

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, JANUARY 30, 1980

Session of 1980

164th of the General Assembly

No. 7

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.s.t.

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE STEVE SEVENTY, member of the House of Representatives and guest chaplain, offered the following prayer:

Almighty Father, we thank you for letting us share in the fellowship of each other. May we discover Your will through the wisdom and justice of what we legislate here today. Help us to seek the common good of all the people by sharing together in what is best for those who depend on our judgment and our sense of fair play.

This we ask in the name of Jesus Christ. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, January 29, 1980, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2193 By Representatives IRVIS, KOLTER, CESSAR, ZORD, ITKIN, COWELL, KUKOVICH, LIVENGOOD, PISTELLA, B. D. CLARK, MICHLOVIC, WHITE, DUFFY, MILANOVICH, TADDONIO AND FISCHER.

An Act to increase the commerce and prosperity of the people of the Commonwealth, to improve their health and living conditions, and to alleviate the problems created by traffic congestion and the lack of adequate transportation services and facilities, ***.

Referred to Committee on TRANSPORTATION.

No. 2194 By Representatives SALVATORE, D. M. O'BRIEN, PERZEL, McKELVEY AND ROCKS.

An Act prohibiting reductions-in-force of certain employees pending completion of a manpower survey and report by the Department of Community Affairs in cities of the first class.

Referred to Committee on URBAN AFFAIRS.

No. 2195 By Representatives HELFRICK AND THOMAS.

An Act amending the act of May 18, 1945 (P. L. 809, No. 323), entitled "An act removing certain roads or sections of road from the State Highway System; ****" removing a connecting route in Milton Borough, Northumberland County.

Referred to Committee on TRANSPORTATION.

No. 2196 By Representatives JONES, OLIVER, BARBER, DiCARLO, REED, PUCCIARELLI, J. J. JOHNSON AND RIEGER.

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), requiring life insurance premium due notices be sent to policyholders whose premium payments are not collected by an agent.

Referred to Committee on INSURANCE.

No. 2197 By Representatives GOEBEL, FISHER, CESSAR, ZORD, TADDONIO AND POTT.

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the Second Class County Assessment Law, providing for the tax rate where a revision is made.

Referred to Committee on URBAN AFFAIRS.

No. 2198 By Representatives SPITZ, ARTY, E. Z. TAYLOR, SALVATORE, TELEK, REED AND FISCHER.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exempting certain ex-prisoners of war from assessment of processing fees.

Referred to Committee on TRANSPORTATION.

No. 2199 By Representatives SPITZ, PUNT, SALVATORE, ARTY, E. Z. TAYLOR, REED AND ALDEN.

An Act amending "The Casualty and Surety Rate Regulatory Act," approved June 11, 1947 (P. L. 538, No. 246), requiring a reduction in fire insurance rates for structures equipped with certain smoke detection devices.

Referred to Committee on INSURANCE.

No. 2200 By Representatives SPITZ, ARTY, ALDEN, FREIND AND GANNON.

An Act naming that part of Interstate Highway 476 in Delaware County, the "Veterans Memorial Highway."

Referred to Committee on TRANSPORTATION.

No. 2201 By Representative SPITZ.

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

Referred to Committee on TRANSPORTATION.

No. 2202 By Representatives SPITZ, ARTY,
E. Z. TAYLOR AND ALDEN.

An Act amending the "Real Estate Tax Sales Law," approved July 7, 1947 (P. L. 1368, No. 542), increasing the rate of interest charged for late payment of taxes.

Referred to Committee on LOCAL GOVERNMENT.

No. 2203 By Representatives WILT, KOLTER,
DININNI, GEIST, STAIRS, FISCHER,
WACHOB, DOMBROWSKI,
D. R. WRIGHT, PETRARCA,
B. F. O'BRIEN, NOVAK, BRANDT,
TRELLO, KNIGHT, LETTERMAN,
MUSTO, C. GEORGE, YAHNER,
FISHER, W. W. FOSTER, CESSAR,
WENGER, BOWSER, MADIGAN, BURD,
MOWERY AND CORNELL.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the licensing of certain drivers.

Referred to Committee on TRANSPORTATION.

No. 2204 By Representatives HALVERSON,
KOWALYSHYN, RYAN, VROON,
F. TAYLOR, LIVENGOOD, DeVERTER,
PETERSON, MOWERY, GRUPPO,
FRYER, MADIGAN, MURPHY,
E. R. LYNCH, ARMSTRONG,
E. G. JOHNSON, GANNON, PICCOLA,
DUFFY, ROCKS, SALVATORE AND
A. C. FOSTER, JR..

An Act amending the "Health Care Services Malpractice Act," approved October 15, 1975 (P. L. 390, No. 111), further providing for use of moneys in the contingency fund.

Referred to Committee on APPROPRIATIONS.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 166

(Concurrent) By Representatives MOWERY, MILLER,
POTT, ARTY AND REED.

General Assembly recognize the week of February 10-16, 1980, as Pennsylvania "Rock 'N Roll Jamboree Week."

Referred to Committee on RULES.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate presented the following bills for concurrence:

SB 310, PN 1452

Referred to Committee on Local Government.

SB 770, PN 1417

Referred to Committee on Professional Licensure.

SB 984, PN 1401

Referred to Committee on State Government.

SB 1039, PN 1237

Referred to Committee on Education.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. I request a leave of absence for Mr. KNEPPER for today.

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

Mr. PIEVSKY. Mr. Speaker, I request leaves for Messrs. O'DONNELL and GRAY for today only.

The SPEAKER. Without objection, leaves will be granted.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1517, PN 2789 (Amended) (Unanimous)

By Rep. WILT

An Act amending "The Pennsylvania Occupational Disease Act," approved June 21, 1939 (P. L. 566, No. 284), further providing for compensation.

LABOR RELATIONS.

HB 1993, PN 2790 (Amended) By Rep. SPENCER

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

JUDICIARY.

HB 2012, PN 2544 (Unanimous) By Rep. ZORD

An Act amending the "Vital Statistics Law of 1953," approved June 29, 1953 (P. L. 304, No. 66), requiring the issuance of certified birth certificates.

HEALTH AND WELFARE.

HB 2032, PN 2791 (Amended) By Rep. ZORD

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further providing for the obtaining of child support payments for recipients whose eligibility for assistance is based on the absence of a parent from the home.

HEALTH AND WELFARE.

HB 2184, PN 2792 (Amended) By Rep. SPENCER

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

JUDICIARY.

MASTER ROLL CALL RECORDED

The SPEAKER. Members will please report to the floor. The Chair is about to take the master roll.

The following roll call was recorded:

YEAS—186

Alden	Foster, W. W.	Lynch, E. R.	Ryan
Anderson	Foster, Jr., A.	McCall	Salvatore
Armstrong	Freind	McClatchy	Scheaffer
Arty	Fryer	McIntyre	Schmitt
Austin	Gallagher	McKelvey	Schweder
Barber	Gallen	McMonagle	Serafini
Belardi	Gamble	McVerry	Seventy
Bennett	Gannon	Mackowski	Shadding
Berson	Gatski	Madigan	Shupnik
Bittle	Geesey	Manderino	Sieminski
Borski	Geist	Manmiller	Sirianni
Bowser	George, C.	Michlovic	Smith, E. H.
Brandt	George, M. H.	Micozzie	Smith, L. E.
Brown	Gladeck	Milanovich	Spencer
Burd	Goebel	Miller	Spitz
Burns	Goodman	Moehlmann	Stairs
Caltagirone	Grabowski	Mowery	Steighner
Cappabianca	Greenfield	Mrkonic	Stewart
Cessar	Grieco	Mullen	Street
Chess	Gruppo	Murphy	Stuban
Cimini	Halverson	Musto	Sweet
Clark, B. D.	Harper	Nahill	Swift
Clark, M. R.	Hasay	Novak	Taddonio
Cochran	Hayes, Jr., S.	Noye	Taylor, E. Z.
Cohen	Helfrick	O'Brien, B. F.	Taylor, F.
Cole	Hoeffel	O'Brien, D. M.	Telek
Cornell	Honaman	Oliver	Thomas
Coslett	Hutchinson, A.	Perzel	Trello
Cowell	Hutchinson, W.	Peterson	Vroon
Cunningham	Itkin	Petrarca	Wachob
DeMedio	Johnson, E. G.	Piccola	Wargo
DeVerter	Johnson, J. J.	Pievsky	Wass
DeWeese	Jones	Pistella	Wenger
DiCarlo	Kanuck	Pitts	White
Davies	Klingaman	Polite	Wilson
Dawida	Knight	Pott	Wilt
Dietz	Kolter	Pratt	Wright, D. R.
Dininni	Kowalyshyn	Pucciarelli	Wright, Jr., J.
Dombrowski	Kukovich	Punt	Yahner
Dorr	Lashingier	Pyles	Yohn
Duffy	Laughlin	Rappaport	Zeller
Dumas	Lehr	Reed	Zitterman
Durham	Letterman	Richardson	Zord
Earley	Levi	Rieger	Zwinkl
Fee	Levin	Ritter	
Fischer	Lewis	Rocks	Seltzer,
Fisher	Livengood	Rodgers	Speaker

NAYS—0

NOT VOTING—10

Beloff	Hayes, D. S.	O'Donnell	Weidner
Giammarco	Irvis	Rhodes	Williams
Gray	Knepper		

The SPEAKER. One hundred eighty-six members having indicated their presence, a master roll is established.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the floor of the House, Mrs. George Rupp, who is the wife of the sergeant-at-arms of the House, who is guest here today of Mr. Ed Helfrick.

The Chair also welcomes Dr. Louis Pagano from Bethlehem, Northampton County, who is here as the guest of Mr. Len Gruppo.

CALENDAR

BILL AGREED TO ON SECOND CONSIDERATION

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 1908, PN 2365

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 518, PN 1426**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," permitting minors to enter licensed premises for social purposes under certain conditions.

On the question,

Will the House agree to the bill on third consideration?

Bill 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.

(A rollcall vote was taken.)

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

Mr. LEVIN. Mr. Speaker, I am sorry, in haste you called SB 518. I believe that this body deserves an explanation of SB 518 before that vote. I would ask that that vote be stricken and the sponsor or some member of this House explain the necessity for that bill.

VOTE STRICKEN

The SPEAKER. The gentleman from Philadelphia, Mr. Levin, has asked that the vote on SB 518 be stricken. The clerk will strike the vote.

On the question recurring,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Lehr, who will explain the bill.

Mr. LEHR. The only thing that this bill does is make it legal that the school functions, such as the prom or any school activity, could have their dance at a country club or any kind of a place where they serve spirits, but each room wherever they have this function must be separate from serving spirits.

We have functions going on today in many areas, so all this bill does is make it legal. I think it is a good piece of legislation and I hope you can support it. Thank you.

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

Mr. LEVIN. All right. Would Mr. Lehr stand for interrogation, please?

The SPEAKER. The gentleman, Mr. Lehr, indicates that he will. The gentleman, Mr. Levin, may proceed.

Mr. LEVIN. Would this bill permit a bar, a regular liquor bar, to be set up in a backroom, a separate room and hold a school function?

Mr. LEHR. If there is liquor served in the area, it would have to be locked up while this group is in session or having their prom or dance. It all would have to be separated from that room where this function is being held.

Mr. LEVIN. What if the liquor establishment had a separate room in the back, like a separate dining room, could it close off where it did not have its bar? Could it close off the backroom and permit the students to come in the back of the bar while the front of the bar was in operation?

Mr. LEHR. No way. They would not be allowed to be served any kind of spirits anywhere in the building. Only they would be in that particular ballroom or where they are having a dinner, and no spirits could be served.

Mr. LEVIN. Is there a definition in the bill of school functions?

Mr. LEHR. Only school functions.

Mr. LEVIN. What is a school function?

Mr. LEHR. Well, a high school class, a senior class, a prom or something in that area.

Mr. LEVIN. Thank you.

Mr. LEHR. I thank you.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, if I may help on this, we had a problem in my area on this. Now this bill will rectify that but we have a sportsmen's club and they have a barroom and they have an entrance to that barroom, and attached to it is a large banquet hall which has an outside entrance and also a tie between the bar and the social hall.

Now, we were arrested when we locked off the entrance from the banquet hall and the bar. We locked the door, had padlock on it and we brought all the kids in from the separate entrance. There was no tie to the building at all. We had teenage dances. But the LCB - the Liquor Control Board - arrested us and took us in because of the fact it was on the same premises and it was not allowed.

Now, I ask also, if Mr. Lehr does not mind an interrogation on this, I ask if this will rectify that situation, and I think it will—I do not know if Mr. Levin was getting at that—but there will be no tie between the area in which liquor is sold, no tie at all, because there is a door there that will be padlocked and you will have a separate entrance from the outside to the social hall and there will be no liquor or anything sold in that social hall, and therefore we are allowed to hold teenage dances, a prom or whatever. Will this rectify that situation?

Mr. LEHR. Right.

Mr. ZELLER. Okay, that is what it is. I thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, will the sponsor stand for interrogation?

The SPEAKER. The sponsor is Senator Early.

Mr. LAUGHLIN. The sponsor who is handling it on the Republican side.

The SPEAKER. The gentleman, Mr. Lehr, indicates that he will try to respond to the gentleman's inquiry.

Mr. LAUGHLIN. Mr. Speaker, I noticed that in the bill on page 2, line 11, it enumerates hotels, restaurants, club liquor licensees. In the event that such an organization as I have in my district, which is called the VIP Lounge. It is under a disco-type operation. 2001 is the name of it. Now in this instance, Mr. Speaker, this particular lounge does not have a separate room where alcoholic beverages are sold, but under this rule does this cover such a lounge?

Mr. LEHR. They would not be allowed to have their function in that area.

Mr. LAUGHLIN. They would not be allowed to?

Mr. LEHR. No way.

Mr. LAUGHLIN. All right, thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Micozzie.

Mr. MICOZZIE. Mr. Speaker, I rise to offer an amendment. Yesterday, I had requested an amendment from the Legislative Reference Bureau. I did receive the amendment but it was under the wrong printer's number. I just received it about 2 minutes ago.

The SPEAKER. The Chair will change its decision as to the bill having been agreed to on the third reading.

On the question recurring,

Will the House agree to the bill on third consideration?

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

Mr. WHITE. I appreciate the problem that Mr. Micozzie has raised and I, too, have a similar problem in that I requested an amendment to SB 518 as well. I have not received my amendment yet from the Legislative Reference Bureau, Mr. Speaker.

SB 518 PASSED OVER

The SPEAKER. Without objection, SB 518 will be passed over. The Chair hears no objection.

The House proceeded to third consideration of **HB 1408, PN 2710**, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Health and the Governor of the Commonwealth of Pennsylvania to convey a certain lot or tract of ground situate in the Township of Mount Joy, Lancaster County, Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?
Bill 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—181

Alden	Fischer	Livengood	Rodgers
Anderson	Fisher	Lynch, E. R.	Ryan
Armstrong	Foster, W. W.	McCall	Salvatore
Arty	Foster, Jr., A.	McIntyre	Scheaffer
Austin	Freind	McKelvey	Schmitt
Barber	Fryer	McMonagle	Schweder
Belardi	Gallagher	McVerry	Serafini
Beloff	Gallen	Mackowski	Seventy
Bennett	Gamble	Madigan	Shadding
Berson	Gannon	Manderino	Shupnik
Bittle	Gatski	Manmiller	Sieminski
Borski	Geesey	Michlovic	Smith, E. H.
Bowser	Geist	Micozzie	Smith, L. E.
Brandt	George, M. H.	Milanovich	Spencer
Brown	Gladeck	Miller	Spitz
Burd	Goebel	Moehlmann	Stairs
Burns	Goodman	Mowery	Steighner
Caltagirone	Grabowski	Mrkonic	Stewart
Cappabianca	Greenfield	Mullen	Stuban
Cessar	Grieco	Murphy	Sweet
Chess	Gruppo	Musto	Swift
Cimini	Halverson	Nahill	Taddonio
Clark, B. D.	Harper	Novak	Taylor, E. Z.
Clark, M. R.	Hasay	Noye	Taylor, F.
Cochran	Hayes, Jr., S.	O'Brien, B. F.	Telek
Cohen	Helfrick	O'Brien, D. M.	Thomas
Cole	Hoeffel	Oliver	Trello
Cornell	Honaman	Perzel	Vroon
Coslett	Hutchinson, A.	Peterson	Wachob
Cowell	Hutchinson, W.	Petrarca	Wargo
Cunningham	Itkin	Piccola	Wass
DeMedio	Johnson, E. G.	Pievsky	Wenger
DeVerter	Johnson, J. J.	Pistella	White
DeWeese	Jones	Pitts	Wilson
DiCarlo	Kanuck	Polite	Wilt
Davies	Klingaman	Pott	Wright, D. R.
Dawida	Knight	Pratt	Wright, Jr., J.
Dietz	Kolter	Pucciarelli	Yahner
Dininni	Kowalshyn	Punt	Zeller
Dombrowski	Kukovich	Pyles	Zitterman
Dorr	Laughlin	Rappaport	Zord
Duffy	Lehr	Reed	Zwkl
Dumas	Letterman	Richardson	
Durham	Levi	Rieger	Seltzer,
Earley	Levin	Ritter	Speaker
Fee	Lewis	Rocks	

NAYS—1

George, C.

NOT VOTING—14

Giammarco	Knepper	Rhodes	Weidner
Gray	Lashingner	Sirianni	Williams
Hayes, D. S.	McClatchy	Street	Yohn
Irvis	O'Donnell		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

The House proceeded to third consideration of SB 790, PN 1403, entitled:

An Act authorizing the Department of Environmental Resources, with the approval of the Governor, to transfer a right-of-way in that portion of the Boal Gap Road passing through the Rothrock State Forest situate in the Township of Potter, County of Centre and Commonwealth of Pennsylvania, to said Potter Township.

On the question,

Will the House agree to the bill on third consideration?

Bill 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—174

Alden	Fisher	Levin	Ritter
Anderson	Foster, W. W.	Lewis	Rocks
Armstrong	Foster, Jr., A.	Livengood	Rodgers
Arty	Freind	Lynch, E. R.	Ryan
Austin	Fryer	McCall	Scheaffer
Barber	Gallagher	McClatchy	Schmitt
Belardi	Gallen	McKelvey	Schweder
Bennett	Gamble	McMonagle	Serafini
Berson	Gannon	McVerry	Seventy
Bittle	Gatski	Mackowski	Shadding
Borski	Geesey	Madigan	Shupnik
Bowser	Geist	Manderino	Sieminski
Brandt	George, C.	Manmiller	Smith, E. H.
Brown	George, M. H.	Michlovic	Smith, L. E.
Burd	Gladeck	Micozzie	Spencer
Caltagirone	Goebel	Milanovich	Spitz
Cappabianca	Goodman	Miller	Stairs
Cessar	Grabowski	Moehlmann	Steighner
Chess	Greenfield	Mowery	Stewart
Cimini	Grieco	Mrkonic	Stuban
Clark, B. D.	Gruppo	Murphy	Sweet
Clark, M. R.	Halverson	Musto	Swift
Cochran	Harper	Nahill	Taddonio
Cohen	Hasay	Novak	Taylor, E. Z.
Cole	Hayes, Jr., S.	Noye	Taylor, F.
Cornell	Helfrick	O'Brien, B. F.	Telek
Coslett	Hoeffel	O'Brien, D. M.	Thomas
Cowell	Honaman	Oliver	Trello
Cunningham	Hutchinson, A.	Perzel	Vroon
DeMedio	Itkin	Peterson	Wachob
DeVerter	Johnson, E. G.	Piccola	Wargo
DeWeese	Johnson, J. J.	Pievsky	Wass
Davies	Jones	Pistella	Wenger
Dawida	Kanuck	Pitts	White
Dietz	Klingaman	Polite	Wilt
Dininni	Knight	Pott	Wright, D. R.
Dombrowski	Kolter	Pratt	Yahner
Dorr	Kowalshyn	Pucciarelli	Yohn
Duffy	Kukovich	Punt	Zitterman
Dumas	Lashingner	Pyles	Zord
Durham	Laughlin	Rappaport	Zwkl
Earley	Lehr	Reed	
Fee	Letterman	Richardson	Seltzer,
Fischer	Levi	Rieger	Speaker

NAYS—0

NOT VOTING—22

Beloff	Hutchinson, W.	Petrarca	Weidner
Burns	Irvis	Rhodes	Williams
DiCarlo	Knepper	Salvatore	Wilson
Giammarco	McIntyre	Sirianni	Wright, Jr., J.
Gray	Mullen	Street	Zeller
Hayes, D. S.	O'Donnell		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

QUESTION OF INFORMATION

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo. For what purpose does the gentleman rise?

Mr. DiCARLO. I rise to a question of information.

The SPEAKER. The gentleman will state it.

Mr. DiCARLO. Mr. Speaker, I was just wondering, we have gotten reports that we are getting heavy snow squalls from western Pennsylvania coming east. Could you give us a determination how long we may be in session today so that we can make plans?

The SPEAKER. The Chair believes that there will be only a limited number of roll calls taken today. Some of them may be controversial, but the Chair would hope we could be out early. There are not many roll calls, relatively few, half a dozen maybe today.

Mr. DiCARLO. Thank you, Mr. Speaker.

SUPPLEMENTAL CALENDAR

The SPEAKER. The Chair turns to the Supplemental Calendar, page 1, HB 1083.

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the rules of this House provide for an order of business as set forth in the rules of this House, under rule 17, and I suggest, without a suspension of the rules, the order of business of this House at this time is the next third consideration bill on the calendar. We have been here for days where we jump from one thing to another at the will or whim of the Speaker or the majority leader, and members have very little notice of what they are going to be considering.

Mr. Speaker, I suggest that to get away from that kind of adversity, we follow the rules of this House and follow the order of business set forth in the rules of this House, unless the rules are suspended to do otherwise.

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that the rules be suspended to permit the immediate consideration of a reconsideration motion of Mr. Manderino's and the subsequent vote on final passage of HB 1083.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, on the question of suspension of the rules—and I wish the gentlemen and ladies of the House would be in order—I think we have

witnessed in the past several weeks an order of business in this House that is not conducive to an orderly processing of legislation. Members are ill-prepared on bills that they should be prepared on because the notice given them of what bill will be taken up changes when we hit the floor of the House.

Bills, that we expect will end on final passage, get up to final passage and are postponed on final vote, again at the whim of the Speaker of the House and the majority leader. Bills that we expect or want to be held over for final passage and, when we make that request, do not get held over but get rushed to the other body. I have had it and I ask every member of this House who wants orderly processing of legislation to join with me in opposing the suspension of the rules, so that the calendar will be taken up in its order and that we will not jump from one bill to another, from final passage to supplemental calendars, from first consideration to resolutions, unless this House decides to make that jump.

We were told today that we would be dealing with the condominium. Yes, I filed a motion for reconsideration of HB 1083. That motion can be taken up anytime within the next 4 days, and I suggest that every member of this House join me in opposing the suspension of the rules. The rules are placed and adopted by this House so that we can have advance notice of what is coming up and in what order. And, Mr. Speaker, I oppose the suspension of the rules and I ask all members to join me in the opposition.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, part of what Mr. Manderino said is inaccurate. It is true we said we were going to take up the condominium bill, but Mr. Manderino neglected to say that we had a lengthy discussion on the taking up of HB 1083. In fact, we had that discussion before the master roll call was taken. Very few members of this House knew that a reconsideration motion had been filed, very properly, but it happened at the very end of yesterday's session.

Customarily—search your minds—customarily when there is a reconsideration, it is immediately reconsidered. There is a break of a day because of the lateness when Mr. Manderino filed this, properly, and I did not even know it had been filed until I was down in my office after session. We discussed this morning, starting at 9 o'clock this morning, the possibility and the timing on bringing up HB 1083. So it is no surprise.

Now the part that I am not sure of, and I would ask the Speaker for a point of parliamentary clarification, is, should Mr. Manderino's motion to reconsider be considered prior to the order of business of the special calendar? It may be, if Mr. Manderino does not want to consider HB 1083, his motion for reconsideration, which requires 102 votes, could be in jeopardy, if he does not want HB 1083 considered. I do not think that is the case, and we have always customarily reconsidered unless there was abuse, which I felt there was yesterday on the amendment.

Is this going to require one or two votes, Mr. Speaker?

The SPEAKER. The question before the House is the suspension of the rules. It takes 102 votes.

The Chair recognizes the gentleman from Clarion, Mr. Wright. For what purpose does the gentleman rise?

Mr. D. R. WRIGHT. I would like to ask the majority leader one question, please.

The SPEAKER. The gentleman, Mr. Ryan, indicates he will stand for interrogation. The gentleman, Mr. Wright, may proceed.

Mr. D. R. WRIGHT. Mr. Speaker, I may ask two questions. Refresh my memory, if you will. It seems to me at the close of the session yesterday you indicated the first order of business for today would be SB 764. Is that correct?

Mr. RYAN. I am really not sure about that, Mr. Speaker, whether I said SB 764 or SB 65. At that time, however, there was no indication that there was a reconsideration on final passage of HB 1083.

Mr. D. R. WRIGHT. My memory is—and I may be incorrect. My memory is—that the first order of business would be SB 764, and it just seems to me that that might be illustrative of the point that Mr. Manderino is seeking to make. It is very difficult to prepare, if we do not take up the items which have been suggested to us will be.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, Mr. Ryan said that I was incorrect in some of the things that I said, and then he spoke to having a conversation with me this morning. That conversation took place at 10 minutes to 11, and we were supposed to be in session at 11 o'clock. I did get that kind of notice. I do not think that is the kind of proper notice that an opposing leader ought to have on what is going to be considered once it is preannounced what is going to be considered.

Mr. Speaker, I filed the reconsideration motion yesterday on HB 1083. The rules of the House provide that I have 4 days to file a reconsideration motion on a bill, but the Speaker informed me this morning, if I withdrew my reconsideration motion, he would send that bill to the Senate so I would not have a chance to file a reconsideration motion. It would be out of our hands. Now I know we are talking about a lot of technicalities and procedures here, but I think they are important to the professional and best operation of this House on legislation, and I again repeat my strong urging that members not suspend the rules and allow us to continue jumping all over the calendar.

The SPEAKER. Those in favor of suspension of the rules will vote "aye"; opposed "no."

(Members proceeded to vote.)

VOTE CHALLENGED

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I would like you to keep the roll open, I would like to question some votes.

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

Mr. MANDERINO. Were you about to close the roll, Mr. Speaker? Do I not have a courtesy to keep the roll open like you do?

Mr. Speaker, is the gentleman, Mr. Wright, in his seat, J. L. Wright?

The SPEAKER. The minority whip has asked whether the gentleman, Mr. Wright, is in his seat.

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

Under the rules of this House, only those members present on the floor of the House may be recorded.

The Chair recognizes the gentleman from Mifflin, Mr. DeVerter. For what purpose does the gentleman rise?

Mr. DeVERTER. Mr. Speaker, I do not know for what purpose the minority whip is challenging votes at this point, but, as I recall, the rules do require that there be 102 votes for suspension. It is very apparent that there are not 102 votes up there, and I can see us not being delayed further by going through this silly process.

The SPEAKER. The rule of the House is that only those members in their seats shall be recorded.

The question is on the suspension of the rules. Those in favor will vote "aye"; opposed, "no." The members will proceed to vote. Only those members in their seats may be recorded.

YEAS—96

Alden	Foster, W. W.	McClatchy	Scheaffer
Anderson	Foster, Jr., A.	McKelvey	Serafini
Armstrong	Freind	McVerry	Sieminski
Arty	Gallen	Mackowski	Sirianni
Belardi	Gannon	Madigan	Smith, E. H.
Bittle	Geesey	Manmiller	Smith, L. E.
Bowser	Geist	Micozzie	Spencer
Brandt	Gladeck	Miller	Spitz
Burd	Goebel	Moehlmann	Stairs
Burns	Grieco	Mowery	Swift
Cessar	Gruppo	Nahill	Taddonio
Cimini	Halverson	Noye	Taylor, E. Z.
Clark, M. R.	Hasay	O'Brien, D. M.	Telek
Cornell	Hayes, Jr., S.	Perzel	Thomas
Coslett	Helfrick	Peterson	Vroon
Cunningham	Honaman	Piccola	Wass
DeVerter	Hutchinson, W.	Pitts	Wenger
Davies	Johnson, E. G.	Polite	Wilson
Dietz	Kanuck	Pott	Wilt
Dininni	Klingaman	Punt	Yohn
Dorr	Lashinger	Pyles	Zord
Durham	Lehr	Rocks	
Earley	Levi	Ryan	Seltzer,
Fischer	Lewis	Salvatore	Speaker
Fisher	Lynch, E. R.		

NAYS—87

Austin	Gallagher	McCall	Ritter
Barber	Gamble	McIntyre	Rodgers
Berson	Gatski	McMonagle	Schmitt
Borski	George, C.	Manderino	Schweder
Brown	George, M. H.	Michlovic	Seventy
Caltagirone	Goodman	Milanovich	Shadding
Cappabianca	Grabowski	Mrkoncic	Shupnik
Chess	Greenfield	Mullen	Steighner
Clark, B. D.	Harper	Murphy	Stewart
Cochran	Hoeffel	Musto	Stuban
Cohen	Hutchinson, A.	Novak	Sweet
Cole	Itkin	O'Brien, B. F.	Taylor, F.
Cowell	Johnson, J. J.	Oliver	Trello
DeMedio	Jones	Petrarca	Wachob

DeWeese	Knight	Pievsky	Wargo
DiCarlo	Kolter	Pistella	White
Dawida	Kowalshyn	Pratt	Wright, D. R.
Dombrowski	Kukovich	Pucciarelli	Yahner
Duffy	Laughlin	Rappaport	Zeller
Dumas	Letterman	Reed	Zitterman
Fee	Levin	Richardson	Zwikel
Fryer	Livengood	Rieger	

NOT VOTING—13

Beloff	Hayes, D. S.	O'Donnell	Weidner
Bennett	Irvis	Rhodes	Williams
Giammarco	Knepper	Street	Wright, Jr., J.
Gray			

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

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 538, PN 2522**, entitled:

An Act amending the "Goods and Services Installment Sales Act," approved October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), providing for the preservation of consumers' claims and defenses and further providing for service charges.

