

No. 1

AN ACT

SB 349

Making an appropriation to the Department of Forests and Waters for installation of streambank stabilization measures along the easterly bank of the Chemung River in the Borough of Athens, Bradford County.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of one hundred forty thousand dollars (\$140,000), or as much thereof as may be necessary, is hereby appropriated to the Department of Forests and Waters for the purpose of installing suitable streambank stabilization measures along the easterly bank of the Chemung River, upstream of the U. S. Route 220 Bridge, in the Borough of Athens, Bradford County.

Section 2. This act shall take effect July 1, 1967.

January 12, 1968

To the Honorable, the Senate

of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 349, Printer's No. 359, entitled "An Act making an appropriation to the Department of Forests and Waters for installation of streambank stabilization measures along the easterly bank of the Chemung River in the Borough of Athens, Bradford County."

The bill would appropriate the sum of \$140,000, or as much thereof as may be necessary, for the purpose of installing suitable streambank measures upstream of U. S. Route 220 Bridge in the Borough of Athens.

The substantial expenditure authorized by this bill was not provided for in the budget for the current fiscal year. The fiscal situation of the Commonwealth at this time makes it impossible for me to approve any such unbudgeted item.

For this reason, the bill is not approved.

RAYMOND P. SHAFER

No. 2

AN ACT

SB 531

Making an appropriation to the Pennsylvania Historical and Museum Com-

mission, for the repair and restoration of historical structures at Hannastown, subject to certain conditions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of one hundred thousand dollars (\$100,000), or as much thereof as may be necessary, is hereby specifically appropriated to the Pennsylvania Historical and Museum Commission, to be expended by said commission for the repair and restoration of historical structures at Hannastown, symbolic of the town's role as the first seat of justice west of the Allegheny and Appalachia Mountains nearly two centuries ago.

Section 2. The moneys hereby appropriated shall be available and expended only at such time as a sum equal to the amount hereby appropriated by the Commonwealth is matched by the Westmoreland County Historical Society, to be used for the acquisition, repair and restoration of historical sites and structures, and upon further condition that the Westmoreland County Historical Society shall covenant to thereafter preserve and maintain the buildings in a good state of repair. Affidavit evidencing such covenant shall be submitted by the Westmoreland County Historical Society to the Auditor General.

March 15, 1968

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

I return herewith, without my approval, Senate Bill No. 531, Printer's No. 555, entitled "An Act making an appropriation to the Pennsylvania Historical and Museum Commission, for the repair and restoration of historical structures at Hannastown, subject to certain conditions."

The bill would appropriate the sum of \$100,000, or as much thereof as may be necessary, for the repair and restoration of historical structures at Hannastown, symbolic of the town's role as the first seat of justice west of the Allegheny and Appalachia Mountains. The moneys would become available at such time as an equal sum is matched by the Westmoreland County Historical Society.

The substantial appropriation made by this bill was not provided for in the budget. The present fiscal situation of the Commonwealth makes it impossible for me to approve any such unbudgeted item.

For the reasons stated the bill is not approved.

RAYMOND P. SHAFER

No. 3
AN ACT

SB 1109

Making an appropriation to the Pennsylvania Historical and Museum Commission for the continuing expenses connected with the undertaking of the Pennsylvania Registry of Historic Landmarks as a part of the National Registry of Historic Landmarks.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of twenty-five thousand dollars (\$25,000), or as much thereof as may be necessary, is hereby appropriated to the Pennsylvania Historical and Museum Commission for employment of personnel, contracts for historical surveys, expenses of cooperative agreements with historical societies and preservation groups for surveys of historic sites and buildings for matching fund agreements with the National Park Service for Federal aid funds, and other necessary expenses connected with conducting and completing a statewide Registry of Historic Landmarks to form a part of the forthcoming National Registry of Historic Landmarks.

Section 2. This act shall take effect immediately.

May 17, 1968

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

I return herewith, without my approval, Senate Bill No. 1109, Printer's No. 1691, entitled "An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the continuing expenses connected with the undertaking of the Pennsylvania Registry of Historic Landmarks as a part of the National Registry of Historic Landmarks."

The bill would appropriate the sum of \$25,000, or as much thereof as may be necessary, for the employment of personnel, contracts for historical surveys, expenses of cooperative agreements with historical societies and preservation groups for surveys of historic sites and buildings for matching fund agreements with the National Park Service for Federal aid funds, and other necessary expenses connected with the conducting and completing of a statewide Registry of Historic Landmarks to form a part of the National Registry of Historic Landmarks. The bill would become effective immediately.

The appropriation made by this bill was not provided for in the Budget. The present fiscal situation of the Commonwealth makes it impossible for me to approve the bill.

For the reason stated, the bill is not approved.

RAYMOND P. SHAFER

No. 4

AN ACT

HB 696

Making an appropriation to the Department of State for the purpose of reimbursing the various county boards of election for the extra expenses incurred in submitting the constitutional amendments to the electors of the Primary election of 1967.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of one hundred ninety-five thousand dollars (\$195,000), or as much thereof as may be necessary, is hereby appropriated to the Department of State for the purpose of reimbursing the various county boards of election for the extra expenses incurred in submitting the constitutional amendments to the electors at the Primary election of 1967. Such reimbursement shall be made on the basis of three cents for each registered elector in the county at the time of the election.

Section 2. This act shall take effect immediately.

May 31, 1968

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

I return herewith, without my approval, House Bill No. 696, Printer's No. 766, entitled "An Act making an appropriation to the Department of State for the purpose of reimbursing the various county boards of election for the extra expenses incurred in submitting the constitutional amendments to the electors of the Primary election of 1967."

The bill would appropriate \$195,000 or as much thereof as may be necessary for the purpose of reimbursing the various county boards of election for extra expenses incurred in submitting the constitutional amendments to the electors at the Primary election of 1967.

The substantial expenditure authorized by this bill was not provided for in the budget for the current fiscal year. Despite the fact that the purpose of this bill has considerable merit, the fiscal situation of the Commonwealth at this time makes it impossible for me to approve any such unbudgeted item.

I would approve a bill making an appropriation for this purpose in an amount within our present fiscal and budgetary limitations.

For this reason, the bill is not approved.

RAYMOND P. SHAFER

No. 5
AN ACT

HB 1783

Amending the act of April 12, 1951 (P. L. 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option and repealing existing laws," providing a priority for those liquors and alcohols produced or bottled in Pennsylvania.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause (a) of section 207 and subsection (a) of section 305, act of April 12, 1951 (P. L. 90), known as the "Liquor Code" are amended to read:

Section 207. General Powers of Board.—Under this act, the board shall have the power and its duty shall be:

(a) To buy, import or have in its possession for sale, and sell liquor and alcohol in the manner set forth in this act: [**Provided, however,**] **Provided, however, That the board shall in its purchase of liquor and alcohol give priority wherever feasible to those produced or bottled in Pennsylvania: And provided, further,** That all purchases shall be made subject to the approval of the Auditor General or his designated deputy.

* * *

Section 305. Sales by Pennsylvania Liquor Stores.—(a) Every Pennsylvania Liquor Store shall keep in stock for sale such classes, varieties and brands of liquor and alcohol as the board shall prescribe: **Provided, however, That the board shall give priority of display wherever feasible, to those classes, varieties and brands of liquor and alcohol produced and bottled in Pennsylvania.** If any person shall desire to purchase any class, variety or brand of liquor or alcohol which any such store does not have in stock, it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board. The customer shall be notified immediately upon the arrival of the goods.

Unless the customer pays for and accepts delivery of any such

special order within five days after notice of arrival, the store may place it in stock for general sale and the customer's deposit shall be forfeited.

* * *

July 11, 1968

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

I return herewith, without my approval, House Bill No. 1783, Printer's No. 2913, entitled "An Act amending the act of April 12, 1951 (P. L. 90), entitled 'An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option and repealing existing laws,' providing a priority for those liquors and alcohols produced or bottled in Pennsylvania."

This bill would require the Pennsylvania Liquor Control Board in its purchase and display of liquor and alcohol, wherever feasible, to give priority to those products produced or bottled in Pennsylvania.

