GENERAL REPORT

OF THE

JOINT STATE GOVERNMENT COMMISSION

1951-1953



JOINT STATE GOVERNMENT COMMISSION Room 450, Capitol Building Harrisburg, Pennsylvania



LETTER OF TRANSMITTAL

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

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

The General Report presents a brief summary of the Commission's work for the 1953 Session, and is designed to serve as a reference guide for the members of the General Assembly. It is divided into five parts. Parts I to III deal with findings in connection with studies undertaken at the direction of the General Assembly. Where findings of fact eventuated in Commission recommendations, the proposed policies are outlined. Part IV deals with the truck weight study, suggested by the Governor, and initiated by the Commission under authority granted by the Act of 1937, July 1, P. L. 2460, as amended 1939, June 26, P. L. 1084. Because of lack of time since the adjournment of the last session on December 22, 1951, and the extensive use of Commission facilities in the truck inquiry, not all of the projects listed in House Concurrent Resolution No. 77 (December 18, 1951) have been intensively studied. Part V presents a listing of the membership of Joint State Government Commission and the subcommittees created by the Commission in accordance with the Act of 1943, March 8, P. L. 13, Section 1, and the administrative and technical staff of the Commission.

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

On behalf of the Commission, the cooperation of the subcommittees and the Legislative Reference Bureau is gratefully acknowledged.

The Commission stands ready to render such service as the General Assembly and its standing committees may direct.

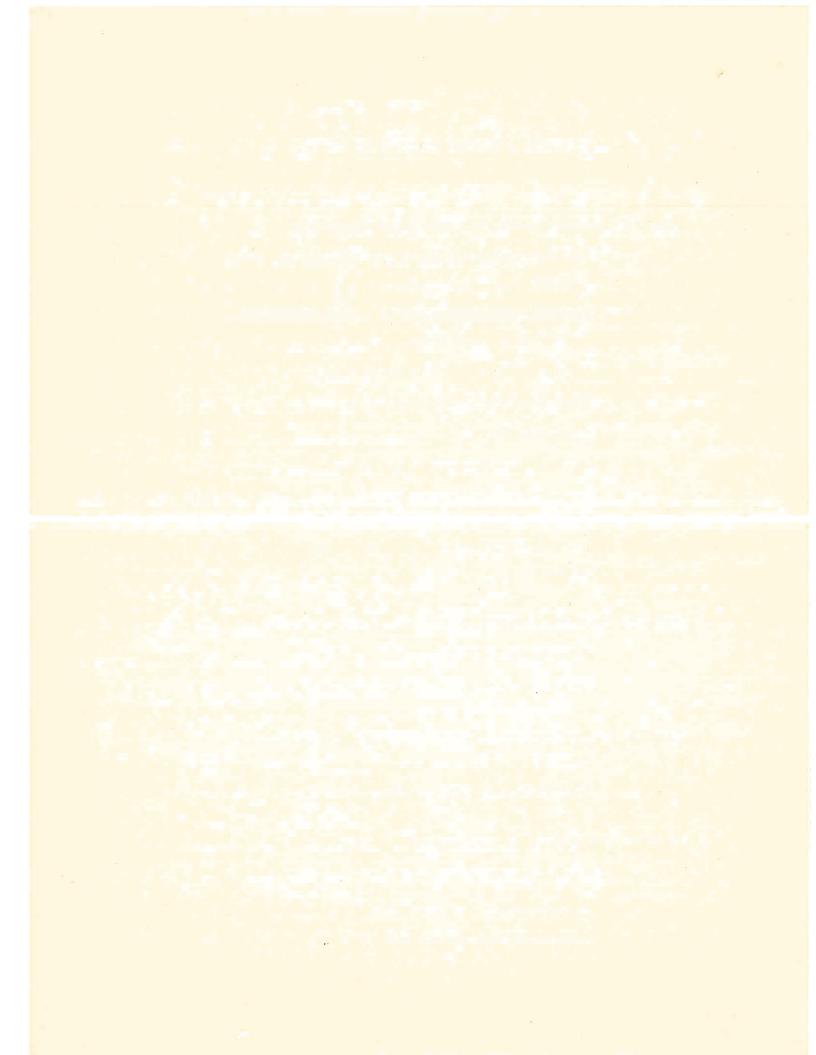
BAKER ROYER, Chairman

Joint State Government Commission Capitol Building Harrisburg, Pennsylvania January, 1953



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Part I

STUDIES DIRECTED BY CONCURRENT RESOLUTION

Seven of the studies undertaken by the Commission were directed by House Concurrent Resolution No. 77, August 20, 1951, adopted and agreed to December 18, 1951. Of these, six are factual studies and analyses, and the seventh, the Proposed Uniform Commercial Code, deals with a comprehensive codification of the statutory law relating to commercial transactions.

AVAILABLE INFORMATION RELATING TO UNDERGROUND WATER SUPPLY

Legislative Mandate:

To study and investigate available information relating to underground water supply.

Investigation:

Contacted the three agencies concerned with the study and investigation of underground water supply in the Commonwealth.

