Veto No. 1984-1

SB 750 July 3, 1984

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

I have before me for action Senate Bill 750, Printer's No.2145, which, as originally introduced, provides for court appointment of interpreters to assist parties in a civil proceeding who are deaf and which, through amendment, also incorporates other unrelated provisions. These other provisions (a) require that the Commonwealth bear the costs and expenses resulting from the prosecution and trial of any person against whom an indictment is returned by a multicounty investigating grand jury, (b) authorize the temporary assignment of senior Municipal Court judges to other courts subject to general rules of the Supreme Court, (c) require the Administrative Office of Pennsylvania Courts to implement procedures insuring that budget requests for judicial chambers are reasonable, (d) deny individuals in certain circumstances access to the courts and (e) exempt physicians from negligence liability in certain circumstances.

I find acceptable for signature the provisions of S.B.750 related to providing interpreter services for the deaf, financing, with Commonwealth revenues, the trial of defendants indicted as a result of action by multicounty investigating grand juries and mandating that the costs of judicial chambers be reviewed and, only upon a determination of reasonableness, be approved by the Court Administrator. With reference to authorizing the temporary reassignment of senior Philadelphia Municipal Court judges, I have before me a separate bill, House Bill 88, addressing the same matter, which I also find acceptable.

Likewise, I have no objection to the provisions in this bill which would bar as a defense in certain tort and support actions the claim that the child involved should have been aborted.

I have serious reservations, however, about the portion of this bill which would close the courts to cases of so-called "wrongful birth" claims. Under current law, Pennsylvania courts have not recognized actions for so-called "wrongful life." Only three of the 50 states have enacted statutes which bar claims for "wrongful birth."

I recognize and concur in the belief expressed by proponents of S.B.750 that every life is sacred and that the life of a handicapped or retarded child is of no lesser value than the life of a healthy child. However, the issue presented by S.B.750 is not one of the comparative value of lives, but whether prospective parents are entitled to relevant information regarding the risks of conception and birth to the mother and the child so they might make an informed decision and whether medical staff should be held legally liable for the effective delivery of care.

I reiterate here my opposition to abortion on demand, my conviction that abortion should not be viewed or used as a means of birth control and my support for the type of restrictions on abortion that I signed into law in 1982.

I do not believe, however, that the proposed restriction on "wrongful birth" actions in S.B.750 would reduce the number of abortions that are performed. Indeed, I fear that it could have the opposite effect.

Whatever my or your views on the issue of abortion may be, and whether we like it or not, the Supreme Court of the United States has clearly held that a woman has a constitutional right to an abortion, at least during the first trimester of her pregnancy. Under these circumstances, the intelligent exercise of that right should not be made to depend on the competence, diligence, integrity or philosophical views of a particular attending physician.

If a pregnant woman knows that she has no legal recourse for improper medical advice or treatment that results in the birth of a seriously diseased or defective infant, it may have the unfortunate effect of causing some women to resolve all doubts and concerns in favor of terminating pregnancy, leading to the performance of more, not fewer, abortions.

Also, the enactment of blanket immunity for doctors, hospitals and medical personnel for acts of neglect or malpractice in these situations could unfortunately lead to a reduction in the level of care and quality of treatment in certain cases of pregnancy. As a result, opportunities which exist to detect and mitigate certain potential diseases and defects in the developing fetus could be lost.

In the absence of sufficient evidence to date that "wrongful birth" litigation, given the constitutional right to abortion decreed by the Supreme Court, has resulted in serious and otherwise avoidable harm, the reservations I have set forth cause me sufficient concern to reject the imposition of the blanket legal immunity provided for in this measure. Accordingly, I am herewith returning S.B.750 without my signature.

DICK THORNBURGH

Veto No. 1984-2

HB 1270 July 3, 1984

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

I have before me for action House Bill 1270, Printer's No.3167, which would eliminate the right of candidates for justice, judge, district justice and school director to "cross-file" as candidates in primary elections of any and all political parties of their choosing. This bill treats cross-filing in the same manner as Senate Bill 421, which I returned unsigned earlier this legislative session. For the reasons I expressed at that time, I am also herewith returning H.B.1270 without my signature.