While the bill appears to leave some discretion in the Board, the manifest intent and purpose is to create a mandatory priority for those liquors and alcohols produced or bottled in Pennsylvania. The net effect of the bill, therefore, would be to create a barrier between Pennsylvania and the remaining forty-nine states, regardless of whether or not any or all of those forty-nine states discriminated against Pennsylvania alcoholic products.

There is certainly a probability that the result of such legislation would have an adverse effect on those industries which it seeks to protect through retaliatory action by other states which presently do not discriminate against Pennsylvania products.

It would appear that the only sound basis for legislation which has the effect of discriminating against products of other states would be situations where such action is made necessary to counter acts of other states in discriminating against or entirely excluding Pennsylvania products from crossing their borders.

Acts which are discriminatory against products or services of other states also create the image that the products of this state must be protected. Such would clearly be an erroneous impression, since it is felt that Pennsylvania products in the area of alcoholic beverages

are of such quality as to compete favorably with similar products of other states, and that such competition works to the advantage of the particular industry involved, as well as to the advantage of the individual citizens of the Commonwealth.

Should there be any discrimination against Pennsylvania products there is adequate legislative sanction readily available in the Administrative Code, the Act of April 9, 1929, P. L. 177, Section 523 as amended, 71 P.S. Section 203, whereby immediate measures to counter discrimination against Pennsylvania products could be effected administratively by the Liquor Control Board without the necessity for any additional legislation.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

No. 6

AN ACT

SB 331

Making an appropriation to the Moore College of Art, Philadelphia, Pennsylvania.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of fifty thousand dollars (\$50,000), or as much thereof as may be necessary, is hereby specifically appropriated to the Moore College of Art, Philadelphia, Pennsylvania, for the fiscal year July 1, 1968 to June 30, 1969, for maintenance and the purchase of apparatus, supplies and equipment.

Section 2. This act shall take effect July 1, 1968.

July 18, 1968

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

I return herewith, without my approval, Senate Bill No. 331, Printer's No. 2082, entitled "An Act making an appropriation to the Moore College of Art, Philadelphia, Pennsylvania."

The bill would appropriate \$50,000, or as much thereof as may be necessary, to the Moore College of Art for the fiscal year July 1, 1968 to June 30, 1969, for maintenance and the purchase of apparatus, supplies and equipment.

The expenditure authorized by this bill was not provided for in the budget for the current fiscal year.

For this reason, and because of insufficient State revenue, the bill is not approved.

RAYMOND P. SHAFER

No. 7

AN ACT

SB 413

Making an appropriation to the Pennsylvania Historical and Museum Commission for the purpose of improvements and maintenance of the Gwynedd Post Office Building.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The Pennsylvania Historical and Museum Commission is empowered and directed to maintain and improve the old historical Gwynedd Post Office Building at Gwynedd, Pennsylvania.

Section 2. The sum of one thousand dollars (\$1,000), or as much thereof as may be necessary, is hereby appropriated to the Pennsylvania Historical and Museum Commission for the purpose of improving and maintaining the old historic Gwynedd Post Office Building.

Section 3. This act shall take effect immediately.

July 23, 1968

To the Honorable, the Senate

of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 413, Printer's No. 428, entitled "An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the purpose of improvements and maintenance of the Gwynedd Post Office Building."

The bill empowers and directs the Commission to maintain and improve the Gwynedd Post Office Building. It appropriates the sum of \$1,000, or as much thereof as may be necessary, to the Commission for that purpose.

The building proposed to be improved is not owned by the Commonwealth of Pennsylvania, nor is it within the category of properties under the jurisdiction of the Pennsylvania Historical and Museum Commission. In addition to this, the building is presently located on land owned by a church. The Commonwealth cannot directly maintain and improve a building it does not own. Furthermore, the appropriation of Commonwealth funds for the improvement of property owned by religious organizations is prohibited by the Constitution of Pennsylvania.

For the above reasons, the bill is not approved.

RAYMOND P. SHAFER

No. 8
AN ACT

SB 245

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," providing for filing of copies of applications for State participation in certain Federal programs, the furnishing of reports in connection therewith and providing for the inclusion of available Federal funds in estimates of expenditures.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 604, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," amended June 3, 1943 (P. L. 833), is amended to read:

Section 604. Estimates of Current Expenditures by Departments, Boards, and Commissions.—Each administrative department, board, and commission, except the departments of which the Auditor General, Secretary of Internal Affairs and the State Treasurer are respectively the heads, shall, from time to time, as requested by the Governor, prepare and submit to the Governor, for approval or disapproval, an estimate of the amount of money required for each activity or function to be carried on by such department, board or commission, during the ensuing month, quarter, or such other period as the Governor shall prescribe. **All available Federal funds shall be characterized as and shall be included in the estimated expenditures which must be submitted and approved by the Governor, before any expenditures therefrom may be made.** If such estimate does not meet with the approval of the Governor, it shall be revised in accordance with the Governor's desires and resubmitted for approval.

After the approval of any such estimate, it shall be unlawful for the department, board, or commission to expend any appropriation **or Federal funds** or part thereof, except in accordance with such estimate, unless the same be revised with the approval of the Governor.

If any department, board, or commission, to which this section applies, shall fail or refuse to submit to the Governor estimates of expenditures, in accordance with the Governor's request, the Governor may notify the Auditor General, in writing, of such failure or refusal, and, after receipt of such notice, the Auditor General shall not draw any warrant in favor of such department, board, or commission, until the Governor shall have notified the Auditor General, in writing, that the delinquent department, board, or commission has furnished him with, and he has approved, the estimate as required by this section.

Section 2. The act is amended by adding after section 608, a new section to read:

Section 609. Filing of Copies of Applications for State Participation in Certain Federal Programs.—(a) *Whenever any administrative department, board or commission makes application, enters into a contract or agreement or submits State plans for participation in and for grants of Federal funds under any Federal law the department, board or commission making such application shall at the time of such action, notify the Governor's Office, the chairman of the Senate Appropriations Committee, the ranking minority member of the committee, and the chairman of the Appropriations Committee of the House of Representatives and the ranking minority member of the committee on forms and in a manner prescribed by the Governor's Office.*

(b) *Whenever any such application, contract, agreement or State plan is amended, such department, board or commission shall notify each such officer of such action in a manner prescribed by the Governor's Office.*

(c) *Such department, board or commission shall furnish to each such officer a progress report in relation to each such application, contract, agreement or State plan between January 1 and February 15 immediately following the filing of the application, contract, agreement or State plan, and between January 1 and February 15 of each year thereafter, and shall also file with each such officer a final report as to the final disposition of each such application, contract, agreement or State plan.*

July 23, 1968

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

I return herewith, without my approval, Senate Bill No. 245, Printer's No. 2205, entitled "An act amending the act of April 9, 1929 (P. L. 177), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain

administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined,' providing for filing of copies of applications for State participation in certain Federal programs, the furnishing of reports in connection therewith and providing for the inclusion of available Federal funds in estimates of expenditures."

Under present law, each administrative department, board and commission, except those departments headed by the Auditor General and the State Treasurer, prepare and submit to the Governor, upon his request and for the period he specifies, an estimate of the amount of money required for each activity or function to be carried on by such department, board or commission. After approval by the Governor, expenditures by each department, board or commission must be in accordance with such estimate. If a department, board or commission fails to comply with the above requirements, the Governor may direct the Auditor General, in writing, not to draw any warrant in favor of such department, board or commission.

This bill would require that available Federal funds be included in the estimate of expenditures by departments, boards or commissions before such funds may be expended.

I have no objection to this portion of the bill, which is Section 1, amending Section 604 of the Administrative Code. I agree that Federal funds are an integral part of the Budget, and, while the Budget does not include all Federal funds at present, it is my intent that the 1969-70 document will be expanded to do so. Thus this information will be available to the General Assembly in the future.

