

Veto No. 1978-6

HB 76

June 15, 1978

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

I return herewith, without my approval, House Bill No. 76, Printer's No. 3011, entitled "An act amending the act of March 10, 1949 (P.L.30, No.14), entitled 'Public School Code of 1949,' providing for alternative methods of equalizing tax levies among certain school districts, and providing for residency of certain school employees."

I am today returning House Bill No. 76, the school employes' residency bill, without my approval.

There are a number of reasons why I feel constrained to disapprove this legislation. Generally, I have not favored legislation in the past which further restricts the right of local governments to make decisions affecting their own future in the absence of some compelling Statewide need. Clearly, House Bill No. 76 represents no such compelling need.

Furthermore, while this legislation has some very ardent supporters, they tend primarily to be those who would be affected by the removal of residency requirements. The list of those who oppose this measure is long and it represents a reasonable cross section of interests in this Commonwealth.

Of all the arguments put forth on both sides of this issue, two stand out as being both just and reasonable and worthy of extremely careful consideration. First, the requirement of residency by an employe is often used as a bargaining tool by school districts. It is, by its very essence, one of those issues which should properly be settled through the collective bargaining process, which is very well established for public employes in this Commonwealth.

If this legislation were to be approved, it would have the effect of granting to public employes a major contractual benefit without any return to the various school districts.

Secondly, this bill, if approved, might open the floodgates for other public employes to demand equal treatment from the Legislature. Indeed, similar bills have already been introduced. While reasonable men might differ on the economic and other effects of eliminating residency requirements for school employes, no one could disagree that the removal of these constraints on firemen, policemen and nonuniformed municipal employes around the State could be disastrous.

Our large cities would find themselves at the mercy of employes who had no compelling interest in the ultimate well-being of their community. In addition, the economic damage to our larger urban areas could further weaken their already insufficient financial base.

Further, the United States Supreme Court has upheld the right of a taxing authority to impose a residency requirement for employes.

To summarize, I veto this legislation because I believe local governments must have the freedom to determine such measures for themselves; because it removes from the district's hands a bargaining option and grants a benefit to employes without any corresponding benefit to the district or its taxpayers; because it could start a trend by other public employe unions seeking the same privilege for themselves; and finally, because I firmly believe that public employes should have a stake in the future of the local government or school district they serve.

MILTON J. SHAPP