

GENERAL REPORT
OF THE
JOINT STATE GOVERNMENT COMMISSION

1949-1951



JOINT STATE GOVERNMENT COMMISSION
ROOM 450, CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA

LETTER OF TRANSMITTAL

*To the Members of the General Assembly of the
Commonwealth of Pennsylvania:*

There is submitted herewith the General Report of the Joint State Government Commission.

The General Report deals briefly with the directives of the General Assembly of 1949 to the Commission and with projects initiated by the Commission under the authority granted by the Act of 1937, July 1, P. L. 2460, as amended 1939, June 26, P. L. 1084.

This report is designed to serve as a reference guide for the members of the General Assembly. It is divided into four parts. Parts I and II outline the findings of the Commission studies undertaken in accordance with specified directives. Whenever findings of fact eventuated into Commission recommendations, the suggested policies are outlined. Part III lists studies which were initiated by the Commission. Part IV presents a listing of the subcommittees created by the Commission in accordance with the Act of 1943, March 8, P. L. 13, Section 1, and the administrative and technical staff of the Commission.

Specific Commission recommendations are embodied in bills drafted by the Legislative Reference Bureau. These drafts will be submitted for the review, consideration and action of the General Assembly.

On behalf of the Commission, the cooperation of the subcommittees, their advisors and the Legislative Reference Bureau is gratefully acknowledged. The Commission regrets the death, during this biennium, of Frederick L. Homsher, member of the Joint State Government Commission on behalf of the Senate.

The research facilities of the Commission, established on a permanent basis, serve the Commission and stand ready to render such service as the General Assembly and its standing committees require.

BAKER ROYER, *Chairman*

*Joint State Government Commission
Capitol Building
Harrisburg, Pennsylvania
January, 1951*

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PART I

STUDIES DIRECTED BY CONCURRENT RESOLUTIONS

Eighteen of the thirty-one studies and investigations of the Commission were directed by concurrent resolutions of the General Assembly. Thirteen of these directives concern factual studies and analyses and the remaining five deal with codifications and revisions.

A. FACTUAL STUDIES AND ANALYSES

1. Accounting Procedures of the Commonwealth

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and investigate the accounting systems used by the several departments, agencies and commissions of the Commonwealth with a view of developing adequate and uniform accounting systems and complete analyses of the Commonwealth's fiscal condition, including a statement and analysis of assets, exclusive of physical assets, and liabilities of the Commonwealth.

Investigation:

In collaboration with the Pennsylvania Institute of Certified Public Accountants, and with the cooperation of the Auditor General, made a detailed investigation of the accounting practices used in Commonwealth departments and agencies. Studied accounting methods in use in the other forty-seven states, with particular attention to states whose general expenditures are comparable to Pennsylvania's. Considered changes in existing law necessary to the establishment of a modern, integrated accounting system.

Strategic Facts:

(a) In Pennsylvania, responsibility for the over-all management of the Commonwealth's

financial affairs is divided among three elective officers—the Governor, the Auditor General and the State Treasurer.

(b) Under Section 701 (d) of The Administrative Code, the Governor is directed "to prescribe and require the installation of a uniform system or systems of bookkeeping, accounting, and reporting, for the several administrative departments, boards, and commissions, except for the Department of the Auditor General, the Treasury Department and the Department of Internal Affairs, but, before prescribing and requiring such installation, the Governor shall consult with the Department of the Auditor General," (1929, April 9, P. L. 177).

(c) At present, the accounts of the Commonwealth are kept on a cash basis but, by virtue of the use of different codes and conventions, reconciliation of the statements of elected officers is difficult and adequate appraisal of the financial condition of the Commonwealth is impossible.

(d) Reconciliation difficulties aside, the cash system of accounting not only permits but actually requires the preparation of statements which are at variance with the facts because:

(1) It fails to take cognizance of such non-cash assets as inventories, subsidies receivable and taxes due and collectable; similarly, it fails to take cognizance of such liabilities as supplies received and services rendered.

(2) It provides for the recording of cash only as actually received and only as actually disbursed, without allocation to the fiscal period to which such receipt or disbursement applies. For example, analysis discloses that on May 31, 1945, the Commonwealth had an amount receivable from the Federal government of \$2,992,000, which did not appear as an asset on any financial statement of the Commonwealth.

On May 31, 1947, the Commonwealth collected from the Federal government \$593,000 in excess of the amount due, which did not appear as a liability on any financial statement of the Commonwealth. At one time, at least, the amounts involved in improper allocation of receipts to time periods exceeded \$15,000,000.

(e) Under present statutory arrangements, the Auditor General postaudits all accounts of the Commonwealth, and in addition performs certain preauditing functions; this latter function makes the Auditor General a party to accounting which he subsequently postaudits.

(f) Of the eighteen states whose annual general expenditures exceed \$195,000,000, only Pennsylvania combines the post- and preauditing functions in one office, and in the main, the larger states do not keep their accounts on a cash basis.

Recommendations:

In order to facilitate the preparation of meaningful, reconcilable financial statements for the Commonwealth and to assure critical review of all financial transactions of the Commonwealth, the Commission recommends that:

(1) The Commonwealth employ an accrual rather than a cash method of accounting, such method to be prescribed by legislation and its use made mandatory upon all Commonwealth officials including the Governor, the Auditor General, and the State Treasurer.

(2) An office of Accountant General be established by legislation, the Accountant General to be of cabinet rank, appointed by the Governor with the advice and consent of the Senate, for the purpose of installing, operating and supervising the legislatively-prescribed system of accounting for the Commonwealth.

(3) The postauditing and preauditing functions be separated, and the preauditing function be performed by the Accountant General.

[**SEPARATE REPORT**
TO BE ISSUED]

2. Allegheny County Court

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and investigate the criminal jurisdiction of the Allegheny County Court.

Investigation:

Studied the laws, constitutional provisions and court decisions affecting the jurisdiction of the Allegheny County Court. Compared the jurisdiction in criminal matters of the Allegheny County Court with that of the Municipal Court of Philadelphia.

Strategic Facts:

(a) In Allegheny County the courts of record consist of the Court of Common Pleas, Orphans' Court, County Court and Juvenile Court.

(b) Under present law, criminal jury trials are committed to judges of the Court of Common Pleas who sit as judges of Courts of Oyer and Terminer and Quarter Sessions of the Peace.

(c) The allocation of criminal jury trial work between Common Pleas judges and County Court judges is not now possible, because:

(1) The laws fixing the criminal jurisdiction of the County Court fail to provide for such trials in that court;

(2) The Supreme Court of Pennsylvania has held that Article V, Section 8, of the Pennsylvania Constitution is not sufficiently broad to permit the assignment of County Court judges to hold such criminal courts (Park's Petition, 329 Pa. 60).

(d) In Philadelphia County, the courts of record consist of seven Common Pleas Courts, the Orphans' Court and the Municipal Court; the last of which has jurisdiction of adoption cases, juvenile court cases and a broader criminal jurisdiction than is possessed by the Allegheny County Court.

(e) The act creating the Municipal Court of Philadelphia (1913, July 12, P. L. 711, 17 P. S.

681) confers upon it jurisdiction in all criminal actions except trial of indictments for arson, burglary, murder, voluntary manslaughter, treason, or misprision of treason, or for violation or conspiracy to violate the election or registration laws or for embezzlement by any public officer or any offense involving breach of official duties by any public officer. It is further provided that indictments may be presented against defendants before the grand jury in accordance with existing laws; and that trials may be had in existing courts or in the Municipal Court at the election of the district attorney, who is charged with the prosecution of all defendants tried in the Municipal Court.