I continue to believe that the goal of excellence and maintenance of public confidence in our courts and schools is best pursued by minimizing partisan political considerations in the selection process for our judicial officials and school directors.

In the instance of courts of common pleas, district justices and school board directors, I am persuaded that cross-filing has helped to do this. The candidates, their backgrounds, their views and their records are generally known to the electors in the geographical area they are seeking to serve.

Unlike candidates for county and local offices, those seeking Statewide office are generally not as well-known to the electorate. Factors such as name recognition, ballot position, regionalism and funds available for campaign advertising can unduly influence the selection process. I share the General Assembly's concern with this situation; however, I do not believe that the elimination of cross-filing is a preferred solution to the problem. I believe that the answer is a system providing for merit selection of Statewide judges.

The enormous costs and rigors of sustaining a Statewide election campaign have deterred many of our most capable attorneys from seeking appellate judgeships. The process of gaining political endorsements and raising campaign funds can endanger judicial independence and impartiality and adversely affect public confidence in the judiciary. The process has also impeded access to the appellate courts for women, minorities and those from rural areas.

I have submitted and supported passage of legislation that would replace the current system of electing justices and judges to our three Statewide courts with a system in which a bipartisan commission of lawyers and laypersons would screen and recommend for gubernatorial appointment interested candidates for appellate court office. I realize that major reform of this kind takes time and perseverance and I will continue to press forward in the public interest for its enactment.

This bill, which would inject more partisan politics into the judicial selection process, is, in my view, the wrong message to send at a time when we are

so committed to securing reforms that would result in less partisan politics in judicial selection.

DICK THORNBURGH

Veto No. 1984-3

SB 1324 October 4, 1984

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

I have before me Senate Bill 1324, Printer's No.2405, a bill providing for supplemental appropriations for the Department of Public Welfare.

This bill would, among other things, restore full General Assistance welfare benefits to a variety of able-bodied individuals for whom benefits were reduced by the 1982 Welfare Reform Act and would relax standards of proof that have been used to ensure the eligibility of welfare applicants.

Prior to the reforms enacted through Act 75 of 1982, Pennsylvania had become a national welfare haven. With only 5% of the nation's population, Pennsylvania had 20% of its General Assistance welfare recipients. The General Assistance program threatened the fiscal health of the Commonwealth as General Assistance costs more than tripled in the 1970's and soared to over $350 million in 1981. Ours was the costliest General Assistance program per capita in the nation, costing five times more than the national average.

Not only were the taxpayers overburdened with supporting a system of runaway spending, but the neediest of our citizens — the handicapped, the elderly, and children — were finding it increasingly difficult to survive the ravages of inflation. Prior to this Administration, recipients of both General Assistance benefits and Aid to Families with Dependent Children had not had an increase in grant levels since 1975.

Our welfare reform program of 1982 enabled us to address this problem by redirecting scarce resources to those with the greatest need without increasing the tax burden on Pennsylvanians who work for a living. This year we increased cash grants for welfare families in Pennsylvania for the third time in this Administration and increased assistance to single adults for the second time.

Opponents of welfare reform have maintained a steady propaganda campaign to convince the public that our program has thrown the sick, the retarded, the disabled and the mentally ill into the streets of Pennsylvania with no assistance. This is simply untrue. The fact is that the ill and handicapped were not affected by welfare reform and continue to be eligible for increased full year-round assistance.

Pennsylvania's General Assistance program remains one of the most generous in the nation. Even after the 1982 reforms, Pennsylvania provides more welfare assistance to young, single, able-bodied individuals than most other states provide to their neediest recipients. Further, even able-bodied welfare recipients in Pennsylvania who were removed from the year-round General Assistance rolls under 1982 reforms continue to receive free year-

round medical care, food stamps and a variety of employment assistance and social services with their three months of cash assistance. We have also provided millions of dollars to county and local governments to provide shelter for any who are homeless and who desire it.

