

No. 1

AN ACT

HB 546

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and 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," further providing for the Navigation Commission for the Delaware River and its navigable tributaries and making repeals.

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

Section 1. As much as relates to the Department of Transportation in section 202, and sections 475 and 2012, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," amended December 3, 1970 (P.L.834, No.275), are reenacted and amended to read:

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

* * *

In the Department of Transportation,
State Transportation Commission,
 Hazardous Substances Transportation Board,
 Navigation Commission for the Delaware River and its navigable tributaries;

* * *

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

Section 475. Navigation Commission for the Delaware River and its Navigable Tributaries.—(a) The Navigation Commission for the Delaware River and its navigable tributaries shall consist of seven members, three to be appointed by the Governor; *by and with the advice and consent of two-thirds of all members of the Senate*; two of whom shall be appointed from among the residents of Delaware County; and one of whom shall be

appointed from among residents of Bucks County; two to be appointed by the Mayor of the City of Philadelphia; one to be the Secretary of [Environmental Resources] *Transportation*, who shall serve ex officio; and one of whom shall be the Director of [Wharves, Docks, and Ferries] *Commerce* of the City of Philadelphia, who shall serve ex officio. The [Governor] *commission* shall designate one of [the commissioners to be the president] *its number to be chairman* of the said commission. The principal office of the commission shall be in the City of Philadelphia.

(b) The members of the Navigation Commission for the Delaware River and its navigable tributaries, hereinafter referred to as the commissioners, shall hold office for a term of four years, and until their successors are appointed and qualified, and may be eligible for reappointment to office. They shall serve without compensation, but shall be reimbursed for necessary expenses. A majority of the commissioners, appointed by the Governor and the Mayor of the City of Philadelphia, shall constitute a quorum for the transaction of business.

(c) The commissioners shall have a secretary, and such clerks as may be necessary to keep accurate minutes and entries of all orders, regulations, and transactions of the said commissioners, in a book or books to be kept for that purpose; and the said minutes and entries shall be submitted to the inspection of any person or persons who shall desire to see and peruse the same; and the said commissioners shall give true copies of all such entries or minutes, made in the said book or books as may be required, to such person or persons as shall demand the same, he or they paying to the said commissioners one cent per line for each copy thereof. The commissioners may also have, if the Secretary of [Environmental Resources] *Transportation* approve, a civil engineer, and such other employes as are necessary to the proper transaction of the business of the Navigation Commission for the Delaware River and its navigable tributaries. The said commissioners shall have authority to maintain adequate offices and a meeting room.

The Secretary of [Environmental Resources] *Transportation* shall appoint the secretary and all employes of the commission, whose salaries shall be fixed as provided by law.

Section 2012. Navigation Commission for the Delaware River.—The Navigation Commission for the Delaware River and its navigable tributaries shall continue to exercise the powers and perform the duties by *the act of June 8, 1907 (P.L.496, No.322), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," and its amendments and by any other law vested in and imposed upon the said board.*

Section 2. (a) The following acts and parts of acts are repealed to the extent specified:

(1) Subsection (b) of section 30, act of December 3, 1970 (P.L.834, No.275), entitled "An act amending the act of April 9, 1929 (P.L.177, No.175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and 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,' creating the Department of Environmental Resources and defining its functions, powers and duties, transferring certain boards and commissions to such department, abolishing the Sanitary Water Board, the Air Pollution Commission and certain other boards and commissions; placing the Navigation Commission for the Delaware River and its navigable tributaries in the Department of Transportation; transferring the functions of the Geographic Board to the Pennsylvania Historical and Museum Commission placing the Valley Forge Park Commission and the Washington Crossing Park Commission in the Pennsylvania Historical and Museum Commission and repealing inconsistent acts," is repealed absolutely.

(2) The act of June 8, 1907 (P.L.496, No.322), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," and its amendments (particularly the amendment of June 21, 1937 (P.L.1960, No.385)), are repealed in so far as inconsistent with the provisions of this act.

(b) All other acts or parts of acts inconsistent herewith are repealed to the extent of such inconsistency.

Section 3. This act shall take effect immediately and be retroactive, in so far as possible, to January 19, 1971.

December 13, 1973

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

I return herewith, without my approval, House Bill No. 546, Printer's No. 1599, entitled "An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and 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,' further providing for the Navigation Commission for the Delaware River and its navigable tributaries and making repeals."