Recommendations:

(1) That the act creating the County Court in Allegheny County (1911, May 5, P. L. 198, 17 P. S. 621) be amended to confer upon that court the same criminal jurisdiction (exclusive of juvenile court cases) now possessed by the Municipal Court of Philadelphia.

(2) That Article V, Section 8, of the Pennsylvania Constitution be amended to permit the Court of Common Pleas of Allegheny County to designate judges of the County Court, as well as Common Pleas judges, to hold Courts of Oyer and Terminer and Quarter Sessions of the Peace in Allegheny County.

3. Child Placement and Adoption

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and investigate child placement and adoption in the Commonwealth.

Investigation:

Ascertained the number, geographic distribution, administrative responsibility for and cost of maintenance of children under care in the Commonwealth and investigated the standards and practices of private and public agencies with respect to adoption placements.

Strategic Facts:

(a) In 1949, approximately 36,000 children in Pennsylvania were under institutional care or in foster homes, and 4,000 were placed in adoptive homes.

(b) Of the 36,000 in institutions and foster homes, some 3,800, or about 10%, were handicapped and delinquent children; 12,000, or 33%, were in institutions for dependent and neglected children; 9,977, or approximately 27%, were under the care of the county institution districts, primarily in foster homes; and 10,329, or approximately 28%, were under the care of private child-caring agencies, primarily placed in foster homes.

(c) The public cost of child care in Pennsylvania, in 1949, amounted to some \$14,000,000. Of this total, \$12,196,000, or 88%, was borne by the counties or the county institution districts; 11.4% of the cost was borne by the Commonwealth, either through state aid to private institutions and agencies, the operation of state-owned institutions, or public assistance payments for the care of certain children removed from their homes by court order. The total of \$14,000,000 does not include the Commonwealth grants to dependent children cared for in their own homes, which in 1949 amounted to approximately \$31,000,000.

(d) The "Mallery Amendment" of 1949 permits continuation of public assistance payments to children who are removed from their homes by court order and placed in foster homes or children's homes maintained by a county institution district (1949, April 28, P. L. 767).

(e) Placements of children, including placements for adoption, are made by the county institution districts, Juvenile Courts, private child-caring agencies and individuals.

(f) At the present time, adoption placement is not a Commonwealth responsibility. Under existing law, the Orphans' Court (and in Philadelphia County, the Municipal Court) has permissive power to investigate the parties concerned in adoption proceedings.

(g) Under existing conditions, the standards

of parties placing children for adoption vary widely.

(h) The evidence shows that the time involved in consummation of an adoption placement varies from a few months to several years, with a child sometimes passing through numerous foster homes in the process.

Recommendations:

A. Adoption Placement

(1) That a state-wide Adoption Placement Service be established in the Department of Welfare.

(2) That standards for agencies and institutions placing children for adoption, and for prospective adoptors be established by the Department of Welfare.

(3) That there be annual licensing, by the Department of Welfare, of private and public agencies meeting the standards prescribed; and the placing or taking a child for adoption by or from an unlicensed agency be prohibited; that relatives be permitted to take a child provisionally, but required to apply to the Department of Welfare for a preliminary certificate of approval.

(4) That provision be made for appeal from the decision of the Department of Welfare to the Juvenile Court.

(5) That a parent or parents be permitted, by petition to the Juvenile Court, to surrender custody of a child to the Department of Welfare or a licensed agency or institution for purposes of adoption.

(6) That preference be given by the Department of Welfare to prospective adoptors designated by the natural parent or parents.

B. Jurisdiction in Adoption Proceedings

That adoption proceedings be placed under the jurisdiction of the Juvenile Court.

C. Assistance Payments to Dependent Children

That the provisions of the "Mallery Amendment" (1949, April 28, P. L. 767), be clarified

to facilitate continuation of assistance payments to all children removed from their homes by court order.

[**SEPARATE REPORT**
TO BE ISSUED]

4. Commonwealth-Owned Forests and Reforestation

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and investigate Commonwealth-owned forests and reforestation.

Investigation:

Surveyed action taken in the past to restore the depleted forests of Pennsylvania; consulted with Department of Forests and Waters on current plans under 20-year program begun in 1949; reviewed legal aspects of differential taxation of forest land in Pennsylvania and other states; estimated expected returns on forest lands; and compiled lists of trees suitable for growth in Pennsylvania.

Strategic Facts:

(a) As the result of its geographical location and climate, Pennsylvania was originally one of the most heavily forested areas in the United States. Timber formed the foundation of the state's first industry. Through indiscriminate cutting, waste, careless use and fire, the timber resources of the state were reduced until they reached an all-time low of 8,000,000 acres in 1915.

(b) At present, Pennsylvania's forest area comprises 15,000,000 acres, which represents about 52% of the land area of the Commonwealth. The Department of Forests and Waters manages 1,730,534 acres of state-owned forest lands and 29,028 acres leased from the federal government for 99 years.

(c) The reforestation of Pennsylvania is a joint venture of the Commonwealth, which owns and manages forest lands, and private individuals who own forest lands or land suitable for reforestation. It is also a long-term venture, since the growing cycle of timber from seedling to mature tree ranges from 75 to 100 years.

(d) The profitability of investments in forests may be estimated on the basis of the long-term trends of annual costs and the expected revenues from the sale of timber.

(e) On the average, the private investor's rate of return appears to be the same as that of the Commonwealth.

(f) The General Assembly has sought to encourage the private landowner to engage in sound forestry practices by differential taxation of forest lands. Seven bills passed by the General Assembly providing for differential treatment of forest lands have been declared unconstitutional.

(g) Today, Pennsylvania wood consumption is about 2 $\frac{1}{4}$ billion board feet per year, of which less than half is produced in Pennsylvania.

(h) Although the demand for timber is strong, Pennsylvania producers have access to but limited current market information. At present, the Department of Forests and Waters issues a monthly marketing bulletin, and, under the twenty-year program, plans further activity to facilitate the marketing of Pennsylvania's forest products.

Recommendations:

(1) That the long range policy for the administration of Commonwealth-owned or managed forest lands be continued and that the appropriation for the acquisition of forest land be limited so as not to encourage an increase in the price of land.

(2) That the Constitution be amended to permit classification of forest lands for tax purposes.

[**SEE SEPARATE REPORT:**
Commonwealth-Owned Forests and Reforestation]

5. Commonwealth Space Requirements

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and investigate space requirements for state government outside of the city of Harrisburg, rental costs and convenience involved, and the cost and convenience of alternative arrangements.

Investigation:

Compiled lists of office space leased by the Commonwealth in central Philadelphia and Pittsburgh, together with information on the location, leasing agency and rental cost per square foot. Examined previous legislation providing for the acquisition of state office buildings in Philadelphia and Allegheny counties. Considered cost, convenience and possible gains from relocation in central state office buildings of agencies now leasing offices.

Strategic Facts:

(a) In central Philadelphia, nineteen agencies of the Commonwealth maintain a total of forty-three offices, for which they pay annual rentals ranging from \$.40 to \$3.74 per square foot. In 1949-50, the Commonwealth leased a total of 263,111 square feet in central Philadelphia, at an annual rental of \$404,342, an average per square foot rental of \$1.54.