To make people automatically eligible for additional General Assistance regardless of need, as this bill does, would be an irresponsible disservice to our taxpayers and the hundreds of thousands of truly needy recipients as well. This bill would, for example, classify single pregnant woman as "unemployable" from the time of conception, despite the observable fact that many pregnant women do work and often do so into advanced stages of pregnancy. Under our existing welfare reform program, a woman is already eligible for full General Assistance benefits throughout her pregnancy upon certification by a physician that she cannot work.

This bill would begin the unraveling of our effective effort to make the best possible use of our limited tax dollars. It is a step backward which eventually would cost the taxpayers tens of millions of dollars more than are appropriated in this bill without any thorough review of need.

Where problem cases have been properly documented, the Department of Public Welfare already has corrected them through appropriate regulations and will continue to be alert to such situations.

We will not react, however, to distorted assertions, contrived cases and alarmist rhetoric. I cannot condone a sweeping effort to turn back the clock on welfare reform to the previous era of excess and abuse.

I am therefore withholding my approval of Senate Bill 1324. At the same time, I must note that section 5 of the bill, which provides for the appropriation of $3 million for shelter to the homeless, is consistent with this Administration's past efforts and I would be pleased to sign new legislation providing for this particular appropriation should it be sent to me.

Therefore, I am herewith returning Senate Bill 1324 without my signature.

DICK THORNBURGH

Veto No. 1984-4

HB 1137 October 5, 1984

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

I have before me House Bill 1137, Printer's No.3653, which creates a new first degree felony of "Spousal Sexual Assault." In effect, this bill would, for the first time, enable married persons in Pennsylvania to prosecute their spouses for rape or involuntary deviate sexual intercourse. It would make a fundamental change with regard to certain longstanding principles in our criminal law.

Spouses now have the ability to prosecute for assault and physical abuse, and spouses who live in separate residences, or in the same residence under a separation agreement or court order, can already initiate criminal charges for the offenses of rape and involuntary deviate sexual intercourse.

I am concerned that with this bill we would be entering the privacy of the home and the sanctity of an ongoing marriage to allow spousal prosecutions for sexual conduct. I certainly believe that forced sexual intercourse is a heinous deed, regardless of the personal relationship between the perpetrator and the victim. Nevertheless, my study of this bill, including the legislative floor debates concerning it, leads me to believe that in a case involving an ongoing marital relationship, certain evidentiary considerations are necessary to deter frivolous and capricious use of such a law.

I was particularly impressed by the statements of legislators of both parties and both sexes who, based on their law enforcement and legal experience, felt this kind of bill would indeed lead to frivolous and capricious charges, particularly at a time when a marriage was dissolving. Even proponents of the bill have acknowledged that the evil they seek to mitigate is physical abuse and not the act of sexual penetration by a cohabiting spouse.

Senator Snyder, chairman of the committee which heard testimony and reported the bill, offered two amendments which addressed this concern: One would require a spouse claiming rape to promptly report it, so that a threatened charge of rape could not be leveled maliciously years later to gain leverage at the time of a divorce. The other would require some corroborating evidence of physical abuse, providing a reasonable evidentiary safeguard against frivolous charges while addressing the real evil of spousal violence.

Nine states have laws permitting spousal rape prosecutions, most of them quite recent. Nine other states adopted laws permitting such prosecutions in limited situations, some of them extending the traditional marital exemption for rape to unmarried cohabitors in other situations. At least two states with such laws impose prompt reporting requirements.

The problems of rape and of domestic violence are serious ones that deserve our attention. This Administration has provided over $17 million for rape crisis programs and domestic violence centers, $4.5 million in the current year alone.

An appropriate amount of care and caution must be applied, however, before we subject persons to a new criminal charge of the most serious degree. As one respected House member, a former prosecutor and a woman, said: "The criminal courts are notoriously unsuccessful in dealing with domestic abuse. They are going to be even less successful in dealing with allegations of sexual abuse where there is not physical abuse." To invite misuse of rape charges, or to divert the time and resources of police and prosecutors with questionable charges of rape, is to demean the seriousness of violent rape and to devalue the anguish suffered by real victims of rape.

I propose that, if Pennsylvania is to adopt a spousal rape bill, we do so with the type of safeguards reflected in Senator Snyder's amendments or that we defer action on such a bill until we can more thoroughly obtain and assess information from the states that have pioneered this concept.