I have serious objections to Section 2 of the bill which would add a new Section 609 to the Code directing any department, board or commission which makes application, enters into an agreement, or submits State plans for participation in and for grants of Federal funds, or amends same, to notify the Governor's Office, the chairman and ranking minority member of the House and Senate Appropriations Committees on forms and in a manner prescribed by the Governor's Office. In addition to this, the department, board or commission would be required to furnish annual progress reports and a report on the final disposition of each such application, contract, agreement, or State plan for Federal funds.

Although the bill provides that such information shall be in the form and manner prescribed by the Governor's Office, in effect it makes the agency head directly responsible to the Legislature for

presentation of a budget involving Federal funds. Under the law, it is the Governor's responsibility to present a budget.

Furthermore, this bill would produce a Niagara of paperwork which would require additional staff in the departments, boards and commissions, in the Governor's Office and in the Legislature to analyze the information. Funds for such additional staff are not included in the Budget.

Although I am in accord with the aim of the legislation to keep the General Assembly informed, I do not think the objective would be realized by this bill as proposed.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

No. 9

AN ACT

SB 1312

Making an appropriation to the Department of Public Welfare for use by its Office for the Blind for the payment of salaries of personnel of the Beacon Lodge Camp for the Blind, Lewistown, Pennsylvania.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of thirteen thousand five hundred dollars (\$13,500), or as much thereof as may be necessary, is hereby specifically appropriated for the fiscal year July 1, 1968 to June 30, 1969 to the Department of Public Welfare for use by its Office for the Blind for the payment of the salaries of personnel of the Beacon Lodge Camp for the Blind, Lewistown, Pennsylvania.

Section 2. This act shall take effect July 1, 1968.

July 23, 1968

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

I return herewith, without my approval, Senate Bill No. 1312, Printer's No. 1628, entitled "An Act making an appropriation to the Department of Public Welfare for use by its Office for the Blind for the payment of salaries of personnel of the Beacon Lodge Camp for the Blind, Lewistown, Pennsylvania."

The bill would appropriate to the Department of Public Welfare the sum of thirteen thousand five hundred dollars (\$13,500), for the fiscal year July 1, 1968 to June 30, 1969, for use by its Office for the Blind for the payment of the salaries of personnel of the Camp.

The expenditure authorized by this bill was not provided for in the Budget and funds are not available for this purpose.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

No. 10

AN ACT

SB 1121

Amending the act of June 4, 1943 (P. L. 886), entitled, as amended, "An act creating a Municipal Employees' Retirement System for the payment of retirement allowances to officers and employes of political subdivisions and municipal authorities and of institutions supported and maintained by political subdivisions, and providing for the administration of the same by a board composed of certain state officers and others appointed by the Governor; imposing certain duties on the State Employees' Retirement Board and the actuary thereof; providing the procedure whereby political subdivisions and municipal authorities may join such system, and imposing certain liabilities and obligations on such political subdivisions and municipal authorities in connection therewith, and as to certain existing retirement and pension systems, and upon officers and employes of such political subdivisions; institutions supported and maintained by political subdivisions, and upon municipal authorities; providing certain exemptions from taxation, execution, attachment, levy and sale; and making an appropriation," providing for transfer between the Municipal Employees' Retirement System and the State Employees' Retirement System and for crediting of service and computation of benefits in cases of contributors making such transfers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "Final Salary" in section 2, act of June 4, 1943 (P. L. 886), known as the "Municipal Employees' Retirement Law," amended September 23, 1959 (P. L. 946), is amended to read:

Section 2. Definitions.—The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

* * *

"Final **Average Salary**," the **highest** average annual salary or compensation earned by a municipal employe and paid by the municipality during [the last five years immediately preceding retirement] **any five nonoverlapping periods of twelve consecutive months of contributory service** or if not so long employed, then the average annual salary or compensation paid during the whole period of such employment, **and in the case of any contributor with credit for multiple service, final average salary shall mean the highest average annual salary or compensation received by a contributor as a municipal**

employe or as a State employe during any five nonoverlapping periods of twelve consecutive months of contributory service.

* * *

Section 2. Section 2 of the act is amended by adding at the end thereof, four new definitions to read:

Section 2. Definitions.—The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

* * *

“Actuarial Equivalent” shall mean a benefit of equal value when computed on the basis of the mortality tables adopted by the retirement board and regular interest.

“Class M” shall consist of all municipal employes who have become members of the Municipal Employes’ Retirement System established under the provisions of this act.

“Multiple Service” shall mean nonconcurrent services of a contributor in the Municipal Employes’ Retirement System and the State Employes’ Retirement System for which credit is allowed under the provisions of this act or the State Employes’ Retirement Code of 1959, or both.

“Multiple Service Member” shall be any contributor with credited service in the State Employes’ Retirement System and who has elected to restore his accumulated deductions in accordance with section 15.1 and to have his superannuation retirement allowance or withdrawal allowance computed in accordance with the provisions of subsection (d) of section 20 or subsection (b) of section 22.

Section 3. The act is amended by adding after section 4, a new section to read:

Section 4.1. Duties of the Board; Transfer of Funds for Multiple Service.—(a) Upon receipt of notification from the State Employes’ Retirement Board that a former municipal employe who has not withdrawn his accumulated deductions has become a contributor in the State Employes’ Retirement System, the retirement board shall resume crediting of regular interest on his accumulated deductions as of the date that such former municipal employe becomes a contributor in the State Employes’ Retirement System.

(b) Upon notification by the State Employes’ Retirement Board that a former contributor has applied for a superannuation retirement allowance, withdrawal allowance or has made application for a death benefit according to the provisions of subsection (1) of section 407 of Article IV, act of June 1, 1959 (P. L. 392), known as the “State Employes’ Retirement Code of 1959,” the retirement board shall certify to the State Employes’ Retirement Board the total credited service in the Municipal Employes’ Retirement System of such former contributor.

(c) Upon notification from the State Employees' Retirement Board that the application of a former contributor for a superannuation retirement allowance, withdrawal allowance or the application of a beneficiary of a former contributor for a death benefit according to the provisions of subsection (2) of section 407 of Article IV, act of June 1, 1959 (P. L. 392), known as the "State Employees' Retirement Code of 1959," has been approved, the retirement board shall transfer to the State Employees' Retirement Board the accumulated deductions standing to his credit in the member's account and the actuarial equivalent of the municipal annuity standing to his credit in the municipal account.

(d) Upon application of a contributor whose employment as a municipal employe shall have terminated upon transfer to the State Employees' Retirement System or upon application of a former contributor who is presently a State employe and who shall have restored his accumulated deductions in the fund according to the provisions of section 19, the retirement board shall furnish him with a statement of the accumulated deductions standing to his credit in the member's account and the number of years and fractional parts thereof of service to his credit.

Section 4. The act is amended by adding after section 15, the following new sections to read:

Section 15.1. Duties of Municipalities.—Each municipality shall, upon the employment of a former contributor to the State Employees' Retirement System, notify such employe of his right to restore his accumulated deductions in accordance with the provisions of section 208 of Article II, act of June 1, 1959 (P. L. 392), known as the "State Employees' Retirement Code of 1959."

Section 15.2. Duties of Municipal Employes.—Upon application for membership, any municipal employe who was a former contributor in the State Employees' Retirement System and who desires to receive credit for multiple service and to have his contribution rate determined according to the provisions of section 18, shall notify the retirement board of such former membership in that system.

Section 5. Section 18 of the act is amended by adding at the end thereof, a new paragraph to read:

Section 18. Contributions by Members; Consolidation of Credits; Change of Employment.—* * *

In the case of a former contributor to the State Employees' Retirement System who becomes a municipal employe and a contributor and who has accumulated deductions standing to his credit in the members' annuity savings account in the State Employees' Retirement Fund, or who shall have agreed as of the date of becoming a contributor to restore his accumulated deductions to the members' annuity savings account in a manner agreed upon by the employe and the State Employees' Retirement Board, the rate of deduction from compensation shall be determined on the

basis of the age which was used to determine the rate of contribution to the State Employees' Retirement Fund prior to separation from the State Employees' Retirement System.

