Taylor, J.       |
| Clark        | Hennessey  | Piccola  | True             |
| Clymer       | Herman     | Pitts    | Tulli            |
| Cohen, L. I. | Hershey    | Platts   | Vance            |
| Conti        | Hess       | Raymond  | Waugh            |
| Cornell      | Hutchinson | Reber    | Wright, M. N.    |
| Dempsey      | Jadlowiec  | Reinard  | Zimmerman        |
| Dent         | Kenney     | Rohrer   | Zug              |
| DiGirolamo   | King       | Rooney   |                  |
| Druce        | Krebs      | Rubleby  | Ryan,<br>Speaker |
| Durham       | Lawless    | Sather   |                  |
| Egolf        | Leh        | Saylor   |                  |

NOT VOTING-0

EXCUSED-2

- |          |        |
|----------|--------|
| Colaizzo | Gamble |
|----------|--------|

The question was determined in the negative, and the amendment was not agreed to.

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

The SPEAKER. Does the gentleman, Mr. Belfanti, have an amendment to offer? I believe it is A0353 that has not been offered.  
Mr. BELFANTI. Thank you, Mr. Speaker.

This is the amendment that I would have withdrawn had the Lloyd amendment passed. It is A0353.

The SPEAKER. Is the gentleman offering that amendment at this time?

Mr. BELFANTI. Yes, I am, Mr. Speaker.

On the question recurring,

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

Mr. BELFANTI reoffered the following amendment No. **A0353**:

Amend Bill, page 5, by inserting between lines 15 and 16

Section 3. Notwithstanding any period of limitation, period of repose or notice requirement imposed under this act for the bringing or maintenance of claims for compensation, any employee shall have one year from the effective date of this act to file a claim for compensation for hearing loss.

Amend Sec. 3, page 5, line 16, by striking out "3" and inserting 4

Amend Sec. 4, page 5, line 24, by striking out "4" and inserting 5

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Belfanti, on amendment A0353.

Mr. BELFANTI. Mr. Speaker, simply put, this is a watered-down version of the amendment which was narrowly defeated. It allows for a hearing loss which is more than 3 years old to make claim for 1 year after the effective date of this act. That is simply to allow individuals to know the provisions of this bill, of this act, once it becomes law, to determine whether or not and have the ability to know whether to file under the provisions of this act.

It asks for a 1-year window. It is similar to the amendment that was withdrawn by Mr. Wright from the Republican side of the aisle, and I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the Belfanti amendment, the Chair recognizes the gentleman, Mr. Gladeck.

Mr. GLADECK. Thank you, Mr. Speaker.

I would oppose this amendment. I think that this is very similar to the amendment that we just debated, and it would allow workers to file claims for hearing loss for up to 1 year following the effective date of the statute, and I believe that we have addressed the concerns of potential claimants in the bill. The legislative intent is that those claimants that have filed for benefits at this point would be subjected to the provisions of the benefit schedules and the AMA guidelines that are currently contained in the bill, and we feel that that is fair, and I would oppose the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-91

Battisto	Donatucci	Manderino	Scrimenti
Bebko-Jones	Evans	Markosek	Shaner
Belardi	George	McCall	Staback
Belfanti	Gigliotti	McGeehan	Steelman
Bishop	Gruitza	Melio	Stetler
Blaum	Haluska	Michlovic	Sturla
Boscola	Horsey	Mihalich	Tangretti
Butkovitz	Itkin	Olasz	Thomas
Buxton	James	Oliver	Tigue
Caltagirone	Jarolin	Pesci	Travaglio
Cappabianca	Josephs	Petrarca	Trello
Carn	Kaiser	Petrone	Trich
Cawley	Keller	Pistella	Van Horne
Cohen, M.	Kenney	Preston	Veon
Colafella	Kirkland	Ramos	Vitali
Corpora	Kukovich	Readshaw	Walko
Corrigan	LaGrotta	Richardson	Washington
Cowell	Laughlin	Rieger	Williams
Curry	Lederer	Roberts	Wozniak
Daley	Lescovitz	Robinson	Wright, D. R.
DeLuca	Levdansky	Roebuck	Yewcic
Dermody	Lloyd	Sainato	Youngblood
DeWeese	Lucyk	Santoni	

NAYS-109

Adolph	Fajt	Maitland	Saylor
Allen	Fargo	Major	Schroder
Argall	Farmer	Marsico	Schuler
Armstrong	Feese	Masland	Semmel
Baker	Fichter	Mayernik	Serafini
Bard	Fleagle	McGill	Sheehan
Barley	Flick	Merry	Smith, B.
Birmelin	Gannon	Micozzie	Smith, S. H.
Boyes	Geist	Miller	Snyder, D. W.
Brown	Gladeck	Mundy	Stairs
Browne	Godshall	Nailor	Steil
Bunt	Gordner	Nickol	Stern
Carone	Gruppo	Nyce	Stish
Chadwick	Habay	O'Brien	Strittmatter
Civera	Hanna	Perzel	Taylor, E. Z.
Clark	Harhart	Pettit	Taylor, J.
Clymer	Hasay	Phillips	True
Cohen, L. I.	Hennessey	Piccola	Tulli
Conti	Herman	Pitts	Vance
Cornell	Hershey	Platts	Waugh
Coy	Hess	Raymond	Wogan
Dempsey	Hutchinson	Reber	Wright, M. N.
Dent	Jadlowiec	Reinard	Zimmerman
DiGirolamo	King	Rohrer	Zug
Druce	Krebs	Rooney	
Durham	Lawless	Rublely	Ryan,
Egolf	Leh	Rudy	Speaker
Fairchild	Lynch	Sather	

