

No. 1

AN ACT

SB 224

Amending the act of April 9, 1929 (P.L.177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," imposing powers and duties on the General Assembly relative to the allocation of certain space in the State Capitol Building.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause (a) of section 2402, act of April 9, 1929 (P.L.177), known as "The Administrative Code of 1929," amended March 28, 1961 (P.L.66), is amended to read:

Section 2402. Grounds, Buildings and Monuments in General.—The Department of Property and Supplies shall have the power, and its duty shall be:

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings *and the General Assembly*, to control and supervise the State Capitol Building, and the public grounds and buildings connected with the State Capitol, including the State Arsenal, any building or buildings that may have been devised or may hereafter be devised to the Commonwealth within the City of Harrisburg, the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board, the Pittsburgh State Office Building, the Philadelphia State Office Building and the Executive Mansion, and to make, or supervise the making, of all repairs, alterations, and improvements, in and about such grounds and buildings, including the furnishing and refurnishing of the same, and also to have general supervision over repairs, alterations, and improvements to all other buildings, lands, and property of the State, except as in this act otherwise provided.

* * *

Section 2. The act is amended by adding after section 2402 a new section to read:

Section 2402.1. Allocation of Certain Space in State Capitol Building.—The General Assembly in consultation with the Governor shall have the power and its duty shall be to allocate the offices, rooms and accommodations in the State Capitol Building, other than the offices, rooms and accommodations presently occupied by the Governor and his staff, Lieutenant Governor and his staff, the Supreme and Superior Courts and the Department of Justice, to itself, the various departments, departmental administrative boards and commissions, independent administrative boards and commissions, courts and other agencies and branches of the government.

April 3, 1969

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

I return herewith, without my approval, Senate Bill No. 224, Printer's No. 338, entitled "An act amending the act of April 9, 1929 (P.L.177), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined,' imposing powers and duties on the General Assembly relative to the allocation of certain space in the State Capitol building."

This bill would amend The Administrative Code of 1929 by conferring upon the General Assembly in consultation with the Governor the power and duty to allocate the offices, rooms, and accommodations in the State Capitol building among the various agencies and branches of the government. Excluded from this grant of control are those accommodations presently occupied by the Governor and his staff, the Lieutenant Governor and his staff, the Supreme and Superior Courts, and the Department of Justice.

Similar bills to accomplish the same purpose were vetoed by Governor Lawrence on September 20, 1961 and by Governor Scranton on August 14, 1963. The provision for consultation by the General Assembly with the

Governor is the only area of difference between the vetoed bills and Senate Bill No. 224.

The allocation of office space among the various agencies of the State government is a matter of great concern to this administration. To remove from the main Capitol building any particular department presently located there, without first providing for other suitable office space, would cause serious problems and bring about major dislocations in the activities of that, and perhaps other departments. Moreover, providing for other accommodations would necessarily require an appropriation of funds with which to pay for such space. A bill which provides for the possibility of the occupation of a substantial part of the main Capitol building by the legislative branch of the government without making provisions for the needs of other branches of the State government is, in my opinion, not consistent with the orderly operation of government.

The allocation of office space necessary to meet the needs of the executive branch of the State government is a matter which, in my judgement, ought to remain under the jurisdiction of the executive head thereof.

Any changes effected in this important area should be made only with the approval of the Governor who has special knowledge as to the office space essential to the proper performance of the executive functions of the government.

Our objection to this bill does not mean that we are not fully aware of the space needs of the General Assembly. On the contrary, our cooperative response to this need is convincingly evidenced by the fact that during this Administration we have relinquished an allocated 36,000 additional square feet of space in the Main Capitol Building to the General Assembly. This is in excess of any allocation of such space made to that body during any previous administration.

The provisions that the General Assembly consult with the Governor with reference to the allocation of office space does not remove the objectionable feature of this legislation. Consultation with the Governor does not connote the requirement of his approval or concurrence in the proposed changes. The General Assembly is left free to ignore completely the Governor's views after consulting with him.

For the above reasons, this bill is not approved.

RAYMOND P. SHAFER

No. 2

AN ACT

SB 23

Amending the act of June 21, 1939 (P.L.566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," increasing additional payments for silicosis, anthraco-silicosis and asbestosis, adding a residence requirement and further regulating eligibility and applications for compensation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause 2 of subsection (a) and subsection (i) of section 301, act of June 21, 1939 (P.L.566), known as "The Pennsylvania Occupational Disease Act," amended November 10, 1965 (P.L.695), are amended to read:

Section 301. (a) When employer and employe shall by agreement, either express or implied, as hereinafter provided, accept the provisions of article three of this act, compensation for disability or death of such employe, caused by occupational disease arising out of and in the course of his employment, shall be paid by the employer, without regard to negligence, according to the schedule contained in sections three hundred and six and three hundred and seven of this article, but—

* * *

2. The maximum compensation payable under this article for disability, and death resulting from silicosis, anthraco-silicosis, coal worker's pneumoconiosis, or asbestosis shall not exceed the sum of twelve thousand seven hundred fifty dollars (\$12,750) which shall be full and complete payment for all disability, present or future, or for death from such occupational diseases arising out of employment by any and all employers in this Commonwealth except that any employe who has received the maximum compensation herein or heretofore payable shall be paid additional compensation in the amount of **[seventy-five dollars (\$75)] one hundred dollars (\$100)** per month for each month of total disability occurring subsequent to the month in which such maximum compensation was received: Provided, That in the case of any employe who received the maximum compensation herein or heretofore payable prior to the effective date of this amending act, such additional compensation shall commence only with the month this amending act

becomes effective. Such additional compensation which is paid to an employe who, on the effective date of this amending act, is receiving compensation or has theretofore received the maximum compensation prescribed, shall be paid by the Commonwealth. Such additional compensation paid to an employe who first becomes entitled to compensation subsequent to the effective date of this amending act and who exhausts the maximum compensation prescribed, shall be paid from the same source or sources and in the same manner as the prescribed maximum compensation was paid.