I am therefore returning this bill at this time without my signature.

DICK THORNBURGH

Veto No. 1984-5

SB 11 October 12, 1984

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

I have before me Senate Bill 11, Printer's No.2046, which enacts a Petroleum Practices Regulation Act. This legislation is intended to preserve and promote competition among retail gasoline dealers.

The legislation provides a remedy in the courts of common pleas to prevent sales at retail at oil company controlled outlets for less than the wholesale cost charged to a competing noncontrolled outlet and prohibits discriminatory rental policies. The bill would also make it unlawful to fail to recover costs at a controlled outlet. Prior to the initiation of any litigation, the bill requires consultation and conciliation between the parties.

The bill has been developed in response to fundamental transition in the retail gasoline market. The problems faced by retail service station dealers have been most severe for independent operators and dealer lessees who have often found themselves in direct competition with their own suppliers of gasoline.

Established principles of Federal antitrust law are an adequate remedy to prevent predatory pricing, attempts to monopolize and actual monopolization of relevant markets. As a practical matter, however, the costs of attorneys' fees, discovery and interminable litigation often make Federal antitrust laws impractical to deal with limited local problems. As a result, I support legislation which provides a simple legal remedy for unfair competition in local courts. In addition, I would urge those approaches which encourage the mediation and arbitration of disputes prior to the initiation of litigation.

Despite such desirable features in this legislation, one crucial provision of the bill is seriously defective. It is the provision making it unlawful to fail to recover costs at a controlled retail service station. The failure to recover costs would occur whenever the actual proceeds of a controlled outlet did not exceed its imputed costs. Imputed costs are actual costs of operation but with the real estate and gasoline costs charged to noncontrolled outlets within the relevant market area substituted for the actual costs of the controlled outlet. This cost-recovery requirement is excessively complicated, potentially very harmful to Pennsylvania consumers and goes against fundamental principles of antitrust and trade regulation law. The very concept that legislation should mandate cost recovery is contrary to basic principles of free enterprise. No other state imposes such a requirement in these circumstances.

Requiring the recovery by a company-owned station of the capital costs of a noncontrolled station may subsidize inefficient operations. If a noncontrolled outlet operates inefficiently and sells a low volume of gasoline, the

market value of the property is likely to be appraised at a much lower value than a competing efficient outlet. Applying the rate of return for an inefficient outlet to the market value of the efficient outlet will produce an imputed rental cost far in excess of actual charges. The result of this procedure will be to force unfair and unjustified retail price increases for consumers.

It is also economically inappropriate to require each controlled outlet to recover costs. Start-up costs, casualty losses, bad weather and other unforeseen consequences frequently can cause businesses to legitimately operate at a loss for one or more accounting periods. Requiring retail price increases to whatever level is needed to avoid losses will harm consumers and damage vigorous competition. The failure of the legislation to designate the appropriate accounting period for cost recovery further exacerbates these difficulties.

Applying imputed rental rates to service stations with different types of property and equipment is inherently unfair. For example, because a higher rental rate must be charged for buildings and equipment than for land, applying rental rates calculated for a full-service station to a low capital gas-and-go operation is inappropriate. Because more leased stations are full-service operations than are controlled outlets, the bill could force the application of unrealistically high rental rates in determining whether controlled outlets recover costs. The result, again, would be to force up consumer prices.

Finally, as currently drafted, the cost-recovery provisions of this law are discriminatory because they apply only to manufacturers and refiners but not to other distributors of gasoline. Approximately 65% of all retail service stations (distributing about 50% of all gasoline) are either operated under contract with jobbers or are operated by manufacturers or refiners who do not have both controlled and uncontrolled outlets. Because the legislation impacts on some but not all retail service stations, the bill unreasonably discriminates against refiners and manufacturers who operate both controlled and uncontrolled outlets in Pennsylvania. This would work to the disadvantage of refiners and manufacturers who employ thousands of Pennsylvanians and offer an unfair advantage to foreign importers of refined petroleum products.

