Veto No. 1

HB 496 July 22, 1975

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

I return herewith, without my approval, House Bill No. 496, Printer's No. 1884, entitled "An act amending the act of April 9, 1929 (P.L.177, No.175), entitled 'The Administrative Code of 1929,' limiting the assignment of school children and limiting the time during which certain actions relating to transportation programs may be brought."

I am today returning, without my signature, House Bill 496, the so-called "anti-busing" bill.

Actually, House Bill 496 is a pro-busing bill for by stripping away powers presently vested in the State Human Relations Commission, it is an open invitation to the Federal courts to step in and dictate the very busing program in Pennsylvania that this legislation supposedly would prevent.

As written, House Bill 496, just like Senate Bill 1400, which I vetoed last year, could produce a "Boston" situation in Philadelphia, and this must be prevented to every extent possible.

I have never believed that forced busing is a desirable means to implement school desegregation.

Even if the $50 to $60 million of funds were available for busing (which they are not), I would much rather see money used to improve the quality of education rather than used for forced busing.

But House Bill 496 will not end busing, and indeed, the word "busing" is never even mentioned in the bill.

House Bill 496 merely strips the Human Relations Commission of its ability to work with communities to produce reasonable programs of school integration. This bill, if it were to become law, would leave the supporters of integration no alternative but to appeal directly to the Federal courts to implement the mandates of the U. S. Supreme Court thereby opening the door for the Federal courts in Pennsylvania to do what they did in Boston.

I cannot accept this extreme result, but this is exactly what will happen if the Human Relations Commission is stripped of its powers.

In depriving the Human Relations Commission of every means to do its job, House Bill 496 would have us abandon the quiet, deliberate and effective work the Commission has been doing within our communities.

It may be alleged that this bill is necessary because of the recent Human Relations Commission Report on school integration in Philadelphia.

But that Report was ordered not by this Administration nor by the Human Relations Commission but by the Commonwealth Court. And this bill will not — and cannot — prevent such actions by a court.

House Bill 496 is an extreme measure. And I fear it will produce even more extremism through court action.

For these reasons, I am vetoing House Bill 496.

I ask the General Assembly to permit the Human Relations Commission to continue to use the tools of discussion, compromise and common sense in this difficult area of concern to all our people.

In many Pennsylvania school districts, during the past few years, the outstanding work of the Commission and local community leaders has contributed to the reduction of racial tensions and the furtherance of cooperation and understanding.

I ask again, as I did in my veto message of a simila · bill last December 27th: "Should we in Pennsylvania abandon these efforts entirely, surrender our ability to work together in a spirit of compromise and leave this problem to the dictation of Federal courts? Or should we continue to work together and solve our problems in a cooperative manner?"

I think the answer is just as obvious today as it was last December when I vetoed Senate Bill 1400.

In the interest of equal opportunity to all our citizens, for the continued maintenance of sensible compromise and for the avoidance of Federal dictation of school busing, I veto House Bill 496 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 then under the direct dictation of the Federal Courts.

MILTON J. SHAPP

Veto No. 2

HB 212 July 25, 1975

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

I return herewith, without my approval, House Bill No. 212, Printer's No. 1754, 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 four members of the General Assembly and the Secretary of Agriculture who would elect from among them a chairman. The Policy Committee would determine the expenditure and use of the Federal funds received under this act.

This measure unconstitutionally usurps the powers of the Executive Branch of government by placing members of the General Assembly in a position to make decisions in the operation of executive departments.

Article IV, section 2 of the Pennsylvania Constitution provides that "the supreme executive power shall be vested in the Governor," not in the Legislature. The separation of powers is a distinctive feature of our system of constitutional government. Under it, the Supreme Court of Pennsylvania has consistently guarded the independence of the several branches of government. As Governor, I cannot assent to a bill which limits the authority of the Executive Branch to manage the daily affairs of government.

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. The program is currently being administered by the Secretary of Public Welfare, and no compelling need for a Policy Committee has been shown. I see no cogent reason for such a committee if the program is to be transferred to 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 benefitted in the past by this program will continue to do so. In contrast, the implementation of this bill would doubtlessly be challenged in the

courts. Such lengthy court proceedings would seriously disrupt the vital services which the program now provides. This situation would not be in the best interests of the Commonwealth.