Collection of Available Data:

In accordance with the legislative mandate, the Commission contacted the following three agencies concerned with the study and investigation of underground water supply in Pennsylvania: Department of Internal Affairs, Department of Forests and Waters, and United States Department of the Interior.

The United States Department of the Interior Geological Survey and the Pennsylvania Department of Internal Affairs have furnished the following list of publications, memoranda, and unpublished reports relating to the problem.

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FEASIBILITY OF ESTABLISHING A SCHOOL OF VETERINARY MEDICINE AT PENNSYLVANIA STATE COLLEGE

Legislative Mandate:

To study and investigate the feasibility of establishing a school of veterinary medicine at Pennsylvania State College.

Investigation:

Reviewed the nature and extent of existing training facilities for veterinarians in Pennsylvania and the costs and methods of financing of these facilities; investigated probable costs and methods of financing for proposed new facilities. Investigated the relationships between: value of livestock and doctors of veterinary medicine; availability of veterinary service and farm-animal mortality; number of veterinarians trained in Pennsylvania and the Commonwealth's need for veterinary service. Investigated likelihood of increase in number of veterinary practitioners in Pennsylvania consequent upon establishment of a veterinary school at 'The Pennsylvania State College.

Strategic Facts:

1. The University of Pennsylvania has operated a school of veterinary medicine since 1883. Between 1889 and 1909, the School of Veterinary Medicine at the University of Pennsylvania received Commonwealth appropriations totaling \$405,000 to aid in the establishment of plant. Since 1945, the Commonwealth has made available biennial subsidies for general maintenance, research, and the purchase of apparatus and equipment for the university's School of Veterinary Medicine. By reason of this subsidy, the University of Pennsylvania charges residents of the Commonwealth only \$70 per academic year to attend the School of Veterinary Medicine and a fee of \$10 for use of the library, whereas nonresidents are subject to a charge of \$670 per academic year plus the \$10 library fee. For the biennium 1949-51, the Commonwealth appropriation for general maintenance, research, and the purchase of apparatus and equipment was \$448,000, or \$1,813.77 per year per Pennsylvania resident in attendance at the veterinary school.

2. The Pennsylvania State College has advised that the establishment at the college of a school of veterinary medicine with a capacity of 200 students would require (on the basis of 1951 prices) a Commonwealth-financed capital outlay of \$6,000,000 for buildings and equipment, plus a biennial appropriation of \$700,000, and that a Pennsylvania resident enrolled in the proposed school would be subject to a charge of \$256 per academic year. Commonwealth support per biennium would amount to \$700,000 for operating expenses plus \$480,000 for interest and depreciation, which, assuming an enrollment of 200 Pennsylvanians, amounts to \$2,950 per Pennsylvania resident student per year.

3. Of the graduates of the School of Veterinary Medicine of the University of Pennsylvania from 1887 to 1951, inclusive, 1,068 were practicing as of January, 1952; of this total, 579, or 54.2 percent, were located in other states. Over the same period, 206 graduates of veterinary schools located outside Pennsylvania elected to practice in Pennsylvania. Consequently, over the period under review, the Commonwealth showed a "net export" of 373 veterinarians trained at the University of Pennsylvania. The graduates who left Pennsylvania to practice in other states had resided in both rural and urban Pennsylvania at the time of matriculation.

4. As of January, 1952, the value of livestock plus poultry per veterinarian in the United States, Pennsylvania, and comparable neighboring states was as follows:

United States	\$1,220,800
Pennsylvania	602,300
New York	507,000
Ohio	619,700

5. As of January, 1952, of a total of 713 veterinarians located in Pennsylvania, 424, or 59.5 percent, were in general and large-animal practice; 71, or 10 percent, were in small-animal practice; 38, or 5.3 percent, were in teaching and research; 26, or 3.6 percent, were with commercial firms; 124, or 17.4 percent, were in government service; and 30, or 4.2 percent, were not classifiable.

6. In 1950, the average net professional income of doctors of veterinary medicine located in Pennsylvania who were engaged predominantly in private small- and large-animal practice was as follows:

Small-animal practice	\$6,949
Large-animal practice	5,685

Finding:

At this time, the establishment of a school of veterinary medicine at The Pennsylvania State College, financed out of Commonwealth funds, is not feasible.

Recommendation:

That the General Assembly direct the Secretary of Agriculture to develop, in collaboration with The Pennsylvania State College and the University of Pennsylvania, a coordinated program calculated to expand clinical and diagnostic facilities at The Pennsylvania State College in accordance with the requirements of Pennsylvania agriculture and to supplement the work of The Pennsylvania State College facilities with research in veterinary science at the college.

SEE SEPARATE REPORT:

Veterinary Medicine in Pennsylvania: Training Facilities and Practice

NEEDS AND PROBLEMS OF THE AGED AND AGING

Legislative Mandate:

To study and investigate the needs and problems of the aged and aging.

Investigation:

Ascertained changes in the age distribution of the population. Investigated the physical, sociological, and economic characteristics of the aged and aging, and established, whenever appropriate, the relationships between these characteristics and the policies of various social institutions, e.g., government, management, and organized labor.

