

## Veto No. 1998-1

HB 907

December 2, 1998

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

I return herewith, without my signature, House Bill 907, Printer's Number 4173, entitled "An act making repeals of acts or parts of acts relating to counties."

House Bill 907 originally would have repealed only Act 60 of 1951, an obsolete law regarding fire training schools for paid and volunteer firemen within a county. On third consideration in the Senate, the bill was amended to add a new section repealing certain sections of Article XXX of the County Code, known as the "Southwestern Pennsylvania Regional Renaissance Initiative Act." Article XXX of the County Code had been enacted by the General Assembly as part of Act 18 of 1997. In addition, Act 18 added a new section 3903(b) to the County Code that repealed the definition of "redevelopment assistance capital project" in sections 1602-B and 1616.1-B(b) of the Fiscal Code "insofar as they would restrict or interfere with the provision of funding by the Commonwealth for the construction of regional destination facilities."

Although Article XXX became effective on June 18, 1997, section 3054(h) states that most of the provisions of Article XXX, as well as section 3903(b), "shall be of no force and effect" if the voters of eleven counties in southwestern Pennsylvania defeated referenda regarding the levying of an additional sales and use tax to fund certain facilities. The referenda were in fact defeated in the 1997 Municipal Election. While House Bill 907 would repeal most of Article XXX, including section 3054(h), the bill would not repeal the exception to the definition of "redevelopment assistance project" in section 3903(b).

It has been argued that this remaining repealer section of Act 18 – section 3903(b) of the County Code – would exempt certain facilities in Pittsburgh (specifically, the funding of "regional destination centers," including a baseball field, a football stadium, two theaters, various parks and parking facilities) from the redevelopment assistance limit on borrowing. Whether or not section 3903(b) would indeed authorize stadium funding is the subject of varying legal interpretations. What is beyond dispute, however, is that the legislature did not intend to authorize the funding of these projects through House Bill 907.

I believe the redevelopment assistance cap should be lifted to allow the funding of additional capital projects, including stadiums. But I also believe that the authorization should be accomplished in a clear and direct manner. The citizens of the Commonwealth need to be assured that this project is achieved with the opportunity for consideration by the members of the General Assembly. For these reasons, I am compelled to return this legislation without my signature.

THOMAS J. RIDGE

## Veto No. 1998-2

SB 279

December 23, 1998

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

I hereby disapprove and publicly proclaim and file with the Secretary of the Commonwealth my disapproval of Senate Bill 279, P.N. 1340.<sup>1</sup> This legislation creates an exception to Pennsylvania's motorcycle "helmet law." A person would not be required to wear a helmet if the person is 21 years of age or older and has been licensed to operate a motorcycle for two years or has completed a motorcycle rider safety course approved by the Department of Transportation or the Motorcycle Safety Foundation. The exception includes a passenger of the operator. The Legislative Budget and Finance Committee is required to conduct a study of the impact on medical and insurance costs resulting from this change.

The proponents of the elimination of the "helmet law" have made a strong case for its repeal and the desire of each individual to decide whether or not to wear the protective headgear. There are presently 25 states that only require certain riders, usually minors, to wear helmets, similar to Senate Bill 279. There are three states which have no helmet requirements.

While I support a repeal of the helmet law, another aspect of Senate Bill 279 is very troubling. Senate Bill 279 not only repealed the helmet law, but it also repealed the requirement that a motorcycle operator wear protective eyewear. If we repeal our protective eyewear requirement, I believe there is a much greater risk that there will be more accidents. Riders who do not wear protective eyewear will have impaired vision due to wind. There could also be additional accidents due to the impact of small stones, insects or debris hitting a rider in the eyes at high speeds. I am particularly concerned that a rider's decision not to wear eyewear could cause an accident that injures or kills another person. The compelling public debate of our helmet law focuses on the costs to society and individuals after an accident, one that likely would have occurred with or without a helmet. Repeal of our protective eyewear requirement could actually cause accidents.

It is my understanding that the exemption from the requirement that a motorcycle operator wear protective eyewear was unintended and that advocates of the helmet law repeal support restoring the eyewear requirement during the next legislative session. However, were I to sign Senate Bill 279 at this time, it would potentially be months before the General Assembly could pass another bill amending the appropriate sections of the Vehicle Code. Even if only a few motorcycle operators fail to wear the eyewear during that period, it would automatically and unnecessarily put the rest of the driving public at risk.

I am prepared to sign a bill that repeals the helmet law so long as that bill retains requirements that motorcycle operators wear protective eyewear. However, because of the risk to other drivers and their passengers which would be created by motorcycle

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<sup>1</sup> "1414" in original.

**operators who fail to use protective eyewear, I hereby disapprove Senate Bill 279 and publicly proclaim and file my objections to this legislation with the Secretary of the Commonwealth.**

**THOMAS J. RIDGE**

## Veto No. 1998-3

HB 2261

December 23, 1998

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

I hereby disapprove and publicly proclaim and file with the Secretary of the Commonwealth my disapproval of House Bill 226, Printer's Number 4163. This legislation requires the Department of Public Welfare to hold a hearing when the department announces a decision to close a mental health or mental retardation facility or to reduce the facility census or employee complement by 10% or more. The hearing must be conducted in the county where the facility is located within 30 days of the date the announcement is made.

The bill shall apply retroactively to decisions made after December 31, 1997. The department is required to hold hearings on all announced closings or reductions in complement occurring between December 31, 1997, and the effective date of the act within 60 days.

The Commonwealth has the responsibility to operate our mental health and mental retardation facilities and a duty to protect the health, safety and welfare of the residents of those facilities. National trends indicate that the number of people living in mental health and mental retardation facilities will continue to decline. The same trend exists in Pennsylvania. Therefore, the department must be given reasonable latitude to manage the resources allocated for these facilities. While I would be willing to consider a requirement that public hearings be held in cases of significant downsizing or closure, the 10% threshold in the bill is too narrow.

In smaller facilities, public hearings could encompass decisions that are part of the normal operation of the facility and could compromise the privacy of individuals, families or employees. Individuals frequently exercise their right to leave independent of any management decision. Therefore, the 10% requirement may be triggered unexpectedly, impeding the planned departure of residents because the Department of Public Welfare "allowed" the departure.

Any time a facility is closed, families are naturally concerned about the welfare of their children or other family members who are residents. While the department strives to keep family members informed regarding all aspects of a patient's treatment and placement, a public hearing may not be the best way to achieve these goals. For small facilities, it is more appropriate for the facility to meet individually with the families of patients.

When a facility is closed or downsized, it is my commitment that every effort will be made to ensure continuing care, to inform the public and to work with communities to respond to the changes. I am prepared to work with the General Assembly to develop a proposal that balances all of these duties and concerns. However, to require public hearings upon a 10% reduction in staff or patient population adopts an unreasonable threshold, particularly when a small number of individuals are impacted.

For these reasons, I hereby disapprove House Bill 2261 and publicly proclaim and file my objections to this legislation with the Secretary of the Commonwealth.

THOMAS J. RIDGE