(b) In central Pittsburgh, seventeen agencies of the Commonwealth maintain a total of twenty-seven offices, for which they pay annual rentals ranging from \$.60 to \$4.06 per square foot. In 1949-50, the Commonwealth leased a total of 122,000 square feet in central Pittsburgh, at an annual rental of \$259,088, an average per square foot rental of \$2.12.

(c) The overwhelming majority of the heads of the agencies maintaining offices in the above cities are of the opinion that consolidation of all Commonwealth operations in one suitable location in each city would not impair their operating efficiency.

[**SEE SEPARATE REPORT:**
Commonwealth Space Requirements in Pittsburgh
and Philadelphia]

6. Fishways

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and investigate fishways and similar devices which may be used in the waters of the Commonwealth, and the fish population in such waters.

Investigation:

Studied the progress of the development of fishways in the Atlantic Coast region; considered alternate proposals to facilitate the migration of fish which might be employed pending the development of practical fishway designs; conferred with the U. S. Department of Interior Fish and Wildlife Service concerning the problem; evaluated the feasibility of a code, at this time, regulating aquatic life.

Strategic Facts:

(a) The Joint State Government Commission, in January, 1949, reported to the General Assembly that as regards shad fishways, it was important to ascertain, among other factors, rates of water flow, ranges of water temperature and degree of water purity necessary to encourage migration of fish, and also the biological and hydraulic conditions suitable to the migration of fish through artificial barriers; that only if and when such factors are known will it be possible to design effective devices for the passage of fish over existing dams; that the problem was common to all states along the Atlantic seaboard whose rivers receive migratory fish; that, hence, the expense of such inquiry should be borne by the Federal government.

(b) The 81st Congress enacted H. R. 2740 as Public Law 249 (Chapter 478—1st Session), which provides, inter alia, as follows:

"SEC. 2. The Secretary of the Interior is hereby authorized to undertake, through the Fish and Wildlife Service, a comprehensive and continuing study of

the shad of the Atlantic Coast for the purpose of recommending to the Atlantic Coast States, through the Atlantic States Marine Fisheries Commission, measures to be taken to arrest decline, increase the abundance, and promote the wisest utilization of such shad resources at a cost of not to exceed \$75,000 per annum for a six-year period. For the purposes of this section, any agency of the United States, or any corporation wholly owned by the United States, is authorized to transfer, without exchange of funds, any boats or equipment excess to its needs required by the Fish and Wildlife Service for the studies authorized herein.

* * *

"SEC. 4. There is authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the purposes and objectives of this Act.

"Approved August 18, 1949."

(c) The United States Department of Interior Fish and Wildlife Service in 1950 utilized the funds provided by Public Law 249 for studying shad in the Hudson River; in 1951 the studies will center upon shad runs in the Connecticut River and in 1952 the funds will be employed for studies of shad in the Chesapeake Bay region, including the Susquehanna River basin.

(d) Power dam installations at Holyoke, Massachusetts, in the Connecticut River, include a shad fishway, the effectiveness of which is not yet known.

(e) The United States Department of Interior Fish and Wildlife Service advises that transportation of shad during the spawning migration from waters below the power dams to the waters above, is practical; the Service may be in a position to furnish suitable trucks for such purpose, upon payment of the cost of operation; the Service welcomes an opportunity to participate in the experiment of trucking shad, to the extent of providing personnel for required tagging of 1,800 fish, follow-up study of the upstream migration and the return of adult shad and fingerlings; such services can be had prior to the planned intensive study for the Susquehanna River area.

(f) At this time, the Commission deems it inadvisable to submit a comprehensive code covering aquatic life in the waters of the Commonwealth.

Recommendations:

(1) That an appropriation be provided to finance in part the experiment of trucking shad from the waters below the Conowingo Dam on the Susquehanna River to the waters above each of the three power dams on the river during the migratory season of 1951.

(2) That the United States Department of Interior Fish and Wildlife Service be invited to participate in this project.

(3) That the Joint State Government Commission be directed to continue the study of fish in the Commonwealth so that a report may be made to the General Assembly of 1953 concerning the progress in the development of fishways, the result of trucking migratory fish from waters below the power dams to Pennsylvania waters above, and other matters of interest to Pennsylvania sportsmen.

7. Highway Costs

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

Study and investigate costs of construction and maintenance of public highways as related to vehicles used thereon.

Strategic Facts:

On the day following the adoption of the resolution directing this study, the Senate concurred in the House amendments to Senate Bill No. 716, which was approved by the Governor on May 23, 1949, and became Act No. 537. Act No. 537 establishes a "Highway Planning Commission," with an appropriation of \$250,000, whose duty it shall be "to ascertain, gather, study and analyze all pertinent facts, material and data deemed pertinent to and necessary for the Commonwealth, including but not limited to the classi-

fication of highways, roads and streets in the state, the construction, reconstruction, improvement and maintenance of the highways, roads, streets and bridges, the ways and means of financing such long-range highway program, and the nature and character of the administration needed to carry such program into effect."

The assignment to the Highway Planning Commission, being by Act of Assembly of later date, supersedes the directive of the Concurrent Resolution.

8. Occupational Hazards to State Employees

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and investigate occupational hazards to state employees in the performance of their official duties.

Investigation:

Studied the five-year injury experience of all state occupations on the basis of the records of the State Workmen's Insurance Fund. Ascertained from the departments and agencies of the Commonwealth hours worked by state employees engaged in different occupations. Compared injury experiences and hours worked and calculated severity rates, frequency rates and severity averages for all state occupations. Tested significance of rates.

Strategic Facts:

(a) The employees of the Commonwealth receive wages or salaries, are entitled to paid vacation periods and sick leave with pay, and in addition, are covered by workmen's compensation insurance and are eligible for superannuation and disability retirement allowances.

(b) The financing of workmen's compensation benefits is the exclusive responsibility of the Commonwealth (Commonwealth allocations to the State Workmen's Insurance Fund for the calendar year 1949 amounted to \$533,793.07); payments

to the State Employees' Retirement Fund are the joint responsibility of the Commonwealth and the employe (Commonwealth contributions \$6,449,858, employes' contribution \$12,620,060 for the biennium 1947-49).

(c) The compensation of state employes may be modified by changes in:

- a. Wage and salary scales;
- b. Workmen's compensation benefits;
- c. Retirement and disability allowances.

(d) The General Assembly of 1949 had before it five bills designed to liberalize the retirement allowances respectively of fish wardens, game protectors, institutional employes, Liquor Control Board enforcement officers and mine inspectors. Three of these bills—H. B. No. 200, H. B. No. 260 and H. B. 1166—passed both houses but were vetoed by the Governor on the ground that it had not been established that these employes are subjected to extraordinary hazards in the performance of their official duties.

(e) The hazards associated with the occupations enumerated in the Governor's veto messages, measured in terms of severity rates (total days lost from work by virtue of disabling injuries per 1,000 employe hours worked) are less than the average hazards associated with all state occupations.

[**SEE SEPARATE REPORT:**
Occupational Hazards to State Employes]

9. Partial Unemployment Compensation Benefits

(House Concurrent Resolution Serial No. 87, adopted April 28, 1949; agreed to April 28, 1949.)

Legislative Mandate:

To make a study of the problem of partial unemployment, both seasonally and during continued periods of unemployment resulting from a

general slackening of economic activity, and the benefits payable by reason of partial unemployment.