Strategic Facts:

1. Between 1940 and 1950, the number of Pennsylvania residents aged 65 and over increased 31 percent, whereas the number of residents under 65 years of age increased but 4 percent; as of 1950, 886,825, or 8.4 percent of all Pennsylvania residents were 65 years of age and over.

2. The mortality rate is higher among persons aged 65 and over than among persons in the younger age groups. In 1949, there were 6,510 deaths of Pennsylvania residents aged 65 and over for every 100,000 persons in that age group. Comparable figures for other age groups were: 206 in the age group 15 to 44 and 1,447 in the age group 45 to 64. Similarly, physical or mental inability to work occurs more frequently in connection with persons aged 65 and over than in connection with younger age groups. In Pennsylvania in April, 1950, of every 100,000 persons aged 65 and over, 25,178 were physically or mentally unable to work; the comparable rates for age groups 14 to 44 and 45 to 64 were 833 and 3,653, respectively.

3. Though in Pennsylvania in July, 1952, nine county housing authorities were operating 63 housing projects composed of 11,331 dwelling units and fourteen Pennsylvania municipalities were operating 54 public housing projects composed of 21,087 dwelling units, only an estimated 2.6 percent of the residents of these projects were 65 years of age and older.

There are 62 county homes in Pennsylvania; nine counties have no county home, and four counties have two. In 1951-52, the total county home population was 12,625. In county homes in the 26 counties which responded to a Commission request for information, 64 percent of the residents were aged 65 or over.

In Pennsylvania, in 1952, there were 198 nonprofit homes for the aged and 77 licensed commercial boarding homes for the aged, with a combined capacity of 12,671 persons. In addition, there were 218 convalescent homes with 2,957 patients, of whom an estimated 86 percent were 65 or older, and 103 nursing homes with 1,711 patients, of whom an estimated 85 percent were 65 and older.

The remainder of the 65-and-older population group, excepting those hospitalized or incarcerated, lived in privately owned or rented facilities.

4. In July, 1952, there were at least 132 recreation clubs for older people operating in twentythree counties of Pennsylvania; 118 of these clubs had a total of 6,618 participants.

5. Of the 65-and-older age group in Pennsylvania: an estimated 7.7 percent, or 68,123 persons, were in receipt of old-age assistance and an additional estimated 1.3 percent, or 11,291 persons, were in receipt of other forms of public assistance in October, 1952; 3.2 percent, or 28,000 persons, were in receipt of railroad retirement benefits in December, 1950; and 1.1 percent, or 9,788 persons, were recipients of Federal Civil Service retirement allowances in January, 1951. About 307,000 Federal Old Age and Survivors Insurance benefit payments were received by this group in December, 1951.

6. Generally speaking, the economic position of persons aged 65 and over is lower than that of any other adult age group in the community. Among the many institutional factors responsible for this condition are: relatively inadequate education, circumscribed employment opportunities, the severe cyclical unemployment of the thirties, and the rapid depreciation of the dollar.

In Pennsylvania, as of April, 1950, 73 percent of the population aged 65 and over had formal education of eight years or less, as compared with but 33 percent of the population aged 25 to 44.

The employment opportunities of the aged are relatively restricted because of the preference of management for a specified chronological retirement age (perhaps due in part to the difficulty of lowering wage rates to correspond with decreasing productivity), and to the opposition of organized labor to so-called "down-grading" (possibly caused by lack of agreement as to the accuracy of the measures of productivity used).

Again, the group aged 65 and over was subjected to the severe cyclical unemployment of the thirties at a time in their lives when they normally would have been in a position to accumulate assets of one sort or another. But regardless of asset accumulation, the depreciation of the dollar at an average rate of about 5.2 percent per year between 1940 and 1952 has placed them at a distinct disadvantage compared with other adult groups in the community.

Recommendations:

That the law be amended in such a manner as to make it mandatory upon the Department of Welfare to pay to county institution districts an amount adequate to cover costs whenever the department removes a patient from a state mental institution to a county home.

That the law be amended to make old age assistance payments available to residents of county homes.

 SEPARATE REPORT

 TO BE ISSUED

PUBLIC SCHOOL PUPIL TRANSPORTA-TION COSTS

Legislative Mandate:

To study and investigate public school pupil transportation costs.

Investigation:

Ascertained statutory provisions regarding district authority to furnish, as well as Commonwealth reimbursement on account of, pupil transportation. Ascertained trends in total cost of reimbursable pupil transportation, amount of Commonwealth subsidies on account of pupil transportation, and number of pupils transported. Examined factors responsible for variations in cost of pupil transportation. Examined Commonwealth reimbursement in connection with district-owned and contract vehicles.

Strategic Facts:

1. Statutory authority of school directors to transport pupils is virtually unlimited. However, Commonwealth reimbursement on this account is available only in a number of legislatively defined situations. Generally speaking, such reimbursement is paid if the pupil lives either one and one half or two miles from the school which he attends, depending upon the characteristics of the district and the pupil.

2. Over the period 1937-38 to 1949-50, total costs of reimbursable pupil transportation, amount

of Commonwealth subsidies on account of transportation, and number of pupils transported have increased. Total cost of reimbursable transportation has increased from \$3,154,000 to \$11,022,000; Commonwealth subsidies have increased from \$1,923,000 to \$8,453,000; and the number of pupils transported has increased from 161,300 to 346,916. Over the same period, Commonwealth subsidies as percentages of total cost of reimbursable transportation have increased from 61 percent to 76.7 percent. For the biennium 1951-53, Commonwealth appropriations amounted to \$20,500,000.