On the question,

Will the House agree to the bill on third consideration?

HB 538 TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 538 be laid on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The House proceeded to third consideration of **SB 65, PN 732**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding provisions relating to condominiums.

On the question,

Will the House agree to the bill on third consideration?

Mr. D. M. FISHER offered the following amendments:

Amend Sec. 1 (Sec. 3410), page 75, line 29, by inserting after "of" where it appears the first time a unit or units in a building or

Amend Sec. 1 (Sec. 3410), page 75, line 30, by striking out "120" and inserting 180

Amend Sec. 1 (Sec. 3410), page 76, line 6, by striking out "No" and inserting Except as otherwise provided in subsection (f) no

Amend Sec. 1 (Sec. 3410), page 76, line 7, by striking out "120" and inserting 180

Amend Sec. 1 (Sec. 3410), page 77, by inserting between lines 11 and 12

(f) Units leased to senior citizens.—For the purpose of this subsection, an eligible senior citizen tenant or subtenant shall be a natural person who, at the time the notice to vacate is

given by the declarant, is 62 years of age or older or is blind or disabled, has occupied the unit for at least two years and whose current annual rental of his unit, plus any real estate taxes and utility charges paid by the tenant, exceeds 25% of the sum of the gross annual income of all occupants of the unit. Within 30 days after receipt of the notice from the declarant referred to in subsection (a), any tenant, or subtenant, in possession of a unit, who believes that he is an eligible senior citizen tenant or subtenant shall so notify the declarant and shall provide the declarant with proof of his eligibility. Any eligible senior citizen tenant or subtenant who has established his eligibility as aforesaid shall be entitled to remain in possession of his unit for two years following the date of the notice referred to in subsection (a), notwithstanding any prior termination date in his lease, except by reason of nonpayment of rent, waste or conduct that disturbs other occupants' peaceful enjoyment of the condominium, and the terms of the tenancy may not be altered during the time period between the date on which the tenant's lease would otherwise terminate and the expiration of this two-year period except that the rental may be increased to the extent necessary to reflect any increase in real estate taxes and utility charges, applicable to the unit and not separately paid by the tenant, for the time period between the date of the notice referred to in subsection (a) and the date on which the tenant's lease would otherwise terminate. Failure of a declarant to comply with the provisions of this subsection is a defense to an action for possession.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, it does not appear that the bill number is up on the board yet.

The SPEAKER. Senate bill 65.

Mr. D. M. FISHER. Thank you, Mr. Speaker. I rise at this time to offer one amendment to SB 65. In actuality, the amendment which is before you numbered A4284 is basically two separate amendments. You will see the first part of the amendment on the front page of the amendment as was distributed; the second part of the amendment is on the back page of the amendment as was distributed.

One of the, you could say, most controversial areas in SB 65 is that chapter dealing with conversion condominiums and the protection which will be afforded to purchasers of conversion condominiums. Section 3410 of SB 65 in its present form requires that all tenants in a conversion condominium—and a conversion condominium, for those who might not be familiar with this term, is basically an apartment building that someone is proposing to convert by the notice of declaration into a condominium type of dwelling. Section 3410 as it is drafted requires 120 days' notice be given by the declarant to all the tenants for any requirements for the tenants to vacate the dwelling. I am proposing, by the first part of this amendment, to extend that provision to 180 days, basically 6 months instead of 4 months.

The second part of the amendment amends, by adding subsection (f) to section 3410, to provide some additional protections to a category of tenants that we call in the amendments "eligible senior citizens." Now we define "eligible senior citizens" to be persons occupying the

dwelling as tenants, who are over 62 years of age and who have occupied the dwelling for a period of 2 years before the notice to vacate is received, and whose annual rental, plus any real estate taxes and utility charges, exceed 25 percent of the gross annual income of all the occupants. Now the additional protection which I am proposing to give to these eligible senior citizens is that they will have a period of 2 years before which they will be required to vacate that premises if they elect—and under both circumstances, if they elect—not to purchase the unit for themselves.

I think the purpose of both of these amendments is an attempt to provide even more balance and even more fairness to tenants in apartment buildings that are undergoing conversion. I think this amendment, both parts of it, makes sense. In addition, on the senior citizens carrying over for a 2-year period, there is a provision in my amendment that there be no rental increase except for any increase which is necessary to reflect an increase in real estate taxes or utility charge. So basically we would be freezing or locking in the rent for a 2-year period, except for utility and real estate tax adjustments. I would urge the support of all the members for this amendment. Thank you, Mr. Speaker.

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

Mr. BERSON. Mr. Speaker, Mr. Fisher has offered to this House an amendment which he properly characterizes as going to the most sensitive part of this bill, and that is the conversion of condominiums of existing apartment dwellings to condominium form of ownership. He has gone part of the way, but I would like to alert this House that I have an amendment that, I think, will put this provision in much better form for the people who now reside in apartment dwellings. He offers to extend 120 days, 4 months, to 6 months. My amendment would say that they cannot convert for 1 year. His amendment does nothing about the 60 days, which is in this bill, which is all the time that is given to an apartment dweller to gather the necessary financing and make a decision on whether he is going to buy that apartment. That 60 days, according to the Fisher amendment, remains as it is. My amendment will extend that 60 days to give the apartment dweller 6 months to gather the necessary financing or find a new home, if he so desires, instead of a mere 2 months to make a very, very important decision. There is no change in the bill according to the Fisher amendment on that option.

Finally, the Fisher amendment purports to deal with the senior citizen problem, and that is a real problem. Many of the people residing in apartments today are those whose families are grown, whose children have moved away, and who have sold the family home and have rented an apartment and plan to live out their lives there. So the senior citizen problem is a real one. There is no question about that. I want to alert the House that there are a number of other senior citizen amendments which we believe address this problem in a better way than this amendment. This amendment is, very frankly, an attempt to offer this House

a half a loaf, not a whole loaf, on this important problem, and we believe that the House is entitled to consider the whole loaf before it buys half a loaf, and I would suggest that we reject the Fisher amendment.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, would the maker of the amendment stand for a one-question interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Davies, may proceed.

Mr. DAVIES. Mr. Speaker, I caught the part about the utilities and other costs. Over what interim or what adjusted period would there be any provision in your amendment to take care of increased costs in energy, rather than the utility, or is that supposed to be all-inclusive? I would like some clarity as far as that issue is concerned.

Mr. D. M. FISHER. Mr. Speaker, the amendment reads, "increases to the extent necessary to reflect any increase in real estate taxes and utility charges". I would submit, Mr. Speaker, that energy cost increases, if you are speaking of the energy clause on the utility bill, would be included.

Mr. DAVIES. All right then, Mr. Speaker, you are saying that it would be then just those that are supplied by utilities, that type of heat; not where it would be fuel oil costs or other types of energy costs which would not be supplied by a major utility, regardless of whether it was privately owned or a city facility?

Mr. D. M. FISHER. Mr. Speaker, although you are standing close here, I could not hear the last part of your question.

Mr. DAVIES. Would it include fuel oil increases if it was not a utility, if it was just plain old fuel oil that the owner had to buy and which would increase his cost? Could that be passed on in your provision?

Mr. D. M. FISHER. Mr. Speaker, I would think that if the building in question was heated with fuel oil as opposed to electric or gas heat, it would be my intent that any additional costs could be reflected through to the tenants during the 2-year period.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, I would ask the House, before they may consider totally rejecting the Fisher amendment, that they do consider supporting it on the grounds that the issues that we are dealing with with senior citizens, the issue on the 1 year versus 2 years, the issue of rent control and rent rebates will be coming up later, will be discussed. And I would suggest that we do put the Fisher amendment in the bill at this time. It would give this legislature something to look at, and then we can get into the particulars of the Berson amendments when they are offered, and I think when you see his amendments you will see that they do much more than what he is talking about now. To totally reject the Fisher amendment at this point, I think, would be irresponsible, especially when we will have

the opportunity to debate Mr. Berson's amendments at a later date. So I do ask support of the Fisher amendment.

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

Mr. ROCKS. Thank you, Mr. Speaker. I would like to thank my friend and colleague, Mr. Fisher, for his concern for tenants in the portion of the bill that he labels controversial, that I will refer to later today as tragic when it comes to the tenants in this Commonwealth, and I would ask the body, in following through with the analogy given by Mr. Berson, not at this point in time to consider half a loaf. We may, Mr. Speaker, be happy to come back later and eat half a loaf; however, there are amendments coming that I think address themselves more directly to the needs of tenants, to a greatly alarmed and concerned constituency when it comes to condomania, as it is colloquially referred to today. Therefore, I would ask, please, to reject the Fisher amendment, to stand by and consider, if you will, the amendments that will be offered on behalf of tenants who are very deeply concerned about condominium conversion and themselves being displaced from their communities and neighborhoods where they have established themselves for a number of years. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—110

Anderson	Freind	McVerry	Sieminski
Arty	Gallen	Mackowski	Sirianni
Belardi	Gamble	Madigan	Smith, E. H.
Bittle	Geist	Manmiller	Smith, L. E.
Burd	George, C.	Milanovich	Spencer
Caltagirone	George, M. H.	Miller	Spitz
Cappabianca	Gladeck	Moehlmann	Stairs
Cessar	Goebel	Mowery	Stuban
Chess	Greenfield	Nahill	Sweet
Cimini	Grieco	Novak	Swift
Clark, B. D.	Halverson	O'Brien, D. M.	Taddonio
Clark, M. R.	Hasay	Peterson	Taylor, E. Z.
Cochran	Hayes, Jr., S.	Petrarca	Taylor, F.
Cole	Helfrick	Pievsky	Telek
Cornell	Hoeffel	Pistella	Thomas
Coslett	Honaman	Pitts	Vroon
Cowell	Hutchinson, W.	Polite	Wachob
DeVerter	Itkin	Pott	Wass
DiCarlo	Johnson, E. G.	Pratt	Wenger
Davies	Klingaman	Punt	Wilt
Dietz	Knight	Pyles	Yohn
Dininni	Kolter	Ritter	Zeller
Dombrowski	Lashingner	Ryan	Zitterman
Dorr	Lehr	Salvatore	Zord
Fischer	Levi	Scheaffer	Zwinkl
Fisher	Lewis	Schweder	
Foster, W. W.	Lynch, E. R.	Serafini	Seltzer,
Foster, Jr., A.	McClatchy	Seventy	Speaker

NAYS—73

Alden	Fee	Levin	Pucciarelli
Armstrong	Fryer	Livengood	Rappaport
Austin	Gallagher	McCall	Reed
Barber	Gannon	McIntyre	Richardson
Berson	Gatski	McKelvey	Rieger
Borski	Geesey	McMonagle	Rocks
Bowser	Goodman	Manderino	Rodgers
Brandt	Grabowski	Michlovic	Schmitt
Brown	Gruppo	Micozzie	Shadding
Burns	Harper	Mrkonic	Shupnik

Cohen	Hutchinson, A.	Mullen	Steighner
Cunningham	Johnson, J. J.	Murphy	Street
DeMedio	Jones	Musto	Trello
DeWeese	Kanuck	Noye	Wargo
Dawida	Kowalyszyn	O'Brien, B. F.	White
Duffy	Kukovich	Oliver	Wilson
Dumas	Laughlin	Perzel	Wright, D. R.
Durham	Letterman	Piccola	Yahner
Earley			

NOT VOTING—13

Beloff	Hayes, D. S.	O'Donnell	Weidner
Bennett	Irvis	Rhodes	Williams
Giammarco	Knepper	Stewart	Wright, Jr., J.
Gray			

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

On the question,

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

Mr. MANDERINO offered the following amendment:

Amend Sec. 1 (Sec. 3106), page 12, line 30; page 13, lines 1 through 4, by striking out "A CONDOMINIUM SHALL NOT BE" in line 30, page 12, all of lines 1 through 4 and inserting Without limiting the other provisions of this section, the creation of a condominium pursuant to section 3201 (relating to creation of condominium) out of an entire lot, parcel or tract of real estate shall not, in and of itself, constitute a subdivision or land development, for the purposes of these laws, ordinances and regulations.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, on pages 12 and 13 of the bill, at the bottom of page 12 and the top of page 13 of the bill, there is a section of the bill that speaks to whether or not condominiums have to meet the Municipal Planning Code. This amendment was put in to cover a situation that, it is my understanding, one of the Senators had as a problem in his area. I have met with the people who were instrumental in having the amendment put in the bill because I had a concern for that broad language simply exempting it from the provisions of the Pennsylvania Municipal Planning Code would have, and I am striking that language and inserting language which appears in the amendment.

The objective of the language put in is to prevent a local subdivision and land development requirement from being imposed on either buildings converted to condominiums or on individual units when sold, but does not affect, Mr. Speaker, all the other provisions of the Municipal Planning Code. I urge the adoption of the amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I support the amendment.

On the question recurring,

Will the House agree to the amendment?

YEAS—178

Alden	Fisher	Lynch, E. R.	Rocks
Anderson	Foster, W. W.	McCall	Rodgers
Armstrong	Freind	McClatchy	Ryan
Arty	Fryer	McIntyre	Salvatore
Austin	Gallagher	McKelvey	Scheaffer
Barber	Gallen	McMonagle	Schmitt
Belardi	Gamble	McVerry	Schweder
Berson	Gannon	Mackowski	Serafini
Bittle	Gatski	Madigan	Seventy
Borski	Geist	Manderino	Shadding
Bowser	George, C.	Manmiller	Shupnik
Brandt	George, M. H.	Michlovic	Sieminski
Brown	Gladeck	Micozzie	Sirianni
Burd	Goodman	Milanovich	Smith, E. H.
Burns	Grabowski	Miller	Smith, L. E.
Caltagirone	Greenfield	Moehlmann	Spencer
Cappabianca	Grieco	Mowery	Spitz
Cessar	Gruppo	Mrkonic	Stairs
Chess	Halverson	Mullen	Steighner
Cimini	Harper	Murphy	Stewart
Clark, B. D.	Hasay	Musto	Street
Clark, M. R.	Hayes, Jr., S.	Nahill	Stuban
Cochran	Helfrick	Novak	Sweet
Cohen	Hoeffel	Noye	Swift
Cole	Honaman	O'Brien, B. F.	Taddonio
Cornell	Hutchinson, A.	O'Brien, D. M.	Taylor, E. Z.
Coslett	Hutchinson, W.	Oliver	Taylor, F.
Cowell	Itkin	Perzel	Telek
Cunningham	Johnson, E. G.	Peterson	Thomas
DeMedio	Johnson, J. J.	Petrarca	Trello
DeVerter	Jones	Piccola	Wachob
DeWeese	Kanuck	Pievsky	Wargo
DiCarlo	Klingaman	Pistella	Wass
Davies	Knight	Pitts	Wenger
Dawida	Kolter	Polite	White
Dietz	Kowalshyn	Pott	Wilt
Dininni	Kukovich	Pratt	Wright, D. R.
Dombrowski	Lashingner	Pucciarelli	Yahner
Dorr	Laughlin	Punt	Yohn
Duffy	Lehr	Pyles	Zeller
Dumas	Letterman	Rappaport	Zitterman
Durham	Levi	Reed	Zwinkl
Earley	Levin	Richardson	
Fee	Lewis	Rieger	Seltzer,
Fischer	Livengood	Ritter	Speaker

NAYS—5

Foster, Jr., A.	Vroon	Wilson	Zord
Geesey			

NOT VOTING—13

Beloff	Gray	Knepper	Weidner
Bennett	Hayes, D. S.	O'Donnell	Williams
Giammarco	Irvis	Rhodes	Wright, Jr., J.
Goebel			

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

On the question recurring,

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

Mr. ROCKS offered the following amendments:

Amend Table of Contents, page 2, line 1, by striking out all of said line

Amend Table of Contents, page 2, line 2, by striking out "3111." and inserting 3110.

Amend Table of Contents, page 2, line 3, by striking out "3112." and inserting 3111.

Amend Table of Contents, page 2, line 4, by striking out "3113." and inserting 3112.

Amend Sec. 3103, page 8, by inserting between lines 15 and 16

"Condominium usage." The status of any real estate during that period of time between the date a declaration pursuant to section 3201 (relating to creation of condominium) is recorded by an owner or a declarant and the date of the first completed sale of a condominium unit to a bona fide purchaser for value who is not an owner or a declarant or an affiliate of a declarant.

Amend Sec. 3106, page 12, line 23, by striking out "A" and inserting

(a) General rule.—Except for an ordinance, resolution or regulation which on or before the effective date of this act restricts or would on or after the effective date of this act restrict the ability of a property owner to convert or change existing residential or apartment rental units into condominium usage, no

Amend Sec. 3106, page 12, line 24, by striking out "not"

Amend Sec. 3106, page 12, line 30, by inserting after "A" newly constructed

Amend Sec. 3106, page 13, by inserting between line 4 and 5

(b) Powers reserved to municipalities.—Any municipality may enact an ordinance, resolution or regulation which restricts the ability of a property owner to convert or change any existing residential or apartment rental units into condominium usage. Any such ordinance, resolution or regulation, whether or not enacted prior to or after the effective date of this act shall, to the extent that it is more stringent than the provisions of this act relating to conversions, supersede the provisions of this act relating to such conversion of existing rental units.

Amend Sec. 3109, page 15, line 2, by inserting after "avoided."

Under no circumstances shall this section limit the right or power of any municipality to adopt any ordinance, resolution or regulation limiting the process of converting of or changing existing residential or apartment rental units to condominium usage which ordinance, resolution or regulation is more stringent than the provisions of this act relating to such conversions.

Amend Sec. 3110, page 15, lines 3 through 6, by striking out all of said lines

Amend Sec. 3111, page 15, line 7, by striking out "3111." and inserting 3110.

Amend Sec. 3112, page 16, line 7, by striking out "3112." and inserting 3111.

Amend Sec. 3113, page 16, line 10, by striking out "3113." and inserting 3112.

On the question,

Will the House agree to the amendments?

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

Mr. ROCKS. Mr. Speaker, this amendment is the first in a series of amendments that will attempt to address that portion of the bill dealing with condominium conversion. These amendments are aimed toward the protection of tenants who are faced today with a problem in this state. What has happened with condominium conversion, especially in the southeastern portion of Pennsylvania, is that a targeted area, usually a metropolitan area, targeted by what has generally been an out-of-state conglomerate, motivated by rather quick and monstrous profit, has entered into the conversion process with what has been resulting in very little regard for tenants. These conversions have tended in

our urban areas to raid the rental market, and, very unfortunately, these raids of the rental market have found victims primarily—and I speak from personal experience in my home district in northwest Philadelphia—in older persons who are either retired or very near retirement.

At this point in time, I do not think the argument particularly extends to the poorer portion of our urban population, but I think there is a logical progression, if you can think of a domino effect, to the rental market that could cause some concern along these lines. The older citizens, the retired citizens in particular, find themselves as displaced persons.

A recent study done by that great studier of all time, HUD and the Federal Government, has proven that 80 percent of the tenants of converted apartment complexes—and these are nationally based figures—do not stay in that complex to become owners. These people have, by nature of reaching later years in life, decided on a way of life where financially it is more comfortable for them to rent. What happens when they are forced into the conversion process is not only do they not find comparable renting units available, but they find it economically infeasible to cope today in a mortgage market that has driven them out of the marketplace as potential buyers.

This first amendment, A4521, addresses two problems. The first is technical, and I will be brief. For the first time in the bill will be the language "condominium usage." The first part of my amendment gives definition to condominium usage, and it is meant to define the status of real estate during the period of time between the date of a declaration, the date that that is recorded by the owner or declarant, and the date of the first completed sale of a condominium unit to a purchaser for value who is neither the owner nor the declarant.

The second part of the amendment, and the more critical part of the amendment would permit our local governments to themselves make the decision as to what is to happen with their rental housing. For example, in the city of Philadelphia, that legislative body, city council, has imposed, in reaction to what is a very serious problem in that city, an 18-month moratorium on the conversion process. Other municipalities in the southeast have followed suit. This part of the amendment would allow those ordinances or more stringent ordinances as they apply to condominium conversion to take precedent over what SB 65 would read as law in this Commonwealth.

This is a very critical amendment to a constituency that is gravely alarmed and fearful of condomania, and I would ask for the support of every member of this House. Be you in a targeted area by an out-of-state conglomerate or not, please stand with us in this amendment to allow our local governments to decide what their housing needs are. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I rise in opposition to the Rocks amendment. Senate bill 65, which is before you

today, is a bill that was drafted as the result of a Joint State Government Commission task force that was formed in the prior session of the Pennsylvania General Assembly. There were a number of prominent people from throughout Pennsylvania and other places—not members of the House, or members of the Senate—experts in real estate law who served on this task force. As a result of the task force and the study of the uniform condominium laws which had been previously promulgated as a guide for state legislation, SB 65 was adopted, or was drafted. Senate bill 65 was considered by the Pennsylvania Senate and approved unanimously by a vote of 45 to 0, on May 1, 1979.

One of the principal provisions in SB 65 is the fact that this bill attempts to provide throughout the Commonwealth of Pennsylvania uniformity in our condominium laws. Uniformity is a very key aspect of the bill; however, the Rocks amendment as is before you would allow municipalities throughout the Commonwealth, whether it be the city of Philadelphia or whether it be the smallest borough in one of our counties, to impose more stringent requirements upon the conversion of condominiums.

Now some people may be saying, well, what is wrong with that? Well, one of the things that is wrong with that, I would submit, is that part of the stringent requirements that could be imposed is a moratorium, a moratorium of no matter how long, that would strictly prohibit any conversions of condominiums at all in that municipality. Now I submit that this is not proper to do on a piecemeal basis. We have many provisions in this bill, in SB 65 as it is presently drafted, which attempt to provide guidelines which attempt to provide protections in the case of conversion, offering statements. Rather detailed statements must be provided to each and every tenant who may be subject to a conversion condominium. We have broad consumer protection in here that does not presently exist in our present Unit Property Act, to protect any purchasers, and I submit if we leave this issue up to local governments, that in addition to the lack of uniformity moratoriums in some cases that are going to prevent land owners from converting their property to condominiums, we are going to have a hodgepodge of statutes that is going to make the condominium law in Pennsylvania almost next to impossible to follow.

The bill in its present form prohibits more restrictive ordinances. I think that that provision to have this bill adopted in any sensible fashion must remain. Let us remember what we are talking about here. Mr. Rocks and the other proponents of this amendment, unquestionably, have been besieged by constituents in their district who have been subject to conversion in recent months or in the last year or so. There is no question about that. Now some of those tenants have been up in arms because they just did not want to be put in the position of either buying or vacating their apartment building. Let us think of the other tenants. Almost 50 percent of the tenants in those instances, in the one building that has been converted, also purchased that unit. Condominium purchase and condominium ownership is a realistic, it is a new, form of ownership, and

which, in a very tight housing market, many people are taking advantage of. If this amendment were adopted, I am very fearful, in many municipalities far beyond Philadelphia in this Commonwealth, we are going to have moratoriums that are going to deprive those tenants the right to purchase a condominium.

Now, by analogy, let us look at other laws that this General Assembly in the past has had occasion to deal with and what would have happened with those laws if we permitted more stringent requirements. Let us take our securities law, the Pennsylvania securities law. Municipalities do not have the right in Pennsylvania to impose more stringent requirements on the sale of securities within municipalities. It would be nonsense if we had a hodgepodge of security laws throughout the 67 counties, and we are not just talking about counties; we are talking about the 5,000 different municipalities in this Commonwealth. Our zoning law, the Municipalities Planning Code adopted in 1968 by this General Assembly, is a law similar in nature to what we are dealing with with SB 65, the condominium law. I say to the members of the House that we do have a problem in some areas. The Rocks proposal, however, I believe is far too drastic in allowing municipalities in effect to strictly gut the conversion condominium statutes that are provided in this bill. I think it is the wrong approach; I think that the approach that we should take is to adopt the bill in its existing form because I submit to you that the existing form provides far more protection than what current law does, and it is under current law that the many tenants and the many tenants' groups feel that they are not being properly protected. Under SB 65 in its current form, I submit, these tenants will be protected, and we do not need to give local municipalities the right to impose more stringent requirements.

For those reasons I urge you to reject the Rocks amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, I rise to support the Rocks amendment. As Mr. Fisher illustrated in his remarks, SB 65 is the uniform condominium law. It is, however, primarily a law that deals with the construction of new condominiums. There really are only two or three pages that address the crisis that is being faced in Philadelphia with the question of condominium conversion. I would like to take that a step further.

I have a report of September 24, 1979, that was done by the Department of Planning in the city of Pittsburgh, and in that report it illustrates that 63 percent of the condominium conversions that have taken place in the city of Pittsburgh have taken place in one city of Pittsburgh ward. The problem that is faced by Philadelphia has really gone beyond that. The available rental space in Philadelphia is dissolving almost overnight. So the problem that we are facing really is new condominiums versus condominiums in conversion. Senate bill 65 in its present form is a good piece of legislation dealing with new condominiums, but,

unfortunately, there is no uniformity in the condominium conversions that are taking place not only in Philadelphia and in Pittsburgh, but in Chicago, New York, and Washington, D. C. This is the only opportunity that we will have by legislation to let the local municipalities, be they Philadelphia or Pittsburgh or Erie or Scranton or any other community in the Commonwealth, to get a handle on a problem that is going to be facing them in the next decade. I urge everyone in this House to support the Rocks amendment.

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

Mr. STREET. Mr. Speaker, I rise in support of the Rocks amendment. The Rocks amendment is probably the most critical amendment in terms of the inner city that could be offered to SB 65. Although Mr. Fisher had made certain accurate remarks about the condominium piece of legislation, he has not yet pointed out how an individual who has a medium income, or a neighborhood that has a medium income of \$6,000 or less, would be able to afford a condominium with the price of construction today. We also understand energy conservation has shown that in the next 12 to 15 years there will not be enough energy to travel from the suburbs backwards and forwards to the inner city, and those people who are urban-minded, who want to live in the inner cities, are now developing a strategy because of the energy crisis to recover the inner cities, for we know at the end of World War II, when the migration from the South to the North took place, those poor people, a large percentage of whom were black, were corralled to the inner city. The Federal Government knows that. In northcentral Philadelphia where I live, according to the 1970 census facts, we have a population of 121,000 people with a medium income of less than \$6,000, none of whom could afford the conversion of a high rise to purchase a condominium. Very, very important. We also understand that the Federal Government gave an urbanologist from Chicago named Anthony Dause, \$500,000 to do a study. How do we recover the inner city? We know that. Those of you on the floor of this House know that, and that study that was done by Anthony Dause came up with a theory called "Triage" where we simply take the resources of the local municipality and we use them in the same way that the French military physicians used that theory when they went on the battlefield to deal with the wounded. All those who were too far gone they did not bother with. Those who could make it with no medical attention at all, they did not bother with. But those who were wounded and needed a little bit of attention, regardless of what it was - morphine, corn flakes, ex lax, whatever they needed - that is what they gave them so that they could get back into the battle. They have taken this theory and applied it to the inner cities. Regarding all those communities that have been defined—and I wish you would listen to me, Mr. Fisher, because you might learn something. All those communities in the inner city which have been defined—as being too far gone, the inner cities are making decisions to withdraw the financial

resources and let those communities continue to deteriorate. All those have been defined as communities that are financial and can make it without any financial assistance, they are not bothering with those. They have defined certain communities as conservation areas, and that is where the resources are going in an effort to recover the inner cities. Right now there is a builder in center city, Philadelphia, named Bernard Meltzer. Many of you know Bernard Meltzer because he used to be the city planner in the city of Philadelphia. Right now, in north central Philadelphia where people live with a medium income of \$6,000, he is building \$100,000 townhouses; \$100,000, at 26th and Poplar. I urge you to go down there and look at it. Bernard Meltzer.

This goes right to the condominium bill, because by the tax laws in Philadelphia, we do not assess the tax value on what the individual holds there; we tax them, we assess our communities on a group basis, and when they convert these condominiums, what is going to happen is that the tax base is going to escalate and force those people out who now own their houses, with the conversion of condominiums. I urge your support on the Rocks amendment because the Rocks amendment—and you must understand this before I sit down—one of the major controversies now down in Washington is, should suburban areas be forced to build section 8 housing? Should suburban areas be forced to meet those suburban areas that qualify for community block rent development moneys? Should they be forced to meet that portion of the application called HAP - the Housing Assistance Plan - because the urban communities and Montgomery County and these suburban counties have not been meeting the burden of the HAP, the Housing Assistance Plan, in their community block rent applications. And what is going to happen if we force these poor people out? They are going to end up in the suburbs, only because there is not enough money. Yes, Kathy, that means I might be living next to you and challenging you for your seat. But what happens is with that, Mr. Speaker, I would urge support of the Rocks amendment.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo. For what purpose does the gentleman rise?

Mr. DiCARLO. I rise to debate the amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. DiCarlo.

Mr. DiCARLO. Yes, it is going to be awfully hard to follow Mr. Street after that response. But let us lay everything out, and let us talk about these poor people whom everybody wants to take care of by supporting the Rocks amendment. Now he is talking about people who are living in condominiums who are paying \$500, \$600, \$700 and \$800 a month rent. It is not the \$5,000 or \$6,000 medium income that Milton Street is talking about. We are talking about people who can pay their own way who are living in these high rises right now. Now if we want to do something to help Philadelphia, if we want to do something to help everybody else, we ought to be encouraging home owner-

ship, and we ought to be encouraging people to buy homes and buy housing and to support condominiums and to start being taxpayers in the city of Philadelphia.