As currently drafted, this bill would lead to increased gasoline costs for consumers and tarnish this State's image as a desirable location for business growth and development. I am, therefore, returning this bill to the General Assembly without my approval.

Despite my veto, I feel that the bill represents substantial progress in developing an overall compromise on the best method for preserving competition in the retail gasoline marketplace. As I stated, I will support legislation which provides a simple and inexpensive remedy for unfair competition, which stresses mediation and conciliation and provides access to local courts.

DICK THORNBURGH

Veto No. 1984-6

HB 164 December 19, 1984

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

I have on my desk for review House Bill 164, Printer's No.3556, which amends the Public Utility Code to require that electricity supplied to volunteer fire companies be metered and measured in the same method used for residential customers. Although this legislation is intended to reduce utility bills for volunteer fire companies, upon careful examination I have found that the bill will not only fail to reduce costs, but, by creating more paperwork and complications in ratemaking proceedings, the bill will actually increase utility costs for volunteer fire companies.

Under the Public Utility Code, electric rates reflect the cost of service to each class of customer. This fundamental principle of rate regulation ensures not only efficiency of utility operations, but also guarantees that neither residential, commercial or industrial customers will be forced to subsidize any other category of ratepayer. This legislation wisely does not attempt to change this basic tenet of rate regulation. Instead, the legislation only attempts to modify the manner in which electric utility meters measure power utilized by volunteer fire companies. Despite the expectations of advocates of this legislation, changing the method of measuring electricity use will not reduce total bills.

Presently, most electricity customers, except residential customers, have their power utilization measured with "demand meters". Unlike the standard household electricity meter, a demand meter measures both the number of kilowatt hours of power drawn from the distribution system and the peak demands imposed by a customer. For a customer with a demand meter, the electricity bill each month is calculated by combining both a "demand charge", for the peak needs of the customer, and an "energy charge" for the number of kilowatt hours utilized. Regardless of whether a demand meter or an ordinary household meter is used, however, utility rates are set at levels which will yield the same total level of revenue from each distinct class of customer. A demand meter merely attempts to distribute costs among ratepayers within a service class more equitably by measuring the peak capacity demands customers place upon the generation and distribution system.

If this bill were to become law, the impact would be to force utilities to install new meters in volunteer fire companies and to calculate new rate schedules applicable to volunteer fire companies. The inevitable result of this change will be absolutely no overall savings for volunteer fire companies. While some companies may have lower bills, electricity costs will necessarily increase for other volunteer fire companies to offset the revenue loss.

Regardless of how power consumption is measured, total revenue generated by this class of customers will be the same. The only likely result of implementing the bill would be that the cost of new meters, separate accounting and complicated new utility legal proceedings will be passed on to the volunteer companies in the form of higher rates.

Because this legislation is ill-conceived and counterproductive, I do hereby publicly proclaim and file with the Secretary of the Commonwealth my disapproval.

DICK THORNBURGH

Veto No. 1984-7

SB 1346 December 19, 1984

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

I have on my desk for review Senate Bill 1346, Printer's No.2476, which will prohibit the State Board of Education from implementing continuing education requirements for Pennsylvania elementary and secondary school teachers. This special interest legislation would undo one of our efforts to improve the quality of education in Pennsylvania.

In October of last year, I called upon the General Assembly, the State Board of Education and the Department of Education to enact an agenda of initiatives to promote excellence in Pennsylvania public schools. This agenda, which will commit more than $100 million in added funds for public education by 1987, called for more comprehensive curriculum requirements for high school graduation, a competency testing program for public school students designed to identify those in need of remedial instruction, a mandatory new instructional program for students identified as having deficiencies in basic reading and math skills, tougher initial certification requirements for new teachers and continuing education requirements designed to keep Pennsylvania school teachers up-to-date regarding educational techniques.

I am very pleased that in the fourteen months since I announced this Agenda for Excellence we have succeeded in implementing each major initiative. The State Board of Education has adopted regulations increasing high school graduation requirements. The Department of Education is currently implementing a new competency testing program. The General Assembly has funded a major new remedial education program, and the Board of Education in September established a new teacher training, certification and continuing education program.