NOT VOTING-1

Surra

EXCUSED-2

Colaizzo                      Gamble

The question was determined in the negative, and the amendment was not agreed to.

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

Mr. D. R. WRIGHT offered the following amendment No. A0350:

Amend Sec. 2 (Sec. 306), page 3, line 26, by striking out "solely"  
Amend Sec. 2 (Sec. 306), page 3, line 27, by removing the period after "audiogram" and inserting and by the CID-W22 or NugLIST speech discrimination test or a test determined by the department to be equivalent or superior to the CID-W22 or NugLIST speech discrimination test.

Amend Sec. 2 (Sec. 306), page 4, line 21, by inserting after "audiometric"

and speech discrimination

Amend Sec. 2 (Sec. 306), page 4, line 23, by inserting after "audiometric"

and speech discrimination

Amend Sec. 2 (Sec. 306), page 4, line 25, by inserting after "audiometric"

and speech discrimination

Amend Sec. 2 (Sec. 306), page 4, line 28, by inserting after "audiometric"

and speech discrimination

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

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

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

I was inclined to ask the gentleman, Mr. Lloyd, to offer my amendments, hoping that they would have better results.

This is an amendment simply that would require, that would permit at least, in addition to the audiogram test, a test for speech discrimination. I am not an expert in this field, but I have consulted audiologists in this area, and they believe that it is important not only to have an audiogram but also to have a speech discrimination test. It would be done at the same time. It is not a complicated test. It would not be expensive, and I would suggest that this is in the interest both of the employer and the employee to have this test.

So I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

One of the things that we are attempting to do in this legislation is to take subjectivity out of hearing loss and to make claims and awards on the basis of objective standards. Unfortunately, the gentleman's amendment would bring subjectivity back into the process and allow for the kinds of misjustices that I discussed in one of my earlier comments.

We oppose the amendment.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I just, while we were sitting on the floor here no more than 10 minutes ago, finally got a return call from an ear, nose, and throat physician in my district whom I have some trust in because she in fact had put tubes in my daughter's ears several years ago, and I asked her, without giving my opinion or without trying to bias the

conversation at all, I asked her what her opinion of using strictly an AMA standard tone test between 500 and 3,000 hertz was to determine someone's hearing loss, and her words were, "I would consider it malpractice."

Now, if we want to establish standards that physicians consider malpractice, I think we put most physicians in this State of Pennsylvania pretty much between a rock and a hard place, because they are only going to be able to give you a portion of the evidence, and they are going to say, well, if you just take that test, this person passes, but I know from giving them a speech differentiation test and I know from testing them at 4,000 hertz and I know from various other things that this person cannot function in society; they are functionally deaf. But according to the way we have written the law, without this amendment, we will have said that person can hear.

Speech differentiation, which Mr. Wright's amendment goes to, allows someone to sit in a restaurant and understand what the waitress says. It allows someone to sit in a restaurant and understand what the person across the table from them says. Somebody with a 50-percent speech discrimination or speech differentiation loss cannot be helped at all by a hearing aid. You can take the noises that they are hearing and make them as loud as you want, and they still do not understand what a person is saying.

What this test does is allow otolaryngologists to determine whether a person can function or not. The other test simply tells you whether or not that person is receiving a sound. Yes, they are receiving sounds, but we all know from working on the floor of the House here that there are many days when there are a lot of discussions going on and there are various things happening and people say, I know that speaker is speaking over there, I can hear noise, but I cannot understand a single word he is saying. If we do not want to go along with a speech test like this, then we better not ask the Speaker of this House to ever raise his gavel to bring this House to order, because what we are saying is, we can all hear perfectly, despite all the other noise that goes on in this House. Thank you.

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

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

Not to belabor the point, but I would simply raise two issues.

First of all, if I were an employer, I would want the discrimination test, because it is the discrimination test that rules out a medical disability, a tumor or some other factor that may not be related at all to having worked in a hazardous-noise place of work.

The second thing that I would say and I hope that this does not set off a whole argument, but the reality is that using the discrimination test is not new. OSHA, as a matter of fact, requires both the audiometric test and also the test for sound speech discrimination. So it is not something that we are opposing that is new, and to say that a speech discrimination test is subjective is no more true than to say that the audiometric test and the interpretation of it is subjective.

I would think that this would be something that we would want for our employers as well as our employees, and I would urge its adoption.

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

Mr. CHADWICK. Thank you, Mr. Speaker.