3. On the basis of past trends, it is estimated that for the biennium 1959-61 reimbursable transportation will cost approximately \$42,000,000, and the Commonwealth's share will amount to approximately \$36,000,000.

4. All transportation reimbursements are calculated by use of the standard reimbursement fraction. (For computation of this fraction, see this report, State and Local Support of Public Education, item 1.) In the case of a district which enters into a contract with a carrier to purchase transportation for a given number of pupils at a specified price, the contract must be approved by the Department of Public Instruction, and reimbursement to the district is calculated by simply multiplying the approved contract price by the district's standard reimbursement fraction. In the case of a district which owns and operates its own vehicle, reimbursement is calculated by adding the costs of driver's wages, gasoline, and oil, and multiplying the sum so obtained by the district's standard reimbursement fraction. To this amount is added 10 percent annually on the certified purchase price of the vehicle.

At present, about 14 percent of the school buses in Pennsylvania are district owned, and these buses transport about 27 percent of the total number of pupils transported.

The reimbursement system employed on account of pupil transportation tends to discriminate against districts owning and operating their own vehicles, because, in these cases, some costs (such as repairs, antifreeze, tires, and storage) are not reimbursable. A contemplated remedy for this situation was contained in H. B. No. 1238, Session of 1951, which provided in part: "Approved costs in the case of a district owning and operating its own vehicles shall include the same items of expense for operation and maintenance as those allowed for vehicles under contract." The bill passed the House and the Senate but was vetoed by the Governor with the following comment: "This bill would necessitate an expenditure of at least \$400,000 in excess of the amount set forth in the budget to the Department of Public Instruction. Moreover, the purpose of this bill which in essence is an appropriation item was not included in the budget and the State revenues will not permit its approval at this time." (Veto No. 14, August 17, 1951.)

SEPARATE REPORT TO BE ISSUED

STATE LICENSE FEES

Legislative Mandate:

To study and investigate "State License Fees, Except Those Fixed by the Motor Vehicle Code."

Investigation:

Ascertained legal precepts governing the imposition and magnitude of license fees. Investigated departmental practices with respect to the imposition and administration of license fees and the enforcement of licensing regulations. Investigated the relationship between Commonwealth costs incurred in connection with the issuance, administration, and enforcement of licenses and Commonwealth receipts from license fees for the fifteen professional licensing boards in the Department of Public Instruction and for the Pennsylvania Liquor Control Board.

Strategic Facts:

1. The courts of the Commonwealth have held that the license fee payable by a "lawful" business or occupation must not be "grossly disproportionate" to the cost of the "due regulation of the business." In the case of a business which may be deemed "harmful to public health or morals," there is no such restriction, and the Commonwealth may impose fees in excess of administrative and enforcement costs for the privilege of engaging in a business of this type.

2. Receipts to the General Fund of the Commonwealth from licenses and fees amounted to \$5,963,572.72 for the fiscal year ended in 1951. Receipts to the special operating funds from licenses and fees amounted to \$7,948,786.48 for the same period.

3. With the exception of the Liquor Control Board, which utilizes the accrual system, Commonwealth agencies maintain their accounting on a cash basis. Since a cash system of accounting fails to recognize charges and records expenditures only, it is impossible to establish the exact relationship between receipts and costs in connection with specific license fees.

4. The fourteen active licensing boards in the Department of Public Instruction issued 236,444 new and renewal licenses during the calendar year 1950; the Law Enforcement Division of the Bureau of Professional Licensing, upon which the boards depend for inspection and investigatory service in connection with these licensees, employs a staff of eighteen investigators, and from time to time calls upon the Department of Justice and the Pennsylvania State Police for assistance.

5. Receipts (exclusive of fines) of the licensing boards in the Department of Public Instruction totaled \$1,208,132.45 for the biennium 1949-51; costs, in terms of the accounting conventions used by the boards, amounted to \$768,043.32. The difference of \$440,089.13 does not reflect a net profit because the accounting system used fails to take account of charges. If \$67,805 of imputed charges are set against the difference, the excess shown is reduced to \$372,284.13. In addition to the fees, the boards collected on behalf of the Commonwealth \$4,007.50 in fines.

6. The Pennsylvania Liquor Control Board issued 54,287 new, renewal, and transfer licenses during the calendar year 1951; the Bureau of Licensing and Enforcement, upon which the board depends for investigatory and enforcement services, employed a staff of approximately 160 agents.

7. Some license fees collected by the Liquor Control Board are retained by the board, and others are returned to the municipalities in which the licensees operate. As regards the group of accounts reflecting fees retained by the board, receipts for the calendar year 1951 exceeded costs by \$1,207,711.63. As regards retail liquor and retail malt beverage license fee accounts (from which actual license fee receipts are returned to the municipalities), costs exceeded receipts for the calendar year 1951 by \$1,220,360.51. Considering jointly the retail license accounts and other licensing accounts, costs exceeded fees collected by \$12,648.88 for the biennium. If fines, compromise penalties, and forfeitures in the amount of \$117,501.65 are added to the receipts from license fees, receipts exceeded costs by \$104,852.77.

