

Veto No. 1

SB 704

March 18, 1976

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

I return herewith, without my approval, Senate Bill No. 704, Printer's No. 1562, entitled "An act amending the act of April 9, 1929 (P.L.177, No.175), entitled 'The Administrative Code of 1929,' prohibiting the assignment of personnel to circumvent appropriation limits."

Senate Bill 704 amends the Administrative Code by restricting the assignment of employees from one department to another.

At the outset, let me state flatly that I am in full agreement with the intent of this bill. The Executive Branch, as well as the other branches of government must abide by the appropriation limits set by law and should not be able to transfer employees from one agency to another solely for the purpose of avoiding appropriation limits set by the General Assembly.

This administration has had a solid record of controlling personnel procedures and in holding down the State payroll, in line with funds appropriated by the Legislature.

Just today, Standard and Poor's announced that it is maintaining its "AA" high grade rating on the Commonwealth of Pennsylvania's General Obligation Bonds.

One of the principal reasons for this action was our ability to control costs of State Government and the steps we have taken to reduce the payroll at the Department of Transportation by 1,000 and by more than 1,000 positions in departments covered by the General Fund during the past thirteen months.

The reversal of the previous pattern of State payroll growth is dramatic evidence of our determination to manage this government on a businesslike basis and to live within appropriations.

Therefore, in vetoing this bill, I do not wish to imply that my office, or this administration generally, seeks the freedom to have absolute authority over the placement of State employees.

Far from it. The record clearly demonstrates the opposite.

My reasons for vetoing the bill are as follows:

The Budget Office, the Office of Administration and the Department of Justice strongly contend that the language in Senate Bill 704 is vague to the point of not being understandable. It could cause severe restrictions which are not intended by the sponsors.

The consequences could be far reaching.

For example, the State Action Center, which receives toll free citizen calls for help from throughout the Commonwealth, is staffed primarily by individuals assigned to that office by the various departments.

Enactment of Senate Bill 704 into law could conceivably destroy the Action Center, dismantle the Hot Line and deprive our people of their

instant access to the most successful citizens' complaint service of any state in the union.

Second, as Secretary McIntosh points out so strongly, certain circumstances demand a considerable degree of assignment flexibility. Excellent cases in point are the disasters precipitated by Hurricanes Agnes and Eloise. During these disasters, had the provisions of this act been law, the government would have been handicapped in its attempts to bring relief to flood victims throughout the Commonwealth.

The imprecise language of this bill could also affect government's ability to coordinate many programs which cross departmental lines. For example, programs for our elderly citizens, for health services and for manpower training have functions placed in various departments of State Government. It is vitally necessary to have these programs coordinated. In many cases, a single individual from one department will be assigned to do this coordination.

This is authority which is essential to the efficient running of government and it is this function which Senate Bill 704, by its vague wording, would place in jeopardy.

To deprive the Executive Branch of its ability to use such a person in a coordinating capacity would damage our efforts to eliminate fragmentation and streamline services.

In short, any administration needs a certain amount of flexibility in reassigning employees for vital functions.

Senate Bill 704, as written, does not provide for such instances.

Instead it leaves the distinct possibility that such reassignments would be prohibited.

Under the circumstances, I have no choice but to veto this bill, and to ask the members of the General Assembly to support my action, in defense of the Hot Line, the emergency needs of the Commonwealth and the provision of coordinated intra-departmental services.

MILTON J. SHAPP