Investigation:

Examined unemployment compensation statutes of the forty-eight states. Made intensive study of partial benefits payable under different employment conditions in sixteen states, including Pennsylvania, and analyzed the distribution of persons eligible for benefits in Pennsylvania by high quarterly earnings during the base year. Conferred with state-wide organizations representing both employers and organized labor.

Strategic Facts:

(a) The forty-eight states of the union have unemployment compensation laws. The Pennsylvania unemployment compensation system was established in 1936. The Pennsylvania system at the time of its establishment provided for benefit payments only if a worker was fully unemployed; in 1945, the statute was amended to provide for benefit payments to partially unemployed persons.

(b) It is the purpose of all unemployment compensation systems to make available to a fully or partially unemployed, covered worker some statutorily-determined fraction of the income which he would have earned in the covered employment had he been fully employed.

(c) To accomplish the objective indicated under (b), above, two systems are in use—the so-called "wage loss" type of program and the "day base" plan.

(d) The "wage loss" system is used by forty-seven states including Pennsylvania; the "day base" plan is used only in the State of New York. It is possible to incorporate, within the concepts of either system, a feature providing for supplemental allowances for dependents, and some states have incorporated such a feature.

(e) In Pennsylvania, a covered employe is compensated for total or partial unemployment as follows: The statute establishes a minimum weekly benefit of \$8, to which a wage earner is entitled

if his high quarterly earnings during his base year (the five quarters preceding the date of application for benefits) were \$60 to \$212. The benefit payment increases by \$1 for every \$25 of high-quarterly base year earnings, until it reaches a maximum of \$25 at a high-quarterly earning of \$613. In order to be eligible for benefits for either full or partial unemployment, a covered worker must have received remuneration during his base year in an amount not less than thirty times his weekly benefit rate. The maximum benefit payments for any one benefit year are twenty-four times the full weekly benefit rate to which he is entitled.

In the case of a fully unemployed person whose eligibility has been established, the full benefit rate is payable. In the case of a partially unemployed person, an incentive deduction of \$3 is made from his weekly earnings, and the balance of his earnings is deducted from his full benefit rate. Thus, in order to be eligible for benefits for partial unemployment, a worker must earn less than his full weekly benefit amount.

(f) Under the "day base" plan (used in New York), benefit *rates* are computed in basically the same manner as those under the "wage loss" plan (used in Pennsylvania). However, the *payments* are computed in a different manner. For purposes of computing the payments, the day base plan recognizes a seven-day week. Provided a worker earns less than \$24 from his employment during the week, the fourth and succeeding days of unemployment in that week are designated as "effective days." Four effective days are considered as a week of full unemployment, and the full benefit amount is paid to any covered person who has accumulated four effective days.

(g) Examination of the two plans, described under (e) and (f), above, shows that in both systems amounts paid for partial unemployment depend upon amounts paid for full unemployment.

(h) The day base system, in use only in the State of New York, has recently been evaluated by a legislative committee at the direction of the

New York General Assembly. This committee has recommended abandonment of the day base plan.

(i) Generally speaking, evidence shows that the wage loss system provides more generous benefits for covered employes in the lower earning brackets.

[SEPARATE REPORT
TO BE ISSUED]

10. Public Assistance

(Senate Resolution No. 40, adopted April 19, 1949; House Concurrent Resolution No. 74, April 26, 1949, agreed to April 27, 1949.)

Legislative Mandate:

To study and investigate the administration and financing of public assistance in the Commonwealth.

Investigation:

Examined public assistance administration and financing methods in the forty-eight states; established relationship of general assistance expenditures and degree of local financing; developed methods of compensation for variations in public assistance expenditures among counties. Examined application of eligibility standards and pertinent departmental records; examined educational training and experience of public assistance personnel. Examined characteristics of general assistance recipients on the basis of a representative and adequate random sample; related public assistance payments to prevailing wages. Surveyed Pennsylvania's blind pensions in the light of recent federal enactments.

Strategic Facts and Recommendations:

Strategic facts, pertinent data and recommendations are set forth at length in separate report to be issued.

[SEPARATE REPORT
TO BE ISSUED]

11. Public School Attendance Areas

(House Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and investigate efficient public school attendance areas within the Commonwealth.

Investigation:

Studied methods used in the forty-eight states for the purpose of increasing the size of public school attendance areas and school districts, and the history of public school attendance areas in Pennsylvania. Established the relationship between numbers of pupils and per pupil total current expense costs, per pupil instruction costs and per pupil current expense costs other than instruction costs. Established the relationship between per pupil costs of interdistrict transportation and the number of miles pupils are transported and the relationship between per pupil cost of interdistrict transportation and the number of pupils transported.

Strategic Facts:

(a) In the opinion of educators, it is desirable to enlarge many school attendance areas (the geographic area served by a single school) in order to make available diversified curricula at a reasonable cost to the taxpayer.

(b) Four methods are currently employed with a view to enlarging areas:

- (1) Mandatory consolidation.
- (2) Voluntary consolidation without state financial assistance.
- (3) Voluntary consolidation with state financial assistance.
- (4) Voluntary consolidation of school operations.

(c) The Pennsylvania system of voluntary consolidation of operations provides advantages for pupils without sacrificing local control.

Prior to Act of 1945, May 29, P. L. 1112, Pennsylvania laws tended to discourage the enlarging of attendance areas and the formation of joint schools. However, the 1945 school subsidy system has proved conducive to the establishment of economical school attendance areas and to the equalization of educational opportunities.

(d) Data from a group of Pennsylvania 3rd and 4th class school districts with average capacity to support public education show that, as the number of pupils (average daily membership) increases, the total current expense costs, the instruction costs, and the total of all current expense costs other than instruction costs (on a per pupil basis) tend to decrease. The per pupil costs which are typically related to given numbers of high school pupils in school districts maintaining four-year high schools decrease from \$244 for a school whose average daily membership is 50 pupils to \$163 for a school of 300 pupils. Similarly, the per pupil costs in school districts maintaining six-year high schools decrease from \$209 for only 100 pupils to \$156 for 700 pupils. In school districts maintaining eight-year elementary schools, the per pupil costs decrease from \$124 for 50 pupils to \$93 for 350 pupils.

(e) Data from a group of 3rd and 4th class school districts show that, as the number of pupils transported increases, the per pupil cost of transportation decreases, and that, as the number of miles pupils are transported increases, the per pupil per mile cost of transportation decreases.

[**SEE SEPARATE REPORT:**
Public School Attendance Areas]

12. Retirement Costs

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and investigate the cost of retirement systems to the Commonwealth and its political subdivisions.

Investigation:

Examined the elements of the State Employees' Retirement System and projected the cost of the system to the State on the assumptions: (a) that the elements as now provided by law would remain constant; (b) that the elements would be varied as indicated by proposals heretofore submitted to the General Assembly.

As regards the Public School Employees' Retirement System the General Assembly, in 1949, made extensive changes, including the fraction on the basis of which the State allowance is computed, and as yet no actuarial valuation reflecting the changes is available. Hence, no cost projections are feasible.

Strategic Facts:

Pertinent data are set forth at length in separate report to be issued.

[SEPARATE REPORT
TO BE ISSUED]

13. Tax Exempt Liquid Fuels

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and investigate the taxation and exemption of liquid fuels utilized for nonhighway purposes, methods of exempting, taxing and rebating, and distributing any such taxes.

