

BIENNIAL REPORT  
of the  
JOINT STATE GOVERNMENT COMMISSION  
1959-1961



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

The Joint State Government Commission was created by Act of 1937, July 1, P. L. 2460, as last amended 1959, December 8, P. L. 1740, as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly.

JOINT STATE GOVERNMENT COMMISSION  
OFFICERS AND EXECUTIVE COMMITTEE  
1959-1961

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FRANK W. RUTH, *Vice Chairman*  
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*Chairman, Majority Caucus*  
NORMAN WOOD  
*Chairman, Minority Caucus*

*Member Ex Officio:*

BAKER ROYER, *Commission Chairman*

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\* Succeeded Mary A. Varallo.

\*\* Succeeded Allen M. Gibson, deceased.

JOINT STATE GOVERNMENT COMMISSION  
EXECUTIVE COMMITTEE

1961

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## LETTER OF TRANSMITTAL

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

Pursuant to the directive of the Executive Committee, there is presented herewith the report of the Joint State Government Commission for the biennium 1959-1961.

The report is divided into two parts. Part I outlines the operations of the Commission's Executive Committee. Part II lists the task forces and indicates their activities.

Findings and recommendations of the task forces, together with such action as the Executive Committee may take, will be presented to the standing committees designated by the President Pro Tempore and the Speaker.

On behalf of the Commission, the guidance of the advisors and the cooperation of the various Commonwealth departments and the Legislative Reference Bureau are gratefully acknowledged.

BAKER ROYER, *Chairman*

*Joint State Government Commission  
Capitol Building  
Harrisburg, Pennsylvania  
January 1961*





Part I  
EXECUTIVE COMMITTEE REPORT

**SESSION REPORTS, 1959 AND 1960**

Pursuant to House Resolution No. 73, adopted June 1, 1959, two reports were prepared and transmitted:

1. *Duties and Compensation of the Capitol Police*, Report of the Joint State Government Commission, June 1959; and

2. *Duties, Qualifications and Compensation of Liquor Store Sales Personnel Employed by the Liquor Control Board*, Report of the Joint State Government Commission, July 1959.

The reports presented data relating to qualifications, duties, compensation, years of service, and separation rates for the Pennsylvania Capitol Police and the Pennsylvania Liquor Control Board sales personnel, respectively. In addition, personnel practices were compared with procedures employed in other jurisdictions in Pennsylvania and in other states.

Under date of December 18, 1959, the staff of the Commission and the Legislative Reference Bureau were requested by the Select Committee (appointed pursuant to House Concurrent Resolution No. 132, Session of 1959) to make "a thorough study of the recent amendment to Article II, Section 4 of the Pennsylvania Constitution and related constitutional provisions and to define the types of legislation to be considered and limitations thereon for the 1960 annual session and the 'fiscal sessions' occurring in even-numbered years thereafter; . . ."

On January 4, 1960, the Legislative Reference Bureau and the staff of the Joint State Government Commission made a joint report to the Select Committee which reads in part:

"It is clear that the powers of the General Assembly are derived from the Constitution of Pennsylvania and are limited only by that fundamental law and by the Constitution and laws of the United States, as interpreted by the courts of last resort. . .

\* \* \*

"The amendment to Article II, Section 4 of the Pennsylvania Constitution, adopted November 3, 1959, provides for legislative sessions in even-numbered years designated as 'regular sessions,' subject to the limitation that ' . . . the General Assembly shall not enact any laws, except laws raising revenue and laws making appropriations.'

"Except for the limitation restricting enactments to laws raising revenue and laws making appropriations, *the General Assembly in session in even-numbered years possesses all the power of the General Assembly during any regular session.* [Emphasis supplied.]

"Whether or not a particular proposal falls within constitutionally permissive enactments is a question for the legislature itself to decide, subject only to judicial review subsequent to enactment. . ."<sup>1</sup>

In this connection, it may be observed that the Supreme Court of Pennsylvania, in October 1960, clearly indicated that the General Assembly in session in even-numbered years has all the powers of the General Assembly during any regular session, except for the limitation restricting enactments to laws raising revenue and laws making appropriations. In *McGinley v. Scott*,<sup>2</sup> the Supreme Court stated:

" . . . Article II, Section 4, restricts the type of 'laws' that may be enacted by the legislature at a regular session in an even-numbered year. *It has no reference to, nor does it limit, any power of either House of the General Assembly except in respect of the enactment of laws.* For example, this constitutional provision does not, as counsel for the plaintiff concedes, restrict the power of the Senate to ap-

<sup>1</sup> Report to Select Committee Appointed under House Concurrent Resolution No. 132, Printer's No. 2070 (Serial No. 138), Session of 1959, by Legislative Reference Bureau and staff of Joint State Government Commission (January 4, 1960), pp. 1, 2.  
<sup>2</sup> 401 Pa. 310, 319-320 (1960).

prove appointments made by the Governor. Neither does it limit the right of the legislature to authorize committee investigations for any proper purpose. The right to investigate in order to acquire factual knowledge concerning particular subjects which will, or may, aid the legislators in their efforts to determine if, or in what manner, they should exercise their powers, is an inherent right of a legislative body, ancillary to, but distinct from, such powers. It is immaterial that laws drafted as a result of the legislative investigation cannot be passed at the session at which the committee was constituted." (Emphasis supplied.)

### MEDICAL ADVISORY PANELS

The Executive Committee authorized the appointment of two advisory panels, each consisting of three physicians, to advise the Commission with respect to (1) the feasibility of employing diagnostic screening techniques in the school health program, and (2) the proper care of institutionalized nonpsychotic seniles.

#### A. Screening Techniques for School Health Program

The Joint State Government Commission studied the operations of the school health program in considerable detail during the 1953-1955 interim. The Commission's report on *School Health Services*,<sup>3</sup> submitted to the General Assembly in 1955, said in part:

" . . . It is the judgment of the Medical Advisory Panel that a medical history can be devised that will be useful in detecting a number of different ailments including allergies, epilepsy, diabetes, infected tonsils, rheumatic fever, mental illness, and orthopedic defects.

\* \* \*

"Such a history has been developed for adults by Cornell University Medical College under a contract, recommended by the National Research Council, between the Veterans Administration and Cornell University. As regards the efficiency of this questionnaire, it is reported that [it] ' . . . identified almost all (94 percent) of the diagnostic categories in which disease was found in hospital investigation. In addition, physicians could often infer (in 87 percent of these categories) what specific diseases were present.' . . ."

<sup>3</sup> *School Health Services*, Report of the Joint State Government Commission (1955).

The Act of July 15, 1957, P. L. 937, which incorporated the Commission's recommendations with respect to the school health program, provides in part:

"Medical questionnaires, suitable for diagnostic purposes, furnished by the Secretary of Health and completed by the child or by the child's parent or guardian, at such times as the Secretary of Health may direct, shall become a part of the child's health record."<sup>4</sup>

Inquiry with the Department of Health discloses that the Secretary of Health has not furnished a diagnostic questionnaire to school districts to be used in the school health program.

The medical panel authorized by the Executive Committee, consisting of Philip S. Barba, M.D., Associate Dean of the School of Medicine, University of Pennsylvania; Robert R. Macdonald, M.D., Assistant Professor of Pediatrics, School of Medicine, University of Pittsburgh; and John E. Deitrick, M.D., Dean of the School of Medicine, Cornell University Medical College, was requested to examine adult diagnostic questionnaires such as the Cornell Medical Index and appraise the extent of modifications prerequisite for use in the school health program.

It is the unanimous judgment of the members of the panel that these modifications can readily be made and it is their recommendation that the Commonwealth engage the services of a competent medical agency to undertake the preparation and testing of a diagnostic medical index suitable for use in the school health program.

#### B. Nonpsychotic Seniles

The number of aged persons admitted to mental hospitals has been increasing at a more rapid rate than the total aged population. During 1957-1959, the average number of patients in State mental hospitals approximated 39,000. Of that number, approximately 4,000 were diagnosed as suffering from cerebral arteriosclerosis and senile brain disease. On the basis of the limited evidence available, it is believed that approximately 50 percent of the senile patients are nonpsychotic and do not properly belong in mental institutions. In addition

<sup>4</sup> Public School Code of 1949 § 1402 (c).

to the nonpsychotic aged now in State mental hospitals, some 28,000 aged persons are institutionalized in county homes and private facilities.

The medical panel authorized by the Executive Committee, consisting of M. L. Joseph, M.D., a specialist in psychiatry and a member of the American Psychiatric Association; Harry M. Margolis, M.D., a specialist in internal medicine and a member of the staff of the School of Medicine, University of Pittsburgh; and Leo Madow, M.D., head of the Department of Neurology, Woman's Medical College of Philadelphia, was requested to advise the Commission whether or not, in their collective professional judgment, techniques to reliably identify nonpsychotic seniles can be developed. In addition, they were invited to make recommendations regarding the proper care and treatment of nonpsychotic aged persons.

The panel of physicians advises that diagnostic screening techniques can be devised to *reliably* identify psychotic and nonpsychotic seniles. In fact, substantial economies are realizable in the long run if diagnostic screening techniques become generally available for the purpose of providing older citizens with competent medical guidance *before* their physical, psychic or emotional condition has deteriorated to a point that requires their institutionalization in either private or public facilities.

The panel recommends that diagnostic screening techniques should be designed to facilitate identification of at least four groups: (1) the normal aged, that is, persons of advanced chronological age who, with minor adjustment, can continue to live in accustomed surroundings, (2) the physically debilitated, (3) the grossly emotionally disturbed with or without physical debilitation, and (4) the deteriorated suffering from advanced brain damage. Although the normal aged may be without close relatives, special living facilities for this group, such as apartment houses with common eating and recreational facilities, would go a long way to facilitate satisfactory adjustment. For the remaining three groups, separate and distinct private and public facilities should be made available and a clearing mechanism should be established to provide for ready transfer of patients among facilities on the basis of comprehensive medical evaluation of individual problems. Senility—

particularly senility complicated by psychiatric disorders—constitutes a preventable disease in the sense that early diagnosis can be expected to reduce the fraction of hospitalized aged below contemporary levels.

The members of the panel are unanimously agreed that, from a medical, humane and public expenditure point of view, institutionalization for purely custodial care of the aged should be regarded as a last resort. Though the annual cost of providing custodial care for a patient tends to be low, the total cost over the expected period of confinement tends to be substantial. The evidence suggests that widespread use of screening techniques implemented by intensive treatment for physical and psychic disorders, whenever such treatment is promising, will substantially reduce the need for purely custodial care.

#### DECEDENTS' ESTATES LAWS ADVISORY COMMITTEE

The Commission in 1945 appointed an advisory committee of outstanding members of the bar, both judges and practitioners, recognized as experts in the field of decedents' estates laws.

The revisions and codifications prepared by the advisory committee were enacted in the 1947, 1949, and 1951 Sessions. The Advisory Committee on Decedents' Estates Laws was reactivated by the Executive Committee in 1953, 1955, and 1957 to screen proposed amendments to the laws relating to decedents' estates.

The Executive Committee has again reactivated the advisory committee to review existing statutes and to screen proposed amendments to the decedents' estates laws. Members of the advisory committee, who have served during the past 15 years, are:

HONORABLE MARK E. LEFEVER, *Chairman*  
WILLIAM H. ECKERT, *Esquire, Vice Chairman*  
M. PAUL SMITH, *Esquire, Secretary*  
PAUL BEDFORD, *Esquire*  
HONORABLE HUGH C. BOYLE  
HONORABLE W. WALTER BRAHAM  
PHILIP A. BREGY, *Esquire*  
REUBEN E. COHEN, *Esquire*  
ROLAND FLEER, *Esquire*  
HONORABLE ETHAN A. GEARHART  
W. PITT GIFFORD, *Esquire*  
A. J. WHITE HUTTON, *Esquire*  
HONORABLE WILLIAM W. LITKE

ALAN S. LOOSE, *Esquire*  
HONORABLE J. PAUL MACELREE  
RALPH D. MCKEE, *Esquire*  
HONORABLE FREDERICK A. MARK  
HONORABLE KARL E. RICHARDS  
WILLIAM M. ROBINSON, *Esquire*  
JAMES G. SCHMIDT, *Esquire*  
C. L. SHAVER, *Esquire*  
BOYD LEE SPAHR, *Esquire*  
HONORABLE EDWARD LEROY VAN RODEN  
PAUL C. WAGNER, *Esquire*  
HONORABLE J. COLVIN WRIGHT  
ADOLPH L. ZEMAN, *Esquire*

## INTERIM SURVEYS

### A. Public Education: Continuing Study

Though cognizant of the appointment by the Governor of a committee on education, the Executive Committee, under authority of House Concurrent Resolution No. 79, Session of 1953, which directed the Commission to engage in a continuing study of the public schools, authorized continued collection, assembly and analyses of pertinent school data.<sup>5</sup>

Over the last decade, the cost of operating the public school system has more than doubled. Over the same period, Commonwealth expenditures on account of the public schools have tripled. Specifically, during the biennium 1949-1951, total public school expenditures amounted to approximately \$760 million, of which the Commonwealth contributed \$250 million. For the current biennium, it is estimated that total public school expenditures will exceed one and a half billion dollars and Commonwealth school subsidies will amount to at least \$750 million.

<sup>5</sup> Under authority of this resolution, the Commission has reported on: *Medical Training Facilities* (1955); *Public School Building Subsidies* (1955); *School Health Services* (1955); and *Pennsylvania High School Seniors, 1958: Their Mental Ability, Their Aspirations, Their Post-High School Activities* (1959).

Commission reports on public schools published prior to this resolution include: *Per-Pupil Cost of Vocational and General Education Programs in the Public Schools* (1949); *Public School Attendance Areas* (1951); *Public School Pupil Transportation* (1953); and *State and Local Support of Public Education* (1953).

In Pennsylvania, the state's percentage contribution toward the financing of the public schools approaches 50 percent; that of all states combined is approximately 40 percent. By virtue of the substantially above-average percentage contribution of the Commonwealth, property taxes—the mainstay of local school support—are some \$20 per capita below the national average.

As in the past, the central organizational problem of the public schools is concerned with the design of administrative units which hold promise of providing both equalization of educational opportunity in terms of program quality and adequate local financial capacity. Throughout this century, the General Assembly has recognized the importance of reorganization of administrative units. The history of legislative programs has been detailed elsewhere.<sup>6</sup> Legislative attempts to improve the organizational structure of the public schools, as a general rule, have taken the form of subsidies on account of specific functions such as transportation, or specific forms of organization such as jointures, unions and mergers. The legislature authorized the Department of Public Instruction to withhold payments unless, in the judgment of the department, the subsidies promoted the attainment of educational objectives. For instance, in connection with supplemental payments for jointures, unions and mergers, the law requires:

"In all cases the supplemental payments specified in the foregoing shall be made only for organizations established and operated in accordance with standards and regulations prescribed by the State Council of Education and approved by the Department of Public Instruction."<sup>7</sup>

Though incentive subsidies were tied to either function or organization, the attempt throughout was to encourage the formation of administrative units of adequate size.

Adequacy of size depends upon the variety and content of the programs which the public schools are expected to provide. Over time, public school programs have been intensified and diversified. The addition of

<sup>6</sup> See *Public School Attendance Areas*, Report of the Joint State Government Commission (1951).

<sup>7</sup> Public School Code of 1949, § 2502.1 added 1957, July 13, P. L. 864.

programs, however, may not necessarily require the enlargement of school districts since responsibility for certain programs may be lodged elsewhere. Provisions have been made for the education of physically and mentally handicapped children on the county level. To facilitate competent vocational training in a wide variety of fields, the Public School Code authorizes and provides financial incentives for the formation of area technical schools.<sup>8</sup>

In view of these special provisions, the high school is expected to provide educational programs in general, commercial and academic subjects. The minimum size for an efficient high school depends upon the characteristics of the pupil population including aptitudes and preferences. Data gathered in connection with the Commission's survey of high school seniors<sup>9</sup> indicate that, in order to maintain classes no smaller than 12 to 15 pupils for "accelerated" courses<sup>10</sup> and 15 to 22 for intensive twelfth grade courses in such subjects as mathematics, science, languages and business, a senior class enrollment of about 150 pupils is required. A senior class of 150 students is generally associated with an enrollment of approximately 500 in senior high school (tenth, eleventh and twelfth grades) and a total enrollment in grades one (or kindergarten) through twelve of approximately 2,500.<sup>11</sup>

As a matter of general practice, units with high schools which have less than 500 pupils, unless operated at low pupil-teacher ratios which, of necessity, generate high costs,<sup>12</sup> resort to one of the following practices: (1) in-

tensive twelfth grade courses are not offered, or (2) seniors are compelled to take certain academic courses regardless of their aptitude or interest if they are to receive sufficient credits for graduation.

An operating unit of adequate size may be organized either as a single district or as a joint system. However, single district operation is preferable to joint operation because it permits administrative economies and tends to lessen variations in local tax resources. The General Assembly has provided an incentive payment of \$800 per teaching unit for single districts formed by the union or merger of individual districts as compared with \$500 per teaching unit for districts participating in joint operation.<sup>13</sup>

Practically all first and second class school districts are of sufficient size to offer a comprehensive educational program in all grades at reasonable cost. However, most of the operating units (single districts or joint school systems) in third and fourth class districts are of inadequate size; about 75 percent have an enrollment of less than 500 in their senior high school grades.

The following table shows, by size categories (school year 1959-1960), the number of high schools in third and fourth class districts and the total enrollment in grades 10, 11 and 12. Approximately 132,000 students, or 51 percent of the total senior high school enrollment in third and fourth class districts, attend high schools with less than 500 pupils in the senior high grades.

Size of School (Enrollment in Grades 10, 11 and 12)	Number of High Schools	Total Enrollment (Grades 10, 11 and 12)
Less than 300	296	54,100
300-499	199	77,800
500-699	81	47,300
700 or more	78	78,200
Total	654	257,400

<sup>13</sup> The higher incentive payments for unions and mergers notwithstanding, individual districts have shown a decided preference for joint operation. As of July, 1960, 1,829 districts participated in jointures, while 463 districts had been consolidated into 137 union or merged districts.

<sup>8</sup> Pennsylvania public schools offer vocational courses in approximately 80 subject matter fields ranging from aircraft engine mechanic to X-ray technician.

<sup>9</sup> *Pennsylvania High School Seniors, 1958: Their Mental Ability, Their Aspirations, Their Post-High School Activities*, Report of the Joint State Government Commission (1959).

<sup>10</sup> "Accelerated" courses refer to courses offered to high school seniors for which college credit may be given.

<sup>11</sup> The findings of other observers are consistent with this conclusion. See James Bryant Conant, *The American High School Today* (New York: McGraw-Hill Book Company, Inc., 1959); and *Paying for Better Public Schools*, a Statement on National Policy by the Research and Policy Committee of the Committee for Economic Development (New York: Committee for Economic Development, December 1959).

<sup>12</sup> See *Public School Attendance Areas*, Report of the Joint State Government Commission (1951).

Third and fourth class districts in the aggregate account for approximately 70 percent of the total enrollment in the Commonwealth's public schools and receive about 80 percent of total Commonwealth subsidies. Those third and fourth class districts whose students attend high schools enrolling less than 500 account for 36 percent of all enrollments and receive an estimated 47 percent of total Commonwealth subsidies. Furthermore, the proportion of expenditures financed by the Commonwealth tends to increase as the size of operating unit decreases.

Evaluation of the performance of schools requires the selection of some measure of quality of education. Despite the lack of unanimity among educationists and within the community at large concerning the goals of education, there appears to be general agreement with respect to particular characteristics which permit quality differentiations among schools.

One quality measure which has had considerable recognition in educational circles is "accreditation." The accreditation status of a high school is based upon an evaluation process performed by classroom teachers, supervisors and educational administrators, involving the appraisal of teachers' characteristics, intensity and diversity of programs, pupil guidance services, quality of administration and physical plant. The evaluation process is designed to appraise the over-all performance of high schools. Depending upon the findings of the evaluation, a given high school is either accredited or not accredited. The evaluation involved in accreditation is undertaken at the initiative of the school which desires accreditation.

