Veto No. 1

HB 218 March 1, 1974

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

I return herewith without my approval, House Bill No. 218, Printer's No. 242, entitled "An act amending the act of June 3, 1937 (P.L.1225, No.316), entitled 'An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto,' increasing the penalty for hunting without a nonresident hunter's license."

This bill amends the penalty provisions of "The Game Law," by increasing the fine from fifty ($50) to one hundred ($100) dollars nonresidents of the Commonwealth must pay when hunting without a nonresidents' hunting or trapping license. This bill would also require aliens to pay a one hundred ($100) dollar fine for hunting or trapping without a license. The fine for residents of Pennsylvania is twenty ($20) dollars.

If this bill were to become law in Pennsylvania, alien residents of the Commonwealth would pay a fine of one hundred ($100) dollars for hunting without a license while United States citizens who are residents of Pennsylvania would pay a twenty ($20) dollar fine for the same offense. This discrimination against alien resident hunters is unconstitutional.

The United States Supreme Court in *Takahashi v. Fish and Game Commission,* 334 U.S. 410, 92 L. Ed. 1478 (1945) stated:

> "The Fourteenth Amendment and the laws adopted under its authority thus embody a general policy that all persons lawfully in this country shall abide 'in any state' on an equality of legal privileges for all citizens under non-discriminatory laws." 334 U.S. at 420.

The Department of Justice of this Commonwealth has found discrimination on the basis of citizenship unenforceable under the equal protection clause of the Fourteenth Amendment to the United States Constitution e.g. Opinion No. 92, 1971 Opinions of the Attorney General 177; Opinions Nos. 112-114 of 1972, 2 Pa. Bulletin 634; and Opinion No. 9 of 1973, 3 Pa. Bulletin 204. All these opinions have been confirmed by the recent opinions of the Supreme Court of the United States in *Sugarman v. Dougall,* _____, U.S. _____, 41 L.W. 5138 (June 25, 1973) and *In Re Application of Griffiths,* _____ U.S. _____, 41 L.W. 5143 (June 25, 1973).

I recognize the legitimate need in the Game Law for a sufficient spread between license fees and the penalties for not having a license. While discrimination based on residency has been held unconstitutional in many other areas, the preservation of game for Pennsylvania residents may be legally proper and thus a necessary discrimination based on it

proper as well. I would sign such a bill and leave it to the courts to decide its constitutionality.

House Bill 218 in its present form is not approved.

MILTON J. SHAPP

Veto No. 2

SB 737 March 1, 1974

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

I return herewith, without my approval, Senate Bill No. 737, Printer's No. 1803, entitled "An act amending Title 18 (Crimes and Offenses) of the Consolidated Pennsylvania Statutes, further defining the offense of obscenity, redefining obscene, and further providing for injunctions."

It would be virtually impossible to conjure up a bill more certainly unconstitutional than Senate Bill 737.

Even while I veto this bill, I must express my agreement with the urgent need to control the flood of offensive material that today is literally forced upon the public through advertisements outside of movie theaters, publications displayed on newsstands and "X"-rated drive-in movies visible from highways.

This type of activity cannot and should not be tolerated.

Therefore, along with my veto of Senate Bill 737, I propose to the General Assembly alternative legislation which will remedy this situation and which will stiffen the penalties in our existing law for disseminating offensive materials to minors.

Trying to control the public dissemination of any material — books, movies, art and music — is an extremely difficult task for government in our free society.

Freedom of expression is a fundamental tenet of any open society and of our system of government. People of many different beliefs and tastes can live together in harmony only when each person's freedom is constrained only by other people's rights. Mr. Justice Cardozo wrote that the existence of the rights to freedom of expression are so basic:

". . .that neither liberty nor justice would exist if they were sacrificed. . . .This is true, for illustrations, of freedom of thought and speech. Of that freedom one may say that it is the matrix, the indispensable conditions, of nearly every other form of freedom."

Thus freedom of expression is a keystone of basic human rights and is guaranteed by the first amendment. Legislation which purports to limit or abridge those rights must be examined with the utmost scrutiny.

Let me list in summary form the several unconstitutional features contained in Senate Bill 737.

The bill is unconstitutional because it:

—permits prior restraint, allowing the issuance of an injunction without a hearing;

—permits seizure of materials in bulk without a prior hearing;

—allows unwarranted delay of a trial on the merits;

—could have the effect of barring access of minors to bookstores.

The bill also raises serious questions of constitutionality in that it:

—inhibits the access of the accused to trial by jury;

—authorizes the uncompensated destruction of material that may

have been found to be protected in other parts of this Commonwealth, or the Nation;

—would allow one County in Pennsylvania to effectively censor books for the entire Country.

All of the foregoing are provisions which directly assault or may assault individual rights guaranteed under the Constitution.

In amending a section of the Crimes Code, already riddled with the decisions of at least eight obscenity cases in Pennsylvania, and in declaring enforcement practices it authorized to be unconstitutional, the section would be devastated by the defective amendments. The General Assembly, acting in haste, has created a patchwork crazy quilt of constitutional infirmities that, if enacted, would retard legitimate controls on obscenity for years, while lawyers argued over its mistakes in court.

As Senator Zemprelli said so well during the debate on this bill, it would create a lawyer's paradise and a judge's nightmare.

It is interesting to note that in the final Senate vote, two former District Attorneys and one former Federal Attorney dissented.

This Administration supports legislation to control the public display of offensive sexual material. The General Assembly now has in committee a bill, Senate Bill 232, which would ban the display of explicit sexual material wherever such material would be visible from a public street, sidewalk or thoroughfare. This specifically tailored kind of regulation will protect citizens whose rights are today being violated without encroaching on the constitutionally protected freedom of their fellow citizens.

I also propose that the law prohibiting sales of explicit sexual material to minors be further tightened by increasing the statutory penalties and by urging local authorities to step up their enforcement effort.

In contrast to the unfair, unworkable and unconstitutional bill that is now before me, the proposed legislation would strike a proper balance of the various interests, end the intolerable situation on our public streets, and protect our fundamental constitutional freedoms.

For those reasons, Senate Bill 737 is not approved.

MILTON J. SHAPP

Veto No. 3

SB 1349 March 6, 1974

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

I return herewith, without my approval, Senate Bill No. 1349, Printer's No. 1890, entitled "An act amending the act of March 4, 1971 (P.L.6, No.2), entitled 'Tax Reform Code of 1971,' implementing the provisions of section 2 (b) (ii) of Article VIII of the Constitution of the Commonwealth of Pennsylvania providing special tax provisions for certain persons who meet the standards and qualifications for poverty; establishing procedures for the implementation thereof; and imposing duties on the Department of Revenue; reducing the rate of the personal income and corporation taxes and providing a partial credit on the 1973 personal income tax."

It is with deep regret that I veto Senate Bill 1349.

For thirteen months — ever since February 6, 1973 — I have been urging the General Assembly to pass legislation to grant tax relief to the citizens of Pennsylvania.

In my message to the General Assembly, 13 months ago, I said that my budget "will allow a reduction in taxes, the first time in current history that this has been possible."

Senate Bill 1349, however, is not a genuine tax relief bill.

It is a deficit making bill.

Preliminary analysis of revenues and spending indicate that Senate Bill 1349 will result in a deficit situation in fiscal 1974-75.

This deficit will be created at a time when every economic indicator points to an economic downturn this year with higher unemployment bringing additional problems to our people and greater demands upon State Government to serve the needs of our people. This is especially unfortunate due to the energy crisis and the added costs forced upon State Government to deal with it.

It comes at a time when the Federal Government, despite general revenue sharing, is cutting back on funding for many essential programs and forcing the states to pick up this added burden.

The deficit will be created at a time when the rapid rate of inflation is forcing a rise in the cost of services and materials supplied by State Government to the people.

And it is being created despite the fact that, on the Senate calendar, ready to be voted upon today is another bill, House Bill 1190, that will offer major tax relief to private citizens, to business and low income families, the elderly and the infirm. It will provide this relief while permitting State Government to function effectively this year and next without creating a deficit situation.

Also of importance is the fact that Senate Bill 1349 will create a mechanical nightmare for a substantial number of employers throughout the State.

In mandating that withholding shall be reduced to six thousandths (.006) on all wages accrued and payable for the second calendar quarter of 1974, April 1 through June 30, and that, on July 1, 1974, withholding shall increase to the level of 2%, Senate Bill 1349 places an impossible burden upon many employers to effect two rate changes on withholding within 90 days of each other.

In addition, the April 1st date is totally unrealistic from an administrative standpoint. Sufficient time does not exist between now and April 1 to print appropriate instructions and to provide withholding information to all employers in time to have them meet the mandated time table.

Administrative costs of this process alone will approximate $150,000.

Another $1,100,000 of the taxpayers' money will be unnecessarily spent because the bill requires settlement of the proposed 12% tax credit for 1973 personal income taxes on the tax return for the 1974 taxable year.

In 1970, I promised the people that if elected Governor I would run State Government on a businesslike basis. I have cut the costs of operation in many departments of government and have eliminated much waste and duplication, particularly in the Welfare Department.

I promised, under my direction, that I would not permit the State to go into a deficit position and accordingly I have not hesitated to reject bills passed by the Legislature calling for appropriations for which revenues were not available.

It is in this spirit of management that I veto Senate Bill 1349, and simultaneously urge the Senate and the House to pass House Bill 1190 today.

House Bill 1190 as now amended by the Senate, will cut the personal income tax from 2.3% to 2.0%, retroactive to January 1, 1974.

House Bill 1190 will provide $40 million annually of special tax relief for our elderly, infirm and low-income families.

House Bill 1190 also cuts the Corporate Net Income Tax rate from 11% to 9½%, retroactive to January 1, 1974.

The differences between Senate Bill 1349, which I am vetoing, and House Bill 1190, which I support, are therefore clear: the bill I support is fiscally sound and administratively workable. The bill I veto today is fiscally irresponsible and an administrative nightmare.

The bill I support will not create a deficit.

The bill I veto will put State Government in the red.

House Bill 1190 is on the calendar now, ready for passage today by both chambers of the Legislature and will give all taxpayers of Pennsylvania the tax relief they have been waiting for since the beginning of 1973.

Therefore, as I veto Senate Bill 1349, I urge both chambers of the Legislature to stay in session and pass House Bill 1190 today.

For these reasons, the bill is not approved.

MILTON J. SHAPP

(This Veto No. 4 was overridden by the General Assembly and became Act No. 46 of 1974.)