I am somewhat surprised, because, Mr. Speaker, this is the first time that somebody from Philadelphia has come to this legislature and offered an amendment that really supports action city council has taken in the city of Philadelphia. Usually we are here trying to undo what city council does down there. But I think, Mr. Speaker, the most important thing that we have to look at is, there is a housing shortage. We know that. There is a housing shortage in the entire state, and what we have to do is do everything that we can to promote and to provide private home ownership, and the condominium bill does that. It gives housing alternatives to people who, because of local restrictions in cities, find there is no land available. There are areas in my section of the state, rural Pennsylvania, where you cannot get septic permits, you cannot get water, you cannot get the adequate resources, and conversion, conversion of apartment dwellings, the condominiums, is the only way that people can own a home for themselves and their families. And I am talking about young people, people who are just starting out in life who want to have the tax incentive, the investment, and just the worthwhileness to own something.

I think there is a bottom line, too. There is a philosophical thing that we have to look at. We are talking about whether we give people who own property the right to do what they want with their property, and if I lived in a rural area, I would be somewhat concerned that if a law like this passes, what you are going to do is say to a person who owns property, whether it is a farm, whether it is a home, you are not going to have the right to do it because local government is going to set up restrictive ordinances.

The SPEAKER. Will the gentleman yield for a moment.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella. For what purpose does the gentleman rise?

Mr. PISTELLA. I rise to a point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PISTELLA. My question, sir, involves the Rocks amendment. I believe the amendment as it is worded deals with municipalities in determining whether or not they want a stricter law than SB 65, and I am having difficulty following the gentlemen's arguments about poor housing, who can afford to purchase and who cannot afford to purchase.

Mr. DiCARLO. Mr. Speaker, I will conclude my comments.

The SPEAKER. The Chair thanks the gentleman.

Mr. DiCARLO. Mr. Speaker, in essence, the support of the Rocks amendment really destroys the entire intent of SB 65, and we ought to be concerned about that, and I urge opposition to that amendment.

The SPEAKER. The gentleman, Mr. Pistella, raised a question of whether or not the debate by various members has been going far afield from the amendment. Is the Chair correct?

Mr. PISTELLA. Yes, Mr. Speaker.

The SPEAKER. The Chair will attempt to be more firm in its decision as to what is before the House.

Mr. PISTELLA. Thank you, Mr. Speaker.

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

Mr. BERSON. Mr. Speaker, I rise to support the Rocks amendment. I agree with the other speakers that this is a critically important amendment. I would like the members of the House to bear in mind that this amendment has nothing to do with new construction of condominiums. It has only to do with the conversion of existing rental units. Mr. Fisher's primary objection, as I understand it, to the amendment is that it would "create" a hodgepodge of local regulations throughout this Commonwealth, and he compared it to a situation as though each municipality in the state was allowed to enact its own securities laws and what a terrible hodgepodge that would be. But if you stop and think about it, a person marketing securities today does deal with a hodgepodge. He deals with securities laws enacted by 50 different states. They are known in the trade as "blue sky" laws, and every state has one, Pennsylvania included. And a hodgepodge of security acts which dot the whole length and breadth of the United States has not prevented the marketing of securities, and it is not an insuperable burden for anyone to deal with.

Sooner or later, the condominium converter, who has to come into a municipality or feels he can make a buck by coming into a municipality and converting buildings to condominium form, will quickly familiarize himself with local laws, just as a person selling securities who is located and wants to sell them in Hawaii will quickly know what the "blue sky" laws in Hawaii are all about. That is no insuperable burden, and I do not think the argument holds water. The problem is that the conversions take real estate off the market, and the general effect on rents is enormous.

Yes, Mr. DiCarlo's point that the converters are starting with \$500, \$600, and \$700 a month apartments is true. The people in my district are now going to have the luxury of buying an apartment in the Dorchester Apartment House. If they want a one-bedroom apartment for \$77,000, and if they would like a two-bedroom apartment, they can buy one for \$123,000, but the ad says they had better be quick about it, because these are only introductory prices and they are going to go up. The fact of the matter is, yes, they will pick off the plums first because these people know what they are doing, and then it will work its way down. Little by little, as the plums are gone, they will resort to less expensive real estate and less expensive real estate until you have a situation such as you have in Chicago today where the members of the Chicago Cubs could not even find apartments to rent during the ball season; they had to go out and buy them because rental real estate has dried up.

There is no magic in home ownership. The proper thing is a mix between rental units and privately owned dwellings. True, if you start to extract from the market rental real estate, what remains will inevitably rise in price. Elderly people find a home a lot to take care of. It is a burden upon them. They need some alternate form of shelter. Rental housing represents that.

To say to an elderly couple, you have to spend \$50,000 of your hard-earned money at age 50, 60 and 70 to carry a mortgage on a piece of property that they have been living in is grossly unfair to our citizens, and I think that it is time that the municipalities were permitted to deal with it. All this bill says is, if they enact an ordinance that is more stringent than the common law, that ordinance prevails. Otherwise the statute prevails, and they are under no compulsion to enact such an ordinance. So I would urge you to support the Rocks amendment.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, I listened to Mr. Street talk about the problems of the city. I just want to tell you those problems are the same in the suburbs. In the suburbs today where I am, in lower Bucks County, which adjoins Philadelphia, we have a situation where an 800-and-some unit, very, very nice, well-to-do apartment complex is going to be changed into a condominium. The supervisors at this point of that second class township, under the current Township Code, have no authority to do anything, and they would like authority. They would like to be able to rule one way or another, but, clearly, in the Second Class Township Code there is no authority given, and legal advice has been given to them that if they do act, the chances are that it is going to be thrown out in court.

I think the general rule in this amendment A4521 would give local government that authority, that exception, to do what had to be done. These people are not people who are senior citizens necessarily, but they are people who have reached the age of 50 and 60, who are not in a poverty situation whatsoever. They may have \$50,000, \$60,000, \$70,000 in the bank and living on a comfortable income because right now they are paying \$400 and \$500 a month rent, but they simply cannot afford to go out into the mortgage market in today's situation and put their lifelong savings into a mortgage because an owner decides that the profit time for that particular apartment complex is no longer profitable for him.

So that these are the people whom we are talking about. These are the people who are faced with some tough decisions. These are the people who cannot right now break a lease, for example, even though the declaration has been made to turn these places into condominiums, and that the local people in Bucks County and those whom I have spoken to in Montgomery County, especially Lower Merion Township, are very concerned with this and they would like some clear-cut authority. I think this would give them clear-cut authority to do what has to be done in their particular situation. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—106

Austin	Gamble	McClatchy	Rappaport
Barber	Gannon	McIntyre	Reed
Berson	Gatski	McKelvey	Richardson
Bittle	George, C.	McMonagle	Rieger
Borski	George, M. H.	McVerry	Rocks
Brandt	Gladeck	Manderino	Rodgers
Brown	Grabowski	Manmiller	Schmitt
Burns	Greenfield	Michlovic	Seventy
Caltagirone	Gruppo	Micozzie	Shadding
Chess	Harper	Mrkonic	Sieminski
Clark, B. D.	Helfrick	Mullen	Smith, E. H.
Clark, M. R.	Hoeffel	Murphy	Spitz
Cochran	Hutchinson, A.	Musto	Stewart
Cohen	Itkin	Nahill	Street
Cornell	Johnson, J. J.	Novak	Taddonio
Cowell	Jones	O'Brien, B. F.	Taylor, E. Z.
DeMedio	Knight	Oliver	Taylor, F.
DeWeese	Kolter	Perzel	Telek
Dawida	Kowalshyn	Petrarca	Trello
Dininni	Kukovich	Pievsky	Wachob
Duffy	Lashinger	Pistella	White
Dumas	Laughlin	Pitts	Wilson
Durham	Letterman	Polite	Wright, D. R.
Earley	Levin	Pott	Wright, Jr., J.
Fee	Lewis	Pucciarelli	Yahner
Fryer	Livengood	Pyles	Zord
Gallagher	Lynch, E. R.		

NAYS—74

Alden	Foster, W. W.	McCall	Spencer
Anderson	Foster, Jr., A.	Mackowski	Stairs
Armstrong	Freind	Madigan	Steighner
Arty	Gallen	Miller	Stuban
Belardi	Geesey	Moehlmann	Sweet
Bowser	Geist	Mowery	Swift
Burd	Goebel	Noye	Thomas
Cessar	Goodman	O'Brien, D. M.	Vroon
Cimini	Grieco	Peterson	Wargo
Cole	Halverson	Piccola	Wass
Coslett	Hasay	Ritter	Wenger
Cunningham	Hayes, Jr., S.	Ryan	Wilt
DeVerter	Honaman	Salvatore	Yohn
DiCarlo	Hutchinson, W.	Scheaffer	Zeller
Davies	Johnson, E. G.	Schweder	Zitterman
Dietz	Kanuck	Serafini	Zwinkl
Dorr	Klingaman	Shupnik	
Fischer	Lehr	Sirianni	Seltzer,
Fisher	Levi	Smith, L. E.	Speaker

NOT VOTING—16

Beloff	Giammarco	Knepper	Punt
Bennett	Gray	Milanovich	Rhodes
Cappabianca	Hayes, D. S.	O'Donnell	Weidner
Dombrowski	Irvis	Pratt	Williams

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

On the question recurring,

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

Mr. ROCKS offered the following amendments:

Amend Sec. 3411, page 78, lines 7 through 14, by striking out all of lines 7 through 13, and "(d)" in line 14, and inserting (c)

Amend Sec. 3411, page 78, line 23, by striking out "(e)" and inserting (d)

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

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

Mr. ROCKS. Thank you, Mr. Speaker. This amendment would delete in the bill the section on condominium conversion which allows for what is commonly called as is. In the previous section of this bill, under "New Condominium Construction," there is guaranteed a 2-year warranty. For condominium conversion, this portion of the bill would allow the converter to pass on the converted complex in an as-is condition. It would bring it into conformity with what the bill reads for new condominium construction and also make effective that 2-year warranty as it reads in the bill.

I ask for your support of the amendment, and I thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I am having a little trouble following these amendments. Mr. Rocks apparently submitted some new amendments yesterday. I wonder if Mr. Rocks could tell me what the former number on this amendment was?

Mr. ROCKS. The current number is A4517.

Mr. D. M. FISHER. Mr. Speaker, was there another amendment similar thereto that you previously submitted?

Mr. ROCKS. No.

Mr. D. M. FISHER. Mr. Speaker, I rise in opposition to the second Rocks amendment.

Basically, as Mr. Rocks indicated, section 3411 of SB 65 allows a condominium to be sold in an as-is condition. Now, what does an as-is position mean?

Presently, in the sale of real estate in the State of Pennsylvania, the only warranties that flow in the sale of real estate would be in the sale of new construction.

At the present time, the existing case law in Pennsylvania regarding sellers' liabilities for defects in improved real estate allows the seller of a home, whether you have your home on the market or whether you have a condominium on the market, in any circumstances, to sell it as is. But this bill provides much more. This bill provides much more.

If you are in the marketplace looking for a used single-family dwelling, you will go in with your realtor and look at the place; you sign your agreement of sale; you may specify certain conditions in your agreement of sale, such as a walk-through inspection the day before the closing, a termite inspection, certain items of this fashion. But what SB 65 requires is, before you may sell a condominium unit to any prospective purchaser, you have to provide in the prospectus, in the public offering statement, a complete detailed engineering report that requires affirmatively to disclose all defects. So, although you are selling the unit as is, you are disclosing to the purchaser any potential defects that exist in the unit.

So, I submit that SB 65 is more protection to the condominium purchaser than it is to the purchaser of the single family dwelling.

What would the Rocks amendment do? Now what the Rocks amendment would do is, as I understand it, if you could not sell as is, you would then, of course, have to bring that unit up to a completely warranted or improved condition.

I would submit that, basically, this would be totally unfeasible in most circumstances. The expenses that could be involved in converting an entire apartment building and requiring that all the structural defects be improved would be monumental.

I submit that the engineers' report which will disclose any existing defects is more than enough, and it is this type of protection that SB 65 attempts to provide us. Taking out section 3411 is not going to do anything except perhaps make it entirely impossible for conversion condominiums in Pennsylvania.

Now if that is what the offerer of the amendment wants, then I think that he is going in the wrong direction.

For these reasons, Mr. Speaker, I urge the members to oppose the Rocks amendment.

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

Mr. BERSON. Mr. Speaker, I rise to support the Rocks amendment.

The Rocks amendment, as I understand it, will strike out the as-is language on condominium conversions and thereby compel the converter to disclose the true condition of the real estate to the prospective purchaser.

The question really before the House is whether the offering statement, the public offering, statement provided in section 3401 as it now stands is sufficient to compel that kind of a disclosure.

I have an amendment, which I am going to offer later, which will enlarge substantially what must be disclosed, particularly the condition of the various elements in the building.

As I read the provisions in the bill with respect to what must be included in the public offering statement, I do not find the kind of full disclosure that one would hope for. And, similarly, to allow the converter a better break on what he has to disclose as opposed to someone who has built a new building, it seems to me to put the shoe on the wrong foot. The converter is the only one, by definition, in an existing building, probably an older one, and it would seem to me that what has to be disclosed is a condition of an older building. The new building, presumably, is in better shape. But what this bill does is permit a converter of an existing building to sell it as is irrespective of its condition. That seems to me to be wrong. Therefore, I would urge that we support the Rocks amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. I rise, sir, to support the Rocks amendment. I do so for a number of reasons.

Perhaps the misconception that is held by this body in its interpretation of the word "condominium" is the new type of condominium that is being erected by many developers

in the Commonwealth. But this particular amendment and the portion of SB 65 that we are dealing with relate to condominium conversion that exists in some of the older and, in most cases, magnificent buildings that exist in our urban areas.

A lot of the condominium conversion that is taking place are of old apartment buildings, hotels, that really have a lot of color and flare in relation to the urban community.

Unfortunately, there are instances that take place where the only form of conversion taking place is merely one that is cosmetic; perhaps adding another coat of paint in each one of the rooms, perhaps installing wall-to-wall carpeting in the lobby, a common element.

What we are not addressing with the problem of condominium conversion is the hardcore reality of giving the prospective purchaser of a condominium unit the same warranties, the same guarantees that a new developer is giving a condominium purchaser with the construction of a new condominium.

I think this amendment is essential to protecting the buyers in the Commonwealth of Pennsylvania, who wish to locate in condominiums, specifically those that have been converted from older buildings, some of which are 25 years, 30 years, 40 years, 50 years or more years of age. I think it is essential to protect the consumers by the Rocks amendment. I urge everyone's support.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, what Mr. Berson indicated in his statement was he was hoping in the Rocks amendment to provide for more disclosure. I submit section 3404—and Mr. Berson indicated perhaps he was wrong in that, but let me point out to the members, section 3404—of the bill provides for the public offering statement for conversion condominiums. Now here is what is required to be provided before you can even notify anybody that you attempt to convert, a statement by the declarant based on a report prepared by an independent registered architect or professional engineer, describing the present condition of all structural components and mechanical and electrical installation material for the use and enjoyment of the condominium. Two, a statement by the declarant of the expected useful life—terms we have heard elsewhere this week—of each item reported on in paragraph 1, or a statement that no representations are made in that regard; and, three, a list of any outstanding notices of uncured violations of building codes or municipal regulations.

I submit that this disclosure is the broadest disclosure possible. If the condominium converters are then required to correct every defect that may exist that has been included in this report, the tax is going to be monumental. No one has to buy this unit. Now remember, approximately 50 percent of the people who are purchasing condominiums are the people who are living there. They are not people who are totally foreign to the unit itself, but after having seen—if you are from the outside and you see—that report, you do not have to buy, and if that particular apartment

building is in such bad shape that after that type of disclosure, what is going to happen is nobody is going to buy, and you are not going to convert it in the first place.

So what I submit is, there is no reason that we should require a prospective seller to correct every single defect. We do not do it in the sale of single-family dwellings, and we should not require it to be done in the case of condominiums, which is no more than the sale of one single unit in a multiple-family dwelling. That is all. I urge the opposition to this amendment.

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

Mr. BERSON. Mr. Fisher is right; I had reference to the wrong section. But the point of the matter is that what this section seeks to do as it stands in the bill is to excuse the developer from providing the warranties that would be normally associated with new construction. This seems to me to put the shoe on the wrong foot. It is precisely the older buildings where the tenant or the prospective purchaser of the apartment unit needs the assurance of a warranty, and this is precisely the place that they take it away. That seems to me to be wrong, and I would urge that you support the Rocks amendment.

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

Mr. ROCKS. Mr. Speaker, just one thing, I have to reply to that one last point of Mr. Berson's, and, in fact, if we do not enter this process with the single dwelling in this Commonwealth, we have no reluctance in SB 65 to make the imposition of the 2-year warranty on the new construction of condominiums. I would say that in the process of conversion the warranty is very much in order, and that is what this amendment basically is about, and I would ask the members to please support it.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. If I can reiterate another point, Mr. Speaker: Yes, according to SB 65, a public offering statement must be made, but you must take into consideration these points. First of all, a condominium is not only individual ownership of units, but it also is joint ownership of the existing building by an association. Now if I as a consumer wish to purchase into a condominium and I am aware of the fact that there exists some difficulties in the structure of the building itself, after I make that purchase, on the assumption that enough people will go into investing in the condominium association, and suddenly find that those people do not want to take that responsibility of splitting up and dividing among the association the financial responsibility of paying for those defects or whichever expenses could be incurred, I am stuck as a consumer. I have no recourse. I am stuck, purchasing into not only a condominium but an association itself and I financially may not be able to cover the expenses that must be necessary to make the necessary repairs. Therefore, I would urge the members to take that thought into consideration and support the Rocks amendment. Thank you.

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

The following roll call was recorded:

YEAS—85

Austin	Gallagher	Levin	Polite
Barber	Gamble	Livengood	Pucciarelli
Berson	Gatski	McCall	Rappaport
Borski	George, C.	McClatchy	Reed
Brown	George, M. H.	McIntyre	Richardson
Burns	Grabowski	McKelvey	Rieger
Caltagirone	Greenfield	McMonagle	Rocks
Cappabianca	Gruppo	Manderino	Rodgers
Chess	Harper	Michlovic	Seventy
Clark, B. D.	Hoefel	Milanovich	Shadding
Clark, M. R.	Hutchinson, A.	Mrkonic	Steighner
Cochran	Hutchinson, W.	Mullen	Stewart
Cohen	Itkin	Murphy	Street
DeMedio	Johnson, J. J.	Nahill	Telek
DeWeese	Jones	Novak	Trello
DiCarlo	Knight	O'Brien, B. F.	White
Dawida	Kolter	Oliver	Wilson
Dombrowski	Kowalyszyn	Perzel	Wright, D. R.
Dumas	Kukovich	Petrarca	Wright, Jr., J.
Earley	Laughlin	Pievsky	Yahner
Fee	Letterman	Pistella	Zord
Fryer			

NAYS—95

Alden	Foster, Jr., A.	Madigan	Sirianni
Anderson	Gallen	Manmiller	Smith, E. H.
Armstrong	Gannon	Micozzie	Smith, L. E.
Arty	Geesey	Miller	Spencer
Belardi	Geist	Moehlmann	Spitz
Bittle	Gladeck	Mowery	Stairs
Bowser	Goebel	Musto	Stuban
Brandt	Goodman	Noye	Sweet
Burd	Grieco	O'Brien, D. M.	Taddonio
Cessar	Halverson	Peterson	Taylor, E. Z.
Cimini	Hasay	Piccola	Taylor, F.
Cole	Hayes, Jr., S.	Pitts	Thomas
Cornell	Helfrick	Pott	Vroon
Coslett	Honaman	Punt	Wachob
Cowell	Johnson, E. G.	Pyles	Wargo
Cunningham	Kanuck	Ritter	Wass
DeVerter	Klingaman	Ryan	Wenger
Davies	Lashingier	Salvatore	Wilt
Dininni	Lehr	Scheaffer	Yohn
Dorr	Levi	Schmitt	Zeller
Duffy	Lewis	Schweder	Zwikl
Durham	Lynch, E. R.	Serafini	
Fischer	McVerry	Shupnik	Seltzer,
Fisher	Mackowski	Sieminski	Speaker
Foster, W. W.			

NOT VOTING—16

Beloff	Giammarco	Knepper	Swift
Bennett	Gray	O'Donnell	Weidner
Dietz	Hayes, D. S.	Pratt	Williams
Freind	Irvis	Rhodes	Zitterman

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

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, there will be a Rules Committee meeting on the declaration of the recess in my office. Thank you.

RECESS

The SPEAKER. The Chair wishes to announce that the cafeteria is remaining open.

Without objection, this House will now stand in recess until 2:15. The Chair hears none.

AFTER RECESS

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

CONSIDERATION OF SB 65 RESUMED

The SPEAKER. The members will please report to the floor. The question before the House is the amendments to SB 65.

On the question recurring,

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

Mr. ROCKS offered the following amendments:

Amend Sec. 3406, page 71, line 29, by striking out "before conveyance of that unit and"

Amend Sec. 3406, page 71, line 30, by inserting after "any" signed

Amend Sec. 3406, page 72, lines 18 through 23, by striking out all of said lines, and inserting an amount equal to 5% of the sales price of the unit or actual damages, whichever is the greater amount.

On the question,

Will the House agree to the amendments?

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

Mr. ROCKS. Mr. Speaker, on page 72 of the bill, if Mr. Fisher is with me, the sum of \$2,000 is cited for damages or actual damages in the event of omission or error in the contract statement. It is my understanding that originally in SB 65 this was to be 10 percent, and it was amended to read \$2,000. I submit this amendment, given the cost today of a condominium being on the average of somewhere around \$80,000, that \$2,000 in an inflationary period is not very realistic, and what I would suggest in amending the bill would be that it would read 5 percent of the sale price. I am hoping there would be some sense of agreement on this one. It is my last.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I have no opposition to the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—179

Alden	Foster, Jr., A.	Livengood	Rodgers
Anderson	Freind	Lynch, E. R.	Ryan
Armstrong	Fryer	McCall	Salvatore
Arty	Gallagher	McClatchy	Scheaffer
Austin	Gallen	McIntyre	Schmitt
Barber	Gamble	McKelvey	Schweder
Belardi	Gannon	McMonagle	Serafini

Berson	Gatski	McVerry	Seventy
Bittle	Geesey	Mackowski	Shadding
Borski	Geist	Madigan	Shupnik
Bowser	George, C.	Manderino	Sieminski
Brandt	George, M. H.	Manmiller	Smith, E. H.
Brown	Gladeck	Michlovic	Smith, L. E.
Burd	Goebel	Micozzie	Spencer
Burns	Goodman	Milanovich	Spitz
Caltagirone	Grabowski	Miller	Stairs
Cappabianca	Greenfield	Moehlmann	Steighner
Cessar	Grieco	Mowery	Stewart
Chess	Gruppo	Mrkonic	Street
Cimini	Halverson	Murphy	Sweet
Clark, B. D.	Harper	Musto	Swift
Clark, M. R.	Hasay	Nahill	Taddonio
Cochran	Hayes, Jr., S.	Novak	Taylor, E. Z.
Cohen	Helfrick	Noye	Taylor, F.
Cole	Hoeffel	O'Brien, B. F.	Telek
Cornell	Honaman	O'Brien, D. M.	Thomas
Coslett	Hutchinson, A.	Oliver	Trello
Cowell	Hutchinson, W.	Perzel	Wachob
Cunningham	Itkin	Petrarca	Wargo
DeMedio	Johnson, E. G.	Piccola	Wass
DeVerte	Johnson, J. J.	Pievsky	Wenger
DeWeese	Jones	Pistella	White
DiCarlo	Kanuck	Pitts	Wilson
Davies	Klingaman	Polite	Wilt
Dawida	Knight	Pott	Wright, D. R.
Dietz	Kolter	Pratt	Wright, Jr., J.
Dininni	Kowalshyn	Pucciarelli	Yahner
Dombrowski	Kukovich	Punt	Yohn
Dorr	Lashingier	Pyles	Zeller
Dumas	Laughlin	Rappaport	Zitterman
Durham	Lehr	Reed	Zord
Earley	Letterman	Richardson	Zwinkl
Fee	Levi	Rieger	
Fischer	Levin	Ritter	Seltzer,
Fisher	Lewis	Rocks	Speaker
Foster, W. W.			

NAYS—1

Duffy

NOT VOTING—16

Beloff	Hayes, D. S.	O'Donnell	Stuban
Bennett	Iris	Peterson	Vroon
Giammarco	Knepper	Rhodes	Weidner
Gray	Mullen	Sirianni	Williams

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

On the question recurring,

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

Mr. TADDONIO offered the following amendments:

Amend Sec. 1 (Sec. 3103), page 7, by inserting between lines 28 and 29 "Apartment building." Any structure containing one or more dwellings which are leased for residency.

Amend Sec. 1 (Sec. 3103), page 9, by inserting between lines 25 and 26 "Lease." Any agreement which gives rise to the relationship of landlord and tenant.

Amend Sec. 1 (Sec. 3410), page 77, by inserting between lines 11 and 12 (f) Apartment building leases.—(1) All leases of all apartment buildings must contain a term in bold type declaring either: (i) a date before which no declaration may be recorded converting the apartment building into a condominium; or (ii) that the apartment building may be converted into a condominium at any time. (2) Any provision of a lease which purports to waive a tenant's rights under this section shall be void as contrary to public policy.

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Taddonio.

Mr. TADDONIO. Mr. Speaker, this is a relatively simple amendment. It provides that in all apartment building leases a notice be given as to the intention of the building owner to convert that into condominiums. He may, if he so chooses, declare that the building could be converted at any time, or he could preferably tell the tenant that there will be a certain date before which he could not convert it into a condominium. This would give some degree of certainty to those renters in that building for some period of time. This conceivably may become a factor in the rental of apartments.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, this amendment A2585 merely attempts to require in each lease a notice after which an apartment building could be converted. The basic objection which I would have to this amendment is, I think what Mr. Taddonio is attempting to do is probably going to turn out to be a nullity, because the period of time that will be included in the notice will be short. I think almost every landlord is merely going to put a 6 months' notice in there, or a year's notice, whatever the time of the lease is that he has entered into, but it is not going to serve any real purpose. I once again emphasize that the provisions of the bill as they are are adequate and provide all the necessary protection that purchasers need. I also want to emphasize that even with the notice requirement, if there is 180 days' notice requirement which was by the Fisher amendment, the first amendment we adopted, if a tenant has 9 months or even 11 months remaining on the lease, he gets to stay until the end of that lease. So in no case will a conversion diminish the time period left in a lease, but in some cases, of course, it will give them an extra 180 days. I do not quite understand the need for the amendment and I oppose its adoption. Thank you.

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

The following roll call was recorded:

YEAS—70

Austin	Goebel	Mrkonic	Sieminski
Berson	Greenfield	Mullen	Stairs
Borski	Hoeffel	Murphy	Steighner
Brown	Hutchinson, A.	Novak	Stewart
Burns	Itkin	O'Brien, B. F.	Taddonio
Caltagirone	Knight	Oliver	Trello
Cessar	Kolter	Perzel	Wachob
Clark, B. D.	Kowalyszyn	Peterson	White
Cohen	Kukovich	Petrarca	Wilson
DeMedio	Laughlin	Pistella	Wright, D. R.
Dawida	Levin	Rappaport	Wright, Jr., J.
Duffy	Livengood	Reed	Yahner
Fee	McCall	Rieger	Zeller
Fryer	McKelvey	Ritter	Zord
Gallagher	McMonagle	Rocks	Zwinkl
Gamble	McVerry	Rodgers	
Gatski	Manderino	Seventy	Seltzer,
George, M. H.	Michlovic	Shadding	Speaker

NAYS—96

Alden	Dombrowski	Klingaman	Pyles
Anderson	Durham	Lashingier	Ryan
Armstrong	Earley	Lehr	Scheaffer
Arty	Fischer	Letterman	Schmitt
Belardi	Fisher	Levi	Schweder
Bittle	Foster, W. W.	Lewis	Serafini
Bowser	Freind	Lynch, E. R.	Shupnik
Brandt	Gallen	McClatchy	Smith, E. H.
Burd	Gannon	Mackowski	Smith, L. E.
Cappabianca	Geesey	Madigan	Spencer
Chess	Geist	Manmiller	Spitz
Cimini	George, C.	Micozzi	Stuban
Clark, M. R.	Gladeck	Milanovich	Swift
Cochran	Goodman	Miller	Taylor, E. Z.
Cole	Grieco	Moehlmann	Taylor, F.
Cornell	Gruppo	Mowery	Telek
Coslett	Halverson	Musto	Thomas
Cowell	Hasay	Nahill	Vroon
Cunningham	Hayes, Jr., S.	Piccola	Wargo
DeVertter	Helfrick	Pitts	Wass
DiCarlo	Honaman	Polite	Wenger
Davies	Hutchinson, W.	Pott	Wilt
Dietz	Johnson, E. G.	Pratt	Yohn
Dininni	Kanuck	Punt	Zitterman

NOT VOTING—30

Barber	Grabowski	McIntyre	Richardson
Beloff	Gray	Noye	Salvatore
Bennett	Harper	O'Brien, D. M.	Sirianni
DeWeese	Hayes, D. S.	O'Donnell	Street
Dorr	Irvis	Pievsky	Sweet
Dumas	Johnson, J. J.	Pucciarelli	Weidner
Foster, Jr., A.	Jones	Rhodes	Williams
Giammarco	Knepper		

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

On the question recurring,

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

Mr. TADDONIO offered the following amendment:

Amend Sec. 1 (Sec. 3207), page 26, by inserting between lines 4 and 5 (e) Term of lease.—The master lease for a leasehold condominium shall be for a term of not less than 75 years.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Taddonio.

Mr. TADDONIO. Mr. Speaker, this amendment is a little more substantive than the prior one. This addresses the problem of leasehold condominiums. Prior to this bill, it was not possible to put up a condominium on leased land; you had to own the land in fee simple. This bill would now authorize the establishment of leasehold condominiums. What this amendment would do would provide that the master lease for any condominium would be for a term not less than 75 years. I feel this is necessary for those buyers who enter into this agreement, many of whom are unsophisticated, thinking they are getting into a much more secure situation than they may find themselves in if they get into a period where they have a short-term lease.