In view of the general interest in specific subject matter which has developed recently,<sup>14</sup> the accreditation measure has been augmented by measures of performance in specific areas. The areas selected for evaluation are mathematics, science and foreign languages. The potential performance of mathematics and science teachers in the schools under review has been evaluated on the basis of the number of semester credits earned in college level subject matter. The opportunities offered in the foreign language area have been appraised

<sup>14</sup> See National Defense Education Act of 1958, Pub. L. No. 85-864, 85th Congress, 2d Session (September 2, 1958).

by reference to the availability of three years of instruction in a modern foreign language.<sup>15</sup>

Chart I shows for high schools operated by third and fourth class districts, classified by size of senior high school enrollment, the percentages of schools (a) accredited by the Middle States Association of Colleges and Secondary Schools, (b) employing at least one mathematics teacher with 36 or more credit hours of college mathematics, (c) employing at least one mathematics teacher with 18 or more credit hours in college level mathematics, and (d) offering three years of instruction in a modern foreign language.

Examination of the chart shows that all quality measures under review increase, though at varying rates, as size of school increases. For example, about five percent of the schools in the smallest size group (less than 300 in grades 10, 11 and 12) offer three years of a modern foreign language, whereas 60 percent of the schools in the largest size group (700 or more) offer three years of a modern foreign language. Similarly, about 15 percent of the high schools in the smallest size group and 80 percent of the schools in the largest size group are accredited. While practically all high schools in the largest size group have at least one mathematics teacher with 18 or more credit hours in college level mathematics, 25 percent of the high schools in the smallest size group employ no teacher with 18 or more credit hours of college level mathematics.<sup>16</sup> Though the chart does not show the qualifications of science teachers, examination of pertinent data indicates that the distribution of science teachers by preparation in subject matter resembles that of mathematics teachers.

<sup>15</sup> It is the view of authorities in the field that at least three years of instruction in a language is required to obtain any degree of competence; anything less than three years is largely a waste of time. See Conant, *The American High School Today*, p. 69.

<sup>16</sup> In a recent policy statement on the teaching of mathematics in the public schools, the Mathematical Association of America recommends the following minimum standards which, in equivalent semester credits, are: junior high school mathematics teachers 21 credit hours; senior high school mathematics teachers 36 credit hours; teachers of accelerated courses in the senior year 60 credit hours. (*The New York Times*, November 27, 1960, p. E7). In all Pennsylvania third and fourth class district high schools, there are only 40 teachers with 36 or more credit hours in mathematics.

Chart I  
 PERCENT OF HIGH SCHOOLS IN SIZE CATEGORIES  
 HAVING SPECIFIED CHARACTERISTICS,  
 THIRD AND FOURTH CLASS SCHOOL DISTRICTS  
 1959-1960

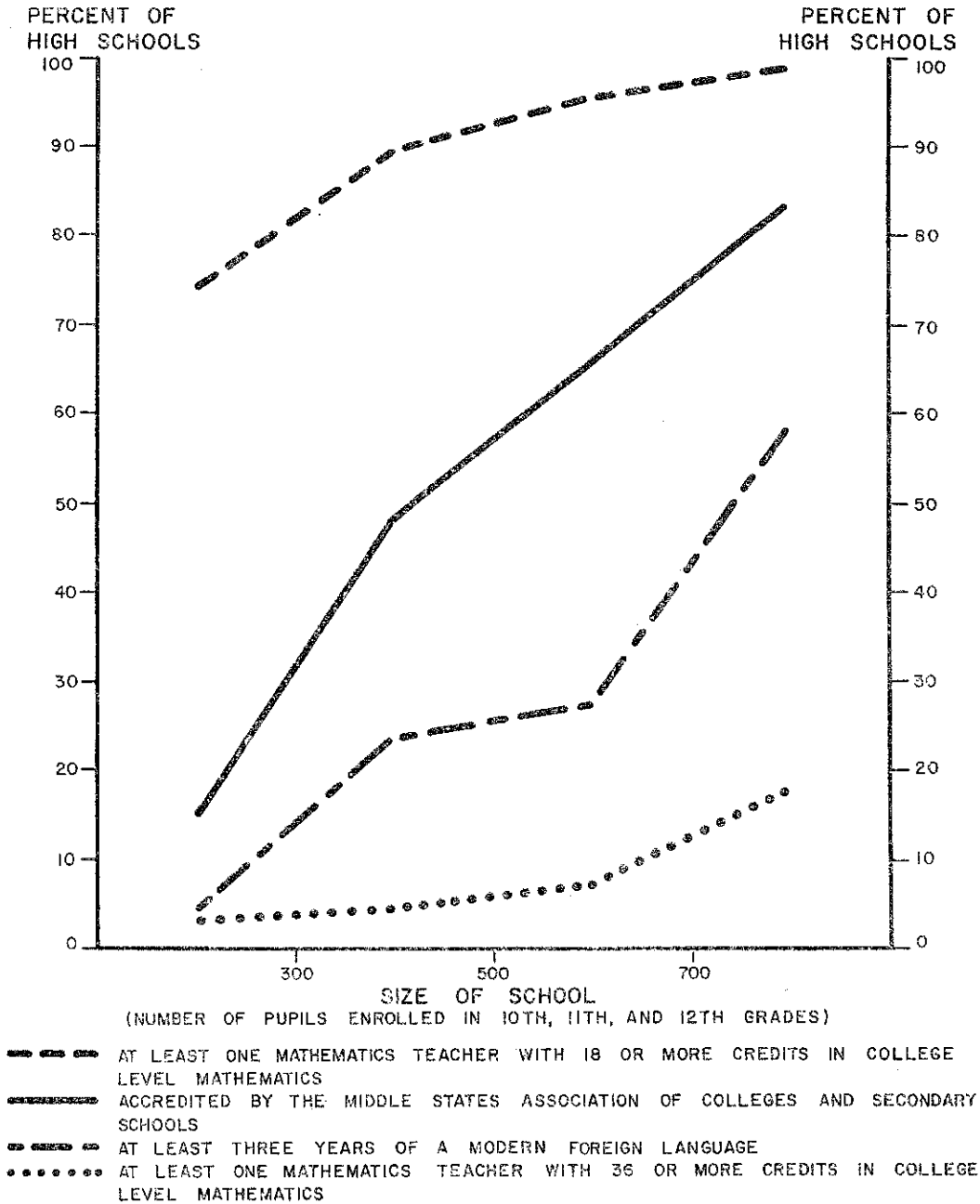


Chart II relates the quality measures to the percentage contribution of the Commonwealth toward the operating expenses of school districts. The chart shows that as the percentage of State support increases all quality measures decrease. For instance, in school districts receiving a Commonwealth contribution constituting less than 37.5 percent of their operating expenses, about 45 percent of the high schools offer three years of a modern foreign language and about 80 percent are accredited. At the other extreme, in school districts where Commonwealth subsidies constitute more than 62.5 percent of their operating expenses, about 11 percent offer three years of a modern foreign language and about 18 percent are accredited.

In connection with the relationship between size and quality of education, the data collected in the Commission's survey of high school seniors indicate that pupils attending large high schools in third and fourth class districts have a significantly greater chance than pupils with comparable aptitudes attending small high schools of overcoming environmental obstacles to college attendance. The continued presence of small high schools tends to deter bright students from realizing their educational potential.

Though many high schools of inadequate size still operate in the Commonwealth, it should not be concluded that the General Assembly's attempts to encourage the formation of operating units of adequate size have been ineffective. Over the last quarter of a century, the extremely small high schools have been eliminated. In 1929, 484 high schools enrolled 100 or fewer pupils; by 1949-1950, this number had been reduced to 122, and today there are less than 10 high schools enrolling less than 100 pupils. This improvement cannot be attributed to the growth of public school enrollment which, today, is almost the same as it was in 1929.

The problems faced in connection with the establishment of operating units of adequate size are not confined to Pennsylvania but are acutely felt in all states which have not embarked upon a course of mandatory consolidation. Reporting upon the progress of school

consolidation in the nation, the Committee for Economic Development concludes:

"All experience shows that effective consolidation cannot and will not be achieved by the local units themselves. Even under rather strong state pressure, 'voluntary' reorganization requiring approval by voters in the local districts not only has proceeded at a snail's pace, but has usually resulted in consolidated districts that are still too small to provide an effective program or a sufficiently broad tax base."<sup>17</sup>

When formulating policies calculated to improve public education, it is essential to differentiate between the two components of educational quality: program diversity and program content. Acceptable program diversity can readily be provided by the establishment of operating units of adequate size. However, the content of programs depends, in the last analysis, upon the qualifications of instructional personnel which, in turn, are directly related to certification standards and compensation practices.

It is the consensus of informed observers that contemporary certification standards do not take full cognizance of the importance of subject matter preparation. Again, contemporary compensation practices do not reflect the different alternative employment opportunities of teachers in different subject matter fields.<sup>18</sup>

## B. State Mental Hospitals

In view of constantly changing techniques for treatment of the mentally ill, the Executive Committee directed a study of the expenditures and costs of State mental hospitals.

The 17 Commonwealth-operated mental hospitals have a total of 43,919 beds, of which 30,457 are "suitable,"

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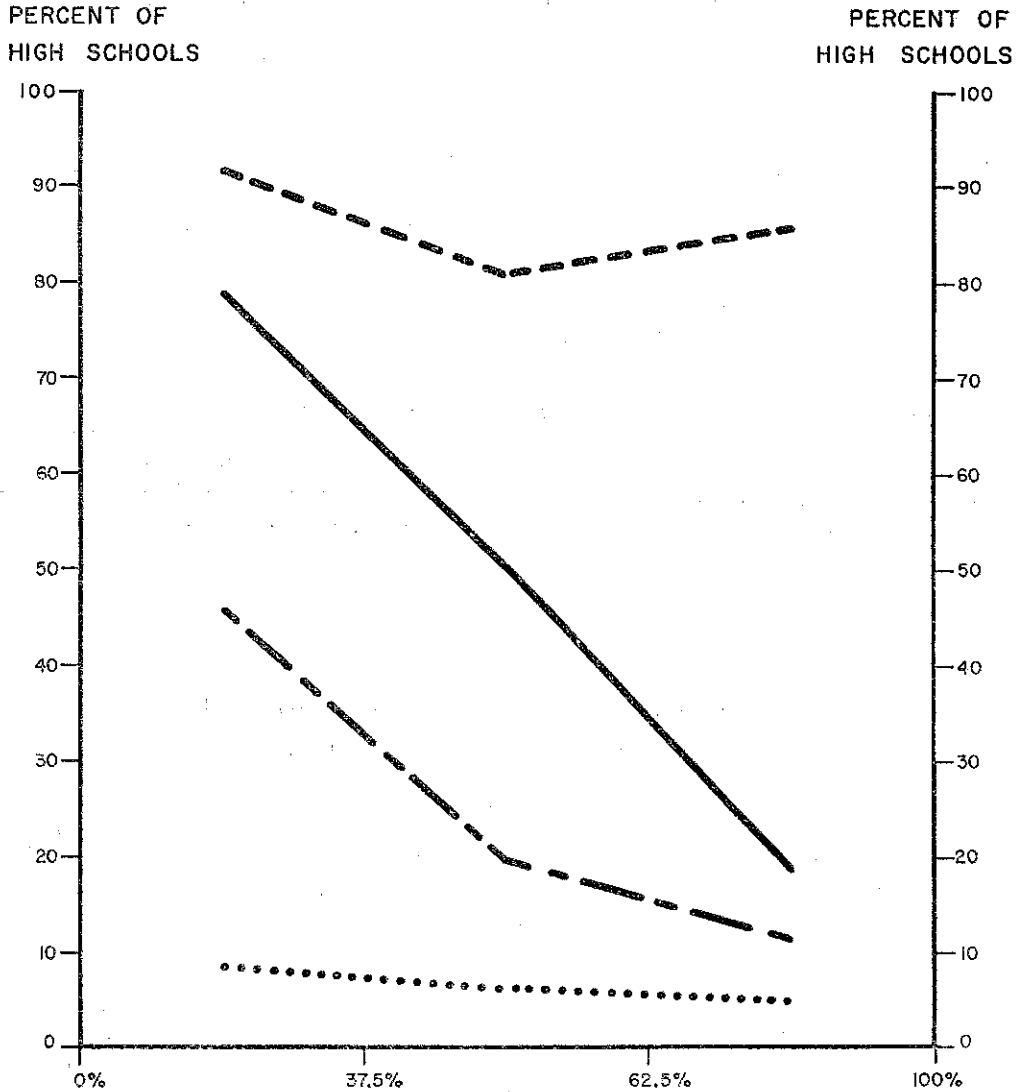
<sup>17</sup> Committee for Economic Development, *Paying for Better Public Schools*, p. 7.

<sup>18</sup> For a vigorous attack upon prevailing certification standards and compensation practices in the public schools, see Myron Lieberman, *The Future of Public Education* (Chicago: The University of Chicago Press, 1960).



Chart II

PERCENT OF HIGH SCHOOLS IN SUPPORT CATEGORIES  
 HAVING SPECIFIED CHARACTERISTICS,  
 THIRD AND FOURTH CLASS SCHOOL DISTRICTS  
 1959-1960



- (PERCENT OF TOTAL EXPENSES ON CURRENT ACCOUNTS PAID BY THE COMMONWEALTH)
- AT LEAST ONE MATHEMATICS TEACHER WITH 18 OR MORE CREDITS IN COLLEGE LEVEL MATHEMATICS
  - ACCREDITED BY THE MIDDLE STATES ASSOCIATION OF COLLEGES AND SECONDARY SCHOOLS
  - AT LEAST THREE YEARS OF A MODERN FOREIGN LANGUAGE
  - AT LEAST ONE MATHEMATICS TEACHER WITH 36 OR MORE CREDITS IN COLLEGE LEVEL MATHEMATICS

10,641 are "unsuitable," and 2,821 are "excess."<sup>19</sup> Twenty private mental hospitals with a total bed capacity of 2,185, of which 666 are "suitable" and 1,519 "unsuitable," are located within the Commonwealth. Federal hospitals for mentally ill veterans have a bed capacity of 3,618.<sup>20</sup> Inpatient facilities for the mentally ill are available at 19 general hospitals which provide 1,278 beds for mental patients, of which 885 are "suitable" and 393 are "unsuitable." State financial aid is provided to 20 outpatient psychiatric clinics, and special facilities for research, training, and teaching are available at the Western State Psychiatric Institute in Pittsburgh, leased to the University of Pittsburgh, and the Eastern Penn-

<sup>19</sup>"Suitable" beds are defined by the Pennsylvania Department of Public Welfare as "those housed in fire resistive construction in which frames, floors, wall, permanent partitions and roof are built of stone, brick, steel, or reinforced concrete; i.e., without any wood except doors or trim." "Unsuitable" units are those not in such construction. "Excess" beds are beds located in space not designed as patients' quarters. Unless otherwise noted, all data were furnished by the Department of Public Welfare.

<sup>20</sup>American Hospital Association, *Hospitals, Guide Issue*, Journal of the American Hospital Association, Part Two (August 1960).

sylvania Psychiatric Institute in Philadelphia, operated by the Department of Public Welfare. In summary, State-owned mental hospitals are not the only facilities for the mentally ill in Pennsylvania, but, in terms of capacity, they far outrank all other facilities combined.

Table 1 shows for the biennia 1947-1949 through 1957-1959 total expenditures,<sup>21</sup> institutional receipts and net Commonwealth expenditures for the State mental hospitals. Over the period under review, total expenditures increased from \$46.6 million to \$114.2 million, or 145 percent. Net Commonwealth expenditures increased from \$41.0 million to \$97.5 million, or 138 percent. Institutional receipts—that is, patient charges—accounted for 15 percent of total expenditures in 1957-1959 as compared with 12 percent in 1947-1949.<sup>22</sup>

<sup>21</sup>Total expenditures consist of disbursements from appropriations made to the Department of Public Welfare for operating expenses and current capital accounts and do not include funds spent at State mental hospitals by the General State Authority for additions, betterments and replacements which have amounted to about five percent of total expenditures.

<sup>22</sup>An insignificant portion of institutional receipts is accounted for by receipts other than patient charges.

Table 1  
EXPENDITURES AND RECEIPTS OF STATE MENTAL HOSPITALS  
1947-1949 THROUGH 1957-1959

Biennium	Total Expenditures	Institutional Receipts		Net Commonwealth Expenditures	
		Amount	Percent of Total	Amount	Percent of Total
(1)	(2)	(3)	(4)	(5)	(6)
1947-1949	\$46,626,429	\$5,631,141	12%	\$40,995,288	88%
1949-1951	54,065,780	6,816,699	13	47,249,081	87
1951-1953	68,578,036	8,866,221	13	59,711,815	87
1953-1955	84,993,455	11,241,105	13	73,752,350	87
1955-1957	100,755,118	13,030,977	13	87,724,141	87
1957-1959	114,200,658	16,747,756	15	97,452,902	85

Table 2 shows the location of the 17 State mental hospitals, their current service areas, and the average number of patients at each hospital<sup>23</sup> during the biennia 1947-1949 and 1957-1959. Generally speaking, admissions to mental hospitals are limited to residents of their service areas, except for Farview, Norristown, Mayview and Philadelphia. Farview is an institution for criminally insane males and receives patients from the entire state; Norristown, Mayview and Philadelphia admit tubercu-

losis patients from outside their service areas.

Examination of Table 2 shows that between 1947-1949 and 1957-1959 the average number of patients in all mental hospitals increased from 35,539 to 38,744, or 9 percent. In 14 of the 17 hospitals, average patient population increased between the two biennia, with the three smallest hospitals showing the largest proportionate increases. In both periods, hospitals varied markedly in size; patient population ranged from 287 to 6,015 in 1947-1949 and from 754 to 6,430 in 1957-1959.

State mental hospital expenditures are customarily

Table 2  
LOCATION, SERVICE AREA, AND AVERAGE NUMBER OF PATIENTS  
STATE MENTAL HOSPITALS

State Mental Hospital	County	Counties in Service Area	Average Number of Patients	
			1947-1949	1957-1959
(1)	(2)	(3)	(4)	(5)
Allentown	Lehigh	Carbon, Lehigh, Monroe, Northampton, and part of Bucks	2,002	1,778
Clarks Summit	Lackawanna	Bradford, Lackawanna, Pike, Wayne	1,308	1,338
Danville	Montour	Clinton, Columbia, Lycoming, Montour, Northumberland, Susquehanna, Snyder, Sullivan, Tioga, Union, Wyoming, and part of Schuylkill	2,408	2,641
Dixmont	Allegheny	Beaver, Lawrence	981	957
Embreeville	Chester	Chester, Delaware	287	777
Farview	Wayne	All counties	1,171	1,338
Harrisburg	Dauphin	Adams, Cumberland, Dauphin, Franklin, Fulton, Juniata, Lancaster, Mifflin, Perry, York	2,447	2,660
Holidaysburg	Blair	Blair, Bedford, Centre, Huntingdon, and part of Cambria	359	763
Mayview	Allegheny	Part of Allegheny (Pittsburgh)	3,046	3,191
Norristown	Montgomery	Montgomery, part of Bucks, and part of Philadelphia	4,310	4,491
Philadelphia	Philadelphia	Part of Philadelphia	6,015	6,430
Retreat	Luzerne	Luzerne	1,112	1,124
Somerset	Somerset	Fayette, Somerset	443	754
Torrance	Westmoreland	Armstrong, Butler, Greene, Indiana, Washington, Westmoreland, and part of Cambria	2,614	2,999
Warren	Warren	Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren	2,671	2,992
Wernersville	Berks	Berks, Lebanon, and part of Schuylkill	1,869	1,771
Woodville	Allegheny	Part of Allegheny (excluding Pittsburgh)	2,496	2,740
All Hospitals			35,539	38,744

presented in terms of *average biennial expenditure per patient* which is obtained by dividing total expenditures by average number of patients. This measure, however, is of limited usefulness in evaluating expenditures, since it does not reflect patient turnover. The average number of patients is not indicative of the number of individual patients who have received care and treatment during the period. In 1957-1959 average number of patients as a proportion of the number of patients treated varied among hospitals, ranging from 45 to 79 percent. *Average biennial expenditure per patient treated*<sup>24</sup> relates total expenditures to the number of individual patients, regardless of length of stay, who were treated during the biennium.