Veto No. 4

HB 1060 March 22, 1974

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

I return herewith, without my approval, House Bill No. 1060, Printer's No. 2578, entitled, "An act amending the act of November 25, 1970 (P.L.707, No.230), entitled 'An act codifying and compiling a part of the law of the Commonwealth,' changing provisions in the Crimes Code relating to murder; providing for three degrees of murder and sentences therefor; mandating the death sentence for certain first degree murder, life imprisonment for certain first degree murder and life imprisonment for second degree murder; providing for the manner of imposition of sentence and for judicial review; and conforming existing provisions."

As a child, I was taught reverence for God and reverence for the Commandments of God . . . and reverence for life which God has bestowed upon us.

I am not a person who makes great display of my inner feelings, but I have tried to live in accordance with my early teachings and to pattern my thoughts and activities around these teachings.

In 1942, because of the atrocities and murders being committed by the Nazis, I enlisted in the Armed Forces of the United States. I justified in my mind the inconsistency that to kill enemy soldiers in this war would not violate God's law because of the atrocities that Hitler was committing on so many millions of people.

As a Signal Corps officer, although I saw two and a half years of overseas service in the war zone, I was fortunate in never having been put to the test of taking another man's life.

The Fifth Commandment of the Lord is concise and all embracing — *Thou Shalt Not Kill.* The commandment makes no distinction between a killing by a private citizen or by a public official.

The only reason why government should ever pass a law that would enable it to take the life of any of its citizens would be in a situation where the death penalty is the only available effective deterrent or in order to give greater protection to those whose jobs require them to risk their lives to protect society.

I would sign a bill making the death penalty available for murder by one under a life sentence, or murder by one who is in the course of the commission of a crime such as kidnapping, the punishment for which is life imprisonment.

I would sign a bill making the death penalty available in the event of the killing of any law enforcement officer or prison guard while engaged in carrying out his duties.

Unfortunately, House Bill 1060 goes far beyond these criteria. Expressed in House Bill 1060 is the philosophy that the death penalty should be used as a method of societal retribution and vengeance, as a way of expressing society's outrage at such crimes as murder in the course of robbery. This philosophy results in the taking of human life without affording any additional protection for the life of the victim. And it is therefore clearly unjustified on either moral or public policy grounds.

Furthermore, although the Attorney General has advised me that HB 1060 "is not clearly unconstitutional," it is manifestly bad legislation:

1. There are no reasonable bases for the distinctions it draws between those cases punishable by death and those by life imprisonment. For example, a cold-blooded killer of five persons is subject only to life imprisonment, while a killer of one person — in the course of an attempted robbery — is subject to the death penalty. And a kidnapper who releases his victim and then, following him down the street, kills him, would be subject only to life imprisonment, while if the person was still held hostage the killer would be subject to the death penalty.

2. It delegates the power to the Supreme Court to invalidate the bill by maintaining its current procedural rule with respect to guilty pleas, the effect of which would be to require a defendant facing the death penalty to plead guilty and deny himself the right to a trial by jury to avoid the possibility of death sentence.

3. The language with regard to mitigating circumstances, particularly, "lack of maturity" and "duress" is hopelessly vague.

Since the "mitigating circumstances" language of House Bill 1060 is so vague, and the question of inclusion or non-inclusion of aggravating circumstances raises so many questions of reasonable classification, there is little doubt that the bill I propose would better withstand the inevitable test of constitutionality and thus more likely result in Pennsylvania having a law of deterrence much quicker than if House Bill 1060 should become law.

In light of the serious deficiencies of HB 1060, I would hope that the Legislature would give serious consideration to my recommendations.

I have tried to give objective consideration to this bill quite apart from my personal views. I have weighed the arguments of those in favor of this legislation and discussed it thoroughly with various advisors.

This has been a difficult decision for me to make, but for the reasons I have stated above, I am vetoing House Bill 1060.

If my veto is overridden by the General Assembly, as some legislators have stated, I want the public to know that I will abide by their decision and uphold the law, considering the merits of each individual case if any should come before me for decision while I am Governor.

For those reasons, the bill is not approved.

MILTON J. SHAPP

Veto No. 5

SB 851 March 29, 1974

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

I return herewith, without my approval, Senate Bill No. 851, Printer's No. 1837, entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities for a limited period of time to make certain purchases without complying with bidding requirements imposed by law."

Senate Bill 851, Printer's No. 1837, provides for the purchase "without regard to any bidding requirements imposed by law" of specifically listed products found to be in short supply when no bids for such products have been submitted to political subdivisions, municipality authorities and transportation authorities. The list is limited to gasoline, motor oil, other petroleum products, bituminous road materials and chlorine for use in public water or waste water treatment. The law would expire two years after it becomes effective.

A strong bidding system helps insure that goods and services are purchased at the lowest possible cost to the taxpayers. It protects against possible collusion among suppliers and government officials. While I recognize the serious problems facing local communities, I can see no desirable reason for eliminating bidding requirements when, as here, there are other alternatives. In addition, I am not at all convinced that the sweeping provisions of Senate Bill 851 are needed at this time, nor would they likely be in the best interest of the public.

Sound legislation would establish a rational system by which political subdivisions may obtain scarce resources. For example, after initial bidding has failed to produce a bid, the statute could require rebidding but give the subdivision authority to permit price escalation on the basis of a prearranged formula as the supplier's costs increase, to allow a supplier to allocate quantities of the product, or to dispense with usual bonding requirements. By rebidding, all suppliers — not just those favored by the subdivision for private negotiations — would have an equal chance.

If a political subdivision ultimately is forced to abandon competitive bidding, it should do so only after reasonable public notice, adequate findings of fact and formal action of the governing body. Senate Bill 851 provides for none of this despite the fact that amendments to this effect were submitted by my office to the General Assembly while this bill was under consideration.

In addition, with the lifting of the oil embargo, whatever shortages exist may shortly be eliminated. Senate Bill 851 makes no provision for such an eventuality. The bill simply provides a blanket two-year license to negotiate sales terms after initial bidding results in no bid being received. No controls or limitations are present in the bill. This is simply bad public policy.

My veto, however, does not prevent political subdivisions from purchasing scarce supplies. Judicial decisions of long standing make it legally permissible to bypass bidding requirements when political subdivisions must meet essential public needs or meet a situation which threatens the health or welfare of the community. But the courts have said very clearly that competitive bidding may only be bypassed after it is shown to be impossible and then only to the extent necessary to meet that emergency. This state of the law has been made known to local solicitors for the past several months by the Departments of Justice and Community Affairs.

Thus, while reasonable steps must be taken to insure that government obtains needed supplies, Senate Bill No. 851 is not the way to do it.

The bill is therefore not approved.

MILTON J. SHAPP

Veto No. 6

HB 581 July 3, 1974

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

I return herewith, without my approval, House Bill No. 581, Printer's No. 3233, entitled "An act amending the act of May 17, 1921, (P.L.682, No.284) entitled 'An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws,' authorizing investments in interest bearing deposits and savings account."

House Bill No. 581 would permit capital investment by insurance companies in certificates of deposit and interest bearing accounts in banking institutions or saving associations. In its present form, there is no limit on the amount of such deposits.

While I am not generally in favor of restraints on the flow of capital, I believe that here the potential for abuse and the difficulties which would be caused far outweigh the advantages of the proposed statute.

The Insurance Commissioner fears that the lack of capital investment limits in this bill could create a number of serious problems. One example of the type of problem which could be created results from use of the technique of compensating balances. This could adversely affect an insurance company's liquidity. Though the bill attempts to deal with this issue, the safeguards provided are not adequate.

In addition, there is a concern that the no-limit provision of this HB No. 581 could have an adverse effect on Commonwealth, municipal, school district and other tax free bond issues. Institutions of government would be forced to compete with the extraordinarily high rate of interest given for certificates of deposit. Thus, in essence, this bill could have serious consequences on the Commonwealth itself.

Finally, the Insurance Commissioner informs me that many of the insurance companies domiciled here in Pennsylvania may run into serious trouble in other states if such states refuse to recognize certificates of deposit as valid capital investments. Large capital investments in certificates of deposit could produce serious problems regarding the continued permission of many of our domestic companies to do business in other states.

As this legislation was originally drafted it would have set a limit on such capital investment. This would have been equal to the amount of insurance on funds in lending institutions. I would have no objection to

such an approach or to a limit on such investments equal to a reasonable fixed percentage of admitted assets.

As written, however, House Bill No. 581 would present too many problems.

My veto of this bill, however, in no way affects the ability of insurance companies to make surplus investments in certificates of deposit.

For these reasons, House Bill No. 581 is not approved.

MILTON J. SHAPP

(This Veto No. 7 was overridden by the General Assembly and became Act No. 209 of 1974.)

Veto No. 7

SB 1318 July 12, 1974

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

I return herewith, without my approval, Senate Bill No. 1318, Printer's No. 2311, entitled "An act regulating abortions; providing requirements relating to consent, and protection of premature infants aborted alive; limiting the subsidizing of abortions; providing for the powers and duties of the Department of Health; and prescribing penalties."

Senate Bill 1318 presents me with a very difficult choice.

I believe in and have consistently supported measures to regulate the conduct of abortions.

And my administration has backed this belief with action. For many months the Department of Health, at my direction, has been considering what medical procedures and requirements are necessary to fully protect the health and safety of women during any abortion procedure.

The department has held two public hearings and issued proposed regulations. Comments have been received from many sources and fully considered by the department. The final regulations will be issued by the department next week.

These regulations provide many of the safeguards which Senate Bill 1318 would require. They incorporate many of the positive features of the bill.

Specifically the regulations will require:

—A requirement that abortions only be performed in a licensed hospital after the first trimester.

—Adequate equipment and personnel on hand during any abortion operation to avoid adverse effects.

—A full and effective explanation to the patient of the procedures to be performed prior to any abortion operation.

—Mandatory pregnancy tests in advance to avoid unnecessary surgery.

—Adequate laboratory tests and pathological studies.

—Mandatory provision of medical screening for venereal disease and, in certain cases, for preventive cancer screening.

—Required availability of contraceptive counselling.

My administration is thus moving to protect the lives and health of Pennsylvania citizens. In this effort I would welcome effective and constitutional legislation.

Senate Bill 1318, however, is not such legislation.

As Governor of this Commonwealth I have sworn to uphold the Constitution of the United States and of this Commonwealth. When a

bill containing clearly unconstitutional language is presented to me, I have a duty to veto it.

