

BIENNIAL REPORT
of the
JOINT STATE GOVERNMENT COMMISSION
1961 - 1963



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

1961-1963

OFFICERS

HARRIS G. BRETH, *Chairman*

HIRAM G. ANDREWS, *Treasurer*

EXECUTIVE COMMITTEE

SENATE MEMBERS:

ANTHONY J. DISILVESTRO
President Pro Tempore

CHARLES R. WEINER
Majority Leader

JAMES S. BERGER
Minority Leader

WILLIAM J. LANE
Majority Whip

ALBERT R. PECHAN
Minority Whip

ISRAEL STIEFEL
Chairman, Majority Caucus

ROBERT D. FLEMING
Chairman, Minority Caucus

HOUSE MEMBERS:

HIRAM G. ANDREWS
Speaker

STEPHEN MCCANN
Majority Leader

ALBERT W. JOHNSON
Minority Leader

JAMES J. DOUGHERTY
Majority Whip

EDWIN W. TOMPKINS
Minority Whip

ANTHONY J. PETROSKY
Chairman, Majority Caucus

NORMAN WOOD
Chairman, Minority Caucus

Member Ex Officio:

HARRIS G. BRETH, *Commission Chairman*

JOINT STATE GOVERNMENT COMMISSION
OFFICERS AND EXECUTIVE COMMITTEE

1963

OFFICERS

BAKER ROYER, *Chairman*
CHARLES R. WEINER, *Vice Chairman*
WILLIAM Z. SCOTT, *Secretary*
W. STUART HELM, *Treasurer*

EXECUTIVE COMMITTEE

SENATE MEMBERS:

M. HARVEY TAYLOR
President Pro Tempore

JAMES S. BERGER
Majority Leader

CHARLES R. WEINER
Minority Leader

ALBERT R. PECHAN
Majority Whip

WILLIAM J. LANE
Minority Whip

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Chairman, Majority Caucus

ISRAEL STIEFEL
Chairman, Minority Caucus

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W. STUART HELM
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Minority Leader

MORTON H. FETTEROLF, JR.
Majority Whip

JAMES J. DOUGHERTY
Minority Whip

NORMAN WOOD
Chairman, Majority Caucus

K. LEROY IRVIS
Chairman, Minority Caucus

Member Ex Officio:

BAKER ROYER, *Chairman*

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LETTER OF TRANSMITTAL

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

There is presented herewith the general report of the Joint State Government Commission for the biennium 1961-1963.

For the convenience of the members, the report presents in broad outline the activities and findings of the Commission's 24 task forces which were operative during the biennium and is divided into eight parts which deal respectively with:

1. Agricultural Affairs
2. Conservation
3. Education
4. Health, Welfare and Safety
5. Intergovernmental Relations
6. Marketing Problems
7. Property Rights and Property Protection
8. Public Employment

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

On behalf of the Commission, the counsel and guidance of the members of technical panels and advisory committees and the cooperation of various Commonwealth departments are gratefully acknowledged.

HARRIS G. BRETH,
Chairman, 1961-1963

*Joint State Government Commission
Capitol Building
Harrisburg, Pennsylvania
January 1963*

AGRICULTURAL AFFAIRS

AGRICULTURAL AFFAIRS

TASK FORCE

Senate Members

GUS YATRON, *Chairman*
D. ELMER HAWBAKER

ALBERT E. MADIGAN
JOHN CARL MILLER

House Members

WILLIAM H. ASHTON, *Vice Chairman*
J. WOODROW COOLEY
E. J. FARABAUGH
DONALD W. FOX
WILLIAM GRAY
STANLEY H. GROSS

FREEMAN HANKINS
WILLIAM JOSEPH LONG
CLARENCE F. MANBECK
JOSEPH G. TOMASCYK
FRANCIS WORLEY
LESTER H. ZIMMERMAN

Codification of Agriculture Laws

As per Senate Concurrent Resolution No. 122, Session of 1961, which calls upon the Joint State Government Commission ". . . to investigate the scope and the cost of a project which would result in the revision, modernization and codification of the laws relating to agriculture; . . ." the task force reviewed the pertinent laws and afforded the Department of Agriculture an opportunity to present its views regarding the current status of these laws.

The Department of Agriculture took the position that some of the statutes relating to agriculture are ambiguous, others are obsolete, and that the provisions of some statutes are in direct conflict with the provisions of others.

On the basis of its explorations, the task force has concluded that the cost of codifying the laws relating to agriculture, that is, the preparation of a bill for submission to the General Assembly that would restate existing statute law as interpreted by the Attorney General and the courts of the Commonwealth, would be approximately \$50,000.

County Fair Premium Payments; Commonwealth Reimbursement

Pursuant to Senate Resolution No. 22, Session of 1962, which provides that ". . . the Joint State Government Commission shall make a study of the problem of distribution of premium money to fair associations by the Department of Agriculture . . ." the task force reviewed the Act of July 25, 1917, P. L. 1195, as amended, relating to the encouragement of agriculture exhibitions and providing State aid therefor, and obtained data from the

Department of Agriculture showing the premium allocations for the year 1961.

The pertinent sections pertaining to allocations read as follows:

"Section 1. Be it enacted, etc., That, for the purpose of encouraging agriculture and the holding of agricultural exhibitions of farm products, an incorporated agricultural association, or county, conforming to the requirements of this act, is entitled to receive from the Commonwealth an annual sum, not exceeding one thousand dollars, equal to the amount paid by such association as premiums for exhibits of farm products at its annual exhibition, exclusive of premiums paid on trials of speed. Such premiums shall be paid only upon those farm products of this Commonwealth that are determined to be eligible for premiums by the Secretary of Agriculture, whose determination shall be made from the premium list prepared by the State Farm Products Show Commission, and such other premium lists as the Secretary of Agriculture shall determine.

"Section 2. In case there is more than one association holding such annual exhibitions in a county, such associations shall be entitled to receive from the Commonwealth a sum not exceeding, in the aggregate, the sum of two thousand dollars, to be apportioned by the Secretary of Agriculture among such associations according to the amount of premiums paid for the exhibits of farm products at the last exhibition of each of such associations, exclusive of premiums for trials of speed."

The data pertaining to the 92 associations in 54 counties submitted by the Department of Agriculture and calculations based upon the departmental data, designed to facilitate evaluation of departmental procedure, are presented in Table 1. Examination of the data shows that the Secretary of Agriculture in making allocations to county fairs has administratively implemented the law in a manner which has resulted in reduced reimbursements to an arbitrarily-determined group of fairs.