There have been cases in other states where speculators have come in, got a short-term lease, sold the units and

gotten out and left the people holding the bag. One of the arguments that is given is the fact that the ability of financing limits this and provides enough protection. While the original purchaser may have enough financing and may get the financing over a period of 20 years or 30 years, when they want to move out of that condominium after 10 or 15 years, they may not be able to sell it to anybody because they may not have enough period of time left on their lease. Most other states which permit leasehold condominiums do have a provision such as this in there to give some protection to the people who are buying these condominiums. I would ask support of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, will the author of the amendment consent to interrogation?

The SPEAKER. The gentleman indicates that he will and Mr. Fisher may proceed.

Mr. D. M. FISHER. Mr. Speaker, amendment A4983, which I am holding, refers in the language to a master lease. Would you tell me what you are speaking of as far as a master lease?

Mr. TADDONIO. That would be the lease for the ground on which the condominium is situated.

Mr. D. M. FISHER. Mr. Speaker, I could not hear the speaker's response.

Mr. TADDONIO. That would be the lease for the land on which the condominium is situated.

Mr. D. M. FISHER. Mr. Speaker, I understand what you are attempting to do with this amendment, and as far as the time period of 75 years is concerned, I do not have a lot of problem with that, but I do have some problem with the usage of the words "master lease." I do not know where master lease is anywhere defined, either in this bill or in the law. If, perhaps, we could have this amendment temporarily withdrawn and the terminology clarified so that we understood that it was the underlying lease to the land when you speak of master lease, I would then have no objection.

Mr. TADDONIO. Okay. If that is a problem, I will have it redrafted.

AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER. Is the gentleman, Mr. Taddonio, withdrawing his amendment?

Mr. TADDONIO. Yes, Mr. Speaker, temporarily.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. TADDONIO offered the following amendment:

Amend Sec. 1 (Sec. 3207), page 26, by inserting between lines 4 and 5 (e) Leasehold prohibited for conversion condominium.—No leasehold condominium shall be created when a property is converted to a condominium as provided in section 3410 (relating to conversion condominiums).

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Taddonio.

Mr. TADDONIO. Mr. Speaker, this, too, is a substantive amendment, again addressing the problem of leasehold condominiums. What this amendment would, in effect, do would prohibit the conversion of condominiums on any leased land. It would allow it on land that is owned in fee simple, but it would not permit conversion if there is a leasehold condominium involved.

One of the problems in conversions, of course, is the fact that you are converting older buildings, with the problems they are subject to, with the people who are locked into those situations, and I think they really do not have a lot of choice in what they are getting into, what they can choose from.

A leasehold condominium is one of certainly less secure equity, and these people are really being put over the barrel on this. I think the whole concept of leasehold condominium is one that is questionable, because the buyer in many cases is thinking he is getting pure title to this condominium when in reality he is not. I would respectfully ask the support of the House on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I would oppose the amendment. Basically, this amendment would prohibit conversion on any property that was leased. Now at first blush he might say, well, what is wrong with that? Well, let me tell you just a little bit about what is wrong with that. Much of our land in the Commonwealth on which—

The SPEAKER. It has been brought to the Chair's attention that rule 9A, the anti-smoking rule, is being violated blatantly on the floor of the House. Will the members please extinguish their cigarettes or leave the floor of the House temporarily?

The Chair thanks the gentleman. The gentleman may proceed.

Mr. D. M. FISHER. Much of the land upon which apartment buildings would be built in this Commonwealth is built on leased land. Now if you have a tract of land of no matter what size somewhere within the Commonwealth and you want, instead of selling it and facing the ramifications, the tax ramifications, that you have with the sale of that land, one of the investment concepts that is quite frequently used and has been used over the years in Pennsylvania and other states is you enter into a long-term lease, and entering into that long-term lease, you retain title to that land. You receive certain rental payments over the course of that lease, rental payments, that appreciate, that escalate during the terms of the lease. There are certain adjustment factors therein, and at the end of the term, the property reverts, generally not to you, because you have long passed from the face of this earth, but to your heirs. Now there are many buildings which are built on leased land, on long-term leases. If we prohibited conversions of

leasehold condominiums, we would be prohibiting the conversions of many, many apartment buildings throughout this Commonwealth. Now there is nothing sinister with having an apartment building being built on a piece of land that you lease rather than you own. To protect against any possible problems to purchasers, there are substantial provisions in this bill that require full disclosure of the terms of the lease that the land is situated on.

Section 3402 of the bill, subsection 20, requires that, in the case of a leasehold condominium, substantial information must be provided to the purchaser in the offering statement. Now if the leasehold condominium has a remaining term on the lease that is so short that the purchaser is, say, only buying a unit with 20 years remaining, that is going to be disclosed, and I submit that when that purchaser goes to get financing to buy that unit, if there is not a sufficiently long period of time on that leased land, no lender in this Commonwealth or anywhere else is going to give him the mortgage money.

So I submit to you that there is adequate protection; there is all the notice requirement that we need; there is also protection that if there is any default in the taxes—and, by the way, the tax bills would be sent directly to the unit owner—so long as the person continues to make payments in that particular unit, there can be no foreclosure for nonpayment of taxes. So there is more than adequate protection in this bill for purchasers of units on leasehold condominiums, and I see no justifiable reason why we should ban conversions of leasehold condominiums in this Commonwealth.

For those reasons I strongly urge the opposition of this amendment.

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

Mr. BERSON. Mr. Speaker, if I understand this amendment correctly, and Mr. Taddonio can correct me if I am wrong, it would prohibit the conversion of existing rental real estate to condominium form if the project was constructed on leased ground. I favor this amendment, believing that that is what it is intended to do. The policy question, I suppose, that has to be asked is whether it is wise to create a situation where a person is buying real estate subject to an underlying land lease they will then subsequently be forced either to sell or to come up with a lot more money somewhere down the road if and when the land lease runs out. In my judgment, it is unwise to pursue condominium forms of ownership where the underlying ground is not going to be owned by the condominium association but is going to be held by a landlord, and the association sooner or later will be faced with the obligation of either buying up the lease or having the lease expire and having people wind up owning apartments with no underlying land under them. I think that is the policy consideration. I favor the amendment and would vote for it.

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

The following roll call was recorded:

YEAS—73

Austin	Fryer	Manderino	Schmitt
Berson	Gallagher	Manmiller	Seventy
Brown	Gamble	Michlovic	Shupnik
Burns	Gatski	Milanovich	Stairs
Caltagirone	George, M. H.	Moehlmann	Steighner
Cappabianca	Goebel	Mrkonic	Stewart
Cessar	Grabowski	Mullen	Taddonio
Clark, B. D.	Harper	Murphy	Taylor, F.
Clark, M. R.	Hoeffel	Musto	Telek
Cochran	Itkin	Novak	Trello
Cohen	Knight	Petrarca	Wachob
DeMedio	Kolter	Pievsky	Wargo
DeWeese	Kowalshyn	Pistella	White
DiCarlo	Kukovich	Pratt	Wilson
Dawida	Laughlin	Rappaport	Wright, Jr., J.
Dininni	McIntyre	Reed	Yahner
Dombrowski	McKelvey	Rieger	Zitterman
Duffy	McVerry	Rodgers	Zord
Fee			

NAYS—99

Alden	Freind	Lewis	Scheaffer
Anderson	Gallen	Livengood	Schweder
Armstrong	Gannon	Lynch, E. R.	Serafini
Arty	Geesey	McCall	Shadding
Belardi	Geist	McClatchy	Sieminski
Bittle	George, C.	McMonagle	Sirianni
Borski	Gladeck	Mackowski	Smith, E. H.
Bowser	Goodman	Micozzie	Smith, L. E.
Brandt	Greenfield	Miller	Spencer
Chess	Grieco	Mowery	Spitz
Cimini	Gruppo	Nahill	Stuban
Cole	Halverson	Noye	Swift
Cornell	Hasay	O'Brien, B. F.	Taylor, E. Z.
Coslett	Hayes, Jr., S.	O'Brien, D. M.	Thomas
Cowell	Helfrick	Peterson	Vroom
Cunningham	Honaman	Piccola	Wass
DeVerter	Hutchinson, W.	Pitts	Wenger
Davies	Johnson, E. G.	Polite	Wilt
Dietz	Kanuck	Pott	Wright, D. R.
Dorr	Klingaman	Punt	Yohn
Durham	Lashinger	Pyles	Zeller
Earley	Lehr	Ritter	Zwilk
Fischer	Letterman	Rocks	
Fisher	Levi	Ryan	Seltzer,
Foster, W. W.	Levin	Salvatore	Speaker
Foster, Jr., A.			

NOT VOTING—24

Barber	Gray	Knepper	Rhodes
Beloff	Hayes, D. S.	Madigan	Richardson
Bennett	Hutchinson, A.	O'Donnell	Street
Burd	Irvis	Oliver	Sweet
Dumas	Johnson, J. J.	Perzel	Weidner
Giammarco	Jones	Pucciarelli	Williams

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 as amended on third consideration?

Mr. YOHN offered the following amendments:

Amend Sec. 3201, page 18, by inserting between lines 17 and 18

(d) Nothing herein contained shall prevent the offering for sale of a unit or interest in a unit or the execution of any agreement to sell and purchase a unit or any interest in a unit (as opposed to actual conveyance) or the execution of an installment sales contract for a unit or any interest in a unit to

be created subject to the provisions of Chapter 34 of this subpart.

Amend Sec. 3402, page 67, lines 5 and 6, by striking out "10%" in line 5, all of line 6, and inserting damages as provided in subsection (c) of section 3406.

Amend Sec. 3402, page 67, line 17, by striking out "until closing" and inserting in accordance with the provisions of section 3408

Amend Sec. 3406, page 72, line 4, by removing the period after "statement" and inserting , except in the case of the sale of a time-share estate. Unless a purchaser of a time-share estate is given the public offering statement more than seven days before execution of a contract for the purchase of a unit, the purchaser, before conveyance, may cancel the contract within seven days after first receiving the public offering statement.

Amend Sec. 3406, page 72, line 17, by inserting after "declarant" an amount equal to 10% of the sales price of the unit, but not in excess of

Amend Sec. 3408, page 74, line 22, by inserting after "deposit" (which shall not include any installment payment under an installment sales contract)

Amend Sec. 3408, page 74, line 27, by removing the semicolon after "closing" and inserting
, or in the case of the sale of a unit pursuant to an installment sales agreement, upon the expiration of 30 days from the date of execution of the agreement;

On the question,

Will the House agree to the amendments?

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

Mr. YOHN. Mr. Speaker, this is an amendment that is offered by the gentleman, Mr. William Foster, and myself in connection with the problem that this bill creates for people who are involved in time-share condominiums. To the best of my knowledge, there is no dispute or objection to the amendment. It changes several things in the bill but only as they relate to the time-sharing projects. I would be glad to go into further detail if anybody would like it, but, as I said, to the best of my knowledge, there is no objection to the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—176

Alden	Foster, W. W.	Lynch, E. R.	Ryan
Anderson	Foster, Jr., A.	McCall	Salvatore
Armstrong	Freind	McIntyre	Scheaffer
Arty	Fryer	McKelvey	Schmitt
Austin	Gallagher	McMonagle	Schweder
Barber	Gallen	McVerry	Serafini
Belardi	Gamble	Mackowski	Seventy
Berson	Gannon	Madigan	Shadding
Bittle	Gatski	Manderino	Shupnik
Borski	Geesey	Manmiller	Sieminski
Bowser	Geist	Michlovic	Sirianni
Brandt	George, C.	Micozzie	Smith, E. H.
Brown	George, M. H.	Milanovich	Smith, L. E.
Burd	Gladeck	Miller	Spencer
Burns	Goebel	Moehlmann	Spitz
Caltagirone	Goodman	Mowery	Stairs
Cappabianca	Grabowski	Mrkonic	Steighner
Cessar	Greenfield	Mullen	Stewart
Chess	Grieco	Murphy	Stuban
Cimini	Gruppo	Musto	Swift
Clark, B. D.	Halverson	Nahill	Taddonio
Clark, M. R.	Harper	Novak	Taylor, F.

Cochran	Hasay	O'Brien, B. F.	Telek
Cohen	Hayes, Jr., S.	O'Brien, D. M.	Thomas
Cole	Helfrick	Oliver	Trello
Cornell	Hoeffel	Perzel	Vroon
Coslett	Honaman	Peterson	Wachob
Cowell	Hutchinson, A.	Petrarca	Wargo
Cunningham	Hutchinson, W.	Piccola	Wass
DeMedio	Itkin	Pievsky	Wenger
DeVerte	Johnson, E. G.	Pistella	White
DeWeese	Kanuck	Pitts	Wilson
DiCarlo	Klingaman	Polite	Wilt
Davies	Knight	Pott	Wright, D. R.
Dawida	Kolter	Pratt	Wright, Jr., J.
Dietz	Kowalyshyn	Punt	Yahner
Dininni	Kukovich	Pyles	Yohn
Dombrowski	Lashinge	Rappaport	Zeller
Duffy	Laughlin	Reed	Zitterman
Dumas	Lehr	Richardson	Zord
Durham	Letterman	Rieger	Zwilk
Earley	Levi	Ritter	
Fee	Levin	Rocks	Seltzer,
Fischer	Lewis	Rodgers	Speaker
Fisher	Livengood		

NAYS—0

NOT VOTING—20

Beloff	Hayes, D. S.	McClatchy	Street
Bennett	Irvis	Noye	Sweet
Dorr	Johnson, J. J.	O'Donnell	Taylor, E. Z.
Giammarco	Jones	Pucciarelli	Weidner
Gray	Knepper	Rhodes	Williams

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher. For what purpose does the gentleman rise?

Mr. D. M. FISHER. Mr. Speaker, I was not following that amendment real closely, but Mr. Yohn just informed me that was a products liability bill which we put into this.

The SPEAKER. The gentleman is correct.

On the question recurring,

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

Mr. BERSON offered the following amendments:

Amend Sec. 3410, page 75, line 27, by striking out "a" and inserting every

Amend Sec. 3410, page 75, line 29, by inserting after "of" where it appears the first time a unit or units in a building or

Amend Sec. 3410, page 75, line 30, by striking out "120 days" and inserting one year

Amend Sec. 3410, page 76, lines 3 and 4, by striking out "hand delivered to the unit or"

Amend Sec. 3410, page 76, line 4, by inserting after "States" registered

Amend Sec. 3410, page 76, line 4, by inserting after "mail" return receipt requested

Amend Sec. 3410, page 76, line 5, by striking out "or" and inserting and

Amend Sec. 3410, page 76, line 6, by inserting after "tenant."

Every notice shall be accompanied by a public offering statement concerning the proposed sale of condominium units within such building or buildings.

Amend Sec. 3410, page 76, line 7, by striking out "120 days" and inserting one year's

Amend Sec. 3410, page 76, line 13, by striking out "60 days" and inserting six months

Amend Sec. 3410, page 76, line 17, by striking out "60-day" and inserting six-month

Amend Sec. 3410, page 76, line 19, by striking out "120" and inserting 180

Amend Sec. 3410, page 76, line 21, by striking out "does not" and inserting shall

Amend Sec. 3410, page 76, line 21, by inserting after "any" rental

Amend Sec. 3410, page 76, line 22, by striking out "a" and inserting any

Amend Sec. 3410, page 76, line 22, by inserting a period after "condominium"

Amend Sec. 3410, page 76, lines 22 through 25, by striking out "if that unit will be restricted" in line 22, all of lines 23 through 25 and inserting

The purchase option set forth in this subsection shall be recorded in the recorder of deeds office in any county in which the proposed conversion condominium is located.

On the question,

Will the House agree to the amendments?

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

Mr. BERSON. Mr. Speaker, this amendment deals with the same subject that Mr. Fisher's amendment did earlier today. It amends section 3410 of the bill, starting on page 75 and running over to page 76.

Basically what it does is it takes the 120 days' prior notice that we have now amended up to 6 months by virtue of Mr. Fisher's amendment, and it would increase that period to 1 year. It further provides that instead of being able to notify the tenant of a conversion by simply leaving a notice in his apartment, that the landlord has to give notice by registered mail and the notice must be accompanied by a copy of the public offering statement.

It then, in subsection (b), gives the tenant, instead of a 60-day or 2-month period to make up his mind whether he is going to buy, whether he is going to find a new place to live, whether he will be able to find the financing to buy the apartment and make all of the necessary arrangements to do so, it would increase that period from 60 days to 6 months, and it would further say that the converter—and I want to again emphasize that this section only has to do with conversion, not construction. The converter—cannot turn around and offer that unit to somebody else at a lower price if the tenant elects not to go forward with it, for the bill has 120 days but my amendment increases it to 180 days. That basically is the amendment.

What it does is to make the Fisher amendment that went in earlier somewhat more liberal in that it increases the period of time for prior notice of a conversion from 6 months to a year, and increases the amount of time that a tenant has to gather together the financing he needs to make the necessary decisions and arrangements about what he is going to do from 60 days to 6 months, from 2 months to 6 months. It requires a much better notice procedure in that you cannot simply slip something under the tenant's door and consider that notice. You are going to have to give them notice by registered mail with a copy of the offering circular so that he knows what the notice is all about.

I think that this is essential that people have an opportunity to maturely decide and not be stampeded into buying units or making moves out of homes that they may have occupied or apartments they may have occupied for quite a period of time. They deserve that much protection, that they just cannot be stampeded out of there. And they need time to maturely reflect. These are substantial purchases and substantial amounts of money will be involved. They invariably require somebody getting a mortgage if they are going to buy the unit or they are going to buy another home, and making an investment in the down payment, all of which has to be gathered together. They need that time, and the bill as presently amended, in my judgment, does not afford them sufficient time to do that. These are in parallel with the provisions adopted by the city of Philadelphia in their ordinance, and it was debated extensively at the time that the Philadelphia ordinance was adopted; it was debated extensively in our city council and these were the time periods that they agreed were essential to protect the tenants. We think it will do substantial detriment to a converter who will be able to carry out his plan 6 months later than Mr. Fisher has proposed that he do it, but it will certainly be a great benefit to the tenants who will have ample opportunity to consider what they are going to do and make the necessary financial arrangements to do it.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I oppose this amendment for a number of reasons. One, as Mr. Berson has indicated, in the amendment which I offered and was adopted by this House this morning, we extended the notice period from 120 to 180 days. That means that there is no notice to vacate and you have 180 days to stay in.

What Mr. Berson is attempting to do is to extend this period for a year. I think that extending it for a year's period is just too long, and one of the other sections of the amendment he attempts to extend, if I read this correctly, Mr. Speaker—and feel free to correct me if I am wrong—extends also the period of the exclusive offer from 60 days to 6 months, and I likewise think that that is too long.

In addition, a 60-day period for which you have the first right of refusal, let us call it that, after that 60-day period in the current law, there is still a 120-day period where the declarant cannot sell it to anybody else at a better rate. So, in other words, you cannot sell it to somebody for less than he offered it to you for a full period of 180 days. I think this is long enough. I think if you did not want to buy it at the given price and that unit is not marketable, he is not going to be able to market it for an entire period of 180 days and, during that period of time of 180 days, you obviously have the same right to purchase it as anybody else at the first price for which it was offered.

So for these reasons I think the bill strikes fairness in the law right now and I would urge you to reject the Berson amendment. Thank you.

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

Mr. BERSON. I can only repeat myself. I think the fundamental question you have to ask yourself is how much time do we want to give our folks to make up their minds before we stampede them out of their apartment houses. If you want to get them out in 2 months, fine, then leave the Fisher amendment alone. But if you want to give people time to make up their minds whether to buy, whether to buy another home, whether to find another apartment, then you had better adopt my amendment which will give these folks some time to get the financing or to relocate and not be stampeded out of the homes that they are living in.

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

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

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Street, may proceed.

Mr. STREET. Mr. Speaker, Are you familiar with Philadelphia?

Mr. D. M. FISHER. I am somewhat familiar with it, yes, Mr. Speaker; not totally familiar though.

Mr. STREET. Mr. Speaker, can we convert a building that is presently occupied or do you have any information that indicates that we can convert a building that is presently occupied by low-income people to a condominium at a price that those people could afford? By low-income, I mean people who would be in an income bracket of between \$7,000 and \$10,000?

Mr. D. M. FISHER. Did you ask me, can we do that? Was that the question?

Mr. STREET. Yes, I am asking, can? Do you have any information before you that would indicate that a high riser or an apartment building can be converted to a condominium for people to become home owners who are in the \$10,000-income bracket?

Mr. D. M. FISHER. Mr. Speaker, the information that I have, particularly about Philadelphia and the conversion problems, is that the buildings that have been subject to conversion are not apartment buildings to which your question was directed, but apartment buildings that are selling, as Mr. Berson indicated this morning, for somewhere between \$75,000 and \$125,000.

Mr. STREET. Mr. Speaker, then would it be safe to say that the only buildings that would be affected by this law are the buildings that are presently subject to conversion?

Mr. D. M. FISHER. I would say this, Mr. Speaker, basically the only units, as I see this, that are going to be subject to conversion are units for which there is a buyer. Now if a unit, which is only bringing in, let us say, a rental of \$120 or \$150 a month, or, let us say, below \$200 a month, that particular type of building, in my opinion, is probably not going to be a target of conversion because there probably is not that much market value for people to go out and purchase that type of unit. One, the tenant probably is not going to be able to purchase it, and,

secondly, there probably is not going to be that many other people who are going to want to purchase it in order to live in it. So, I would say that this bill will probably not involve the type of units you are referring to.

Mr. STREET. But, Mr. Speaker, how can we come here as intelligent legislators and pass a law based on so many probabilities? You have answered my question with a probably. What is a probably? Should I go back to my district and tell the people in my district that this law probably will not affect you? Or should I tell them that the law will or will not affect them? Are we supposed to be so vague that we can deal with probabilities or are we supposed to be more definitive in passing the laws?

I want to know if there are members or constituents in my district who are in the \$10,000 range, will they—no probably—be affected by this law through the conversion of their particular house for apartment buildings to a condominium, and, if so, would it be converted at a cost that they can afford? I do not want probabilities. Give me something definitive on that.

Mr. D. M. FISHER. All right. Mr. Speaker, it is my opinion that obviously the law is going to affect all property in the Commonwealth. It would be my opinion that the unit that you are referring to would be subject to this bill, and the people who are living in it, if they could secure financing, would be able to purchase it and would be able to make the principal and interest payments on that unit if they had an option to buy it.

Mr. STREET. If they had an option, they probably could afford it?

Mr. D. M. FISHER. I would say that the rates for which they would be paying the principal and interest would be commensurate with the rental that they are presently paying.

Mr. STREET. Do you have any information before you from any developer who deals with the development or the conversion of condominiums on the average cost? I mean, can you support that? I am prepared to sit down if you can say, Meluskey has put these figures in front of me, as a developer—hypothetically speaking—and he has converted five buildings at a cost of and was sold to people who were in the \$10,000 bracket? Can you support that?

Mr. D. M. FISHER. I have seen no condominium conversions that have involved buildings in those brackets.

Mr. STREET. Okay. One other question: Does this bill address itself to property owned by the city of Philadelphia that would be commonly referred to as projects or high rises wherever they exist in the Commonwealth of Pennsylvania? Would this bill address itself to those particular structures also?

Mr. D. M. FISHER. Not unless the city of Philadelphia attempted to convert them into condominiums.

Mr. STREET. If the city of Philadelphia—

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. If I were in order, Mr. Speaker, I would like to make a few brief comments on the Berson amendment, if I may?

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

Mr. PISTELLA. Mr. Speaker, a number of points were raised by speakers on both sides of the aisle concerning the Berson amendment. I feel that it is necessary to highlight a few points that perhaps have not been touched on in the actual argument of how much time should be allowed for an individual prior to this relocating, if they so desire, outside of the condominium that is being converted.

There are different types of condominiums. They range in size from two or three units; older homes that have been converted to some that have been referred to as luxury apartments. When you take a look at some of the areas that are undergoing these conversions, these changes, you are dealing with a great change in the flexibility of what was once a relatively stable community. The problem that you have with the Berson amendment and what it is going to solve is, those people who have resided as renters, be it in a large home that is being converted or be it a larger luxury type apartment, would have the opportunity to take more time in relocating themselves. The question is not whether or not they can afford the fair market price that is being asked by the declarant. Let me illustrate that point if I could for a minute.

One of the constituents that I represent resided in an apartment building, a studio apartment, and was perhaps paying \$200 to \$300 a month or more for rent. They received 30 days' notice that the owner of that building was converting that to a condominium. The first asking price that they had from that declarant was \$90,000.

This was a situation where obviously a young couple in their position could not afford to purchase the property at its asking price. They had to relocate. So the question is not whether or not one can afford on the second and third price offer of the declarant, but whether or not the individual who resides in that apartment, be they young or old, be they rich or poor, white or black, would have a better opportunity to relocate in that neighborhood. And the time element that has been offered by Mr. Fisher is just not adequate enough so that those people who have led stable lives as renters in that community could relocate for the same advantages that that neighborhood has offered to them in the past. I urge the support of the Berson amendment. Thank you.

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

The following roll call was recorded:

YEAS—94

Austin	Gamble	McMonagle	Richardson
Barber	Gatski	McVerry	Rieger
Berson	George, M. H.	Manderino	Rocks
Borski	Grabowski	Michlovic	Rodgers
Brown	Greenfield	Milanovich	Schmitt
Burns	Harper	Mrkonic	Seventy
Caltagirone	Hoeffel	Mullen	Shadding
Cappabianca	Hutchinson, A.	Murphy	Shupnik
Chess	Hutchinson, W.	Musto	Steighner
Clark, B. D.	Itkin	Nahill	Stewart
Cochran	Johnson, J. J.	Novak	Street
Cohen	Jones	O'Brien, B. F.	Sweet

Cornell	Knight	Oliver	Taddonio
Coslett	Kolter	Perzel	Taylor, F.
Cowell	Kowalyszyn	Petrarca	Trello
DeMedio	Kukovich	Pievsky	Wargo
DeWeese	Laughlin	Pistella	White
Dawida	Letterman	Pott	Wilson
Dombrowski	Levin	Pratt	Wright, D. R.
Duffy	Livengood	Pucciarelli	Wright, Jr., J.
Dumas	McCall	Pyles	Yahner
Fee	McClatchy	Rappaport	Zitterman
Fryer	McIntyre	Reed	Zord
Gallagher	McKelvey		

NAYS—90

Alden	Foster, W. W.	Levi	Sieminski
Anderson	Foster, Jr., A.	Lewis	Sirianni
Armstrong	Freind	Lynch, E. R.	Smith, E. H.
Arty	Gallen	Mackowski	Smith, L. E.
Belardi	Gannon	Madigan	Spencer
Bittle	Geesey	Manmiller	Spitz
Bowser	Geist	Micozzie	Stairs
Brandt	George, C.	Miller	Stuban
Burd	Gladeck	Moehlmann	Swift
Cessar	Goebel	Mowery	Taylor, E. Z.
Cimini	Goodman	Noye	Telek
Clark, M. R.	Grieco	O'Brien, D. M.	Thomas
Cole	Gruppo	Peterson	Vroon
Cunningham	Halverson	Piccola	Wachob
DeVerter	Hasay	Pitts	Wass
DiCarlo	Hayes, Jr., S.	Polite	Wenger
Davies	Helfrick	Punt	Wilt
Dietz	Honaman	Ritter	Yohn
Dininni	Johnson, E. G.	Ryan	Zeller
Durham	Kanuck	Salvatore	Zwikl
Earley	Klingaman	Scheaffer	
Fischer	Lashinger	Schweder	Seltzer,
Fisher	Lehr	Serafini	Speaker

NOT VOTING—12

Beloff	Giammarco	Irvis	Rhodes
Bennett	Gray	Knepper	Weidner
Dorr	Hayes, D. S.	O'Donnell	Williams

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

WELCOME

The SPEAKER. The Chair welcomes to the floor of the House, Reverend Mark Stauffer, pastor of the First Congregational Church of Etna, Allegheny County, who is here today as the guest of Mr. Cessar.

CONSIDERATION OF SB 65 CONTINUED

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

Mr. BERSON offered the following amendment:

Amend Sec. 3402, page 68, by inserting between lines 22 and 23

(21) A statement containing a description of any provisions made in the budget for reserves for capital expenditures or, if no provision is made for reserves, a statement to this effect.

(22) A statement containing a declaration as to the present condition of all structural components and major utility installations in the subject property, including the dates of construction, installation and major repairs if known or ascertainable, and the expected useful life of each item, together with the estimated cost (in current dollars) of replacing each of the same.

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

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

Mr. BERSON. Mr. Speaker, this amendment has to do with the contents of the public offering statement. I believe this is an agreed-to amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—176

Alden	Freind	McCall	Ryan
Anderson	Fryer	McIntyre	Salvatore
Armstrong	Gallagher	McKelvey	Schaeffer
Arty	Gallen	McMonagle	Schmitt
Austin	Gamble	McVerry	Schweder
Barber	Gannon	Mackowski	Serafini
Belardi	Gatski	Madigan	Seventy
Berson	Geesey	Manderino	Shadding
Bittle	Geist	Manmiller	Shupnik
Borski	George, C.	Michlovic	Sieminski
Brandt	George, M. H.	Micozzie	Sirianni
Brown	Gladeck	Miller	Smith, E. H.
Burd	Goebel	Moehlmann	Smith, L. E.
Burns	Goodman	Mowery	Spencer
Caltagirone	Grabowski	Mrkonic	Spitz
Cappabianca	Greenfield	Mullen	Stairs
Cessar	Grieco	Murphy	Steighner
Chess	Gruppo	Musto	Stewart
Cimini	Halverson	Nahill	Stuban
Clark, B. D.	Harper	Novak	Sweet
Clark, M. R.	Hasay	Noye	Swift
Cochran	Hayes, Jr., S.	O'Brien, B. F.	Taddonio
Cohen	Helfrick	O'Brien, D. M.	Taylor, E. Z.
Cole	Hoeffel	Oliver	Taylor, F.
Cornell	Honaman	Perzel	Telek
Coslett	Hutchinson, A.	Peterson	Thomas
Cowell	Hutchinson, W.	Petrarca	Trello
DeMedio	Itkin	Piccola	Vroon
DeVerter	Johnson, E. G.	Pievsky	Wachob
DeWeese	Johnson, J. J.	Pistella	Wargo
DiCarlo	Jones	Pitts	Wass
Dawida	Klingaman	Polite	Wenger
Dietz	Knight	Pott	White
Dininni	Kolter	Pratt	Wilson
Dombrowski	Kowalshyn	Pucciarelli	Wilt
Dorr	Kukovich	Punt	Wright, Jr., J.
Duffy	Lashinger	Pyles	Yahner
Dumas	Laughlin	Rappaport	Yohn
Durham	Lehr	Reed	Zitterman
Earley	Letterman	Richardson	Zord
Fee	Levi	Rieger	Zwilk
Fischer	Levin	Ritter	
Fisher	Lewis	Rocks	Seltzer,
Foster, W. W.	Livengood	Rodgers	Speaker
Foster, Jr., A.	Lynch, E. R.		