Last year the Supreme Court of the United States issued an opinion which clearly stated that with regard to the first trimester of pregnancy the decision as to whether or not to perform an abortion is to be made by the attending physician in consultation with his patient. Interference by the State in this decision was specifically forbidden.

The Attorney General informs me that Senate Bill 1318 clearly violates the Supreme Court's decision, and thus the U. S. Constitution, by authorizing husbands or parents to force a woman to continue pregnancy beyond the first trimester despite her decision and that of her physician to terminate the pregnancy.

Because of the clear unconstitutionality of these sections and the potential unconstitutionality of other sections of the bill, as detailed in the Attorney General's opinion, I must veto Senate Bill 1318.

I want to assure the citizens of Pennsylvania of this administration's determination to insure that their lives and health are protected.

The General Assembly has a responsibility to review carefully decisions of the U. S. Supreme Court before drawing up a bill. Only then could I be in a position to sign such legislation.

For these reasons, the bill is not approved.

MILTON J. SHAPP

Veto No. 8

HB 2217 July 21, 1974

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

I return herewith, without my approval, House Bill No. 2217, Printer's No. 3362, entitled "An act amending the act of June 3, 1937 (P.L.1333, No.320), entitled 'An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections,' providing for the reporting of ticket purchases for campaign activities under certain conditions."

The Pennsylvania Election Code presently contains comprehensive requirements for the reporting of political contributions. It requires a report ". . . setting forth each and every sum of money received, contributed or disbursed. . . [and] the name of the person from whom received. . . ."

House Bill No. 2217 would amend this provision by providing for the reporting of the names of purchasers of tickets for political rallys, dinners and so on in an aggregate amount in excess of one hundred dollars. By the way it is written, it would exempt from the reporting requirements purchases of tickets of less than one hundred dollars. In doing so, it creates a major loophole in the Election Code.

My administration has consistently supported meaningful and comprehensive election reform legislation. But these efforts have been to strengthen, not weaken, our election laws. House Bill No. 2217 clearly demonstrates the danger of attempting a piecemeal approach to election reform legislation.

I certainly cannot approve a bill which would create a major loophole in the Election Code by seriously undermining the current financial reporting requirements.

For these reasons, the bill is not approved.

MILTON J. SHAPP

Veto No. 9

HB 828 July 22, 1974

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

I return herewith, without my approval, House Bill No. 828, Printer's No. 3536, entitled "An act authorizing the Department of Property and Supplies to acquire, on behalf of the Pennsylvania Historical and Museum Commission, a tract of land in the Borough of Gettysburg, Adams County, Commonwealth of Pennsylvania, and making appropriations."

The bill establishes a highly unusual procedure for setting of a purchase price and subsequent purchase by the Commonwealth of the Dobbin House in Adams County. The Department of Property and Supplies is to select one person, the present owner of the property, a private corporation, is to select another person, and those two are to jointly select a third. The three people are then to act as an appraisal committee for setting the purchase price. They are not required to be qualified appraisers and the Commonwealth has no right to reject the appraised value. Not only is one of the appraisers selected by the present owner, a questionable procedure in itself, but the members of the appraisal committee, including the owner's designee, are to be awarded an appraisal fee from the money appropriated for the purchase.

If the Commonwealth is to purchase this property, and I agree we should because of its genuine historical value, proper procedures can be adopted for purchase of the property at a fair and equitable price.

In my judgement the procedure is fiscally irresponsible and would set a bad precedent for future Commonwealth purchases.

The bill is therefore disapproved.

MILTON J. SHAPP

Veto No. 10

HB 613 September 19, 1974

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

I return herewith, without my approval, House Bill No. 613, Printer's No. 1600, entitled "An act amending the act of June 15, 1961 (P.L.373, No.207), entitled 'Inheritance and Estate Tax Act of 1961,' further providing for judicial review of actions by the Board of Finance and Revenue."

This bill provides for judicial review of decisions rendered by the Board of Finance and Revenue pursuant to the "Inheritance and Estate Tax Act."

The concept of judicial review of State administrative boards is a good one; however, House Bill 613 would provide for appeals from the Board of Finance and Revenue to the Commonwealth Court. The Commonwealth Court is not the proper appellate court for this review.

The proper appellate court for questions of law and fact regarding inheritance and estate tax matters is the Court of Common Pleas, in particular, its Orphans' Court Division. These courts have the expertise to review appeals on this subject matter. Additionally, these courts presently hear all other questions of law and fact regarding inheritance and estate tax matters. It is therefore appropriate that appeals from the Board of Finance and Revenue pursuant to the "Inheritance and Estate Tax Act" should be heard in the Orphans' Court Division of the Court of Common Pleas.

Accordingly, I would sign a bill similar to House Bill 613 as it was originally introduced in Printer's No. 697. House Bill 613, Printer's No. 697, would have provided for these appeals in a manner more conducive to the efficient administration of justice.

For these reasons, the bill is not approved.

MILTON J. SHAPP

Veto No. 11

HB 1301 October 4, 1974

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

I return herewith, without my approval, House Bill No. 1301, Printer's No. 1925, 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,' prohibiting certain suspensions of members of the Pennsylvania State Police except by court martial proceedings and providing that a member shall not be suspended prior to a determination of charges against such member."

This bill amends section 205 (e) of The Administrative Code of 1929 by providing that no enlisted member of the Pennsylvania State Police shall be suspended for a period exceeding ten days on the basis of any disciplinary proceedings against any such member except by action of a court martial board. In effect, this amendment would prohibit the Commissioner from suspending a member charged with a criminal offense or an infraction of the Pennsylvania State Police Rules and Regulations for a period in excess of ten days pending the decision of a court martial board. Furthermore, in cases where a member of the Pennsylvania State Police has been accused of a violation of State Police Regulations but has not been charged with a criminal offense under the Pennsylvania Crimes Code, this amendment would prohibit such member's suspension for any period of time whatsoever prior to the decision of a court martial board.

Section 2 of the bill provides that any member of the Pennsylvania State Police suspended prior to the effective date of this act shall be reinstated without loss of pay unless such suspension would have been lawful if effected subsequent to the effective date of this act.

In my judgment, House Bill 1301 unduly infringes upon the right of the Commissioner of the State Police to administer his department and discipline State Police members for infractions of State Police Rules and Regulations. Moreover, the proposed bill is unnecessary in view of recent changes in the State Police disciplinary procedure which have been approved by the Attorney General. These changes, which will insure that no member of the State Police against whom charges are pending can be suspended except upon recommendation of a State Police Disciplinary Review Board, insure due process of law for every member of the State Police who is charged with a violation of State Police Regulations.

House Bill 1301 fails to take into account the fact that a police department and all of its members must have the complete confidence of the public if the department and its members are to perform their duties effectively. If a police officer has been accused of conduct which would make him appear unworthy of trust or respect by the public, and if these accusations are substantial enough to warrant formal disciplinary proceedings, it would be a serious mistake to prevent the Commissioner, upon the advice of the Disciplinary Review Board, from temporarily removing the officer from duty until such time as the charges against him have been disposed. The State Police must retain the power to suspend a member pending court martial, not only in cases involving criminal conduct, but also in the numerous situations in which a member's alleged conduct might well jeopardize public trust even though his alleged conduct does not constitute a crime. For example, if a State Police member were intoxicated while on duty, this conduct would not constitute a criminal offense; however, it is clear that public trust and confidence in the State Police would be undermined if such a member were required by law to remain on duty pending a formal court martial.

The prejudice to the department and to public confidence in law enforcement which would result from enactment of House Bill 1301 is apparent. It is equally apparent that a State Police member suffers no prejudice under existing procedure which permits him to be suspended pending the outcome of a court martial but insures that if such member is reinstated either by the court martial or by court order, he will be entitled to return to duty with back pay.

Finally, the distinction made by the act itself between criminal and non-criminal charges illustrates the inherent weakness of the statute's basic premise. The statute obviously is designed to protect State Police members against arbitrary suspension from duty based on charges which have not yet been heard by a court martial. However, those who favor the bill recognized that certain charges are serious enough to require suspension from duty before a member has been formally tried by a State Police court martial. The basic problem with the bill is that

the questions of whether charges made against a member are serious enough to require suspension do not turn on the issue of whether or not such charges involve alleged criminal offenses. Instead, the crucial question in each case will be whether the charges placed against a member are of such a nature that he cannot continue to enjoy the confidence and respect of the general public which any police officer must have in order to be able to function effectively. If the member's alleged conduct has seriously undermined this confidence and respect, then the department must have the authority to remove him from active duty until the charges have been resolved.

For these reasons, House Bill 1301 is not approved.

MILTON J. SHAPP

Veto No. 12

SB 1100 October 4, 1974

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

I return herewith, without my approval, Senate Bill No. 1100, Printer's No. 1293, entitled "An act amending Title 18 of the Consolidated Pennsylvania Statutes, changing the distribution of certain fees relating to registration of firearms."

This bill would change provisions of Title 18 (Crimes) of the Consolidated Pennsylvania Statutes relating to fees collected for registration of firearms by county treasurers.

The changes that this bill would make have already been effected by the act of October 12, 1973 (No.81) effective December 11, 1973. Therefore, enactment of Senate Bill No. 1100 is unnecessary since its provisions are already law.

In the interest of the orderly enactment of statutes, I return the bill without my approval.

MILTON J. SHAPP

Veto No. 13

HB 223 October 10, 1974

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

I return herewith, with my objections, House Bill No. 223, Printer's No. 3645, entitled "An act amending the act of May 29, 1935 (P.L.244, No.102), entitled 'An act creating a Local Government Commission to study and report on functions of local government; their allocation and elimination; the cost of local government and means of reducing it; and the consolidation of local government; and making an appropriation,' providing for the publishing and distribution of certain codes."

This bill would require the Local Government Commission, an independent Commission of the General Assembly, to supervise and arrange for the printing and distribution of various county, city, borough and township codes.

This is a laudable aim. The need and demand for these codes is very real. I understand that the current supply of these codes is limited and that legitimate requests for copies are frequently not met.

However, I believe that the public interest would be better served if the responsibility for the printing of the various codes would be placed in the Department of Property and Supplies.

The Administrative Code grants to the Department of Property and Supplies the authority to purchase all printing supplies and related material for the Commonwealth's purposes. Because of Departmental supervision the integrity of the bids is protected and the citizens of the Commonwealth are assured that their tax dollars are efficiently spent in this regard.