Accordingly, I will shortly submit to the General Assembly a Reorganization Plan to transfer this program from the Department of Public Welfare to the Department of Agriculture. The Reorganization Plan will accomplish the purpose of this bill swiftly and easily, and eliminate the possibility of court challenges.

For these reasons, I must disapprove House Bill No. 212.

MILTON J. SHAPP

Veto No. 3

HB 242 July 25, 1975

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

I return herewith, without my approval, House Bill No. 242, Printer's No. 1825, entitled "An act requiring that flag protection be provided against following trains occupying the same track."

This bill would require all Pennsylvania Railroads to have a flagman behind trains which have stopped on a track and may be overtaken by another train.

It is unnecessary for this requirement to be enacted statutorily.

Present railroad operations provide for the use of flagmen in the case of a disabled train under circumstances where automatic warning devices are not functioning. In addition, almost all trains have two-way radio communication.

To mandate by law what is already being done through current practice appears to me to be unnecessary.

For these reasons, I must disapprove House Bill No. 242.

MILTON J. SHAPP

Veto No. 4

SB 720 August 1, 1975

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

I return herewith, without my approval, Senate Bill No. 720, Printer's No. 870, 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 an appointment by the Secretary of Agriculture to a committee for the determination of certain agricultural research projects."

This bill would reduce from seventeen to seven the number of members comprising the committee which allocates excess Pennsylvania Fair Fund moneys to agricultural research projects, and consumer service projects.

If this bill were approved, members of the General Assembly would hold four of the seven committee positions. In light of recent court decisions, to vest executive power in members of the Legislature is, at best, constitutionally suspect.

The doctrine of separation of powers forms the very foundation of our form of government. This policy, fostered by the United States Constitution, is reflected in Article IV, Section 2 of the Pennsylvania Constitution wherein it is provided that "the supreme executive power shall be vested in the Governor." if I were to approve this bill, it should not be long before committees composed of legislators could be designated to run cabinet departments. As Governor, I cannot agree to legislation which would set such a precedent.

For this reason, I must disapprove Senate Bill No. 720.

MILTON J. SHAPP

Veto No. 5

HB 50 August 1, 1975

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

I return herewith, without my approval, House Bill No. 50, Printer's No. 1271, entitled "An act amending the act of May 22, 1933 (P.L.853, No.155), entitled 'The General County Assessment Law,' providing an exemption for vacant school property."

The bill provides that all vacant property held by a county, borough, or school district for future school purposes is exempted from taxation, with the exemption removed retroactively if planning, designing, or construction for school purposes does not commence within two years.

The exemption violates the Constitution of Pennsylvania and is thus void.

Our Constitution provides that "The General Assembly may by law exempt from taxation . . . that portion of public property which is actually and regularly used for public purposes."

Under this provision two tests must be met before an exemption may be granted. The property must be public property and it must be employed in a use for which an exemption may be legally granted. The first test is obviously met. The second is not.

Land exempted by this bill must be vacant. It may be available for public use, or contemplated for public use, but it is not actually used for any public purposes. Such contemplated usage, in the near or distant future, is not sufficient to warrant an exemption. Pennsylvania courts have consistently held that until public property is actually used for public purposes it is taxable.

For these reasons, I must disapprove House Bill No. 50.

MILTON J. SHAPP

Veto No. 6

HB 287 August 1, 1975

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

I return herewith, without my approval, House Bill No. 287, Printer's No. 2075, entitled "An act amending the act of July 9, 1959 (P.L.510, No.137) entitled, as amended, 'Pennsylvania Public Lands Act,' prohibiting a fee simple transfer of public land except by statute."

The bill provides that "an application for a warrant and patent in fee simple of public lands shall not be issued until a statute authorizing the transfer has been enacted."

Under present law, application for public lands is an administrative procedure, whereby patents are granted on a first claim, first right basis. The procedure, which forms the basis of public lands laws throughout the Country, provides for the transfer of unpatented land to a person who first finds and claims it.

This bill would alter this time tested administrative procedure and require legislative action before the ownership to unclaimed land can be decided. While the public lands statute may well need substantial revision, any changes must maintain certainty in the law.