Just briefly, I would like to read a sentence from the American Medical Association guides. It says, "Because of the present limitations of speech audiometry, the hearing loss for speech is estimated from measurements made with a pure-tone audiometer." The fact is, the state of the art for speech discrimination testing just

is not there yet, and you reduce the testing to guesstimates. We simply do not want to do that. We want to make this an objective standard rather than a subjective one. Thank you.

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

The following roll call was recorded:

YEAS-86

Battisto	Dermody	Manderino	Scrimenti
Bebko-Jones	DeWeese	McCall	Shaner
Belardi	Donatucci	McGeehan	Staback
Belfanti	Evans	Melio	Steelman
Bishop	George	Michlovic	Stetler
Blaum	Gigliotti	Mihalich	Sturla
Boscola	Gruitza	Olasz	Surra
Butkovitz	Haluska	Oliver	Tangretti
Buxton	Horsey	Pesci	Thomas
Caltagirone	Itkin	Petrarca	Tigue
Cappabianca	James	Petrone	Travaglio
Carn	Jarolin	Pistella	Trello
Cawley	Josephs	Preston	Veon
Cohen, M.	Keller	Ramos	Vitali
Colafella	Kirkland	Readshaw	Walko
Corpora	Kukovich	Richardson	Washington
Corrigan	LaCrotta	Rieger	Williams
Cowell	Laughlin	Roberts	Wozniak
Coy	Lederer	Robinson	Wright, D. R.
Curry	Lescovitz	Sainato	Yewcic
Daley	Lloyd	Santoni	Youngblood
DeLuca	Lucy		

NAYS-114

Adolph	Farmer	Maitland	Saylor
Allen	Feese	Major	Schroder
Argall	Fichter	Markosek	Schuler
Armstrong	Fleagle	Marsico	Semmel
Baker	Flick	Masland	Serafini
Bard	Gannon	Mayernik	Sheehan
Barley	Geist	McGill	Smith, B.
Birmelin	Gladeck	Merry	Smith, S. H.
Boyes	Godshall	Micozzie	Snyder, D. W.
Brown	Gordner	Miller	Stairs
Browne	Gruppo	Mundy	Steil
Bunt	Habay	Nailor	Stern
Carone	Hanna	Nickol	Stish
Chadwick	Harhart	Nyce	Strittmatter
Civera	Hasay	O'Brien	Taylor, E. Z.
Clark	Hennessey	Perzel	Taylor, J.
Clymer	Herman	Pettit	Trich
Cohen, L. I.	Hershey	Phillips	True
Conti	Hess	Piccola	Tulli
Cornell	Hutchinson	Pitts	Vance
Dempsey	Jadlowiec	Platts	Van Horne
Dent	Kaiser	Raymond	Waugh
DiGirolamo	Kenney	Reber	Wogan
Druce	King	Reinard	Wright, M. N.
Durham	Krebs	Rohrer	Zimmerman
Egolf	Lawless	Rooney	Zug
Fairchild	Leh	Rublely	
Fajt	Levdansky	Rudy	Ryan,
Fargo	Lynch	Sather	Speaker

NOT VOTING-1

Roebuck

EXCUSED-2

Colaizzo

Gamble

The question was determined in the negative, and the amendment was not agreed to.

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

The SPEAKER. Does the gentleman, Mr. Yewcic, have an amendment at this time?

Mr. YEWIC. Yes, Mr. Speaker, amendment A0311.

The SPEAKER. The clerk will read the amendment.

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

Mr. YEWIC reoffered the following amendment No. A0311:

Amend Sec. 2 (Sec. 306), page 5, by inserting between lines 1 and 2 (viii) If the employer does not provide a copy and explanation of the results to the employe within thirty days of the date the results are available the employer may not assert lack of long-term exposure or lack of occupational noise as an affirmative defense.

Amend Sec. 2 (Sec. 306), page 5, line 2, by striking out "(viii)" and inserting

(ix)

Amend Sec. 2 (Sec. 306), page 5, line 8, by striking out "(ix)" and inserting

(x)

Amend Sec. 2 (Sec. 306), page 5, line 13, by striking out "(x)" and inserting

(xi)

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

The SPEAKER. The Chair recognizes the gentleman on the amendment.

Mr. YEWIC. Thank you, Mr. Speaker.

Mr. Speaker, first of all, the bill says that within 30 days of the test, the employer has to give the employee the results of the test. It does not say, however, if there is any penalty involved. My amendment will offer some teeth to this language because of what happened in my district over the last 2 years. Many employees from Bethlehem Steel would come to my office, complaining that they would take their annual physical, including a hearing test. Then they were told, there is nothing wrong, go back to work, without ever having received the test. They then would have to go hire an attorney, give up 30 percent of their compensation if they won the appeal, to get their money, to get their compensation.

I believe that we should be fair and give the employees a level playing field that says, if an employer does not give him his test results, then he cannot use, as my amendment says, the "...lack of long-term exposure or lack of occupational noise as an affirmative defense." It gives the employee a better chance in court to get his benefits.

I ask for an affirmative vote.