NAYS—4

Bowser	Cunningham	Kanuck	Zeller
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NOT VOTING—16

Beloff	Gray	McClatchy	Street
Bennett	Hayes, D. S.	Milanovich	Weidner
Davies	Irvis	O'Donnell	Williams
Giammarco	Knepper	Rhodes	Wright, D. R.

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

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

Mr. BERSON offered the following amendment:

Amend Sec. 3, page 79, line 30, by striking out "This" and inserting

Except for the definition of "condominium usage" in section 3103 and sections 3106, 3109, 3404, 3406 and 3410 which shall take effect immediately and shall apply to the conversion of, the process of conversion or the sale of any condominium unit on or after this date, the remainder of this

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

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

Mr. BERSON. Mr. Speaker, this amendment—and I have been criticized, and properly so, for not explaining the last amendment—so before there is any agreement on this, let me explain it.

This amendment would amend page 79, section 3 of the bill having to do with the effective date, and would insert provisions which would make effective immediately those portions of the bill, sections 3103, 3106, 3109, 3404, 3406 and 3410, all of those sections which bear upon condominium conversions where, if the bill were to become effective in 180 days as is now provided, there might be a stampede of converters. It would make those sections effective immediately, and the balance of the bill effective in 180 days as is provided in the bill presently. The attempt is to prevent a jumping of the gun, so to speak, by potential condominium converters who can see this statute going into effect and imposing some more stringent regulations on them than currently exist. In order to prevent a stampede, our intention would be to have those sections dealing with conversions go into effect immediately upon the Governor's signature and the balance of the bill to go into effect in 180 days, as is presently provided for in the bill.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I oppose this amendment. Basically what Mr. Berson said is correct. He would be attempting to make the bill effective immediately upon the Governor's signature in sections called for. The principal problems that I can see with the immediate effective date is that the provisions of section 3410 would be effective immediately, and in the case of apartments in the process of being converted, it seems to me that it is almost impossible to impose the new requirements of this bill that are included in 3410 immediately and to impose them on existing apartment conversions.

I think that 180 days is a reasonable period of time within which the bill's provisions in toto can take effect. Quite frankly, it is impossible within 180 days, in my opinion, to be able to have a rash of conversions, because as I have said, anything that is outstanding at the time the bill would take effect, in my opinion, would be covered by the provisions of the act.

So within 6 months—and Mr. Berson just indicated—6 months is not enough time, and I do not believe that anything harmful is going to happen during the 6 months' interim period between the signing of the bill and the bill's effective date.

For those reasons, I urge that we reject this amendment of Mr. Berson's.

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

Mr. BERSON. Mr. Speaker, our experience in Philadelphia—and I think we have had more experience with this problem than any other area of the state—was that while the city ordinance which ultimately passed was being considered by our city council and being debated, both in the public press and on the floor of council, there was a rash of condominium declarations filed. That was done by converters, not maybe with the intention of actually going through with the conversion, but simply to protect their position legally in case an ordinance or a statute was ultimately enacted which would make it more difficult for them to convert.

The filing of these declarations upon the people who lived in these apartment dwellings is obviously very unsettling, because they do not know whether the declaration was filed merely to protect the position of the owner or whether it was filed with the true intention of carrying out a condominium conversion. So what we had in Philadelphia—and I assure you what you will have if this bill's final effective date is delayed for 6 months—is a rash of filing of condominium declarations by those persons who want to protect their position and not have to comply with the provisions of this law. They will say we are under the Old Unit Property Act; we have made our filing, and we will then decide later on down the road whether we want to go ahead. But meantime, the tenants in those buildings are between the devil and the deep blue sea, never knowing what the intention of the landlord will be.

I think we can safely say, no, we are going to make the condominium conversion sections effective immediately. The other sections as they affect new condominiums construction can well await the 6-month period that is in the bill now.

I would urge the adoption of the amendment.

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

Mr. ROCKS. I would just like to add to that very briefly and remind all the members of this chamber that the reason these amendments are before you is because the problem we face with condominium conversion is an immediate problem. And for those whose personal lives are affected by it, it is a crisis.

Therefore, I would ask you to sustain the language of the Berson amendment that is in front of you and to vote "yes" on this amendment. Make it immediate. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, I could not agree with Mr. Berson more. What is going to happen, in at least the Bucks County portion of the suburbs of Philadelphia, is that every apartment owner will certainly make a declaration whether or not he ever intends to use it. And, as Mr. Berson says, it is going to put the tenants between a rock and a hard place. If this bill is going to make any sense at all, this is a very, very crucial amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. One further thing I would like to point out in opposition to this amendment is, remember, we adopted the amendment this morning dealing with the rights to have more restrictive ordinances.

As I understand it, in Philadelphia at the present time, there is an absolute moratorium on conversions. So we are not going to have the rush of conversions in the City of Philadelphia that you are hearing the last few speakers talk about. It just is not going to happen. A local moratorium is on the books and you are not going to have people rushing in there because of the effect of the ordinance on city council. Likewise, I understand there has been a similar ordinance adopted in Mr. Burns' community or close thereto.

But we adopted a provision this morning giving the more restrictive option to local government. I think these two amendments are mutually contradictory and we should not adopt the Berson amendment at this time.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, as Mr. Fisher has pointed out, that if the local suburban areas had local ordinances, what he says would be true and we would not have the problem.

Our problem is that right now, under the Second Class Township Code—and I have been informed that the same is true under the First Class Township Code and under the Borough Codes—it is very questionable whether or not those township officials had any authority to adopt any ordinance that they may have adopted. Now those ordinances are very questionable if it goes to court. The fact is that most communities have not adopted ordinances because they really did not have the authority and their solicitors told them they did not have the authority to do it. So until we pass this bill that gives us the authority in one of the amendments that Mr. Berson had passed this morning, there is nothing that is protecting the local municipalities, the local supervisors, the local borough council people, and this is critical that Mr. Berson's amendment gets into this bill, because contrary to what Mr. Fisher says, there are no local ordinances to protect us.

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

The following roll call was recorded:

YEAS—94

Austin	Gallagher	McKelvey	Rocks
Barber	Gamble	McMonagle	Rodgers
Berson	Gatski	McVerry	Schmitt
Borski	George, C.	Manderino	Seventy
Brown	George, M. H.	Michlovic	Shadding
Burns	Grabowski	Milanovitch	Shupnik
Caltagirone	Greenfield	Mrkonic	Steighner
Cappabianca	Harper	Mullen	Stewart
Cessar	Hoeffel	Murphy	Street
Chess	Hutchinson, A.	Musto	Sweet
Clark, B. D.	Itkin	Nahill	Taddonio
Cochran	Johnson, J. J.	Novak	Taylor, F.
Cohen	Jones	Oliver	Telek
Cornell	Knight	Petrarca	Trello
Cowell	Kolter	Pievsky	Wachob
DeMedio	Kowalyszyn	Pistella	Wargo
DeWeese	Kukovich	Pratt	White
Dawida	Laughlin	Pucciarelli	Wilson
Dombrowski	Letterman	Pyles	Wright, D. R.
Duffy	Levin	Rappaport	Wright, Jr., J.
Dumas	Livengood	Reed	Yahner
Earley	McCall	Richardson	Zitterman
Fee	McClatchy	Rieger	Zord
Fryer	McIntyre		

NAYS—91

Alden	Foster, Jr., A.	Lewis	Schweder
Anderson	Freind	Lynch, E. R.	Serafini
Armstrong	Gallen	Mackowski	Sieminski
Arty	Gannon	Madigan	Sirianni
Belardi	Geesey	Manmiller	Smith, E. H.
Bittle	Geist	Micozzie	Smith, L. E.
Bowser	Gladeck	Miller	Spencer
Brandt	Goebel	Moehlmann	Spitz
Burd	Goodman	Mowery	Stairs
Cimini	Grieco	Noye	Stuban
Clark, M. R.	Gruppo	O'Brien, B. F.	Swift
Cole	Halverson	O'Brien, D. M.	Taylor, E. Z.
Coslett	Hasay	Perzel	Thomas
Cunningham	Hayes, Jr., S.	Peterson	Vroon
DeVerter	Helfrick	Piccola	Wass
DiCarlo	Honaman	Pitts	Wenger
Davies	Hutchinson, W.	Polite	Wilt
Dietz	Johnson, E. G.	Pott	Yohn
Dininni	Kanuck	Punt	Zeller
Dorr	Klingaman	Ritter	Zwilk
Durham	Lashinger	Ryan	
Fischer	Lehr	Salvatore	Seltzer,
Fisher	Levi	Scheaffer	Speaker
Foster, W. W.			

NOT VOTING—11

Beloff	Gray	Knepper	Weidner
Bennett	Hayes, D. S.	O'Donnell	Williams
Giammarco	Irvis	Rhodes	

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

INTERROGATION ON AMENDMENTS

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster,

Mr. A. C. FOSTER. Mr. Speaker, I have an amendment that I am prepared to offer, but there has been a previous amendment offered by the gentleman, Mr. Manderino, and prior to offering the amendment I wonder if the gentleman, Mr. Manderino, would consent to interrogation?

The SPEAKER. The gentleman, Mr. Manderino, indicates that he will stand for interrogation. The gentleman may proceed.

Mr. A. C. FOSTER. Mr. Speaker, just for the record, insofar as your amendment is concerned, does this amendment apply to exempting condominiums from subdivision regulations in toto?

Mr. MANDERINO. No, Mr. Speaker.

The effect of the language that was in the bill and removed by my amendment would have done that. It would have said that in the condominium situation subdivisions and the Municipals Planning Code did not have to be complied with. I have said that the effect of my amendment is that if there is an existing apartment building that has met all the subdivision requirements, conversion of that apartment building in itself will not constitute an additional subdivision. It also has the effect that if there has been a building built and not yet occupied, but the building complies with all subdivision requirements and it is substantially complete, if the owner instead of renting decides to go a condominium route, he does not have to do anything additional. He has already met the subdivision requirements. That is the effect of this section.

Mr. A. C. FOSTER. The language of your amendment applies solely to conversions?

Mr. MANDERINO. Not necessarily conversions, because in practicality you might say that but a conversion cannot take place until it is occupied. So there may be a situation where the building is up, having been built, not occupied, and they put condominiums or they sell them as condominiums, but it has to be substantially completed.

Mr. A. C. FOSTER. In any event, Mr. Speaker, this language would not apply to a condominium to be newly built?

Mr. MANDERINO. No, it would not, and that is the purpose of my amendment.

Mr. A. C. FOSTER. I thank the gentleman.

Mr. Manderino's language does address itself to the point that my amendment would speak to. I, therefore, am content with the language of that amendment, and I find no need to offer my amendment.

This is indeed a rare day when the gentleman and Mr. Manderino and I can get together on something. The millennium is closer than we thought.

On the question recurring,

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

Mr. ITKIN offered the following amendment:

Amend Sec. 3410, page 77, by inserting between lines 11 and 12 (f) Prohibited eviction.—Tenants who are 62 years of age or older who choose not to purchase a unit within the time specified under (b) of this section may not be evicted if they have been tenants for no less than two years and have a total gross income of less than \$30,000 per year.

On the question,

Will the House agree to the amendment?

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

Mr. ITKIN. Mr. Speaker, this amendment is similar to but it is not exactly the amendment offered by, in part, Mr.

Fisher earlier today on the bill. As I remember, Mr. Fisher's bill that dealt with senior citizens provided for their remaining in a converted condominium unit so long as their total expenses for rent and utilities exceeded 25 percent of the total income of the occupants of that unit.

I feel that that is going to put an awful lot on senior citizens who do not necessarily meet the criterium of spending 25 percent of their income on their rent and on their utility charges.

The amendment that I am offering is much more liberal. The amendment that I am offering allows those persons 62 years of age or older to remain in a converted condominium as a rental unit so long as they have been tenants for no less than 2 years and have a total gross income of less than \$30,000 per year.

This particular amendment is exactly the same as the statute that now exists in New York State, and I believe that particular feature is working well in New York State and I think it is appropriate to be part of the law in Pennsylvania.

Mr. Fisher has mentioned on numerous occasions his desire for uniformity and I think that this is one particular amendment that he should support in order to achieve it. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. I have to oppose this amendment, Mr. Speaker. What this amendment does is provide a life tenancy for a senior citizen. I think we have attempted to provide a rational or reasonable time period of 2 years in my amendment which was adopted this morning, but to provide a life tenancy for a senior citizen, I think is going just a bit too far. I know of no rationale for this. I think that the net effect of language such as this will be that senior citizens will find that the rental market for them will be drying up. Who is going to rent to somebody in their late fifties if they are faced with the threat that in the event they want to convert that this senior citizen can never be evicted. I think that this amendment goes entirely too far. I think that the protections that were provided of 2 years at the same rent, by my amendment this morning, is more than reasonable.

For these reasons, I strongly urge the rejection of the Itkin amendment. Thank you, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, just very briefly. I would just like to point out that this is now the law of New York State and has been, and it has worked well, and I do not see any attempt on the part of the New York State Legislature to change it. So if it works well in New York State, it should work in Pennsylvania. I do not see any problems with respect to this amendment in Pennsylvania, Mr. Speaker.

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

Mr. YOHN. Mr. Speaker, will the gentleman, Mr. Itkin, answer two questions for me, please?

The SPEAKER. The gentleman indicates that he will stand for interrogation. Mr. Yohn may proceed.

Mr. YOHN. Mr. Speaker, will the gentleman advise me, I am not clear if the gentleman's amendment were inserted, what would be the rental during the life tenancy of the senior citizen? Would it remain the same or would it be allowed to increase as costs increase?

Mr. ITKIN. The amendment is silent on it. It would continue that unit as a rental apartment subject to all the conditions around leases and other legal instruments concerning rental units.

Mr. YOHN. So the landlord would be entitled to raise the rent to whatever charge he desires to during the course of the tenancy? Is that correct?

Mr. ITKIN. Yes. He would have the same rights and privileges that he has under current law.

Mr. YOHN. Mr. Speaker, would the gentleman advise me: His amendment states that the person cannot be evicted if they are 62 years of age or over. Now suppose no matter what the rental is, the tenant just does not pay the rent. Does this then mean that person cannot be evicted even though he does not pay the rent at all?

Mr. ITKIN. Mr. Speaker, there are other parts of law that speak for eviction for other purposes.

Mr. YOHN. I understand that, but this says he cannot be evicted, period.

Mr. ITKIN. But this is not part of a section in the bill, subsection (f), which talks about the use of condominiums. It is my interpretation, Mr. Speaker, that the prohibition for eviction only goes so far as what is provided in this particular act.

Mr. YOHN. Thank you.

Mr. Speaker, I would oppose this amendment. I think all of us want to help senior citizens and realize that they have a special problem in this type of a situation, but if it is true, as Mr. Itkin admitted, that the rentals can be increased, then I do not see that this is any protection at all because the rent can be increased to any amount that the landlord would so choose. If, on the other hand, it is as I read the amendment, that the tenant cannot be evicted, in effect, you are giving them a free lifetime tenancy. The tenancy would just decide not to pay the rent and nothing could be done about it. I would, therefore, state that the amendment is poorly drafted and would urge its defeat.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—78

Austin	Gallagher	McKelvey	Rieger
Berson	Gamble	McMonagle	Rocks
Borski	Gatski	Manderino	Schmitt
Brown	George, C.	Manmiller	Seventy
Burns	George, M. H.	Michlovic	Shadding
Caltagirone	Grabowski	Milanovich	Shupnik
Cappabianca	Greenfield	Miller	Stairs
Chess	Harper	Mrkonic	Stewart
Clark, B. D.	Hutchinson, A.	Mullen	Street
Cochran	Itkin	Musto	Taddonio
Cohen	Johnson, J. J.	Novak	Taylor, F.
DeMedio	Jones	Oliver	Telek

DeWeese	Knight	Pievsky	Trello
Dawida	Kowalshyn	Pistella	Wargo
Dombrowski	Kukovich	Pratt	White
Duffy	Laughlin	Pucciarelli	Wilson
Dumas	Letterman	Rappaport	Wright, D. R.
Earley	Levin	Reed	Wright, Jr., J.
Fee	Livengood	Richardson	Yahner
Fischer	McIntyre		

NAYS—103

Alden	Freind	Lynch, E. R.	Serafini
Anderson	Fryer	McCall	Sieminski
Armstrong	Gallen	McClatchy	Sirianni
Arty	Gannon	McVerry	Smith, E. H.
Belardi	Geesey	Mackowski	Smith, L. E.
Bittle	Geist	Madigan	Spencer
Bowser	Gladeck	Micozzie	Spitz
Brandt	Goebel	Moehlmann	Steighner
Burd	Goodman	Mowery	Stuban
Cessar	Grieco	Murphy	Sweet
Cimini	Gruppo	Nahill	Swift
Clark, M. R.	Halverson	Noye	Taylor, E. Z.
Cole	Hasay	O'Brien, B. F.	Thomas
Cornell	Hayes, Jr., S.	O'Brien, D. M.	Vroon
Coslett	Helfrick	Perzel	Wachob
Cowell	Hoeffel	Peterson	Wass
Cunningham	Honaman	Piccola	Wenger
DeVerter	Hutchinson, W.	Pitts	Wilt
DiCarlo	Johnson, E. G.	Polite	Yohn
Davies	Kanuck	Pott	Zeller
Dietz	Klingaman	Punt	Zitterman
Dininni	Kolter	Pyles	Zord
Dorr	Lashinger	Ritter	Zwinkl
Durham	Lehr	Ryan	
Fisher	Levi	Salvatore	Seltzer,
Foster, W. W.	Lewis	Scheaffer	Speaker
Foster, Jr., A.			

NOT VOTING—15

Barber	Gray	O'Donnell	Schweder
Beloff	Hayes, D. S.	Petrarca	Weidner
Bennett	Iris	Rhodes	Williams
Giammarco	Knepper	Rodgers	

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, I withdraw my amendment.

On the question recurring,

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

Mr. BORSKI offered the following amendments:

Amend Sec. 3410, page 77, line 9 by inserting after "prohibited.—" (1)

Amend Sec. 3410, page 77, line 11 by inserting after "terms."

(2) Nothing in this section or in any rental agreement shall prohibit a tenant, after receiving notice pursuant to subsection (a), from terminating any lease or rental agreement without any liability for such termination provided such tenant gives the building owner 90 days' written notice of the intent to terminate the lease or rental agreement.

(3) The owner of any proposed conversion condominium shall not engage in any activity of any nature which would coerce the tenant into terminating any lease, including but not limited to stampeding, harassing tenants or withholding normal services or repairs.

On the question,

Will the House agree to the amendments?

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

Mr. BORSKI. Mr. Speaker, this amendment would permit a tenant who has received notice that his apartment is to be converted to a condominium to terminate his lease on 90 days' written notice to the landlord. An example of this would be if a tenant has a 2-year term lease and has received notice that his apartment is going to be converted, this would allow him to get out in 90 days. Now as I understand it, most owners would prefer that the tenants who are not going to be staying would be allowed out. Now another section of this amendment would add protections so any tenant who wants to stay could stay until the end of his lease. I urge your support of the amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I urge the rejection of this amendment. Basically, what the first part of the amendment does is say that the tenant can cancel the lease within 90 days' notice. Now the bill, as I have previously stated, says that if once the conversion notice is given, that the lease, no matter how long the lease is, remains, and the tenant is allowed to stay in. I do not believe that the proposal which is before us is constitutional, because what we would be doing by adopting this amendment is flying in the face of Article I, section 7, of the Pennsylvania Constitution, that says no law impairing the obligations of a contract may be adopted. Now I am not raising the constitutionality of this issue, but I think because of the doubtful constitutional nature of the first part of this amendment and because of the patent unfairness in allowing one side to cancel and not providing the other side with that same right, I think that this amendment should be rejected.

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

Mr. BORSKI. Mr. Speaker, it is my feeling that if a tenant has a lease and is expecting to live in that apartment for a long term, and the owner decides to convert into a condominium, that the gentleman who has signed the lease is having the other part negated on him. Anyone who is expecting to stay for a long time and signs the lease, expecting to live in that apartment for a year or two, and then the rules are changed in the middle of the game on him, and this would allow him the option to terminate that lease in 90 days' written notice.

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

Mr. RAPPAPORT. I rise to speak in favor of the Borski amendment.

The Borski amendment would permit a tenant to cancel his lease on 90 days' notice after he has received a notice that the building is to be converted into a condominium. Let us assume a tenant signs a 2-year lease, and 3 months into the lease a declaration of conversion is filed. Well, the tenant may then look around for another apartment if he

does not want to buy; he would be well advised to do so. It is the landlord who has changed the terms of occupancy by saying, you will never have the option to renew this lease. You do not have the possibility of renewal on any terms; you are going to have to get out. Now the tenant may find a good deal right now. The tenant may decide to buy in another building or to buy a home and does not want to have to wait until the end of the 2-year lease. The converter, the landlord, has said, you are going to get out after 2 years. That is it. You are finished. I think it is entirely constitutional to give the tenant the power to say, okay, you have taken away from me and changed the terms of this deal by saying, I am never going to be able to renew my lease here, despite the fact I like my apartment and I know I am going to have a rent increase because the price of oil is going up. And the tenant should have the right to reorder his life at that point. What we are trying to do here is to give tenants time to reorder their lives when they need the time to reorder their lives. Here is a tenant who does not need the time; he says, indeed, I want to get out right now. I think it is a very good amendment, Mr. Speaker, and I would urge a "yea" vote.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, in reply to what Mr. Rappaport has said, Mr. Speaker, in residential leases, as I know them, there is not generally an option to renew; there is a right that the lease will carry over if the tenant carries over and if the landlord does nothing, such as submitting to that tenant a new lease for renewal at the end of the term. I want to emphasize once again that the conversion does not drive the tenant out for the period during which he and the landlord agreed to rent the premises to him. But what the amendment would do is make the option very one-sided; the 90 days' notice would be given, and the circumstances involving the leasing of property throughout the Commonwealth, I believe, would be drastically affected.

Secondly, in approximately 25 percent of those units that are converted to condominiums, 25 percent of the tenants who do not choose to purchase, stay over as tenants from the subsequent purchaser. In other words, someone might come in and purchase one of these units for investment. There is nothing to say otherwise, and in fact the facts have shown that 25 percent of those tenants end up leasing that same unit from the subsequent purchaser. So we do not have the problems that are really being posited here, in my opinion, and I would urge rejection of the Borski amendment.

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

The following roll call was recorded:

YEAS—104

Alden	Gallagher	McIntyre	Ritter
Austin	Gamble	McKelvey	Rocks
Barber	Gatski	McMonagle	Schmitt
Berson	George, C.	McVerry	Schweder
Borski	George, M. H.	Manderino	Seventy
Brown	Goodman	Michlovic	Shadding

Burns	Grabowski	Milanovich	Shupnik
Caltagirone	Greenfield	Mowery	Spitz
Cappabianca	Harper	Mrkonc	Steighner
Chess	Hoeffel	Mullen	Stewart
Clark, B. D.	Hutchinson, A.	Murphy	Street
Cochran	Itkin	Musto	Stuban
Cohen	Johnson, J. J.	Novak	Sweet
Cole	Jones	O'Brien, B. F.	Taddonio
Cowell	Klingaman	Oliver	Taylor, F.
DeMedio	Knight	Perzel	Trello
DeWeese	Kolter	Petrarca	Wachob
DiCarlo	Kowalyshyn	Pievsky	Wargo
Davies	Kukovich	Pistella	White
Dawida	Laughlin	Pott	Wilson
Dombrowski	Letterman	Pratt	Wright, D. R.
Duffy	Levi	Pucciarelli	Wright, Jr., J.
Dumas	Levin	Rappaport	Yahner
Earley	Livengood	Reed	Zitterman
Fee	McCall	Richardson	Zord
Fryer	McClatchy	Rieger	Zwilk

NAYS—79

Anderson	Foster, Jr., A.	Lewis	Serafini
Armstrong	Freind	Lynch, E. R.	Sieminski
Arty	Gallen	Mackowski	Sirianni
Belardi	Gannon	Madigan	Smith, E. H.
Bittle	Geesey	Manmiller	Smith, L. E.
Bowser	Geist	Micozzie	Spencer
Brandt	Gladeck	Miller	Stairs
Burd	Goebel	Moehlmann	Swift
Cessar	Grieco	Nahill	Taylor, E. Z.
Cimini	Gruppo	Noye	Telek
Clark, M. R.	Halverson	O'Brien, D. M.	Thomas
Cornell	Hasay	Peterson	Vroon
Coslett	Hayes, Jr., S.	Piccola	Wass
Cunningham	Helfrick	Pitts	Wenger
DeVerter	Honaman	Polite	Wilt
Dietz	Hutchinson, W.	Punt	Yohn
Dorr	Johnson, E. G.	Pyles	Zeller
Durham	Kanuck	Ryan	
Fischer	Lashingner	Salvatore	Seltzer,
Fisher	Lehr	Scheaffer	Speaker
Foster, W. W.			

NOT VOTING—13

Beloff	Gray	Knepper	Rodgers
Bennett	Hayes, D. S.	O'Donnell	Weidner
Dininni	Irvis	Rhodes	Williams
Giammarco			

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

On the question recurring,

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

Mr. WHITE offered the following amendment:

Amend Sec. 3410, page 77, by inserting between lines 11 and 12

(f) Separate utility metering.—The owner of any proposed conversion condominium shall provide that each individual unit within the condominium be metered separately for determining the utility charges to be charged against the owners of such unit.

On the question,

Will the House agree to the amendment?

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

Mr. WHITE. Mr. Speaker, this first amendment that I am offering adds a new section. This particular section

would require separate utility metering for each unit that is converted in the building. Obviously, we understand that single-family dwellings already have the benefit of knowing exactly what the utility costs are. This gives them the opportunity to reduce that expense if they should choose so through conservation of methods that they choose to employ in the use of their utilities.

There are also various laws and suggested legislation with regard to special forms of assistance to certain citizens, especially low-income and senior citizens. If there is no individual metering, how could such individuals benefit from such a conversion? In a situation where one individual spends little time in his condominium unit, does not cook for himself, does not like a well-heated living unit, he will be compelled to share the expense for the individual who spends nearly all of his time in the unit, eats all of his meals at home, and desires a well-heated living unit. This would be basically unfair and would have one condominium unit owner subsidizing other condominium unit owners. I urge the adoption of the amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I oppose the amendment. It would appear that the purpose of this provision is, perhaps, a laudable one of encouraging efficiency in the use of energy. But the way in which this is attempted to be accomplished could well prevent many buildings from being converted to condominiums without any commensurate benefit to society, and the initial cost of condominium units in buildings that are converted could well exceed the savings in energy costs that may or may not result from separate metering. The costs of separate metering of electricity, gas, water, sewage, oil, and other items may range from relatively slight to astronomical, depending upon the construction of the project, the design and location of various utility lines.

Now if this proposal is to have any sense, I think a proposal such as this should be in a state building code and should apply to new construction. But what we have here, we could have situations where it would be virtually impossible to separate meter, say, electric lines or gas lines. It may go up the side of one building and then shoot out, and, in fact, certain electric lines in one apartment might be coming off separate lines so that you would, in effect, have two or three meters in a certain condominium unit. I think what Mr. White is trying to do is laudable, but it is not a subject for a condominium law. It is a subject that, if it were imposed into a condominium law, would make the cost of condominiums astronomical, and I would say it could physically be impossible in many situations. I urge the rejection of this amendment.

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

Mr. WHITE. Mr. Speaker, there already exists the situation in buildings that have been converted, and for that matter in apartment dwelling buildings as well, involving the nonpayment of utility bills in the case of condomin-

iums. There has been special legislation that we have already passed concerning this problem. In fact, it was HB 1785 and HB 1834 which I sponsored in the previous session. We believe that it would be much easier and provide the additional benefits that we pointed out earlier if the separate utility metering was required by law, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, I rise to support the White amendment. We are living in a time now when everyone is stressing conservation of energy, and I think this is one of the modes or methods that can be employed in a condominium situation to emphasize that conservation of energy. We go back to what I mentioned earlier about the definition of a condominium. A condominium is a group of separate units that are housed generally under one structure. What this particular amendment does is it has the declarant install for each separate, individual unit a meter for the utilities. Therefore, the utility companies could keep track of only that electricity or energy that is being used by one unit. So, in fact, you are preventing a situation whereby joint ownership through an association, what is going to be consumed as energy by the unit and as a whole is going to be fairly paid for by the consumer and not by the joint association. To illustrate the point once more, if we have multi-level structure, and there are four levels, each one housing four units, if you have one meter for each floor, you are going to have that electricity broken down and paid for by the four people jointly on that floor; however, you may have a situation where two or more of those people are consuming less energy on that floor than the other residents, and as a result these people who are using less energy could conceivably be paying more energy for less energy consumed. I think it is a very prudent, very wise measure that has been introduced by Mr. White, and in this time of energy consciousness, I encourage everyone to support the amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, I really cannot believe that I hear somebody saying that I am going to go out, or people in this Commonwealth, and purchase property for \$85,000, and \$95,000 and \$100,000—and that is what they are selling for in some of the suburban areas—and be told that they do not have a right to an electric meter, they do not have a right for a sewage meter, they do not have a right to a water meter. That is absolutely incredible. I do not get emotional too often, but when I buy something for \$85,000 or \$95,000 and I am told that I cannot have an electric meter, something is wrong.