In addition, House Bill No. 287 has certain technical drafting deficiencies. It provides that "an application . . . shall not be issued" until a statute authorizing the transfer is passed. Applications are not "issued," but are received upon a form approved by the State. By not allowing an application to be made until an authorizing statute is passed, there is no way of knowing what land is involved until an application has been submitted and a survey taken.

To avoid such a result and to protect valid public policy from uncertainty, I return House Bill No. 287 without my approval.

MILTON J. SHAPP

Veto No. 7

HB 527 August 1, 1975

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

I return herewith, without my approval, House Bill No. 527, Printer's No. 2076, entitled "An act amending the act of April 12, 1951 (P.L.90, No.21), entitled 'Liquor Code,' providing for veterans' organization licenses and further regulating the transfer or surrender of a license."

This bill would be contrary to prior legislation that sought to decrease the number of licensees within the State, as well as be a means where the quota system presently established for retail licensees may be legally avoided.

The provisions of this bill could enable a club to purchase a restaurant liquor license, convert it to a club license, and in accordance with the existing provisions of the Code, any other clubs could apply for a club license, in view of the fact that the established quota would not have been filled by restaurant licensees. It would also require an additional restaurant license to be issued upon application. This could conceivably be continued legally, ad infinitum, and thereby nullify the intent of the Legislature to limit by quota the number of licenses within the Commonwealth.

While I am in complete agreement with the concept of opening government to public scrutiny, I believe that the hearing procedures in sections 402 and 403 are unnecessary and would violate legitimate concerns for business privacy.

It would not only be economically detrimental to owners of liquor licenses to advertise their desire to sell, but at the same time would impose a substantial additional burden of administrative detail and enforcement investigations upon the Liquor Control Board, all of which would be of no particular significance. Under existing law the board in a so-called person to person transfer (a transfer that involves the change of ownership and not of location of a license) is required to issue such transfers unless the transferee does not meet the standards set forth by the Liquor Code. This information is acquired by Board investigation, and when such questions do arise, hearings are normally held to determine whether a transfer should ensue.

For these reasons, House Bill No. 527 is not approved.

MILTON J. SHAPP

Veto No. 8

HB 1000 August 1, 1975

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

I return herewith, without my approval, House Bill No. 1000, Printer's No. 2079, entitled "An act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, relating to false alarms to agencies of public safety."

Under present law, a person may be fined up to ten thousand dollars and imprisoned for five years for a false alarm no matter what the circumstances. House Bill No. 1000 provides that a person may be fined up to fifteen thousand dollars and imprisoned for up to seven years if he transmits a false alarm in certain special circumstances.

I believe that the present law acts as an adequate deterrent to and is a reasonable penalty for causing a false alarm. There is little, if any, gain to be had by raising the crime to a felony.

While no one can condone the extremely serious offense of reporting a false alarm, it is true that many of the offenders are juveniles, and it seems to be excessive to make this offense a felony even if the juvenile is not convicted in Criminal Court but treated by the Juvenile Court.

Certain problems in the way the bill is drafted likewise compel me to withhold approval. In particular, clause 1 states that it is a special circumstance to turn in a false alarm which "results in an accident, injury to any person, damage to any property, fatality, or any other loss." "Any other loss" could be simply loss of time and fuel which is, of course, lost in any false alarm situation, and which is currently governed by the existing misdemeanor penalty, but which would be ambiguous if I allowed this bill to become law.

For these reasons, I must withhold my approval of House Bill No. 1000.

MILTON J. SHAPP

Veto No. 9

HB 1164 August 1, 1975

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

I return herewith, without my approval, House Bill No. 1164, Printer's No. 1341, entitled "An act amending the act of May 31, 1947 (P.L.368, No.168), entitled 'Anthracite Standards Law,' changing and adding definitions, imposing administrative and enforcement powers on the Department of Environmental Resources and its mine inspectors in lieu of the Anthracite Committee and Commonwealth agents including record preservation."

The bill would virtually curtail the powers granted to the Department of Environmental Resources and its mine inspectors to test the quality of coal. Inspection powers under present law include the legal right to take samples of anthracite for the purpose of testing, to examine weighmasters' certificates or statements of quality, and to inspect books and records.

