

Veto No. 20

HB 1022

November 26, 1978

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

I return herewith, without my signature, House Bill No. 1022, Printer's No. 3932, entitled "An act establishing the duties and responsibilities of owners of certain property damaged or destroyed by fire and prescribing penalties, creating certain liens and priority in insurance proceeds in favor of cities of the first, second, second A and third class, regulating the disbursement of insurance proceeds of the insured, and providing for direct payment and distribution of insurance proceeds to cities of the first, second, second A and third class under certain terms and conditions," for the following reasons.

This bill, while providing the salutary effect of direct payment of past due taxes and other municipal obligations directly from fire insurance proceeds, directly appropriates private moneys without due process of law, and I believe it is thus unconstitutional.

No matter how beneficial the reason, I cannot allow this erosion of basic American rights.

While I recognize that municipalities are plagued by burned-out, derelict buildings, sometimes burned by their owners for fire insurance proceeds, the General Assembly must address the problem by improving enforcement mechanisms of municipal liens and building code enforcement law.

This bill, while well intended, addresses this problem in a constitutionally impermissible manner.

For these reasons I return House Bill No. 1022 without my approval.

MILTON J. SHAPP