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

The following roll call was recorded:

YEAS—107

Austin	Gallagher	McIntyre	Schmitt
Barber	Gamble	McKelvey	Schweder
Berson	Gatski	McMonagle	Serafini
Bittle	George, C.	Manderino	Seventy
Borski	George, M. H.	Manmiller	Shadding
Brown	Goodman	Michlovic	Shupnik
Burns	Grabowski	Milanovich	Steighner
Caltagirone	Greenfield	Moehlmann	Stewart
Cappabianca	Grieco	Mrkonic	Street
Chess	Gruppo	Mullen	Stuban
Cimini	Harper	Musto	Taddonio
Clark, B. D.	Hoeffel	Novak	Taylor, F.
Cochran	Hutchinson, A.	O'Brien, B. F.	Telek
Cohen	Itkin	Oliver	Trello
Cole	Johnson, J. J.	Petrarca	Wachob
Cornell	Jones	Piccola	Wargo
Cowell	Knight	Pievsky	White
DeMedio	Kolter	Pistella	Wilson
DeWeese	Kowalyszyn	Pratt	Wright, D. R.
DiCarlo	Kukovich	Pucciarelli	Wright, Jr., J.
Davies	Laughlin	Rappaport	Yahner
Dininni	Letterman	Reed	Zeller
Dombrowski	Levi	Richardson	Zord
Duffy	Levin	Rieger	Zwilk
Dumas	Livengood	Ritter	
Earley	McCall	Rocks	Seltzer,
Fee	McClatchy	Rodgers	Speaker
Fryer			

NAYS—77

Alden	Foster, Jr., A.	Lewis	Ryan
Anderson	Freind	Lynch, E. R.	Salvatore
Armstrong	Gallen	McVerry	Scheaffer
Arty	Gannon	Mackowski	Sieminski
Belardi	Geesey	Madigan	Sirianni
Bowser	Geist	Micozzie	Smith, E. H.
Brandt	Gladeck	Miller	Smith, L. E.
Burd	Goebel	Mowery	Spencer
Cessar	Halverson	Murphy	Spitz
Clark, M. R.	Hasay	Nahill	Stairs
Coslett	Hayes, Jr., S.	Noye	Swift
Cunningham	Helfrick	O'Brien, D. M.	Taylor, E. Z.
DeVerter	Honaman	Perzel	Thomas
Dawida	Hutchinson, W.	Peterson	Vroon
Dietz	Johnson, E. G.	Pitts	Wass
Dorr	Kanuck	Polite	Wenger
Durham	Klingaman	Pott	Wilt
Fischer	Lashinger	Punt	Yohn
Fisher	Lehr	Pyles	Zitterman
Foster, W. W.			

NOT VOTING—12

Beloff	Gray	Knepper	Sweet
Bennett	Hayes, D. S.	O'Donnell	Weidner
Giammarco	Irvis	Rhodes	Williams

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

On the question recurring,

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

Mr. WHITE offered the following amendments:

Amend Sec. 3404, page 71, line 1 by inserting after "architect or" licensed

Amend Sec. 3404, page 71, line 2, by inserting after "the" age and

Amend Sec. 3404, page 71, line 4, by inserting after "installations", including but not limited to roofs, plumbing, heating, air conditioning, elevators and pest control conditions,

Amend Sec. 3404, page 71, lines 7 and 8, by striking out "or a statement" in line 7 and all of line 8 and inserting including the current replacement costs of such item.

On the question,

Will the House agree to the amendments?

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

Mr. WHITE. This amendment clarifies the original language requiring that the professional engineer providing a report on the present conditions of the structural and mechanical components of the building be licensed. It also requires that in addition to the present conditions of the particular structural component or mechanical and electrical installation that the age be given. It is possible that a particular component may be in good present condition but quite a few years old, and it is important to provide the age of the component as well, since the age of the component may affect its useful life.

This amendment goes even further to clarify the language in section 3404 by itemizing certain of the major structural components and mechanical and electrical installations without limiting itself to the particular items mentioned.

It does, however, call attention to the type of items that are without question considered to be structural components and mechanical and electrical installations.

If you note in the amendment it would include, but would not limit itself to roofs, plumbing, heating, air conditioning, elevators and pest control conditions. We also ask that you include the current replacement cost of each item. We urge adoption of the amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. I agree to the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—178

Anderson	Gallagher	McClatchy	Salvatore
Armstrong	Gallen	McIntyre	Scheaffer
Arty	Gamble	McKelvey	Schmitt
Austin	Gannon	McMonagle	Schweder
Barber	Gatski	McVerry	Serafini
Belardi	Geesey	Mackowski	Seventy
Berson	Geist	Madigan	Shadding
Bittle	George, C.	Manmiller	Shupnik
Borski	George, M. H.	Michlovic	Sieminski
Bowser	Gladeck	Micozzie	Sirianni
Brandt	Goebel	Milanovich	Smith, E. H.
Brown	Goodman	Miller	Smith, L. E.
Burd	Grabowski	Moehlmann	Spencer
Burns	Greenfield	Mowery	Spitz
Caltagirone	Grieco	Mrkonic	Stairs
Cappabianca	Gruppo	Mullen	Steighner
Cessar	Halverson	Murphy	Stewart
Chess	Harper	Musto	Street
Cimini	Hasay	Nahill	Stuban
Clark, B. D.	Hayes, Jr., S.	Novak	Sweet
Clark, M. R.	Helfrick	Noye	Taddonio
Cochran	Hoeffel	O'Brien, B. F.	Taylor, E. Z.
Cohen	Honaman	O'Brien, D. M.	Taylor, F.
Cornell	Hutchinson, A.	Oliver	Telek
Coslett	Hutchinson, W.	Perzel	Thomas
Cowell	Itkin	Peterson	Trello
DeMedio	Johnson, E. G.	Petrarca	Vroon
DeVerter	Johnson, J. J.	Piccola	Wachob
DeWeese	Jones	Pievsky	Wargo
Davies	Kanuck	Pistella	Wass

Dawida	Klingaman	Pitts	Wenger
Dietz	Knight	Polite	White
Dininni	Kolter	Pott	Wilson
Dombrowski	Kowalshyn	Pratt	Wilt
Dorr	Kukovich	Pucciarelli	Wright, D. R.
Duffy	Lashingner	Punt	Wright, Jr., J.
Dumas	Laughlin	Pyles	Yahner
Durham	Lehr	Rappaport	Yohn
Fee	Letterman	Reed	Zeller
Fischer	Levi	Richardson	Zitterman
Fisher	Levin	Rieger	Zord
Foster, W. W.	Lewis	Ritter	Zwikl
Foster, Jr., A.	Livengood	Rocks	
Freind	Lynch, E. R.	Rodgers	Seltzer,
Fryer	McCall	Ryan	Speaker

NAYS—2

Alden Cunningham

NOT VOTING—16

Beloff	Earley	Irvis	Rhodes
Bennett	Giammarco	Knepper	Swift
Cole	Gray	Manderino	Weidner
DiCarlo	Hayes, D. S.	O'Donnell	Williams

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

On the question recurring,

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

Mr. WHITE offered the following amendment:

Amend Sec. 3402, page 68, lines 28 and 29, by striking out “, (10), (11), (16), (17), (18) and (19)” and inserting (18)

On the question,

Will the House agree to the amendment?

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

Mr. WHITE. This amendment is meant to provide the potential purchaser of a condominium in a small building of not more than 12 units with as much critical information as possible. There is no reason to require less information to be given to this potential purchaser where the declarant is selling no more than 12 units at a time.

I urge the adoption of this amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. It is agreed to.

On the question recurring,

Will the House agree to the amendment?

YEAS—180

Alden	Freind	McClatchy	Ryan
Anderson	Fryer	McIntyre	Salvatore
Armstrong	Gallagher	McKelvey	Scheaffer
Arty	Gallen	McMonagle	Schmitt
Austin	Gamble	McVerry	Schweder
Barber	Gannon	Mackowski	Serafini
Belardi	Gatski	Madigan	Seventy
Berson	Geesey	Manderino	Shadding
Bittle	Geist	Manmiller	Shupnik
Borski	George, C.	Michlovic	Sieminski
Bowser	George, M. H.	Micozzie	Sirianni
Brandt	Gladeck	Milanovich	Smith, E. H.
Brown	Goebel	Miller	Smith, L. E.
Burd	Goodman	Moehlmann	Spencer
Burns	Grabowski	Mowery	Spitz
Caltagirone	Greenfield	Mrkonic	Stairs

Cappabianca	Grieco	Mullen	Steighner
Cessar	Gruppo	Murphy	Stewart
Chess	Halverson	Musto	Street
Cimini	Harper	Nahill	Stuban
Clark, B. D.	Hasay	Novak	Swift
Clark, M. R.	Hayes, Jr., S.	Noye	Taddonio
Cochran	Helfrick	O'Brien, B. F.	Taylor, E. Z.
Cohen	Hoeffel	O'Brien, D. M.	Taylor, F.
Cole	Honaman	Oliver	Telek
Cornell	Hutchinson, A.	Perzel	Trello
Coslett	Hutchinson, W.	Peterson	Vroon
Cowell	Itkin	Petrarca	Wachob
DeMedio	Johnson, E. G.	Piccola	Wargo
DeVerter	Johnson, J. J.	Pievsky	Wass
DeWeese	Kanuck	Pistella	Wenger
DiCarlo	Klingaman	Pitts	White
Davies	Knight	Polite	Wilson
Dawida	Kolter	Pott	Wilt
Dietz	Kowalshyn	Pratt	Wright, D. R.
Dininni	Kukovich	Pucciarelli	Wright, Jr., J.
Dombrowski	Lashingner	Punt	Yahner
Dorr	Laughlin	Pyles	Yohn
Duffy	Lehr	Rappaport	Zeller
Dumas	Letterman	Reed	Zitterman
Durham	Levi	Richardson	Zord
Earley	Levin	Rieger	Zwikl
Fee	Lewis	Ritter	
Fischer	Livengood	Rocks	Seltzer,
Fisher	Lynch, E. R.	Rodgers	Speaker
Foster, W. W.	McCall		

NAYS—2

Cunningham Foster, Jr., A.

NOT VOTING—14

Beloff	Hayes, D. S.	O'Donnell	Thomas
Bennett	Irvis	Rhodes	Weidner
Giammarco	Jones	Sweet	Williams
Gray	Knepper		

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

On the question recurring,

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

Mr. WHITE offered the following amendment:

Amend Sec. 1 (Sec. 3410), page 77, by inserting between lines 11 and 12 (f) Relocation assistance.—When a tenant or subtenant is required to vacate because of a conversion, the declarant shall provide the tenant or subtenant with relocation assistance up to \$1,000. (g) Community development grants.—If community development money has been used to rehabilitate single dwellings and/or multi-family dwellings, then that building cannot be then converted to a condominium for a period of 10 years.

On the question,

Will the House agree to the amendment?

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

Mr. WHITE. This is the last of my amendments. This one would provide relocation assistance to individuals being displaced by condominium conversions. In addition, we add an additional section, section (g), which basically prohibits buildings that have been “rehabbed” with the use of community development funds from being sold or converted to condominiums for a period of 10 years. Presently, the practice of the use of this particular item as it

relates to the Housing and Urban Development Authority, has a 10-year provision and this will simply bring us into compliance with what are already existing Federal regulations.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I would oppose this amendment. I do not think that this is the proper bill for attempting to provide this type of monetary assistance. What basically Mr. White is attempting to do is put \$1,000 premium on the owner of any unit who decides not to purchase the particular dwelling. I think if we impose this cost on the converter, the net effect is going to be that the purchase price of the units which will be converted will just be increased and it will be tougher for people who want to buy condominium units to be able to do so.

I do not think that this is the proper subject for this legislation and I would urge the rejection of this amendment.

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

Mr. WHITE. One of the basic problems that we have in the conversion units is certain individuals are unable to meet necessary expenses for relocation. What we are doing is putting a maximum level of \$1,000 to be used, no more than \$1,000, to assist in those relocations efforts.

REQUEST TO DIVIDE AMENDMENT

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Spitz.

Mr. SPITZ. Mr. Speaker, I have just been chastized, but I am going to make my motion anyway. Mr. Speaker, I would move that we divide this.

The SPEAKER. Would the gentleman, Mr. Spitz, indicate how he suggests that the amendment be divided?

Mr. SPITZ. Mr. Speaker, very simply, after 1,000 it would be my intention that we be permitted to vote separately on (f) and (g).

The SPEAKER. It is the opinion of the Chair that that is not a proper division of the amendment and the Chair will then so rule.

The Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. If that is the ruling, Mr. Speaker, then I would ask that the members vote in favor of this amendment.

I rise to support the White amendment and I do so, Mr. Speaker, on behalf of the number of persons that will be moved out of their homes. I would just like to ask Mr. Fisher one question, because I think this is such an important bill. Perhaps, if he will listen he might hear this.

Could you answer us whether or not the tenants who are or would be subtenants under this condominium bill who happened to be moved out would in fact be able to receive some allotment moneys to move?

The SPEAKER. The Chair is unable to hear the gentleman.

Mr. RICHARDSON. I think also that Mr. Fisher is unable to hear, too. He is on the phone. I am asking a question.

The SPEAKER. Will the gentleman, Mr. Fisher, permit himself to be interrogated? The gentleman indicates that he will, and the gentleman, Mr. Richardson, may proceed.

Mr. RICHARDSON. You proposed this amendment, Mr. Speaker, and I am raising the question as to, No. 1, is there presently a provision in this bill that is going to allow subtenants with relocation moneys so that they will be able to move, such as, senior citizens who will not have any money with which to, in fact, move at this present time?

Mr. D. M. FISHER. No, there is not, Mr. Speaker.

Mr. RICHARDSON. Is there any reason why you would oppose them having some so they could in fact try to relocate in a different place since they are being moved out because their place is being converted to a condominium?

Mr. D. M. FISHER. Basically, Mr. Speaker, the bill does not evict anybody until their lease is over. Once the lease has been terminated and the apartment is turned into a condominium, I do not think there should be any burden on the part of the converter to pay out the \$1,000 cash payment for relocation expenses. I basically think that this type of a proposal does not belong in a condominium law, and in addition I think that it is almost impossible to police and impossible to enforce.

Mr. RICHARDSON. It does not say \$1,000 payment. I think possibly you read that wrong, Mr. Speaker. It says up to \$1,000.

Mr. D. M. FISHER. That is correct.

Mr. RICHARDSON. So that does not mean that they have to pay \$1,000. It could be less. I would share that with you.

The other point is that I think that although you say that when the lease is up, there may be some discrepancy with persons who are there, particularly not giving them the time allotted that is necessary in fact to deal with the bill, the main concern is trying to deal with the community development fees that we have talked about, also which is incorporated in this amendment. Do you not feel that it is important to make sure that community development funds are not spent in the areas that are designated to make sure that they do not in fact convert with community development funds?

Mr. FISHER. Although I could not totally hear your answer, Mr. Speaker, I am not as concerned with subsection (g) as I am with subsection (f).

Mr. RICHARDSON. Can I ask, then, for a ruling of the Chair to further specify why—

The SPEAKER. Will the gentleman yield until we have order?

QUESTION OF INFORMATION

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson. For what purpose does the gentleman rise?

Mr. RICHARDSON. I rise to a question of information.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. I further wanted to raise the question as to how we can fix the dilemma that we are in. Number one, you have ruled that (f) and (g) cannot be separated on this question. Could you further provide us with the answer to how since (g) cannot stand by itself, what we would have to do in order to correct this amendment?

The SPEAKER. It is the opinion of the Chair that the proper procedure would be to draft separate amendments for each paragraph, one for (f) and one for (g).

Mr. RICHARDSON. Okay. So, in other words, since you cannot divide the question, can you tell me why we cannot divide it in half then, if you tell me to draft a separate one for (f) and a separate one for (g) and we consider both in the same situation?

The SPEAKER. The principle of dividing amendments so that parts can be considered on their own merits is first determined by whether each part can stand on its own. Assuming that one part is accepted and one part is defeated, and as the Chair looks at (f) and (g), it can only go one time with the amend section 1, section 3410, page 77, by inserting between lines 11 and 12; just one of those. If you use if for (f) and it goes in, you cannot use it for (g).

Mr. RICHARDSON. Yes, but what if both then pass, Mr. Speaker?

The SPEAKER. Will the gentleman repeat his question?

Mr. RICHARDSON. You are speculating.

The SPEAKER. The Chair is constrained to say it cannot accept that responsibility.

Mr. RICHARDSON. Well, then, you are assuming that both of them either will fail or pass, and I am just saying that we have not weighed either one of them yet.

The SPEAKER. The Chair is not in the position of assuming. If there is a possibility that can happen, the Chair must rule as it has ruled.

Mr. RICHARDSON. Okay. Then I would ask then, Mr. Speaker, that the time be given for Mr. White to draft this part of the amendment so it can be offered in the correct manner that you asked.

The SPEAKER. The gentleman, Mr. White, has indicated that he would like to run the amendment at this time to see what the decision of the House will be.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—45

Barber	George, C.	McMonagle	Rieger
Berson	George, M. H.	Manderino	Seventy
Borski	Grabowski	Mullen	Shadding
Burns	Greenfield	Novak	Stewart
Caltagirone	Harper	O'Brien, B. F.	Street
Chess	Johnson, J. J.	Oliver	Telek
Clark, B. D.	Jones	Petrarca	Trello
Cohen	Knight	Pievsky	White
DeMedio	Kukovich	Pistella	Wilson
DeWeese	Levin	Pucciarelli	Wright, D. R.
Dumas	McIntyre	Richardson	Wright, Jr., J.
Gallagher			

NAYS—139

Alden	Foster, Jr., A.	Lynch, E. R.	Scheaffer
Anderson	Freind	McCall	Schmitt
Armstrong	Fryer	McClatchy	Schweder
Arty	Gallen	McKelvey	Serafini
Austin	Gamble	McVerry	Shupnik
Belardi	Gannon	Mackowski	Sieminski
Bittle	Gatski	Madigan	Sirianni
Bowser	Geesey	Manmiller	Smith, E. H.
Brandt	Geist	Michlovic	Smith, L. E.
Brown	Gladeck	Micozzie	Spencer
Burd	Goebel	Milanovich	Spitz
Cappabianca	Goodman	Miller	Stairs
Cessar	Grieco	Moehlmann	Steighner
Cimini	Gruppo	Mowery	Stuban
Clark, M. R.	Halverson	Mrkonic	Sweet
Cochran	Hasay	Murphy	Swift
Cole	Hayes, Jr., S.	Musto	Taddonio
Cornell	Helfrick	Nahill	Taylor, E. Z.
Coslett	Hoeffel	Noye	Taylor, F.
Cowell	Honaman	O'Brien, D. M.	Thomas
Cunningham	Hutchinson, A.	Perzel	Vroon
DeVerter	Hutchinson, W.	Peterson	Wachob
DiCarlo	Itkin	Piccola	Wargo
Davies	Johnson, E. G.	Pitts	Wass
Dawida	Kanuck	Polite	Wenger
Dietz	Klingaman	Pott	Wilt
Dininni	Kolter	Pratt	Yahner
Dombrowski	Kowalyszyn	Punt	Yohn
Dorr	Lashinger	Pyles	Zeller
Duffy	Laughlin	Reed	Zitterman
Durham	Lehr	Ritter	Zord
Earley	Letterman	Rocks	Zwinkl
Fee	Levi	Rodgers	
Fischer	Lewis	Ryan	Seltzer,
Fisher	Livengood	Salvatore	Speaker
Foster, W. W.			

NOT VOTING—12

Beloff	Gray	Knepper	Rhodes
Bennett	Hayes, D. S.	O'Donnell	Weidner
Giammarco	Irvis	Rappaport	Williams

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Zitterman. For what purpose does the gentleman rise?

Mr. ZITTERMAN. Mr. Speaker, on the White amendment A4511, I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

CONSIDERATION OF SB 65 CONTINUED

On the question recurring,

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

Mr. PISTELLA offered the following amendment:

Amend Sec. 3410, page 77, by inserting between lines 11 and 12

(f) (1) Rental units preserved in certain circumstances or relocation permitted.—No owner of any proposed conversion condominium shall convert any existing residential or apartment rental unit to condominium usage when such rental unit is leased to any person who is 62 years of age or older at the time of conversion to be determined by the date of the notice

required pursuant to subsection (a). Such person shall be entitled to continue to rent this unit for the remainder of such person's life at reasonable rental rates comparable to other rents in the general community for similar rental units.

(2) As an alternative to paragraph (1), the declarant or the developer, at their option, may relocate any tenant who meets the qualifications of paragraph (1) in a comparable rental unit at a comparable rental cost, in a comparable condition in an indigenous neighborhood. The developer or declarant who exercises this alternative shall pay all expenses associated with the relocation of such tenant.

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, if I may, this might be the only opportunity I will ever have to correct leadership on both sides of the aisle and the speakers. My understanding is your calendars are marked for five amendments to be introduced by myself, but there is really only one.

The SPEAKER. The remarks of the gentleman will be imprinted upon our memories.

Mr. PISTELLA. Thank you, Mr. Speaker.

This amendment A4518 addresses section 3410, page 77, instituting that rental units held by those individuals 62 years of age will be remaining as rental units subject to a comparable rate in the surrounding area, or as an alternative to the declarant, they may relocate the occupant of that unit in a comparable neighborhood for the cost of relocation.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I oppose the amendment for the reason given and other reasons given on the Itkin amendment. It is very similar, and I oppose it for the same reason.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, the information that I have surrounding the introduction of this particular amendment comes from a hearing that was held by the Subcommittee on Housing and Urban Affairs. At that time, a group of senior citizen legal rights experts made recommendations on the proposed adoption of SB 612 dealing with the condominium crisis as it exists in the United States. There were a series of guidelines established to protect senior citizens, not only their right to rent property but also going through the emotional trauma of having to live under the fear of residing in an apartment that may one day be converted. I can appreciate the efforts that have been put forth by Mr. Fisher in the introduction of his amendment this morning, but I do not think that is going far enough.

In the State of New York, in July of 1978, the Governor adopted a Senate bill, SB 10648, which gave the citizens 62 years of age or older in Nassau, Westchester and Rockland counties the protection that I am trying to provide to the citizens 62 years of age or older here in the State of Pennsylvania.

I would also like to illustrate the second portion of my amendment by stating that consideration must be given to efforts to relocate. Across the country there exist relocation centers available for senior citizens who are in just such a situation as this. They exist in San Mateo, California, Los Angeles, numerous other ones, Oak Park, Illinois, and here there is an actual cash payment that is made for relocation purposes by the converter to the senior citizen who is going to relocate.

I do not think the amendment as it is drafted deals with the problem of rent control. You are giving the declarant, after making the conversion, the option of charging what he feels is a comparable rent for that unit in the existing neighborhood, and you are also looking to stabilize those renters who wish to relocate by relocating them in the same neighborhood or a comparable neighborhood according to religious, social and ethnic backgrounds, and economic income, and you are only having the declarant be responsible for the actual cost of relocating; no flat amount, but something that would cover adequately the relocation costs. I would appreciate the support of all the members on this amendment. Thank you.

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

The following roll call was recorded:

YEAS—65

Barber	George, C.	Manderino	Seventy
Berson	Grabowski	Michlovic	Shadding
Borski	Greenfield	Mullen	Shupnik
Brown	Harper	Musto	Stairs
Burns	Hutchinson, A.	O'Brien, B. F.	Steighner
Caltagirone	Johnson, J. J.	Oliver	Stewart
Chess	Jones	Petrarca	Street
Clark, B. D.	Kolter	Pievsky	Taddonio
Cohen	Kowalyszyn	Pistella	Telek
DeMedio	Kukovich	Pucciarelli	Trello
DeWeese	Levin	Reed	Wargo
Dumas	Livengood	Richardson	White
Fee	McCall	Rieger	Wilson
Fischer	McIntyre	Rocks	Wilt
Fryer	McKelvey	Rodgers	Wright, D. R.
Gallagher	McMonagle	Schmitt	Wright, Jr., J.
Gatski			

NAYS—120

Alden	Fisher	Levi	Ryan
Anderson	Foster, W. W.	Lewis	Salvatore
Armstrong	Foster, Jr., A.	Lynch, E. R.	Scheaffer
Arty	Freind	McClatchy	Schweder
Austin	Gallen	McVerry	Serafini
Belardi	Gamble	Mackowski	Sieminski
Bittle	Gannon	Madigan	Sirianni
Bowser	Geesey	Manmiller	Smith, E. H.
Brandt	Geist	Micozzie	Smith, L. E.
Burd	George, M. H.	Milanovich	Spencer
Cappabianca	Gladeck	Miller	Spitz
Cessar	Goebel	Moehlmann	Stuban
Cimini	Goodman	Mowery	Sweet
Clark, M. R.	Grieco	Mrkonic	Swift
Cochran	Gruppo	Murphy	Taylor, E. Z.
Cole	Halverson	Nahill	Taylor, F.
Cornell	Hasay	Novak	Thomas
Coslett	Hayes, Jr., S.	Noye	Vroon
Cowell	Helfrick	O'Brien, D. M.	Wachob
Cunningham	Hoeffel	Perzel	Wass
DeVertter	Honaman	Peterson	Wenger
DiCarlo	Hutchinson, W.	Piccola	Yahner

Davies	Itkin	Pitts	Yohn
Dawida	Johnson, E. G.	Polite	Zeller
Dietz	Kanuck	Pott	Zitterman
Dininni	Klingaman	Pratt	Zord
Dombrowski	Knight	Punt	Zwilk
Dorr	Lashinger	Pyles	
Duffy	Laughlin	Rappaport	Seltzer,
Durham	Lehr	Ritter	Speaker
Earley	Letterman		

NOT VOTING—11

Beloff	Gray	Knepper	Weidner
Bennett	Hayes, D. S.	O'Donnell	Williams
Giammarco	Irvis	Rhodes	

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 as amended on third consideration?

Mr. RICHARDSON offered the following amendment:

Amend Sec. 1 (Sec. 3410), page 77, by inserting between lines 11 and 12 (f) Public hearings.—At least 30 days before the notice of conversion is given, the declarant shall hold a public hearing in the municipality where the conversion is proposed at a place and time convenient to the persons who may be directly affected by the conversion.

On the question,

Will the House agree to the amendment?

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

Mr. RICHARDSON. Mr. Speaker, I think this is an agreed-to amendment. It is very technical in nature, and I do not think it requires a lot of discussion. It just says that you should hold a public hearing 30 days before the conversion and asks that it be held in the municipality where the conversion is taking place.

The SPEAKER. The Chair recognizes the gentleman, from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I will agree to this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—176

Alden	Fryer	McClatchy	Schmitt
Anderson	Gallagher	McIntyre	Schweder
Armstrong	Gallen	McKelvey	Serafini
Arty	Gamble	McMonagle	Seventy
Austin	Gannon	McVerry	Shadding
Barber	Gatski	Mackowski	Shupnik
Belardi	Geesey	Madigan	Sieminski
Berson	Geist	Manderino	Sirianni
Bittle	George, C.	Manmiller	Smith, E. H.
Borski	George, M. H.	Michlovic	Smith, L. E.
Bowser	Gladeck	Micozzie	Spencer
Brandt	Goebel	Miller	Spitz
Brown	Goodman	Moehlmann	Stairs
Burd	Grabowski	Mowery	Steighner
Burns	Greenfield	Mrkonic	Stewart
Caltagirone	Grieco	Mullen	Street
Cessar	Gruppo	Murphy	Stuban
Chess	Halverson	Musto	Sweet
Cimini	Harper	Nahill	Swift
Clark, B. D.	Hayes, Jr., S.	Novak	Taddonio

Clark, M. R.	Helfrick	Noye	Taylor, E. Z.
Cochran	Hoefel	O'Brien, B. F.	Taylor, F.
Cohen	Honaman	O'Brien, D. M.	Telek
Cole	Hutchinson, A.	Oliver	Thomas
Cornell	Hutchinson, W.	Peterson	Trello
Coslett	Itkin	Petrarca	Vroon
Cowell	Johnson, E. G.	Piccola	Wachob
DeMedio	Johnson, J. J.	Pievsky	Wargo
DeVerter	Jones	Pistella	Wass
DeWeese	Kanuck	Pitts	Wenger
DiCarlo	Klingaman	Polite	White
Davies	Knight	Pott	Wilson
Dawida	Kolter	Pratt	Wilt
Dininni	Kowalshyn	Pucciarelli	Wright, D. R.
Dorr	Kukovich	Punt	Wright, Jr., J.
Duffy	Lashinger	Pyles	Yahner
Dumas	Laughlin	Rappaport	Yohn
Durham	Lehr	Reed	Zeller
Earley	Letterman	Rieger	Zitterman
Fee	Levi	Ritter	Zord
Fischer	Levin	Roeks	Zwilk
Fisher	Lewis	Rodgers	
Foster, W. W.	Livengood	Salvatore	Seltzer,
Foster, Jr., A.	Lynch, E. R.	Scheaffer	Speaker
Freind	McCall		

NAYS—3

Cunningham	Dietz	Perzel
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NOT VOTING—17

Beloff	Gray	Knepper	Richardson
Bennett	Hasay	Milanovich	Ryan
Cappabianca	Hayes, D. S.	O'Donnell	Weidner
Dombrowski	Irvis	Rhodes	Williams
Giammarco			

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

On the question recurring,

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

Mr. RICHARDSON offered the following amendments:

Amend Bill, page 79, by inserting between lines 29 and 30

Section 3. (a) Notwithstanding any other provision of this act, no property that is subject to a residential lease shall be converted to a condominium or cooperative for a period of three years after the effective date of this act.