Additionally, as a result of this responsibility, the Department has employed experts to insure that the provisions of the Administrative Code are expeditiously fulfilled. Printing and paper experts who have devoted their life work in the graphic arts field are engaged in producing thousands of publications and other printing for state agencies, including the General Assembly.

Because of the strict procedures of the Administrative Code, I believe that substantial savings can be realized if the Department of Property and Supplies assumed the job of printing the various municipal codes mentioned in House Bill 223.

At the same time I believe it is fitting and proper that the Local Government Commission distribute the codes and raise no objection to that provision of the bill.

However, I believe that the cost-saving advantages of having the Department of Property and Supplies print and publish the codes outweighs that consideration and I, therefore, must disapprove this bill.

MILTON J. SHAPP

Veto No. 14

HB 453 October 17, 1974

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

I return herewith, without my approval, House Bill No. 453, Printer's No. 1866, entitled "An act amending the act of May 1, 1919 (P.L.103, No.79), entitled 'An act creating a State Art Commission in the Board of Commissioners of Public Grounds and Buildings; requiring the approval of the commission of the design and location of all public monuments, memorials, buildings, or other structures, and certain private structures, proposed to be erected anywhere in this Commonwealth other than in cities of the first and second classes,' removing certain municipal projects and public school buildings and structures from the application of the act."

This bill would change present law to deny to the State Art Commission the legal right to review the architectural quality of municipal projects and school buildings financed in whole or in part by State funds. Presently, such buildings must obtain the Pennsylvania Art Commission's approval regarding design and location prior to actual construction.

The State clearly has an aesthetic, architectural and financial interest in overseeing structures funded in whole or in part by State monies. House Bill 453 would put the Commonwealth in a position where it would finance all or part of municipal projects and school buildings, while denying the Pennsylvania Art Commission the legal right to review the architectural integrity of these structures.

This would not be a sound approach to government financing.

In the first place, it is to the Commonwealth's advantage to make sure that the size and design of a public building is commensurate with its purpose, that the materials used are of the best quality consistent with use and cost, and that the over-all impact on the environment is proportionate to the construction of buildings. A review by the Art Commission insures uniformly high architectural standards, while in many cases reduces the cost of the building.

Furthermore, the notion set forth in this legislation that State monies may be spent without review on public building projects is not in the public's best interest. The public must be assured that tax monies are spent in the most efficient way, and that building projects will have a long and useful life.

These are the goals and purpose of the review by the State Art Commission.

It has been brought to my attention that a major purpose behind this measure was to remedy certain delays that municipalities have encountered when seeking approval of the State Art Commission on the design and location of municipal projects and public school buildings. Efforts on the part of local architects and designers, as well as improved

procedures at the State level, could reduce this delay to a minimum. This proposed amendment, however, attacks the problem of delay without giving sufficient consideration to the State's interest in maintaining some control over how State funds are expended.

It is, therefore, my intent to make every effort possible at an administrative level to expedite the procedure by which the State Art Commission reviews the architectural design of municipal projects and public school buildings, and I would hope for the cooperation of private designers as well.

For the reasons set forth herein, I must disapprove House Bill No. 453.

MILTON J. SHAPP

Veto No. 15

HB 2068 October 17, 1974

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

I return herewith, without my approval, House Bill No. 2068, Printer's No. 3418, entitled "An act amending the act of June 28, 1947 (P.L.1110, No.476), entitled 'An act defining and regulating certain installment sales of motor vehicles; prescribing the conditions under which such sales may be made and regulating the financing thereof; regulating and licensing persons engaged in the business of making or financing such sales; prescribing the form, contents and effect of instruments used in connection with such sales and the financing thereof; prescribing certain rights and obligations of buyers, sellers, persons financing such sales and others; limiting incidental charges in connection with such instruments and fixing maximum interest rates for delinquencies, extensions and loans; regulating insurance in connection with such sales; regulating repossessions, redemptions, resales and deficiency judgments and the rights of parties with respect thereto; authorizing extensions, loans and forbearances related to such sales; authorizing investigations and examinations of persons engaged in the business of making or financing such sales; prescribing penalties and repealing certain acts,' further providing for finance charges for certain motor vehicles."

House Bill No. 2068 would amend the "Motor Vehicle Sales Finance Act" by purporting to increase interest rates from 6 percent to 7 percent per year on new cars. Actually, this add-on rate is the equivalent of a simple annual interest rate hike of 2 percent. Thus the interest ceiling will jump from 12 percent to 14 percent.

As I have done in my stands against excessive utility rates, insurance rates and the 5 percent surtax proposal, I am once again acting against inflation in the form of excessive interest rates which are breaking the financial backs of the average Pennsylvanian. These rates are outrageous and an unacceptable burden on our people. I cannot and will not condone it.

Equally bad, this bill contains no consumer reforms whatsoever, while it will result in millions of dollars of added interest charges for lenders.

In addition to the inflationary burden, the consumer reforms so vitally needed must be considered in any such legislation.

This has long been a publicly enunciated and established policy of my Administration. It was this policy which resulted in the strong consumer protection provisions of the State's new usury and mortgage interest law (Act 6 of 1974).

Accordingly, I cannot sign such legislation and have instructed the Governor's Commission on Mortgage and Interest Rates to work

closely with interested persons to work out a stronger measure in this area.

Until such legislation is formulated, I certainly cannot sign a bill which raises interest rates while providing no additional protection for consumers.

For these reasons, the bill is not approved.

MILTON J. SHAPP

Veto No. 16

HB 1964 December 10, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1964, Printer's No. 3862, entitled "An act amending the act of May 24, 1945 (P.L.991, No.385), entitled 'An act to promote elimination of blighted areas and supply sanitary housing in areas throughout the Commonwealth; by declaring acquisition, sound replanning and redevelopment of such areas to be for the promotion of health, safety, convenience and welfare; creating public bodies corporate and politic to be known as Redevelopment Authorities; authorizing them to engage in the elimination of blighted areas and to plan and contract with private, corporate or governmental redevelopers for their redevelopment; providing for the organization of such authorities; defining and providing for the exercise of their powers and duties, including the acquisition of property by purchase, gift or eminent domain; the leasing and selling of property, including borrowing money, issuing bonds and other obligations and giving security therefor; restricting the interest of members and employes of authorities; providing for notice and hearing; supplying certain mandatory provisions to be inserted in contracts with redevelopers; prescribing the remedies of obligees of redevelopment authorities; conferring certain duties upon local planning commissions, the governing bodies of cities and counties, and on certain State officers, boards and departments,' requiring approval of city council concerning appointments and qualifications of certain authority members."

This bill is so poorly drafted that legislative intent is all but impossible to discern. As written its provisions will only create confusion in the minds of those public servants seeking to conform their conduct to the applicable law when confronted with the task of appointing members to a Redevelopment Authority.

Such confusion and ambiguity is unnecessary and undesirable.

The aim sought to be achieved by this bill is fairly expressed in the title, and as such may have merit. However, the language of the bill fails to convey or implement in an understandable fashion the title's purported goal.

Accordingly, in the interest of clarity and the orderly enactment of statutes, I file House Bill No. 1964 without my approval.

MILTON J. SHAPP

Veto No. 17

HB 2522 December 26, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill 2522, Printer's Number 3902, entitled "An act amending Title 24 (Education) of the Consolidated Pennsylvania Statutes, adding provisions relating to retirement for school employees and making repeals."

The bill would recodify the "Public School Employees' Retirement Code", to make certain changes and add provisions to the code including, but not limited to, eliminating the time limit on the purchase of military credit, and allowing its purchase without interest in certain cases, reducing the service requirement for death benefit eligibility and disability allowances, decreasing the reduction factor for early retirement, and providing a cost-of-living increase schedule for employees who retired on or before July 1, 1973.

While I concur with the need to amend the Public School Employees' Retirement Code to bring it into line with the State Employees' Retirement Code, I cannot approve this bill because certain of the benefits provided herein for school employees exceed the benefits provided for State employees, thereby providing for inequities between the two systems.

Specifically, three of the changes which would prove inequitable in terms of benefits payable to annuitants would be the cost-of-living increase schedule for school employees, the decrease in the reduction factor for early retirement of school employees, and interest-free purchase of military service. These, and any other inequitable features contained in this bill must be corrected before I can approve legislation of this type.

I recommend that the General Assembly correct these deficiencies by passing a more equitable retirement law in 1975.

For these reasons, the bill is not approved.

MILTON J. SHAPP

Veto No. 18

SB 1960 December 27, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1960, Printer's No. 2607, entitled "An act making an appropriation to the Trustees of the Pennsylvania State University for the increased cost of retirement benefits for employees."

The bill would appropriate the sum of $1,700,000 to the Trustees of the Pennsylvania State University to provide for retirement cost increases for employees.

Commonwealth revenues for the 1974-75 fiscal year are insufficient to provide for this appropriation.

For this reason, the bill is not approved.

MILTON J. SHAPP

Veto No. 19

HB 516 December 27, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 516, Printer's No. 3814, entitled "An act reenacting and amending the act of September 29, 1951 (P.L.1615, No.414), entitled 'An act to authorize the Secretary of Public Assistance of the Commonwealth of Pennsylvania to apply to the Secretary of Agriculture of the United States for the return of assets of the former Pennsylvania Rural Rehabilitation Corporation, to receive, deposit and administer such assets for rural rehabilitation or other authorized purposes, and to enter into agreements with the Secretary of Agriculture of the United States with respect to the future administration of said assets,' transferring functions and duties to the Department of Agriculture and creating a Policy Committee to allocate the funds."

This bill is intended to reenact and amend present law affecting the assets of the former Pennsylvania Rural Rehabilitation Corporation and to transfer the functions and duties with respect thereto from the Secretary of Public Welfare to the Department of Agriculture. It would also create a policy committee consisting of the Secretary of Agriculture, two members appointed by him, and four members of the Legislature who shall assist the Secretary in determining how the Federal funds received under this act are to be expended.

The funds in question are to be used for rural rehabilitation and must be expended in accordance with narrow limits set forth in Federal statutes and guidelines. As the program is currently being administered by the Secretary of Public Welfare, there has been no allegation that the assistance of a policy committee is necessary or could improve the efficiency of the delivery system.

The original purpose of this legislation was only to transfer the administration of this Federal program. I see no reason now to create a new policy committee in the Department of Agriculture.

