

HB 212

Veto No. 2

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