Table 3 shows, for 1947-1949 and 1957-1959, average biennial expenditure per patient and average biennial expenditure per patient treated for all mental hospitals

<sup>24</sup> Average biennial expenditure per patient treated is computed by dividing total biennial expenditures by the number of patients treated defined as the number in the institution at the beginning of the biennium plus the number admitted during the biennium.

except Farview.<sup>25</sup> For all hospitals combined, average biennial expenditure per patient increased from \$1,302 to \$2,943, or 126 percent, and average biennial expenditure per patient treated increased from \$946 to \$1,988, or 110 percent. The smaller increase in average biennial expenditure per patient treated indicates an increase in the over-all patient turnover rate. Individual hospitals showed strikingly different relationships between average biennial expenditure per patient and average biennial expenditure per patient treated. For instance, in 1957-1959, Hollidaysburg and Embreeville had above-average biennial expenditures per patient but below-average biennial expenditures per patient treated. Again, in 1957-1959, Philadelphia State Hospital had the lowest average biennial expenditure per patient, but its average biennial expenditure per patient treated exceeded that of seven other institutions.

In addition to the changes in average biennial expenditure per patient and average biennial expenditure per patient treated, the period under review has been characterized by significant changes in the relative im-

<sup>25</sup> Subsequent analyses of State mental hospitals apply to all hospitals except Farview, which is excluded because of its atypical patient population.

Table 3  
AVERAGE BIENNIAL EXPENDITURE PER PATIENT AND  
AVERAGE BIENNIAL EXPENDITURE PER PATIENT TREATED  
1947-1949 AND 1957-1959

State Mental Hospital	Average Biennial Expenditure Per Patient		Average Biennial Expenditure Per Patient Treated	
	1947-1949	1957-1959	1947-1949	1957-1959
(1)	(2)	(3)	(4)	(5)
All Hospitals .....	\$1,302	\$2,943	\$ 946	\$1,988
Allentown .....	1,266	3,549	850	2,485
Clarks Summit .....	1,209	3,300	783	2,104
Danville .....	1,474	2,849	1,058	1,691
Dixmont .....	1,618	3,114	1,499	2,465
Embreeville .....	1,738	4,104	1,279	1,858
Harrisburg .....	1,161	2,659	845	1,791
Hollidaysburg .....	1,253	3,230	803	1,897
Mayview .....	1,470	3,025	966	1,916
Norristown .....	1,203	2,912	896	2,055
Philadelphia .....	1,138	2,570	958	2,001
Retreat .....	1,392	3,443	1,065	2,320
Somerset .....	1,207	3,448	1,023	2,282
Torrance .....	1,186	2,810	814	2,020
Warren .....	1,340	3,013	857	1,803
Wernersville .....	1,295	2,801	879	1,922
Woodville .....	1,612	2,917	1,219	2,059

portance of treatment expenditures and household expenditures. Treatment expenditures include the compensation of physicians, nurses, technicians, attendants, and the cost of drugs. Household expenditures include all other expenses incidental to the operation of a hospital, such as food, supplies, plant maintenance and administration.

Chart III shows that, for every hospital, between 1948 and 1958 the percentage increase in treatment expenditures per patient week exceeded the percentage increase in other expenditures per patient week. The increase in the relative importance of treatment expenditures is brought into prominence by Chart IV which shows treatment expenditures as a percent of total expenditures for 1948 and for 1958. Examination of Chart IV shows that in 1948 the relative importance of treatment expenditures varied greatly from hospital to hospital, ranging from about 25 percent at Somerset and Dixmont to over 40 percent at Danville and Warren. In 1958, treatment expenditures as a percent of total expenditures exceeded 40 percent in all institutions and the variation among institutions was much less pronounced than in 1948.

Other factors remaining constant, higher treatment expenditures, if not due solely to price increases, should be

reflected in greater discharge rates. Between 1947-1949 and 1957-1959, the discharge rate<sup>26</sup> for all hospitals combined increased from 16.0 percent to 21.0 percent.<sup>27</sup> In other words, for the system as a whole, the chances of a patient being discharged improved about one-third over the past decade.

Table 4 shows, for individual hospitals, treatment expenditures per patient week for 1958 and discharge rates and distribution of patients by diagnostic categories for 1957-1959. Treatment expenditures per patient week ranged from \$9 to \$17 and discharge rates ranged from 6.5 percent to 45.1 percent. To facilitate a comparison of discharge rates and treatment expenditures, the data in columns (2) and (3) of Table 4 have been plotted in Chart V.

<sup>26</sup> Discharge rate is computed by dividing the number of patients discharged during a biennium by the number treated, exclusive of those who died.

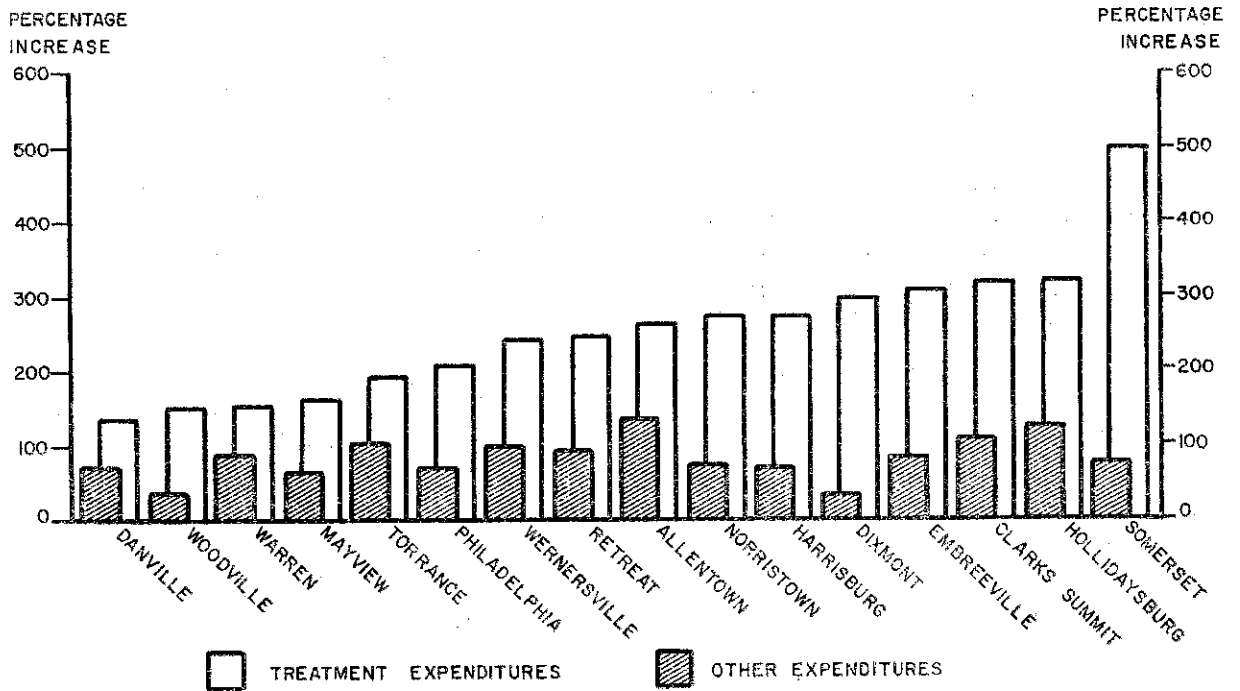
<sup>27</sup> For the system as a whole, patient composition by diagnostic categories, one of the major factors affecting discharge rates, does not appear to have changed materially over the period. In 1947-1949, patient distribution by major diagnostic categories was: acute and chronic brain syndromes 18.5 percent, psychotic disorders 66.1 percent, mental deficiency 9.8 percent, other 5.6 percent. Comparable percentages for 1957-1959 were 22.6 percent, 64.6 percent, 9.3 percent, and 3.5 percent, respectively.

Table 4

TREATMENT EXPENDITURES PER PATIENT WEEK, DISCHARGE RATES AND DIAGNOSTIC CLASSIFICATION OF PATIENTS IN PENNSYLVANIA STATE MENTAL HOSPITALS

State Mental Hospital	Treatment Expenditures Per Patient Week 1958	Discharge Rate 1957-1959	Diagnostic Categories, 1957-1959			
			Acute and Chronic Brain Syndromes	Psychotic Disorders	Mental Deficiency	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Allentown	\$14	15.0%	21%	66%	9%	4%
Clarks Summit	16	14.4	26	57	12	5
Danville	14	37.3	22	63	11	4
Dixmont	14	6.5	19	70	8	3
Embreeville	17	45.1	28	60	8	4
Harrisburg	13	17.7	20	66	9	5
Hollidaysburg	14	23.9	28	59	10	3
Mayview	13	22.7	30	61	7	2
Norristown	12	18.5	18	68	9	5
Philadelphia	9	11.4	23	66	9	2
Retreat	14	25.3	21	66	11	2
Somerset	15	17.4	28	54	13	5
Torrance	11	17.5	23	66	9	2
Warren	13	31.7	21	69	6	4
Wernersville	12	21.4	22	62	13	3
Woodville	13	17.3	28	58	11	3

**Chart III**  
**PERCENTAGE INCREASES IN TREATMENT EXPENDITURES AND**  
**OTHER EXPENDITURES PER PATIENT WEEK**  
**PENNSYLVANIA STATE MENTAL HOSPITALS**  
**1948-1958**



**Chart IV**  
**TREATMENT EXPENDITURES AS PERCENT OF TOTAL EXPENDITURES**  
**PENNSYLVANIA STATE MENTAL HOSPITALS**  
**1948 AND 1958**

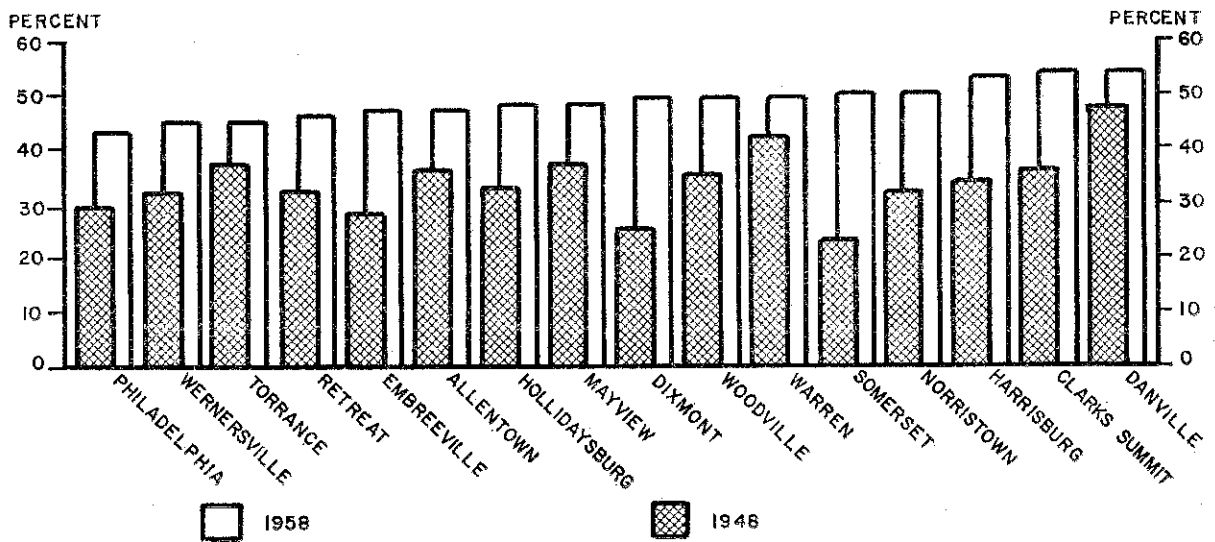


Chart V

DISCHARGE RATES (1957-1959) AND TREATMENT EXPENDITURES (1958)  
PENNSYLVANIA STATE MENTAL HOSPITALS

[Discharge rate equals number discharged per 100 treated, exclusive of deaths]

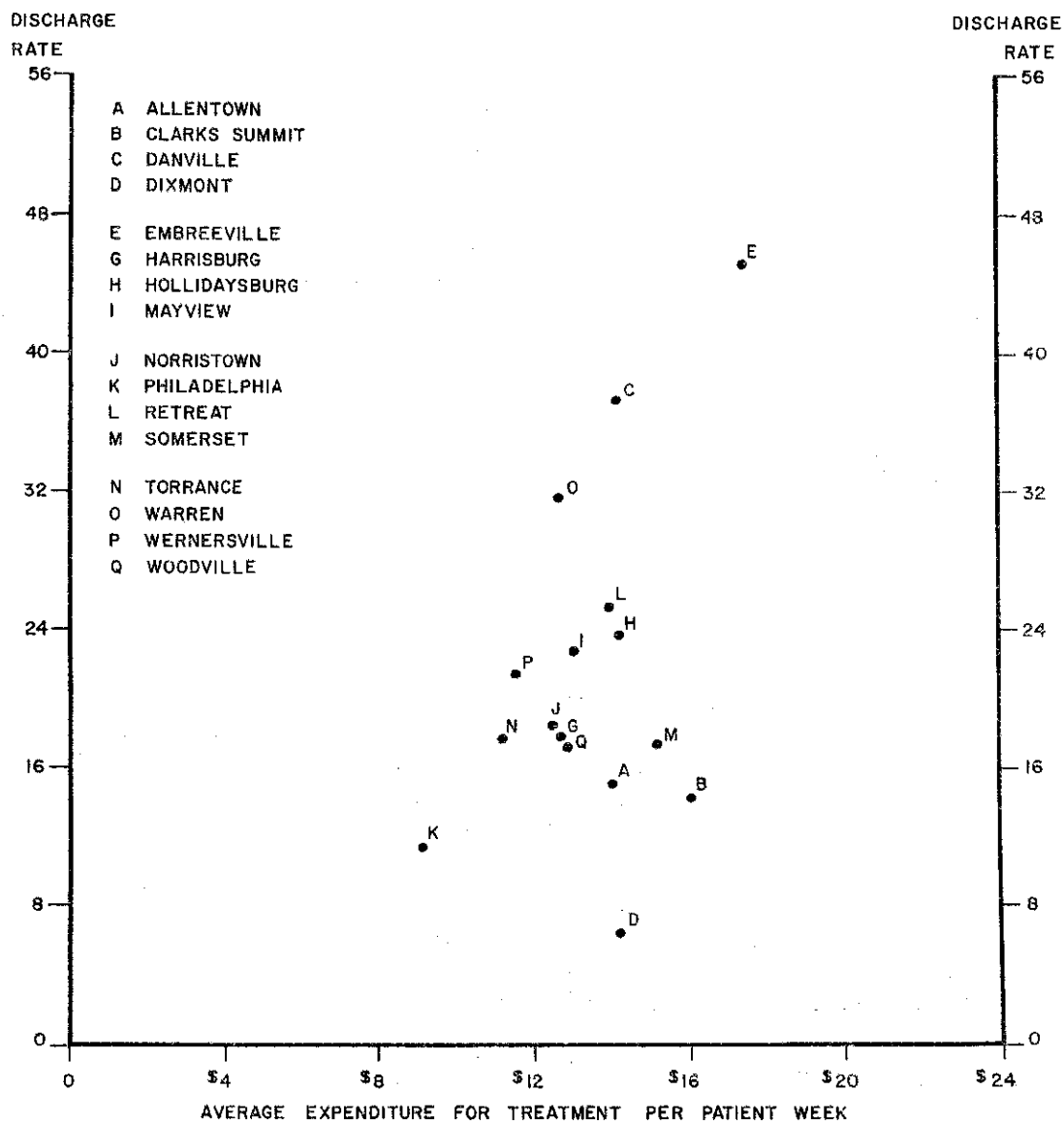


Chart V shows that 13 hospitals with average expenditures per patient week ranging from \$12 to \$16 had discharge rates ranging from 6 percent to 37 percent. These data suggest that among individual hospitals there is little, if any, consistent association between level of treatment expenditure and discharge rate. Under the circumstances, variations in treatment expenditure and discharge rate must be attributable to composition of patient population, hospital size, or medical and administrative policies.

Examination of the data presented in Table 2, column (5), and Table 4 shows that hospitals of comparable size, comparable patient composition in terms of major diagnostic categories and comparable treatment expenditures have markedly different discharge rates. For example, Danville State Hospital and Harrisburg State Hospital, with similar patient composition, average patient populations of 2,641 and 2,660, and average treatment expenditures per patient week of \$14 and \$13, respectively, have discharge rates of 37 percent and 18 percent. Hollidaysburg State Hospital, with an average patient population of 763, and Somerset State Hospital, with a comparable patient composition and an average patient population of 754, have comparable treatment expenditures, \$14 and \$15, respectively, and different discharge rates, 24 percent and 17 percent, respectively. Torrance State Hospital and Warren State Hospital, of virtually identical size, with treatment expenditures of \$11 and \$13, and similar patient composition, had discharge rates of 18 percent and 32 percent, respectively.

Because of the observable variations in discharge rates, biennial expenditures do not facilitate evaluation of the total cost incurred to effect a patient release. An estimate of this cost, which will be referred to as *total expectable cost per patient*, may be obtained by dividing the total expenditures for a biennium by the number of patient releases (discharges plus deaths) during the biennium.<sup>28</sup>

<sup>28</sup> Total expectable cost per patient may also be expressed as the quotient obtained by dividing average biennial expenditure per patient treated by the probability of a patient release; the probability is computed by dividing the number of releases in a biennium by the number of patients treated in a biennium. Total expectable cost per patient would, if the experience of a given biennium were continued indefinitely, be equal to actual total cost per patient released.

For all mental hospitals combined, total expectable cost per patient increased from \$3,896, based on 1947-1949 experience, to \$6,539, based on 1957-1959 experience, an increase of 68 percent. Total expectable cost per patient is shared by the Commonwealth and the patient.<sup>29</sup>

*Total expectable charge per patient*, that is, the portion of total expectable cost borne by the patient,<sup>30</sup> increased from \$445, based on 1947-1949 experience, to \$929, based on 1957-1959 experience. Since patient charges are determined by reference to income, changes in total expectable charge per patient should be evaluated in terms of changes in income levels. Over the period under review, per capita income in Pennsylvania increased from \$1,416 to \$2,168. Consequently, patient effort (the ratio of expectable patient charge to income) increased 36 percent.

Total expectable cost per patient and total expectable charge per patient for each hospital, based upon 1957-1959 experience, are shown in columns (2) and (3) of Table 5. Total expectable cost per patient ranges from \$3,579 in the case of Embreeville to \$16,555 for Dixmont. Variations in total expectable cost per patient among institutions arise from variations in biennial expenditure levels and variations in the probability of a patient release. However, the variation in the probability of release accounts for about two-thirds of the variation in total expectable cost per patient. Total expectable charge per patient ranges from \$441 at Danville to \$1,997 at Dixmont. Variations among institutions in total expectable charge per patient arise from variations in average bi-

<sup>29</sup> Annual patient charge is determined by the annual income of the patient or his legally responsible relatives, taken in conjunction with the standards of the Department of Public Welfare and administrative implementation of these standards by the Department of Revenue. For a patient in a given hospital, the maximum annual charge is the average per patient expenditure of that hospital for the preceding year.

<sup>30</sup> Total expectable charge per patient is obtained by dividing total institutional receipts in a biennium by the number of patient releases during a biennium.



ennial patient charge<sup>81</sup> (shown in column (4)) and variations in the probability of release. The variation contributed by the probability of release accounts for

about 50 percent of the variation among institutions in total expectable charge per patient.

<sup>81</sup> Administrative factors aside, variations among institutions in average biennial patient charge are attributable to the expenditure per patient at the institution and the economic position of the patients at the institution and their legally responsible relatives.

The evidence presented demonstrates that, notwithstanding a uniform State-wide standard which governs patient charges, similarly circumstanced individuals may expect to pay varying amounts in total charges, depending upon the hospital service area in which they live.

Table 5

TOTAL EXPECTABLE COST PER PATIENT, TOTAL EXPECTABLE CHARGE PER PATIENT, AND AVERAGE BIENNIAL PATIENT CHARGE 1957-1959

<i>State Mental Hospital</i>	<i>Total Expectable Cost Per Patient</i>	<i>Total Expectable Charge Per Patient</i>	<i>Average Biennial Patient Charge<sup>1</sup></i>
(1)	(2)	(3)	(4)
All Hospitals .....	\$ 6,539	\$ 929	\$282
Allentown .....	10,917	1,676	382
Clarks Summit .....	7,971	690	182
Danville .....	3,828	441	195
Dixmont .....	16,555	1,997	297
Embreeville .....	3,579	625	324
Harrisburg .....	6,525	1,355	372
Hollidaysburg .....	5,589	877	298
Mayview .....	5,577	579	199
Norristown .....	7,435	1,713	473
Philadelphia .....	9,531	848	178
Retreat .....	7,315	647	205
Somerset .....	8,280	972	268
Torrance .....	7,868	892	229
Warren .....	4,313	601	251
Wernersville .....	6,058	1,344	426
Woodville .....	7,312	1,097	309

<sup>1</sup> Average biennial patient charge is computed by dividing institutional receipts by number of patients treated.