There was no compelling need for a policy committee while the funds were administered by the Secretary of Public Welfare and I see no cogent reason for a policy committee if the program is to be administered by the Department of Agriculture. I should also note that my disapproval of this bill in no way affects the continuing operation of this Federal program. Those citizens who have benefited in the past by this program will continue to do so.

For these reasons, I must disapprove House Bill No. 516.

MILTON J. SHAPP

Veto No. 20

HB 1937 December 27, 1974

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1937, Printer's No. 2568, entitled "An act amending the act of May 9, 1949 (P.L.927, No.261), entitled, as amended, 'An act fixing and regulating the fees, commissions, mileage and other costs chargeable by the sheriff in counties of the second, second A, third, fourth, fifth, sixth, seventh and eighth classes for their official acts and the services of their deputies, watchmen, appraisers and other agents; requiring prepayment of same, unless secured or chargeable to the county, and delivery of itemized receipts therefor; requiring certain payments by the county, including the compensation of special deputies; providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaried sheriffs to account to the county for certain fees and commissions collected; and repealing inconsistent laws, general, special or local,' changing mileage fees for sheriffs."

This bill would raise the mileage costs chargeable by sheriffs in most counties from twelve to fifteen cents per mile. Although I am generally in favor of measures which adequately compensate State and local officials for costs properly incurred in the performance of official public duties, I am opposed to this piecemeal approach to a problem which is shared by a great many county and local officials who are entitled to charge mileage fees.

I believe that public policy considerations dictate enactment of a complete series of bills uniformly increasing such fees for all these officials, if, in fact, economic conditions warrant such increases.

For this reason, I must disapprove House Bill No. 1937.

MILTON J. SHAPP

Veto No. 21

HB 2404 December 27, 1974

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 2404, Printer's No. 3430, entitled "An act amending the act of December 22, 1959 (P.L.1978, No.728), entitled, as amended, 'An act providing for and regulating harness racing with pari-mutuel wagering on the results thereof; creating the State Harness Racing Commission as a departmental administrative commission within the Department of Agriculture and defining its powers and duties; providing for the establishment and operation of harness racing plants subject to local option; imposing taxes on revenues of such plants; disposing of all moneys received by the commission and all moneys collected from the taxes; authorizing penalties; and making appropriations,' further providing for racing meets."

This bill would have the effect of guaranteeing one hundred racing dates to those counties which presently have existing harness racing licensees.

The enactment of this bill would result in removing from the Harness Racing Commission the right to exercise its knowledgeable discretion in selecting the most suitable sites for harness race meetings. Removing this discretion would strip a significant power of the Harness Racing Commission and would not be in the public interest.

Accordingly, I must disapprove House Bill No. 2404.

MILTON J. SHAPP

Veto No. 22

HB 2455 December 27, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 2455, Printer's No. 3365, entitled "An act amending the act of March 10, 1949 (P.L.30, No.14), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' further providing for expenses for attendance at meetings."

This bill increases the reimbursable expenses of certain school board members attending education conventions from thirty dollars to fifty dollars.

I am generally in favor of adequate reimbursement for expenses incurred by public officials in performance of their duties, such compensation being necessary to encourage full performance of their duties. However, I believe that an abrupt 66% increase in allowable reimbursable expense in this particular instance is unwarranted.

So long as inflation is incident to the economy of this Commonwealth, increases in expense allowances must be held to a minimum. This measure excessively increases an expense allowance and could possibly encourage unnecesssary expenditures.

For these reasons, I must disapprove House Bill No. 2455.

MILTON J. SHAPP

Veto No. 23

SB 1400 December 27, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1400, Printer's No. 2648, 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,' restricting the powers of departments, boards and commissions relating to school pupils and empowering the Commissioner of Correction to deputize individuals to effect the return of any individual under the control or supervision of the commissioner who escapes or attempts to escape that control."

I am today returning, without my signature, Senate Bill No. 1400.

This is the so-called "anti-busing" bill, but it is not an "anti-busing" bill.

It is an anti-Human Relations Commission bill.

Therefore, it is an open invitation to the Federal courts to dictate the very busing programs the bill supposedly would prevent.

Senate Bill No. 1400, as written, could produce another "Boston" in Pennsylvania, and this must be prevented to every extent possible. We in Pennsylvania must be in the strongest legal position to resolve our own community problems.

By depriving the Human Relations Commission of its ability to work with communities to produce reasonable programs of school integration, Senate Bill No. 1400 leaves the supporters of integrated schools no alternative but to appeal to the Federal courts and thereby open the door for the Federal courts to do what has been done in Boston and Detroit.

Senator William Duffield warned of this when he correctly said on the floor of the Senate during debate on this measure, "regardless of the fact that we tell our local school boards by legislation that they cannot do a certain thing, the Federal courts will overule this and tell our school boards they have to do it. . .look what happened in Boston."

As written, Senate Bill 1400 doesn't specifically ban "busing." It takes away all of the tools which the Human Relations Commission employs to promote an integrated school system.

Indeed, the word "busing" is never mentioned in the bill.

The position I am taking today is consistent with the position I have always taken on this subject. In fact, on May 8, 1972, I made the following public statement concerning a similar bill, House Bill 1717, which was being considered by the General Assembly:

"Over the past several years, the Human Relations Commission's record of achievement and reasonable use of its authority have commanded the respect and support of both Democratic and Republican Administrators here in Harrisburg and similar bipartisan support in the Legislature.

I see no reason at this time to strip the Commission of all the powers demanded in House Bill 1717. Therefore, this administration is opposed to House Bill 1717 which curtails the authority of the Human Relations Commission to improve the quality of education in the Commonwealth.

This issue has been raised over busing. *Personally, I don't believe that forced busing is a desirable means to end school desegregation.* It is costly and often creates a major strain on family patterns of life. If it must be used at all, busing should be used sparingly, as a last resort, and with maximum consideration given to the feelings of the local community."

Senate Bill 1400 is no different than House Bill 1717.

In depriving the Human Relations Commission of every means to do its job, the bill would have us abandon the quiet, deliberate and effective work the Commission has been doing within our communities.

Already, there are twenty school districts in Pennsylvania in which desegregation plans have been fully or partially approved by the Human Relations Commission.

In most of these districts, the plans have been a product of discussion, compromise and the exercise of common sense by all parties involved.

Indeed, in many of these communities, the adoption of desegregation programs has already contributed to the reduction of racial tensions and the furtherance of cooperation and understanding.

I ask the proponents of Senate Bill 1400: should we in Pennsylvania abandon these efforts entirely, surrender our ability to work together in a spirit of compromise, and leave the problem to dictation from the Federal courts? Or should we continue our efforts to work together and solve our problems in a cooperative manner?

I think the answer is obvious. In the interest of equal opportunity for all our citizens, for the continued maintenance of sensible compromise and for the avoidance of Federal dictation of school integration, I veto Senate Bill 1400 and call upon the Legislature and all of our people to

cooperate with the Human Relations Commission to work out these difficult and complex problems in a spirit of understanding rather than under the dictation of the Federal courts.

MILTON J. SHAPP

Veto No. 24

SB 1705 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1705, Printer's No. 2193, entitled "An act authorizing and directing the Department of Property and Supplies, with the approval of the Department of Public Welfare and the Governor to convey to the Township of Upper St. Clair 10.44 acres of land, more or less, situate in the Township of Upper St. Clair, Allegheny County, Commonwealth of Pennsylvania."

This bill would grant a tract of land to Upper St. Clair Township, Allegheny County, to be used for public safety purposes. However, the bill fails to provide a definition or explanation of what is to be included in a valid "public safety purpose" and is, therefore, too unspecific on this point to be given a clear legal interpretation.

Additionally, the land to be granted is now a conservation district in a scenic area of the county. It should not be removed from this classification without prior indication of the exact type of building to be constructed and local action taken on a zoning ordinance change.

Therefore, for the reasons stated above, I must disapprove Senate Bill 1705.

MILTON J. SHAPP

Veto No. 25

SB 1943 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill 1943, Printer's No. 2569 entitled "A supplement to the act of February 6, 1974 (No.17), entitled 'An act providing for the capital budget for the fiscal year 1973-1974,' itemizing a public improvement project to be acquired or constructed by The General State Authority together with its estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the project; stating the estimated useful life of the project, specifically itemized in a capital budget, and making an appropriation."

This bill would authorize a capital expansion project for the H. Walter Evans Hall at the Philadelphia College of Osteopathic Medicine, Philadelphia, Pennsylvania at a cost of ten million three hundred twelve thousand dollars ($10,312,000).

To authorize a project not recommended in the budget at this time of massive inflation, costly bond sales and declining revenues would not be fiscally prudent.

Further, this type of project should be financed through the Pennsylvania Higher Education Facilities Authority which was specifically created for such purpose. If this project is financed through that Authority, its cost would not be added to the debt of the Commonwealth as it would be if I approved this bill.

For these reasons, the bill is not approved.

MILTON J. SHAPP

Veto No. 26

SB 1953 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1953, Printer's No. 2630, entitled "An act amending the act of July 18, 1974 (No.47-A), entitled 'A supplement to the act of July 28, 1966 (3rd Sp. Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations, and providing a method of accounting for the funds appropriated,' increasing the appropriation for net cost of instruction."

The bill would amend the 1974-75 appropriation act for support of the University of Pittsburgh (Act of July 18, 1974, No.47-A) by increasing the appropriation for the net cost of instruction excluding Doctor of Medicine from $44,859,000 to $46,159,000 for a net increase of $1,300,000.

Commonwealth revenues for the 1974-75 fiscal year are insufficient to provide for this appropriation.

For this reason, the bill is not approved.

MILTON J. SHAPP

Veto No. 27

HB 867 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 867, Printer's No. 3784, entitled "An act amending the act of March 4, 1971 (P.L.6, No.2), entitled 'An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties,' excluding from taxation the sale or use of certain game birds raised by farmers."

House Bill No. 867 exempts from the State's six percent sales tax the sale at retail or use of game birds which are raised by farmers and sold for propagation, field trials, training purposes, or public and paid shooting grounds.

Any tax exemption means, of course, that the Commonwealth will lose tax revenues. Such a loss can only be justified if there is a compelling reason for such a tax exemption.

I can see no compelling need for the tax exemption proposed by House Bill No. 867. Accordingly, I must disapprove this bill.