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

Mr. GLADECK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

I believe that it has been addressed by the Lloyd amendment, but my feeling is that the bill, HB 3 as currently constituted, requires that if an employee requests a report of an audiogram by the employer, the employer shall provide this report within 30 days of its availability. While the bill does not contain any explicit penalty for noncompliance with this provision, we believe that the antifraud section of Act 44 prohibits any action directed towards discouraging a worker from filing a claim or claiming benefits. Such action would, if proven, be classified as a felony of the third degree under Act 44. So on that basis, we would oppose the amendment. Thank you.

The SPEAKER. On the question, does the gentleman, Mr. Yewcic, desire recognition?

Mr. YEWIC. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. YEWIC. The fraud provisions of the act do not pertain to this bill.

This amendment simply says again to give a working guy a chance in case the employer does not give him his test. It happens time and time again that these guys are not given the results of their test. They have to hire an attorney, and this will save litigation in the long run, because if the guy knew the results of his test, he would not have to see an attorney in the first place.

I think we should pass this thing, vote for it, and give the guy a chance.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-92

Battisto	DeWeese	Manderino	Scrimenti
Bebko-Jones	Donatucci	Markosek	Shaner
Belardi	Evans	McCall	Staback
Belfanti	George	McGeehan	Steelman
Bishop	Gigliotti	Melio	Stetler
Blaum	Gordner	Michlovic	Sturla
Boscola	Gruitza	Mihalich	Surra
Butkovitz	Haluska	Olasz	Tangretti
Buxton	Horsey	Oliver	Thomas
Caltagirone	Itkin	Pesci	Tigue
Cappabianca	James	Petrarca	Travaglio
Carn	Jarolin	Petrone	Trello
Cawley	Josephs	Pistella	Trich
Cohen, M.	Kaiser	Preston	Van Horne
Colafella	Keller	Ramos	Veon
Corpora	Kirkland	Readshaw	Vitali
Corrigan	Kukovich	Richardson	Walko
Cowell	LaGrotta	Rieger	Washington
Coy	Laughlin	Roberts	Williams
Curry	Lederer	Robinson	Wozniak
Daley	Lescovitz	Roebuck	Wright, D. R.

DeLuca	Lloyd	Sainato	Yewcic
Dermody	Lucyk	Santoni	Youngblood

NAYS-109

Adolph	Fargo	Maitland	Saylor
Allen	Farmer	Major	Schroder
Argall	Feese	Marsico	Schuler
Armstrong	Fichter	Masland	Semmel
Baker	Fleagle	Mayernik	Serafini
Bard	Flick	McGill	Sheehan
Barley	Gannon	Merry	Smith, B.
Birmelin	Geist	Micozzie	Smith, S. H.
Boyes	Gladeck	Miller	Snyder, D. W.
Brown	Godshall	Mundy	Stairs
Browne	Gruppo	Nailor	Steil
Bunt	Habay	Nickol	Stern
Carone	Hanna	Nyce	Stish
Chadwick	Harhart	O'Brien	Strittmatter
Civera	Hasay	Perzel	Taylor, E. Z.
Clark	Hennessey	Pettit	Taylor, J.
Clymer	Herman	Phillips	True
Cohen, L. I.	Hershey	Piccola	Tulli
Conti	Hess	Pitts	Vance
Cornell	Hutchinson	Platts	Waugh
Dempsey	Jadlowiec	Raymond	Wogan
Dent	Kenney	Reber	Wright, M. N.
DiGirolamo	King	Reinard	Zimmerman
Druce	Krebs	Rohrer	Zug
Durham	Lawless	Rooney	
Egolf	Leh	Rubley	Ryan,
Fairchild	Levdansky	Rudy	Speaker
Fajt	Lynch	Sather	

NOT VOTING-0

EXCUSED-2

Colaizzo	Gamble
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The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

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

AMENDMENT A0353 RECONSIDERED

The SPEAKER. The Chair recognizes the lady, Ms. Mundy, who moves that the vote by which amendment 0353 was defeated to HB 3, PN 7, on the 30th day of January be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-189

Adolph	Evans	Lloyd	Sainato
Allen	Fairchild	Lucyk	Santoni
Armstrong	Fajt	Maitland	Sather
Baker	Fargo	Major	Saylor