Specifically, it appears that the Secretary of Agriculture has applied three limiting conditions when determining the allocations to fair associations:

1. No fair shall receive more than \$1,000.
2. All fairs in a given county shall not receive more than \$2,000 in the aggregate.

3. The payment to any fair shall not exceed a pre-determined percentage—43.09 percent in 1961—of the approved premiums actually paid by that fair.¹

The law cited above provides no statutory sanction for the third condition; and it is not clear that the first condition is applicable in counties with more than one eligible fair.

Examination of the table, column (6) indicates that imposition of condition 3 has resulted in 45 fairs receiving their full "entitlement";² while the remaining 47 of the 92 fairs receive less than their full entitlement.

¹ Five fairs received payments in excess of the 43.09 limitation, apparently made as a result of computational error. See Table 1, column (4).

² "Entitlement" refers to the sums the fairs would have been entitled to receive if condition 3 had not been imposed.

Table 1
DATA RELATING TO PREMIUMS AND REIMBURSEMENTS
PENNSYLVANIA AGRICULTURAL FAIRS
1961

Name of Fair Sponsor and Location of Fair (1)	Approved Reimbursable Premiums 1961 (2)	Reimbursements on Account of 1961 Premiums (3)	Reimbursements as a Percent of Approved Premiums (4)	"Entitlement" ¹ (5)	Reimbursements as a Percent of "Entitlement" (6)
ALL FAIRS	\$248,038.60	\$55,000.00	22.17%	\$68,544.84	80.24%
1. Adams County					
Adams County Fair, Inc., Abbottstown	2,835.20	1,000.00	35.27	1,000.00	100.0
The South Mountain Community and Fair Association, Arendtsville	5,987.55	1,000.00	16.70	1,000.00	100.0
2. Allegheny County					
Allegheny County Fair and Western Pennsylvania Exposition, Pittsburgh	10,863.50	1,000.00	9.21	1,000.00	100.0
3. Armstrong County					
Dayton Agricultural and Mechanical Association, Dayton	4,146.25	1,000.00	24.12	1,000.00	100.0
4. Bedford County					
Bedford County Agricultural Society, Bedford	5,167.90	1,000.00	19.35	1,000.00	100.0
5. Berks County					
Kutztown Fair Association, Kutztown	6,269.50	703.00	11.21	702.72	100.0
Agricultural and Horticultural Association of Berks County, Reading	14,237.45	1,000.00	7.02	1,000.00	100.0
Oley Valley Community Fair Association, Oley	2,652.25	297.00	11.20	297.28	99.9

<i>Name of Fair Sponsor and Location of Fair</i>	<i>Approved Reimbursable Premiums 1961</i>	<i>Reimbursements on Account of 1961 Premiums</i>	<i>Reimbursements as a Percent of Approved Premiums</i>	<i>"Entitlement"¹</i>	<i>Reimbursements as a Percent of "Entitlement"</i>
(1)	(2)	(3)	(4)	(5)	(6)
6. Blair County					
Morrison Cove Community Dairy Show, Inc., Hollidaysburg	840.00	361.99	43.09	554.46	65.3
Greenfield Township Community Products and Flower Show Association, Claysburg	378.05	162.91	43.09	249.54	65.3
The Antis Township Community Association, Inc., Altoona	411.10	177.15	43.09	271.36	65.3
Sinking Valley Community Farm Show Association, Inc.	332.55	143.31	43.09	219.51	65.3
Hollidaysburg Community Farm Show Association, Inc., Hollidaysburg	474.85	204.63	43.09	313.44	65.3
Morrison Cove Community Fair Association	593.40	255.72	43.09	391.69	65.3
7. Bradford County					
Troy Agricultural Society, Troy	1,579.00	680.46	43.09	1,000.00	68.0
8. Bucks County					
Middletown Grange Fair, Newtown	418.25	180.25	43.10	418.25	43.1
9. Butler County					
Butler Fair and Agricultural Association, Prospect	4,490.75	1,000.00	22.27	1,000.00	100.0
Butler Farm Show, Inc., Butler	4,456.51	1,000.00	22.44	1,000.00	100.0
10. Cambria County					
Cambria County Legion Recreation Association, Ebensburg	5,324.20	1,000.00	18.78	1,000.00	100.0
11. Carbon County					
Carbon County Agricultural Association, Lehighton	4,540.45	1,000.00	22.02	1,000.00	100.0
12. Centre County					
Grange Encampment and Centre County Fair, Centre Hall	2,298.50	1,000.00	43.51	1,000.00	100.0
13. Chester County					
Unionville Community Fair, Inc., Unionville	1,070.50	461.32	43.09	1,000.00	46.1
14. Clarion County					
Farmers and Merchants Agricultural Show, Inc.	1,124.50	484.59	43.09	1,000.00	48.5
15. Clearfield County					
Clearfield County Agricultural Society, Clearfield	9,388.40	1,000.00	10.65	1,000.00	100.0
Harmony Grange Fair Association, Inc., Westover	692.85	298.58	43.09	692.85	43.1
16. Columbia County					
Junior Achievement Show, Inc., Bloomsburg	746.30	321.61	43.09	746.30	43.1
Bloomsburg Fair (Columbia County Agricultural and Horticultural and Mechanical Association), Bloomsburg	10,818.00	1,000.00	9.24	1,000.00	100.0
17. Crawford County					
Crawford County Park and Fair Association, Meadville	17,341.25	1,000.00	5.77	1,000.00	100.0
Cochranon Community Fair Association, Cochranon	1,493.75	643.71	43.09	717.60	89.7
Spartansburg Community Fair Association	587.84	253.33	43.10	282.40	89.7