But this bill would sharply limit these inspections by requiring that they "be made only subsequent to and as a result of a public complaint submitted to the Department." This requirement would greatly hamper the ability of agents of the Commonwealth to investigate prospective anthracite coal quality problems. If the Commonwealth is to prosecute violations under the Anthracite Standards Law, as it attempted to do last winter, then clearly agents of the Commonwealth must have the power to conduct inspections and make tests prior to the actual development of a pattern of apparent violations.

For these reasons, I must disapprove House Bill No. 1164.

MILTON J. SHAPP

Veto No. 10

HB 1119 August 1, 1975

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

I return herewith, without my signature, House Bill No. 1119, Printer's No. 1497, entitled "An act amending the act of July 31, 1968 (P.L.805, No.247), entitled 'Pennsylvania Municipalities Planning Code,' further providing for membership on zoning hearing boards."

This bill would amend section 903 of the "Pennsylvania Municipalities Planning Code," allowing the governing body of a municipality to determine whether three or five members should be appointed to the zoning hearing board.

Zoning decisions have been in the past, and should continue to be, matters of local concern. Any effort to assure that an adequate cross-section of the community is represented on the hearing board has my strongest support.

The bill, however, contains no provision restricting the power of the local governing body to increase or reduce the number of board members. Board membership could be increased to assure the support or defeat of a specific application. The threat of reduction of the number of board members could be used to coerce cooperation with the governing body.

It should be noted that a decision to change from a five to a three member board would necessitate the removal from office of two board members. Section 905 of the Code provides that board members may be removed from office only for malfeasance, misfeasance, nonfeasance or other just cause. It is not inconceivable that the number of board members could be altered for the purpose of circumventing the restrictions on the removal power contained in section 905.

While I have never had the occasion to doubt the motives of our local governing bodies, I am of the firm belief that effective government demands that problems be dealt with before the damage is done. The delicate nature of most zoning decisions, often involving the ability of persons to earn a livelihood in a particular area, require that every safeguard against potential abuse of the appointing power be employed. House Bill No. 1119 would not only create a new mechanism for abuse, but would also have the effect of eliminating the protection from political influence already afforded zoning board members under current law.

For these reasons, I must disapprove House Bill No. 1119.

MILTON J. SHAPP

Veto No. 11

HB 1419 August 1, 1975

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

I return herewith, without my approval, House Bill No. 1419, Printer's No. 1668, entitled "An act amending the act of April 13, 1972 (P.L.184, No.62), entitled 'Home Rule Charter and Optional Plans Law,' prohibiting a vote within five years after defeat by the electorate."

Article IX, Sections 2 and 3 of the Pennsylvania Constitution grant municipalities the right to adopt a home rule charter or optional form of government. My approval of House Bill No. 1419 would severely limit this right by allowing the citizens of a municipality to consider the options under the Home Rule Charter and Optional Plans Law only once every five years.

Advocates of this legislation have emphasized the financial burden which must be assumed by a municipality to fund a government study commission. It cannot be denied that the expense of establishing a commission is considerable. This argument ignores the fact that if this expense is incurred, it is done at the request and with the specific approval of a majority of the voters.

As Governor, I have never hesitated to approve legislation which serves the valid purpose of protecting citizens from excess expenditures of municipal governing bodies. This bill, rather than protecting the citizens, actually serves to maintain the status quo regardless of the need for the change.

If House Bill No. 1419 becomes law a voter might be faced with a very difficult decision when asked to respond to the recommendation of a government study commission. If the voter feels that Home Rule would be more advantageous to the municipality than the present form of government, but objects to certain provisions of the Home Rule Charter as drafted, he or she is faced with a dilemma. Should he or she reject the Home Rule Charter recommendation with the result that the municipality could not have Home Rule for at least five years? Or should he or she vote to accept the Home Rule Charter so that Home Rule may be implemented in the municipality, despite the defects in the current draft.

At present the consequences of the voter's decision are not quite as drastic. If the voters reject the recommended draft they still have the option of establishing a new government study commission to rethink and redraft the Home Rule Charter or Optional Plan. This rethinking and redrafting can be done in the next year while the issue is still alive. Should I approve House Bill No. 1419, the time lag of five years could effectively kill any Home Rule or Optional Plan movement. If that were the case, the death of the movement would not be because the will of the citizens has been expressed, but would be due to the artificial limitation placed on the municipality.

For these reasons, I must disapprove House Bill No. 1419.

