



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

July **7**, 2005

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

I have the honor to inform you that I have this day approved and signed House Bill 815, entitled, "AN ACT to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2005, to June 30, 2006, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2005; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, the State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund, the Health Care Provider Retention Account and the Community Health Reinvestment Restricted Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2005, to June 30, 2006; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2005, to June 30, 2006, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2005, to June 30, 2006, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2005; to provide for the additional appropriation of Federal and State funds from the General Fund and the Motor License Fund, for the Executive and Legislative Departments of the Commonwealth for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004", except as follows:

The appropriation of funds for the following purpose is already effected in Section 1905(b) of HB 815 and it is therefore duplicative and unnecessary and I withhold my approval from this entire item:

PART II
GENERAL FUND AND FEDERAL APPROPRIATIONS
FOR 2005-2006

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Section 225. Pennsylvania Emergency Management Agency.

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For general government operations of the Pennsylvania Emergency Management Agency.

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(4) "Domestic Preparedness – First Responders." This appropriation includes \$750,000 for the Smart States Initiative to develop and implement hand held molecular sensing technology to protect port workers from nuclear, biological, chemical and poisonous contamination in the handling of containers and container contents.

Federal appropriation	\$150,000,000
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I withhold my approval from the following entire item:

PART III
STATE LOTTERY FUND APPROPRIATION.

Section 301. Department of Aging.

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For a senior center grant program.

State appropriation	\$3,000,000
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Because the appropriation of funds for recreational trails for recreational vehicles has been effected in separate legislation, the following appropriation is duplicative and unnecessary. Therefore, I withhold my approval from the following entire item:

PART VIII
MOTOR LICENSE FUND APPROPRIATION
FOR 2005-2006

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Section 803. Treasury Department.

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Refunding liquid fuels tax -- to the restricted account created pursuant to 75 Pa. C.S. § 7706 (relating to restricted account) for the use by the Department of Conservation and Natural Resources for the improvement of the public roadways, highways and bridges of the Commonwealth that are also used by snowmobiles and all-terrain vehicles. For the purpose of this appropriation, improvement includes, but is not limited to, grooming for snowmobile use and safety.

State appropriation	\$1,000,000
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I withhold my approval from the entire following item:

PART XX
MISCELLANEOUS PROVISIONS FOR 2005-2006

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Section 2010. Motor License Fund limitation. -- The Department of Transportation is authorized to make adjustments to construction contracts for highway capital projects involving steel entered into prior to March 1, 2004, where the adjustments are supported by mutual consideration.

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The bill as sent to me also included a number of substantive items containing language of the type which has been held constitutionally improper in an appropriations bill and I believe this language is null and void without further action.

In the case of the following appropriations for medical assistance payments for outpatient services in Section 219, the language is also violative of current Federal Medicaid law:

PART II
GENERAL FUND AND FEDERAL APPROPRIATIONS
FOR 2005-2006

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Section 219. Department of Public Welfare

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For medical assistance payments – outpatient services, exclusive of outpatient services provided through capitation plans. The Department of Public Welfare shall not require a Recipient to obtain a physician referral in order to receive chiropractic services. The Department of Public Welfare shall not expend or authorize the expenditure of any funds for family planning services in excess of the amounts expended for such services in the 2004-2005 fiscal year and any such funds which are expended shall be subject to the same restrictions contained in the appropriation for grants for women’s medical services.

State appropriation	\$921,080,000
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The following Federal amounts are appropriated to supplement the sum appropriated for medical assistance – outpatient:

- (1) “Medical Assistance – Outpatient.” The Department of Public Welfare shall not require a recipient to obtain a physician referral in order to receive chiropractic services. The Department of Public Welfare shall not expend or authorize the expenditure of any funds for family planning services in excess of the amounts expended for such services in the 2004-2005 fiscal year and any such funds

which are expended shall be subject to the same restrictions contained in the appropriation for grants for women's medical services.

Federal appropriation \$1,288,555,000

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In addition to the constitutional infirmity of the language and the fact that it is violative of Federal law, I believe that to follow the directives in these appropriations is just plain bad policy. Therefore, I withhold my approval from the following language in both of these appropriations:

The Department of Public Welfare shall not expend or authorize the expenditure of any funds for family planning services in excess of the amounts expended for such services in the 2004-2005 fiscal year and any such funds which are expended shall be subject to the same restrictions contained in the appropriation for grants for women's medical services.

As stated above, while I believe that constitutionally improper language in the bill is null and void without further action, I am expressly vetoing the language that appears in the following appropriations to remove any doubt:

PART VIII
MOTOR LICENSE FUND APPROPRIATION
FOR 2005-2006

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Section 223. Pennsylvania State Police

For general government operations of the Pennsylvania State Police. No less than \$350,000 of this appropriation shall be for the continuation and expansion of comprehensive and proactive programs coordinating with Federal, State and local law enforcement to remove violent felons, illegal narcotics, illegal weapons and nuisance bars from crime-ridden communities. No Pennsylvania State Police barracks shall be closed until such time as the Pennsylvania State Police conduct a public hearing and provide 30 days' notice which shall be

published in the Pennsylvania Bulletin and in at least two local newspapers.

State appropriation... \$137,393,000

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I withhold my approval from the following language in this appropriation:

No Pennsylvania State Police barracks shall be closed until such time as the Pennsylvania State Police conduct a public hearing and provide 30 days' notice which shall be published in the Pennsylvania Bulletin and in at least two local newspapers.

Section 801. Department of Transportation.

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For the salaries, wages and all necessary expenses for the administration and operation of the maintenance program for State roads, bridges, tunnels and structures, including the operation of the county maintenance district facilities. At least \$4,000,000 shall be used for the installation and maintenance of raised reflective pavement markers on interstate and similar highways and for installation and maintenance of such markers on other State roads at locations determined by the Department of Transportation. The \$4,000,000 may be drawn from both the highway and safety improvement and maintenance appropriations. At least \$3,000,000 shall be used for the Crossroads Development Project. The \$3,000,000 May be drawn from both the highway and safety improvement and maintenance Appropriations. At least \$1,500,000 shall be used for a pilot project to expand the width of pavement markings from four inches to six inches on limited access highways. The \$1,500,000 may be drawn from both the highway and safety improvement and maintenance appropriations.

I withhold my approval from the following language in this appropriation:

At least \$1,500,000 shall be used for a pilot project to expand the width of pavement markings from four inches to six inches on

limited access highways. The \$1,500,000 may be drawn from both the highway and safety improvement and maintenance appropriations.

Edward G. Rendell

Edward G. Rendell
Governor