Bard	Farmer	Manderino	Schuler
Barley	Feese	Markosek	Scrimenti
Battisto	Fichter	Marsico	Semmel
Bebko-Jones	Fleagle	Masland	Serafini
Belardi	Flick	Mayernik	Shaner
Belfanti	Gannon	McCall	Smith, B.
Birmelin	Geist	McGeehan	Smith, S. H.
Bishop	George	McGill	Snyder, D. W.
Blaum	Gigliotti	Melio	Staback
Boscola	Gladeck	Merry	Stairs
Boyes	Godshall	Michlovic	Steelman
Brown	Gordner	Micoozie	Steil
Bunt	Gruitza	Mihalich	Stern
Butkovitz	Gruppo	Mundy	Stetler
Buxton	Habay	Nailor	Stish
Caltagirone	Haluska	Nickol	Strittmatter
Cappabianca	Hanna	Nyce	Sturla
Carn	Harhart	O'Brien	Surra
Carone	Hasay	Olasz	Tangretti
Cawley	Hennessey	Oliver	Taylor, E. Z.
Chadwick	Herman	Perzel	Taylor, J.
Civera	Hershey	Pesci	Thomas
Clark	Hess	Petrarca	Tigue
Clymer	Horsey	Petrone	Travaglio
Cohen, L. I.	Hutchinson	Phillips	Trello
Cohen, M.	Itkin	Piccola	Trich
Colafella	Jadlowiec	Pistella	Vance
Conti	James	Pitts	Van Home
Cornell	Jarolin	Platts	Veon
Corpora	Josephs	Preston	Vitali
Corrigan	Kaiser	Ramos	Walko
Cowell	Keller	Raymond	Washington
Coy	Kenney	Readshaw	Waugh
Curry	King	Reber	Williams
Daley	Kirkland	Reinard	Wozniak
DeLuca	Krebs	Richardson	Wright, D. R.
Dempsey	Kukovich	Rieger	Wright, M. N.
Dermody	LaGrotta	Roberts	Yewcic
DeWeese	Laughlin	Robinson	Youngblood
DiGirolamo	Lawless	Roebuck	Zug
Donatucci	Lederer	Rohrer	
Druce	Leh	Rooney	Ryan,
Durham	Lescovitz	Rublely	Speaker
Egolf	Levdansky	Rudy	

NAYS-12

Argall	Lynch	Schroder	Tulli
Browne	Miller	Sheehan	Wogan
Dent	Pettit	True	Zimmerman

NOT VOTING-0

EXCUSED-2

Colaizzo	Gamble
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The question was determined in the affirmative, and the motion was agreed to.

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

The clerk read the following amendment No. **A0353**:

Amend Bill, page 5, by inserting between lines 15 and 16  
Section 3. Notwithstanding any period of limitation, period of repose or notice requirement imposed under this act for the bringing or maintenance

of claims for compensation, any employee shall have one year from the effective date of this act to file a claim for compensation for hearing loss.

Amend Sec. 3, page 5, line 16, by striking out "3" and inserting  
4

Amend Sec. 4, page 5, line 24, by striking out "4" and inserting  
5

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Belfanti, on amendment 0353.

Mr. BELFANTI. Thank you, Mr. Speaker.  
I will not belabor the amendment.

It simply adds a year to one's ability to enter into this process after the bill becomes law, because the effective date is immediate, and therefore, many individuals who may have been contemplating actions because of extensive work-related hearing loss will be caught off guard and unaware and will not have the ability to react in a timely manner, so I am asking for a 1-year window. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Gladeck.

Mr. GLADECK. We would oppose the amendment for the same reasons we did the first time. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-86

Battisto	DeWeese	Manderino	Santoni
Bebko-Jones	Donatucci	McCall	Scrimenti
Belardi	Evans	McGeehan	Shaner
Belfanti	George	Melio	Staback
Bishop	Gigliotti	Michlovic	Steelman
Blaum	Gruitza	Mihalich	Stetler
Boscola	Haluska	Olasz	Sturla
Butkovitz	Horsey	Oliver	Surra
Buxton	Itkin	Pesci	Tangretti
Caltagirone	James	Petrarca	Tigue
Cappabianca	Jarolin	Petrone	Travaglio
Carn	Josephs	Pistella	Trello
Cawley	Keller	Preston	Veon
Cohen, M.	Kenney	Ramos	Vitali
Colafella	Kirkland	Readshaw	Walko
Corpora	Kukovich	Richardson	Washington
Corrigan	LaGrotta	Rieger	Williams
Cowell	Laughlin	Roberts	Wozniak
Curry	Lederer	Robinson	Wright, D. R.
Daley	Lescovitz	Roebuck	Yewcic
DeLuca	Lloyd	Sainato	Youngblood
Dermody	Lucyk		

NAYS-115

Adolph	Farmer	Major	Schroder
Allen	Feese	Markosek	Schuler
Argall	Fichter	Marsico	Semmel
Armstrong	Fleagle	Masland	Serafini
Baker	Flick	Mayernik	Sheehan
Bard	Gannon	McGill	Smith, B.

Barley	Geist	Merry	Smith, S. H.
Birmelin	Gladeck	Micozzie	Snyder, D. W.
Boyes	Godshall	Miller	Stairs
Brown	Gordner	Mundy	Steil
Browne	Gruppo	Nailor	Stern
Bunt	Habay	Nickol	Stish
Carone	Hanna	Nyce	Strittmatter
Chadwick	Harhart	O'Brien	Taylor, E. Z.
Civera	Hasay	Perzel	Taylor, J.
Clark	Hennessey	Pettit	Thomas
Clymer	Herman	Phillips	Trich
Cohen, L. I.	Hershey	Piccola	True
Conti	Hess	Pitts	Tulli
Cornell	Hutchinson	Platts	Vance
Coy	Jadlowiec	Raymond	Van Horne
Dempsey	Kaiser	Reber	Waugh
Dent	King	Reinard	Wogan
DiGirolamo	Krebs	Rohrer	Wright, M. N.
Druce	Lawless	Rooney	Zimmerman
Durham	Leh	Rubley	Zug
Egolf	Levdansky	Rudy	
Fairchild	Lynch	Sather	Ryan, Speaker
Fajt	Maitland	Saylor	
Fargo			