MILTON J. SHAPP

Veto No. 12

SB 904 October 2, 1975

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

I return herewith, without my approval, Senate Bill No. 904, Printer's No. 1071, entitled "An act authorizing the Department of Property and Supplies to sell and convey a tract of land situate in Harrison Township, Allegheny County to the Allegheny Ludlum Industries, Inc."

The bill is unnecessary because the land it conveys has already been patented to Allegheny Ludlum, Inc., by operation of the Pennsylvania Public Lands Act. That act provides a complete and fair administrative procedure for the awarding of public lands. Therefore legislative action as envisioned in Senate Bill 904 is not only unnecessary, but would add uncertainty and confusion to the status of current procedures.

In addition, the provision in the bill fixing consideration for the conveyance differs substantially from present law. While present appraisal procedures may require substantial revision, any revision should address the act as a whole and not one specific conveyance.

For these reasons, I must withhold my approval of Senate Bill No. 904.

MILTON J. SHAPP

Veto No. 13

SB 672 October 7, 1975

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

I return herewith, without my approval, Senate Bill No. 672, Printer's No. 716, entitled "An act amending the act of June 23, 1931 (P.L.932, No.317), entitled 'The Third Class City Code,' permitting advertisement of the titles and summarizations in lieu of the entire text of ordinances."

This bill eliminates the requirement that the full text of Third Class City 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 city 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 in an effort to open governmental meetings to public scrutiny, 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 prior to public advertisement.

Finally, Senate Bill No. 672, 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 it to be one cost of good government and that such publications should be continued.

For these reasons, I disapprove Senate Bill No. 672.

MILTON J. SHAPP

Veto No. 14

SB 196 October 21, 1975

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

I return herewith, without my approval, Senate Bill No. 196, Printer's No. 1293, entitled "An act amending the act of April 9, 1929 (P.L.177, No.175), entitled 'The Administrative Code of 1929,' providing for a State Board of Physical Therapy Examiners in the Department of State and restricting the duties of employes who have been convicted of or admit to acts of deviate sexual intercourse."

Senate Bill No. 196 purports to "restrict the duties of employes who have been convicted or admit to acts of deviate sexual intercourse."

Senate Bill No. 196 may be the worst written bill I have received in five years as Governor.

The true intent of the framers of this bill is to ban homosexuals from sensitive positions in State Government.

But this bill would apply to anyone, heterosexual or homosexual, who had ever had the temerity to engage in what is loosely referred to as "deviate sexual intercourse."

Furthermore, contrary to published accounts, it would not ban anyone from any specific job.

It would only restrict the performance of duties relating to inmates of institutions and law enforcement officers.

But such duties are never defined in this bill. Under the terms of this bill, such duties could be as remote as handling paperwork or secretarial functions. Nobody could be banned from employment. No one could be fired. And no one could be disciplined.

The very language of the bill renders it practically meaningless.

Even more important, however, this bill, in its vindictive intent, is a setback for the cause of fair and equal opportunity.

All my life, I have fought to end the barriers of discrimination against any persons or groups. At this time, I do not intend to traffic in demagoguery and reaction by signing a measure so clearly unfair as Senate Bill No. 196.

This is not to say that we should not take care to shape personnel policies with due concern for certain areas of improper behavior. For example, the Commonwealth may well be able properly to prohibit those who have been convicted of such forcible crimes as involuntary deviate sexual intercourse, rape, indecent assault, and homicide from holding jobs in which they might endanger those who are under the Commonwealth's care and protection.

But, because of overbroad drafting, Senate Bill No. 196 does not constitutionally accomplish this or any other purpose.

I therefore return it without my signature.

MILTON J. SHAPP

Veto No. 15

SB 610 October 24, 1975

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

I return herewith, without my approval, Senate Bill No. 610, Printer's No. 1186, entitled "An act amending the act of August 9, 1955 (P.L.323, No.130), entitled 'The County Code,' making certain audits mandatory."

This bill would amend The County Code to mandate annual audits of the accounts of justices of the peace. Current law provides that such audits may be made.

I must withhold my approval of this bill because it is duplicative to a large extent, and would mandate an unnecessary additional expense on local governments.