> SEPARATE REPORT TO BE ISSUED

STATE AND LOCAL SUPPORT OF PUBLIC EDUCATION

Legislative Mandate:

To study and investigate state and local support of public education.

Investigation:

Reviewed Commonwealth subsidies to local school districts and the system under which reimbursement is calculated. Investigated local capacity to support public education, local tax effort on behalf of public education, and the relationship between local costs for public education and amount of Commonwealth reimbursement. Studied effects of Commonwealth reimbursement upon enlargement of public school attendance areas, and made a special survey of so-called "distressed" school districts. Estimated cost to Commonwealth of Act No. 472, Session of 1951, when fully effective.

Strategic Facts:

1. The school subsidy system of the Commonwealth provides for both equalization and flat grants to local school districts. It is the purpose of equalization grants to compensate for differences in local capacity to support public education, and it is the purpose of flat grants to compensate for differences in the costs of various programs. Equalization grants are computed by reference to a standard reimbursement fraction, which is computed by subtracting from a legislatively stipulated amount or "equalization level" (\$3,850 for 1950-51) an amount determined by multiplying the district's market valuation of taxable real property per teaching unit by four mills and dividing the difference so obtained by the equalization level.

Total Commonwealth appropriations to local school districts increased from \$138,825,800 in 1945-47 to \$312,415,000 in 1951-53.

2. The principal local tax base for the support of public education is real estate. As per certification of the State Tax Equalization Board, the market value of taxable real estate in the Commonwealth's school districts was \$23,630,282,684 in 1950 (certified June, 1951), or \$15,700 per pupil in average daily membership. However, local capacity to support education as measured in terms of the market value of taxable real estate per teaching unit varies greatly from district to district and among classes of districts. For the school year 1949-50, the market value per teaching unit in the average fourth class district was \$252,000; in the average third class district, \$384,000; and in the average second class district, \$549,000. In the first class districts—Philadelphia and Pittsburgh-the market values were \$645,000 and \$704,000 per teaching unit, respectively.

3. As in the case of local capacity to support education, local tax effort varies from district to district and among classes of districts. In 1949-50, total current tax collections were the equivalent of 8.2 mills upon the market value of real estate in the average fourth class district. The comparable millage for the average third class district was 9.8, and for the average second class district, 8.4. In the first class districts of Philadelphia and Pittsburgh, the comparable millages were 8.5 and 8.1, respectively.

4. Like capacity and local effort, current expense costs show marked variations among districts and classes of districts. In 1949-50, the current expense cost per teaching unit in the average fourth class district was \$4,300. The comparable costs for the average third and second class district were \$5,100 and \$6,000, respectively. In the first class districts of Philadelphia and Pittsburgh, average current expense costs per teaching unit were \$5,900 and \$6,300, respectively.

In some few school districts, current expense costs per teaching unit were less than Commonwealth subsidies per teaching unit. Similarly, the possibility of excess payments exists in the case of Commonwealth payments in connection with school plant construction.

5. One observable effect of the present reimbursement system is the success of the incentive for enlarging attendance areas by means of jointure. It is estimated that between 1950-51 and 1952-53, the number of pupils in average daily membership in jointures increased from 163,000 to 331,000. The relative proportion of pupils enrolled in jointures varies widely from county to county. When based upon enrollments in third and fourth class districts, the percentage of pupils in jointure ranges from less than one percent in Mercer County to 100 percent in Forest County.

6. So-called "distressed" school districts—that is, districts which received discretionary Commonwealth grants from the Superintendent of Public Instruction—showed an average deficit (temporary loans plus accounts payable minus cash balance and minus special aid grants at close of school year) of \$19,700 for the school year 1949-50. In 1949-50, the average "distressed" or financially handicapped district had a market value per teaching unit of from \$90,000 to \$99,000. Some of these districts, however, had valuations ranging from \$40,000 to \$50,000 per teaching unit, and some had valuations in excess of \$360,000 per teaching unit. The effort of distressed school districts for the year 1949-50, measured in terms of all tax collections divided by total market value of taxable real estate, ranged from 4 mills to 21 mills.

7. It is estimated that Commonwealth costs on account of school subsidies will increase from \$312,000,000 for the biennium 1951-53 to approximately \$600,000,000 for the biennium 1959-61.

> SEPARATE REPORT TO BE ISSUED

PROPOSED UNIFORM COMMERCIAL CODE

Legislative Mandate:

To study and investigate the Proposed Uniform Commercial Code.

Investigation:

Conferred with representatives of The American Law Institute, the National and Pennsylvania Conferences on Uniform State Laws, the Pennsylvania and Philadelphia Bar Associations, the Attorney General, and the Director of the Legislative Reference Bureau; reviewed the text of the Proposed Uniform Commercial Code, together with the Comments of the National Conference of Commissioners on Uniform State Laws and The American Law Institute. Reviewed the text and comments of the final "Official Draft" issued September, 1952, and reviewed Pennsylvania annotations to the proposed code. The Pennsylvania annotations were printed, and in September, 1952, furnished to members of the General Assembly and made available to the bench, the bar, the press, and the public.