## SERVICES TO LEGISLATIVE BUDGET AND FINANCE COMMITTEE

To expedite the fact-finding operations of the Legislative Budget and Finance Committee, established by Act No. 195, Session of 1959, the Executive Committee of the Joint State Government Commission authorized agreements between the Committee and the Commission under the terms of which the Commission was to furnish the Committee with “. . . information, data and materials pertinent to the inquiries of the Committee together with accounting, cost accounting, statistical and actuarial analyses . . . [and] library and consulting services.”

To date, the Commission, in addition to rendering consulting services, has prepared and furnished the Legislative Budget and Finance Committee with the following formal survey reports:

1. Yield of the Selected Sales and Use Tax, 1959-1961, and Estimated Annual Yields of Selected Extensions of the Tax;
2. Statutory Functions and Actual Operating Procedures of the State Tax Equalization Board;
3. Public Assistance: Changes in Statutes, Standards, Load, Composition of Load, and Commonwealth Costs; and
4. Public School Buildings: Commonwealth Reimbursement Procedures, and Factors Generating Differences in Cost of Structures.

## TASK FORCES

Small task forces, whose members were designated by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, studied and explored:

1. Adequacy of Pennsylvania statutes authorizing governmental action in emergency situations;
2. Court consolidation in Allegheny County and in Philadelphia County;
3. Pennsylvania eminent domain laws;
4. Pennsylvania Fire and Panic Act and related statutes, and the administration thereof;
5. Definition of the term “machinery” for assessment and tax purposes in counties of the second class;
6. Supplemental benefits for State and public school employes.

The membership of the task forces and the summary of their findings are presented in Part II of this report. The recommendations of the task forces, together with the action of the Executive Committee of the Commission, will be presented to the standing committees of the General Assembly of 1961, designated by the President Pro Tempore and the Speaker.

Part II

TASK FORCES: MEMBERSHIP AND ACTIVITIES

# ASSESSMENT OF MACHINERY IN SECOND CLASS COUNTIES

## TASK FORCE

### Senate Members

FRANK KOPRIVER, JR.  
ROBERT D. FLEMING  
WILLIAM J. LANE  
GEORGE J. SARRAF

### ---Co-Chairmen---

### House Members

JOHN T. WALSH  
STANLEY L. BLAIR  
THOMAS F. LAMB  
RAYMOND E. WILT

The task force undertook (1) a study of the 1957 amendment to The General County Assessment Law,<sup>1</sup> which provided for statutory exclusion of machinery, tools, appliances and other equipment from assessment for tax purposes in second class counties (Allegheny County), and (2) a study of the effects of the act upon the levying jurisdictions, in connection with which a public hearing was held in Pittsburgh on July 18 and 19, 1960.

Prior to the 1957 amendment, machinery had been excluded from the tax base in all other counties and from the tax base of the city and school district of Pittsburgh. Machinery was statutorily exempted in Pittsburgh in 1911,<sup>2</sup> Philadelphia in 1915,<sup>3</sup> and third through eighth class counties in 1953.<sup>4</sup>

The statute law at no time explicitly provided for the assessment and taxation of machinery as real estate.<sup>5</sup> The statutes required the assessment and taxation of "mills, manufactories and other real estate not exempt from

taxation."<sup>6</sup> Machinery<sup>7</sup> became taxable under the so-called "assembled industrial plant doctrine," as evolved by the courts of the Commonwealth. The "assembled industrial plant doctrine," originating in *Gray v. Holdship*,<sup>8</sup> was initially applied to tax situations in *Patterson v. Delaware County*,<sup>9</sup> to aid in construing the words "mills, manufactories and other real estate." In this case, the court observed:

" . . . everything necessary to perfect the establishment (mill, manufactory, &c.), and fit it for the uses designed, is a part of it, . . .

\* \* \*

" . . . As the Supreme Court has said in *Gray v. Holdship*, 17 S. & R. 413: "the machinery, the wheels, stones, and even the bolting-cloths, are a part of the mill," and therefore a part of the real estate.

\* \* \*

" . . . as already observed, from the engines and wheels up to the smallest necessary article, all must be pronounced machinery, if any part is. There is no other place—no point between the walls and the complete equipped mill (as painful experience has demonstrated), at which a line can be drawn designating where the mill ends and the machinery commences."<sup>10</sup>

<sup>1</sup> 1957, July 16, P. L. 954, amending 1933, May 22, P. L. 853, §201. For the discussions of the machinery exclusion in the General Assembly see: 1957 Legislative Journal 1718-1729, 3405-3422. For prior comments see: 1953 Legislative Journal 1869-1872, 2380-2383, 2497, 2526, 2527, 2567-2573, 2803-2831, 2860, and 1955 Legislative Journal 177, 178, 484-488, 517.

<sup>2</sup> 1911, May 12, P. L. 287, amending 1901, March 7, P. L. 20.

<sup>3</sup> 1915, June 3, P. L. 787.

<sup>4</sup> 1953, July 28, P. L. 701 and 1953, July 29, P. L. 984, amending 1933, May 22, P. L. 853; 1953, July 17, P. L. 464 and 1953, July 28, P. L. 703, amending 1943, May 21, P. L. 571.

<sup>5</sup> In general, the law distinguishes between real property and personal property. In determining when personalty becomes realty, the common law doctrine of fixtures is applied; a "fixture" is personal property attached to realty under circumstances such that it loses its former identity. *Justice v. Nesquehoning Valley Railroad Company*, 87 Pa. 28 (1878).

<sup>6</sup> 1834, April 15, P. L. 509; 1844, April 29, P. L. 486; 1933, May 22, P. L. 853; 1943, May 21, P. L. 571.

<sup>7</sup> Machinery has been defined by the courts as all the machines, apparatus or devices, including all appurtenances thereto, that involve mechanical or chemical action, which are essential to the production of that for which the business was established: *Gulf Oil Corporation v. Philadelphia*, 357 Pa. 101 (1947), and cases cited therein.

<sup>8</sup> 17 S. & R. 413 (1828).

<sup>9</sup> 70 Pa. 381 (1872).

<sup>10</sup> *Idem* at 383-384, 386.

For assessment purposes, the "assembled industrial plant doctrine" applies only to "mills,"<sup>11</sup> "manufactories,"<sup>12</sup> and "other real estate."<sup>13</sup>

The pertinent section of The General County Assessment Law, as amended in 1957,<sup>14</sup> reads in part as follows:

"Section 201. Subjects of Taxation Enumerated.—The following subjects and property shall, as hereinafter provided, be valued and assessed, and subject to taxation for all county, city, borough, town, township, school and poor purposes at the annual rate:

"(a) All real estate, to wit: Houses, house trailers permanently attached to land, lands, lots of ground and ground rents, trailer parks and parking lots, mills and manufactories of all kinds, furnaces, forges, bloomeries, distilleries, sugar houses, malt houses, breweries, tan yards, fisheries and ferries, wharves, and all other real estate not exempt by law from taxation. Machinery, tools, appliances and other equipment contained in any mill, mine, manufactory or industrial establishment shall not be considered or included as a part of the real estate in determining the value of such mill, mine, manufactory or industrial establishment: . . ."

The 1957 amendment, unlike all other legislation excluding machinery from assessment, provided for the gradual elimination of machinery from the tax base over a period of five years beginning January 1, 1958.<sup>15</sup>

<sup>11</sup> *Ibid.*

<sup>12</sup> *Defense Plant Corporation Tax Assessment Case*, 350 Pa. 520 (1944).

<sup>13</sup> "Other real estate" has been interpreted by the courts to include "industrial establishments": *United Laundries, Inc. v. Board of Property Assessment, Appeals and Review*, 359 Pa. 195 (1948); *Messenger Publishing Company v. Allegheny County Board of Property Assessment, Appeals and Review*, 183 Pa. Superior Ct. 407 (1957). cf. *Appeals of Pittsburgh Terminal Coal Company*, 83 Pa. Superior Ct. 535 (1924); *Penn-Lehigh Corporation Appeal*, 191 Pa. Superior Ct. 649 (1960).

<sup>14</sup> 1933, May 22, P. L. 853, as amended 1957, July 16, P. L. 954.

<sup>15</sup> For example, a company initially applying for its exemption effective in 1958 would receive a 20 percent reduction in that year and the same reduction each year for four years thereafter. However, applications initially effective in 1959, 1960, 1961 or 1962, would result in a 40 percent, 60 percent, 80 percent or 100 percent initial reduction.

In Allegheny County, assessments for all levying jurisdictions, including school districts, are made by the Allegheny County Board of Property Assessment, Appeals and Review.<sup>16</sup> However, the third class cities in Allegheny County—Clairton, Duquesne and McKeesport—have statutory authorization to make their own assessments.<sup>17</sup>

The board interpreted the 1957 amendment as requiring that affected taxpayers petition for fractional machinery exemptions and issued an order setting forth procedures for the filing of such petitions. The board's interpretation of the act, as well as its implemental order, was challenged in *M. P. Acee Company, Inc. v. Allegheny County*.<sup>18</sup>

The Court of Common Pleas of Allegheny County decided that the statute made it mandatory upon the board to grant taxpayers the proper fractional exemption and did not require the filing of a petition. Judge Brown, speaking for the court, observed:

" . . . The record is clear that plaintiffs, by petition, demanded this reduction. The board expressly flaunted the clear mandate of the legislature, in its letter, by saying that 'upon receipt of a written application by the petitioner they will then apply the provision of the act'. The only rational interpretation of this letter is that plaintiffs would not receive this 20 percent reduction unless they made an application for it and had a hearing. What the board is saying, for it must undoubtedly admit plaintiffs are entitled to this 20 percent reduction, is that 'you have to have a hearing before us, and without the hearing you will not receive the reduction which has been granted to you by the Legislature'.

" . . . Moreover, the board's implication that this 20 percent reduction is an exemption and a hearing to determine this fact is properly within its statutory province, is so naive that it needs but little comment from this court, . . ."<sup>19</sup>

The court directed the board:

" . . . to issue tax duplicates including thereon only 80 percentum of the machinery assessments for the year 1958, in compliance with the Act of July 16, 1957, P. L. 954, Sec. 1, . . ."<sup>20</sup>

<sup>16</sup> 1939, June 21, P. L. 626.

<sup>17</sup> 1931, June 23, P. L. 932, reenacted and amended 1951, June 28, P. L. 662.

<sup>18</sup> 18 D. & C. 2d 449 (1958).

<sup>19</sup> *Idem* at 459.

<sup>20</sup> *Idem* at 463.

The board appealed to the Supreme Court, which appeal was discontinued September 19, 1958. As of that date, the order quoted above was amended to direct:

“ . . . defendant upon written request from any eligible taxpayer made in accordance with proper and valid rules and regulations of defendant to include in the real estate assessment records for the year 1958 only 80 percent of the assessed value of machinery, tools, appliances and other equipment, . . . ”<sup>21</sup>

Under the amended order, the board has granted machinery exemptions only upon written application of the taxpayers.

The current and potential effects of the amendatory act, as administratively implemented, depend upon the relative magnitude of machinery assessments. As of January 1, 1958, the total assessed valuation of taxable real property in Allegheny County amounted to \$2,852,000,000 of which machinery accounted for about \$300 million. Hence, total exemption of machinery would reduce the total assessed valuation by about 10.5 percent. However, the relative importance of machinery varies widely among taxing jurisdictions. For example, in the three cities of the third class in Allegheny County—Clairton, Duquesne

<sup>21</sup> *M. P. Acee Company, Inc. v. Allegheny County*, 18 D. & C. 2d 801 (1958).

and McKeesport—machinery represents 54.8 percent, 35.8 percent, and 17.3 percent, respectively, of the assessed valuation of taxable real property.

Table 6 shows the distribution of boroughs and townships in Allegheny County by the percentage of total real property assessment represented by machinery and the 1960 population of the municipalities in each percentage class. Assessed value of machinery as a fraction of total assessed value ranged from less than 5 percent in 75 townships and boroughs with a total 1960 population of 583,535 to over 50 percent in two jurisdictions with a total population of 18,282.

The data shown in Table 6 indicate the potential maximum effect of the machinery exemption since a five-year period has been allowed for the elimination of machinery from the tax base and a number of taxpayers have not applied for a machinery exemption. As of May 12, 1960, machinery assessed at \$117 million had been exempted at the fractional rate provided by law.<sup>22</sup> As

<sup>22</sup> Machinery in the City of Pittsburgh has been exempt from taxation by the city and school district since 1911 (see footnote 2 *supra*). The county taxed machinery assessed at a value of \$77 million located in the City of Pittsburgh. Of this amount, requests for exemption have been granted on \$70 million as of May 12, 1960.

Table 6

DISTRIBUTION OF BOROUGHS AND TOWNSHIPS IN ALLEGHENY COUNTY  
BY PERCENT OF REAL PROPERTY ASSESSMENT  
REPRESENTED BY MACHINERY

<i>Machinery as a Percent of Total Real Property Assessment</i>	<i>Number of Boroughs and Townships</i>	<i>1960 Population of Boroughs and Townships</i>
(1)	(2)	(3)
0- 4.9	75	583,535
5.0- 9.9	19	140,201
10.0-14.9	8	70,966
15.0-19.9	5	24,946
20.0-24.9	5	28,317
25.0-29.9	3	11,296
30.0-34.9	3	50,228
35.0-39.9	2	8,411
40.0-44.9	2	2,535
45.0-49.9	1	4,123
50.0-54.9	2	18,282
Total	125	942,840

of the same date, taxpayers owning machinery assessed at \$179 million had not filed for the exemption. Of the total of \$179 million, all but \$20 million is accounted for by machinery owned by several taxpayers, known collectively as the "Big Six,"<sup>23</sup> who have not requested a machinery exemption.

In addition to the effect of the machinery exemption amendment upon the tax base, the impact of the exemption upon school subsidies should be recognized. Reduc-

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<sup>23</sup> The Board of Property Assessment, Appeals and Review identified the "Big Six" as initially comprising Westinghouse Electric Corporation, Westinghouse Airbrake Company, United States Steel Corporation, Gulf Oil Corporation, Allegheny Ludlum Steel Corporation, and Pittsburgh Plate Glass Company. Subsequently, this group was expanded to include Blaw-Knox Company, Dravo Corporation, Pittsburgh Coke and Chemical Company, and The Shenango Furnace Corporation.

tions in the local tax base automatically generate increases in Commonwealth school subsidies.<sup>24</sup>

The constitutionality of the amendatory Act of 1957, providing for the exclusion of machinery from the tax duplicate in second class counties has been challenged by the Borough of West Mifflin. The case is presently pending in the Court of Common Pleas of Allegheny County.

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<sup>24</sup> The school district of Clairton has appealed the certification of market valuation of the State Tax Equalization Board. The school district, which levies on a tax duplicate including machinery for which exemption has not been requested, contends that the board's certification should be based on a tax duplicate excluding such machinery. The assessed value of taxable real property in the school district amounts to \$62,125,000, of which \$33,892,000 represents the assessed value of machinery for which no exemption has been requested.

# COURT CONSOLIDATION IN PHILADELPHIA AND ALLEGHENY COUNTIES

## TASK FORCE

### *Senate Members*

ROBERT D. FLEMING  
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WILLIAM Z. SCOTT

—Co-Chairmen—

### *House Members*

JOSHUA EILBERG  
K. LEROY IRVIS  
AUSTIN M. LEE  
JOSEPH P. RIGBY

Senate Concurrent Resolution Serial No. 122, Session of 1959, directed the Joint State Government Commission "to make a study of the feasibility of combining or merging the jurisdiction and/or the personnel of said County Court of Allegheny County and the Municipal Court of Philadelphia County with the Courts of Common Pleas of said counties, and of the desirability of establishing court administrators in such counties . . ."

The task force undertook a review of constitutional and statutory provisions relating to trial courts of record, and evaluated such pertinent data as are available.

Trial courts of record<sup>1</sup> are provided for in Article V, Section 1 of the Constitution:

"The judicial power of this Commonwealth shall be vested in . . . courts of Common Pleas, courts of Oyer and Terminer and General Jail Delivery, courts of Quarter Sessions of the Peace, Orphans' Courts, . . . and in such other courts as the General Assembly may from time to time establish."

With respect to the common pleas courts,<sup>2</sup> except in the first judicial district (Philadelphia), the Constitution requires one court for each district and a separate district for each county containing 40,000 inhabitants.<sup>3</sup> In Philadelphia, the Constitution, Article V, Section 6, as amended in 1911, provides for a minimum of:

". . . five distinct and separate [common pleas] courts . . . composed of three judges each. . . . The number of judges in any of said courts . . . may be

<sup>1</sup> In addition to the trial courts of record, which are also referred to as "courts of first impression," the judicial system of the Commonwealth includes appellate courts (Supreme and Superior) and the minor judiciary (justices of the peace, aldermen and magistrates).

<sup>2</sup> The term "common pleas courts," as used in this context, includes the courts of oyer and terminer, quarter sessions of the peace and general jail delivery. See Pa. Const., Art. V, §9.

<sup>3</sup> Pa. Const., Art. V, §5.

increased, from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court . . ."

In addition, Article V, Section 26, provides:

". . . the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of Common Pleas and Orphans' Court."

In addition to the courts specifically provided for in Article V, Section 1 of the Constitution quoted above, the General Assembly, pursuant to the authority contained in that section, established the County Court of Allegheny County in 1911<sup>4</sup> and the Municipal Court of Philadelphia in 1913.<sup>5</sup>

Table 7 shows the organizational structure and related information for the Municipal Court, the County Court, the common pleas courts in Philadelphia and Allegheny Counties and the common pleas courts in all other judicial districts.

Philadelphia, with 21 judges, has seven distinct common pleas courts, each with a president judge, whereas Allegheny County has but one common pleas court composed of sixteen judges, one of whom is the president judge. The Municipal Court of Philadelphia and the County Court of Allegheny County have limited jurisdiction in contrast with the general jurisdiction of the common pleas courts. The term of office of judges in all trial courts of record is ten years, as provided

<sup>4</sup> 1911, May 5, P. L. 198, as amended. In addition, a Juvenile Court was established in Allegheny County by Act of June 3, 1933, P. L. 1449.

<sup>5</sup> 1913, July 12, P. L. 711, as amended. The Act of April 28, 1937, P. L. 460, establishing a Family Court in Philadelphia, was held unconstitutional in *Commonwealth ex rel Margiotti v. Sutton et al*, 327 Pa. 337 (1937).



Table 7  
 ORGANIZATIONAL STRUCTURE AND RELATED INFORMATION FOR  
 PENNSYLVANIA TRIAL COURTS OF RECORD<sup>1</sup>

Item	Municipal Court of Philadelphia	Common Pleas Courts			County Court of Allegheny County
		1st Judicial District (Philadelphia)	All Judicial Districts Except 1st and 5th	5th Judicial District (Allegheny County)	
(1)	(2)	(3)	(4)	(5)	(6)
Origin	Act of 1913, P. L. 711	Constitution	Constitution	Constitution	Act of 1911, P. L. 198
Number of Courts	1	7	1 per district	1	1
Number of Judges	14	21	At least 1 per district	16	6
Term	10 years	10 years	10 years	10 years	10 years
Salaries	\$18,000 (presiding judge \$500 additional)	\$22,500	\$18,000 to \$20,000 (as per population of district), 12th district—\$25,000	\$22,500	\$18,000 (presiding judge \$500 additional)
Juris- diction	Civil actions: under \$5,000 in controversy; adoption  Criminal actions <i>except</i> : murder, voluntary man- slaughter, treason, violation of election laws, embezzlement, mis- conduct of public officials  Actions involving juveniles, desertion, nonsupport  Appeals from courts not of record	General <sup>2</sup>	General <sup>2</sup>	General <sup>2</sup>	Civil actions: under \$2,500 in controversy except when title to land is in question  Criminal actions <i>except</i> : murder, voluntary man- slaughter, treason, violation of election laws, embezzle- ment, misconduct of public officials, arson and burglary  Actions involving desertion, nonsupport  Appeals from courts not of record and certain adminis- trative boards

<sup>1</sup> Except Juvenile Court of Allegheny County.