It has been a consistent policy of my Administration to oppose the continuation or formation of governmental boards or commissions unless a clear, direct and overriding issue involving the public good is at stake.

I do not believe such a situation exists at this time to justify my approval of House Bill No. 546, Printer's No. 1599.

We have adopted such a policy in our continuing efforts to streamline the operations of state government. In fact, in three of my previous messages of disapproval, I specifically cited my objection to the creation of new boards or commissions. I fail to see how the public interest is served by the continuing proliferation of bureaucracy.

This is especially apparent in the matter of the Delaware River Navigation Commission which House Bill No. 546 would reestablish within the Department of Transportation.

Prior to the creation of the Pennsylvania Department of Transportation, the Commission played a vital role in regulating certain areas on the Delaware River. However, this organizational structure, as proposed, is obsolete within the present framework of the Department of Transportation.

I have been advised that since the Commission was abolished in 1970 and its functions transferred, the Department has been conscientiously exercising its assigned responsibilities in this area. No justification thus exists for the reestablishment of the Commission within the Department.

Further, House Bill No. 546 would give the Navigation Commission the

authority to regulate recreational boating on the Delaware River. This would create a confusing situation in that the Pennsylvania Fish Commission is charged with this responsibility in every other instance. I see no reason why this anomaly should be sanctioned by law.

In disapproving this measure, I want to assure the sponsors that I respect their interest and concern. However, upon review, I do not believe the resuscitation of this now defunct governmental agency would in any way serve the public interest.

For these reasons, the bill is not approved.

MILTON J. SHAPP
Governor

No. 2

AN ACT

HB 312

Amending the act of June 22, 1931 (P.L.682, No.249), entitled, as amended, "An act relating to domestic animals, and providing for their appraisalment when condemned to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," further providing for the amount of payments by the Commonwealth.

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

Section 1. Section 2, act of June 22, 1931 (P.L.682, No.249), entitled, as amended, "An act relating to domestic animals, and providing for their appraisalment when condemned to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," amended August 31, 1967 (P.L.284, No.117), is amended to read:

Section 2. The Commonwealth hereby agrees to compensate owners of domestic animals condemned to prevent the spread of disease. Such compensation shall be determined as follows:

(a) The amount of compensation paid by the Commonwealth, together with the salvage and any compensation received by the owner from other sources, shall not in any case exceed **[ninety percent of]** the appraised value of the animal; and

(b) The amount of compensation paid by the Commonwealth shall not in any case exceed the sum of **[one hundred dollars] two hundred dollars** for a horse, jack or mule; **[fifty dollars] four hundred dollars** for a nonregistered bovine animal; **[one hundred dollars] five hundred dollars** for a purebred registered bovine animal; **one hundred fifty dollars for a nonregistered swine; three hundred dollars for a registered swine;** **[twenty-five dollars] fifty dollars** for a nonregistered sheep [, goat or pig]; **[fifty dollars] one hundred dollars** for purebred registered sheep [,goat or pig.]; **twenty-five dollars for a nonregistered goat and fifty dollars for a registered goat.**

The Secretary of Agriculture may authorize payment of indemnity for tuberculosis and/or brucellosis *and/or Johne's disease* in bovine animals **[not to exceed one hundred dollars (\$100) for any bovine grade animal or two hundred dollars (\$200) for any purebred registered bovine animal]** which has been found to be exposed, is a part of a known infected herd, and it has been determined by the herd owner's veterinarian and the Director of the Bureau of Animal Industry in the Department of Agriculture that destruction of all the cattle in the herd will contribute to the tuberculosis and/or brucellosis eradication program, provided that the joint State-Federal indemnity payments, plus salvage, does not exceed the appraised value of the animal.

Swine affected with or exposed to hog cholera, which has been confirmed by an official laboratory of the Pennsylvania Bureau of Animal Industry, and which are to be destroyed to prevent further spread of the disease, shall be appraised at their actual value for meat, feeding, or breeding purposes at the place and time of appraisal, except that in the case of grade animals only females shall be eligible for appraisal based on breeding value and that no such appraisal shall exceed three times the animal's meat or feeding value.

Claims for purebred registered animals shall be supported by proper certificates of registration and transfer papers issued by recognized purebred registry associations.

Section 2. This act shall take effect immediately.