MILTON J. SHAPP

Veto No. 28

HB 1468 December 30, 1974

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House Bill No. 1468, Printer's No. 1886, entitled "An act amending the act of June 3, 1911 (P.L.639, No.246), entitled, as amended 'An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of State, and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act, and providing for revocation and suspension of licenses by said bureau; and providing penalties for violation thereof, and repealing all acts or parts of acts inconsistent therewith,' permitting allied health personnel to perform services under the supervision of a licensed physician."

This bill would allow a physician's assistant, technician or other allied medical person to perform "services and acts" under the supervision, direction or control of a licensed physician.

Although the concept of increased utilization of paramedics has great potential for benefiting the citizens of our Commonwealth, this bill has two essential defects.

The first defect is that essential accompanying legislation regulating physicians' assistants failed to receive legislative approval. This bill alone would create a vacuum by taking physicians' assistants out of the jurisdiction of the Medical Board and not substituting other regulation. Such action would clearly not be in the public interest.

The second defect is technical; the bill purports to amend the act of June 3, 1911 (P.L.639, No.246), known as the "Medical Practice Act." However that act was repealed absolutely by section 18 of the Medical Practice Act of 1973, Act 190 of 1974. Hence this bill amends a non-existent law.

For the above reasons, I must disapprove House Bill No. 1468.

MILTON J. SHAPP

Veto No. 29

HB 1748 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1748, Printer's No. 3850, entitled "An act to provide for the selection of jurors to serve in the courts of common pleas of this Commonwealth; defining the qualifications of such jurors; providing for the organization of a commission for the selection of jurors in certain counties, and prescribing its powers and duties; providing for the compensation and expenses of jurors summoned to serve; providing penalties for violation of the act and for failure to serve; and repealing inconsistent acts."

House Bill 1748 would provide for the selection and compensation of jurors and would create a new jury commission in each of Pennsylvania's counties. It also would specify the method of selection and qualification of jurors and would set the daily compensation and mileage expenses to be paid to jurors. Under the system which would be established, the Commonwealth would be required to reimburse each county for fifty per cent of its expenditures for such compensation and mileage.

Because this bill would become effective only thirty days after it is signed into law, it would cause considerable administrative difficulties for the courts of many of our counties. I am informed that in some instances certain court terms might have to be cancelled because of the effective date of this bill.

Moreover, this legislation could lead to serious invasions of privacy by permitting the disclosure of names and records of persons participating in State programs, such as those treating drug and alcohol abusers. Any such disclosure may hinder treatment of the individual patient, may destroy the physician-patient relationship and may undermine the credibility of our treatment programs.

This invasion of privacy cannot be justified.

Finally, the total amount of the Commonwealth's responsibility for increasing compensation of jurors would be in excess of $3,000,000 per year. The fiscal condition of Pennsylvania indicates that the Commonwealth should not assume such a burden at this time.

For these reasons, the bill is not approved.

MILTON J. SHAPP

Veto No. 30

HB 2467 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 2467, Printer's No. 3380, 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,' providing for a State Board of Physical Therapy Examiners in the Department of State."

This bill would create a State Board of Physical Therapy Examiners "to administer the 'Physical Therapy Practice Act.' "

Inasmuch as the "Physical Therapy Practice Act," a companion bill, failed to receive legislative approval, this proposed board would have no act to administer.

Should a future Legislature enact a law specifically regulating physical therapists, an administrative board might become appropriate at that time. However, until such time, the creation of a State Board of Physical Therapy Examiners would only be a drain on public funds; and I must, therefore, disapprove House Bill No. 2467.

MILTON J. SHAPP

Veto No. 31

HB 2031 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 2031, Printer's No. 2718, entitled "An act amending the act of July 31, 1968 (P.L.805, No.247), entitled, as amended, 'An act to empower cities of the second class A, and third class, boroughs, incorporated towns, townships of the first and second classes including those within a county of the second class and counties of the second class A through eighth classes, individually or jointly, to plan their development and to govern the same by zoning, subdivision and land development ordinances, planned residential development and other ordinances by official maps, by the reservation of certain land for future public purpose and by the acquisition of such land; providing for the establishment of planning commissions, planning departments, planning committees and zoning hearing boards, authorizing them to charge fees, make inspections and hold public hearings; providing for appropriations, appeals to courts and penalties for violations; and repealing acts and parts of acts,' further providing for advertising of ordinances."

This bill proposes amendments to the sections of the "Municipalities Planning Code" that deal with the advertisement of zoning and subdivision ordinances. The apparent intent of the amendments is to exonerate municipalities from advertising the full text of such ordinances, or amendments thereto, prior to adoption, if such advertisement is required by "other laws respecting the advertisement of ordinances."

However, the authority which is being sought — to advertise a summary of such ordinances and amendments — is already clearly established in present law for all classes of municipalities.

The Planning Code, which applies uniformity to all municipalities, contains a clear and logical explanation of the present procedure. Namely, that summaries of ordinances and amendments to ordinances dealing with subdivisions and zoning, may be advertised in summary form both *before and after* enactment, provided that there is a reference within the summary notice to a place within the municipality where a full text may be secured.

Therefore, the bill is not necessary and its enactment would be redundant and confusing and I must disapprove House Bill 2031.

MILTON J. SHAPP

Veto No. 32

SB 925 December 30, 1974

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 925, Printer's No. 1649, entitled "An act amending the act of August 9, 1955 (P.L.323, No.130), entitled 'An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto,' permitting advertisement of the titles and summarizations in lieu of the entire text of proposed ordinances."

This bill eliminates the requirement that the full text of county ordinances be published in local newspapers. Instead, only a summary of the ordinances need be advertised.

It is my judgment that the printing of ordinances in summary form is a severe and unwarranted limitation on the public's right to know the actions of government. This provision will create a suspicion, though unwarranted in most cases, that actions of a political subdivision may be hidden or misrepresented to the public.

Though the bill would provide that ordinances be made available in the office of the political subdivision, this will only serve to shift the burden of informing the citizens from the government to the people. There is a great difference between requiring the political subdivision to tell the people what ordinances it proposes and compelling the people to seek out what the political subdivision is proposing.

At a time when the Commonwealth of Pennsylvania has adopted the Sunshine Law to open governmental meetings, it is not appropriate to discontinue publication of the full text of local ordinances prior to their enactment.

Further, compelling the political subdivision to publish an ordinance in toto, hopefully produces better ordinances. If only a summary must be printed sufficient time may not be spent on the language of the ordinance itself. If on the other hand, the whole ordinance is advertised, each section must be carefully considered as each part will be subject to public scrutiny.

Finally, Senate Bill 925 would adversely affect the historical records of political subdivisions. In many areas of the Commonwealth the publication of ordinances in a newspaper results in the only available source for future copies of local ordinances. Copies of local newspapers are often kept in historical societies and county libraries. Such a record keeping system is necessary and the present procedures should be preserved unless an adequate substitute is found.

While I appreciate the cost involved in publishing ordinances in newspapers, nevertheless, I believe that this cost is one cost of good government and that such publication should be continued.

For these reasons, I disapprove Senate Bill No. 925.

MILTON J. SHAPP

Veto No. 33

SB 928 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 928, Printer's No. 1652, entitled "An act amending the act of April 14, 1949 (P.L.443, No.73), entitled 'An act providing for the publication of ordinances and resolutions of a legislative character of incorporated towns,' further permitting advertisement of the title and summarization in lieu of the entire text of any proposed ordinance."

This bill provides that ordinances of the various incorporated towns may be advertised in a summary form. As I stated in my proclamation disapproving Senate Bill No. 925, Printer's No. 1649, I believe it is in the public interest to require the publication of ordinances in toto.

Therefore, for the same reasons as I set forth at length in disapproving Senate Bill No. 925, I must disapprove Senate Bill No. 928.

MILTON J. SHAPP

Veto No. 34

SB 985 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 985, Printer's No. 1653, entitled "An act amending the act of May 1, 1933 (P.L.103, No.69), entitled 'An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto,' permitting advertisement of the titles and summarizations in lieu of the entire text of proposed ordinances."

This bill provides that ordinances of the various second class townships may be advertised in a summary form provided copies of the complete ordinance are available. As I stated in my proclamation disapproving Senate Bill No. 925, Printer's No. 1649, I believe it is in the public interest to require the publication of ordinances in toto.

Therefore, for the same reasons as I set forth at length in disapproving Senate Bill No. 925, I must disapprove Senate Bill No. 985.

MILTON J. SHAPP

Veto No. 35

SB 1018 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1018, Printer's No. 2670, entitled "An act amending the act of February 1, 1966 (P.L.1656, No.581), entitled 'An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs,' further providing for the appointment of auditors, advertisement of ordinances, minutes of proceedings of council, powers of the mayor, contracts and vacating streets; providing for the regulation of recreational facilities, the adoption of standard codes and a penalty for violating the mayor's proclamation of an emergency; authorizing boards of code appeals, and making editorial changes."

This bill provides, inter alia, that ordinances of the various boroughs may be advertised in a summary form provided copies of the complete ordinance are available. As I stated in my proclamation disapproving Senate Bill No. 925, Printer's No. 1649, I believe it is in the public interest to require the publication of ordinances in toto.

In disapproving this bill, I am well aware that other important changes were to be enacted to the Borough Code and my disapproval of the ordinance publishing portion of this bill is not to be considered disapproval of the remaining provisions.

On the contrary, I urge the General Assembly to return to my desk those portions of the bill which they may determine to be necessary exclusive of the ordinance publishing sections.

For the same reasons as I set forth at length in disapproving Senate Bill No. 925, I must disapprove Senate Bill No. 1018.

MILTON J. SHAPP

Veto No. 36

SB 1247 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1247, Printer's No. 2647, entitled "An act amending the act of December 5, 1936 (1937 P.L.2897, No.1), entitled 'An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties,' extending coverage to underground growing and harvesting of mushrooms; and further providing for amounts of bonds or deposits for certain nonprofit and governmental employers."

This bill amends the Pennsylvania Unemployment Compensation Law to include persons working in the growing and harvesting of underground mushrooms.

While this is a laudable aim, I must take exception to the narrow application of this proposal.

As it is presently written the bill would affect a very small segment of the total mushroom growing industry. In fact, Senate Bill 1247 would apply only to those workers at a single mushroom farm located in Butler County, Pennsylvania.

I believe the singling out of one group of workers, as this bill does, is not in the public interest.

It would be more equitable to extend Unemployment Compensation coverage to all mushroom workers and not limit it to only those mushroom workers who work underground. Such a limitation discriminates against every other mushroom worker in Pennsylvania.