Continuing education requirements for elementary and secondary school teachers are a vital component of our overall Agenda for Excellence. Extensive research has demonstrated that in-service and continuing professional education improves a teacher's effectiveness. Continuing education has been demonstrated to expand a teacher's knowledge about the methods of effective instruction, improve a teacher's ability to communicate successfully with students, and result in significant achievement gains in the classroom. Unfortunately, far too few of our teachers today receive adequate continuing education. Between 1980 and 1983, fewer than 20% of science teachers, 10% of physics and environmental science teachers and 5% of mathematics teachers had any updating of their training. In a time in which these fields are changing rapidly, it is unlikely that those who are teaching our children would be adequately prepared if they do not endeavor to keep up with their fields of study. In a state which currently requires continuing education for the licen-

sure of accountants, optometrists, podiatrists, veterinarians and nursing home administrators, it is imperative that we also require elementary and secondary teachers to maintain up-to-date knowledge regarding their profession.

The regulation adopted in September 1984 imposes a very modest continuing education requirement. All teachers certified after June 1987 will be required to obtain six credits of professional study every five years to keep their teaching certificates active. The regulation also permits the individual teacher to select whatever continuing education program best contributes to his or her professional development. Approved continuing education programs may either be offered at the collegiate level or through in-service training. The continuing education program was developed following a thorough and comprehensive process which involved members of the public, school boards, school administrators, teachers and the professional education community.

The continuing education program was developed by the State Board of Education in consultation with the Council on Higher Education, the Coalition to Improve Education, members of the General Assembly, the Pennsylvania Association of Colleges and Universities and the Department of Education. Public hearings regarding the proposal were also held, and the proposal was approved by the House and Senate Education Committees and the Independent Regulatory Review Commission. The successful adoption of a continuing education program in September represented the culmination of a long, difficult, thorough and thoughtful period of deliberation and evaluation.

Continuing education is essential to achieving higher quality instruction in our schools. This regulation represents an important first step towards keeping Pennsylvania's teachers up-to-date and informed. Together with local school districts, teachers organizations and the Department of Education, I am confident that the State Board of Education will continue to work to improve our teacher certification process. No rational public purpose is served, however, by enacting legislation such as Senate Bill 1346, which not only blocks implementation of even a modest continuing education program, but further prohibits the Board of Education from requiring any continuing education for teachers after their six-year probationary period.

The facts of the matter are that teachers, like students, can and should learn; can improve their techniques and their knowledge of subject matter. This Administration believes that the continuing professional development requirements of Chapter 49 will help to improve the quality of teaching in Pennsylvania, will help to keep teachers interested and interesting, and will, in the long run, contribute to increased achievement by Pennsylvania students. Groups of concerned parents, school boards, the State Association of School Administrators and the State Association of School Boards have expressed strong agreement.

In view of the fact that the future of the quality of education to our students is at stake, I cannot believe that support for this bill by the narrowly-based lobbying group at the Pennsylvania State Education Association (PSEA) headquarters in Harrisburg was really representative of the view of the vast majority of conscientious teachers throughout the Commonwealth who place the welfare of their pupils ahead of their own personal interest and convenience.

I have concluded that this legislation will seriously impede our efforts to improve the quality of public education. Pursuant to the provisions of the Constitution of Pennsylvania, therefore, I hereby disapprove Senate Bill 1346, Printer's No.2476, and publicly proclaim and file my objection to this legislation with the Secretary of the Commonwealth.

DICK THORNBURGH

Veto No. 1984-8

SB 1279 December 21, 1984

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

I hereby publicly proclaim and file with the Secretary of the Commonwealth my disapproval of Senate Bill 1279, Printer's No.2470, which establishes criminal penalties for certain utility personnel who knowingly provide false information to Federal or State officials during a disaster emergency involving a power generating facility.

I agree with the intent of the sponsors of this legislation that utility employees who knowingly provide false information to government officials during a disaster emergency involving a power generating facility that jeopardizes the health, safety or welfare of Commonwealth residents should be held accountable. However, last minute amendments made to this legislation in the House of Representatives limit the bill only to actions taken by the "official spokesman" of a utility, whose position and role are not defined in the legislation.