Section 6. Section 19 of the act is amended by adding at the end thereof, a new subsection to read:

Section 19. Withdrawal; Return to Service; Death in Service.—

* * *

(e) Each contributor who separates or has separated from the municipal service at any time and who has withdrawn his accumulated deductions and subsequently is employed or has been employed as a State employe and a contributor to the State Employees' Retirement System shall have the credited service forfeited by him at the time of separation from service restored in full to him as of the date he shall have restored to the retirement fund, to the credit of the member's account, his accumulated deductions as they were at the time of his separation in accordance with subsection (a) of this section.

Section 7. The act is amended by adding after section 19, a new section to read:

Section 19.1. Annuitant's Allowance Upon Return to Service and Subsequent Retirement.—(a) The superannuation retirement allowance or withdrawal allowance of any annuitant whose allowance was computed on the basis of service as a multiple service member who shall later return to service as a municipal employe or as a State employe shall cease upon re-entry into service until subsequent discontinuance of service.

(b) Upon subsequent discontinuance of service the allowance of a contributor who was formerly receiving a superannuation retirement allowance or a withdrawal allowance according to the provisions of the Municipal Employees' Retirement System or the State Employees' Retirement System shall be computed according to the following provision:

A contributor who is a member of the joint coverage group and who has credit for multiple service shall receive an allowance with respect to total credited service according to the provisions of section 20 or section 22 of this act, as the case may be.

Section 8. Section 20 of the act, amended April 19, 1945 (P. L. 265), subsection (b) amended September 23, 1959 (P. L. 946), is amended to read:

Section 20. Retirement for Superannuation.—Retirement for superannuation shall be as follows:

(a) Any contributor who has reached superannuation retirement age may retire for superannuation by filing with the board a written statement duly attested, setting forth on what date he desires to be retired. Said application shall make the superannuation retirement allowance effective on the date so specified, if such application was filed in the offices of the board or deposited in the United States mail, addressed to the board, before the date specified in the application

and before the death of the contributor. But the date so specified in the application shall not be more than thirty days from the date of filing, or the date the application was deposited in the mail.

(b) On retirement for superannuation, a contributor shall be entitled to a retirement allowance throughout his life, which shall consist of—

(1) A member's annuity which shall be the actuarial equivalent of his accumulated deductions; and

(2) A municipal annuity which shall be equal to (a) for current service, one one-hundred-twenty-fifth of his final *average* salary for each year of service while a member, and in addition thereto, (b) for prior service in the case of an original member, one one-hundred-twenty-fifth of his prior salary for each year of prior service or for a maximum of ten years if the municipality has so limited the period of prior service, and in addition thereto, one one-hundred-twenty-fifth of his prior salary of each year of prior service for which the municipality has paid or has obligated itself to pay the member's contributions. The municipal annuity related to that portion of a member's compensation on which social security benefits are payable shall in each case be reduced by one-half.

(c) In no event shall the municipal annuity exceed fifty per centum of the final *average* salary.

(d) A contributor who is a multiple service member and who becomes eligible for a superannuation retirement allowance and at that time or thereafter applies for a superannuation retirement allowance in accordance with the provisions of this section, shall receive a superannuation retirement allowance which shall be the sum of the annuities computed separately in accordance with the appropriate provisions of this section and section 401 of Article IV of the act of June 1, 1959 (P. L. 392), known as the "State Employes' Retirement Code of 1959," provided that: (i) in computing the retirement allowance attributable to service in the Municipal Employes' Retirement System and the State Employes' Retirement System, the final average salary for the computation of allowances for service in each system shall be the final average salary as defined in section 2 of this act; (ii) the State annuity or combined members' and State annuity, as the case may be, computed for service in any class of membership for which the superannuation retirement age is greater than the age of the contributor at the effective date of superannuation retirement, shall have a value equal to the present value of such annuity beginning at superannuation retirement age for such class of membership; (iii) in the case of a contributor who has transferred from Class B to Class A in the State Employes' Retirement System and who has not made back payments according to the provisions of clause (g) of subsection (2) of section 302 of Article III of the act of June 1, 1959 (P. L. 392), known as the "State Employes' Retirement Code of 1959," the prior service component applicable to an original

member shall equal one one-hundred-sixtieth of his final average salary, multiplied by total years prior service, multiplied by the ratio of years of contributory service, at the one one-hundred-sixtieth rate to total years of contributory service, plus one one-hundredth of his final average salary, multiplied by total years of prior service, multiplied by the ratio of contributory service at the one one-hundredth rate, to total years of contributory service.

Section 9. Section 22 of the act is amended to read:

Section 22. Retirement [Not] Voluntary; *Involuntary Withdrawal Allowance.*—(a) Should a member *whose entire service shall have been as a municipal employe* be discontinued from service not voluntarily, after having completed ten years of total service, or voluntarily after having completed twenty-five years of total service, but in either event before reaching superannuation retirement age, he shall be paid as he may elect, as follows:

[(a)] (1) The full amount of the accumulated deductions standing to his credit in the member's account of the fund, or

[(b)] (2) A member's annuity of equivalent actuarial value to his accumulated deductions, and in addition, a municipal annuity having a value equal to the present value of a municipal annuity, beginning at superannuation retirement age, calculated in accordance with the tables adopted by the board for such purpose, and with the privileges of the same options provided for in this act with respect to retirement allowances for superannuation retirement.

(b) *A contributor who has elected to become a multiple service member and whose service is discontinued voluntarily or involuntarily before reaching superannuation retirement age specified for any class of membership for which he has credited service and who applied for a withdrawal allowance, shall receive a voluntary or involuntary withdrawal allowance in accordance with the following provisions:*

(1) *A contributor shall be eligible for a voluntary or involuntary withdrawal allowance if he shall upon the date of discontinuance of service have accrued one hundred voluntary withdrawal credits or one hundred involuntary withdrawal credits.*

(2) *For each year of credited service a contributor shall be entitled, according to class of membership, to voluntary or involuntary withdrawal credits determined by reference to the following table:*

<i>Class of Membership</i>	<i>Number of Withdrawal Credits for Each Year of Service</i>	
	<i>Voluntary Withdrawal Credits</i>	<i>Involuntary Withdrawal Credits</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Municipal Employes' Retirement System</i>		
<i>M</i>	<i>4</i>	<i>10</i>
<i>State Employes' Retirement System</i>		
<i>A</i>	<i>4</i>	<i>10</i>
<i>B</i>	<i>4</i>	<i>10</i>
<i>C</i>	<i>4</i>	<i>10</i>
<i>D</i>	<i>10</i>	<i>10</i>
<i>D-1</i>	<i>10</i>	<i>10</i>
<i>D-2</i>	<i>10</i>	<i>10</i>
<i>D-3</i>	<i>12.5</i>	<i>12.5</i>
<i>E</i>	<i>5</i>	<i>10</i>
<i>E-1</i>	<i>5</i>	<i>10</i>
<i>F</i>	<i>0</i>	<i>0</i>

In determining eligibility for a voluntary withdrawal allowance only accumulated voluntary withdrawal credits determined with reference to columns (1) and (2) shall be added, and in determining eligibility for an involuntary withdrawal allowance withdrawal credits determined with reference to columns (1) and (3) shall be added.

(3) The voluntary or involuntary withdrawal allowance shall be the sum of the annuities computed separately in accordance with the appropriate provisions of section 22 of this act and subsection (2) of section 402 of Article IV, act of June 1, 1959 (P. L. 392), known as the "State Employes' Retirement Code of 1959:" Provided, That (i) in computing the withdrawal allowance attributable to service in the Municipal Employes' Retirement System and the State Employes' Retirement System the final average salary for the computation of allowances for service in each system shall be the final average salary as defined in section 2 of this act; (ii) in the case of a contributor who has transferred from Class B to Class A in the State Employes' Retirement System, the prior service component applicable to an original member shall have a value equal to an annuity beginning at superannuation retirement age of one one-hundred-sixtieth of his final average salary, multiplied by total years of prior service, multiplied by the ratio of years of contributory service at the one one-hundred-sixtieth rate to total years of contributory service, plus one one-hundredth of his final average salary, multiplied by total years of prior service, multiplied by the ratio of years of contributory ser-

vice at the one one-hundredth rate of total years of contributory service.