I am willing to confer with members of the General Assembly and representatives of the mushroom industry to develop legislation in this area that reflects the legitimate needs of mushroom growers and workers.

Accordingly, I must disapprove Senate Bill No. 1247.

MILTON J. SHAPP

Veto No. 37

SB 1442 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1442, Printer's No. 2488, entitled "An act amending the act of May 22, 1933 (P.L.853, No.155), entitled 'An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws,' excluding certain sewage treatment plants and related real estate from taxation."

Senate Bill No. 1442 exempts from taxation those sewage treatment plants (a) owned by and for the sole use of a mill, mine, manufactory, industrial or processing establishment, and (b) constructed pursuant to orders of the Department of Environmental Resources. A sewage treatment plant which is voluntarily constructed is not eligible to receive this tax break.

This bill is a sham.

It was written to be vetoed

and so I am.

The Attorney General has informed me that this bill creates an arbitrary classification in violation of Article 8, Section 1, of the Pennsylvania Constitution. This provision requires that all taxes on the same class of property must be uniform. The language of Senate Bill No. 1442 does not fall within any exception to this constitutional mandate.

I disapprove of Senate Bill No. 1442.

MILTON J. SHAPP

Veto No. 38

SB 1443 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1443, Printer's No. 2489, entitled "An act amending the act of May 21, 1943 (P.L.571, No.254), entitled, as amended, 'An act relating to assessment for taxation in counties of the fourth, fifth, sixth, seventh and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for county, borough, town, township, school, except in cities and county institution district purposes; and providing for and regulating the assessment and valuation thereof for such purposes; creating in each such county a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for the acceptance of this act by cities; regulating the office of ward, borough, town and township assessors; abolishing the office of assistant triennial assessor in townships of the first class; providing for the appointment of a chief assessor, assistant assessors and other employes; providing for their compensation payable by such counties; prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits; imposing duties on taxables making improvements on land and grantees of land; prescribing penalties; and eliminating the triennial assessment,' excluding certain sewage treatment plants and related real estate from taxation."

Senate Bill No. 1443 exempts from taxation those sewage treatment plants (a) owned by and for the sole use of a mill, mine, manufactory, industrial or processing established, and (b) constructed pursuant to orders of the Department of Environmental Resources. A sewage treatment plant which is voluntarily constructed is not eligible to receive this tax break.

This bill is a sham.

It was written to be vetoed

and so I am.

The Attorney General has informed me that this bill creates an arbitrary classification in violation of Article 8, Section 1, of the Pennsylvania Constitution. This provision requires that all taxes on the same class of property must be uniform. The language of Senate Bill No. 1443 does not fall within any exception to this constitutional mandate.

I disapprove of Senate Bill No. 1443.

MILTON J. SHAPP

Veto No. 39

SB 1911 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1911, Printer's No. 2662, entitled "An act making an appropriation to the Department of Property and Supplies for use on behalf of the Pennsylvania Historical and Museum Commission for restoration of grounds and buildings at The Highlands Historical Park, Whitemarsh Township, Montgomery County, Pennsylvania."

The bill would appropriate the sum of fifty thousand dollars ($50,000) to the Department of Property and Supplies for use on behalf of the Historical and Museum Commission for restoration of grounds and buildings at The Highlands Historical Park, Whitemarsh Township, Montgomery County, Pennsylvania.

I have been advised by the Historical and Museum Commission that such a sum is inadequate to fully restore the property to its former state. Additionally, there is at the present time no available funds to continue the necessary maintenance of the property once it is restored.

Further, the report of the Governor's Review of Government Management recommended that the property known as "The Highland," having no great historical significance, be returned to the estate of the former owners.

For these reasons the bill is not approved.

MILTON J. SHAPP

Veto No. 40

HB 1983 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill 1983, Printer's No. 3920, entitled "An act amending the act of July 12, 1972 (P.L.781, No.185), entitled, as amended, 'An act providing debt limits for local government units, including municipalities and school districts; providing the methods of incurring, evidencing, securing and collecting debt; defining the powers and duties of the Department of Community Affairs and certain other public officers and agencies with respect thereto; exercising the inherent legislative authority of the General Assembly by providing additional over-all limitations on the incurring of lease rental and other obligations for the acquisition of capital assets to be repaid from the general tax revenues of such local government units; imposing penalties for filing false or untrue statements or refusing to give information with respect to proceedings for the incurring of debt; and conferring jurisdiction on the Commonwealth Court with respect to certain proceedings relating to the incurring of debt,' further regulating incurring of lease rental debt, providing for exemption from department approval of bonds or notes or lease rental debt of fifty thousand dollars or thirty percent of the borrowing base whichever is less incurred by resolution and requiring for record purposes submission to the department of a certified copy of the resolution."

This bill provides for further regulation of lease rental debt incurred by local government units. It exempts bonds, notes and lease rental debts issued in amounts of fifty thousand dollars and less from the requirement of prior approval by the Department of Community Affairs. The bill also permits municipalities to authorize such debts by resolution rather than ordinance.

There are drafting defects in the bill in that prior amendments to the act are not reflected in this new amendment and the term "resolution" is not used with consistency throughout the bill. The bill also changes the existing limitations on non-electoral and lease rental debt by requiring the limits be considered together rather than separately. This could be unconstitutional in that in certain cases it cuts off the limits mandated by Article IX, Section 10 of the Constitution.

Furthermore, as a practical matter the bill would place many local government units in a position in which they could not incur debt of any kind without time-consuming and expensive exclusion proceedings. Nothing in the act or the present bill excludes existing lease rental debt automatically; therefore, local officials would have to consider all debts in existence upon enactment.

A considerable number of municipalities and school districts are presently over their lease rental limits, but still free to incur non-electoral debt. In such instances the result of this bill would be to stop all

future financing, even though such financing is otherwise economically sound, worthwhile or necessary.

Therefore, enactment of this legislation could seriously handicap many local government projects already under way and would not be in the best interest of sound fiscal management at the local level.

For these reasons, I must disapprove House Bill No. 1983.

MILTON J. SHAPP

Veto No. 41

HB 2251 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 2251, Printer's No. 3893, entitled "An act amending the act of December 22, 1965 (P.L.1124, No.437), entitled 'An act relating to dogs; regulating the keeping of dogs; providing for the licensing of dogs and kennels; providing for the protection of dogs and the detention and destruction of dogs in certain cases; regulating the sale and transportation of dogs; declaring dogs to be personal property and the subject of larceny; providing for the assessment of damages done to livestock, poultry and domestic game birds; providing for payment of damages by the Commonwealth in certain cases and the liability of the owner or keeper of dogs for such damages; imposing powers and duties on certain State and local officers and employes; providing penalties, and repealing certain acts,' increasing and providing for the disposition of certain fees."

As drafted this bill would increase by one hundred fifty percent the personal fee that county treasurers are permitted to retain for the issuance of dog licenses.

This dog license fee is intended to cover the treasurers' costs of issuing, recording and reporting the licenses, and is separate and distinct from the one or two dollar license fee which is retained by the Commonwealth to cover its administrative costs. Such a dramatic increase in the fees of officials acting on behalf of governmental agencies is hardly the type of restraint which will help put an end to the current inflationary spiral, and would set a poor example for members of the public, who are continually asked to tighten their own belts.

Another flaw in this legislation is the distinction it draws between county treasurers and those individuals who are authorized by the county treasurers to be dog license agents. Although the bill would increase the fees for these agents by the same amount as would accrue to the county treasurers, it prohibits these agents from retaining the commission. Instead, it requires the agents to remit their fees to their respective counties. By disbursing fees in this manner, the bill would deprive local officials of the revenues necessary to make ends meet and would discourage their participation in the licensing system.

In effect, the bill states that county treasurers who issue licenses are allowed a fee to help balance their books, but that other local officials who issue the same licenses are not entitled to the same consideration. Far from increasing the convenience of obtaining a license, this bill would frustrate the very purpose of the licensure statutes.

Accordingly, in the interests of economizing governmental operations and encouraging compliance with the licensing requirements of the Dog Law, I must disapprove House Bill No. 2251.

MILTON J. SHAPP

Veto No. 42

HB 2396 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 2396, Printer's No. 3257, entitled "An act amending the act of May 17, 1921 (P.L.682, No.284), entitled 'An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws,' by making the failure of certain mutual insurance companies to provide evidence of a monetary advance to them or payment on account thereof to the Insurance Commissioner a misdemeanor and imposing a penalty."

This bill amends section 809 of the Insurance Company Law of 1921 by providing a penalty for mutual insurance companies who do not provide the Insurance Commissioner with evidence of advances made to the company or payments on account thereof. The current law provides no penalty.

The bill, however, would impose an unreasonable penalty totally unrelated to the nature of the dereliction by making such failure a misdemeanor by the mutual insurance company under which a fine of up to $5,000 for each offense may be imposed.

Such a remedy is totally impractical.

It removes enforcement from the hands of the Insurance Department where it properly belongs and transfers it to a District Attorney. In addition, a criminal conviction would be inappropriate in all but the most serious cases involving fraud, and certainly not applicable in the cases of negligence or carelessness.

The Insurance Department, by regulation, has already provided that failure to comply with this requirement constitutes a violation of insurance laws and subjects a company to all penalties provided by law.

To the extent that statutory penalties are desirable, I would sign a bill specifically allowing the Insurance Commissioner to levy a civil penalty against a company or the individuals in a company who are responsible for derelictions.

Accordingly, I must disapprove House Bill No. 2396.

MILTON J. SHAPP

Veto No. 43

HB 1850 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1850, Printer's No. 3411, entitled "An act amending the act of August 9, 1955 (P.L.323, No.130), entitled 'An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto,' authorizing appropriations to cultural organizations for public cultural purposes."

It is with regret that I must disapprove this bill which would allow the Board of Commissioners in counties of the third to eighth classes to appropriate monies to cultural organizations for public cultural purposes.

The idea of county appropriations to promote the fine arts, music, dance, architecture, historical preservation and similar cultural purposes certainly has merit, particularly as we approach our Bicentennial celebration. Many of the charitable and philanthropic organizations in this Commonwealth are sorely in need of financial assistance, and appropriations from the counties would be one source to alleviate those pressing financial problems. I recognized this need when I signed into law Act No. 282 on December 10 of this year which establishes a State-wide commission to report on the need for funding of cultural organizations.