<sup>2</sup> *Appeal of Ainey*, 2 Penny. 192 (1882): "The Common Pleas is our Common-law Court, and has power in all matters of law not provided for by statute . . . so far as remedies in that Court have been developed. . . . This makes that Court a Court of General jurisdiction." The courts of oyer and terminer and quarter sessions, over which common pleas judges preside, exercise general criminal jurisdiction.

by the Constitution,<sup>6</sup> but their compensation varies. The Municipal Court and County Court judges receive a salary of \$18,000; the common pleas judges in Philadelphia and Allegheny Counties receive a salary of \$22,500.<sup>7</sup>

The County Court of Allegheny County and the Municipal Court of Philadelphia were established to lessen the workload of the common pleas courts in these counties. Actions taken by the General Assembly to lessen judicial workload in all districts include authorization for common pleas courts to adopt compulsory arbitration, creation of additional judgeships, and provision for "traveling" judges. When authorized in 1952,<sup>8</sup> compulsory arbitration was limited to cases before common pleas courts involving claims of \$1,000 or less. Subsequently, the limitation on the amount was raised to \$2,000<sup>9</sup> and the authority to adopt compulsory arbitration was extended to the Municipal Court<sup>10</sup> and the County Court.<sup>11</sup> Since the last judicial redistricting in 1952 nine additional common pleas and two orphans' court judgeships have been created. The General Assembly has authorized each common pleas judge "who can spare the time . . . [and] is willing so to do" to assist in any other judicial district and has provided travel and per diem allowances.<sup>12</sup> In 1956 the per diem allowance for "traveling judges" was raised from \$35 to \$50.<sup>13</sup>

In spite of the actions taken by the General Assembly to lessen the judicial workload, the limited evidence available suggests that court congestion and delay continue.<sup>14</sup> A study undertaken by the University of Pennsylvania's Institute of Legal Research shows that, for civil jury cases

in common pleas courts in seven counties studied, the median total time elapsed from the filing of the first pleading to disposition ranged from nine months in Franklin County to two years and eight months in Allegheny County.<sup>15</sup> The Attorney General's Conference on Court Congestion and Delay in Litigation has recommended:

" . . . as a guide in determining whether trial court calendars are current, that delay in the final disposition of the average civil case beyond 6 months after the action is commenced should be considered excessive. . . ."<sup>16</sup>

Though there is evidence that "excessive delay" exists, at least in some courts, there is little evidence that would facilitate informed judgment regarding magnitude of the judicial workload and the amount and causes of delay for the courts of the Commonwealth as a whole. It has been suggested that delays may well be generated by the litigants themselves or their attorneys. For example, the concentration of trial work in the hands of a relatively few members of the district's bar and the fact that "not more than one out of ten cases [on the trial list] are intended to be tried" were advanced as reasons for congestion by Chief Justice Jones in a speech at Pittsburgh before the Pennsylvania Bar Association.<sup>17</sup>

The framers of the Constitution appear to have been of the opinion that the volume of litigation likely to come before a court is related to population. The Constitution specifies that there shall be a separate judicial district for each county having a population of 40,000 or more,<sup>18</sup> and that the judicial system be redistricted by the

<sup>6</sup> Pa. Const., Art. V, §15.

<sup>7</sup> Senate Bills Nos. 453 and 1238 (Session of 1959) would have increased the salaries of Municipal, County and Juvenile Court judges to \$22,500. See *History of House Bills and Resolutions*, Session of 1959, Governor's Veto Messages Nos. 7, 8, p. 557.

<sup>8</sup> 1952, January 14, P. L. (1951) 2087, amending 1836, June 16, P. L. 715.

<sup>9</sup> 1957, May 17, P. L. 147.

<sup>10</sup> 1957, June 20, P. L. 336.

<sup>11</sup> 1959, June 24, P. L. 477.

<sup>12</sup> 1911, April 27, P. L. 101, as amended.

<sup>13</sup> 1956, June 1, P. L. (1955) 1959, §10.

<sup>14</sup> The General Assembly was concerned with delay as far back as 1806 when it provided that "It shall be the particular duty of the judges of the Supreme Court and . . . courts of common pleas, to see that all actions in their respective courts shall be reached and have a fair opportunity of a trial at least within one year after . . . commenced; and if the judges . . . shall refuse or neglect to perform the duties enjoined on them by this act, it shall be deemed misbehavior in office, and lay a sufficient ground for . . . removal of the judge . . . so offending." 1806, February 24, P. L. 334.

<sup>15</sup> A. Leo Levin and Edward A. Woolley, *Dispatch and Delay: A Field Study of Judicial Administration in Pennsylvania* (Philadelphia: Institute of Legal Research, University of Pennsylvania Law School [1961]), p. 10. Other counties studied and median total time for each: Carbon, 1 year 3 months; Dauphin, 1 year 6 months; Montgomery, 1 year 6 months; Philadelphia, 1 year 9 months; Wayne, 1 year 8 months.

<sup>16</sup> The Department of Justice, *Report of the Initial Meeting of the Executive Committee, the Attorney General's Conference on Court Congestion and Delay in Litigation* (Washington, D. C.: U. S. Government Printing Office, 1957), p. 5.

<sup>17</sup> Charles Alvin Jones, "The Backlog of Untried Cases," 28 Pa. Bar Assn. Q. 327 (1957). For Philadelphia experience, see Levin and Woolley, *Dispatch and Delay: A Field Study of Judicial Administration in Pennsylvania*, p. 14. They found that eleven attorneys or firms were involved in 40 percent of the cases on the trial list.

<sup>18</sup> Pa. Const., Art. V, §5; also see Art. V, §22.

General Assembly following each Federal decennial census.<sup>19</sup>

Table 8 shows, for each judicial district, the number of judges, population, population density—another factor which may affect the volume of business before a court—and population per judge. The population per judge varies widely for jurisdictions with comparable population density. For example, the twenty-fourth judicial district (Blair County) has more than two and one-half times the population per judge as does the forty-seventh district (Cambria County), although both have similar population density. The data in Table 8 indicate that substantial variations in workload may exist among judicial districts. The Joint State Government Commission's Task Force on Court Procedure and Administration in 1957 recommended legislation which would have provided for (1) a court administrator to, inter alia, examine the state of the dockets of the courts, collect and compile statistical and other data and make reports of the business transacted by the courts, and determine the need for assistance in any court; (2) an annual conference of judges; and (3) the assignment of judges to any judicial district other than their own by the Supreme Court.<sup>20</sup>

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<sup>19</sup> Pa. Const., Schedule, §14.

<sup>20</sup> The legislation recommended was introduced in the 1957 Session (House Bills Nos. 1002, 1004 and Senate Bills Nos. 456, 457). Similar legislation was reintroduced in 1959 (House Bills Nos. 87, 88, 2393). The Federal Government and 20 states, including New York, New Jersey, Maryland, Virginia, Ohio, Illinois and Massachusetts, have provided court administrators for their judicial systems. In addition, California, Missouri and Wisconsin have a judicial council which performs some of the same functions. See Council of State Governments, *The Book of the States, 1960-1961* (Chicago, Ill., 1960), p. 112.

The proposal that the Municipal Court of Philadelphia and the County Court of Allegheny County be "merged" with the courts of common pleas in the respective counties would require, in the absence of a Constitutional amendment, the abolishment of the statutory courts and the addition of judicial personnel to the courts of common pleas in those counties. Although studies have been made in some counties, complete information for the Commonwealth as a whole regarding the workload and other factors making for delay in the common pleas courts is not available.<sup>21</sup> As the Governor has observed:

" . . . The needs of the judiciary should be considered as a whole and not in this piecemeal manner. A study and survey should be made which could serve as a foundation for sound legislative action. House Bill No. 2393, [Session of 1959] providing for a court administrator, would have furnished us with the means of procuring valuable data and information which would have been helpful in the consideration of this type of legislation."<sup>22</sup>

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<sup>21</sup> Studies of court congestion in Philadelphia and Allegheny Counties are presently being made. The firm of Arthur D. Little, Inc., of Boston, engaged by the Greater Philadelphia Movement, is studying the procedures of the Courts of Common Pleas of Philadelphia for the purpose of recommending methods of disposing of the present backlog of cases before those courts. The Institute of Judicial Administration, Inc., New York City, was engaged by the Allegheny County Bar Association to study congestion in the Court of Common Pleas and the County Court of Allegheny County.

<sup>22</sup> See *History of House Bills and Resolutions*, Session of 1959, Governor's Veto Messages Nos. 7, 8, p. 557.

Table 8

NUMBER OF JUDGES, POPULATION, POPULATION DENSITY AND  
POPULATION PER JUDGE FOR THE JUDICIAL DISTRICTS  
OF PENNSYLVANIA: 1960

Judicial District	County	Number of Judges*	Population 1960 (Preliminary)	Population Per Square Mile	Population Per Judge*
(1)	(2)	(3)	(4)	(5)	(6)
1	Philadelphia	41	1,971,239	15,522	48,079
2	Lancaster	3	273,862	290	91,287
3	Northampton	3	200,729	537	66,910
4	Tioga	1	36,417	32	36,417
5	Allegheny	27	1,619,082	2,218	59,966
6	Erie	4	247,538	305	61,885
7	Bucks	4	307,560	498	76,890
8	Northumberland	2	103,669	228	51,835
9	Cumberland	2	124,108	224	62,054
10	Westmoreland	5	351,735	343	70,347
11	Luzerne	6	345,695	388	57,616
12	Dauphin	6	218,556	420	36,426
13	Greene	1	39,345	68	39,345
14	Fayette	4	168,185	210	42,046
15	Chester	4	207,746	273	51,937
16	Somerset	1	77,141	71	77,141
17	Union & Snyder	1	51,548	80	51,548
18	Clarion	1	37,217	62	37,217
19	York	4	237,630	260	59,408
20	Huntingdon	1	39,334	44	39,334
21	Schuylkill	5	172,687	221	34,537
22	Wayne	1	28,260	38	28,260
23	Berks	4	274,638	318	68,660
24	Blair	1	136,027	256	136,027
25	Clinton	1	37,297	41	37,297
26	Columbia & Montour	1	69,849	114	69,849
27	Washington	4	214,896	251	53,724
28	Venango	1	64,971	96	64,971
29	Lycoming	2	108,751	90	54,376
30	Crawford	1	77,788	77	77,788
31	Lehigh	4	226,815	654	56,704
32	Delaware	5	551,122	2,979	110,224
33	Armstrong	1	79,165	120	79,165
34	Susquehanna	1	33,066	40	33,066
35	Mercer	2	126,284	185	63,142
36	Beaver	3	206,373	468	68,791
37	Warren & Forest	1	50,490	38	50,490
38	Montgomery	5	515,790	1,048	103,158
39	Franklin	1	87,898	117	87,898
40	Indiana	1	75,024	90	75,024

Table 8 (continued)

<i>Judicial District</i>	<i>County</i>	<i>Number of Judges*</i>	<i>Population 1960 (Preliminary)</i>	<i>Population Per Square Mile</i>	<i>Population Per Judge*</i>
(1)	(2)	(3)	(4)	(5)	(6)
41	Juniata & Perry	1	42,229	45	42,229
42	Bradford	1	54,647	48	54,647
43	Monroe & Pike	1	48,383	42	48,383
44	Wyoming & Sullivan	1	22,881	26	22,881
45	Lackawanna	4	233,271	514	58,318
46	Clearfield	1	80,698	71	80,698
47	Cambria	4	202,521	291	50,630
48	McKean	1	54,436	55	54,436
49	Centre	1	78,379	70	78,379
50	Butler	1	113,932	143	113,932
51	Adams & Fulton	1	62,351	65	62,351
52	Lebanon	1	90,680	250	90,680
53	Lawrence	2	112,484	306	56,242
54	Jefferson	1	46,654	72	46,654
55	Potter	1	16,307	15	16,307
56	Carbon	1	52,727	130	52,727
57	Bedford	1	42,371	42	42,371
58	Mifflin	1	44,169	102	44,169
59	Cameron & Elk	1	44,654	37	44,654
Total		192	11,239,301	250	58,538

\*Includes judges of separate orphans' courts, of the Municipal Court of Philadelphia and of the County Court and Juvenile Court in Allegheny County.

# EMINENT DOMAIN LAWS

## TASK FORCE

### *Senate Members*

RAYMOND P. SHAFER  
THOMAS A. EHRGOOD  
MARTIN L. MURRAY  
CHARLES R. WEINER

—Co-Chairmen—

### *House Members*

HERBERT FINEMAN\*  
JAMES S. BOWMAN  
HAROLD B. RUDISILL  
KENNETH B. LEE\*\*

\*Succeeded George X. Schwartz.

\*\*Succeeded Stanley G. Stroup.

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House Concurrent Resolution No. 59 (Serial No. 64), Session of 1959, directing a study of eminent domain laws, states:

"There is widespread dissatisfaction in this Commonwealth with the present laws relating to the condemnation of private property for public purposes and with the procedure in effect thereunder for determining the amount of damages to be awarded in connection with such takings. This dissatisfaction is increasing because of highway extension programs, suburban expansion, urban redevelopment, municipal growth and public authority activities. It has been heightened further because of the lack of uniformity in law and procedure as evidenced in the multifarious laws under which the various condemnors in this State must now act. The courts have been handicapped in developing satisfactory procedures to aid in arriving at substantial justice between the parties involved because of these statutory variances and because of judicial precedents which originated largely during the agrarian period of the Commonwealth's history and which fail to take into consideration the problems created by a chang-

ing economy, the expanding population and a revised concept of what constitutes public use.

"A thorough and exhaustive study of all statutes on the subject of eminent domain now in force in this Commonwealth should be made, and, in addition, comparable legislation of other states should be examined, for the purposes of:

"(1) Developing a single procedure, if possible, to provide for a determination of compensation to be paid in all cases regardless of the identity of the condemnor;

"(2) Providing for the use of court-appointed appraisers, but permitting the parties to offer additional testimony if they so desire;

"(3) Providing for payment to condemnors [*sic*] and other interested parties of a percentage of the value of the property taken, as determined by the court-appointed appraisers, within a definite period of time following the filing of their appraisal report in court;

"(4) Developing a more workable and modern definition of 'just compensation' which shall be applicable to all condemners alike;

"(5) Defining 'time of taking' so that it shall be uniform in practice for all condemners;

"(6) Requiring condemners to institute proceedings for determination of damages payable within a definite period of time following the taking;

"(7) Requiring such damage proceedings to be instituted against the owners of all of the property taken;

"(8) Requiring that notice be given to all owners of property taken within a definite period of time after the taking;

"(9) Requiring that personal or mailed notice of taking be given to tenants, mortgagees and other lienholders of record of the property taken;

"(10) Giving tenants, mortgagees and other lienholders the statutory right to intervene and participate in damage proceedings to protect their respective interests in the damages to be paid;

"(11) Requiring that a description of the prop-

erty taken be recorded in the Recorder of Deed's office;

"(12) Requiring that a notice of taking be filed in the Recorder of Deed's office, indexing the condemnee's name in the grantor index and the condemnee [*sic*] in the grantee index;

"(13) Requiring that the Commonwealth be made liable, as other condemners are, for consequential damages;

"(14) Prohibiting condemners from acquiring base fee interests in the property taken; and

"(15) For making such other improvements in the law and procedure pertaining to this subject as may after such study prove to be equitable and just; . . ."

The task force reviewed the constitutional and statutory provisions concerning eminent domain in Pennsylvania and selected adjacent states and has undertaken the drafting of a proposed code. In view of the far-reaching significance and highly technical nature of the assignment, the Commission, at the request of the task force, appointed 16 advisors with special knowledge in this field to aid in the preparation of the "complete revision and codification" directed by the resolution.

# EXTENT OF GOVERNMENTAL POWERS AND CONTINUITY OF GOVERNMENT IN EMERGENCIES

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The task force reviewed the constitutional and statutory provisions and the administrative practices thereunder relating to extent of governmental powers and continuity of government in emergency situations.

The term "emergency," though not susceptible of rigorous definition, refers in the present context to a combination of circumstances which, in the judgment of duly constituted authority, calls for immediate action not contemplated by the ordinary procedures of government. Emergencies may be generated by unanticipated economic developments, natural disasters,<sup>1</sup> or enemy action.

In emergencies generated by unanticipated developments in the economic sphere, the Federal Government has at its disposal fiscal, monetary, and other economic control measures not available to individual states. Occasionally, states may participate in such measures. In the recession of 1958, Congress provided funds for additional temporary unemployment compensation benefits contingent upon each state's taking whatever supplemental administrative or legislative action was necessary under its law to accept and administer these benefits.<sup>2</sup>

### **Extent of Governmental Powers to Deal with Emergencies Generated by Natural Disasters and Enemy Attack**

The present administrative machinery designed to cope

<sup>1</sup> Natural disasters as used herein include, in addition to disasters resulting from "acts of God," i.e., fire, flood, hurricanes, etc., those disasters resulting from accidents, e.g., train wrecks, airplane crashes. In addition, the General Assembly has recognized the possibility of a disaster resulting from atomic energy operations: 1959, December 15, P. L. 1769, amending the State Council of Civil Defense Act of 1951, March 19, P. L. 28.

<sup>2</sup> See Official Opinion No. 123, Op. Atty. Gen., dated June 6, 1958.

with emergencies is provided by the State Council of Civil Defense Act of 1951,<sup>3</sup> as amended. The act provides for a State Council of Civil Defense, consisting of the Governor, the Lieutenant Governor, the Secretary of Health, the Adjutant General, the Auditor General, the Secretary of Internal Affairs, the Speaker and Minority Leader of the House of Representatives and the President Pro Tempore and Minority Leader of the Senate or their representatives, and four citizens appointed by the Governor.<sup>4</sup> Briefly, the State Council of Civil Defense has the power and duty to prepare comprehensive plans for civil defense, cooperate with the Federal Government, coordinate the activities of all governmental departments and ". . . take appropriate action in the event of earthquake, hurricane, flood, fire, explosion, or other natural disaster or catastrophe for the protection of life and property."<sup>5</sup>

The Governor, as commander in chief of the armed forces of the Commonwealth, may pursuant to The Military Code of 1949<sup>6</sup> order the military forces to the

<sup>3</sup> 1951, March 19, P. L. 28.

<sup>4</sup> *Ibid.* §3 (a). The Act of September 3, 1955, P. L. 553, added the Lieutenant Governor and the Act of December 15, 1959, P. L. 1769, added the Secretary of Health and reduced the "citizen" membership by one.

<sup>5</sup> Activities of the State Council of Civil Defense in connection with operational planning for emergency situations include: installation and operation of State-wide emergency communications systems, maintenance of emergency medical stockpiles, establishment of radiation detection monitoring stations, training of personnel from county and other local civil defense organizations, and distribution of emergency and Federal surplus property.

<sup>6</sup> 1949, May 27, P. L. 1903, §503; Pa. Const., Art. IV, §7.



scene of any disaster.<sup>7</sup> By administrative action, the Governor may concentrate the activities of the departments under his jurisdiction in the disaster area. Such concentration may take the form of reassigning departmental personnel, supplies and equipment, or accelerating the expenditure of funds appropriated for authorized programs, e.g., public assistance.<sup>8</sup>

Administrative emergency action does not necessarily involve expenditures for a given program in excess of the moneys appropriated by the legislature for a budget period. However, should such need arise, the Governor may call upon his departments to revise their budgets for the purpose of making funds available for transfer to "preferred" programs.<sup>9</sup> Examination of the record indicates that in the recent past the Governor has exercised this right but once.<sup>10</sup>

In order to more accurately assess the present grant of authority to meet emergency situations, it is instructive to examine actions taken to counteract the effects of a disaster occurring in the recent past. Of three recent disasters—Hurricane Diane (1955), unusually heavy snowfalls (1958), and flooding of the Knox Mine at Port Griffith by the Susquehanna River (1959)—governmental actions in connection with Hurricane Diane absorbed the most resources. Hence, an examination of these actions and the coincident cost is appropriate.