Investigation:

Surveyed legal provisions for taxation, exemption and refunding of taxes on liquid fuels in twenty-one states. Studied the extent of exemptions and refunds of liquid fuels taxes and the estimated private and commercial nonhighway use of liquid fuels in the selected states. Determined effect of the 1949 act which provided for the refunding of one-half of the tax on gasoline used for nonhighway agricultural purposes.

Strategic Facts:

(a) Pennsylvania has levied a tax on liquid fuels since 1921. At the present time the tax rate is \$.05 per gallon, of which \$.03 is levied on a permanent basis and \$.02 under authorization which expires May 31, 1951.

(b) The General Assembly of 1949 made provision (1949, May 26, P. L. 1880) for the refunding of one-half of the amount of liquid fuels taxes paid on fuels used for nonhighway agricultural purposes and for the payment of a quarterly filing fee of \$1.50, such filing fee to be deducted from the claim. The quarterly filing fee of \$1.50, in effect, makes it impossible for a farm operator to get a refund on the first sixty gallons of liquid fuels used in any one quarter for nonhighway agricultural purposes.

(c) For the year beginning July 1, 1949, and ending June 30, 1950, total dollar refunds amounted to \$219,034.08. Farm operators filing claims, by quarters, ranged from 1.4% to 2.9% of the total number of farm operators in Pennsylvania.

[SEPARATE REPORT
TO BE ISSUED]

B. CODIFICATIONS AND REVISIONS

1. Administrative Code

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and revise The Administrative Code of 1929 and related statutes.

Investigation:

Reviewed The Administrative Code of 1929 and a compilation of amendments to the Code made since 1929, including the amendments of 1949; the organization of administrative depart-

ments, boards and commissions showing method of creation and legislation governing their operation; and legislation relating to boards and commissions which might be covered by general provisions of The Administrative Code.

Strategic Facts:

Revision of The Administrative Code at this time does not seem expedient because:

(a) Such a revision, to be successful, should be made in collaboration with the Governor during his first biennium.

(b) The Joint State Government Commission has under consideration numerous amendments to The Administrative Code.

(c) In light of the present national emergency, suspension of certain provisions of the code may be necessary.

2. Decedents' Estates Laws

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and revise the Orphans' Court Act, Orphans' Court Partition Act, Register of Wills Act, and Revised Price Act, with their supplements and related statutes.

Investigation:

Studied existing laws on the subject; prepared, with the guidance of the Advisory Committee on Decedents' Estates Laws, a proposed draft of an orphans' court act, a register of wills act, an incompetents' estates act and amendments to the Fiduciaries Act and the Fiduciaries Investment Act.

Strategic Facts:

Heretofore the Joint State Government Commission, as directed by Senate Resolution Serial No. 46 of the 1945 Session of the General Assembly, submitted drafts of an intestate act, a wills

act, an estates act and a principal and income act, all of which were enacted in 1947. These, with comments, are contained in the Commission's report, "Decedents' Estates Laws of 1947." And, as directed by Senate Resolution Serial No. 34 of the 1947 Session of the General Assembly, the Joint State Government Commission submitted drafts of a fiduciaries act and a fiduciaries investment act, both of which were enacted in 1949. These, with comments, are contained in the Commission's report, "Decedents' Estates Laws of 1949."

The proposed acts and amendments supplement these decedents' estates laws enacted in 1947 and 1949.

Recommendations:

That the proposed orphans' court act, register of wills act, incompetents' estates act and the proposed amendments to other decedents' estates laws, as finally prepared, be enacted.

SEE SEPARATE REPORTS:

*Proposed Orphans' Court Act of 1951,
May 10, 1950
Proposed Register of Wills Act of 1951,
July 10, 1950
Proposed Incompetents' Estates Act of 1951,
November, 1950*

3. Insurance Laws

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and revise the laws relating to insurance.

Investigation:

(a) The Joint State Government Commission, on August 10, 1949, requested the Insurance Commissioner to prepare and submit a preliminary draft of a proposed insurance code for review by

the Commission and possible submission to the General Assembly in 1951, together with:

(1) A table showing the sections of the existing law and comparable sections of the proposed code.

(2) A statement listing provisions of existing law, the deletion of which is proposed because they are held to be obsolete.

(3) A list of sections, revision of which is proposed to conform to court decisions.

(4) Proposed changes in existing law, together with a statement as to the purposes which are to be accomplished by the change.

(b) On April 19, 1950, the Insurance Commissioner informed the Joint State Government Commission that the Insurance Department was proceeding with the work of codification and had enlisted the aid of an Advisory Committee.

(c) On November 16, 1950, the Insurance Commissioner reported that on May 25, 1950, a meeting, called by the commissioner, was held at Harrisburg, attended by approximately 150 representatives of interested parties; that it was the consensus of the meeting that a complete revision and codification of the insurance laws is a matter for long-range study, and that it was not practical to attempt to present such an extensive code to the General Assembly at the 1951 Session.

Strategic Facts:

The Insurance Commissioner is proceeding with the codification project as requested by the Joint State Government Commission.

Recommendation:

That a long-range study for the revision and codification of the insurance laws be continued so that the Insurance Commissioner may complete the preparation of the material requested by the Joint State Government Commission.

4. Landlord and Tenant Laws

(House Concurrent Resolution No. 6, January 25, 1949; agreed to January 26, 1949. House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and revise the laws relating to landlord and tenant, eviction proceedings, rent control and kindred statutes.

Investigation:

Compiled and studied the law of landlord and tenant as contained in the statutes and court decisions, together with bills on the subject heretofore presented to the General Assembly; reviewed the proposals contained in the Report of the Committee on Civil Law of the Pennsylvania Bar Association; prepared a proposed draft of a landlord and tenant act, and reviewed and considered suggestions and recommendations submitted by interested persons.

Strategic Facts:

(a) The law of landlord and tenant in Pennsylvania is based upon numerous separate statutes enacted between 1772 and 1900 which contain obsolete terminology and overlapping and inconsistent provisions.

(b) The practice in this field is largely regulated by case law interpreting the above statutes and supplying decisional law in the absence of statutory provisions.

(c) There is a need for codification of the existing law of landlord and tenant.

Recommendations:

That the proposed landlord and tenant act, as finally prepared, be enacted.

[**SEE SEPARATE REPORT:**
Proposed Landlord and Tenant Act of 1951,
September, 1950]

5. Mental Health Laws

(House Concurrent Resolution No. 74, April 26, 1949; agreed to April 27, 1949.)

Legislative Mandate:

To study and revise laws relating to mental health.

Investigation:

Compiled and studied the law relating to mental health contained in the statutes and court decisions; held a public hearing on April 19, 1950, to afford organizations and individuals an opportunity to be heard; prepared a proposed draft of a mental health act; and reviewed and considered suggestions and recommendations submitted.

Strategic Facts:

(a) The law relating to mental health is chiefly stated in the Mental Health Act of 1923 (P. L. 998). While adequate, this act has many times been amended and does not embody many provisions of earlier statutes dating back over a hundred years.

(b) There is need for codification of the mental health laws to eliminate obsolete matter and terminology, remove duplications, clarify ambiguities, present the subject matter in logical order and bring all of the statutory provisions into one consistent statute.

Recommendation:

That the proposed mental health act, as finally prepared, be enacted.