Name of Fair Sponsor and Location of Fair	Approved Reimbursable Premiums 1961	Reimbursements on Account of 1961 Premiums	Reimbursements as a Percent of Approved Premiums	"Entitlement" ¹	Reimbursements as a Percent of "Entitlement"
(1)	(2)	(3)	(4)	(5)	(6)
18. Cumberland County					
Shippensburg Community Fair, Inc., Shippensburg	2,147.25	925.33	43.09	1,000.00	92.5
Carlisle Fair Association, Carlisle	4,409.20	1,000.00	22.68	1,000.00	100.0
19. Dauphin County					
Gratz Agriculture and Horticulture Association, Gratz	2,732.00	1,000.00	36.60	1,000.00	100.0
20. Erie County					
Wattsburg Agricultural Society, Wattsburg	3,992.90	1,000.00	25.04	1,000.00	100.0
Albion Community Fair Association, Albion	529.00	214.00	40.45	213.67	100.2
North East Community Fair, North East	1,177.05	475.00	40.36	475.42	99.9
Waterford Community Fair Association	769.75	311.00	40.40	310.91	100.0
21. Fayette County					
Fayette County Agricultural Improvement Association, Inc., Uniontown	3,715.50	1,000.00	26.91	1,000.00	100.0
Pleasant Valley Grange Community Fair Association, Inc., Mt. Pleasant	1,686.75	726.88	43.09	902.61	80.5
Uniontown Poultry and Farm Products Show Association, Uniontown	182.00	78.43	43.09	97.39	80.5
22. Fulton County					
Fulton County Fair, McConnellsburg	1,429.75	616.13	43.09	1,000.00	61.6
23. Greene County					
Rich Hill Agricultural Society, Wind Ridge	1,825.90	786.85	43.09	1,000.00	78.7
Board of County Commissioners of Green County, Pennsylvania, Waynesburg	4,131.70	1,000.00	24.20	1,000.00	100.0
24. Huntingdon County					
Huntingdon County Agricultural Association, Inc., Huntingdon	3,722.80	1,000.00	26.86	1,000.00	100.0
25. Indiana County					
Indiana County Fair Association, Indiana	7,360.25	1,000.00	13.59	1,000.00	100.0
Ox Hill Community Agricultural Fair, Home	255.45	110.08	43.09	184.45	59.7
Greene Township Community Association, Commodore	1,129.50	486.75	43.09	815.55	59.7
26. Juniata County					
Juniata County Agricultural Society, Port Royal	3,254.75	1,000.00	30.72	1,000.00	100.0
27. Lancaster County					
Southern Lancaster County Community Fair, Inc.	1,110.96	350.80	31.58	350.80	100.0
West Lampeter Community Fair, Inc., Willow Street	1,318.95	416.40	31.57	416.48	100.0
Ephrata Farmers Day Association, Ephrata	1,178.75	372.20	31.58	372.20	100.0
Manheim Community Show Association, Manheim	1,083.75	342.20	31.58	342.20	100.0
New Holland Farmers Day Association, Inc.	1,641.50	518.40	31.58	518.32	100.0
28. Lawrence County					
Lawrence County Farm Show, Inc., New Castle	1,593.00	686.48	43.09	1,000.00	68.6

Name of Fair Sponsor and Location of Fair	Approved	Reimbursements		Reimbursements	
	Reimbursable Premiums 1961	on Account of 1961 Premiums	as a Percent of Approved Premiums	"Entitlement" ¹	as a Percent of "Entitlement"
(1)	(2)	(3)	(4)	(5)	(6)
29. Lebanon County					
South Lebanon Community Fair, Lebanon	618.65	266.60	43.09	618.65	43.1
Lebanon County 4-H Fair	1,007.45	434.15	43.09	1,000.00	43.4
30. Lehigh County					
Lehigh County Agricultural Society (The Great Allentown Fair), Allentown	16,459.50	1,000.00	6.08	1,000.00	100.0
31. Lycoming County					
Lycoming County Fair Association, Hughesville	2,721.90	1,000.00	36.74	1,000.00	100.0
32. McKean County					
Gifford Community Fair, Gifford	186.00	80.15	43.09	186.00	43.1
McKean County Fair Association, Inc., Smethport	2,271.90	1,000.00	44.02	1,000.00	100.0
33. Mercer County					
Mercer County Agricultural Society— The Great Stoneboro Fair, Stoneboro	4,203.00	1,000.00	23.79	1,000.00	100.0
Pymatuning Joint Community Fair Association, Jamestown	1,166.55	502.71	43.09	1,000.00	50.3
34. Monroe County					
West End Fair Association, Gilbert	1,001.10	431.41	43.09	1,000.00	43.1
35. Montgomery County					
Upper Perkiomen Valley Community Fair, East Greenville	992.60	427.41	43.06	992.60	43.1
36. Montour County					
Montour-De Long Community Fair Association, Danville	789.85	340.38	43.09	789.85	43.1
37. Northampton County					
Blue Valley Farm Show, Inc., Bangor	1,126.50	485.45	43.09	1,000.00	48.5
38. Northumberland County					
Turbotville Community Fair, Watsonstown	1,386.50	597.49	43.09	1,000.00	59.7
Lower Mahanoy Community Fair Association, Dalmatia	455.85	196.45	43.10	455.85	43.1
39. Pike County					
Delaware Valley Fair Association, Inc., Milford	264.25	113.87	43.09	264.25	43.1
40. Potter County					
Potter County Fair Association, Millport	947.74	408.42	43.09	947.74	43.1
41. Schuylkill County					
Hegins Township Community Fair Association	300.25	129.39	43.09	300.25	43.1
42. Snyder County					
Beaver Community Fair Association, Troxelville	1,753.10	755.47	43.09	1,000.00	75.5
43. Somerset County					
Somerset County Fair Association, Myersdale	2,445.50	1,000.00	40.89	1,000.00	100.0
Berlin Brothers Valley Community Fair Association, Berlin	190.55	82.11	43.09	190.55	43.1
Somerset County Maple Festival of Pennsylvania	146.00	62.92	43.10	146.00	43.1

<i>Name of Fair Sponsor and Location of Fair</i>	<i>Approved Reimbursable Premiums 1961</i>	<i>Reimbursements on Account of 1961 Premiums</i>	<i>Reimbursements as a Percent of Approved Premiums</i>	<i>"Entitlement"¹</i>	<i>Reimbursements as a Percent of "Entitlement"</i>
(1)	(2)	(3)	(4)	(5)	(6)
44. Sullivan County					
Sullivan County Agricultural Society, Forksville	855.50	368.67	43.09	855.50	43.1
45. Susquehanna County					
Harford Agricultural Society, Kingsley	2,691.50	1,000.00	37.15	1,000.00	100.0
46. Tioga County					
Tioga Valley Fair Association, Inc., Tioga	899.00	387.42	43.09	899.00	43.1
47. Union County					
Union County West End Fair Association, Laurelton	1,766.20	761.13	43.09	1,000.00	76.1
48. Venango County					
Venango County 4-H Fair, Inc., Oil City	129.75	55.91	43.09	129.75	43.1
49. Warren County					
Youngsville Community Fair Association, Inc.	1,541.00	664.07	43.09	1,000.00	66.4
50. Washington County					
Washington County Agricultural Fair Association, Inc., Washington	4,305.50	1,000.00	23.23	1,000.00	100.0
West Alexander Agricultural Association, Inc., West Alexander	1,194.00	514.55	43.09	1,000.00	51.5
51. Wayne County					
Wayne County Agricultural Society, Honesdale	3,520.75	1,000.00	28.40	1,000.00	100.0
Green-Dreher-Sterling Community Fair Association, Newfoundland	1,147.50	494.52	43.10	1,000.00	49.5
52. Westmoreland County					
Stanton Community Fair Association, Hunker	695.25	313.97	45.16	313.95	100.0
Westmoreland Agricultural Fair and Recreation Association, Greensburg	3,689.00	1,000.00	27.11	1,000.00	100.0
Rostraver Township Fair, Rostraver	679.25	306.72	45.16	306.73	100.0
Harrold Fair Association, Inc., Greensburg	840.00	379.31	45.16	379.32	100.0
53. Wyoming County					
Falls-Overfield Fair Association, Inc., Dalton	631.65	272.20	43.09	631.65	43.1
54. York County					
York County Agricultural Society, York	8,799.00	1,000.00	11.36	1,000.00	100.0
Dillsburg Community Fair Association, Dillsburg	280.00	120.66	43.09	280.00	43.1