Presently, the Auditor General, pursuant to The Fiscal Code, annually audits the accounts of moneys required to be forwarded by justices of the peace to the Commonwealth. Although the Auditor General does not audit the accounts of moneys to be forwarded to political subdivisions, The County Code provides for such audits if the county government deems it necessary. Therefore, the only possible moneys currently unaudited would be these local funds, which, under current law, as I have noted, the county has the power to audit.

It would therefore be both duplicative, and in many instances unnecessarily expensive, to require these additional audits by county governments.

For these reasons, the bill is not approved.

MILTON J. SHAPP

Veto No. 16

SB 834 October 24, 1975

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

I return herewith, without my approval, Senate Bill No. 834, Printer's No. 1187, entitled "An act amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, 'Second Class County Code,' requiring mandatory audits of the minor judiciary."

This bill would amend the Second Class County Code to provide annual audits of the accounts of justices of the peace. For the reasons set forth at length in my message disapproving Senate Bill No. 610, I must also disapprove Senate Bill No. 834.

MILTON J. SHAPP

Veto No. 17

SB 612 November 26, 1975

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

I return herewith, without my approval, Senate Bill No. 612, Printer's No. 1240, entitled "An act amending the act of June 24, 1931 (P.L.1206, No.331), entitled 'The First Class Township Code,' further providing for provisions relating to fixing the salary, compensation and emoluments of elected officers of the township."

This bill provides for the fixing of the salary, compensation and emoluments of elected officers of first class townships. It provides that any change in salary shall become effective at the beginning of the next term of elected officers. Prior provisions deleted by this bill state that no increase or reduction in salary may take place after the election of the particular officer.

I believe that existing law is in the best public interest.

The salary of the officer must be known at the time he runs for the office. Furthermore, the public is entitled to know exactly what the elected officer is to receive in compensation at the time they are voting for that officer. By this bill, the change in salary could come after the election of a particular officer but before he begins his term. In other words, a board of commissioners could be re-elected for a new term and after their election they could raise their salary, and the voters would be deprived of the opportunity to express their sentiment on the increase in salary.

The State Constitution provides in Article III, section 27 for the prohibition similar to current law in the first class township code. The State Constitution sets the proper rule on these matters, and I do not believe that the first class townships should be allowed to deviate from that salutary rule.

For these reasons, I return Senate Bill No. 612 without my signature.

MILTON J. SHAPP

Veto No. 18

HB 803 November 26, 1975

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

I return herewith, without my approval, House Bill No. 803, Printer's No. 2077, entitled "An act clarifying the powers of constables, county detectives, sheriffs, deputy sheriffs, waterways patrolmen and game protectors."

This bill purports to clarify the powers of constables, county detectives, sheriffs, deputy sheriffs, waterways patrolmen and game protectors.

However, in fact the measure would further confuse an already badly confused situation regarding the powers and duties of these several types of law enforcement agents. The myriad statutory provisions relating to these law enforcement agents are in many cases quite old and are in need of revision, especially considering that the court interpretations of the statutory duties have been so numerous and so conflicting.

Furthermore, The Supreme Court, by its Rules of Criminal Procedure, has ruled that these law enforcement agents shall not have the power of arrest without warrant. The effect of this bill on that rule is uncertain in light of Article V, section 10 (c) of the Constitution.

I believe that the area of the powers and duties of constables, sheriffs, and other law enforcement agents is clearly one requiring intensive study and analysis. My administration stands ready to assist in these efforts. I urge the General Assembly to investigate this situation and I would hope that the courts, perhaps through the Court Administrator, would also address the problems here.

For these reasons, I must return House Bill No. 803 without my signature.

MILTON J. SHAPP

Veto No. 19

SB 835 November 26, 1975

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

I return herewith, without my approval, Senate Bill No. 835, Printer's No. 911, entitled "An act amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, 'Second Class County Code,' permitting advertisement of the titles and summarizations in lieu of the entire text of proposed ordinances."

This bill is another in a series which purports to permit the advertisement of the titles and the summarizations of ordinances in lieu of the entire text thereof.

I have recently expressed my opposition to this type of summary publication of ordinances. In prior messages, I have noted that I appreciate the cost involved in publishing ordinances in newspapers, but I believe it to be one cost of good government.

One of my principle objections to summary publication of ordinances is that in all cases there is no good record keeping system for ordinances in all classes of political subdivisions. Perhaps if a good system of record keeping were developed, then perhaps summary publication of the ordinances would be adequate. Accordingly, I have directed the Department of Community Affairs and the Department of Justice to work with local government officials to explore this area of concern.

For these reasons, I return Senate Bill No. 835 without my signature.

MILTON J. SHAPP

Veto No. 20

HB 182 December 3, 1975

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

I return herewith, without my approval, House Bill No. 182, Printer's No. 2245, entitled "An act amending the act of July 19, 1974 (P.L.486, No.175), entitled 'An act requiring public agencies to hold certain meetings and hearings open to the public and providing penalties,' providing for public notice in case of certain meetings of the General Assembly and excepting meetings of ethics committees created pursuant to rules of the House of Representatives or the Senate."

House Bill 182 seeks to amend the Pennsylvania Sunshine Law (Act No. 175 of 1974) to change various public notice requirements now placed upon the Pennsylvania General Assembly.

In doing so, H.B. 182 provides special changes in Pennsylvania's Sunshine Law only for the Legislature, while failing to address a series of serious concerns faced daily by other governmental agencies on both the State and local level.

It is most important to stress that H.B. 182 does not deal with the many difficulties experienced by our local governmental units in attempting to cope with the Sunshine Law's frequently ambiguous requirements.

The measure would permit the Legislature to comply with the newspaper advertising requirement of existing law by simply supplying the Capitol Newsroom with notice of meeting times and locations for distribution to members of the Pennsylvania Legislative Correspondents Association. However, this provision does not guarantee newspaper publication, and subsequent circulation to the general public. Moreover, the specification of the Correspondents Association as recipients of the notices, implying the exclusion of all others, creates an artificial classification within the news media which is both unsound and undesirable.

The bill seeks to draw a distinction between legislative meetings held within the "Capitol Complex" and those outside the Complex, with different requirements for each. Although I would agree that the need for stringent advertising requirements may be less for meetings held in the Capitol than elsewhere throughout the State, this rationale is equally applicable to Executive agencies on "the Hill" and municipal entities who meet in their respective city halls.

The legislation also permits special legislative days to be scheduled and held based on an announcement by the Speaker of the House or the presiding officer of the Senate to that effect. Again this provision would provide a special exception for the Legislature while ignoring potential needs of a similar nature facing other governmental agencies on the State and local level.

Finally, other amendments in H.B. 182 would render inoperative all existing requirements for written notice and prior publication for covering committee meetings, by allowing these meetings to be called into session by announcement in the House or Senate without any other form of notice. In fact, the bill completely exempts meetings of legislative ethics committees from the requirements of the Sunshine Law.

The original purpose of Pennsylvania's Sunshine Law was, and still is, the opening of governmental operations to public scrutiny. This is a laudable purpose which I fully support.

Unfortunately, the drafters of this law did not foresee certain shortcomings which implementation has proved it has. In certain areas the Sunshine Law has proved unreasonably strict, while in others misleading and vague. Yet, even more critically, the law does not address a whole range of problems. Just a few of these include:

— A requirement that paid advertisements be inserted *and* appear in a newspaper. No exception is allowed if, for some reason, the newspaper fails to include an ad.

— A requirement that a 24-hour notice be given before a meeting is held. Given existing printing schedules for certain newspapers, particularly at the local level, sometimes a week or more "lead time" is necessary for this notice to appear.

— A requirement that advertising is to be made in the local area where the meeting is to be held. This means that notices of meetings of State Government in Harrisburg are advertised in the Harrisburg papers with a circulation population of some 120,000 persons — surely this is not effective public notice to the approximately 12 million Pennsylvanians who do not read the Harrisburg papers but are clearly effected by the actions of their State Government.

— The inadequate definition of important terms such as "Agency," "Board," "Formal action," and others. For example, the law defines "Formal action" as the setting of any official policy. But, what is the meaning of "official policy?" There is simply inadequate guidelines in this area for effective implementation.

In conclusion, my Administration remains committed to effective, open government whose decisions and deliberations on matters directly affecting the public interest will be open to the citizens of the Commonwealth.

I urge the General Assembly, however, to promptly comprehensively examine the inadequacies of Pennsylvania's Sunshine Law and avoid the piecemeal approach which H.B. 182 represents.

For these reasons, I must disapprove House Bill No. 182.

MILTON J. SHAPP