

## Veto No. 1980-1

SB 581

April 25, 1980

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania

I return herewith, without my approval, Senate Bill 581, Printer's No. 1672, entitled, "An act amending the act of June 13, 1967 (P.L.31, No.21), entitled 'An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth,' requiring all checks for assistance to contain the recipient's social security number, providing for the maintenance of services at certain State institutions and further providing for registration for employment, training and manpower service."

This bill makes two minor changes to the Public Welfare Code to which I have no objections. It mandates the Department of Public Welfare, beginning on July 1, 1980, to print on each assistance check the recipient's social security number. It also reduces from ten to three days the time period in which newly eligible public assistance recipients must register for the Pennsylvania Employables Program.

My objections to the bill arise because of the new provisions it adds to the Public Welfare Code limiting the ability to reorganize the State institution network. The bill provides that the Department of Public Welfare may not "close, sell, lease or otherwise transfer the ownership or operational control of" or "materially reduce services" at State general hospitals, nursing schools, mental hospitals, mental retardation centers, and "other similar institutions funded by the General Assembly", without 30 days notice, a public hearing in the affected area, and the submission of a plan to the General Assembly. If either chamber of the General Assembly disapproves of this plan within the greater of five legislative days or 30 calendar days, "such action shall not take effect". A "material reduction in services" means a five percent decrease in bed complement or staff of an institution, and includes reduction in chaplaincy services and farm services.

Because we attempt to maintain an institutional network much larger than our needs and our resources, some of our institutions have become outmoded, poorly situated and ill-equipped to provide vital services. This is not a compassionate use of our public resources. To make dollars available for crucial social welfare needs, we must reorganize this institutional network.

Unfortunately, any institutional closing is painful in the short term for those who are affected. But, I believe that both those who pay for and those who are served by our institutional network demand leader-

ship for the long term. I propose to provide this leadership and ask your support.

I recently announced a plan to reduce excess capacity in State institutions, and to close expensive, outmoded, and unnecessary facilities. My goal is the same as my other welfare reform proposals — to reorder priorities in order to provide a decent level of support and services to the most needy citizens of Pennsylvania without tax increases. We live in a time of economic scarcity and must recognize that to do more with less demands reevaluation of our commitments to all existing endeavors. Any attempts to tie the hands of State Government in reorganizing our institutional network is a tragic mistake which can cause higher taxes for many citizens and poorer services for infirm, mentally retarded, and mentally ill citizens.

While I am returning this bill to you without my approval, I do recognize the many legitimate concerns which motivate some provisions in this bill. Economic support and assistance is vital to communities experiencing institutional cutbacks. We will make every effort to quickly place those few employees who must be furloughed in other public and private sector jobs and the Economic Development Committee of the Cabinet will give top priority to job generating projects and policies for affected communities.

I also recognize the legitimate concern of the General Assembly to exercise oversight of executive actions. You and your colleagues in the House have made the laws and appropriated the level of funds under which executive agencies operate, and you carefully review the implementation of those laws. Where you feel laws no longer serve the public interest, or are being implemented contrary to your intent, you properly amend and revise the laws under which the executive branch functions. I pledge to support you in these efforts.

I cannot, however, support the oversight provisions of Senate Bill 581 which exceed constitutional permissible bounds. It is the function of both Houses of the General Assembly, subject to the veto power of the Governor, to make laws governing the conduct of executive agencies and the duty of the Governor to implement these laws.

The bill which I am returning to you today would shortcircuit the constitutional procedure for making laws. It would allow a single chamber of the General Assembly to impose its will, without the opportunity for approval or disapproval by the other chamber, and by the Governor.

Keeping the budget of this State under control, while meeting our obligation to care for those citizens who cannot adequately care for themselves, demands reorganization of our institutional network. Because Senate Bill 581, Printer's No. 1672 seriously limits the ability to do so, I must disapprove the bill.

DICK THORNBURGH