¹ "Entitlement" refers to the sums the fairs would have been entitled to receive if the Secretary of Agriculture had imposed only two limitations: \$1,000 to a single fair and an aggregate of \$2,000 to all fairs in a single county.

SOURCE: Based on data furnished by Pennsylvania Department of Agriculture, Bureau of Markets.

CONSERVATION

CONSERVATION LAWS

TASK FORCE

House Members

WILLIAM B. CURWOOD, <i>Chairman</i>	HAMPTON RILEY
ALVIN C. BUSH	FRED J. SHUPNIK
GEORGE B. HARTLEY	ORVILLE E. SNARE
CHARLES J. JIM	PAIGE VARNER
GUY A. KISTLER	JAMES E. WILLARD
JAMES A. O'DONNELL	ELISABETH S. WYND

ADAM T. BOWER, *Legislative Advisor*

Senate Members

GEORGE B. STEVENSON, <i>Vice Chairman</i>	LEONARD C. STAISEY
PAUL W. MAHADY	JOHN H. WARE, III

MARTIN L. MURRAY, *Legislative Advisor*

Senate Resolution No. 10a calls for “. . . a comprehensive study of the natural resource policies of the Commonwealth with a view of formulating comprehensive multi-resource policies for the purpose of guiding the various agencies of the Commonwealth involved in the development and economic utilization of our natural resources.” In addition, House Resolution No. 96 calls for a study of fishing stream pollution, particularly pollution in Spring Creek, located in Centre County, and House Resolution No. 69 directs a review of the “Game Law of 1937.” House Resolution No. 68 calls for “a preliminary study of the Susquehanna Watershed Development Program for the purposes of rendering information and assistance to the Federal Government.” House Resolution No. 36, Session of 1962, notes that “. . . insects and diseases are the most destructive forces of the forests and directs the Joint State Government Commission to examine present laws relating to forest pests and insect control . . .”

With a view of ascertaining the damage done by forest pests and evaluating the economic significance of such damage, the task force called upon the Department of Forests and Waters, whose representatives testified that the forest industries of Pennsylvania afford direct employment to 68,000 people, have an annual payroll of \$277 million, and produce products valued at a billion

dollars annually. In addition, the testimony was that insects and diseases are responsible for the destruction of 38 million board feet annually, whereas only one million board feet is annually destroyed by fire.

The Department of Forests and Waters suggested that the provisions of House Bill No. 1542, Session of 1955, be given sympathetic consideration. This bill proposes to transfer the jurisdiction of forest pests from the Department of Agriculture which currently has such jurisdiction under the Pennsylvania Plant Pest Act of 1937 to the Department of Forests and Waters. The Department of Agriculture took the position that it could deal effectively with the forest pest problem provided adequate appropriations are made available.

The task force examined the pollution situation in Spring Creek and investigated the fish kill in the north branch of the Susquehanna which occurred over the period, October 2 to 17, 1961. The findings of the task force were transmitted to the appropriate executive authorities; and a substantial sum of money in remuneration for the destroyed fish was subsequently recovered.

Pursuant to House Resolution No. 68, the task force undertook a preliminary study of the Susquehanna Watershed Development Program, held public hearings in Wilkes-Barre and Huntingdon, and conferred with

the appropriate authorities in other states as well as with the Commonwealth departments concerned. The efforts of the task force eventuated in the organization of the Tri-State Advisory Committee on the Susquehanna River Basin, on which the states of New York, Maryland, and the Commonwealth of Pennsylvania are represented, and which is now functioning. See separate report of the record of the Interstate Advisory Committee on the Susquehanna River Basin.

As per directive of House Resolution No. 69, the task force reviewed the Game Law of 1937, conferred with the Game Commission, and prepared a tentative draft of enforcement provisions for the game laws. In addition, the task force undertook a comprehensive review of the operations and policies of both the Pennsylvania Fish Commission and the Pennsylvania Game Commission. At the request of the task force, the Joint

State Government Commission obtained the services of the Wildlife Management Institute, Washington, D. C., a national organization, to make a comprehensive survey of the programs of the Pennsylvania Game Commission and the Pennsylvania Fish Commission, including the laws under which these commissions operate and the quality of the management programs in effect. The Wildlife Management Institute submitted a comprehensive report to the Commission which was published by the Commission under date of July 1962, titled *Observations and Recommendations of the Wildlife Management Institute, Washington, D. C.: Re: Pennsylvania Fish Commission and Pennsylvania Game Commission*. The report of the Wildlife Management Institute was circulated widely among conservationists and sportsmen, who were invited to indicate their approval or disapproval of the Wildlife Management Institute's recommendations.

EDUCATION

EDUCATION

TASK FORCE

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The task force (1) undertook a follow-up study of high school seniors enrolled in public, private and parochial schools in 1958 whose characteristics had been ascertained at that time by the Joint State Government Commission, and (2) made an evaluation of alternative measures of local capacity to support public education.

Follow-up Study of High School Seniors

In 1958, the Joint State Government Commission contacted approximately 10,000 high school seniors enrolled in public, private and parochial schools. The Commission's findings were reported to the General Assembly, Session of 1959, in a report entitled, *Pennsylvania High School Seniors, 1958: Their Mental Ability; Their Aspirations; Their Post-High School Activities*. Subsequent to the Commission survey, a similar study was initiated in 1960 on a national scale.¹

In 1962, the Commission undertook a follow-up study of approximately one-half of the high school seniors contacted in 1958 to ascertain post-high school experiences with respect to further education and employment. Those contacted in 1962 were also afforded an opportunity to express their views with respect to the adequacy of their high school courses as preparation for post-high school activities.