Despite the laudable aim of this bill, it is so overly broad in its application that legislative intent is all but unascertainable.

The terms "cultural organization" and "public cultural purposes" are not defined by the bill, nor set forth with any specificity. I believe that with the multiplicity of other duties given the Board of Commissioners that legislative guidance is necessary as to what organizations will qualify for what purposes.

For these reasons, I must disapprove House Bill No. 1850 and urge that the Legislature in this session take action to pass a bill for similar purposes meeting the objections I have stated above.

MILTON J. SHAPP

Veto No. 44

HB 1851 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1851, Printer's No. 3412, entitled "An act amending the act of February 1, 1966 (P.L.1656, No.581), entitled 'An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs,' authorizing appropriations for public cultural purposes to cultural organizations."

For the reasons set forth at length in my disapproval of House Bill No. 1850, I must also disapprove House Bill No. 1851.

MILTON J. SHAPP

Veto No. 45

HB 1852 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1852, Printer's No. 3413, entitled "An act amending the act of June 24, 1931 (P.L.1206, No.331), entitled 'An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto,' authorizing appropriations for public cultural purposes to cultural organizations."

For the reasons set forth at length in my disapproval of House Bill No. 1850, I must also disapprove House Bill No. 1852.

MILTON J. SHAPP

Veto No. 46

HB 1853 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1853, Printer's No. 3414, entitled "An act amending the act of May 1, 1933 (P.L.103, No.69), entitled 'An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto,' authorizing appropriations for public cultural purposes to cultural organizations."

For the reasons set forth at length in my disapproval of House Bill No. 1850, I must also disapprove House Bill No. 1853.

MILTON J. SHAPP

Veto No. 47

HB 1854 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1854, Printer's No. 3415, entitled "An act amending the act of June 23, 1931 (P.L.932, No.317), entitled 'An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto,' providing for appropriations to cultural organizations for public cultural purposes."

For the reasons set forth at length in my disapproval of House Bill No. 1850, I must also disapprove House Bill No. 1854.

MILTON J. SHAPP

Veto No. 48

HB 1491 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1491, Printer's No. 3891, entitled "An act regulating the awarding and execution of certain public contracts; providing for contract provisions relating to the retention, escrowing and payment of funds payable under the contracts; and repealing inconsistent acts."

House Bill No. 1491 would regulate the awarding and execution of certain public works contracts by most Commonwealth agencies and political subdivisions. It would set strict time limits for contracting agencies and would allow contractors to be released from liability with respect to bids if the agencies do not comply with the deadlines established by this legislation. For example, every public contract would be required to be awarded within forty-nine days of the date of bid opening. The executed contract would be required to be delivered to the successful bidder within ten days of the date of award and the contracting body must issue a notice to proceed within fifteen days of the date of the execution of the contract.

While the expedition of contractural procedures is a worthy goal, particularly in these days of rapidly rising construction costs, the time limitations set by this bill do not take into account the many possible causes of delay beyond the control of the contracting agency and give no weight to the other procedures which must be complied with by the contracting agency. For example, I am told that obtaining approval from the Federal Government of projects financed by them often takes in excess of the forty-nine day deadline.

Moreover, House Bill No. 1491 would limit the amount of retainage in public contracts. Retainage is an amount due a contractor which is withheld to insure the proper performance of the contract. While I am not sure that the present system of retainage is either necessary or desirable, the complicated restrictions on contracting agencies with regard to retainage clauses in public contracts will result in a mountain of paper work. For example, the bill will require the retainage to be placed in an escrow account with an escrow agent mutually agreed to between the contractor and the agency. Agencies may thus be faced with a multiplicity of escrow agents and accounts. Moreover, both the contracting agency and the contractor must authorize any disbursements from the escrow account and such authorizations must be in writing. Such a system will add another complication to already complex public contracting procedures.

Furthermore, the bill would require that contractors be paid in full, including retainage and the interest earned in the escrow accounts within sixty days after "the date of substantial completion." This is another deadline which in some cases contracting agencies legitimately may not be able to meet.

While I recognize legitimate problems contractors have with the retainage system, I believe that the solutions proposed by House Bill No. 1491 would add to the administrative burdens of contracting agencies and might even result in considerable delays in the payment of amounts due contractors.

Accordingly, in the interest of efficient administration of contracting procedures, I must disapprove House Bill No. 1491.

MILTON J. SHAPP

Veto No. 49

SB 1710 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1710, Printer's No. 2614, entitled "An act amending the act of September 9, 1965 (P.L.499, No.254), entitled, as amended, 'An act providing for and regulating the registration and licensing of motor vehicle and mobilehome manufacturers, dealers and salesmen, fixing fees, creating the State Board of Motor Vehicle Salesmen, imposing powers and duties on the Department of State, the Commissioner of Professional and Occupational Affairs and the board and prescribing unlawful acts and penalties and making an appropriation,' further providing for suspensions and revocations and including certain fleet owners within the provisions of the act."

Senate Bill No. 1710 would prohibit automobile manufacturers from selling motor vehicles to fleet owners, including rental and leasing firms, "for a price less than that made available to dealers." In addition, this legislation would prohibit manufacturers from offering or selling any new motor vehicle to a dealer at a "a lower actual price" than the price offered to any other dealer. The bill would also require fleet operators to become "dealers" in order to sell their surplus vehicles directly to the public.

If fleet operators are no longer permitted to negotiate a volume discount on their vehicle purchases, their overhead expenses are going to be higher. This will certainly have an inflationary effect on the cost of their services and would certainly not be of benefit to the consumers of Pennsylvania.

Though I recognize that there may be problems with the resale of fleet operators' vehicles, I am not convinced that this piece of legislation is the answer to the problem. I believe that other, less inflationary ways can be found to curb any abuses which may exist.

For these reasons, the bill is not approved.

MILTON J. SHAPP

Veto No. 50

SB 1751 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1751, Printer's No. 2629, 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 membership of the State Board of Examiners of Public Accountants."

This bill changes the composition of the State Board of Examiners of Public Accountants. The Secretary of Education is replaced by the Commissioner of Professional and Occupational Affairs. The membership is increased from three certified public accountants and two attorneys to six certified public accountants. Thus there would be no representatives from the general public on the board and the board would be dominated by those whom the act seeks to regulate.

For the past four years, I have been seeking legislation to place public representatives on all professional and occupational boards. It would, therefore, be inappropriate for me to approve legislation which does not provide for representation of consumers on the board.

For this reason, Senate Bill No. 1751 is not approved.

MILTON J. SHAPP

Veto No. 51

HB 2231 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 2231, Printer's No. 3795, entitled "An act amending the act of June 3, 1937 (P.L.1333, No.320), entitled 'An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections,' providing for procedure in case of failure to file accounts and affidavits and for a sworn affidavit of compliance and imposing penalties on other candidates."

This bill has the laudable purpose of seeking to encourage the timely and complete filing of accounts concerning election contributions and expenses. The bill, however, fails to accomplish this purpose. Section 1 actually increases from thirty to ninety days the period in which a successful candidate shall file such accounts. At the same time, the bill effectively precludes a candidate who waits the full ninety days from taking the oath of office during that period. Thus the candidate's constituency is penalized for the candidate's exercise of this new right.

Moreover, the provisions of this bill are internally inconsistent. Section 1 would preclude from taking the oath of office only those elected candidates who willfully fail to file or complete the required accounts. Existing statutory language, however, employs simply looking to see whether or not the necessary accounts and affidavits have been filed.

In addition, House Bill No. 2231 lacks standards as to what constitutes completeness of a filing. It also uses language in referring to contribution and expense accounts different from language used elsewhere in the Election Code. These deficiencies violate accepted tenets of statutory construction and render this bill susceptible to a variety of interpretations so that the legislative intent is seriously obscured.

Finally, the penalties imposed upon losing candidates are excessively complicated. Here again, the lack of standards as to completeness of filing renders the provisions ambiguous where the people's right of access to the ballot, either as voter or candidate, is limited, grounds for any such limitation must be stated with clarity.

Accordingly, because the bill is poorly drafted, I must disapprove House Bill No. 2231.

MILTON J. SHAPP

Veto No. 52

SB 1166 December 30, 1974

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1166, Printer's No. 2672, entitled "An act establishing child protective services; providing procedures for reporting and investigating the abuse of children; providing immediate access to a central register on child abuse; investigating such reports; providing for taking protective action; placing duties on the Department of Public Welfare and county child welfare agencies; providing penalties; and making an appropriation."

Senate Bill No. 1166 addresses the urgent problem of protecting children from physical abuse. The Commonwealth is in need of such legislation and I commend the members of the General Assembly and most especially the members of the Senate who have tried to find solutions to this difficult problem.

Many of the provisions of this bill are good and should be incorporated into a comprehensive law to protect children from abuse. However, as drafted, the bill has several serious defects which force me to conclude that in the interest of protecting the privacy and integrity of the family, I must withhold my approval.

This legislation has several substantial constitutional problems. It fails to require a due process hearing either before or after a child is taken into protective custody.

Under the provisions of Senate Bill No. 1166, parents are denied the right to confront their accusers since written reports are admissible into evidence and may form the only evidence against the parents. This legislation would also shift the burden of proof to the parents requiring that they prove their innocence.

Taken together, these provisions could result in the permanent taking of a child from its parents on the basis of a single written report. I do not believe such evidence is sufficient for such traumatic action.

Further, Senate Bill No. 1166 gives to many individuals the right to take children into protective custody, thereby increasing the risk that the bill's procedures will be misused to the detriment of the family.

A central computer data bank and hot line would be established under the provisions of this legislation in order to collect and record allegations of child abuse. I believe that as presently written overbroad access is given to this information. The collected information is to be maintained for an inordinately long time and the provisions for expunction of unfounded reports appear to be inadequate.

Furthermore, specific plans for provision for supportive services to children and their parents is not sufficiently detailed in this legislation.

Finally, I fear that the bill may undermine many of the positive provisions and safeguards of the Pennsylvania Juvenile Act and that children may be taken into custody without the requirements of that act being met.

For these reasons, I must disapprove Senate Bill No. 1166. I recognize the need for legislation that protects the interest of abused children without unnecessarily intruding into the privacy of family life. To that end, I have instructed the Departments of Justice and Public Welfare to make themselves available to assist upon request those members of the General Assembly who are interested in drafting such legislation for introduction and, hopefully, early passage at the next session of the General Assembly.

MILTON J. SHAPP