Under the direction of the Governor and the State Council of Civil Defense, the Departments of Health, Military Affairs, Public Assistance, Highways, and Forests and Waters cooperated in the emergency program. The Department of Highways rebuilt roads and bridges; the Department of Forests and Waters engaged in stream clearance and reconstruction of parks and dams; the Department of Health furnished drugs, medicines and auxiliary health services; the Department of Public Assistance (now the Department of Public Welfare) supervi-

ed the administration of supplemental public assistance funds in the stricken areas; and the Department of Military Affairs cooperated in the maintenance of law and order. The total cost of the rehabilitation operations, as estimated by the Governor's office, was approximately \$70 million. Of the \$70 million, \$60 million was accounted for by road clearance, road reconstruction and bridge repairs; and \$10 million was expended for stream clearance and other activities.<sup>11</sup> The General Assembly, which was in session at the time of the disaster, imposed a temporary cigarette tax of one cent per pack,<sup>12</sup> and a temporary gasoline tax of one cent per gallon,<sup>13</sup> the proceeds to be used for disaster relief. Except for certain statutory allocations and the Constitutional limitation,<sup>14</sup> the disposition of the moneys in the Motor License Fund is discretionary with the Governor and the Secretary of Highways. Inasmuch as receipts of the Motor License Fund during the 1955-1957 biennium, exclusive of receipts from the temporary tax, amounted to \$489,590,000 (including Federal aid of about \$59,400,000, and other highway construction contributions of about \$4,800,000), the imposition of the one cent gasoline tax represented a policy choice on the part of the General Assembly. The road and bridge repair bill of \$60 million could have been financed out of the Motor License Fund without legislative action. Needless to say, such an expenditure would have been reflected in reduced allocations for normal highway programs.

#### Continuity of Government

The Constitution mandates the procedures to be used in filling vacancies in public offices. The Constitution provides that, in the case of death or other disability of the Governor, his office shall devolve upon the Lieutenant Governor<sup>15</sup> and, in the case of death or disability of the Lieutenant Governor, upon the President Pro Tempore of the Senate.<sup>16</sup> Similarly, the Constitution provides for the filling of vacancies in the legislature,<sup>17</sup> judiciary,<sup>18</sup> and elected executive offices.<sup>19</sup>

<sup>11</sup> Governor's Office Press Release No. 309, dated August 26, 1955.

<sup>12</sup> 1955, September 3, P. L. 561, amending 1935, June 14, P. L. 341.

<sup>13</sup> 1955, September 3, P. L. 558, amending 1931, May 21, P. L. 149; 1955, September 3, P. L. 560, amending 1952, January 14, P. L. (1951) 1965.

<sup>14</sup> Pa. Const., Art. IX, §18, as amended November 6, 1945.

<sup>15</sup> Pa. Const., Art. IV, §13.

<sup>16</sup> *Ibid.*, Art. IV, §14.

<sup>17</sup> *Ibid.*, Art. II, §§2, 9, 10.

<sup>18</sup> *Ibid.*, Art. V, §25; *Buchley v. Holmes*, 259 Pa. 176 (1917).

<sup>19</sup> *Ibid.*, Art. IV, §8.

<sup>7</sup> The General Assembly has provided in the General Appropriation Act an amount to be used for the payment of expenses incurred by the Department of Military Affairs in furnishing men, materials, supplies, and equipment upon the occurrence of a disaster. For example, see 1956, June 1, Act No. 150-A (\$500,000 for 1955-1957 biennium); 1957, July 19, Act No. 95-A (\$200,000 for the 1957-1959 biennium); 1959, November 12, Act No. 38-A (\$200,000 for the 1959-1961 biennium).

<sup>8</sup> 1937, June 24, P. L. 2051, as amended.

<sup>9</sup> 1929, April 9, P. L. 177, §604, as amended 1943, June 3, P. L. 833.

<sup>10</sup> See Official Opinion No. 126, Op. Atty. Gen., dated June 23, 1958.

In view of the international tensions which have characterized the recent decade, it has been generally felt that the traditional means of filling vacancies in public offices should be supplemented by statutory action to assure continuity of government in the event of an enemy attack. The General Assembly in 1959 enacted<sup>20</sup> the Emergency Interim Legislative Succession Act<sup>21</sup> and the Emergency Interim Executive and Judicial Succession Act of 1959<sup>22</sup> which provide for emergency interim successors to executive, legislative and judicial offices, and authorize political subdivisions to provide such successors to their offices to serve, in the event of an enemy attack, until the traditional methods can again become operative. In addition, the General Assembly

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<sup>20</sup> Pennsylvania is one of three states which have enacted all continuity-of-government measures recommended by the several national organizations of state officials. See *The Council of State Governments, Suggested State Legislation, Program for 1961*, p. 35.

<sup>21</sup> 1959, October 23, P. L. 1365.

<sup>22</sup> 1959, October 23, P. L. 1369.

authorized emergency seats of government for the Commonwealth<sup>23</sup> and its political subdivisions.<sup>24</sup>

In summary, it appears that emergencies other than those created by enemy action, the nature of which is conjectural, can be dealt with under current statutory authorizations. As a matter of fact, recent severe disasters did not require governmental officials to employ all the techniques at their disposal. The 1959 amendment to the Constitution<sup>25</sup> authorizing annual sessions of the legislature, taken in conjunction with the power of the Governor to convene the General Assembly in special session,<sup>26</sup> obviates the necessity for further legislation in this area.

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<sup>23</sup> 1959, October 23, P. L. 1373; see also 1959, October 23, P. L. 1365, §5.

<sup>24</sup> 1959, July 28, P. L. 579.

<sup>25</sup> Amendment of November 3, 1959, to Pa. Const., Art. II, §4.

<sup>26</sup> Pa. Const., Art. IV, §12.

# FIRE PREVENTION: FIRE AND PANIC ACT AND RELATED STATUTES

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The task force undertook a survey of the Act of 1927, commonly referred to as the Fire and Panic Act,<sup>1</sup> and related statutes, and held public hearings at which the views of interested parties, including the officials of the Commonwealth departments concerned with fire prevention, were presented.

Historically, fire prevention measures were locally initiated and administered under the authority of specific enabling acts.<sup>2</sup> In 1879, the State entered the area of positive fire prevention legislation by requiring that the owners of certain buildings provide "a permanent safe external means of escape therefrom in case of fire."<sup>3</sup>

The Act of 1909,<sup>4</sup> which replaced the 1879 act and its amendments and supplements, exempted buildings in cities of the first class (Philadelphia) and second class (Pittsburgh) from its requirements. Cities of the second class A (Scranton) were also exempted from state regulation by the Fire and Panic Act of 1927, which repealed the 1909 act. The Commonwealth, under the Fire and Panic Act, actively functions in the area of fire prevention throughout the state, except as above noted.

The Fire and Panic Act places the major responsibility for regulatory measures dealing with structures in general upon the Department of Labor and Industry. Other acts place certain responsibilities in connection with specialized structures upon the Departments of Health, Public Instruction, and Public Welfare.

<sup>1</sup> 1927, April 27, P. L. 465, as amended. This act deals with fire prevention as distinguished from fire fighting, reporting and investigation, and fire fighting organizations and Commonwealth subventions to such organizations.

<sup>2</sup> For example, Duke of Yorke's Laws, 1682-1700, p. 1795, April 13, 3 Smith's Laws 246.

<sup>3</sup> 1879, June 11, P. L. 128.

<sup>4</sup> 1909, May 3, P. L. 417.

Section 2 of the Fire and Panic Act<sup>5</sup> provides:

"Classes of Buildings.—The following are the classes of buildings and structures which it is intended that this act shall cover:

"Class I Buildings.—Factories, power plants, mercantile buildings, hotels, office buildings, hospitals, asylums, public and private institutions, convalescent and nursing homes, schools, colleges, school and college auditoriums and gymnasiums when used for public assemblages, airports, airport buildings, airplane hangars, dormitories, warehouses, garages, farm buildings where they are used on a commercial basis, and *all other buildings specified by the department, not enumerated in Classes II, III, IV, and V, wherein persons are employed, housed or assembled.* [Emphasis supplied.]

"Class II Buildings.—Theatres and motion picture theatres.

"Class III Buildings.—Public halls, dance halls, banquet halls, lodge halls, churches, skating rinks, armory halls, or any other auditorium in which the public assembles, not used for any of the other purposes mentioned in this act.

"Class IV Buildings.—Tenement houses, apartment houses, apartment hotels, club houses, lodging houses, and rooming houses.

"Class V Buildings.—Grandstands, stadiums and amphitheatres, and summer theatres."

Though Section 2 enumerates specific classes of buildings, it appears that, in view of the italicized provision,<sup>6</sup> the act may be applied to all buildings wherein people are employed, housed or assembled.

<sup>5</sup> As last amended 1952, January 14, P. L. (1951) 1889.

<sup>6</sup> This provision was added 1937, May 28, P. L. 1016.

The authority of the Department of Labor and Industry with respect to structural requirements is set forth in Section 1<sup>7</sup> of the act, which provides:

“Every building enumerated in this act, erected or adapted for any of the purposes of the several classes or buildings covered by this act, shall be so constructed, equipped, operated, and maintained with respect to type of construction and materials used, fireproofing, number and type of ways of egress, aisles and passageways, stairs and fire escapes, wall openings, exits and exit signs, doors and doorways, shaftways and other vertical openings, emergency lighting, automatic sprinkler systems, fire alarm systems, fire drills, electrical equipment, inflammable and explosive materials, heating apparatus and fuel storage, number of occupants, ventilation, arrangement of seating and standing space, construction and equipment of stages, projection rooms, and dressing rooms, and all other fire and panic protection as to provide for the safety and health of all persons employed, accommodated, housed, or assembled therein. . . .”

The department has broad powers to require approved emergency lighting systems, sprinkler systems, and fire alarm systems in buildings designated by the department,<sup>8</sup> and to regulate the ways of egress within the standards provided in the act.<sup>9</sup> Furthermore, the act sets forth special requirements for motion picture theatres, theatres, and places of public assembly.<sup>10</sup>

The general administrative procedure for formulating rules and regulations is as follows:

1. The Department of Labor and Industry, or any other interested party, formulates tentative rules governing structural features of buildings under the department's jurisdiction.

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<sup>7</sup> As last amended 1937, May 28, P. L. 1016.

<sup>8</sup> §3, as last amended 1939, April 11, P. L. 18.

<sup>9</sup> §4, as last amended 1952, January 14, P. L. (1951) 1889.

<sup>10</sup> §5, as last amended, January 14, P. L. (1951) 1889. Section 7, as last amended April 22, 1959, P. L. 52, provides for the licensing of motion picture projectionists except in Philadelphia and Pittsburgh.

2. A tentative rule is forwarded to the Industrial Board,<sup>11</sup> an independent administrative board within the department.

3. The Industrial Board refers the tentative rule to one of its advisory boards.<sup>12</sup>

4. The advisory board after review approves, modifies or rejects the tentative rule, and advises the Industrial Board of its action.

5. If approved by the Industrial Board, the rule is transmitted to the department for promulgation.

Though the Industrial Board has the statutory authority to approve or disapprove a rule, it appears that generally it follows the recommendations of the advisory board.

The Department of Labor and Industry enforces its rules with respect to buildings under its jurisdiction by means of (1) a statutory requirement that plans for new structures or alterations to existing structures be approved before construction is commenced,<sup>13</sup> and (2) periodic inspections.

The general procedure with respect to appeals from orders of the department is as follows:

1. A petition of appeal is made to the Industrial Board, which arranges for a hearing before the appropriate advisory board.

2. The advisory board hears the petitioner, evaluates the evidence, and transmits its conclusions to the Industrial Board.

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<sup>11</sup> The Industrial Board consists of the Secretary of Labor and Industry, who is the chairman, and four additional members “one of whom shall be an employer of labor, one a wage earner, and one a woman”: The Administrative Code of 1929, §445, as last amended 1937, June 21, P. L. 1865. For the duties of the board, see Section 2214 of The Administrative Code and Act of June 2, 1913, P. L. 396. §§13-16.

<sup>12</sup> There are presently six advisory boards created by the Department of Labor and Industry to furnish technical assistance to the Industrial Board. The Advisory Board on Building Construction, consisting of three registered architects, two registered engineers, two representatives of labor, two representatives of the building construction industry, and one representative of the department, who is chairman, usually deals with matters involving the Fire and Panic Act and regulations under it.

<sup>13</sup> Fire and Panic Act, §§8, 9, 11; §8 last amended 1953, May 22, P. L. 196.

3. After the Industrial Board renders a decision, which usually follows the recommendation of the advisory board, the petitioner may request a rehearing before the Industrial Board. At the rehearing a formal record is made upon which the petitioner, if dissatisfied with the Industrial Board's decision, may appeal to the Commonwealth Court in Dauphin County.<sup>14</sup>

In addition to the approval of the Department of Labor and Industry, as required by the Fire and Panic Act, separate statutes governing specialized structures require approval by other departments.

Plans and specifications for school buildings to be constructed or reconstructed in second, third or fourth class school districts must receive prior approval by the Department of Public Instruction.<sup>15</sup> Generally, public school buildings must (1) conform to standards established by the State Council of Education as to light area, floor space, and cubical content,<sup>16</sup> (2) be of fire-proof construction,<sup>17</sup> and (3) have doors opening outward and be provided with necessary fire escapes and safety appliances.<sup>18</sup> Further, the Department of Public Instruction may:

“. . . condemn, as unfit for use, on account of unsanitary or other improper conditions, any school building, school site, or outbuilding, in this Commonwealth, and, upon failure on the part of the board of school directors to remedy such condition, to withhold and declare forfeited all or any part of the annual appropriation apportioned to any such school district.”<sup>19</sup>

And the State Council of Education has the power and duty:

“To prescribe rules and regulations for the sanitary equipment and inspection of school buildings,

and to take such other action as it may deem necessary and expedient to promote the physical and moral welfare of the children in the public schools of this Commonwealth; and to issue and have available for distribution to school directors, registered architects, and other persons applying therefor, rules and regulations in regard to school house construction.”<sup>20</sup>

Though the Department of Public Instruction and the State Council of Education have broad and extensive powers relative to school construction, the department and the council, in actual practice, confine themselves to the approval of structural features related primarily to educational standards rather than to fire prevention.

The Department of Health has similar statutory powers relative to health and safety factors in tenement houses, and lodging and boarding houses;<sup>21</sup> the Department of Public Welfare relative to private convalescent homes,<sup>22</sup> and adult and child day care centers and homes;<sup>23</sup> and the Department of Mines and Mineral Industries relative to mines and mining operations.<sup>24</sup> Responsibility for forest fire prevention is placed upon the Department of Forests and Waters.<sup>25</sup>

Though the Pennsylvania State Police have broad powers with respect to fire prevention, their main concern is with the storage of combustible materials and with abandoned or vacant buildings not regulated by the Department of Labor and Industry. The authority of the Pennsylvania State Police is set forth in the Act of 1927,<sup>26</sup> which provides, in subsection (a) of Section 3:<sup>27</sup>

<sup>14</sup> There have been no reported court decisions on appeals from the action of the Industrial Board under the Fire and Panic Act since its enactment in 1927. However, several appeals are now pending in the Commonwealth Court.

<sup>15</sup> Public School Code of 1949, §731, as last amended 1955, September 27, P. L. 651. In addition, all school construction projects for which Commonwealth reimbursement is sought must obtain prior approval of the Department of Public Instruction.

<sup>16</sup> *Ibid.*, §§733, 735.

<sup>17</sup> *Ibid.*, §738.

<sup>18</sup> *Ibid.*, §739.

<sup>19</sup> The Administrative Code of 1929, §1302 (j).

<sup>20</sup> *Ibid.*, §1307 (f), as last amended 1931, June 1, P. L. 350.

<sup>21</sup> *Ibid.*, §2103.

<sup>22</sup> 1931, June 12, P. L. 510.

<sup>23</sup> 1959, October 22, P. L. 1353; 1959, November 10, P. L. 1395.

<sup>24</sup> The Administrative Code of 1929, §1902, as last amended 1956, May 31, P. L. (1955) 1915.

<sup>25</sup> *Ibid.*, §§1802, 1803, 1818-1821, as amended.

<sup>26</sup> 1927, April 27, P. L. 450, as amended. This act deals primarily with the reporting of fires to the State Police, by fire insurance companies and by local assistants appointed by the Commissioner of the State Police, and the subsequent investigation by the State Police into fires of incendiary origin.

<sup>27</sup> As last amended 1945, May 16, P. L. 620.

"The Pennsylvania State Police, or its assistants, upon the complaint of any person, or whenever it or they shall deem it necessary, shall inspect the buildings and premises within their jurisdiction. Whenever any of the said officers shall find any buildings or structures which, for want of repairs or by reason of age or dilapidated condition or accumulation of waste, rubbish, debris, explosive or inflammable substance in any buildings or on premises, constituting a fire menace or hazard, or for any other cause, making it especially liable to fire, and endangering property, and so situated as to endanger other property, it or they shall order the same to be removed or remedied, if the same is reasonably practicable, thereby lessening the danger of fire. Whenever such officer shall find, in any building, combustible or explosive matter, or inflammable conditions, which are in violation of any law or ordinance applicable thereto, or are dangerous to the safety of such buildings, thereby endangering other property, it or they shall order the same to be removed or remedied, and such order shall contain a notice that an appeal therefrom may be taken, and shall forthwith be complied with by the owner or occupant of such premises or buildings."

Also, the statute authorizes the State Police to:

". . . adopt and enforce rules and regulations governing the having, using, storage, sale and keeping of gasoline, naphtha, kerosene, or other substance of like character, blasting powder, gunpowder, dynamite, or any other inflammable or combustible chemi-

cal products or substances or materials. . . [and] requiring the placing of fire extinguishers in buildings."<sup>28</sup>

Local governments have statutory authority to adopt measures relating to fire prevention. Specifically, they may:

1. Enact ordinances, including standard fire prevention and building codes, and regulate thereunder pertaining to the cause, management and prevention of fires;
2. Regulate the construction and repair of buildings; regulate or prohibit the erection of wooden structures; require building permits and prior approval of building plans and specifications;
3. Provide for building inspections;
4. Adopt and enforce zoning ordinances, regulating, inter alia, the location, construction and use of buildings; and
5. Regulate or prohibit the manufacture, sale or storage of inflammable or explosive articles or materials.

These powers of local governments, conferred by the respective enabling acts, when exercised, are concurrent with the powers of State agencies as set out above, except in so far as Philadelphia, Pittsburgh and Scranton are excluded from state regulation under the Fire and Panic Act.

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<sup>28</sup> 1927, April 27, P. L. 450, §1, as last amended 1943, April 28, P. L. 123.

# SUPPLEMENTAL BENEFITS FOR STATE AND PUBLIC SCHOOL EMPLOYEES

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The task force concentrated upon two areas of study: the effect of changes in prices upon the purchasing power of retirement income; and payments available to beneficiaries in the event of an employee's death prior to retirement. The investigations undertaken and the facts developed are discussed below for each area of study.