¹ Flanagan et al., *The Talents of American Youth; 1. Design for a Study of American Youth* (Boston: Houghton Mifflin Co., 1962).

Post-high school activity was reported for sampled persons representing 83,000 or 77 percent of those who were high school seniors in Pennsylvania in 1958.

Preliminary estimates indicate that of these 83,000 persons:

- (1) About 19 percent, (24 percent of the boys and 14 percent of the girls), attended college full time for four school years.
- (2) About 10 percent, (13 percent of the boys and 8 percent of the girls), completed between one and six semesters of full time college work.
- (3) About 25 percent, (20 percent of the boys and 29 percent of the girls), had some noncollege training (commercial or trade school, nursing or professional school, etc.) and/or some part-time college training during the last four years.
- (4) About 46 percent, (43 percent of the boys, and 49 percent of the girls), attended no post-high school educational institution.

For more detailed analysis of post-high school educational experiences, as well as findings regarding student evaluation of their high school courses, the financing of college and other training expenses, scholarships, students' intellectual ability, and parents' income, see separate report, **FOUR YEARS AFTER HIGH SCHOOL; A Follow-Up Survey of Pennsylvania High School Seniors: Employment, Education, and Future Plans**, 1963.

Alternative Measures of Local Capacity to Support Public Education

For more than a century it has been one of the objectives of Commonwealth policy to provide for the equalization of educational opportunity on the elementary and secondary level. Throughout this period the Commonwealth has attempted, with varying degrees of success, to distribute subsidies in such a manner as to compensate for local differences in ability to finance the public schools. Local ability to finance public education depends in the main upon the relationship between the size of the pupil population that a school district is obliged to educate and the capacity of the district to provide the necessary funds.

Between 1921 and 1945 local capacity was measured in terms of "true value" of taxable real property. "True value" of taxable property was calculated by the Superintendent of Public Instruction by dividing the assessed-actual value ratio of taxable property as certified to him by local school board secretaries into the assessed valuation. Under this procedure, local officials could generate higher school subsidies by certifying sufficiently high ratios. Examination of the record shows that it was common practice for many local officials to certify higher assessed-actual value ratios each year. When local officials attempted to certify ratios in excess of one, the superintendent issued an order that such certifications were not to be used in establishing "true value."

The widespread inequities, generated by a reimbursement system which, in effect, permitted local school officials to determine the amount of Commonwealth subsidies, became increasingly apparent. In 1945 the legislature abolished the existing school subsidy system and prescribed a new formula for the distribution of Commonwealth subsidies. During the period 1945 to 1947, the new formula used assessed valuations as determined for county tax purposes as the measure of local capacity. In 1948 the market value of taxable real property as determined by the newly-created State Tax Equalization Board was substituted for assessed valuations.

Changes in Procedures Employed by the State Tax Equalization Board

Procedures of the State Tax Equalization Board used to determine market values have changed over the period 1948-1962. Recent changes in board procedures and the consequent effects upon the amounts of school subsidies received by differently circumstanced school districts have aroused renewed interest in the adequacy of market values as a measure of local capacity to support public education.

In brief, between 1948 and 1952, the board calculated the annually certified market values of taxable real property by adjusting the market values certified for the previous year to account for any price changes, then adding the market value of additions to the tax rolls and subtracting deletions. Beginning in 1953 and continuing through 1957, the board carried forward the market values as certified for 1952 and annually adjusted these values only for additions to and deletions from the tax rolls. In other words, the board's certification throughout this period of predominantly rising prices failed to adjust the bulk of taxable real property in accordance with the changes in actual market values. Because rates of change in real estate values differed markedly among school districts, the board's 1953-1957 procedures favored some school districts and discriminated against others. Generally speaking, since real estate prices rose throughout the period, the procedures discriminated against rapidly growing urban and suburban school districts where the value of new construction was large relative to the value of taxable property on the rolls in 1952. On the other hand, school districts experiencing the same rise in real estate prices but with a lesser rate of growth in new construction were favored.

In 1958, cognizant of the growing disparity between actual market values and certified market values, the board reinstated the practice of adjusting market values for changes in real estate prices. Taking into account changes in real estate prices between 1952 and 1958, the aggregate market value for 1958 would have been in the neighborhood of \$38 billion as contrasted with \$31 billion, which was the aggregate market value certified for 1957. In an apparent attempt to avoid drastic reductions in Commonwealth subsidies consequent upon

a substantial increase in market values, the State Tax Equalization Board chose to reduce the market values as originally ascertained by 15 percent prior to certification. An administratively-promulgated uniform percentage reduction in market values is the equivalent of a legislative reduction in the local effort rate in the school subsidy formula. In dollar terms, the 15 percent reduction in market values generated about \$30 million a year in additional Commonwealth subsidy obligations. Again, a straight cut of 15 percent of market values has a differential impact upon the amount of subsidies payable to different school districts. For a school district with a market value of \$100,000 per teaching unit, instruction subsidies would be increased by \$66 per teaching unit by virtue of a 15 percent cut in market value. In contrast, a school district with a valuation of \$800,000 per teaching unit would receive an increase in instruction subsidies per teaching unit of approximately \$525.

In the case of districts characterized by a large divergence between actual market values and the market values certified for 1957, use of the 1958 market value certifications would have resulted in substantially lower school subsidies for 1959–1960. Inasmuch as many districts were faced with unexpected reductions in school subsidies, the 1959 General Assembly elected to provide for a period of adjustment by the passage of Act No. 569 (1959, Nov. 2, P.L. 1589) which provided, in effect, that subsidies for 1959–1960 should be based upon the market value certified for 1957 or for 1958, whichever was lower.

In 1959 the State Tax Equalization Board Act was amended (1959, Dec. 30, P.L. 2072) to provide that certifications in even-numbered years should reflect only additions to and deletions from the property tax rolls. Hence, complete revaluations now are made only every other year. The net effect of this amendment during a period of rising real estate prices is to increase school subsidies beyond what they would be if annual revaluations had remained the rule. In addition, the amendment will generate more abrupt changes in certified market values unless real estate prices remain unchanged. Biennial revaluations, however, offer administrative advantages. The technical difficulties associated with annual revaluations of real property in some 2,000 school districts are formidable.