Strategic Facts:

1. The Joint State Government Commission recommended to the 1951 Session of the General Assembly:

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

(See General Report of the Joint State Government Commission, 1949-1951, p. 24.)

2. The proposed Uniform Commercial Code is a comprehensive codification of the statutory law relating to commercial transactions, including the Uniform Negotiable Instruments Law, Uniform Warehouse Receipts Act, Uniform Stock Transfer Act, Uniform Sales Act, Uniform Bills of Lading Act, Uniform Trust Receipts Act, Uniform Conditional Sales Act, and other laws governing commercial transactions.

3. The drafting of the text of the proposed code and the related comments has been the joint enterprise of The American Law Institute and the National Conference of Commissioners on Uniform State Laws.

4. The work on the code was begun in January 1945, and completed in 1952.

5. The cost of preparation approximates \$350,-000, of which \$250,000 was granted by The Maurice and Laura Falk Foundation of Pittsburgh. The remaining funds were contributed by the Beaumont Foundation of Cleveland, Ohio, and by ninety-eight business and financial concerns and law firms.

6. The code is presented as representing a "very important achievement in American law," and as set up to bear upon "the business transactions of today's commerce, not that of 150 years ago."

7. The text of the code was approved by The American Law Institute and the National Conference of Commissioners on Uniform State Laws at a joint meeting in New York City on September 15, 1951.

8. The House of Delegates of the American Bar Association approved the text of the code at its meeting in New York City on September 20, 1951.

9. Editorial changes in the code and comments, and changes in Article 4 were approved by the Institute in May 1952, and the commissioners gave the amended sections their approval at their meeting in September, 1952.

10. The Pennsylvania Bar Association has had a committee of its members actively engaged for three years studying and criticizing the code and offering suggestions to the Editorial Board.

11. Pennsylvania annotations to the proposed code were prepared under the auspices of a committee of the Pennsylvania Bar Association and were furnished to the Commission by Honorable Robert E. Woodside, Attorney General, as requested by the subcommittee.

12. Honorable William A. Schnader, former Attorney General, who is chairman of the Commercial Code Committee of the National Conference of Commissioners on Uniform State Laws, advised the subcommittee that the code was regarded as a highly satisfactory piece of legislation and urged its endorsement by the Commission.

13. Honorable Robert E. Woodside advised the chairman of the Joint State Government Commission that

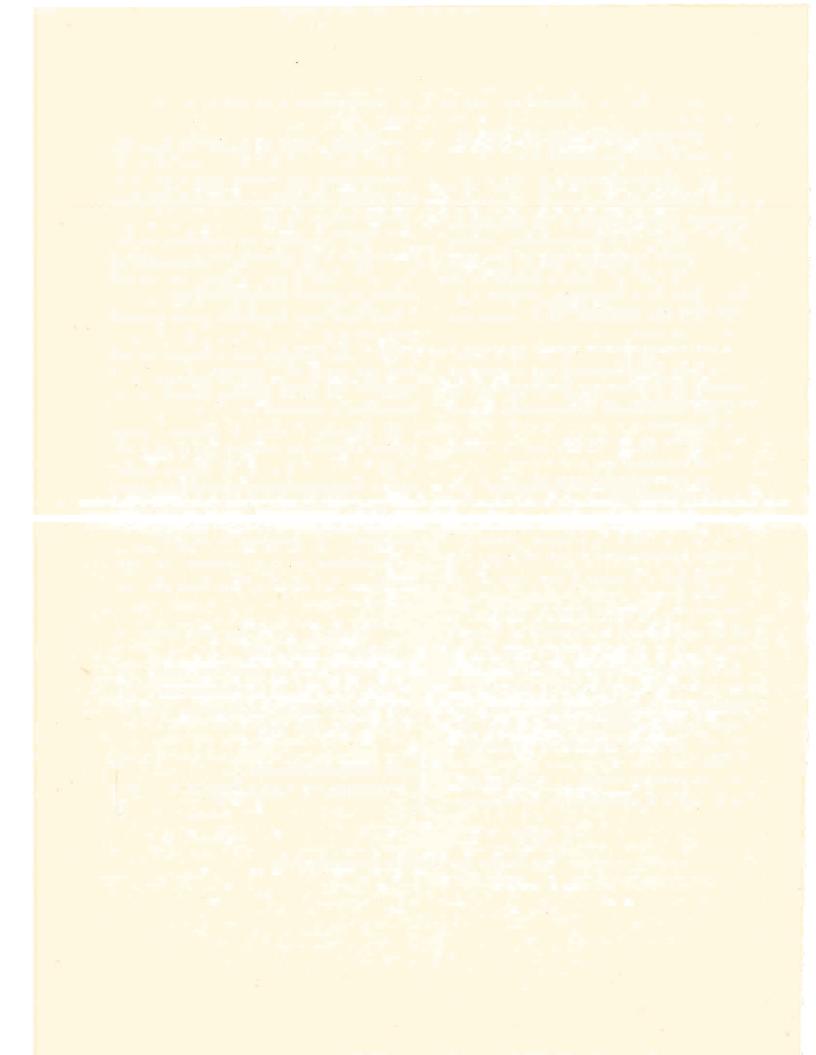
"The code is one of the most momentous legal tasks of modern times. . . .