### Effect of Changes in Prices Upon Purchasing Power of Retirement Income

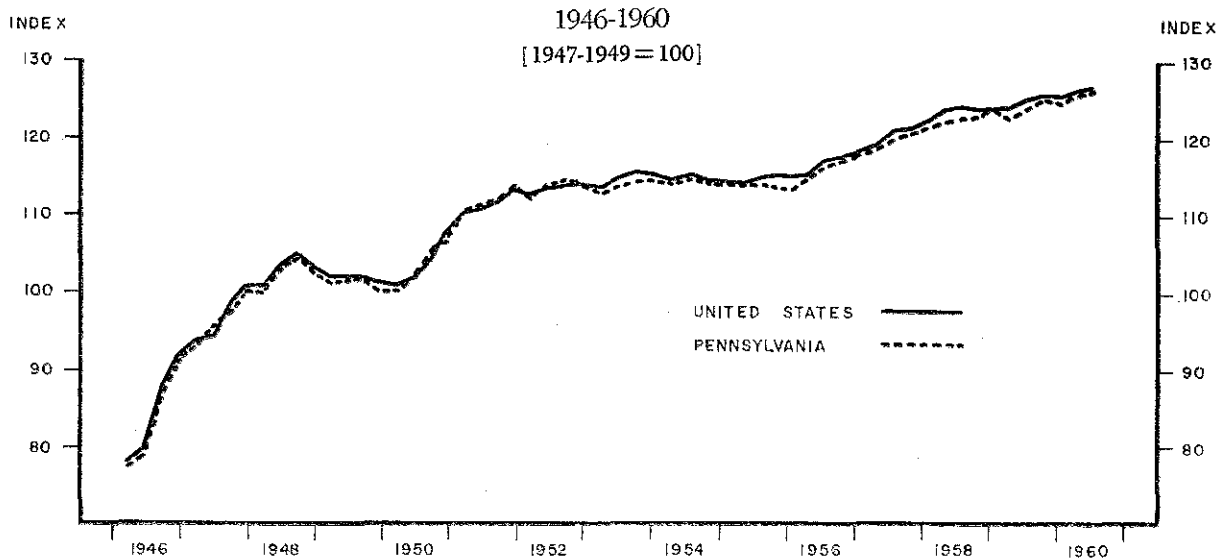
Though no specific measure of the changes in the purchasing power of retirement income is available, the Consumer Price Index, prepared by the U. S. Bureau of Labor Statistics, measures the rate at which average retail prices of goods and services bought by moderate-income families in large cities change from month to month. On the basis of a survey of consumer expenditures conducted by the Bureau of Labor Statistics in 1950 a "market basket" of about 300 consumer goods and services considered to be representative of all goods

and services purchased by moderate-income city wage earners and clerical workers was established. This "market basket" is priced in 46 cities selected to represent all urban areas and the prices are combined into a national index.

Chart VI shows the Consumer Price Index and a comparable index based upon price changes in Pennsylvania cities for the period 1946-1960.<sup>1</sup> Except for two brief periods—1948-1949 and 1954-1955—the indexes show that prices in both Pennsylvania and the United States have risen continually since 1946.

<sup>1</sup> The index based upon price changes in Pennsylvania cities is published quarterly by the Department of Labor and Industry using the same analytical methods as those used by the U. S. Bureau of Labor Statistics in developing the Consumer Price Index. However, to make the Pennsylvania Index more representative of price changes in the Commonwealth, data from thirteen additional Pennsylvania cities are combined with the data received from the U. S. Bureau of Labor Statistics for Philadelphia, Pittsburgh and Scranton.

Chart VI  
CONSUMER PRICE INDEX FOR THE UNITED STATES  
AND INDEX OF PRICE CHANGES IN PENNSYLVANIA CITIES



In order to assess the representativeness of the Consumer Price Index for retired people, the consumption patterns of persons 65 or over were compared with the consumption patterns of persons on which this index is based.<sup>2</sup> These comparisons indicate that persons aged 65 or over spend a higher proportion of their income on food and medical care and a lower proportion on clothing, reading, recreation, transportation and personal care. Although not conclusive, the evidence suggests that older persons in general tend to spend a smaller proportion of their income on housing than persons represented by the Consumer Price Index.<sup>3</sup>

The prices of the items included in each of the components referred to in the preceding paragraph have increased at different rates since 1947-1949. The table below shows the price indexes of these components of the Consumer Price Index as of July 15, 1960, computed with reference to base prices for the period 1947-1949.

Group	July 15, 1960 Indexes (1947-1949=100)
	United States Average
All Items	126.6
Food	120.6
Housing	131.3
Apparel	109.1
Transportation	145.9
Medical Care	156.4
Personal Care	133.4
Reading and Recreation	121.6
Other Goods and Services	132.2

<sup>2</sup> Comparisons were based upon U. S. Department of Labor, Bureau of Labor Statistics and University of Pennsylvania, Wharton School of Finance and Commerce, *Study of Consumer Expenditures, Incomes and Savings—1950* (Philadelphia: University of Pennsylvania, 1957); Sidney Goldstein, *Study of Consumer Expenditures, Incomes and Savings, Consumption Patterns of the Aged* (Philadelphia: University of Pennsylvania, 1960); U. S. Department of Health, Education and Welfare, Social Security Administration, "A Budget For An Elderly Couple," *Social Security Bulletin* (February 1948), pp. 1-12, (July 1949), pp. 14-16; U. S. Department of Labor, Bureau of Labor Statistics, "The City Worker's Family Budget," *Monthly Labor Review* (February 1948), pp. 133-170; "The Interim City Worker's Family Budget," *ibid* (August 1960), pp. 785-808; Zoe Campbell, "Spending Patterns of Older Persons," *Management Record* (March 1959), pp. 85-87, 100-101.

<sup>3</sup> Campbell, *Management Record*, p. 101.

Examination of the table shows that, on the average, food prices have increased 20.6 percent over the period 1947-1949 to 1960, or 6 percentage points less than prices for all items. Medical care, which is of lesser importance in the budget than food, registered a price increase of 56.4 percent—nearly 30 percentage points more than prices for all items. Analysis of differential price changes and the expenditure patterns of the aged indicates that adjustment of the Consumer Price Index to take into account the different expenditure patterns of the aged would result in little change in the level of the all items index. In other words, the Consumer Price Index may be used to assess the effect of price changes upon the purchasing power of the aged.

The effect of price changes such as those illustrated in Chart VI upon the purchasing power of retirement allowances depends upon the characteristics of the retirement plan. If benefits provided by a retirement plan are fixed or are related to lifetime earnings, the value of these benefits will decline as a result of rising prices during an employee's work life. In addition, once an employee has retired, continued price increases reduce the purchasing power of retirement income unless the plan provides for post-retirement adjustments.

The State Employees' Retirement System and the Public School Employees' Retirement System are designed to reduce the effect of declines in the purchasing power of the dollar during work life. In the case of the State Employees' Retirement System, final salary, an important component of the benefit formula, which was originally defined as average annual salary during the last five years of service, is currently defined as the highest average salary during any five years of service.<sup>4</sup> Final salary in the Public School Employees' Retirement System, originally defined as the average annual salary, not exceeding \$2,000, for the last ten years of service, is currently defined as the highest average salary for any five years of service.<sup>5</sup> The State Employees' Retirement System guarantees, for persons retiring on superannuation (age 60 or more): (1) a total annual retirement allowance of 2 percent of final salary in the case of 1/100 Class (Class A) members and 1/80 of final salary in the case of 1/160 Class (Class B) members for each year of service and (2) a minimum total annual allowance of \$1,200 for members of the 1/100 Class with 25 or more

<sup>4</sup> 1953, July 29, P. L. 993, codified 1959, June 1, P. L. 392.

<sup>5</sup> 1956, June 1, P. L. (1955) 1988, codified 1959, June 1, P. L. 350.



years of service.<sup>6</sup> Similarly, in the case of the Public School Employees' Retirement System, members of the 1/140 Class (Class T-A) are guaranteed a total annual allowance of 1/70 of final salary for each year of service,<sup>7</sup> and a minimum total annual allowance of \$1,200 after 40 years of service.<sup>8</sup>

The General Assembly has, from time to time, amended the retirement statutes to compensate for decreases in purchasing power of certain retirement allowances. The guaranteed minimum \$1,200 retirement allowance was extended to annuitants of the State Employees' Retirement System,<sup>9</sup> and the Public School Employees' Retirement System<sup>10</sup> who had retired prior to the establishment of a minimum allowance. In addition, contributors to the Public School Employees' Retirement System who had retired prior to May 1, 1951, were given a further State annuity of \$5.00 for each year of service.<sup>11</sup>

During the 1959 Session, the General Assembly provided for temporary supplemental retirement allowances which guaranteed a minimum annual allowance of \$50 for each year of service, not to exceed \$1,800 including primary social security benefits, to retired members of the State Employees' Retirement System<sup>12</sup> and the Public School Employees' Retirement System<sup>13</sup> who had retired on superannuation. The size of the supplemental benefit payable under these acts varies according to retirement system and class of membership. Chart VII shows the minimum allowances payable to retired single coverage members (members not covered by social security) of the State Employees' Retirement System (Graph 1) and the Public School Employees' Retirement System (Graph 2) prior and subsequent to enactment of the temporary supplemental retirement allowance laws. Examination of the chart shows that:

- (1) The minimum allowance payable to annuitants of the State Employees' Retirement System and

<sup>6</sup> 1952, January 19, P. L. (1951) 2176, codified 1959, June 1, P. L. 392.

<sup>7</sup> 1949, April 25, P. L. 752, codified 1959, June 1, P. L. 350.

<sup>8</sup> 1949, May 26, P. L. 1818, codified 1959, June 1, P. L. 350.

<sup>9</sup> 1952, January 19, P. L. (1951) 2176, applicable to superannuation and disability annuitants.

<sup>10</sup> 1949, May 23, P. L. 1804, applicable to superannuation and disability annuitants.

<sup>11</sup> 1956, June 1, P. L. (1955) 1993, applicable to superannuation annuitants.

<sup>12</sup> 1959, November 21, P. L. 1590 (Act No. 570).

<sup>13</sup> 1959, November 19, P. L. 1548 (Act No. 554).

the Public School Employees' Retirement System increases as service increases up to 36 years (red lines).

- (2) The minimum allowance payable prior to the 1959 enactments increased with service up to 25 years in the case of State employes (black lines, Graph 1) and 40 years in the case of public school employes (black line, Graph 2).
- (3) The size of the supplemental benefit payable varies according to length of service, class of membership and retirement system. The maximum increase in allowance was \$600 for retired Class A members of the State Employees' Retirement System, \$1,050 for retired Class B members of the State Employees' Retirement System,<sup>14</sup> and \$720 for retired members of Class T-A or T-B in the Public School Employees' Retirement System.<sup>15</sup>

In general, the effect of the temporary supplemental retirement allowance acts is to provide an equal minimum benefit per year of service to all employes retired on superannuation. On the average, larger supplements are payable to a greater number of annuitants of the Public School Employees' Retirement System than of the State Employees' Retirement System. This is reflected in the cost which at the time of enactment was estimated to be \$3,300,000 for the Public School Employees' Retirement System and \$300,000 for the State Employees' Retirement System for the period January 1, 1960 to May 31, 1961. Since the minimum provided by temporary supplemental retirement acts includes primary social security benefits attributable to State or school service, the number of annuitants receiving these supplemental benefits, in the event the program were continued, can be expected to decline as the proportion of State and public school employes with social security coverage increases.

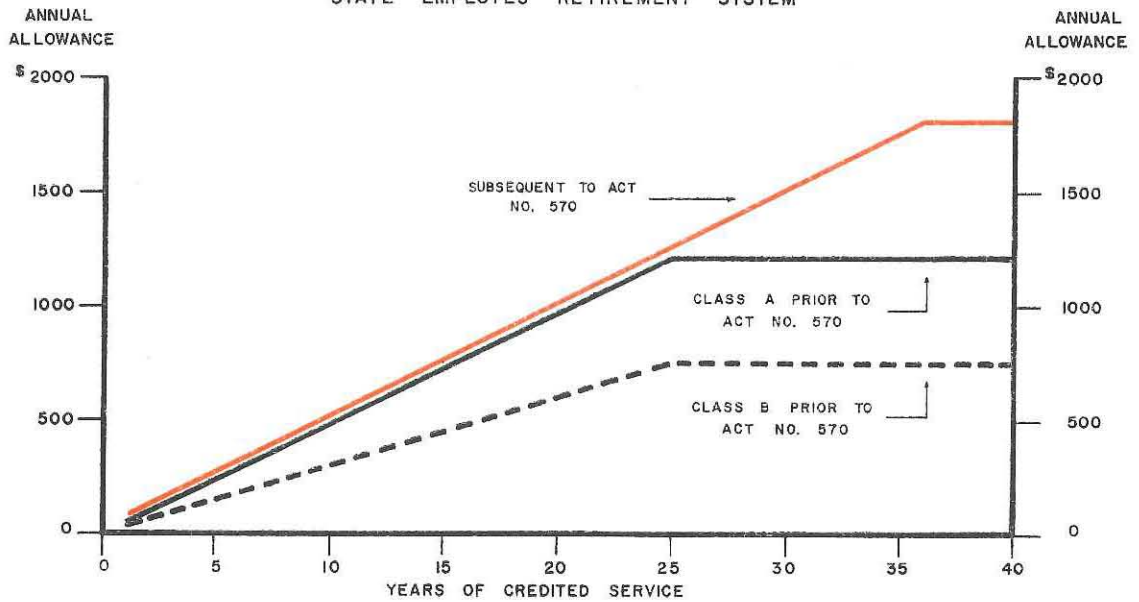
<sup>14</sup> Since a minimum allowance was not payable to members of Class B who retired after December 6, 1955, the increase will be larger than \$1,050 in the case of a Class B member retiring after that date whose final salary was less than \$1,500.

<sup>15</sup> For some retired members of Class T-B the increase may be larger since, as in the case of Class B members of the State Employees' Retirement System, annuitants who retired after December 6, 1955, were not entitled to a minimum allowance.

Chart VII

MINIMUM ALLOWANCES PAYABLE TO RETIRED SINGLE COVERAGE MEMBERS OF THE STATE EMPLOYES' RETIREMENT SYSTEM AND THE PUBLIC SCHOOL EMPLOYES' RETIREMENT SYSTEM PRIOR AND SUBSEQUENT TO ENACTMENT OF THE TEMPORARY SUPPLEMENTAL RETIREMENT ALLOWANCE LAWS

GRAPH I  
STATE EMPLOYES' RETIREMENT SYSTEM



GRAPH 2  
PUBLIC SCHOOL EMPLOYES' RETIREMENT SYSTEM

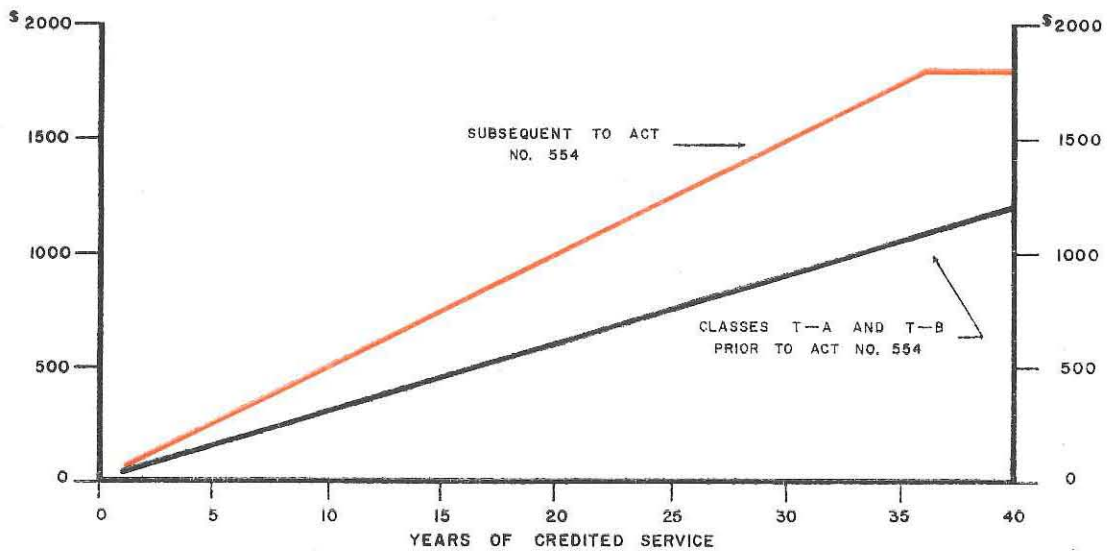
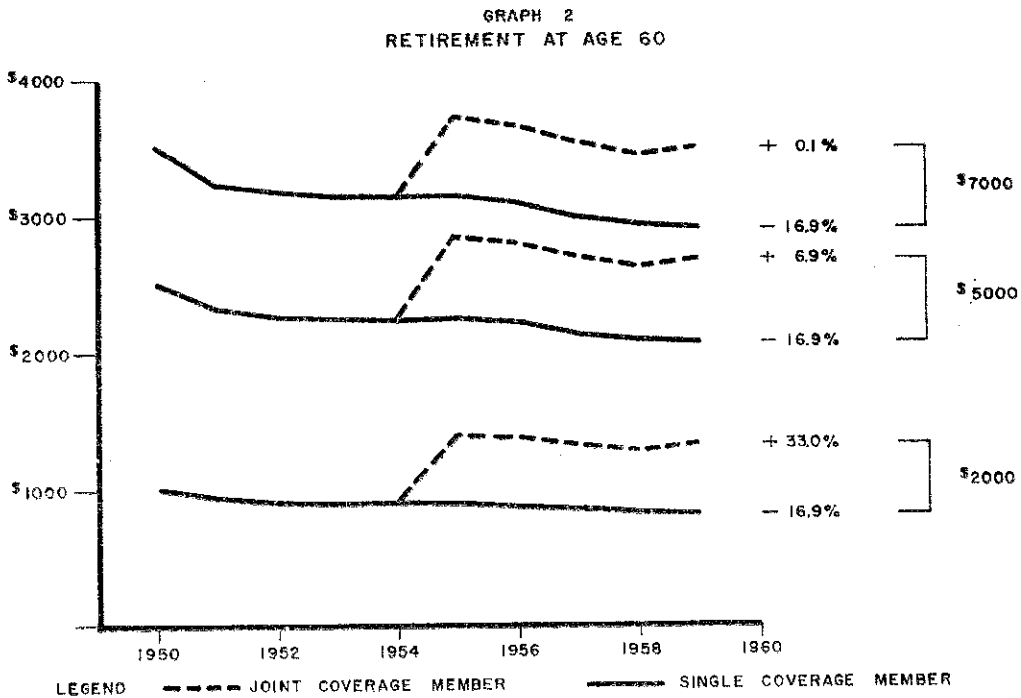
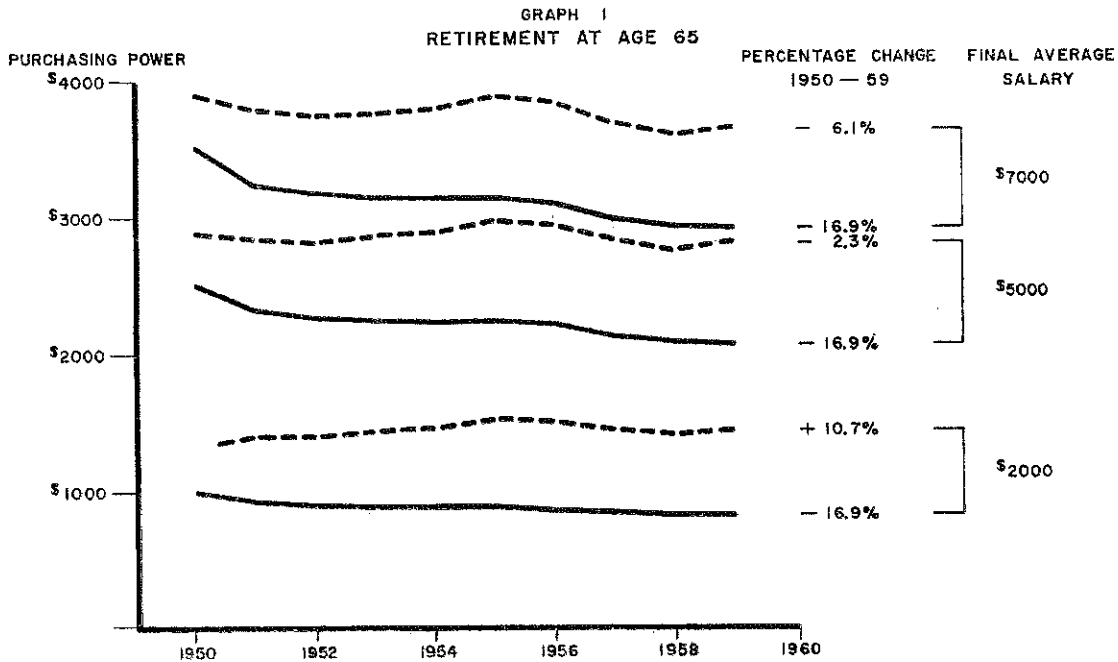


Chart VIII

ESTIMATED RETIREMENT INCOME, ADJUSTED FOR CHANGES  
IN PURCHASING POWER, OF STATE EMPLOYEES RETIRING JANUARY 1, 1950,  
AT AGE 65 AND AT AGE 60 AFTER 25 YEARS OF SERVICE  
ASSUMING OASDI COVERAGE IN STATE EMPLOYMENT  
1950-1959



Amendments to the retirement statutes changing benefits for retired persons have been concerned, in the main, with providing minimum retirement allowances. Since the integration of the Federal Old Age, Survivors' and Disability Insurance and the Pennsylvania retirement systems, all public school and State employes have had an opportunity to acquire social security coverage<sup>16</sup> which is designed to provide retired citizens with minimum pensions.