Market Values and Income as Measures of Local Capacity

A community's capacity to finance public education—or for that matter any other function—depends upon the resources at the command of the community. The resources at the command of the community can be alternatively *approximated* in terms of the income of the members of the community or in terms of the property located within the community. If capacity is measured in terms of income, the value of property located within a community but owned by nonresidents is not reflected in the measure. If capacity is measured in terms of property, the incomes of residents with atypical relationships between income and property would be differentially reflected in the measure. Hence, ideally the most comprehensive measure of a community's capacity to finance a given service would be represented by an appropriately-weighted combination of the income of its residents and the value of property owned by nonresidents. It is not feasible, on the basis of available data, to construct this inclusive measure of financial capacity. The choice between income and property values as the best approximation to an ideal measure of capacity can be made on the basis of administrative practicalities (including availability of data) if income and property values are strongly correlated. The evidence suggests that the market value of taxable real property is, generally speaking, closely related to income, the degree of relationship depending upon the definition of income employed and the size of the community.

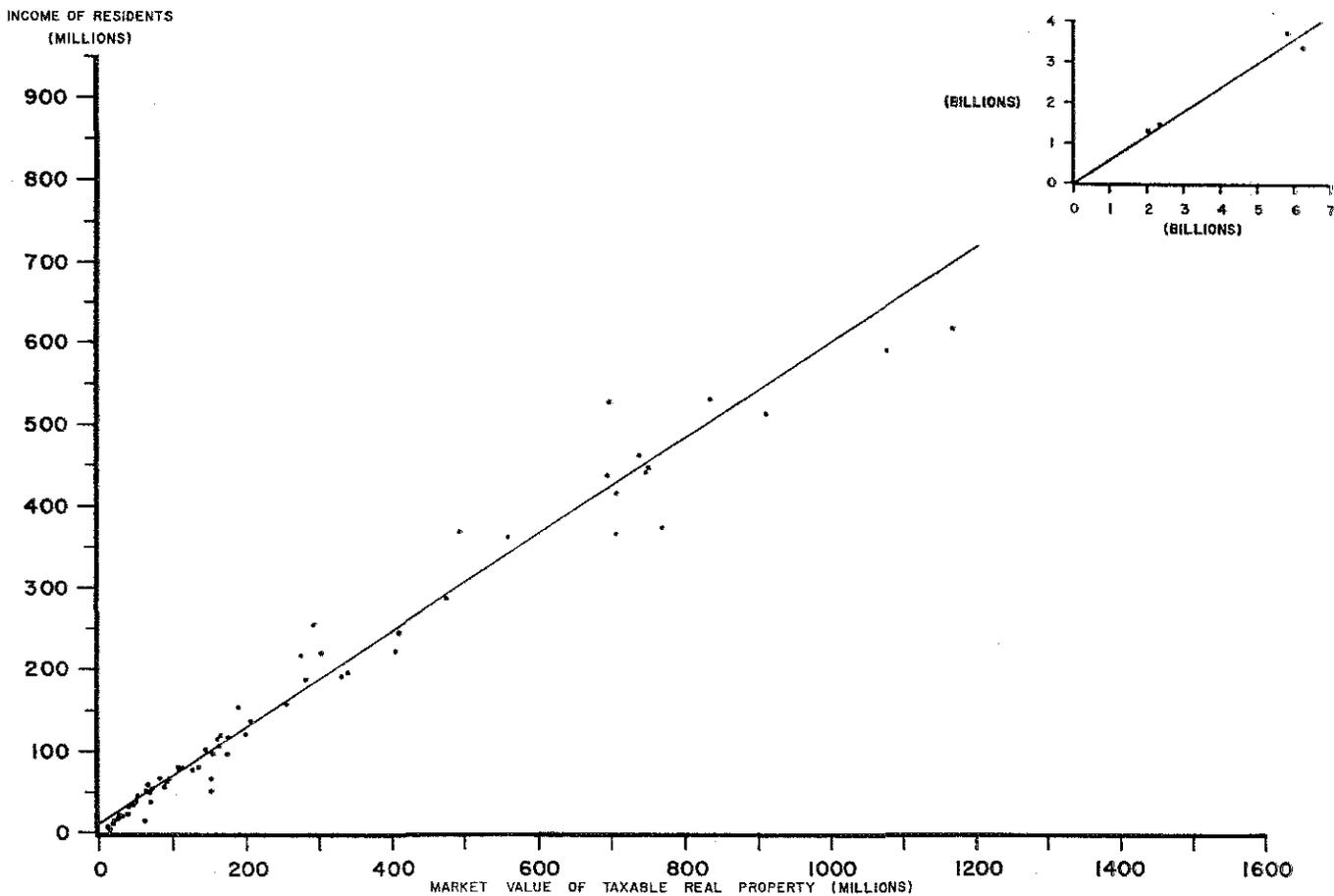
The relationship between a measure of income and a measure of market value is shown on Charts I and II. On Chart I are plotted for each county in Pennsylvania the income of residents as recorded in the 1960 Federal Census and the market value of taxable real property as certified by the State Tax Equalization Board. Increases in market values are closely associated with increases in income of residents, although there is some dispersion around the line of relationship. Data similar to that contained in Chart I are plotted on Chart II for the 154 communities in Pennsylvania of more than 10,000 population. Again, the chart indicates that market value and income of residents are strongly correlated. Analysis of

the data plotted on Chart II indicates that the strength of the relationship between income and market value increases as the size of the community increases. For the communities plotted in Chart II with a population exceeding 30,000, which are synonymous with first and second class school districts, the correlation co-efficient is .998; for second class school districts alone the correlation co-efficient is .959; and for communities with a population between 10,000 and 30,000, which are school districts of the third class, the correlation co-efficient is

.845.² It is to be expected that the relationship between market value and income would be much weaker for districts with a population below 10,000 for which comparable income data are not available.

² The regression equations for these three sets of districts are (all measures in millions of dollars): First and second class: $\text{Income} = .64 \text{ Market Value} - 4.8$; second class districts: $\text{Income} = .62 \text{ Market Value} + 3.4$; districts with a population between 10,000 and 30,000: $\text{Income} = .37 \text{ Market Value} + 11.1$.