"Together with the other Commissioners on Uniform State Laws for Pennsylvania, I am very hopeful that the legislature will enact the code at the earliest possible date. . . ."

SEE SEPARATE REPORT: Pennsylvania Annotations to the Proposed Uniform Commercial Code, September, 1952

Recommendation:

That the proposed Uniform Commercial Code be enacted.



Part II

STUDY DIRECTED BY ACT OF THE GENERAL ASSEMBLY

FISHWAYS

(Act No. 68, 1951, May 16, P. L. 316.) Legislative Mandate:

To cooperate with the Pennsylvania Fish Commission in its study of the migratory habits of fish, particularly shad, including the stocking and tagging of shad below and above the Safe Harbor Dam, the Holtwood Dam, and the Conowingo Dam.

Investigation:

Cooperated with the Pennsylvania Fish Commission; conferred with its representatives and the representatives of the United States Department of the Interior Fish and Wildlife Service, regarding recent fishway design development and arrangements for obtaining, tagging, and transporting shad to be stocked in the Susquehanna River above and below the Conowingo Dam and above the Safe Harbor Dam, for the purpose of determining: (1) whether shad can be successfully transported by tank trucks, (2) whether adult shad will spawn successfully above the dams, and (3) what mortality will be suffered by adult and juvenile shad as they pass over the dams on their return to the ocean.

Strategic Facts:

1. The Joint State Government Commission recommended to the 1951 Session of the General Assembly:

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

(b) That the United States Department of

Interior Fish and Wildlife Service be invited to participate in this project.

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

(See General Report of the Joint State Government Commission, 1949-1951, pp. 6 and 7.)

2. Action of the General Assembly thereon:

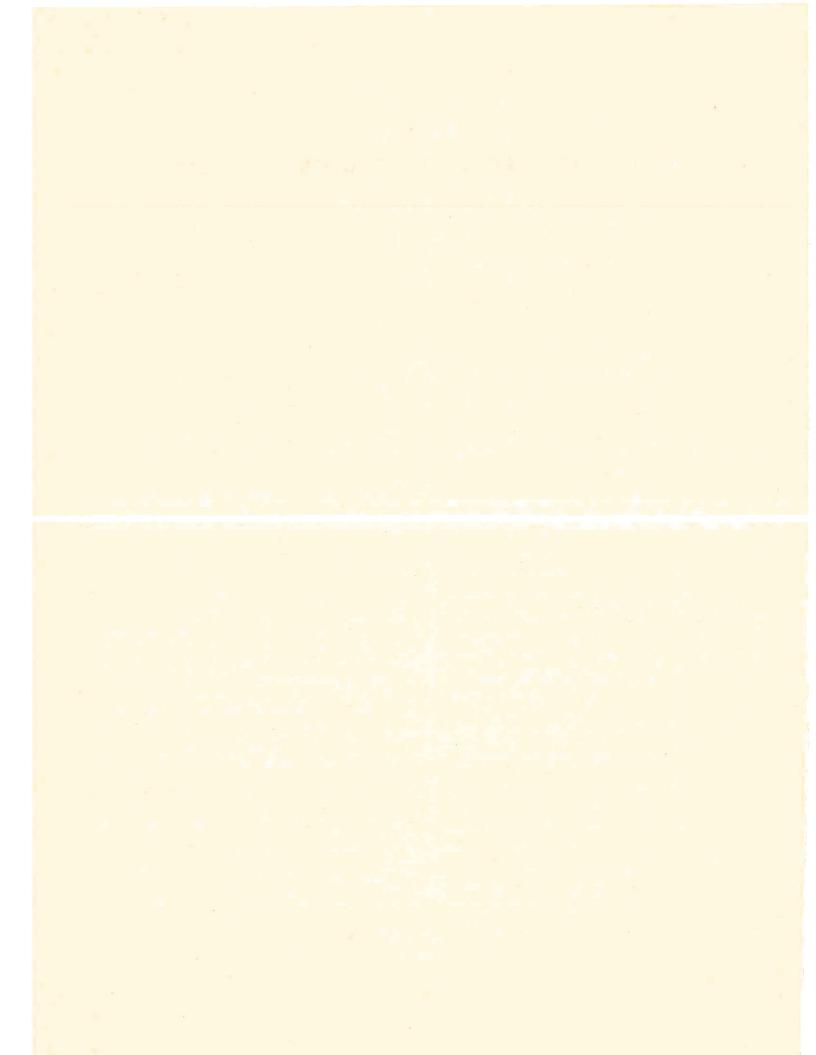
The General Assembly enacted Act No. 68, above cited, which provides as follows:

"Section 1. The Pennsylvania Fish Commission, hereinafter termed 'Commission,' is hereby authorized and directed to make a comprehensive study of the migratory habits of fish, particularly shad, including the stocking and tagging of shad below and above the Safe Harbor Dam, the Holtwood Dam and the Conowingo Dam.