NOT VOTING-0

EXCUSED-2

Colaizzo            Gamble

The question was determined in the negative, and the amendment was not agreed to.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?  
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-126

Adolph	Fargo	Major	Semmel
Allen	Farmer	Markosek	Serafini
Argall	Feese	Marsico	Shaner
Armstrong	Fichter	Masland	Sheehan
Baker	Fleagle	Mayermik	Smith, B.
Bard	Flick	McGill	Smith, S. H.
Barley	Gannon	Merry	Snyder, D. W.
Battisto	Geist	Micozzie	Staback
Birmelin	Gladeck	Miller	Stairs
Boyes	Godshall	Mundy	Steil
Brown	Gordner	Nailor	Stern
Browne	Gruppo	Nickol	Stish
Bunt	Habay	Nyce	Strittmatter
Carone	Hanna	O'Brien	Taylor, E. Z.
Cawley	Harhart	Perzel	Taylor, J.
Chadwick	Hasay	Pettit	Thomas
Civera	Hennessey	Phillips	Trello
Clark	Herman	Piccola	Trich
Clymer	Hershey	Pitts	True
Cohen, L. I.	Hess	Platts	Tulli
Cohen, M.	Hutchinson	Preston	Vance

Conti	Itkin	Raymond	Van Horne
Cornell	Jadlowiec	Reber	Vitali
Coy	Kaiser	Reinard	Waugh
Dempsey	Kenney	Rohrer	Wogan
Dent	King	Rooney	Wright, D. R.
DiGirolamo	Krebs	Rubley	Wright, M. N.
Druce	Lawless	Rudy	Zimmerman
Durham	Leh	Sather	Zug
Egolf	Levdansky	Saylor	
Fairchild	Lynch	Schroder	Ryan, Speaker
Fajt	Maitland	Schuler	

NAYS-75

Bebko-Jones	DeWeese	Lucyk	Roebuck
Belardi	Donatucci	Manderino	Sainato
Belfanti	Evans	McCall	Santoni
Bishop	George	McGeehan	Scrimenti
Blaum	Gigliotti	Meljo	Steelman
Boscola	Gruitza	Michlovic	Stetler
Butkovitz	Haluska	Mihalich	Sturla
Buxton	Horsey	Olasz	Surra
Caltagirone	James	Oliver	Tangretti
Cappabianca	Jarolin	Pesci	Tigue
Carn	Josephs	Petrarca	Travaglio
Colafella	Keller	Petrone	Veon
Corpora	Kirkland	Pistella	Walko
Corrigan	Kukovich	Ramos	Washington
Cowell	LaGrotta	Readshaw	Williams
Curry	Laughlin	Richardson	Wozniak
Daley	Lederer	Rieger	Yewcic
DeLuca	Lescovitz	Roberts	Youngblood
Dermody	Lloyd	Robinson	

NOT VOTING-0

EXCUSED-2

Colaizzo            Gamble

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

Ordered, That the clerk present the same to the Senate for concurrence.

RESOLUTIONS PURSUANT TO RULE 35

Mr. WAUGH called up **HR 23, PN 307**, entitled:

A Resolution memorializing Congress to pass Senate Bill No. 131, which reverses the extension of Regulation E to electronic benefit transfer programs.

On the question,  
Will the House adopt the resolution?

(Members proceeded to vote.)

Mr. RICHARDSON. Mr. Speaker?

The SPEAKER. There is nothing in order but the taking of the roll.

Mr. RICHARDSON. I was trying to get your attention before the calling of the resolution, Mr. Speaker.

The SPEAKER. There is nothing in order but the taking of the roll.