Chart I
 RELATIONSHIP BETWEEN MARKET VALUE OF TAXABLE REAL PROPERTY
 AND INCOME OF RESIDENTS IN PENNSYLVANIA COUNTIES: 1959



Regression equation: $\text{Income} = .59 (\text{Market Value}) + 11.1$. $r = .995$

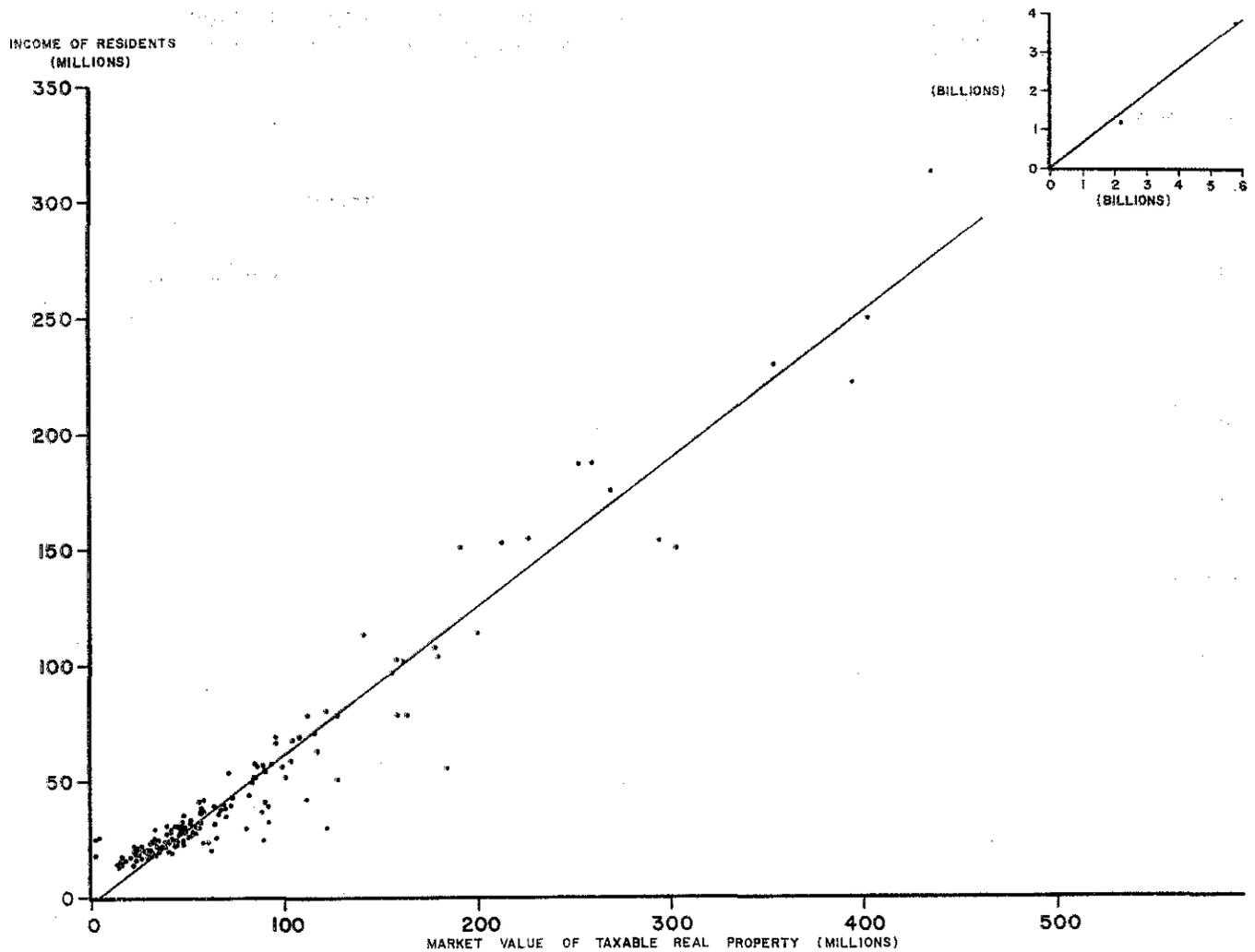
Under the provisions of Act No. 561,³ if effectuated, school districts in the future will be substantially larger than they have been in the past. The technical task of

determining accurate market values will be considerably facilitated as size of school district increases. One of the greatest deterrents to an accurate determination of market values has been the inadequacy of sufficient reliable information to establish market values for the large number of small school districts.

³ 1961, September 12, P. L. 1283.

Chart II

RELATIONSHIP BETWEEN MARKET VALUE OF TAXABLE REAL PROPERTY AND INCOME OF RESIDENTS IN 154 PENNSYLVANIA SCHOOL DISTRICTS: 1959



Regression equation: $\text{Income} = .64 (\text{Market Value}) - .29$. $r = .998$

UNIVERSITY OF PENNSYLVANIA MUSEUM

TASK FORCE

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Senate Resolution No. 24, Session of 1962, states:

"In the past the General Assembly of Pennsylvania failed to extend much needed state-aid to the Museum of the University of Pennsylvania, thereby arresting during recent decades the further growth of this great Seat of Learning, an unexcelled and unsurpassed repository of materials so vital for the study of the Ancient Near East:

"As the Bible is the undisputed cornerstone of our civilization and our main rampart in arresting the march of Godless hordes, the Department of the University of Pennsylvania dealing with studies of the Ancient Near East, as well as the University Museum with its great treasures unearthed by the museum-expeditions to ancient lands, are tendering a great service to the civilized world, to the People

of the United States generally and to our citizenry in particular."

and directs the Joint State Government Commission "... to undertake a study of the services rendered by the University Museum to the citizenry of Pennsylvania, in order to thus ascertain its pressing needs and the tenability of an appropriation that would be conducive to the full utilization of the Museum capacities."

The task force visited the Museum, conferred with its director and members of the staff; explored the use of the Museum's services by public schools in Philadelphia and surrounding counties; conferred with the President, the Provost, and other officials of the University of Pennsylvania, concerning the possible extension of the Museum's services to other sections of the Commonwealth.

See separate report to be issued.

COMMUNITY COLLEGES IN PENNSYLVANIA

TASK FORCE

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WILLIAM R. KORNS, *Legislative Advisor*

Senate Resolution No. 10, Session of 1962, as supplemented by the Executive Committee, directs the Joint State Government Commission:

“. . . to make a thorough and complete study of the possibility and feasibility of locating community colleges in the Commonwealth of Pennsylvania, that would possess the authority to grant degrees in liberal arts . . .” and “. . . to study the means of financing such institutions. . . .”

The task force undertook (1) to ascertain public sentiment regarding the need for community colleges in Pennsylvania and (2) to collect such facts regarding present and future enrollments and facilities as might aid in the evaluation of the views presented.