Section 10. This act shall take effect immediately.

July 31, 1968

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

I return herewith, without my approval, Senate Bill No. 1121, Printer's No. 1300, entitled "An Act amending the act of June 4, 1943 (P. L. 886), entitled, as amended, 'An act creating a Municipal Employes' Retirement System for the payment of retirement allowances to officers and employes of political subdivisions and municipal authorities and of institutions supported and maintained by political subdivisions, and providing for the administration of the same by a board composed of certain state officers and others appointed by the Governor; imposing certain duties on the State Employes' Retirement Board and the actuary thereof; providing the procedure whereby political subdivisions and municipal authorities may join such system, and imposing certain liabilities and obligations on such political subdivisions and municipal authorities in connection therewith, and as to certain existing retirement and pension systems, and upon officers and employes of such political subdivisions; institutions supported and maintained by political subdivisions, and upon municipal authorities; providing certain exemptions from taxation, execution, attachment, levy and sale; and making an appropriation,' providing for transfer between the Municipal Employes' Retirement System and the State Employes' Retirement System and for crediting of service and computation of benefits in cases of contributors making such transfers."

This bill amends the Municipal Employes' Retirement Law of June 4, 1943, P. L. 886.

The bill would permit contributors transferring between the Municipal Employes' Retirement System and the State Employes' Retirement System to receive credit for multiple nonconcurrent service in either system and benefits payable accordingly. The contributor would be required to restore the accumulated deductions (contributions plus interest credited thereto) to the system from which he is transferring in order to receive service credit therefrom when his retirement allowance is computed according to the provisions of the law.

The bill would also require that a multiple service annuitant returning to State or municipal service shall have his annuity discontinued upon such re-entry into service.

The concept of multiple service is to permit members of various retirement systems to transfer and receive multiple service credit toward their retirement. This would enhance retirement benefits and make an employe, otherwise ineligible to retire for lack of sufficient service credits, to become eligible upon proper accreditation. The

allowances would be computed separately from each system and provide a program which is beneficial to the mobile employe.

This bill would favor a small segment of Commonwealth and municipal employes without conferring equal benefits upon the majority of public employes who are members in other municipal pension programs and the Public School Employes' Retirement System. This could result in a gross inequity to this latter group of employes.

The transferability feature in retirement programs is highly desirable but should be made available to all public employes equally. Furthermore, there is no present basis upon which the cost of such a proposed program can be estimated. A serious and comprehensive study should be undertaken to review the cost and feasibility of such a program before it is put in effect. Until such information is made available, the cost of the proposed program would be a matter of pure conjecture.

It would be highly inconsistent to approve legislation of this nature without making budgetary provisions for the cost thereof. The budgetary requirements could not be met without reliable information as to the cost of the program.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

No. 11

AN ACT

HB 431

Making appropriations to the Pennsylvania Historical and Museum Commission for the acquisition, maintenance, repair and development of certain historical and museum properties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of fifty thousand dollars (\$50,000), or as much thereof as may be necessary, is hereby specifically appropriated to the Pennsylvania Historical and Museum Commission to be made available to the Indiana County Historical Society by the commission for the restoration and repair of Croylands, the historical home of General Harry White, in Indiana Borough, Indiana County, Pennsylvania, subject to the approval of plans by the Pennsylvania Historical and Museum Commission.

Section 2. The sum of ten thousand dollars (\$10,000), or as much thereof as may be necessary, is hereby appropriated to the Pennsylvania Historical and Museum Commission to be made available to the Cruiser Olympia Association, Inc., of Philadelphia, Pennsylvania,

for the purpose of developing an educational museum on the cruiser Olympia and for the general maintenance of the cruiser Olympia, subject to the approval of plans by the Pennsylvania Historical and Museum Commission.

Section 3. (a) The Pennsylvania Historical and Museum Commission, with the approval of the Governor, is authorized to purchase in the name of the Commonwealth of Pennsylvania a tract of land in East Allen Township, Northampton County on which is erected the "Wolf Academy."

(b) For the purpose of acquiring, restoring and improving the Wolf Academy the sum of ten thousand dollars (\$10,000) is hereby appropriated out of the General Fund to the Pennsylvania Historical and Museum Commission to be used for the payment of the purchase price and incidental expenses, including the completion of an abstract of title, and for repairs, improvement and other restoration work at the Wolf Academy in East Allen Township, Northampton County and for the payment of wages, salaries or other compensation of such superintendent, guards and workmen as may be necessary for the restoration, improvement and care of said property, for the purchase of materials and equipment for contracted repairs, for the payment of professional fees for architectural supervision, for the purchase of furnishings and articles of historic interest to the public and for other incidental and contingent expenses.

(c) The land shall not be acquired until its title has been approved by the Department of Justice.

(d) After the acquisition, restoration and improvement of the Wolf Academy shall have been completed, the Pennsylvania Historical and Museum Commission, with the approval of the Governor, is authorized to enter into agreement with any reputable local historical organization whereby it shall have possession and administration of said property, including the grounds, in consideration of the covenant of that organization to preserve and maintain the Wolf Academy in a good state of repair and to maintain it as an historic monument open to visitation by the public.

Section 4. This act shall take effect immediately.

July 31, 1968

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

I return herewith, without my approval, House Bill No. 431, Printer's No. 3718, entitled "An Act making appropriations to the Pennsylvania Historical and Museum Commission for the acquisition, maintenance, repair and development of certain Historical and Museum properties."

The bill would appropriate to the Pennsylvania Historical and Museum Commission the sum of fifty thousand dollars (\$50,000) to be made available to the Indiana County Historical Society for the

restoration and repair of Croylands, the historical home of General Harry White, in Indiana Borough, Indiana County, subject to approval of plans by the Pennsylvania Historical and Museum Commission.

The bill would further appropriate to the Commission the sum of ten thousand dollars (\$10,000), to be made available to the Cruiser Olympia Association, Inc. of Philadelphia, for the purpose of developing an educational museum on the cruiser and for general maintenance of the cruiser, subject to approval of plans by the Pennsylvania Historical and Museum Commission.

In addition, the bill would appropriate to the Commission the further sum of ten thousand dollars (\$10,000), to be used for the payment of the purchase price of a tract of land in East Allen Township, Northampton County, on which is erected Wolf Academy, and for repairs, improvement and other restoration of the Academy. After the work has been completed the Commission, with the approval of the Governor, would be authorized to enter into an agreement with any reputable local historical organization to have possession of the property in consideration of the covenant that the organization preserve the Academy in good repair and to maintain it as an historic monument open to the public.

The expenditures authorized by this bill were not provided for in the Budget and funds are not available for these purposes.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

No. 12

AN ACT

HB 464

Making an appropriation to the Pennsylvania Historical and Museum Commission for the repair and restoration of the Caleb Pusey House, subject to certain conditions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of eleven thousand dollars (\$11,000), or as much thereof as may be necessary, is hereby specifically appropriated to the Pennsylvania Historical and Museum Commission to be expended by said commission for the repair and restoration of the historic Caleb Pusey House in the Borough of Upland, Delaware County, Pennsylvania.

Section 2. The moneys hereby appropriated shall be available and expended only at such time as a sum equal to the amount hereby appropriated by the Commonwealth is contributed to the Trustees of the Caleb Pusey House by local historical societies, associations or

similar organizations, or by individuals, to be used for the repair and restoration of the said Caleb Pusey House, and upon further condition that one or more local historical societies, associations or similar organizations shall covenant with said trustees to thereafter preserve and maintain the Caleb Pusey House in a good state of repair. Previously appropriated State funds shall not be included in determining the amount contributed under the provisions hereof. Affidavits evidencing such contributions and covenants shall be submitted by said trustees to the Auditor General.

July 31, 1968

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

I return herewith, without my approval, House Bill No. 464, Printer's No. 502, entitled "An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the repair and restoration of the Caleb Pusey House, subject to certain conditions."