"Section 2. The Commission is hereby authorized to invite and accept from the Federal government cooperation and financial aid in connection with the study authorized and directed in Section 1; and to cooperate with the Joint State Government Commission in connection therewith.

"Section 3. The Commission is directed to report the results of the study hereby authorized and directed to the next regular session of the General Assembly.

"Section 4. Effective Date.—This act shall become effective immediately upon its final enactment."



Part III PROPOSED CONSTITUTIONAL AMENDMENTS

Two proposals for amending the Constitution of Pennsylvania were presented to the 1951 Session of the General Assembly by the Joint State Government Commission, as a result of studies assigned to the Commission by the 1949 Session. (See General Report of the Joint State Government Commission, 1949-1951, pp. 2 and 4; and separate Commission report, Commonwealth-Owned Forests and Reforestation, Session of 1951.

ALLEGHENY COUNTY COURT

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

Legislative Mandate:

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

Strategic Facts:

1. The Joint State Government Commission recommended to the 1951 Session of the General Assembly:

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

2. Action of the General Assembly thereon:

The General Assembly passed for the first time Joint Resolution No. 6 (1951 Session) which provides as follows:

"The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof:

"That section eight, article five of the Con-

stitution of the Commonwealth of Pennsylvania is hereby amended to read as follows:

"Section 8. The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn detail one or more of their judges and in the case of the courts of Allegheny County may also detail one or more of the judges of the County Court to hold the courts of Oyer and Terminer and the courts of Quarter Sessions of the Peace of said counties, in such manner as may be directed by law."

Recommendation:

That legislation be introduced for required consideration by the 1953 Session.

COMMONWEALTH-OWNED FORESTS AND REFORESTATION

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

Legislative Mandate:

To study and investigate Commonwealth-owned forests and reforestation.

Strategic Facts:

1. The Joint State Government Commission recommended to the 1951 Session of the General Assembly:

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

2. Action of the General Assembly thereon:

The General Assembly passed for the first time Joint Resolution No. 5 (1951 Session), which provides as follows:

"The following amendment to the Constitution of the Commonwealth of Pennsylvania is hereby proposed in accordance with the eighteenth article thereof:

"Section one of article nine is hereby amended to read as follows:

"Section 1. All taxes shall be uniform, upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity and real and personal property owned, occupied and used by any branch, post or camp of honorably discharged soldiers, sailors and marines; and the General Assembly may, by general laws, set up standards and qualifications for private forest reserves and make special provision for the taxation thereof."

Recommendation:

That legislation be introduced for required consideration by the 1953 Session.

Part IV

STUDY DIRECTED BY JOINT STATE GOVERNMENT COMMISSION

TRUCK WEIGHTS AND HIGHWAY COSTS

Under date of January 25, 1952, The Honorable John S. Fine, Governor of Pennsylvania, addressed the following communication to the chairman of the Joint State Government Commission.

Honorable Baker Royer

Chairman, Joint State Government Commission Harrisburg, Pennsylvania

Dear Baker:

After the most careful and thorough consideration I felt constrained, for the reasons asserted in my veto message, to disapprove Senate Bill No. 615, Printer's No. 511, the "Truck Bill" which passed both houses at the recent session of the General Assembly. It became quite evident during the discussions of this bill that the problem has wide and varied ramifications which require extensive study and investigation. I, therefore, have the honor to suggest that your commission will perform an outstanding service to the people of Pennsylvania, if, between now and the next session of the General Assembly, it will make a thorough study and report its findings. I suggest that the study and report should include, but not necessarily be limited to, the following:

(1) The axle and gross weight which the existing pavement and bridge facilities of the primary, secondary and rural highways can sustain, during their normal life expectancy, without accelerated deterioration.

(2) Whether contributions now being made by the heavy trucking industry to the cost of maintenance and replacement of the highway facilities of this Commonwealth represents its fair share, and, if not, whether it would be economically and socially feasible to compel it to do so.

(3) The desirability of conforming the permissible axle (including tandem axles) and gross weights of commercial vehicles to the standards recommended by the American Association of State Highway Officials.

(4) The desirability of classifying our highway facilities as primary, secondary and rural with different weight limitations applicable to each and with penalties severe enough that an operator of a vehicle will be extremely unlikely to assume the risk of the incidents of a violation.

With best wishes,

Cordially,

/S/ JOHN S. FINE

Subsequent to receipt of the letter, the Commission conferred with the Governor, who placed the resources of the Department of Highways, the Department of Revenue, the Public Utility Commission, and the Pennsylvania State Police at the disposal of the Commission for purposes of the survey, and the Commission agreed to make such factual and analytical studies as were necessary to answer the queries raised in the Governor's letter.

The Commission has proceeded to make the factual and analytical studies indicated and to prepare such supplemental data as might be useful to the General Assembly. The survey has been under the immediate supervision of the Commission's Executive Committee.

 SEPARATE REPORT

 TO BE ISSUED

 [17]

Part V

JOINT STATE GOVERNMENT COMMISSION

OF THE

GENERAL ASSEMBLY

(Created in 1937, P. L. 2460, as last amended 1943, P. L. 13)

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