* * *

(i) Notwithstanding any other provisions of this act, compensation for silicosis, anthraco-silicosis, coal worker's pneumoconiosis, and asbestosis shall be paid for each month beginning with the month this amending act becomes effective, or beginning with the first month of disability, whichever occurs later, at the rate of **[seventy-five dollars (\$75)] one hundred dollars (\$100)** per month, to every employe totally disabled thereby as a result of exposure thereto, who has not theretofore been compensated because his claim was barred by any of the time limitations prescribed by this act, and shall continue during the period of such total disability. No compensation under this section shall be paid to any employe who has not been exposed to a silica, coal, or asbestos hazard within the Commonwealth of Pennsylvania for a period of two years. *Subsequent to the effective date of this amending act of 1969, it shall be necessary to be a resident of Pennsylvania in order to qualify for compensation, but not to continue receiving the same after qualification.* All such compensation to those whose last exposure precedes the effective date of this amending act shall be paid by the Commonwealth. Employes whose last exposure follows the effective date of this amending act and who become entitled to the compensation provided by this subsection shall be paid as provided by this act.

An application for compensation under this subsection shall not be accepted from any person who, during the preceding six months has been determined to be ineligible hereunder.

Every application shall be accompanied by two prints of the same recent photograph of the applicant, and such other proof of identity as the board shall require. One of the prints shall be stamped by the board and returned to the applicant, who shall deliver it to the physician at the time of examination. The physician shall attach the print to his report to the board.

Section 2. The provisions of this act shall be severable. If any provision of this act is found by a court of record to be unconstitutional and void, the remaining provisions of the act shall, nevertheless, remain valid, unless the court finds the valid provisions of the act are so essentially and inseparably connected with, and so depend upon, the void provision, that it cannot be presumed the Legislature would have enacted the remaining

valid provisions without the void one; or unless the court finds the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 3. This act shall take effect July 1, 1969.

June 6, 1969

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

I return herewith, without my approval, Senate Bill No. 23, Printer's No. 480, entitled "An Act amending the act of June 21, 1939 (P.L.566), entitled 'An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties,' increasing additional payments for silicosis, anthraco-silicosis and asbestosis, adding a residence requirement and further regulating eligibility and applications for compensation."

This bill would amend The Pennsylvania Occupational Disease Act of June 21, 1939, P.L.566. It would increase the amount of monthly payments from \$75 per month to \$100 per month to those totally disabled by miner's asthma who have exhausted their regular compensation or who have failed to qualify for regular compensation because they had not filed timely claims. The bill would also make it a requirement to be a resident of Pennsylvania in order to qualify for compensation.

This bill is substantially similar to House Bill No. 162, Printer's No. 3854 of the 1968 session which I returned without my approval for the reason that it is estimated that the increases in disability payments provided by this amendment would require additional annual expenditures in excess of nine million dollars. The present fiscal situation of the Commonwealth makes it impossible for me to approve a bill providing for the expenditure of such unbudgeted item without appropriate revenues to pay the cost.

The same fiscal situation existing at the time of my veto of House Bill No. 162 still persists.

In this connection, I wish to emphasize that I had requested that final legislative action upon this bill be withheld for consideration as part of this year's Total Budget. In the absence of any determination regarding the Commonwealth's fiscal status, I am again compelled to reluctantly withhold my approval of this bill.

For this reason, the bill is not approved.

RAYMOND P. SHAFER

No. 3

AN ACT

HB 953

Amending the act of June 1, 1945 (P.L.1242), entitled "An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto," providing for certain in lieu tax payments.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of June 1, 1945 (P.L.1242), known as the "State Highway Law," is amended by adding, after section 911, a new section to read:

Section 912. Payments in Lieu of Taxes.—Where real property acquired by the department for highway construction is not being used for such purpose and is being rented by the department for nongovernmental purposes pending commencement of such construction, the Commonwealth shall make payments in lieu of taxes for such rented real property to all local governments in which the property is located in an amount equal to the taxes that would otherwise be payable but in no event shall the total sum of such payments exceed the amount received as rent.

October 17, 1969

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill 953, Printer's No. 1746, entitled "An Act amending the Act of June 1, 1945 (P.L.1242), entitled 'An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto,' providing for certain in lieu tax payments."

This bill would amend the State Highway Law by adding a new section which would require that the Commonwealth make payments in lieu of taxes for real property acquired by the Department of Highways but which is being rented for non-governmental purposes pending commencement of construction. Said payment to all local governments in which the property is located would be in an amount equal to the taxes that would otherwise be payable, but in no event, shall the total sum of such payments exceed the amount received as rent.

This bill would make a specific and fundamental change in the eminent domain procedure by the Department of Highways. Such a fundamental change should not be attempted on a piecemeal basis but only as a part of a general revision of the Eminent Domain Code.

I am also concerned about the wisdom of allowing the Department of Highways to make in lieu of tax payments under the circumstances recited in the bill. I would only approve legislation of this type if it is part of an overall revision of the eminent domain practice such as has already been recommended by the Department of Highways.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER