

## Veto No. 1979-1

HB 215

July 1, 1979

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

I return herewith, without my approval, House Bill No. 215, Printer's No. 1656, entitled "An act amending the act of July 1, 1978 (P.L.700, No.124), entitled, 'An act enumerating certain fees and charges to be imposed for activities regulated by the Bureau of Professional and Occupational Affairs of the Department of State, providing for the appointment and term of Office of the Commissioner of Professional and Occupational Affairs, creating the Professional Licensure Augmentation Account and providing for its administration and making certain repeals,' permitting payment of certain fees by personal check and providing for temporary suspension of licenses in certain cases."

This bill would allow payment of renewal and miscellaneous fees by personal check to the Bureau of Professional and Occupational Affairs and provides for the suspension of the license of any person who submits a check which is not honored. The bill also provides that the proposed rules and regulations promulgated by the various professional or occupational boards regarding payments and license suspensions be submitted to the General Assembly for approval. If either chamber disapproves of any regulation, such regulation will not be promulgated.

Although I concur in the provisions of this bill governing the use of personal checks, I will withhold my approval from the bill because of serious constitutional infirmities of the provisions providing for review of rules and regulations. I will instruct the Secretary of State and the Commissioner of Professional and Occupational Affairs to follow the procedures specified in this bill for the use of personal checks.

The Legislature enacts, amends, or repeals a statute through the procedures provided in Article III of the Constitution of Pennsylvania. While the Legislature can delegate the power to issue rules and regulations, it is questionable whether it may withdraw that delegation through a non-legislative review process.

In addition, the review process established by this bill may prove to be burdensome. The General Assembly would be confronted with reviewing the minute administrative details of professional licensure programs. Rules and regulations are published weekly in the *Pennsylvania Bulletin* and are subject, therefore, to scrutiny, comment and debate by the General Assembly and the Commonwealth at large. This system provides an efficient and effective public notice procedure. Although improvements to the system may be desirable, these improvements must be made in a constitutionally permissible manner.

For these reasons, I must disapprove this bill.

DICK THORNBURGH

HB 739

December 28, 1979

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

I return herewith, without my approval, House Bill 739, Printer's No. 2607, entitled, "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemptions from registration, classes of licenses, protective equipment, windshield wiper systems, visual signals, the content of drivers' licenses, for the application of certain provisions of the title, for the operation of emergency vehicles on the Pennsylvania Turnpike and further providing for periodic inspection of vehicles."

This bill makes several changes in the Vehicle Code. It prohibits the use of a photo of the licensee on a driver's license, delays implementation of vehicle exhaust emission inspections, grants emergency vehicles access to the Turnpike, exempts certain trailers used off of public highways from registration requirements, authorizes holders of "class-one" licenses to operate pedalcycles and fire fighting equipment, applies the Vehicle Code to School District Property, and simplifies rules governing the use of spotlights by police and emergency vehicles. My objections to the bill arise out of the provisions concerning vehicle emission inspections, and photographs on drivers licenses, provisions which, I believe, would waste money, facilitate fraud, place this Commonwealth in violation of Federal law and jeopardize much-needed Federal highway funding.

A State statute mandating delays in Federally ordered vehicle emission inspections is contrary to Federal law and violates regulations of the Environmental Protection Agency, the terms of Pennsylvania's Clean Air State Implementation Plan, and a Federal court consent decree entered into by the Commonwealth.

This action would expose Pennsylvania to the immediate threat of contempt of court proceedings and loss of Federal highway funds and water and sewage grants. This fiscal year the Commonwealth expects to receive approximately \$400 million in Federal funds under those programs. Not only that, but failure to substantially reduce automobile pollution could retard industrial growth, cost us jobs, and discourage the use of coal as an energy source in Pennsylvania. Every particle of pollution released into the air by an automobile is one less particle that Federal authorities will allow a steel mill or coal-fired power plant to release. It obviously is in our long-range best interest to minimize pollution from those sources that are least vital to our economic and energy needs.

I am not unmindful, however, of the serious questions the General Assembly has raised, in Senate Resolution 73 and Concurrent Resolution 222, concerning this program and the court-ordered consent decree mandating its implementation.

I have, therefore, initiated discussions between the appropriate Federal and State authorities regarding those questions, and I have directed the Attorney General, the Secretary of Transportation and the Secretary of Environmental Resources to review the consent agreement. I intend to seek, within the law, any adjustments to the consent decree that would appear to be in the best interest of all Pennsylvanians.

Eliminating the photo identification requirement on drivers' licenses is a reversal of prior legislative action. An eleventh hour reversal of that decision would waste more than a million dollars in taxpayers' money already spent on this legislatively-directed program, would expose the Commonwealth to expensive and damaging civil litigation, and deny us a valuable tool, as a society, in fighting crime and commercial fraud.

This program will facilitate commercial transactions, aid in identification for law enforcement purposes, substitute for Liquor Control Board identification and provide identification for Senior Citizens' mass transit and other benefit programs. The photographs also will make it much more difficult for pickpockets, muggers, and other thieves to misuse the licenses of law-abiding Pennsylvanians.

Yet the cost for all of this will amount to only 37 cents per year per driver. With a photo on the drivers' license, Pennsylvania will follow the precedent of 43 other states. Pennsylvania's photo drivers' license plan, scheduled for implementation next year, is designed to allow each driver to obtain a new license at easily accessible local public facilities such as State buildings, county court houses, and other convenient locations.

Planning for implementation of the photographic drivers' license program has been underway for over two years, contracts have been awarded, photograph locations selected, film purchased, and regulations prepared.

For all of these reasons, I must disapprove this bill.

DICK THORNBURGH