(b) There is hereby created a special legislative committee to study the problems of tenants affected by a conversion of rental units to condominiums or cooperatives. The committee shall consist of 14 members; seven of whom shall be members of the House of Representatives appointed by the Speaker, four from the majority party and three from the minority party; and seven of whom shall be members of the Senate appointed by the President pro tempore, four from the majority party and three from the minority party. The committee shall complete its study and report its findings and recommendations to the General Assembly prior to the expiration of the three-year period following the effective date of this act.

Amend Sec. 3, page 79, line 30, by striking out "3." and inserting 4.

On the question,

Will the House agree to the amendments?

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

Mr. RICHARDSON. This is a moratorium amendment that asks for there to be a provision provided for those

persons subject to residential lease, a 3-year period effective upon the date of this act.

Secondly, this amendment also calls on a special legislative committee to study the problems of tenants who would be affected by any conversion or particular problems being forced on them by this condominium bill.

I would ask that there be serious thought given to this, that number one, recognizing the Philadelphia problem, I understand that city council has ruled 18 months. I am asking that that be extended to 3 years, because I feel that in terms of those persons, particularly those who are older persons who have to be moved out, those who are on fixed incomes, they need some time, and I am appealing to the fact that there is a need for a special legislative committee. On that, Mr. Speaker, I ask for a favorable vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I oppose the amendment. First of all, the first section provides a 3-year moratorium all around the state. It is entirely too long. The Philadelphia problem, apparently through the local ordinance situation, can be addressed through their local ordinance, and even their moratorium is not that long.

Secondly, the second part, creating a special legislative committee, should better be handled by resolution rather than by amendment to the condominium law. For these reasons I oppose the amendment.

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

Mr. RICHARDSON. Let me ask whether or not I may interrogate Mr. Fisher.

The SPEAKER. The gentleman, Mr. Fisher, indicates he will stand for interrogation. The gentleman may proceed.

Mr. RICHARDSON. First of all, we had already drawn this up before we got confirmation of the 18-month period. *I am willing to withdraw that piece.*

I am asking whether or not you are opposed at all to a special committee to investigate the whole question concerning condominiums, with a team of Senate members and House members to look into the whole question dealing with the conversions and the effects they will have on tenants in the particular community.

Mr. D. M. FISHER. Mr. Speaker, you know, I am not in a position to say whether I oppose it or I support it. I think that is a decision of the leadership in this House and the Senate.

I would submit, however, Mr. Speaker, that there is a Joint State Government Commission task force on condominium laws. Its makeup is composed of, I believe, six House members and six Senators. I think there are some vacancies. It is in effect an ongoing task force, if the General Assembly wants to continue it. That, perhaps, would be the proper vehicle. There would be staff support; there would be people familiar with condominium laws. I am sure if the gentleman is interested in pursuing that, I would be glad to give him the information or somebody in

the Joint State Government Commission would be glad to help him, and that may be a possibility, but I am not in the position of saying whether I would support it or oppose it.

Mr. RICHARDSON. Fine, Mr. Speaker. What I would ask then, would you oppose an amendment dealing specifically with that standing committee that already is operating and that this be a part of this condominium bill?

Mr. D. M. FISHER. I could not hear you, Mr. Speaker. I am sorry.

Mr. RICHARDSON. I am asking whether or not you are in opposition to us putting in this particular bill an amendment that would state that this joint task force that is already put together—which you have indicated that there is; I have no reason to disbelieve you—that you would be opposed or in favor of this being placed in this condominium bill.

Mr. D. M. FISHER. Mr. Speaker, it is difficult for me to say whether I oppose it or—

Mr. RICHARDSON. Well, you opposed my amendment. You can just say you oppose it or you do not oppose it.

Mr. D. M. FISHER. If you offered an amendment here on the floor mandating that the Joint State Government Commission continue this study, I think I would have to oppose it, because I am not in a position to speak for the Joint State Government Commission. What I am saying is, if there is a study that is needed, a resolution submitted by you or any other members together with the support of the Senate, a concurrent resolution, could bring this about. I mean, whether I oppose it or whether I support it I do not think is really relevant to the disposition of that question, and I do not think it is germane to this bill.

Mr. RICHARDSON. Okay. Well, fine. Thank you very much for your answer on that.

I ask for an affirmative vote on the amendment. I think that it is a necessary one. I would ask that the members understand that we are dealing with a very complex issue, particularly if you do not understand the rights of poor people, those whom it is going to affect, and particularly just any individual whom it will affect in particular neighborhoods. For those who live in more affluent neighborhoods, you have one particular problem, and for those who live in poorer communities, you have another particular problem. I think that the whole issue warrants some committee to investigate what kind of effect it is going to have specifically on their community. I therefore ask for adoption of this amendment.

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

Mr. ROCKS. Mr. Speaker, while I may personally concur in what the intent of the gentleman's amendment may be, I am going to ask the members to consider voting against this amendment. I think in the name of some consistency, what we did here earlier today was debate long and hard over local government making this kind of decision that the gentleman is attempting to make on the state level in this amendment. Therefore, I think we would be perfectly consistent if we would oppose the amendment and leave it stand as it is. Thank you.

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

The following roll call was recorded:

YEAS—34

Barber	Dumas	McMonagle	Rieger
Berson	Gallagher	Manderino	Shadding
Borski	Grabowski	Mullen	Shupnik
Burns	Greenfield	Oliver	Stewart
Caltagirone	Harper	Petrarca	Street
Chess	Johnson, J. J.	Pievsky	Wargo
Clark, B. D.	Jones	Pucciarelli	White
Cochran	Levin	Richardson	Wilson
Cohen	McIntyre		

NAYS—149

Alden	Fryer	McCall	Scheaffer
Anderson	Gallen	McClatchy	Schmitt
Armstrong	Gamble	McKelvey	Schweder
Arty	Gannon	McVerry	Serafini
Austin	Gatski	Mackowski	Seventy
Belardi	Geesey	Madigan	Sieminski
Bittle	Geist	Manmiller	Sirianni
Bowser	George, C.	Michlovic	Smith, E. H.
Brandt	George, M. H.	Micozzie	Smith, L. E.
Brown	Gladeck	Milanovich	Spencer
Burd	Goebel	Miller	Spitz
Cappabianca	Goodman	Moehlmann	Stairs
Cessar	Grieco	Mowery	Steighner
Cimini	Gruppo	Mrkonic	Suban
Clark, M. R.	Halverson	Murphy	Sweet
Cole	Hasay	Musto	Swift
Cornell	Hayes, Jr., S.	Nahill	Taddonio
Coslett	Helfrick	Novak	Taylor, E. Z.
Cowell	Hoeffel	Noye	Taylor, F.
Cunningham	Honaman	O'Brien, B. F.	Telek
DeMedio	Hutchinson, A.	O'Brien, D. M.	Thomas
DeVerter	Hutchinson, W.	Perzel	Trello
DiCarlo	Itkin	Peterson	Vroon
Davies	Johnson, E. G.	Piccola	Wachob
Dawida	Kanuck	Pistella	Wass
Dietz	Klingaman	Pitts	Wenger
Dininni	Knight	Polite	Wilt
Dombrowski	Kolter	Pott	Wright, D. R.
Dorr	Kowalyszyn	Pratt	Yahner
Duffy	Kukovich	Punt	Yohn
Durham	Lashinger	Pyles	Zeller
Earley	Laughlin	Rappaport	Zitterman
Fee	Lehr	Reed	Zord
Fischer	Letterman	Ritter	Zwikel
Fisher	Levi	Rocks	
Foster, W. W.	Lewis	Rodgers	Seltzer,
Foster, Jr., A.	Livengood	Ryan	Speaker
Freind	Lynch, E. R.	Salvatore	

NOT VOTING—13

Beloff	Gray	Knepper	Weidner
Bennett	Hayes, D. S.	O'Donnell	Williams
DeWeese	Irvis	Rhodes	Wright, Jr., J.
Giammarco			

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

On the question recurring,

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

Mr. COHEN offered the following amendment:

Amend Sec. 3402, page 66, line 28, by inserting after "statement" in at least ten-point bold face type, immediately adjacent to the space for the purchaser's signature,

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

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

Mr. COHEN. Mr. Speaker, I yield to Mr. Richardson.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson. For what purpose does the gentleman rise?

Mr. RICHARDSON. Mr. Speaker, I have another set of amendments that I think—

The SPEAKER. The Chair asked the gentleman three times if he had any additional amendments and he did not respond.

Mr. RICHARDSON. I am sorry. I did not hear you.

The SPEAKER. The Chair will come back to Mr. Richardson when he is completed with Mr. Cohen.

The gentleman, Mr. Cohen, may proceed.

Mr. COHEN. Mr. Speaker, this amendment says that the disclosures which condominium sellers are required to make to condominium purchasers have to be printed in at least 10-point boldface type, immediately available right next to the space for the signer. The purpose is so the signers and the purchasers of these condominiums will know all the material necessary to know.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. I support the amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—172

Alden	Foster, Jr., A.	Lynch, E. R.	Scheaffer
Anderson	Freind	McCall	Schmitt
Armstrong	Fryer	McClatchy	Schweder
Arty	Gallagher	McIntyre	Serafini
Austin	Gallen	McKelvey	Seventy
Barber	Gamble	McMonagle	Shadding
Belardi	Gannon	Mackowski	Shupnik
Berson	Gatski	Madigan	Sieminski
Bittle	Geesey	Manderino	Sirianni
Borski	Geist	Manmiller	Smith, E. H.
Bowser	George, C.	Michlovic	Smith, L. E.
Brandt	George, M. H.	Micozzie	Spencer
Brown	Gladeck	Milanovich	Spitz
Burd	Goebel	Miller	Stairs
Burns	Goodman	Moehlmann	Steighner
Caltagirone	Grabowski	Mowery	Stewart
Cappabianca	Greenfield	Mrkonic	Street
Cessar	Grieco	Mullen	Suban
Chess	Gruppo	Murphy	Sweet
Cimini	Halverson	Musto	Swift
Clark, B. D.	Harper	Nahill	Taddonio
Clark, M. R.	Hasay	Novak	Taylor, E. Z.
Cochran	Hayes, Jr., S.	O'Brien, B. F.	Taylor, F.
Cohen	Helfrick	Oliver	Telek
Cole	Hoeffel	Peterson	Thomas
Coslett	Honaman	Petrarca	Trello
Cowell	Hutchinson, A.	Piccola	Wachob
DeMedio	Hutchinson, W.	Pievsky	Wargo
DeVerter	Itkin	Pistella	Wass
DeWeese	Johnson, E. G.	Pitts	Wenger
DiCarlo	Johnson, J. J.	Polite	White
Davies	Jones	Pratt	Wilson
Dawida	Knight	Pucciarelli	Wilt

Dininni	Kolter	Punt	Wright, D. R.
Dombrowski	Kowalyshyn	Pyles	Yahner
Dorr	Kukovich	Rappaport	Yohn
Duffy	Lashingier	Reed	Zeller
Dumas	Laughlin	Richardson	Zitterman
Durham	Lehr	Rieger	Zord
Earley	Letterman	Ritter	Zwinkl
Fee	Levi	Rocks	
Fischer	Levin	Rodgers	Seltzer,
Fisher	Lewis	Ryan	Speaker
Foster, W. W.	Livengood		

NAYS—10

Cornell	Kanuck	O'Brien, D. M.	Salvatore
Cunningham	Klingaman	Perzel	Vroon
Dietz	Noye		

NOT VOTING—14

Beloff	Hayes, D. S.	O'Donnell	Weidner
Bennett	Irviss	Pott	Williams
Giammarco	Knepper	Rhodes	Wright, Jr., J.
Gray	McVerry		

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

WELCOME

The SPEAKER. The Chair welcomes to the floor of the House Mrs. Betty Shultaberger and Mrs. Eleanor Johnson, who is the wife of Mr. Ed Johnson. They are here today as the guests of Mr. Johnson from Blair County.

CONSIDERATION OF SB 65 CONTINUED

On the question recurring,

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

Mr. RICHARDSON offered the following amendments:

Amend Bill, page 79, by inserting between lines 29 and 30 Section 3. The expenses of converting to condominiums shall not be a deduction for purposes of determining net gains or income from disposition of property by the purchaser under Article III of the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971."

Amend Sec. 3, page 79, line 30, by striking out "3." and inserting 4.

On the question,

Will the House agree to the amendments?

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

Mr. RICHARDSON. This amendment, I feel, is very explicit. It deals with the expenses of converting condominiums, and it says that the purchaser shall not be allowed to deduct, for the purposes of net gains or also his income, from the disposition of the property he is going to purchase by conversion. I feel it is a simple amendment. It just does not allow those persons to get into trying to use this as a profit-motive and profit-gain situation only for themselves, and they should not be allowed to use it as a tax deduction. I ask for an affirmative vote on this measure.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, without making a formal motion on this matter, I think I would submit in

opposition to this amendment that the language contained in the Richardson amendment is clearly not germane to the bill which is before us. What the gentleman is trying to do is limit, for purposes of deduction under the Tax Reform Code, certain expenses associated with the conversions of condominiums. Without having a fiscal expert next to me, which I am not, to be able to tell me all of the expenses that we are dealing with, I do not think that we should be addressing ourselves to an issue which is clearly, probably, a deduction, and we are arbitrarily saying it should not be a deduction because it is involved with a conversion or it is involved with converting an apartment building into a condominium.

I think this goes far beyond the scope of SB 65. It is something that is germane to an amendment to the Tax Reform Code. Rather than submitting the issue of germaneness to the members of the House, I would submit, because of the question of germaneness and for the other reasons, that we oppose the amendment. Thank you, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, this is a condominium bill. Mr. Richardson's amendment deals with condominiums. It is germane. The question is whether the tax policy in this Commonwealth is going to be such that it is subsidizing condominiums. It is Mr. Richardson's opinion and my opinion that condominiums are not such that they ought to be subsidized by the Commonwealth. There has been no representation that is in the interest of this Commonwealth to subsidize condominiums. I think there is considerable feeling that we ought not to subsidize condominiums. I therefore urge support of the Richardson amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pott.

Mr. POTT. Mr. Speaker, the amendment violates all generally accepted accounting and tax principles. It denies legitimate expenses to be deducted. Amongst these expenses would be the cost of repairs, the cost of maintenance, the cost of legal services, which every other taxpayer in the real estate business is permitted to deduct from his tax return. I see no reason why we should single out investors in real property for the purposes of, in effect, killing the bill. It is of questionable constitutionality and certainly does belong in the Tax Reform Code. I urge opposition to the Richardson amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—22

Barber	Dumas	Mullen	Richardson
Berson	Harper	Oliver	Rieger
Caltagirone	Johnson, J. J.	Pievsky	Stewart
Chess	Jones	Pucciarelli	Street
Cochran	Laughlin	Rappaport	White
Cohen	Manderino		

NAYS—160

Alden	Fryer	McCall	Schmitt
Anderson	Gallagher	McClatchy	Serafini
Armstrong	Gallen	McIntyre	Seventy
Arty	Gamble	McKelvey	Shadding
Austin	Gannon	McMonagle	Shupnik
Belardi	Gatski	McVerry	Sieminski
Bittle	Geesey	Mackowski	Sirianni
Borski	Geist	Madigan	Smith, E. H.
Bowser	George, C.	Manmiller	Smith, L. E.
Brandt	George, M. H.	Michlovic	Spencer
Brown	Gladeck	Micozzie	Spitz
Burd	Goebel	Milanovich	Stairs
Burns	Goodman	Miller	Steighner
Cappabianca	Grabowski	Moehlmann	Stuban
Cessar	Greenfield	Mowery	Sweet
Cimini	Grieco	Mrkonic	Swift
Clark, B. D.	Gruppo	Murphy	Taddonio
Clark, M. R.	Halverson	Musto	Taylor, E. Z.
Cole	Hasay	Nahill	Taylor, F.
Cornell	Hayes, Jr., S.	Novak	Telek
Coslett	Helfrick	Noye	Thomas
Cowell	Hoeffel	O'Brien, B. F.	Trello
Cunningham	Honaman	O'Brien, D. M.	Vroon
DeMedio	Hutchinson, A.	Perzel	Wachob
DeVerter	Hutchinson, W.	Peterson	Wargo
DiCarlo	Itkin	Petrarca	Wass
Davies	Johnson, E. G.	Piccola	Wenger
Dawida	Kanuck	Pistella	Wilson
Dietz	Klingaman	Pitts	Wilt
Dininni	Knight	Pott	Wright, D. R.
Dombrowski	Kolter	Pratt	Wright, Jr., J.
Dorr	Kowalyszyn	Punt	Yahner
Duffy	Kukovich	Pyles	Yohn
Durham	Lashingner	Reed	Zeller
Earley	Lehr	Ritter	Zitterman
Fee	Letterman	Rocks	Zord
Fischer	Levi	Rodgers	Zwilk
Fisher	Levin	Ryan	
Foster, W. W.	Lewis	Salvatore	Seltzer,
Foster, Jr., A.	Livengood	Scheaffer	Speaker
Freind	Lynch, E. R.		

NOT VOTING—14

Beloff	Gray	O'Donnell	Schweder
Bennett	Hayes, D. S.	Polite	Weidner
DeWeese	Irvis	Rhodes	Williams
Giammarco	Knepper		

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

On the question recurring,

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

Mr. TADDONIO offered the following amendment:

Amend Sec. 1 (Sec. 3207), page 26, by inserting between lines 4 and 5 (e) Term of lease.—The master lease for a leasehold condominium shall be for a term of not less than 75 years. As used in this section, "master lease" means the lease of land upon which the units are built.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Taddonio.

Mr. TADDONIO. Mr. Speaker, this is a redraft of the amendment offered earlier that had to do with the 75-year minimum for the lease on the ground of the condominiums and leasehold condominiums. I would think we have the

problem that Mr. Fisher objected to defined, and I would request your support.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I have to admit to my good friend, Mr. Taddonio, that in reading the amendment this morning I was not certain exactly what he was getting at, but now since he has more clearly defined it, I know I am opposed to it.

Basically we have covered this area before. Mr. Taddonio is attempting to say that only on those pieces of land for which there is a master lease of longer than 75 years can you convert an apartment building to a condominium. I think this is just an unreasonably long period of time to put that requirement on an owner of an apartment building. A person could have a 60-year lease; they could have an apartment building that they built that after 10 years still had 50 years remaining on the lease, and they would want to convert this particular unit that may only have a useful life of maybe 25 years to a condominium. Under the Taddonio proposal he would be prohibited from doing that.

I emphasize that the safeguard behind leasehold condominiums is, if the lease is not sufficiently long enough, there is going to be no financing available either for the conversion or for the ultimate purchase by the respective purchasers of the individual units.

I think the language in this amendment is too restrictive, and I would urge that the amendment be rejected. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Taddonio.

Mr. TADDONIO. Mr. Speaker, I did not expect to have to debate this. I apologize to the House.

I think Mr. Fisher earlier in the day was very eloquent in making a case for this amendment, because he was stating a fact that somebody with only 20 years remaining on a lease would find it impossible to get financing. If somebody was in there with a short-term lease like the original owner who got the condominium and then he wanted to sell it, he could find that he could not sell it, because he would not be able to get additional financing for the subsequent owners.

I think that the term of the lease is very important. It provides some basis of financial stability, and it is not at all out of line with what other states have done in this area.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—55

Austin	Harper	Mullen	Seventy
Berson	Hutchinson, A.	Murphy	Shadding
Borski	Itkin	Musto	Shupnik
Burns	Johnson, J. J.	Novak	Street
Chess	Jones	O'Brien, B. F.	Taddonio
Clark, B. D.	Kukovich	Oliver	Telek
DeWeese	Levin	Petrarca	Trello
Dietz	Livengood	Pievsky	Wargo
Dombrowski	McIntyre	Pistella	White
Duffy	McMonagle	Pott	Wilson
Gallagher	Manderino	Pucciarelli	Wright, D. R.
Gamble	Michlovic	Richardson	Wright, Jr., J.

Gatski	Milanovich	Rieger	Zord
Grabowski	Mrkonjic	Schmitt	
NAYS—130			
Alden	Fee	Laughlin	Ryan
Anderson	Fischer	Lehr	Salvatore
Armstrong	Fisher	Letterman	Scheaffer
Arty	Foster, W. W.	Levi	Schweder
Barber	Foster, Jr., A.	Lewis	Serafini
Belardi	Freind	Lynch, E. R.	Sieminski
Bittle	Fryer	McCall	Sirianni
Bowser	Gallen	McClatchy	Smith, E. H.
Brandt	Gannon	McKelvey	Smith, L. E.
Brown	Geesey	McVerry	Spencer
Burd	Geist	Mackowski	Spitz
Caltagirone	George, C.	Madigan	Stairs
Cappabianca	George, M. H.	Manmiller	Steighner
Cessar	Gladeck	Micozzie	Stewart
Cimini	Goebel	Miller	Stuban
Clark, M. R.	Goodman	Moehlmann	Sweet
Cochran	Greenfield	Mowery	Swift
Cohen	Grieco	Nahill	Taylor, E. Z.
Cole	Gruppo	Noye	Taylor, F.
Cornell	Halverson	O'Brien, D. M.	Thomas
Coslett	Hasay	Perzel	Vroon
Cowell	Hayes, Jr., S.	Peterson	Wachob
Cunningham	Helfrick	Piccola	Wass
DeMedio	Hoeffel	Pitts	Wenger
DeVerter	Honaman	Polite	Wilt
DiCarlo	Hutchinson, W.	Pratt	Yahner
Davies	Johnson, E. G.	Punt	Yohn
Dawida	Kanuck	Pyles	Zeller
Dininni	Klingaman	Rappaport	Zitterman
Dorr	Knight	Reed	Zwikl
Dumas	Kolter	Ritter	
Durham	Kowalshyn	Rocks	Seltzer,
Earley	Lashingner	Rodgers	Speaker
NOT VOTING—11			
Beloff	Gray	Knepper	Weidner
Bennett	Hayes, D. S.	O'Donnell	Williams
Giammarco	Irvis	Rhodes	

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 as amended on third consideration?

Mr. STREET offered the following amendments:

Amend Sec. 3102, page 5, line 17, by removing the period after "subpart" and inserting , except condominiums created in any city of the first class.

Amend Sec. 3102, page 6, line 1, by inserting after "subpart" , except condominiums created in any city of the first class

Amend Sec. 3102, page 6, line 9, by inserting after "subpart" , except in the case of any condominium created in any city of the first class

Amend Sec. 2, page 79, line 28, by inserting after "repealed" , except for condominiums created in any city of the first class and

On the question,

Will the House agree to the amendments?

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

Mr. STREET. Mr. Speaker, I need the attention of the House so that the members will not conclude by some particular reason that I might be trying to be slick on this

amendment. In the city of Philadelphia where you have noticed most of these amendments come from, we have a problem that is unique that most people or most of you here do not have, and this amendment for this particular legislation is designed to exclude—listen to me—cities of the first class. Only because of the very technical problem that we have that affects us, I offer this amendment.

Although some of us who are here from Philadelphia may think that because of some of the amendments we have corrected a problem in Philadelphia, we have in fact not corrected a problem; we have delayed a problem. I would encourage everyone here to read a book called "Year 2000," which lays out the plan for the city of Philadelphia for year 2000, and in that plan it projects that our neighborhoods will make a complete transformation. In those neighborhoods now that are poor and have people with an income of \$6,000 or \$7,000; by year 2000 the medium income in those neighborhoods will be up to \$25,000 or \$30,000 because of what is referred to as triage, recycling, et cetera. I am not going to take time to try to educate people around Philadelphia's problem today, but I will bring to the attention of this House that I am pregnant with knowledge on this subject, and I have worked on it for a long time.

I am simply saying that the tax base—if my colleagues would listen to me, they would understand what is happening—is such in Philadelphia that we assess property based on communities, not on their individual value. That is very important, because in my neighborhood if there are three conversions of high-rises at a cost of \$100,000 or \$125,000 or \$80,000 per unit and those high-rises are being sold, then the effect that that has is that the reassessment of those particular properties affects the entire community. What that means, Mr. Speaker and the rest of you, is while we may have the city council putting a moratorium or while we may have the city council regulating, if this takes effect, until the tax base, the tax structure, the method of the way assessments are completed in Philadelphia is changed, this will have an adverse effect on our community, because when you live in a neighborhood that has a medium income of \$6,000 and you have condominium conversions there and the tax base rises, the tax base will rise beyond the financial capabilities of the people who are surrounded by that condominium, and the effect is that the conversion of the condominium will run out and remove people from the inner city or from that neighborhood where this condominium is being converted. With that, I would urge a "yes" vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, I would oppose the amendment. I think we have a pretty good bill in front of us, and I think that there are benefits in this legislation for the people of Philadelphia, the city of Philadelphia. I think it is a law which should apply uniformly throughout the state, and I would urge the rejection of the Street amendment. Thank you.

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

Mr. RAPPAPORT. Mr. Speaker, it is with great reluctance that I rise to speak on this amendment proposed by my friend, colleague, and neighbor, Mr. Street. However, I, too, must oppose this amendment. I think that if we pass a condominium bill, it should apply throughout this state uniformly. Indeed, the home rule enabling acts for both Philadelphia and the rest of the state specifically exclude assessments and assessment procedure from something that local government can play around with, and I think that is proper.

I am sure that Mr. Street's intentions—in fact, I know his intentions—are all for the good, but I cannot agree that we should have a separate condominium bill in each municipality of this Commonwealth. It should be a uniform bill, and it is in the interest of uniformity that I rise. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—12

Chess	DeWeese	Livengood	Reed
Clark, B. D.	Harper	Mullen	Richardson
Cohen	Hutchinson, A.	Petrarca	Street

NAYS—168

Alden	Freind	McClatchy	Scheaffer
Anderson	Fryer	McIntyre	Schmitt
Armstrong	Gallagher	McKelvey	Schweder
Arty	Gallen	McMonagle	Serafini
Austin	Gamble	McVerry	Shadding
Barber	Gannon	Mackowski	Shupnik
Belardi	Gatski	Madigan	Sieminski
Berson	Geesey	Manderino	Sirianni
Bittle	Geist	Manmiller	Smith, E. H.
Borski	George, C.	Michlovic	Smith, L. E.
Bowser	George, M. H.	Micozzie	Spencer
Brandt	Gladeck	Miller	Spitz
Brown	Goebel	Moehlmann	Stairs
Burd	Grabowski	Mowery	Steighner
Burns	Greenfield	Mrkonic	Stewart
Caltagirone	Grieco	Murphy	Stuban
Cappabianca	Gruppo	Musto	Sweet
Cessar	Halverson	Nahill	Taddonio
Cimini	Hasay	Novak	Taylor, E. Z.
Clark, M. R.	Hayes, Jr., S.	Noye	Taylor, F.
Cochran	Helfrick	O'Brien, B. F.	Telek
Cole	Hoeffel	O'Brien, D. M.	Thomas
Cornell	Honaman	Oliver	Trello
Coslett	Hutchinson, W.	Perzel	Vroon
Cowell	Itkin	Peterson	Wachob
Cunningham	Johnson, E. G.	Piccola	Wargo
DeMedio	Johnson, J. J.	Pievsky	Wass
DeVerter	Jones	Pistella	Wenger
DiCarlo	Kanuck	Pitts	White
Davies	Klingaman	Polite	Wilson
Dawida	Knight	Pott	Wilt
Dietz	Kolter	Pratt	Wright, D. R.
Dininni	Kowalshyn	Pucciarelli	Wright, Jr., J.
Dombrowski	Kukovich	Punt	Yahner
Dorr	Lashingner	Pyles	Yohn
Duffy	Laughlin	Rappaport	Zeller
Durham	Lehr	Rieger	Zitterman
Earley	Letterman	Ritter	Zord
Fee	Levi	Rocks	Zwilk
Fischer	Levin	Rodgers	
Fisher	Lewis	Ryan	Seltzer,
Foster, W. W.	Lynch, E. R.	Salvatore	Speaker

Foster, Jr., A. McCall

NOT VOTING—16

Beloff	Goodman	Knepper	Seventy
Bennett	Gray	Milanovich	Swift
Dumas	Hayes, D. S.	O'Donnell	Weidner
Giammarco	Irvis	Rhodes	Williams

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

On the question recurring,

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

Mr. WHITE offered the following amendment:

Amend Sec. 1 (Sec. 3410), page 77, by inserting between lines 11 and 12

(f) Community development grants.—If community development money has been used to rehabilitate single dwellings and/or multi-family dwellings, then that building cannot be then converted to a condominium for a period of 10 years.

On the question,

Will the House agree to the amendment?

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

Mr. WHITE. What we have done is to separate—taking Mr. Spitz' suggestion—the original amendment that was proposed. This first amendment simply states that whenever community development grant money is used to rehab an existing property, that property cannot then be converted to a condominium for a period of 10 years. What that simply does is say that people of low and moderate incomes and those with no income will not find themselves, after moving into a rehabilitated property, having to go up against the converters for condominiums.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, the amendment that Mr. White is proposing is the second part of the previous amendment that we discussed. I understand the point that he is trying to get at. He is concerned about those units where community development funds have been used for low-income purposes. But I do not think that the provisions of this bill affect the use of that money.

In updating or in rehabilitating an apartment house through the use of community development fund moneys, obviously you are bettering the facility in question. The only thing you are doing, someone still owns that facility. It is an apartment that people are renting, but someone still owns that facility. If that owner decides to convert to condominiums, someone is just going to own the individual units. If there is no market for those condominiums, the likelihood of a conversion is not there. The building still remains the same. The tenants in all likelihood, on the same basic fraction, are going to remain the same. Just because you may have 200 separate owners as opposed to one mass owner does not mean that the tenants will not remain in that building.

It is not the case where you are getting Federal funds and walking away with the Federal funds. The Federal funds are

still remaining in the community. You are just having a different form of ownership of those units.

I think the amendment is too restrictive in the 10-year period, and for those reasons I think that we should think carefully. Perhaps what might happen is in some of these apartment buildings where community development funds are available, if an owner of an apartment knows that if he takes any community development funds he cannot convert for 10 years, he is going to hesitate to do it and we are not going to have the neighborhoods that Mr. White is concerned about improved. I think the amendment could have a negative effect, and I urge the rejection of the amendment.