The bill would appropriate to the Pennsylvania Historical and Museum Commission the sum of eleven thousand dollars (\$11,000), for the repair and restoration of the historic Caleb Pusey House in the Borough of Upland, Delaware County, upon condition that matching funds be contributed by local historical or similar organizations, and upon certain other conditions not here relevant.

The expenditure authorized by this bill was not provided for in the Budget and funds are not available for this purpose.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

No. 13

AN ACT

HB 647.

Making an appropriation to the Pennsylvania Historical and Museum Commission for essential repairs and maintenance of the Karthaus Iron Furnace, Karthaus Township, Clearfield County.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of twenty-five thousand dollars (\$25,000), or as much thereof as may be necessary, is hereby appropriated to the Pennsylvania Historical and Museum Commission for essential repairs and maintenance of the Karthaus Iron Furnace, Karthaus Township, Clearfield County, in order to better prepare the property for public use as a museum.

July 31, 1968

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

I return herewith, without my approval, House Bill No. 647, Printer's No. 706, entitled "An Act making an appropriation to the Pennsylvania Historical and Museum Commission for essential repairs and maintenance of the Karthaus Iron Furnace, Karthaus Township, Clearfield County."

The bill appropriates the sum of \$25,000 or as much thereof as may be necessary to the Pennsylvania Historical and Museum Commission for repairs and maintenance of the Karthaus Iron Furnace in Clearfield County to prepare the property for public use as a museum.

The Karthaus Iron Furnace is presently not owned by the Commonwealth of Pennsylvania. Appropriations of state monies for repair and restoration of such structures, not the property of the Commonwealth, are prohibited by the Administrative Code. Monies for such repairs should be in the form of grants and not appropriations.

The appropriation made by this bill was not provided for in the budget. The present fiscal situation of the Commonwealth makes it impossible for me to approve any such unbudgeted item.

For the reasons stated the bill is not approved.

RAYMOND P. SHAFER

No. 14
AN ACT

HB 2547

Making appropriations to the Pennsylvania Historical and Museum Commission for the use of Junior Historian Chapters to promote interest in Pennsylvania history by encouraging the formation of Junior History Clubs in the schools of the Commonwealth and the repair and restoration of historical structures at Hannastown.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of twenty-five thousand dollars (\$25,000), or as much thereof as may be necessary, is hereby specifically appropriated to the Pennsylvania Historical and Museum Commission for the fiscal year July 1, 1968 to June 30, 1969 for the use of Junior Historian Chapters to promote interest in Pennsylvania history by encouraging the formation of Junior History Clubs in the schools of the Commonwealth.

Section 2. (a) The sum of one hundred thousand dollars (\$100,000), or as much thereof as may be necessary, is hereby specifically appropriated to the Pennsylvania Historical and Museum Commission,

to be expended by said commission for the repair and restoration of historical structures at Hannastown, symbolic of the town's role as the first seat of justice west of the Allegheny and Appalachia Mountains nearly two centuries ago.

(b) The moneys hereby appropriated shall be available and expended only at such time as a sum equal to the amount hereby appropriated by the Commonwealth is matched by the Westmoreland County Historical Society, to be used for the acquisition, repair and restoration of historical sites and structures, and upon further condition that the Westmoreland County Historical Society shall covenant to thereafter preserve and maintain the buildings in good state of repair. Affidavit evidencing such covenant shall be submitted by the Westmoreland County Historical Society to the Auditor General.

Section 3. This act shall take effect July 1, 1968.

July 31, 1968

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

I return herewith, without my approval, House Bill No. 2547, Printer's No. 3903, entitled "An Act making appropriations to the Pennsylvania Historical and Museum Commission for the use of Junior Historian Chapters to promote interest in Pennsylvania history by encouraging the formation of Junior History Clubs in the schools of the Commonwealth and the repair and restoration of historical structures at Hannastown."

The bill would appropriate the sum of \$25,000 or as much thereof as may be necessary to the Pennsylvania Historical and Museum Commission for the use of Junior Historian Chapters to promote interest in Pennsylvania history by encouraging the formation of Junior History Clubs. The second section of the bill appropriates the sum of \$100,000 or as much thereof as may be necessary to the Pennsylvania Historical and Museum Commission to be expended for the repair and restoration of historical structures at Hannastown. The monies appropriated as to Hannastown shall be available only at such time as a matching sum is presented by the Westmoreland County Historical Society and that the said Society covenant to preserve and maintain the building thereafter.

The historical structures at Hannastown are not the property of the Commonwealth of Pennsylvania. Appropriations of state monies for repair and restoration of such structures, not the property of the Commonwealth, are prohibited by the Administrative Code. Monies for this purpose should be made available in the form of grants rather than by appropriations.

Furthermore, the substantial appropriations made by the bill were not provided for in the budget. The present fiscal situation of the Commonwealth makes it impossible for me to approve any such un-budgeted item.

For the reasons stated the bill is not approved.

RAYMOND P. SHAFER

No. 15
AN ACT

HB 2641

Amending the act of April 12, 1951 (P. L. 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," further providing for the granting of liquor licenses in certain municipalities.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of April 12, 1951 (P. L. 90), known as the "Liquor Code," is amended by adding after section 472.1, a new section to read:

Section 472.2. Granting of Liquor Licenses in Certain Municipalities.—(a) In any municipality which has, prior to January 1, 1967, by referendum, approved the granting of malt and brewed beverage retail dispensers' licenses and has also thereafter, in a separate and subsequent referendum approved the granting of liquor licenses prior to the effective date of this amendment, the board may issue to an applicant holding a malt and brewed beverage retail dispenser's license, a liquor license. The board shall not issue such a liquor license in excess of one for each one thousand five hundred residents in said municipality and any application for said license shall be filed within two years of the date of the referendum approving the sale of liquor or within two years from the effective date of this amendment, whichever is later.

(b) Nothing in this section shall affect any existing malt and brewed beverage retail dispenser's license and in the event that there are more applications for liquor licenses than are available under the quota provisions, the board may exercise its discretion in the granting of the licenses and its decision shall be final.

Section 2. This act shall take effect immediately.

July 31, 1968

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

I return herewith, without my approval, House Bill No. 2641, Printer's No. 3571, entitled "An Act amending the act of April 12, 1951, P. L. 90, entitled 'An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws,' further providing for the granting of liquor licenses in certain municipalities."

This bill would provide for the granting of liquor licenses to the holders of retail beer permits in municipalities which prior to January 1, 1967 had approved beer sales and which subsequent to that time voted approval of liquor sales.

The bill further would give licensees two years to apply for the exchange, either after the effective date of the act or after future local option elections, whichever date is later.

While the bill purports to make such exchanges subject to the present quota provisions of one license for each 1500 residents in subsection (a), it is clear upon reading subsection (b) that it has failed to accomplish its purpose.

It appears that should applications be filed for exchanges in excess of the quota limitations then the Board would have absolute and final authority to decide whether or not a license should be granted in excess of quota. Such a provision is alien to the whole intent and purpose of the Liquor Code.

First of all, such a measure would subject the Board to untold pressures from individuals wanting a license in excess of the quota limitations.

Secondly, while Pennsylvania has been extremely fortunate that it has had and undoubtedly will continue to have men of the highest integrity serve as members of the Liquor Control Board, it is not in the best interests of good government to subject men to the pressures of attempts to secure favoritism such as this bill would engender.

Finally, it is a matter of common knowledge that the fact of over quota licensing is one of the principal problems facing the liquor industry at this time. Approval of this bill could only further add to these chaotic conditions.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

No. 16
AN ACT

HB 2709

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," providing for furnishing public sewage and water service by the Department of Forests and Waters to school districts, cities, boroughs and townships including or adjacent to Printz Gallitzin State Park.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1806, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," is amended by adding at the end thereof, a new clause to read:

Section 1806. Parks.—The Department of Forests and Waters shall have the power, and its duty shall be:

* * *

(k) To furnish, at reasonable charges, public sewage and water service from sewer and water installations at Printz Gallitzin State Park, to any school district, city, borough and township including or adjacent to Printz Gallitzin State Park, so long as there shall exist sewage and water facilities at Printz Gallitzin State Park with unused capacity to do so.

