

Veto No. 1978-4

HB 1805

April 28, 1978

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

I return herewith, without my approval, House Bill No. 1805, Printer's No. 2436, entitled "An act amending the act of December 30, 1974 (P.L.1105, No.356), entitled 'A supplement to the act of February 6, 1974 (P.L.80, No.17), entitled "An act providing for the capital budget for the fiscal year 1973-1974," itemizing public improvement projects to be acquired or constructed by The General State Authority together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects stating the estimated useful life of the projects, and making an appropriation,' adding a project relating to the Soldiers' and Sailors' Home."

The bill proposes to amend the 1973-74 capital budget to include a greenhouse at the Erie Soldiers' and Sailors' Home. The amount authorized for this project is \$100,000.

I included this project in my 1976-77 General Fund Capital budget recommendation. At that time, the estimated cost of the project was \$69,000 (\$56,000 base construction authorization) to be furnished from the General Fund. Using this amount as a base for updating the figures, the total would rise only to approximately \$77,000. The Department of General Services handled the design of the project. Last year, the Department did in fact complete the design phase in anticipation of the passage of the project, and now estimates that the total cost would be approximately \$73,000.

The reason for my inclusion of these estimates in this veto is to point out the totally arbitrary nature of the amount provided in the bill. It appears that the \$100,000 figure is included to allow bond funds to be used for this project. The Capital Facilities Debt Enabling Act limits the usage of bond funds to the following:

"(1) 'Capital project' means and includes (i) any building, structure, facility, or physical public betterment or improvement; or (ii) any land or rights in land; or (iii) any furnishings, machinery, apparatus, or equipment for any public betterment or improvement; or (iv) any undertaking to construct, repair, renovate, improve, equip, furnish or acquire any of the foregoing, provided that the project is designated in a capital budget as a capital project, has an estimated useful life in excess of five years and *an estimated financial cost in excess of one hundred thousand dollars (\$100,000)*; provided, that the one hundred thousand dollars (\$100,000) limitation shall not apply to original equipment and furnishings for previously authorized public improvement projects and shall include projects to be financed by the incurring of debt. . . ." (emphasis added)

Since our estimates are in the \$70,000 range, and the bill originally provided \$75,000 but was increased after it was pointed out that this was not in accord with the act, it is obvious that the amount authorized is simply to circumvent the limitations of the Debt Enabling Act.

It is therefore with some reluctance that I disapprove House Bill No. 1805. The estimated cost of this project prohibits the use of bond moneys, and I cannot in good conscience sign such a bill.

MILTON J. SHAPP