[**SEE SEPARATE REPORT:**
Proposed Mental Health Act of 1951, August, 1950]

PART II

STUDIES DIRECTED BY SENATE RESOLUTIONS

Eight of the thirty-one studies and investigations of the Commission were directed by Senate Resolutions. Four of these directives concern factual studies and analyses and the remaining four deal with codifications and revisions.

A. FACTUAL STUDIES AND ANALYSES

1. Historical Sites

(Senate Resolution No. 49, adopted April 27, 1949.)

Legislative Mandate:

To make a study of appropriate legislation to assure the safety and preservation of the historical buildings, sites and remains as listed in the Catalog of Historical Buildings, Sites and Remains reported by the Commission to the General Assembly, and to report the result of this study with definite recommendations for legislation at the next regular session of the General Assembly; and to continue the survey and revise the Catalog of Historical Buildings, Sites and Remains.

Investigation:

Reviewed the *Catalog of Historical Buildings, Sites and Remains in Pennsylvania* above referred to. Examined legislative proposals relating to preservation of property of historical significance. Conferred with Judge Edwin O. Lewis, chairman of the Committee of Advisors to the Joint State Government Commission Historical Subcommittee (biennium 1947-1949), and with the Attorney General and the Legislative Reference Bureau concerning appropriate legislation. Conferred with Pennsylvania Historical and Museum Commission relative to the continued compilation of historical buildings, sites and archaeological remains.

Strategic Facts:

(a) At present legislation is not adequate to protect historical sites and structures in the Commonwealth.

(b) The Joint State Government Commission recommended to the 1949 Session of the General Assembly that legislation be passed to prohibit the destruction or sale, without approval, of any of the buildings or sites designated in the *Catalog of Historical Buildings, Sites and Remains in Pennsylvania* as being of prime historical importance.

Recommendations:

That legislation be enacted to safeguard property in the Commonwealth which has historic importance and significance and that such legislation:

(1) Define sites, buildings and structures in the Commonwealth which are of significant historic importance, and the preservation of which is of prime concern to the Commonwealth.

(2) List the specific properties marked by stars in the *Catalog of Historical Buildings, Sites and Remains in Pennsylvania*, submitted by Joint State Government Commission to the General Assembly, March, 1949, as being of such significance.

(3) Declare all such property to be affected with the public interest because of its patriotic, inspirational and educational value.

(4) Prohibit the destruction, defacing or alteration of such property except with the approval of the Pennsylvania Historical and Museum Commission; provide a penalty for failure to comply and provide a right of appeal to the courts from the action of the commission.

(5) Provide for injunction proceedings to restrain the destruction, defacing or alteration of such property.

(6) Provide for damages to the owner of private property suffered by reasons of any such restraint upon the use of the property.

(7) Provide procedure by which the owner of property may apply to the Pennsylvania Historical and Museum Commission for a determination as to whether or not specific property comes within the purview of the act.

(8) Provide the right of eminent domain to permit the Commonwealth to acquire property within the scope of the definition.

2. Medical Care and General Welfare

(Senate Resolution No. 35, adopted April 11, 1949.)

Legislative Mandate:

That the Joint State Government Commission be empowered to employ all its resources, plus whatever scientific, expert or administrative advice and testimony it can arrange to receive to fully determine the solution of the problem of medical care and general welfare.

Much of the information was compiled in collaboration with the United States Public Health Service, during the biennium 1947-1949. See *Findings and Recommendations of the Committee on Post-High School Education, November, 1948.*

3. Smoke Control

(Senate Resolution No. 43, adopted April 22, 1949.)

Legislative Mandate:

Through a subcommittee, to make a thorough and exhaustive study of the smoke and soot nuisance problem existing in the Commonwealth and of various smoke and soot control methods and devices and their relative costs; and prepare model smoke control plans suitable for use by the various political subdivisions of the Commonwealth.

Investigation:

Investigated the causes of smoke and soot and the methods and devices for preventing the nuisance.

Studied enforcement methods and legislative and ordinance restrictions of Pennsylvania and other comparable industrial areas. Consulted with smoke control units in other states and in Pennsylvania and with the Bureau of Industrial Hygiene, and held a public hearing on February 20, 1950.

Strategic Facts:

(a) Smoke is defined as the products of combustion diffused in air. The products of combustion are both visible and invisible. The visible components are soot (carbon particles and tarry materials) and fly ash (noncombustible particles). The invisible products are compounds of sulphur and oxygen, carbon and oxygen, carbon and hydrogen, and sulphur and hydrogen. The most objectionable invisible combustion products are the compounds of sulphur and oxygen, since they combine with moisture to produce acids which act destructively on metal, paint, stone, and animal and vegetable fibers.

(b) Because of the important part that coal has played in Pennsylvania's industrial development, smoke has come to be regarded by many as a symbol of prosperity. It should be regarded as a symbol of waste, since it is the result of incomplete burning of fuel. As the Mellon Institute of Industrial Research, in a published report, observed: ". . . combustion with heavy smoke always indicates loss."

(c) Damage to real property, damage to personal property and increased operating expenses occasioned by the need for additional illumination are costs imposed upon the citizens of a community by the visible and invisible products of combustion. The estimated measurable costs of smoke to each individual sometimes approximate \$30 a year.

(d) In Pennsylvania, enabling legislation permits second class counties, cities, boroughs and first class townships to abate smoke. However, due to air currents, localized control of smoke is generally ineffective.

(e) The effectiveness of a smoke control program depends upon:

(1) The establishment of one smoke abatement unit for all communities within a given smoke-affected area.

(2) The statutory ability of the communities to join together for the purpose of establishing a control unit.

(3) The establishment of standards to fit the needs of the communities concerned.

(4) The maintenance of a balance between direct costs to the citizens of the area, the equipment costs of producers and the savings accruing to the community at large.

(5) The availability of information from other communities.

Recommendations:

(1) That the area for the control of smoke shall not be smaller than one county.

(2) That counties be permitted and encouraged to cooperate in the establishment and operation of a joint unit for smoke control, and establish standards of emission at least equivalent to those prescribed by the American Society of Mechanical Engineers.

(3) That in local control units, there be established a three-member board with hearing and advisory powers.

(4) That the Commonwealth provide financial assistance to the counties which maintain Commonwealth approved control units, for the purpose of payment of salaries of technical personnel; and that the appointment of such personnel be subject to the approval of the Secretary of Health of the Commonwealth.

(5) That a State Office of Smoke Control for the establishment of standards and the clearing of information be established in the Department of Health.

[SEE SEPARATE REPORT: *Smoke Control*]

4. Warehouse Facilities

(Senate Resolution No. 67, adopted April 28, 1949.)

Legislative Mandate:

To (1) make a survey of available warehouse facilities suitable for use by the Pennsylvania Liquor Control Board and the rental terms thereof; (2) make an investigation of the reasonableness of the rentals previously and currently being charged; (3) determine whether the present warehouse facilities are properly located for efficient and economical distribution and (4) determine the feasibility of having the Pennsylvania Liquor Control Board either purchase or construct and operate its own warehouses and the savings which might result therefrom to the Commonwealth.

Investigation:

Investigated present warehouse facilities, present charges and alternative arrangements as above directed.

Strategic Facts:

(a) The Pennsylvania Liquor Control Board does not own or operate warehousing facilities, but contracts with commercial warehousing firms for storage space and labor. Charges for space are based upon a per-case storage fee, while labor charges are based upon a per-case handling rate.