Section 2. This act shall take effect immediately.

July 31, 1968

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

I return herewith, without my approval, House Bill No. 2709, Printer's No. 3692, entitled "An Act amending the act of April 9, 1929 (P. L. 177), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the

boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined,' providing for furnishing public sewage and water service by the Department of Forests and Waters to school districts, cities, boroughs and townships including or adjacent to Printz Gallitzin State Park."

This bill would establish a precedent requiring the Commonwealth to supply sewage and water service wherever the Commonwealth maintains a park or institution which has such services as long as it has "unused" capacity available. The bill does not take into consideration the possible increased future needs of the Commonwealth. If the Commonwealth is to share its facilities with adjoining school districts or communities, it should be based upon "unreserved" capacity rather than "unused" capacity.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

No. 17

AN ACT

HB 2261

Authorizing cities of the first class and counties, other than counties of the first class, to borrow money and make appropriations of the same for State College and certain university campuses or facilities.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. (a) The council, in any city of the first class, and the board of commissioners of any county, other than a county of the first class, may borrow money and may appropriate the same to any of the several State Colleges or to the Pennsylvania State University, Temple University, University of Pittsburgh, or Indiana University of Pennsylvania for the purpose of establishing, extending or enlarging or assisting in the establishing, extending or enlarging of a campus or facilities of any such State College or university within said city or county.

(b) In exercising the powers herein conferred, said city council or county commissioners may, in their discretion, subject to constitutional limitations, issue interest bearing bonds of the city or county in accordance with the provisions of the Municipal Borrowing Law, as to counties, or, other applicable law, as to the City of Philadelphia.

Section 2. This act shall take effect immediately.

July 31, 1968

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

I return herewith, without my approval, House Bill No. 2261, Printer's No. 3027, entitled "An Act authorizing cities of the first class and counties, other than counties of the first class, to borrow money and make appropriations of the same for State College and certain university campuses or facilities."

The bill would authorize the council, in any city of the first class, and the board of commissioners of any county, other than a county of the first class, to borrow money and to appropriate the same to any State College or to Pennsylvania State University, Temple University, University of Pittsburgh, or Indiana University of Pennsylvania for the purpose of establishing, extending, or enlarging or assisting in the establishing, extending or enlarging of a campus or facilities of any such State College or university within such city or county. In borrowing for this purpose, the city council or county commissioners are empowered to issue interest bearing bonds in accordance with the Municipal Borrowing Law as to counties, or, other applicable law as to the City of Philadelphia.

The effect of this bill is to empower the council of a city of the first class and the board of commissioners of counties, other than counties of the first class, to determine the location and need for off-campus centers without reference to Commonwealth educational agencies. The bill is thus in direct conflict with the Master Plan for Higher Education promulgated by the State Board of Education which holds that there must be long-range coordinated planning of higher education within the context of total state needs. Further, the indebtedness authorized by this bill would militate against the establishment of a community college in the same area however desirable that form of post-secondary educational institution might be.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

No. 18

AN ACT

HB 2506

Amending the act of April 12, 1951 (P. L. 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," authorizing the board to offer and pay rewards for information leading to the arrest and conviction of persons guilty of a certain criminal act.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 207, act of April 12, 1951 (P. L. 90), known as the "Liquor Code," is amended by adding at the end thereof, a new clause to read:

Section 207. General Powers of Board.—Under this act, the board shall have the power and its duty shall be:

* * *

(k) To offer and pay rewards not exceeding five thousand dollars (\$5,000) to persons for information leading to the arrest and conviction of persons guilty of any one criminal act against personnel employed by the board in State liquor stores while such personnel are on duty.

December 10, 1968

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

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 2506, Printer's No. 3976, entitled "An Act amending the act of April 12, 1951 (P. L. 90), entitled 'An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license

fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws,' authorizing the board to offer and pay rewards for information leading to the arrest and conviction of persons guilty of a certain criminal act."

This bill purports to authorize the Pennsylvania Liquor Control Board to offer and pay rewards not exceeding \$5,000 to persons for information which leads to the arrest and conviction of persons guilty of any criminal act against State liquor store employees while such employees are on duty.

The bill does not, however, indicate any particular body in which the discretion is vested to determine when and in what amounts such rewards are to be paid. It must, therefore, be assumed that since the power is vested in the Liquor Control Board the absolute discretion in determining at what times and in what amounts rewards should be paid is also vested in that Board.

The bill establishes no standards whatsoever in determining in what type of case such rewards are to be paid. It is entirely feasible that a person observing an individual receiving more change from a liquor store employee than that which the person is allowed and reporting such fact could be entitled to a reward up to the amount of \$5,000. It is just as feasible on the other hand that person furnishing information leading to the arrest and conviction of a person committing a felony against a State liquor store employee could be awarded a \$50 reward.

The bill establishes no distinctions between summary offenses, misdemeanors, or felonies and sets no guide lines from which the Board could determine applicable ranges of rewards.

The failure of the bill to establish guide lines also makes it objectionable as an unlawful delegation of legislative authority.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

No. 19

AN ACT

SB 678

Authorizing the Pennsylvania Historical and Museum Commission to acquire the Wolf Academy in East Allen Township, Northampton County, providing for its restoration, improvement, future care and maintenance as an historical site and making an appropriation.

Whereas, the Wolf Academy located near Bath, in East Allen Township, Northampton County was named in honor of George Wolf,

the seventh Governor of Pennsylvania and founder of the public school system of this State, who was reared immediately adjacent thereto and educated therein; and

Whereas, this native stone structure constructed in the year 1785, provided the fine academic training necessary to enable George Wolf to become one of the most outstanding citizens in our early Commonwealth and to serve in such capacities as a member of the House of Representatives, Congressman and Governor; and

Whereas, the Wolf Academy is one of the earliest of our historical landmarks of which there are too few in an area so rich with historical lore, being one of the early structures erected in the first settlement of white people in Northampton County; and

Whereas, this little stone school house which is the only physical monument to George Wolf, that early day statesman who contributed so greatly toward the education and development of this Commonwealth is in a very sad state of repair and faces the possibility of forever being lost to us as an historical structure unless funds are made available for its purchase;

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The Pennsylvania Historical and Museum Commission, with the approval of the Governor, is authorized to purchase in the name of the Commonwealth of Pennsylvania a tract of land in East Allen Township, Northampton County on which is erected the "Wolf Academy".

Section 2. For the purpose of acquiring, restoring and improving the Wolf Academy the sum of ten thousand dollars (\$10,000) is hereby appropriated out of the General Fund to the Pennsylvania Historical and Museum Commission to be used for the payment of the purchase price and incidental expenses, including the completion of an abstract of title, and for repairs, improvement and other restoration work at the Wolf Academy in East Allen Township, Northampton County and for the payment of wages, salaries or other compensation of such superintendent, guards and workmen as may be necessary for the restoration, improvement and care of said property, for the purchase of materials and equipment for contracted, repairs, for the payment of professional fees for architectural supervision, for the purchase of furnishings and articles of historic interest to the public and for other incidental and contingent expenses.

Section 3. The land shall not be acquired until its title has been approved by the Department of Justice.

Section 4. After the acquisition, restoration and improvement of the Wolf Academy shall have been completed, the Pennsylvania Historical and Museum Commission, with the approval of the Governor, is authorized to enter into agreement with any reputable local historical organization whereby it shall have possession and administra-

tion of said property, including the grounds, in consideration of the covenant of that organization to preserve and maintain the Wolf Academy in a good state of repair and to maintain it as an historic monument open to visitation by the public.

Section 5. This act shall take effect immediately.

December 17, 1968

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

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 678, Printer's No. 716, entitled "An Act authorizing the Pennsylvania Historical and Museum Commission to acquire the Wolf Academy in East Allen Township, Northampton County, providing for its restoration, improvement, future care and maintenance as an historical site and making an appropriation."