December 21, 1973

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

I return herewith, without my approval, House Bill No. 312, Printer's No. 347, entitled "An Act amending the act of June 22, 1931 (P.L.682, No.249) entitled, as amended, 'An act relating to domestic animals, and providing for their appraisal when condemned to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers,' further providing for the amount of payments by the Commonwealth."

This bill would substantially increase the maximum amount of compensation paid by the Commonwealth to owners of domestic animals condemned to prevent the spread of disease.

The payment schedule in House Bill No. 312 is much too rigid and fails to consider the fluctuation of the marketplace. The indemnities outlined are generally too high, providing in some cases full market prices when Federal contributions are added to the State payment and salvage receipts. Another major fault of this bill is the lack of a sliding scale concept which would be relevant no matter what the prevalent price of farm animals.

I want to emphasize that I in no way object to higher indemnities for farmers who suffer livestock losses as a result of animal diseases. I support the sliding scale concept contained in House Bill No. 354, now in the House Agriculture and Dairy Industries Committee, and I favor bringing the total level of indemnity payment from present levels of 45-65% to a constant 80% of appraised value. These provisions would provide an equitable return to the farmer and would avoid an unrealistically rigid payment schedule which may soon be outdated.

I feel that House Bill No. 312 is unfair and inflationary for the reasons outlined above and, therefore, the bill is not approved.

MILTON J. SHAPP
Governor

No. 3

AN ACT

HB 1021

Making an appropriation to the Glen Mills School in Delaware County, Pennsylvania.

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

Section 1. The sum of one million one hundred fifty thousand dollars (\$1,150,000), or as much thereof as may be necessary, is hereby specifically appropriated to the Glen Mills School in Delaware County, Pennsylvania, for the fiscal year July 1, 1973 to June 30, 1974, for maintenance.

Section 2. This act shall take effect July 1, 1973.

December 21, 1973

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

I return herewith, without my approval, House Bill No. 1021, Printer's No. 1212, entitled "An Act making an appropriation to the Glen Mills School in Delaware County, Pennsylvania."

This bill would appropriate \$1,150,000 to the Glen Mills School in Delaware County, Pennsylvania, for the fiscal year July 1, 1973, to June 30, 1974, for maintenance.

The funds appropriated in this bill duplicate funds made available to the Department of Public Welfare in the Child Welfare appropriation contained in the General Appropriation Act of 1973 (Act 11-A). Funds were provided in the Child Welfare appropriation to meet one-half of the cost of the care and support of those children committed to the Glen Mills School as mandated by section 36 (2) of the Juvenile Act (Act 333 of December 6, 1972). The new Juvenile Act thus repeals prior legislation authorizing this appropriation. The appropriation contained in House Bill No. 1021, Printer's No. 1212, duplicates this appropriation and therefore is unnecessary.

For this reason, the bill is not approved.

MILTON J. SHAPP
Governor

No. 4

AN ACT

HB 1022

Making an appropriation to the Sleighton Farms School for Girls in Delaware County, Pennsylvania.

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

Section 1. The sum of one million one hundred fifty thousand dollars (\$1,150,000), or as much thereof as may be necessary, is hereby specifically appropriated to Sleighton Farms School for Girls in Delaware County, Pennsylvania, for the fiscal year July 1, 1973 to June 30, 1974, for maintenance.

Section 2. This act shall take effect July 1, 1973.

December 21, 1973

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

I return herewith, without my approval, House Bill No. 1022, Printer's No. 1213, entitled "An Act making an appropriation to the Sleighton Farms School for Girls in Delaware County, Pennsylvania."

This bill would appropriate \$1,150,000 to the Sleighton Farms School for Girls in Delaware County, Pennsylvania, for the fiscal year July 1, 1973, to June 30, 1974, for maintenance.

The funds appropriated in this bill duplicate funds made available to the Department of Public Welfare in the Child Welfare appropriation contained in the General Appropriation Act of 1973 (Act 11-A). Funds were provided in the Child Welfare appropriation to meet one-half of the cost of the care and support of those children committed to the Sleighton Farms School for Girls as mandated by section 36 (2) of the Juvenile Act (Act 333 of December 6, 1972). The new Juvenile Act thus repeals prior legislation authorizing this appropriation. The Appropriation contained in House Bill No. 1022, Printer's No. 1213, duplicates this appropriation and therefore is unnecessary.

For this reason, the bill is not approved.

MILTON J. SHAPP
Governor