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-190

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fajt	Markosek	Serafini
Baker	Fargo	Marsico	Shaner
Bard	Farmer	Masland	Sheehan
Barley	Feese	Mayernik	Smith, B.
Battisto	Fichter	McCall	Smith, S. H.
Bebko-Jones	Fleagle	McGeehan	Snyder, D. W.
Belardi	Flick	McGill	Staback
Belfanti	Geist	Melio	Stairs
Birmelin	George	Merry	Stittmatter
Bishop	Gigliotti	Michlovic	Steil
Blaum	Gladeck	Miller	Stern
Boscola	Godshall	Nailor	Stetler
Boyes	Gordner	Nickol	Stish
Brown	Gruitza	Nyce	Strittmatter
Browne	Gruppo	O'Brien	Sturla
Bunt	Habay	Olasz	Surra
Butkovitz	Haluska	Oliver	Tangretti
Buxton	Hanna	Perzel	Taylor, E. Z.
Caltagirone	Harhart	Pesci	Taylor, J.
Cappabianca	Hasay	Petrarca	Thomas
Carone	Hennessey	Petrone	Tigue
Cawley	Herman	Pettit	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Piccola	Trich
Clark	Hutchinson	Pistella	True
Clymer	Itkin	Pitts	Tulli
Cohen, L. I.	Jadlowiec	Platts	Vance
Colafella	James	Preston	Van Horne
Conti	Jarolin	Ramos	Veon
Cornell	Josephs	Raymond	Vitali
Corpora	Kaiser	Readshaw	Walko
Corrigan	Keller	Reber	Washington
Cowell	Kenney	Reinard	Waugh
Coy	King	Rieger	Williams
Curry	Krebs	Roberts	Wogan
Daley	LaGrotta	Robinson	Wozniak
DeLuca	Laughlin	Roebuck	Wright, D. R.
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rubley	Yewcic
Dermody	Leh	Rudy	Youngblood
DeWeese	Lescovitz	Sainato	Zimmerman
DiGirolamo	Levdansky	Santoni	Zug
Donatucci	Lloyd	Sather	
Druce	Lucyk	Saylor	Ryan,
Durham	Lynch	Schroder	Speaker

NAYS-8

Cohen, M.	Kirkland	Mihalich	Richardson
Horsey	Kukovich	Mundy	Rooney

NOT VOTING-3

Carn	Gannon	Micozzie
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EXCUSED-2

Colaizzo                      Gamble

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

The SPEAKER. For what purpose does the gentleman rise?

Mr. RICHARDSON. I tried to get your attention, Mr. Speaker, before the vote was taken because no one knew what HR 23 was and as a result wanted to hear an explanation of what the resolution was.

Now that it has been done, I would like to know whether or not we can file a reconsideration so we can at least hear what the resolution is that we are voting on.

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

Mr. ITKIN. Mr. Speaker, I would like to reconsider HB 3. I inadvertently voted wrong, and I would like to have the vote corrected for that.

The SPEAKER. HB 3?

Mr. ITKIN. HB 3.

The SPEAKER. HB 3 is no longer in this chamber.

Mr. ITKIN. It is no longer in the chamber? Why was it released so quickly?

The SPEAKER. Because I am an efficient Speaker.

Mr. ITKIN. Mr. Speaker, I really do not think it is appropriate at this point.

I move to reconsider the bill. You can tell me the bill is out of here. I want a reconsideration motion filed, and I want it acted on.

The SPEAKER. Mr. Itkin, you have been here many years. You know that a reconsideration motion is not done orally. There is a proper procedure for doing it. That has not been filed, among other things. The other thing that has not been done, it has not been done in a timely fashion.

The bill is not here and no one asked me to keep it here, and the bill left this chamber. And as the gentleman stands there, there is still no proper reconsideration motion before the House.

Mr. ITKIN. It was my understanding that the reconsideration motion was filed almost immediately upon the vote.

The SPEAKER. I apologize to the gentleman. I am told by the Parliamentarian that a written reconsideration motion did come to the Chair but after the bill had left the House. I apologize on that. I did not know that.

Mr. ITKIN. Okay. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Richardson, if he wishes a resolution to be reconsidered, should file the proper reconsideration motion, which copies of those papers are available from the gentleman, Mr. Itkin, who has just used one.

Mr. ITKIN. Thank you, Mr. Speaker.

VOTE CORRECTIONS

Mr. ITKIN. I want the record to show emphatically that the Speaker abused his office today in moving that bill out, in moving the bill out of the chamber so quickly, that I inadvertently voted in error. I wished to have that vote corrected, that I was not given that opportunity to do so, and I want the record to firmly and emphatically

reflect my sentiments today, Mr. Speaker. And may you spread upon the record that the Representative from the 23d Legislative District voted in the negative on HB 3. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen. Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, Representative Itkin and I were involved in discussions on our caucus schedule for tomorrow when that vote was taken. I, too, voted in error. I wish the record to show that I would have voted in the negative also.

The SPEAKER. The remarks of both gentlemen will be spread upon the record.

**HR 23 RECONSIDERED**

The SPEAKER. The Chair recognizes the gentleman, Mr. Richardson, who moves that the vote by which HR 23, PN 307, passed the House on the 30th day of January be reconsidered.

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

The following roll call was recorded:

YEAS-197

Adolph	Evans	Maitland	Sather
Allen	Fairchild	Major	Saylor
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carone	Hennessey	Perzel	Taylor, J.
Cawley	Herman	Pesci	Thomas
Chadwick	Hershey	Petrarca	Tigue
Civera	Hess	Petrone	Travaglio
Clark	Horsey	Pettit	Trello
Clymer	Hutchinson	Phillips	Trich
Cohen, L. I.	Itkin	Piccola	True
Cohen, M.	Jadlowiec	Pistella	Tulli
Colafella	James	Pitts	Vance
Conti	Jarolin	Platts	Van Horne
Cornell	Josephs	Preston	Veon
Corpora	Kaiser	Ramos	Vitali
Corrigan	Keller	Raymond	Walko
Cowell	Kenney	Readshaw	Washington
Coy	King	Reber	Waugh
Curry	Kirkland	Reinard	Wogan
Daley	Krebs	Richardson	Wozniak
DeLuca	Kukovich	Rieger	Wright, D. R.
Dempsey	LaGrotta	Roberts	Wright, M. N.
Dent	Laughlin	Robinson	Yewcic
Dermody	Lawless	Roebuck	Youngblood