As a matter of policy, the Congress has from time to time amended the Social Security Act to increase benefits for all recipients of social security. During the period 1950-1960 both the social security tax base and social security benefits were increased by successive sessions of the Congress.

In order to illustrate the effect of changes in social security benefits, Chart VIII presents the estimated retirement income, adjusted for changes in purchasing power, of State employes retiring January 1, 1950 after 25 years of service at age 65 (Graph 1) and at age 60 (Graph 2) on the assumption that such employes had been covered by OASDI in State employment.<sup>17</sup> The broken lines represent the combined social security-State retirement allowance, on the assumption that no family benefits were involved, payable to retired members with selected final average salaries, and adjusted to reflect changes in purchasing power.<sup>18</sup> The solid lines represent the allowance payable under the State Employes' Retirement System to single coverage members with the same final average salaries, and adjusted to reflect changes in purchasing power. The computations were based upon actual, within-grade salary experience prior to 1950.

Examination of the chart shows that for the period 1950-1959 the extent to which changes in social security benefits would have compensated for reductions in purchasing power decreased as final average salary—and, consequently, the allowance attributable to State service—

<sup>16</sup> Members of the Public School and State Employes' Retirement Systems who elected social security coverage are known as joint coverage members and on retirement receive the allowances specified in the retirement statutes reduced by 40 percent of the primary social security benefits attributable to State or public school service since January 1, 1956, plus the social security benefits for which they qualify.

<sup>17</sup> Although the effect of social security changes is illustrated with reference to State employes, public school employes would be similarly affected.

<sup>18</sup> The Consumer Price Index, shown in Chart VI, was used to make this adjustment.

increased. For example, Graph 1 shows that during the period 1950-1959, when price increases resulted in a 17 percent decline in the purchasing power of a fixed retirement allowance (solid lines), the purchasing power of retired State employes with social security coverage (assuming coverage under the statutory provisions in effect during that period) increased 11 percent in the case of an employe with final average salary of \$2,000 and decreased 2 and 6 percent, respectively, for employes with final average salaries of \$5,000 and \$7,000 (broken lines). These differences are attributable to (1) the social security benefit formula, which is weighted in favor of low income workers, and (2) the decreasing relative importance of the social security benefit to total retirement income as final average salary increases. Graph 2 illustrates the effect of price changes upon purchasing power in the case of a person retiring at age 60 who, under existing statutes, would not have become eligible for social security benefits until age 65.

#### **Benefit Provisions in the Event of Death Before Retirement**

Since their establishment, both the State Employes' Retirement System and the Public School Employes' Retirement System have provided for payment to the beneficiary of accumulated deductions (member contributions plus interest) in the event of death prior to retirement. Return of contributions is a characteristic of virtually all public and private contributory pension plans.<sup>19</sup>

The General Assembly provided death benefits in 1953 for members of the State Employes' Retirement System<sup>20</sup> and in 1956 for members of the Public School Employes' Retirement System.<sup>21</sup> Under these amendments any member entitled to a voluntary withdrawal allowance or a superannuation retirement allowance is permitted to request that retirement become effective as of the time of death. In the event of death the designated beneficiary would be paid, in addition to the member's accumulated deductions, the present value of the State annuity to which he would have been entitled at the time of death, payment to be made in a lump sum or on a monthly basis depending upon an option selected prior to death. In the absence of a request filed by the contributor prior to death, the beneficiary receives a lump sum payment.

<sup>19</sup> Although OASDI, a contributory plan, does not provide for return of contributions per se, it does provide for a lump sum death benefit and for survivors' allowances.

<sup>20</sup> 1953, July 29, P. L. 993, codified 1959, June 1, P. L. 392.

<sup>21</sup> 1956, May 18, P. L. (1955) 1629, codified 1959, June 1, P. L. 350.

The State Employees' Retirement System, unlike the Public School Employees' Retirement System, has always provided that any member involuntarily separated from service after ten years of credited service is entitled to an involuntary withdrawal allowance consisting of a member's annuity based upon accumulated deductions and a State annuity discounted to reflect age at date of separation. Under the language of the statute, death is not regarded as an involuntary separation. The General Assembly in 1959 provided a death benefit for members of the State Employees' Retirement System who have completed ten years of service. Under this provision the beneficiary receives, in addition to accumulated deductions, the present value of the State annuity to which the former

contributor would have been entitled had he been separated involuntarily, adjusted for service characteristics.<sup>22</sup>

Tables 9 and 10 present the amounts payable—accumulated deductions plus present value of the State annuity—under the State Employees' Retirement Code of 1959, as amended, to beneficiaries of Class A, single coverage members with various age, service and salary characteristics. Table 9 was constructed on the assumption that salaries remain fixed during the contributor's work life; Table 10 was constructed on the assumption that salaries increase at the rate of 2 percent per year.

<sup>22</sup> 1959, December 1, P. L. 1640, amending 1959, June 1, P. L. 392.

Table 9  
ESTIMATED PAYMENTS TO BENEFICIARIES  
UNDER THE STATE EMPLOYEES' RETIREMENT CODE OF 1959,  
AS AMENDED, ACCORDING TO AGE, SERVICE AND FINAL AVERAGE SALARY

FIXED SALARIES  
MALES, SINGLE COVERAGE, CLASS A  
MINIMUM ENTRY AGE 20

Age at Death	Service (Years)			
	10	15	20	25
(1)	(2)	(3)	(4)	(5)
1. Final Average Salary, \$2,000				
30	\$ 1,479	.....	.....	.....
35	1,639	\$ 2,725	.....	.....
40	1,831	3,054	\$ 4,514	.....
45	2,019	3,459	5,126	\$ 7,095
50	2,525	4,074	6,106	8,398
55	3,472	5,542	7,661	10,750
60	5,638	8,456	11,275	14,094
2. Final Average Salary, \$5,000				
30	3,698	.....	.....	.....
35	4,096	6,813	.....	.....
40	4,579	7,635	11,285	.....
45	5,049	8,649	12,814	17,737
50	5,975	9,716	14,741	20,451
55	7,529	12,085	16,932	23,984
60	11,745	17,618	23,490	29,363
3. Final Average Salary, \$7,000				
30	5,177	.....	.....	.....
35	5,735	9,538	.....	.....
40	6,410	10,689	15,799	.....
45	7,068	12,108	17,940	24,831
50	8,365	13,602	20,638	28,632
55	10,541	16,919	23,704	33,577
60	16,443	24,665	32,886	41,107

Table 9 shows that the payments to beneficiaries of members aged 30 with ten years of service are \$1,479, \$3,698 and \$5,177 for final salaries of \$2,000, \$5,000 and \$7,000 respectively. These amounts increase substantially as age and service increase. The amounts in Table 10 are smaller than those in Table 9 for comparable age, service and final year's salary characteristics because accumulated deductions, a large component of the payment, and final average salary are smaller in the increasing salary than in the fixed salary case.

The State Employees' Retirement System provides a

payment in the case of death equal to or greater than the last year's salary for most single coverage and joint coverage members who have completed 15 years of service or who have completed ten years of service and are aged 50 or more. Payments from the State Employees' Retirement System to beneficiaries of joint coverage members may be somewhat less than those shown in Tables 9 and 10 due to the effect of the social security offset. However, beneficiaries of joint coverage members may qualify for the lump sum death benefit and the survivor's allowance payable under the social security system.

Table 10  
ESTIMATED PAYMENTS TO BENEFICIARIES  
UNDER THE STATE EMPLOYEES' RETIREMENT CODE OF 1959,  
AS AMENDED, ACCORDING TO AGE, SERVICE AND LAST YEAR'S SALARY  
  
INCREASING SALARIES  
MALES, SINGLE COVERAGE, CLASS A  
MINIMUM ENTRY AGE 20

Age at Death	Service (Years)			
	10	15	20	25
(1)	(2)	(3)	(4)	(5)
1. Salary Year of Death, \$2,000				
30	\$ 1,359	....	....	....
35	1,507	\$ 2,412	....	....
40	1,686	2,711	\$ 3,929	....
45	1,927	3,248	4,812	\$ 6,669
50	2,449	3,928	5,969	8,398
55	3,418	5,444	7,515	10,750
60	5,638	8,456	11,275	14,094
2. Salary Year of Death, \$5,000				
30	3,397	....	....	....
35	3,766	6,031	....	....
40	4,214	6,777	9,704	....
45	4,653	7,699	11,076	14,937
50	5,529	8,683	12,814	17,368
55	7,121	11,208	15,369	21,534
60	11,294	16,940	22,587	28,234
3. Salary Year of Death, \$7,000				
30	4,755	....	....	....
35	5,273	8,443	....	....
40	5,900	9,488	13,585	....
45	6,515	10,779	15,507	20,911
50	7,740	12,157	17,940	24,315
55	9,970	15,690	21,517	30,147
60	15,811	23,716	31,621	39,527

Death benefits may be made available to employes or specified groups of employes through plans which operate independently of a retirement system. In a number of other states, group life insurance plans have been established to provide death benefits to state employes. These plans differ widely with respect to the amount of insurance provided, the allocation of premium cost between employer and employe and the administrative procedure.

Table 11 summarizes the provisions of group life insurance plans covering state employes in other states. The table shows that in 29 states group life insurance is available to most state employes.<sup>23</sup> The magnitude of the death benefit is determined by one or more of the following factors: salary, age, years of service, sex, and service

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<sup>23</sup> Group life insurance has also been made available to employes in certain departments in Alabama, Arizona, Kentucky, and Utah.

status—retired or active. In about half of the states, the amount of benefit increases with salary and is lower for older or retired employes. With respect to the administration of the group insurance plans and the allocation of premium cost between employer and employe the table shows:

- (1) In 13 states, a single state agency administers or coordinates the group insurance plan. In seven of these states, the premium cost is shared by the employer and employe; in four the employe pays the entire premium and in two the plan is entirely state-financed.
- (2) The plan is administered or coordinated by an employe association in nine states and by individual departments in six states. In 12 of these states, the premium cost is borne entirely by the employe; information is not available for the other three states.

Table 11  
GROUP LIFE INSURANCE PLANS COVERING STATE EMPLOYEES, 1960

State	Administration	Percent of Premium Paid by Employee	Amount of Insurance
(1)	(2)	(3)	(4)
California	Employees' Association	100	Employees aged 65 or less: (a) \$2,000-\$12,000 increasing with salary Employees aged 66 or more: reduced to 50%; minimum \$2,000
Colorado	Employees' Association	100	\$1,000 (b)
Connecticut*	State Comptroller: Group Life Insurance Division	51	Active employees: \$2,500-\$8,000 increasing with salary Retired employees: reduced to 50%; minimum \$2,000, maximum \$3,000
Florida	Individual Departments	(c)	Varies by department
Idaho	Insurance Department (d)	0	Employees aged 65 or less: equal to annual salary; maximum \$10,000 Employees aged 66 or more: reduced to 50% Retired employees: \$500
Illinois	Employees' Association	100	\$12,500-\$550, decreasing as age increases to age 69
Iowa	Employees' Association	100	\$4,000-\$500, decreasing as age increases to age 60
Louisiana	Individual Departments	(e)	Varies by department
Maine*	State Retirement System	90	Active employees: next even thousand above annual salary Retired employees: reduces 15% per year after first year to a minimum of 25%, automatically 25% at age 70
Maryland	Employees' Association	100	Employees under age 60: \$2,000 Employees aged 60 or more: \$500
Massachusetts*	State Employees' Group Insurance Commission	50	Active employees: \$2,000 (e) Retired employees: \$1,000
Michigan	Employee Board of Trustees (f)	100	Active employees: \$1,000-\$10,000, depending upon civil service job classification, department of employment and insurance carrier Retired employees: reductions varying according to insurance carrier
Minnesota	State Insurance Board	100	\$1,000 plus \$1,000-\$9,000 subject to insurability
Mississippi	Individual Departments	(e)	Varies by department
Nevada	Governor's Committee on Group Insurance	100	\$1,000
New Jersey	Department of Treasury	0	Active employees: (g) 1½ times annual salary Retired employees and active employees aged 70 or more: 3/16 times last year's salary
New Mexico	Insurance Carrier	unknown	\$2,500-\$5,000 increasing with salary
New York	Employees' Association	100	Male employees: \$1,000-\$7,500 (h) increasing with salary Female employees: \$1,000 or \$2,000 (g)
North Carolina	Employees' Association	100	Employees under age 65: \$2,000-\$10,000 increasing with salary Employees aged 65 or more: reduced to 50%; minimum \$1,000 for employees with 5 years service, \$500 if less than 5 years
Oklahoma	Individual Departments	100	\$1,000
Rhode Island*	Department of Administration	100	Employees under age 65: next even thousand above annual salary Employees aged 65 or more: reduced 2% per month to 25%



Table 11 (continued)

State	Administration	Percent of Premium Paid by Employee	Amount of Insurance
(1)	(2)	(3)	(4)
South Carolina	Employees' Association	100	\$1,000 plus additional optional insurance of \$5,000 for male and \$2,000 for female employees under 65 reducing to \$2,500 and \$1,000 at age 65 and terminating at age 70
South Dakota	Individual Departments	100	Varies by department
Tennessee	Department of Finance and Administration	50	Employees under age 65: \$2,000-\$10,000 increasing with salary Employees 65 and under 70: reduced to 50%; minimum \$2,000 Employees 70 or more: \$2,000
Texas	Employees' Association	100	\$2,000-\$10,000 increasing with salary for employees aged 65 or less
Vermont*	Auditor of Accounts	48	\$3,000
Virginia	Supplemental Retirement System	80	Employees under age 65: next even thousand above annual salary Employees 65 or more: reduces 2% per month to 25%
Washington	Individual Departments (i)	100	Varies by department
Wisconsin*	Group Insurance Board	77	Employees under age 65: next even thousand above annual salary Employees age 65, 75%; age 66, 50%; age 67 or more, 25%

\* Details of group insurance coverage and administering agency specified by statute.

<sup>a</sup> Group ordinary insurance in amount from \$2,000 to \$10,000 depending upon salary is also available as an alternative.

<sup>b</sup> Employee may purchase additional insurance on an individual basis.

<sup>c</sup> Varies by department.

<sup>d</sup> Functions as a coordinating agency.

<sup>e</sup> Effective January 1, 1961, employee may purchase additional insurance up to the amount of his annual salary.

<sup>f</sup> Establishes general policy but individual departments are free to select carrier and type of plan.

<sup>g</sup> Additional contributory insurance decreasing as age increases and varying according to sex is also available.

<sup>h</sup> Additional free insurance provided depending upon group experience.

<sup>i</sup> Coverage is also available through the Washington State Employees' Union.

SOURCE: Joint State Government Commission survey.

# JOINT STATE GOVERNMENT COMMISSION ACT

[ 1959, December 8, P. L. 1740 ]

No. 646

## AN ACT

Amending the act of July 1, 1937 (P. L. 2460), entitled, as amended, "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for its membership, chairman and executive committee; defining its powers and duties; and defining the powers and duties of standing committees of the General Assembly," clarifying certain provisions relating to the powers of the Joint State Government Commission and standing committees of the General Assembly.

Joint State  
Government  
Commission.

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

Sections 1, 2, 3,  
4 and 5, act of  
July 1, 1937,  
P. L. 2460,  
amended or  
added May 15,  
1956, P. L. 1605,  
further amended.

Section 1. Sections 1, 2, 3, 4 and 5 of the act of July 1, 1937 (P. L. 2460), entitled, as amended, "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for its membership, chairman and executive committee; defining its powers and duties; and defining the powers and duties of standing committees of the General Assembly," amended or added May 15, 1956 (P. L. 1605), are amended to read:

Joint State  
Government  
Commission.

Executive  
Committee.

Chairman.

Powers of com-  
mission.

Time of organi-  
zation of com-  
mission and  
executive  
committee.

Section 1. Be it enacted, &c., That the entire membership of the House of Representatives and the entire membership of the Senate shall constitute a continuing joint legislative commission, to be known as the Joint State Government Commission. The President pro tempore of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of each house, the majority and minority whips of each house, and the chairman of the majority and minority caucuses of each house, shall constitute the executive committee of the commission. The commission shall organize by the selection of a chairman who shall be selected by the executive committee and who shall be ex officio a member of the executive committee without a vote. The commission shall have power to employ a director and such professional, technical, clerical and other assistance as may be deemed necessary. The commission shall have power to call upon any department or agency of the State Government for such information as it deems pertinent to the studies in which it is engaged. The commission shall also have the power to designate persons, other than members of the General Assembly, to act in advisory capacities. The commission shall organize within thirty days after the final enactment of this act, and thereafter the executive committee shall hold the organization meeting within thirty days after the convening of the regular session of the General Assembly in *odd-numbered years* beginning with the regular session of 1957. Meetings of the commission shall be scheduled by the executive committee. The executive committee shall conduct the business of the commission and shall meet at the call of the chairman or upon written request of six or more members thereof.

Section 2. The commission shall have power and its duty shall be:

Powers of  
commission.

(a) To make such investigations and studies and to gather such information as may be deemed useful to General Assembly and to the standing committees of the Senate and the House of Representatives.

(b) To sit during the interim between *regular* legislative sessions *convening in odd-numbered years*.

(c) From time to time, to report to the General Assembly or to the various standing committees of the Senate and the House of Representatives such findings and recommendations accompanied with such drafts of legislation as it deems necessary for the information of and consideration by the General Assembly.

(d) To furnish such technical staff services as shall be requested by the standing committees of the Senate and House of Representatives during regular or special sessions of the General Assembly.

Section 3. The commission shall undertake, through the standing committees of the Senate and House of Representatives, such studies and investigations as the General Assembly by resolution shall direct.

Studies and  
investigations.

When a study or investigation is to be made, the Speaker of the House of Representatives shall designate the appropriate standing committee of House and the President pro tempore of the Senate shall designate the appropriate standing committee of the Senate, to make such study or investigation. These two standing committees, when so designated, shall continue a joint study committee of the commission for such purpose.

During the interim between *regular* sessions of the General Assembly *which convene in odd-numbered years*, each joint study committee assigned to make a study shall meet at the call of the chairman of the commission or at the joint call of the chairman of the designated standing committees of the Senate and House of Representatives.

Meeting of study  
committees.

Section 4. [Biennially an] *An* item of appropriation shall be inserted in the General Appropriation Bill to pay the expenses of the members of the commission as constituted by this act, and for the salary of the director, clerical and other hire and incidental expenses. No member of the commission shall receive any remuneration, salary or expenses as a member of the commission other than remuneration, salary and expenses as a member of the General Assembly and travelling expenses incurred upon the business of the commission or its study committees.

Section 5. For the purposes of this act, the standing committees of the Senate and House of Representatives shall continue during the interim between sessions *convening in odd-numbered years*.

Section 2. This act shall take effect immediately.

Act effective  
immediately.

APPROVED—The 8th day of December, A. D. 1959.

DAVID L. LAWRENCE

The foregoing is a true and correct copy of Act of the General Assembly No. 646.

JOHN S. RICE

Secretary of the Commonwealth.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is crucial for ensuring the integrity of the financial statements and for providing a clear audit trail. The text notes that any discrepancies or errors in the records can lead to significant complications during an audit and may result in the disallowance of certain expenses.

2. The second part of the document outlines the specific requirements for record-keeping. It states that all receipts, invoices, and other supporting documents must be retained for a minimum of three years. Furthermore, it is required that these records be organized in a systematic and logical manner, such as by date or by category, to facilitate the audit process. The document also mentions that digital records are acceptable, provided they are secure and accessible.

3. The third part of the document addresses the issue of the burden of proof. It clarifies that the taxpayer is responsible for proving that all deductions and credits claimed are legitimate and supported by proper documentation. In the absence of adequate records, the IRS may disallow the claimed amounts, and the taxpayer may be liable for the resulting tax deficiency and any associated penalties and interest.

4. The final part of the document provides some practical advice for taxpayers. It suggests that establishing a consistent record-keeping routine from the beginning of the year can help avoid the stress and expense of scrambling for documents at the end of the year. It also recommends consulting with a tax professional to ensure that all record-keeping requirements are fully understood and followed.

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