(b) The locations of warehouses, liquor storage fees and handling charges for the calendar year 1949 are shown below:

<i>Location of Warehouses</i>	<i>Storage Fees</i>	<i>Handling Charges</i>
Philadelphia	\$311,253	\$238,409
Pittsburgh	228,339	169,672
Scranton	107,614	59,721
Erie	45,494	23,239
Harrisburg	17,314	6,251
Totals	\$710,014	\$497,292

Grand Total—Storage and Handling =
\$1,207,306

(c) In order to compare the present arrangement with possible alternative arrangements, such as the renting by the Commonwealth of storage space with the handling provided by Commonwealth employes, it is necessary to convert per-case storage fees into equivalent square-foot rentals and to compare wage rates in conjunction with efficiency of labor.

No reliable measures of labor efficiency exist. However, as regards hourly rates for labor in 1949, the weighted average for such labor at the five warehousing locations utilized by the Commonwealth was \$1.27 per hour. This compares with hourly rates ranging from \$.85 to \$.95 for Commonwealth Service 42, Grade 11—Manual Labor.

As regards storage fees in 1949, the case-basis storage cost can be converted into a square-foot storage cost by dividing the space required (square feet) for the greatest number of cases in storage at any one location at any one time during a year into the total storage cost at that location for that year. If this calculation is performed for all five locations, it appears that, on a square-foot basis, annual liquor storage costs to the Commonwealth range from \$.88 to \$1.24 per square foot. The average for all locations is \$1.00. In this connection, it may be observed that the rental paid for liquor store premises in the cities in which liquor is also stored ranges from \$.66 to \$.96 per square foot; the average rental per square foot for liquor stores in these cities amounted to \$.86.

B. CODIFICATIONS AND REVISIONS

1. Administrative Agencies

(Senate Resolution No. 54, adopted April 28, 1949.)

Legislative Mandate:

To investigate, study and consider the manner in which administrative agencies have used and are using the legislative and rule-making power delegated to them by the legislature for the purpose of carrying out the laws of this Common-

wealth with particular emphasis on the abuse of such power and whether affected parties in interest are being deprived of their rights.

Investigation:

Redrafted House Bill No. 879, Printer's No. 821 (1949) to meet the objections contained in the Governor's Veto Message No. 50.

Recommendation:

That the bill as redrafted be enacted.

2. Amphibian and Aquatic Life

(Senate Resolution No. 48, adopted April 27, 1949.)

Legislative Mandate:

To review, investigate, study and consider all of the laws relating to fish, frogs, terrapin, animals of aquatic habits, amphibian and other aquatic life in the waters of this Commonwealth, the laws providing for control of the same, the laws regulating the acquisition and improvement of lands and waters for the protection of animals of aquatic habits, to restate and codify all such laws.

See **FISHWAYS**, page 6.

3. Criminal Procedure

(Senate Resolution No. 66, adopted April 28, 1949.)

Legislative Mandate:

To continue the survey, investigation and consideration of all the laws of the Commonwealth relating to criminal procedure and to completely revise and restate such laws into codified form.

Recommendation:

That revision and codification of the laws of criminal procedure be deferred pending consideration by the General Assembly of the proposed crimes act of 1951, in order that procedural provisions may be made to conform to the substantive law.

4. Liquor Laws

(Senate Resolution No. 41, adopted April 20, 1949.)

Legislative Mandate:

To review, investigate, study and consider all of the laws relating to liquor and to report findings and conclusions to the next regular session of the General Assembly with proposed legislation embodying a codification of such laws of the Commonwealth; to appoint a subcommittee to conduct such review, investigation, study and consideration of the laws relating to liquor, and to prepare a codification thereof.

Investigation:

Reviewed the liquor laws of the Commonwealth and legislative proposals heretofore submitted to the General Assembly; prepared a proposed codification of the law, together with a reference table relating the sections thereof to corresponding provisions of existing law. Held a public hearing on May 25, 1950, to afford all interested parties an opportunity to be heard.

Strategic Facts:

(a) The liquor laws of the Commonwealth are contained in numerous separate acts which have been amended frequently. The last proposal for a code was submitted to the General Assembly in 1947 as House Bill No. 1170, and thereafter in 1947 and in 1949 amendments were made to existing law.

(b) The parties appearing at the public hearing presented suggestions and recommendations which are on file in the office of the Commission for the use of the General Assembly upon request.

Recommendation:

That there be enacted a codification of the liquor laws of the Commonwealth in the form contained in the original House Bill No. 1170 (1947) with the incorporation therein of 1947 and 1949 amendments and such changes as are required to conform the draft to existing law in a number of particulars and to achieve uniformity.

PART III

STUDIES INITIATED BY THE JOINT STATE GOVERNMENT COMMISSION

Pursuant to the authority vested in the Commission by the Act of 1937, July 1, P. L. 2460, as amended 1939, June 26, P. L. 1084, the Commission undertook inquiries into five additional subjects which it deemed "useful to the General Assembly." Three of these concern factual studies and analyses, and the remaining two deal with codifications and revisions.

A. FACTUAL STUDIES AND ANALYSES

1. Reapportionment

Investigation:

(a) Compiled constitutional and statutory provisions relating to congressional, legislative and senatorial reapportionment.

(b) On the basis of *final* population figures for 1920, 1930 and 1940, calculated:

(1) Representative entitlements by district and by county.

(2) Senatorial entitlements of counties and population of senatorial districts.

(c) Obtained partial *preliminary* official population figures for 1950, and on the basis of these *preliminary* figures, calculated:

(1) *Preliminary* representative entitlements for all counties and for the districts for which *preliminary* population data are available.

(2) *Preliminary* senatorial entitlements of counties and population of the senatorial districts for which *preliminary* population data are available.

As regards the completion of (c), (1) and (2), above, it should be noted that the U. S. Bureau of the Census advised the Commission that *preliminary* population data necessary to complete representative and senatorial entitlement estimates were not available as of January 1, 1951.

As regards congressional reapportionment, it may be noted that the *preliminary* population figures for Allegheny County boroughs and townships were not available as of January 1, 1951.

In connection with all the calculations based upon 1950 data and indicated above as partially completed, it should be noted that they are *preliminary* only, by virtue of the fact that the *final* population figures are not yet available. The Commission has been advised that the *final* population figures for the civil subdivisions will not become available until May or June of 1951.

2. Sex Offenders

Investigation:

Gathered relevant data on sex crimes and on the laws and statutes affecting this type of offender in Pennsylvania and other states.

Strategic Facts:

(a) A survey discloses more than a dozen states which have recently experimented with new legislation aimed at the sex offender. In 1950, the State of New Jersey published a comprehensive study, "The Habitual Sex Offender." Also, in 1950, the State of New York published its "Report on Study of 102 Sex Offenders in Sing Sing Prison."

(b) Generally, (1) statutes which authorize commitment of persons not charged with, or convicted of, crime are ineffectual; (2) the New Jersey and New York recommendations contemplate confinement only after conviction for a criminal offense.

(c) In Pennsylvania, the conviction rate for all sex crimes combined, per 100,000 population, has decreased from 20.2 in 1939 to 17.0 in 1949; the

conviction rate for rape, both common law and statutory, has decreased from 3.7 in 1939 to 1.8 in 1949.