The bill would appropriate the sum of \$10,000 to the Pennsylvania Historical and Museum Commission to be used for the payment of the purchase price and incidental expenses, including an abstract of title, and for repairs, improvement and other restoration work at the Academy; for the payment of wages, salaries, or other compensation of such superintendent, guards, and workmen as may be necessary for the restoration, improvement and care of said property; for the payment of fees for architectural supervision; for the purchase of furnishings and articles of historic interest to the public, and for other incidental expenses.

After the acquisition, restoration and improvement of the Academy, the Commission, with the approval of the Governor, is authorized to enter into agreement with any reputable local historical organization to preserve and maintain the Academy.

The expenditure authorized by this bill was not provided for in the Budget and funds are not available for this purpose.

For this reason, the bill is not approved.

RAYMOND P. SHAFER

No. 20

AN ACT

SB 1795

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the

several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," increasing annual leaves for employes with over ten or twenty years of service and changing provisions relating to accumulation of annual leaves.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Subsection (b) of section 222, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," amended June 4, 1965 (P. L. 95), is amended to read:

Section 222. Work-Hours and Leaves.—* * *

(b) Each salaried employe of such department, board or commission **with under ten years of service** shall be entitled each calendar year to a number of days' annual leave of absence with full pay equal to three times the number of working days in such employe's normal work week. **Each salaried employe with over ten but less than twenty years of service shall be entitled, each calendar year, to a number of days' annual leave of absence with full pay equal to four times the number of working days in such employe's normal work week, and each salaried employe with over twenty years of service shall be entitled, each calendar year, to a number of days' annual leave of absence with full pay equal to five times the number of working days in such employe's normal work week.** Each hourly or per diem employe of such department, board or commission shall be entitled to one day's annual leave of absence with pay for each one hundred and forty (140) hours such employe shall work. Unused annual leave of absence shall be carried over from one calendar year to the next: Provided, That in no case shall the amount thus carried over exceed [the amount of annual leave of absence which an employe earned during the twenty-four months preceding the carry-over date in which the employe was in compensable status.] **thirty days for employes whose normal work week is five days or thirty-six days for employes whose normal work week is six days.** Annual leave as provided in this section shall be granted in accordance with regulations issued by the Executive Board.

* * *

Section 2. This act shall take effect the first day of the month following final enactment.

December 18, 1968

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

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 1795, Printer's No. 2368, entitled "An Act amending the act of April 9, 1929 (P. L. 177), entitled 'An

act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined,' increasing the annual leaves for employes with over ten or twenty years of service and changing provisions relating to accumulation of annual leaves."

The bill would increase such leaves of absence to four times the number of working days in the work week for employes with over ten but less than twenty years of service; and to five times the number of working days in such work week for employes with over twenty years of service.

The limitation on the amount of unused annual leaves of absence which may be carried over from one year to the next will remain at thirty days for employes whose normal work week is five days, or thirty-six days for employes whose normal work week is six days.

The bill in its present form would necessitate additional expenditures for overtime or substitute employes in hospitals, correctional institutions, and other facilities where a minimum level of manpower coverage must be maintained at all times. There is no provision for this added expenditure in the budget.

Although the Commonwealth does not provide additional annual leave benefits as a reward to employes for long service, the present annual leave policy is a liberal one and compares very favorably with annual leave policies of other states.

The need to provide additional annual leave benefits for long service is recognized; however, the adoption of the policy proposed in this bill would go beyond what is needed for the Commonwealth to remain competitive among the fifty states. For example, the bill would provide twenty days' annual leave after ten years of service. There are only two other states which allow this amount of vacation to employes with only ten years of service. Further, there are no other states in the nation that provide for twenty-five days of annual leave, which is the amount authorized under the bill for employes with twenty or more years of service.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

No. 21
AN ACT

HB 162

Amending the act of June 21, 1939 (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," including infectious hepatitis within the meaning of the term occupational disease in the occupation of nursing or auxiliary services and changing the payments for silicosis and anthraco-silicosis.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause (m) of section 108, act of June 21, 1939 (P. L. 566), known as "The Pennsylvania Occupational Disease Act," amended April 20, 1956 (P. L. 1478), is amended to read:

Section 108. The term "occupational disease," as used in this act, shall mean only the following diseases:

* * *

(m) Tuberculosis *or infectious hepatitis* in the occupation of nursing or auxiliary services involving exposure to such disease.

Section 2. Clause 2 of subsection (a) and subsection (i) of section 301 of the act, amended November 10, 1965 (P. L. 695) are amended to read:

Section 301. (a) * * *

2. The maximum compensation payable under this article for disability, and death resulting from silicosis, anthraco-silicosis, coal worker's pneumoconiosis, or asbestosis shall not exceed the sum of twelve thousand seven hundred fifty dollars (\$12,750) which shall be full and complete payment for all disability, present or future, or for death from such occupational diseases arising out of employment by any and all employers in this Commonwealth except that any employe who has received the maximum compensation herein or heretofore payable shall be paid additional compensation in the amount of [seventy-five dollars (\$75)] **one hundred dollars (\$100)** per month for each month of total disability occurring subsequent to the month in which such maximum compensation was received: Provided, That in the case of any employe who received the maximum compensation herein or heretofore payable prior to the effective date of this amending act, such additional compensation shall commence only with the

month this amending act becomes effective. Such additional compensation which is paid to an employe who, on the effective date of this amending act, is receiving compensation or has theretofore received the maximum compensation prescribed, shall be paid by the Commonwealth. Such additional compensation paid to an employe who first becomes entitled to compensation subsequent to the effective date of this amending act and who exhausts the maximum compensation prescribed, shall be paid from the same source or sources and in the same manner as the prescribed maximum compensation was paid.

* * *

(i) Notwithstanding any other provisions of this act, compensation for silicosis, anthraco-silicosis, coal worker's pneumoconiosis, and asbestosis shall be paid for each month beginning with the month this amending act becomes effective, or beginning with the first month of disability, whichever occurs later, at the rate of [seventy-five dollars (\$75)] **one hundred dollars (\$100)** per month, to every employe totally disabled thereby as a result of exposure thereto, who has not theretofore been compensated because his claim was barred by any of the time limitations prescribed by this act, and shall continue during the period of such total disability. No compensation under this section shall be paid to any employe who has not been exposed to a silica, coal, or asbestos hazard within the Commonwealth of Pennsylvania for a period of two years. All such compensation to those whose last exposure precedes the effective date of this amending act shall be paid by the Commonwealth. Employes whose last exposure follows the effective date of this amending act and who become entitled to the compensation provided by this subsection shall be paid as provided by this act.

Section 3. This act shall take effect immediately.

December 27, 1968

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

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, House Bill No. 162, Printer's No. 3854, entitled "An Act amending the act of June 21, 1939 (P. L. 566), entitled 'An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compen-

sation payable for certain occupational diseases; making an appropriation; and prescribing penalties,' including infectious hepatitis within the meaning of the term occupational disease in the occupation of nursing or auxiliary services and changing the payments for silicosis and anthraco-silicosis."

The bill would add infectious hepatitis as a compensable occupational disease in the occupation of nursing or auxiliary services involving exposure to such disease. It would also increase the amount of monthly payments from \$75 per month to \$100 per month to those totally disabled by miner's asthma who have exhausted their regular compensation or who have failed to qualify for regular compensation because they had not filed timely claims.

The purpose of the bill, in expanding the coverage of The Pennsylvania Occupational Disease Act to include the occupational hazard of infectious hepatitis to members of the nursing profession, has considerable merit particularly in view of their exposure to this disease.

However, it is estimated that the increases in disability payments provided by this amendment would require additional annual expenditures in excess of ten million dollars. This substantial expenditure was not anticipated or provided for in the budget for the current fiscal year. Despite the merit of the provision of this bill applicable specifically to members of the nursing profession, the present fiscal situation of the Commonwealth makes it impossible for me to approve a bill providing for the expenditure of such unbudgeted item.

For this reason, the bill is not approved.

RAYMOND P. SHAFER