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

Mr. RAPPAPORT. Mr. Speaker, I rise to support the White amendment. I think that our precedent is in the area of urban renewal. If somebody buys a property from the redevelopment authority, any redevelopment authority, at a mark-down price because we want to rehab the neighborhood, then that person cannot resell that property at a profit for a period of 10 years, and that is proper. They got a break, a reduced price on the property, because they were going to live there and keep it. If they are going to make a profit on it, they are making a profit on our money, the taxpayers' money, and that is wrong, and that is the point which Mr. White's amendment is addressing.

If I own—and I do not—a run-down apartment building, that is great; I will get some CD money, a couple hundred thousand dollars; I will fix it up; and then I will sell the property for conversion and I will make even more money on it. But I have taken the profit on that \$200,000 of taxpayers' money and that is not right. I would support this amendment. Once you take CD money—you are not being forced to take it—once you take it that is it. You have got to keep those rental units for 10 years, because that is the representation you have made to the Feds and to the city when you got the money. Do not change to make some more. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Spitz.

Mr. SPITZ. Mr. Speaker, I also support the White amendment. I think the reason that we have this bill in front of us is that the law at the present time has a vacuum on these conversions, and basically there are many people in here whose philosophy is that an individual should be able to take his property and convert and sell his property, it belongs to him. The only reason that we are faced with some restrictions is that there are certain social inequities that fall on some tenants when a property owner does that. This is highlighted when you have an individual referred to in many of the Philadelphia cases as a Chicago speculator coming in and converting and throwing the residents out, and that brings the matter to everybody's attention, but I do not think it changes the basic principle. The basic principle is that the property belongs to an individual and he should just about be able to do with it as he pleases, and if

he makes a profit on it, more power to him. Mr. White's amendment puts one check on that with which I agree, and he is saying that if you are taking taxpayer money, if that property was improved by the taxpayers for the use of these tenants, then you cannot take that taxpayer-improved property and make your profit on top of that.

I think Mr. Rappaport makes the point. I think that these are the very properties that should be exempt, and I think that his period of time is not unreasonable when the taxpayers have spent their money to improve the property.

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

Mr. RICHARDSON. Mr. Speaker, I also rise to support the White amendment, and I just want to put one other point on this particular amendment and I will sit down. I talked earlier about this being a very complex issue, and I think that in relationship to this particular problem, Mr. Fisher's analysis of why he does not support the amendment does not just hold true in relationship to our particular problem. That is across the board. If you look at the fact that condominiums are now being built, particularly in a lot of neighborhoods, with this redevelopment, if redevelopment funds were available, it would open up Pandora's box. In Philadelphia we have the Gallery, which was an example of taking some money and using it for the betterment of big business. We do not want that situation to fall into the hands of others who just might be taking condominiums and moving them into their neighborhoods.

I think that we have to try to direct ourselves towards trying to recognize our problems in our communities, and I would ask that the members who are sitting here on the floor give support to the White amendment. It is a very important amendment, and I think that if you recognize that the Federal Government is already carrying out these guidelines, we are not doing anything that is not already consistent with the law.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, I rise to support the White amendment. I am afraid that with the CD money in this program, this is also going to affect the public funds used in homesteading programs, because it is all public funds. I was one of the first who came out for the homesteading program to help these people help themselves—and when I say “these people” I am talking about everybody, so we understand whom we are talking about—that anyone who is in need of help can obtain these funds to upgrade a home that they are given for \$1 or what have you and be able to make it livable. I feel that if we open the door or, I should say, leave the door open as it is and allow these people to come in from wherever, as Mr. Spitz said, and use public funds and then build this condominium up and then in a couple years sell it at a large profit, that is no different than taking Pennsylvania Industrial Development Authority money for an industry and then sending all your work down to Puerto Rico. I think it is horrible. I think it is about time that we have to stop this sort of thing in public

funds and make them liable to keep that for at least 10 years, as Mr. White says, and make them accountable. For that reason I support this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—117

Austin	Fryer	Lynch, E. R.	Rodgers
Barber	Gallagher	McCall	Schmitt
Belardi	Gamble	McIntyre	Schweder
Berson	Gannon	McKelvey	Serafini
Borski	Gatski	McMonagle	Seventy
Brandt	George, C.	Mackowski	Shadding
Brown	George, M. H.	Manderino	Shupnik
Burns	Goodman	Michlovic	Spitz
Caltagirone	Grabowski	Micozzie	Steighner
Cappabianca	Greenfield	Milanovich	Stewart
Chess	Harper	Moehlmann	Street
Clark, B. D.	Hasay	Mrkonic	Stuban
Clark, M. R.	Hoeffel	Mullen	Sweet
Cochran	Hutchinson, A.	Murphy	Taddonio
Cohen	Hutchinson, W.	Musto	Taylor, E. Z.
Cole	Itkin	Novak	Taylor, F.
Coslett	Johnson, J. J.	O'Brien, B. F.	Telek
Cowell	Jones	Oliver	Trello
DeMedio	Kanuck	Petrarca	Wachob
DeWeese	Knight	Pievsky	Wargo
DiCarlo	Kolter	Pistella	White
Davies	Kowalyszyn	Pratt	Wilson
Dawida	Kukovich	Pucciarelli	Wright, D. R.
Dombrowski	Laughlin	Rappaport	Wright, Jr., J.
Duffy	Letterman	Reed	Yahner
Dumas	Levi	Richardson	Zeller
Durham	Levin	Rieger	Zitterman
Earley	Lewis	Ritter	Zord
Fee	Livengood	Rocks	Zwikl
Fischer			

NAYS—67

Alden	Freind	McVerry	Salvatore
Anderson	Gallen	Madigan	Scheaffer
Armstrong	Geesey	Manmiller	Sieminski
Arty	Geist	Miller	Sirianni
Bittle	Gladeck	Mowery	Smith, E. H.
Bowser	Goebel	Nahill	Smith, L. E.
Burd	Grieco	Noye	Spencer
Cessar	Gruppo	O'Brien, D. M.	Stairs
Cimini	Halverson	Perzel	Thomas
Cornell	Hayes, Jr., S.	Peterson	Vroon
Cunningham	Helfrick	Piccola	Wass
DeVerter	Honaman	Pitts	Wenger
Dietz	Johnson, E. G.	Polite	Wilt
Dininni	Klingaman	Pott	Yohn
Dorr	Lashingier	Punt	
Fisher	Lehr	Pyles	Seltzer,
Foster, W. W.	McClatchy	Ryan	Speaker
Foster, Jr., A.			

NOT VOTING—12

Beloff	Gray	Knepper	Swift
Bennett	Hayes, D. S.	O'Donnell	Weidner
Giammarco	Irvis	Rhodes	Williams

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

On the question recurring,

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

Mr. WHITE offered the following amendment:

Amend Sec. 1 (Sec. 3410), page 77, by inserting between lines 11 and 12 (f) Relocation assistance.—When a tenant or subtenant is required to vacate because of a conversion, the declarant shall provide the tenant or subtenant with relocation assistance up to \$1,000.

On the question,

Will the House agree to the amendment?

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

Mr. WHITE. Just prior to the introduction of the previous amendment, we had debated the question of the relocation assistance. This is identical to the original amendment which would provide up to \$1,000 for relocation assistance for those displaced by conversion to condominiums.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, for the reasons stated previously on the joint amendment, I think the relocation assistance amendment is something that is improper in this bill and should be rejected, and I urge that we oppose the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—33

Barber	Gallagher	Mullen	Richardson
Berson	Greenfield	Novak	Rieger
Borski	Harper	Oliver	Seventy
Chess	Johnson, J. J.	Petrarca	Shadding
Clark, B. D.	Jones	Pievsky	Stewart
Cohen	Knight	Pistella	Street
DeWeese	Kukovich	Pucciarelli	Trello
Dumas	Laughlin	Rappaport	White
Earley			

NAYS—151

Alden	Freind	McCall	Scheaffer
Anderson	Fryer	McClatchy	Schmitt
Armstrong	Gallen	McIntyre	Schweder
Arty	Gamble	McKelvey	Serafini
Austin	Gannon	McMonagle	Shupnik
Belardi	Gatski	McVerry	Sieminski
Bittle	Geesey	Mackowski	Sirianni
Bowser	Geist	Madigan	Smith, E. H.
Brandt	George, C.	Manderino	Smith, L. E.
Brown	George, M. H.	Manmiller	Spencer
Burd	Gladeck	Michlovic	Spitz
Burns	Goebel	Micozzie	Stairs
Caltagirone	Goodman	Milanovich	Steighner
Cappabianca	Grabowski	Miller	Stuban
Cessar	Grieco	Moehlmann	Sweet
Cimini	Gruppo	Mowery	Taddonio
Clark, M. R.	Halverson	Mrkonic	Taylor, E. Z.
Cochran	Hasay	Murphy	Taylor, F.
Cole	Hayes, Jr., S.	Musto	Telek
Cornell	Helfrick	Nahill	Thomas
Coslett	Hoeffel	Noye	Vroon
Cowell	Honaman	O'Brien, B. F.	Wachob
Cunningham	Hutchinson, A.	O'Brien, D. M.	Wargo
DeMedio	Hutchinson, W.	Perzel	Wass
DeVerter	Itkin	Peterson	Wenger
DiCarlo	Johnson, E. G.	Piccola	Wilson
Davies	Kanuck	Pitts	Wilt
Dawida	Klingaman	Polite	Wright, D. R.

Dietz	Kolter	Pott	Wright, Jr., J.
Dininni	Kowalyszyn	Pratt	Yahner
Dombrowski	Lashingner	Punt	Yohn
Dorr	Lehr	Pyles	Zeller
Duffy	Letterman	Reed	Zitterman
Durham	Levi	Ritter	Zord
Fee	Levin	Rocks	Zwinkl
Fischer	Lewis	Rodgers	
Fisher	Livengood	Ryan	Seltzer,
Foster, W. W.	Lynch, E. R.	Salvatore	Speaker
Foster, Jr., A.			

NOT VOTING—12

Beloff	Gray	Knepper	Swift
Bennett	Hayes, D. S.	O'Donnell	Weidner
Giammarco	Irvis	Rhodes	Williams

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 as amended on third consideration?

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?

The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, one brief comment on this bill. We have put in a lot of amendments to this particular bill, and I think we have taken a good bill and we have made it better. I would appreciate everyone's support on SB 65. Thank you.

On the question recurring,

Shall the bill pass finally?

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

YEAS—178

Alden	Foster, Jr., A.	Lynch, E. R.	Ryan
Anderson	Freind	McCall	Salvatore
Armstrong	Fryer	McClatchy	Scheaffer
Arty	Gallagher	McIntyre	Schmitt
Austin	Gallen	McKelvey	Schweder
Barber	Gamble	McMonagle	Serafini
Belardi	Gannon	McVerry	Seventy
Bittle	Gatski	Mackowski	Shadding
Borski	Geesey	Madigan	Shupnik
Bowser	Geist	Manmiller	Sieminski
Brandt	George, C.	Michlovic	Sirianni
Brown	George, M. H.	Micozzie	Smith, E. H.
Burd	Gladeck	Milanovich	Smith, L. E.
Burns	Goebel	Miller	Spencer
Caltagirone	Goodman	Moehlmann	Spitz
Cappabianca	Grabowski	Mowery	Stairs
Cessar	Greenfield	Mrkonic	Steighner
Chess	Grieco	Mullen	Stewart
Cimini	Gruppo	Murphy	Stuban
Clark, B. D.	Halverson	Musto	Sweet
Clark, M. R.	Harper	Nahill	Swift
Cochran	Hasay	Novak	Taddonio
Cohen	Hayes, Jr., S.	Noye	Taylor, E. Z.
Cole	Helfrick	O'Brien, B. F.	Taylor, F.
Cornell	Hoefel	O'Brien, D. M.	Telek
Coslett	Honaman	Oliver	Thomas
Cowell	Hutchinson, A.	Perzel	Trello
DeMedio	Hutchinson, W.	Peterson	Vroon
DeVerter	Itkin	Petrarca	Wachob
DeWeese	Johnson, E. G.	Piccola	Wargo

DiCarlo	Johnson, J. J.	Pievsky	Wass
Davies	Jones	Pistella	Wenger
Dawida	Klingaman	Pitts	Wilson
Dietz	Knight	Polite	Wilt
Dininni	Kolter	Pott	Wright, D. R.
Dombrowski	Kowalyszyn	Pratt	Wright, Jr., J.
Dorr	Kukovich	Pucciarelli	Yahner
Duffy	Lashingner	Punt	Yohn
Dumas	Laughlin	Pyles	Zeller
Durham	Lehr	Rappaport	Zitterman
Earley	Letterman	Reed	Zord
Fee	Levi	Rieger	Zwinkl
Fischer	Levin	Ritter	
Fisher	Lewis	Rocks	Seltzer,
Foster, W. W.	Livengood	Rodgers	Speaker

NAYS—4

Cunningham	Kanuck	Richardson	Street
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NOT VOTING—14

Beloff	Gray	Manderino	Weidner
Bennett	Hayes, D. S.	O'Donnell	White
Berson	Irvis	Rhodes	Williams
Giammarco	Knepper		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

The House proceeded to third consideration of **HB 1375, PN 1605**, entitled:

An Act providing for the certification of professional geologists.

On the question,

Will the House agree to the bill on third consideration?

HB 1375 TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 1375 be laid on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1904, PN 2716**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act amending the act of July 16, 1979 (No. 14A), entitled "An act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors," increasing certain appropriations.

On the question,

Will the House concur in the Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—182

Alden	Foster, Jr., A.	Lynch, E. R.	Rodgers
Anderson	Freind	McCall	Ryan
Armstrong	Fryer	McClatchy	Salvatore
Arty	Gallagher	McIntyre	Scheaffer
Austin	Gallen	McKelvey	Schmitt
Barber	Gamble	McMonagle	Schweder
Belardi	Gannon	McVerry	Serafini
Berson	Gatski	Mackowski	Seventy
Bittle	Geesey	Madigan	Shadding
Borski	Geist	Manderino	Shupnik
Bowser	George, C.	Manmiller	Sieminski
Brandt	George, M. H.	Michlovic	Sirianni
Brown	Gladeck	Micozzie	Smith, E. H.
Burd	Goebel	Milanovich	Smith, L. E.
Burns	Goodman	Miller	Spencer
Caltagirone	Grabowski	Moehlmann	Spitz
Cappabianca	Greenfield	Mowery	Stairs
Cessar	Grieco	Mrkonic	Steighner
Chess	Gruppo	Mullen	Stewart
Cimini	Halverson	Murphy	Street
Clark, B. D.	Harper	Musto	Stuban
Clark, M. R.	Hasay	Nahill	Swift
Cochran	Hayes, Jr., S.	Novak	Taylor, E. Z.
Cohen	Helfrick	Noye	Taylor, F.
Cole	Hoeffel	O'Brien, B. F.	Telek
Cornell	Honaman	O'Brien, D. M.	Trello
Coslett	Hutchinson, A.	Oliver	Thomas
Cowell	Hutchinson, W.	Perzel	Vroon
Cunningham	Itkin	Peterson	Wachob
DeMedio	Johnson, E. G.	Petrarca	Wargo
DeVerter	Johnson, J. J.	Piccola	Wass
DeWeese	Jones	Pievsky	Wenger
DiCarlo	Kanuck	Pistella	White
Davies	Klingaman	Pitts	Wilson
Dawida	Knight	Polite	Wilt
Dietz	Kolter	Pott	Wright, D. R.
Dininni	Kowalyszyn	Pratt	Wright, Jr., J.
Dombrowski	Kukovich	Pucciarelli	Yahner
Dorr	Lashinger	Punt	Yohn
Duffy	Laughlin	Pyles	Zeller
Dumas	Lehr	Rappaport	Zitterman
Durham	Letterman	Reed	Zord
Earley	Levi	Richardson	Zwikel
Fee	Levin	Rieger	
Fischer	Lewis	Ritter	Seltzer,
Foster, W. W.	Livengood	Rocks	Speaker

NAYS—0

NOT VOTING—14

Beloff	Gray	O'Donnell	Taddonio
Bennett	Hayes, D. S.	Rhodes	Weidner
Fisher	Irvis	Sweet	Williams
Giammarco	Knepper		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

RECONSIDERATION OF VOTE ON HB 1083

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Novak.

Mr. NOVAK. Mr. Speaker, I move that the vote by which HB 1083 was passed on the 29th day of January be reconsidered.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—114

Alden	Fee	Laughlin	Rodgers
Arty	Fisher	Letterman	Ryan
Austin	Foster, Jr., A.	Levin	Schmitt
Barber	Freind	Livengood	Schweder
Berson	Fryer	McCall	Seventy
Bittle	Gallagher	McIntyre	Shadding
Borski	Gannon	McMonagle	Shupnik
Brandt	Gatski	Manderino	Spitz
Brown	Geist	Manmiller	Steighner
Burns	George, M. H.	Michlovic	Stewart
Caltagirone	Goebel	Micozzie	Street
Cappabianca	Goodman	Mrkonic	Stuban
Chess	Greenfield	Mullen	Sweet
Clark, B. D.	Harper	Murphy	Taylor, F.
Cochran	Hasay	Musto	Telek
Cohen	Hayes, Jr., S.	Novak	Trello
Cole	Hoeffel	O'Brien, B. F.	Wachob
Cowell	Honaman	Oliver	White
Cunningham	Hutchinson, A.	Petrarca	Wilson
DeMedio	Itkin	Pievsky	Wright, D. R.
DeWeese	Johnson, E. G.	Pistella	Wright, Jr., J.
DiCarlo	Johnson, J. J.	Pratt	Yahner
Davies	Jones	Pucciarelli	Yohn
Dawida	Kanuck	Punt	Zitterman
Dombrowski	Klingaman	Rappaport	Zwikel
Duffy	Knight	Reed	
Dumas	Kolter	Richardson	
Durham	Kowalyszyn	Rieger	Seltzer,
Earley	Kukovich	Ritter	Speaker

NAYS—68

Anderson	Geesey	Madigan	Serafini
Armstrong	George, C.	Miller	Sieminski
Belardi	Gladeck	Moehlmann	Sirianni
Bowser	Grabowski	Mowery	Smith, E. H.
Burd	Grieco	Nahill	Smith, L. E.
Cessar	Gruppo	Noye	Spencer
Cimini	Halverson	O'Brien, D. M.	Stairs
Clark, M. R.	Helfrick	Perzel	Swift
Cornell	Lashinger	Peterson	Taddonio
DeVerter	Lehr	Piccola	Taylor, E. Z.
Dietz	Levi	Pitts	Thomas
Dininni	Lewis	Polite	Vroon
Dorr	Lynch, E. R.	Pott	Wass
Fischer	McClatchy	Pyles	Wenger
Foster, W. W.	McKelvey	Rocks	Wilt
Gallen	McVerry	Salvatore	Zeller
Gamble	Mackowski	Scheaffer	Zord

NOT VOTING—14

Beloff	Gray	Knepper	Rhodes
Bennett	Hayes, D. S.	Milanovich	Weidner
Coslett	Hutchinson, W.	O'Donnell	Williams
Giammarco	Irvis		

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

SUPPLEMENTAL CALENDAR

BILL ON FINAL PASSAGE

Agreeable to order,

The House proceeded to the consideration on final passage of **HB 1083, PN 2787**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to product liability actions.

On the question recurring,

Shall the bill pass finally?

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

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the minority whip. For what purpose does the gentleman rise?

Mr. MANDERINO. I rise to ask if the gentleman, Mr. Wilson, and the gentleman, Mr. Miller, are here voting.

The SPEAKER. Is the gentleman, Mr. Wilson, in the hall of the House?

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

Only those members in their seats are permitted to be recorded.

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I ask that the roll be held open.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cessar. For what purpose does the gentleman rise?

Mr. CESSAR. Mr. Speaker, the rule of the House says that all members in their seats must be recorded as voting.

The SPEAKER. The gentleman is correct.

Mr. CESSAR. There are some members who are in their seats not voting.

Mr. MANDERINO. If you had said that about me, I would have voted against you.

Mr. CESSAR. I did not mention any names.

Mr. MANDERINO. Mr. Speaker, I am satisfied that we have had enough time.

On the question recurring,

Shall the bill pass finally?

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

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon. For what purpose does the gentleman rise?

Mr. GANNON. Is Mr. Itkin in the hall of the House? I do not see his vote.

The SPEAKER. Mr. Itkin is in the hall of the House.

Mr. MANDERINO. As long as we are mentioning names, I fail to see Mr. Vroon.

The SPEAKER. Is the gentleman, Mr. Vroon, in the hall of the House?

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

The Chair asks the cooperation of the members of the House that only those members in their seats will be recorded.

On the question recurring,

Shall the bill pass finally?

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

(Members proceeded to vote.)

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo. For what purpose does the gentleman rise?

Mr. DiCARLO. Mr. Speaker, again I ask, if the gentlemen are on the floor of the House, I wish they would vote, or I would like to have the roll stricken.

The SPEAKER. The gentleman, Mr. DiCarlo, is correct. The Chair reads part of rule 64: "Every member shall be present within the Hall of the House during its sittings, unless excused by the House or unavoidably prevented, and shall vote for or against each question put, unless he has a direct personal or pecuniary interest in the determination of the question, or unless he is excused by the House."

There is nothing before the House but the taking of the roll.

The Chair recognizes the lady from Susquehanna, Miss Sirianni. For what purpose does the lady rise?

Miss SIRIANNI. I rise to ask you to strike the vote or to ask the people who are in the hall of this House to vote or leave.

The SPEAKER. It is not necessary to strike the vote for those who have not been recorded. It is only necessary to strike the vote for those who have been recorded who are not present in the hall of the House.

The Chair recognizes the minority whip.

Mr. MANDERINO. How much time has elapsed on the roll-call vote, Mr. Speaker?

The SPEAKER. Four minutes eight seconds have passed since the last roll call has been started.

Have all the members present voted?

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I could be wrong, but I do not see Mr. Cunningham or Mr. Manmiller. Oh, I am sorry, Mr. Cunningham, Mr. Manmiller. Thank you very much. They are both here; they are good people—but not often enough.

On the question recurring,

Shall the bill pass finally?

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

YEAS—100

Anderson	Foster, Jr., A.	Levi	Ryan
Armstrong	Freind	Lewis	Scheaffer
Arty	Fryer	Livengood	Sieminski
Bittle	Gallen	Lynch, E. R.	Sirianni
Bowser	Gamble	McClatchy	Smith, L. E.
Brandt	Geesey	McKelvey	Spencer
Brown	Geist	McVerry	Spitz
Burd	George, M. H.	Mackowski	Stairs
Caltagirone	Gladeck	Madigan	Steighner
Cessar	Goebel	Manmiller	Sweet
Cimini	Goodman	Moehlmann	Swift
Clark, M. R.	Grabowski	Mowery	Taddonio
Cole	Grieco	Murphy	Taylor, E. Z.
Cornell	Gruppo	Nahill	Thomas
Coslett	Halverson	Noye	Wass
Cunningham	Hasay	Peterson	Wenger
DeVerter	Hayes, Jr., S.	Petrarca	Wilt
DiCarlo	Hoeffel	Piccola	Wright, D. R.
Davies	Honaman	Pistella	Wright, Jr., J.
Dawida	Hutchinson, A.	Pitts	Yohn
Dietz	Hutchinson, W.	Polite	Zeller
Dininni	Itkin	Pott	Zord
Dorr	Johnson, E. G.	Punt	
Duffy	Klingaman	Pyles	Seltzer,
Fisher	Kowalshyn	Rocks	Speaker
Foster, W. W.	Lehr		

NAYS—70

Alden	Fee	Levin	Ritter
Austin	Fischer	McCall	Salvatore
Barber	Gallagher	McMonagle	Schweder
Belardi	Gannon	Manderino	Serafini
Berson	Gatski	Michlovic	Seventy
Borski	George, C.	Milanovich	Stewart
Burns	Greenfield	Mrkonic	Street
Chess	Harper	Mullen	Stuban
Clark, B. D.	Helfrick	Musto	Taylor, F.
Cochran	Johnson, J. J.	Novak	Telek
Cohen	Jones	O'Brien, B. F.	Trello
Cowell	Kanuck	O'Brien, D. M.	Wachob
DeMedio	Knight	Oliver	Wargo
DeWeese	Kolter	Perzel	White
Dombrowski	Kukovich	Pievsky	Yahner
Dumas	Lashinger	Pucciarelli	Zitterman
Durham	Laughlin	Richardson	Zwilk
Earley	Letterman		

NOT VOTING—26

Beloff	Knepper	Reed	Shupnik
Bennett	McIntyre	Rhodes	Smith, E. H.
Cappabianca	Micozzie	Rieger	Vroon
Giammarco	Miller	Rodgers	Weidner
Gray	O'Donnell	Schmitt	Williams
Hayes, D. S.	Pratt	Shadding	Wilson
Irvis	Rappaport		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB764, PN 1448**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for filing of reports and for the late filing fee and restricting the filing of certain nomination papers or petitions.

On the question,
Will the House agree to the bill on third consideration?
Mr. DORR offered the following amendments:

Amend Title, page 1, line 11, by striking out "FILING OF REPORTS AND FOR"

Amend Sec. 1, page 1, line 19, by striking out "is" and inserting are

Amend Sec. 1 (Sec. 910), page 2, line 22, by inserting a period after "UNCOMMITTED"

Amend Sec. 1 (Sec. 910), page 2, lines 22 through 25, by striking out "; AND (I) ON AND AFTER JANUARY 1, 1981, THAT" in line 22, all of lines 23 and 24 and "WITH," in line 25

Amend Bill, page 5, lines 12 through 22, by striking out all of said lines

Amend Sec. 3, page 5, line 23, by striking out "3." and inserting 2.

Amend Sec. 3, page 5, line 23, by striking out "SECTION" where it appears the second time and inserting Subsection (a) of section

Amend Sec. 3 (Sec. 1632), page 6, lines 22 through 30; page 7, lines 1 through 6, by striking out all of said lines on said pages, and inserting * * *

Amend Sec. 4, page 7, line 7, by striking out "4." and inserting 3.

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

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, the amendment removes from the bill an amendment which was placed in the bill in the State Government Committee of the House. I am still concerned about the subject matter of that amendment, and another bill was reported from the State Government Committee today with similar but better language in it. There were a couple of problems with the language as we inserted it in SB 764, and rather than trying to solve those in this bill, we have reported out a bill with better language in it, and I recommend that we remove this particular language from SB 764 today. I would ask for an affirmative vote on the amendment.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I missed what occurred. Did we reconsider the vote by which we passed over the bill earlier?

The SPEAKER. In response to the inquiry by the minority whip, SB 764 was passed over earlier today without objection. The Chair has returned to it, and if the gentleman has objection, then there will have to be a vote taken on whether or not—

Mr. MANDERINO. Mr. Speaker, I notice that SB 764 has a number of people who have amendments to offer. Are we going to take all of these amendments today?

The SPEAKER. The Chair has been informed that the members are ready to offer their amendments.

Mr. MANDERINO. Is there an urgency with this bill, at 20 to 6, that it be done today?

The SPEAKER. The Chair would ask that the gentleman from Berks, Mr. Gallen, respond to the urgency of this bill.

Mr. GALLEN. Yes, Mr. Speaker. I think there is urgency to the bill because of the fact that the deadlines for filing petitions is around the corner, and I was hoping that we could move this bill last week, and I feel it would be timely to take it up today.

Mr. MANDERINO. Mr. Speaker, the Senate has gone home. I do not see what is going to be accomplished by putting these amendments in the bill. It is not going to get to the Senate for concurrence until next week. We passed over the bill, and, you know, I think parliamentary procedure requires that the vote by which this House agreed to pass over be reconsidered before we can offer amendments. We have passed over the bill.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. The majority leader has just assured me that the bill will be taken up as the first business next Monday, and I will agree that we not bring it up today.

Mr. MANDERINO. Thank you, Mr. Speaker.

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I withdraw my amendment.

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

Mr. GALLEN. Mr. Speaker, I misinterpreted what the majority leader told me. The majority leader said that we should run this bill today because it will be on the Senate calendar first thing Monday, and I would therefore like to run the bill now.

The SPEAKER. Does the gentleman, Mr. Gallen, wish to be recognized to make a motion that the vote by which SB 764 was passed over—

The Chair recognizes the minority whip. For what purpose does the gentleman rise?

Mr. MANDERINO. Mr. Speaker, my recollection of past rulings of this House is that there is no reconsideration of a procedural motion permitted. Mr. Speaker, we do not think that this bill should be brought up at quarter to 6 on the day that we are going to adjourn.

MOTION TO ADJOURN

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo. For what purpose does the gentleman rise?

Mr. DiCARLO. Mr. Speaker, earlier in the day I had advised the Chair about the inclement weather, and you told us we had the one bill to finish up. Conditions are getting worse, and, Mr. Speaker, because of that, I move that this House adjourn until Monday, February 4.

MOTION WITHDRAWN

The SPEAKER. Will the gentleman from Erie, Mr. DiCarlo, withdraw his motion to permit the Chair to announce the signing of two bills? The Chair will then recognize him for the motion.

Mr. DiCARLO. Mr. Speaker, if my leadership concurs. Yes, Mr. Speaker.

BILLS AND RESOLUTION PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolution on today's calendar will be passed over.

The Chair hears no objection.

BILLS SIGNED BY SPEAKER

The following bills, having been prepared for presentation to the Governor, were signed by the Speaker:

HB 1544, PN 1821

A Supplement to the act of (No.), entitled "An act providing for the capital budget for the fiscal year 1979-1980," itemizing public improvement projects of the Department of General Services, ***, stating the estimated useful life of such projects and making an appropriation.

HB 1904, PN 2716

An Act amending the act of July 16, 1979 (No. 14A), entitled "An act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors," increasing certain appropriations.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, I move this House adjourn until Monday, February 4, 1980, at 1 p.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:47 p.m., e.s.t., the House adjourned.