(d) Five Pennsylvania statutes deal specifically with the problem of sex offenders and potential sex offenders: the School Code, the Mental Health Act, the Penal Code, the Greenstein Act and the Classification Act.

Recommendation:

That the Pennsylvania Correctional, Diagnostic and Classification Center authorized by the General Assembly in 1945 (1945, May 15, P. L. 570) be established and institutional facilities reorganized for the purpose of segregating sex offenders.

[SEE SEPARATE REPORT: Sex Offenders]

3. Teacher Supply and Demand

Investigation:

Estimated the supply and demand of elementary and secondary public school teachers for the state as a whole and for the several classes and types of school districts in Pennsylvania.

Strategic Facts:

(a) The supply and demand situation of teachers in Pennsylvania in 1948-49 was as follows:

(1) Elementary Teachers—	
Demand:	
Number needed to replace teachers withdrawing and retiring	2,400
Number needed to replace teachers holding emergency certificates, reduce overcrowding and allow for increased enrollment	2,150
TOTAL	4,550
Supply:	
Teachers completing educational curricula—	
a. In state teachers colleges	657
b. In liberal arts colleges	485
TOTAL	1,142

In other words, the estimated demand for elementary teachers exceeded the estimated supply by 3,408.

(2) Secondary Teachers—

Demand:	
Number needed to replace teachers withdrawing and retiring	1,890
Number needed to replace teachers holding emergency certificates, reduce overcrowding and allow for increased enrollment	1,350
TOTAL	3,240
Supply:	
Teachers completing educational curricula—	
a. In state teachers colleges	1,913
b. In liberal arts colleges	2,379
TOTAL	4,292

Contrary to the situation in the elementary field, the estimated supply of secondary teachers exceeded the estimated demand for such employes by 1,052.

(b) The relationship between teacher supply and teacher demand exhibited marked variations from district to district. The following table shows these variations with regard to teaching positions in the elementary schools as of July 20, 1949:

Class of Districts	Number of	
	Vacancies	Applicants
First	424	260
Second	72	118
Third (under district supt.)	222	332
Third and fourth (under county supt.) ..	868	198

Examination of the above table indicates that the supply and demand situation in third and fourth class districts under county superintendents seems to be different from that in second and third class districts under the supervision of district superintendents. Although it is impossible to determine or estimate the number of duplicate applications, the evidence strongly suggests that the shortage

problem is primarily a problem of third and fourth class districts under county superintendents.

(c) The inference drawn under (b), above, gains support from a comparison of the number of registrants who use the placement service of the Department of Public Instruction with the number of requests made to the department for teachers. In 1945-46, the department's placement service had 385 registrants, but only 205 requests for teachers; in 1948-49, 505 registrants and 83 requests for teachers; and in 1949-50, 608 registrants and 52 requests. For the three years under review, the number of placements were 18, 24 and 16, respectively.

(d) The evidence, taken in toto, suggests that an increase in the production of elementary teachers would not necessarily solve the shortage problem in third and fourth class districts under county superintendents because:

(1) Many persons in teacher training seem reluctant to accept employment in these districts.

(2) Many school boards in these districts hesitate to engage applicants whose backgrounds differ from those of the members of the community.

Hence, a mere increase in the supply of elementary teachers, unless these teachers are of the specific types sought by local school boards and are willing to accept employment conditions in the third and fourth class districts cannot be expected to solve the shortage problem.

(e) It has been suggested from time to time that the total supply of teachers be increased by strengthening the agreement into which the Commonwealth and enrollees at state teachers colleges enter. Aside from the fact that a mere increase in supply could not be expected to solve the problem, as pointed out under (d), above, it should be noted that contrary to prevalent belief education at state teachers colleges is *not* entirely free. Although the Act of March 10, 1949, P. L. 29, provided "The tuition of all students at the State Teachers' Colleges, who are residents of Pennsyl-

vania and who sign an agreement to teach in the public schools of this Commonwealth for not less than two years, and who are pursuing therein regular courses for the preparation of teachers, shall be paid by the Commonwealth," the teachers colleges charge so-called "contingent fees," which are the equivalent of tuitions. All teachers colleges charge both so-called "activities" and "contingent" fees. The activities fees range from \$20 to \$30 per pupil per academic year, and the contingent fees range from \$90 to \$180 per pupil per academic year, which is but another way of saying that the total charge ranges from \$110 to \$210. At The Pennsylvania State College, where students are not required to enter into any agreement regarding their future activities, total fees amount to \$220 annually.

Under the circumstances, it appears that mere strengthening of the agreement into which teachers college enrollees enter may not increase the available supply but may simply divert students to other institutions.

B. CODIFICATIONS AND REVISIONS

1. Penal Laws

Investigation:

Reviewed Senate Bill No. 243, Printer's No. 679 (1949), the Governor's Veto Message No. 53 (1949) and 1949 amendments to The Penal Code of 1939 (June 24, P. L. 872).

Strategic Facts:

The Joint State Government Commission submitted to the 1949 Session of the General Assembly a proposed crimes act, consolidating, amending and revising the penal laws of the Commonwealth. This measure passed the General Assembly as Senate Bill No. 243, Printer's No. 679 (1949), but was vetoed by the Governor.

Recommendations:

(1) That, in order to meet the objections contained in the Governor's veto, Sections 614 and

615 of the Penal Code, as amended by the Act of 1949, March 4, P. L. 19 (Taylor Amendment), be incorporated in the proposed draft.

(2) That the 1949 amendments to the Penal Code (1939, June 24, P. L. 872) be incorporated in the proposed draft.

(3) That Section 301 of the proposed draft, "Procuring Unlawful Arrest or Prosecution," provide for the maximum penalty as specified in Senate Bill No. 243, Printer's No. 243, (1949).

2. Uniform Commercial Code

Investigation:

Reviewed the proposed final draft of the "Uniform Commercial Code" with text and comments, submitted by the Council of the American Law Institute for discussion and approval at the Twenty-seventh Annual Meeting of the American Law Institute in joint session with the National Conference of Commissioners on Uniform State Laws, May 18, 19 and 20, 1950. Consulted with William A. Schnader, former Attorney General of the Commonwealth, chairman of the Commercial Code Committee of the National Conference of Commissioners on Uniform State Laws and one of the draftsmen of the proposed law, concerning the feasibility of incorporating the proposals into Pennsylvania law.

Strategic Facts:

(a) The proposed final draft of the *Uniform Commercial Code* is a comprehensive codification of the commercial law, including the Uniform Negotiable Instruments Law, the Uniform Warehouse Receipts Act, the Uniform Stock Transfer Act, the Uniform Sales Act, the Uniform Bills of Lading Act, the Uniform Trust Receipts Act and other commercial acts.

(b) The drafting of the proposed code has been the joint enterprise of the American Law Institute and the National Conference of Commissioners on Uniform State Laws.

(c) At the joint session of the American Law Institute and National Conference of Commissioners on Uniform State Laws, held in Washington, D. C., May 18-20, 1950, final approval of the "Proposed Final Draft" was deferred until May, 1951.

(d) Mr. Schnader urged the continued study of the proposed law in order that the General Assembly might be fully informed concerning a possible draft to be submitted in 1953.

Recommendation:

That the study of the proposed Uniform Commercial Code be continued in order that the Commission may make recommendations concerning it to the 1953 Session of the General Assembly.

PART IV

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