DeWeese	Lederer	Rohrer	Zimmerman
DiGirolamo	Leh	Rooney	Zug
Donatucci	Lescovitz	Rubley	
Druce	Levdansky	Rudy	Ryan,
Durham	Lloyd	Sainato	Speaker
Egolf	Lucyk	Santoni	

NAYS-2

Lynch Schroder

NOT VOTING-2

Carn Williams

EXCUSED-2

Colaizzo Gamble

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

On the question recurring,  
Will the House adopt the resolution?

RESOLUTION PASSED OVER

The SPEAKER. The resolution will be reconsidered and, without objection, will go over for the day.

The resolution, Mr. Richardson, will appear on tomorrow's calendar.

**RULES COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the majority leader for the purpose of calling a meeting.

Mr. PERZEL. We would like to have a Rules Committee meeting, Mr. Speaker, at the desk immediately.

The SPEAKER. There will be an immediate meeting of the Rules Committee at the majority leader's desk.

**APPROPRIATIONS COMMITTEE MEETING**

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

Mr. PITTS. Mr. Speaker, I would like to call a meeting of the House Appropriations Committee immediately upon the break in the majority caucus room. Thank you.

**INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman, Mr. Flick, who has an announcement.

Mr. FLICK. Thank you, Mr. Speaker. I would like to call a meeting of the Intergovernmental Affairs Committee at the rear of the House immediately upon recess.

The SPEAKER. The Chair thanks the gentleman.

The Intergovernmental Affairs Committee will meet on the declaration of the recess immediately in the rear of the chamber. The Rules Committee meeting is taking place now, and on the declaration of the recess, the Appropriations Committee will meet in the majority caucus room.

For the information of the House, there will be no further votes today. The Chair will keep the desk open to receive reports of committee.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Fargo, for an announcement.

Mr. FARGO. Thank you, Mr. Speaker.

There will be a caucus of the Republican members at 10 o'clock tomorrow morning. At 10 o'clock tomorrow morning, a caucus of the Republican members. Thank you.

The SPEAKER. The Republicans will caucus at 10 a.m. tomorrow morning.

### VOTE CORRECTIONS

The SPEAKER. The Chair recognizes the gentleman, Mr. Fajt. Mr. FAJT. Thank you, Mr. Speaker.

For a correction of the record.

Mr. Speaker, on the motion to postpone HB 3, my switch malfunctioned. I would like to be recorded in the negative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes the gentleman, Mr. Roberts.

Mr. ROBERTS. Mr. Speaker, I would like to make a correction to the record.

The SPEAKER. The gentleman will state it.

Mr. ROBERTS. On final passage of HB 3, my vote was shown in the negative. I would like to be shown as voting in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes the gentleman from Fayette, Mr. Shaner.

Mr. SHANER. Mr. Speaker, I wish to vote in the negative on final passage of HB 3.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen. Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce a Democratic caucus tomorrow at 10 a.m.; 10 a.m., Democratic caucus, minority caucus room tomorrow morning.

The SPEAKER. The Chair thanks the gentleman.

Are there any further announcements? Does the majority leader have any further business? Does the minority leader have any further business?

### RECESS

The SPEAKER. This House stands in recess to the call of the Chair.

### AFTER RECESS

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

### BILLS REREPORTED FROM COMMITTEE

#### HB 4, PN 148

By Rep. PITTS

An Act providing for a review process for filings with the Department of Environmental Resources.

#### APPROPRIATIONS.

#### HB 7, PN 149

By Rep. PITTS

An Act amending the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law, further defining "administrative regulation" in relation to the Department of Environmental Resources.

#### APPROPRIATIONS.

#### HB 8, PN 407 (Amended)

By Rep. PITTS

An Act establishing programs for the education of disruptive students.

#### APPROPRIATIONS.

### RESOLUTIONS REPORTED FROM COMMITTEES

#### HR 8, PN 409

By Rep. FLICK

A Resolution memorializing the President of the United States to award the Presidential Unit Citation to the 110th Regimental Combat Team of the 28th Infantry Division.

#### INTERGOVERNMENTAL AFFAIRS.

#### HR 34, PN 401

By Rep. PERZEL

A Resolution directing the Transportation Committee of the House of Representatives to conduct a study of the number of vehicles being operated without insurance and/or registrations on Pennsylvania's highways and the risk that is posed for the citizens of this Commonwealth.

#### RULES.

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

### BILLS AND RESOLUTIONS PASSED OVER

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

**ADJOURNMENT**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, I move that this House do now adjourn until Tuesday, January 31, 1995, at 11:05 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:22 p.m., e.s.t., the House adjourned.