I am concerned that limiting criminal penalties only to an "official spokesman" may insulate even more responsible management personnel. If any relevant information regarding utility disaster, in particular an emergency at a nuclear power plant, is deliberately and willfully withheld or distorted, all responsible parties should be subject to appropriate penalties. Limiting criminal penalties to one designated individual is unwise and unfair. All persons communicating information legitimately within the scope of their real or apparent authority must have the obligation to communicate fully and truthfully all information needed to protect the public health and welfare.

Also, I am advised that some utility companies interpret this legislation as meaning that only their designated "official spokesman" is obligated to even communicate at all with government officials during an emergency. Worse, this bill could encourage officials with an interest in insulating and immunizing themselves from liability to refuse to communicate any information in an emergency. Obviously, such an interpretation or reaction could confront State and local emergency management officials with serious obstacles in obtaining the company information and access to various company personnel they need in order to protect public health and safety.

During disaster emergencies involving power generating facilities, immediate and continual access by government officials to control room supervisors, utility radiation personnel and others is critical. One "official spokesman" may not possess the necessary technical knowledge to immediately and completely answer all questions, thereby presenting a situation which could severely hamper governmental entities in the performance of

their duties and which could, therefore, prove detrimental to the health, safety and welfare of Pennsylvania's citizens.

For these reasons, I am withholding my approval of Senate Bill 1279. The staff of the Department of Environmental Resources and the Pennsylvania Emergency Management Agency will be available to work with interested legislators to achieve the objectives of Senate Bill 1279 without the possibility of limiting the access of appropriate officials to utility personnel during a disaster emergency.

DICK THORNBURGH

Veto No. 1984-9

HB 1317 December 21, 1984

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

I hereby publicly proclaim and file with the Secretary of the Commonwealth my disapproval of House Bill 1317, Printer's No.3750, which would require certification of geologists by the Department of Environmental Resources. It has been the philosophy of this Administration to limit regulation wherever possible to services where need for it is demonstrated in the interest of protecting public health, safety and welfare. Only a handful of our sister states license or regulate geologists, and I do not believe a sufficient need has, as yet, been demonstrated to justify imposition of new regulations and burdens on our citizens in this field.

DICK THORNBURGH

Veto No. 1984-10

SB 1361 December 26, 1984

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

I have before me Senate Bill 1361, Printer's No.2484, which, as originally introduced, provides for rights of child victims and witnesses of criminal acts, authorizes videotaping of such children and the use of dolls as testimonial aids, and prohibits media release of names of child victims. In its present form, the bill would also establish mandatory minimum prison sentences for robberies committed against the elderly.

I support and endorse those provisions which would protect child victims and witnesses from additional trauma, making it easier for them to provide testimony against criminals who prey on children. I also support and endorse provisions of this bill relating to mandatory sentencing for crimes against the elderly, which would deter or incarcerate those who would assault our senior citizens.

Unfortunately, at the last minute in the legislative process, an amendment was inserted into this legislation which causes me to withhold my approval of the bill. That amendment, which was never discussed at a public hearing or examined by any legislative committee, would make major changes in laws regarding sentencing, incarceration and parole of criminals convicted of sex offenses. It would increase the number of persons referred to the State prisons for diagnosis and classification by 1,400, and force up to 700 additional prisoners into our State corrections system at a time when it is simply not equipped to handle them without undermining our ability to provide adequate programs and conditions for those who are already there. I believe it would be preferable to continue to handle persons convicted of sex offenses, in most cases, at the local level.

Because of this amendment to what is otherwise desirable legislation, I must hereby publicly proclaim and file with the Secretary of the Commonwealth my disapproval of Senate Bill 1361, Printer's No.2484. I urge the new General Assembly to promptly pass and send to me for approval legislation which includes the provisions of this bill relating to child victims and witnesses and crimes committed against the elderly. In the meantime, I urge courts throughout the State to use their existing authority under the Rules of Criminal Procedure to use videotaped depositions and other mechanisms to assist child victims and witnesses during criminal prosecutions.

DICK THORNBURGH