Views

Hearings were held in Williamsport on June 6, 1962, and in Philadelphia on September 27, 1962. Divergent views were expressed as regards the need for additional post-high school educational facilities which would offer, among other things, an academic college-parallel program. It was suggested by some that State funds, rather than being expended on the establishment of new community colleges, should be applied to scholarship and loan programs which could be utilized at existing colleges and universities, thus avoiding unnecessary capital expenditures. As another alternative to the establishment of community colleges, fuller use of existing facilities, for example by the adoption of evening, Saturday, and trimester

programs, was advocated. It was proposed by others that community colleges be created where needed, and it was recommended that new facilities be established which would offer both technical and academic programs at a low cost to the student. A recommendation of this nature was presented on behalf of the City of Philadelphia, although opinion was divided regarding the need for other than post-high school technical educational facilities in Philadelphia. The majority of those testifying were of the opinion that there is a need for additional post-high school facilities which could provide technical education and training.

Present Enrollments and Facilities

At present two types of educational institutions offer post-high school programs: (1) specialized training schools, and (2) colleges and universities. The first group includes 105 nursing schools, 31 schools of practical nursing (21 of which are operated by school districts), 129 private business schools, 111 private trade schools, and 136 schools of beauty culture, or a total of 512 facilities.¹ The second group, colleges and universities, includes 111 institutions of higher education legally authorized to grant degrees, including 14 junior colleges and 16 extension centers offering two-year programs (but excluding 36 institutions which are graduate or professional schools only).

¹ These schools are licensed by the Pennsylvania Department of Public Instruction.

As of November 1961, the total graduate and undergraduate enrollment in the 111 colleges and universities was 207,738;² of this total, 5.1 percent or 10,691, were enrolled in two-year institutions.³

Both junior colleges and extension centers in Pennsylvania offer two-year post-high school educational programs. Of these institutions, 22 offer both terminal and transfer programs, one offers a transfer program only, and

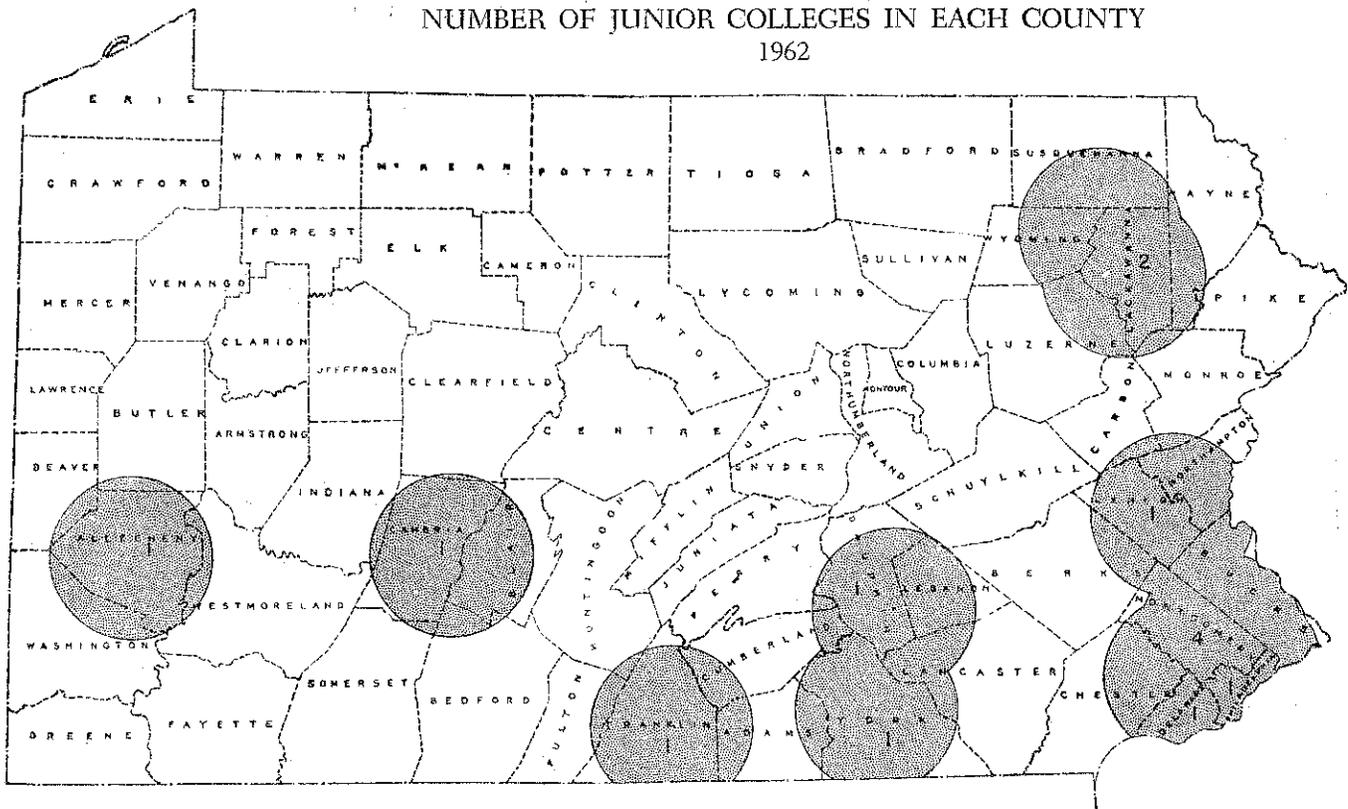
7 offer terminal programs only, the credits for which are not transferable to a four-year college or university.

Geographic proximity is a critical factor in the availability of post-high school educational opportunity.⁴ Map I shows the areas in Pennsylvania which are within a twenty-mile radius of a junior college and the number of junior colleges in each county. As of November 1961, 5,038 students or 2.4 percent of the total college and university enrollment were enrolled in these junior colleges.

² Pennsylvania Department of Public Instruction, Bureau of Research, *Fall College Enrollment Trends* (January 1962).
³ *Ibid.*

⁴ See *Pennsylvania High School Seniors, 1958: Their Mental Ability; Their Aspirations; Their Post-High School Activities*. Report of the Joint State Government Commission (1959), pp. 26-27.

Map I
 AREA WITHIN A TWENTY-MILE RADIUS OF A JUNIOR COLLEGE
 AND
 NUMBER OF JUNIOR COLLEGES IN EACH COUNTY
 1962



 AREA WITHIN A TWENTY-MILE RADIUS OF A JUNIOR COLLEGE

NOTE: Enrollment at Hershey Junior College (located in Dauphin County) is limited to (1) persons residing or employed in Derry Township, and (2) employees of Hershey Estates and Hershey Chocolate Corporation, and their dependents.

SOURCE: Commonwealth of Pennsylvania, Department of Public Instruction, Bureau of Research, *Fall College Enrollment Trends* (January 1962).

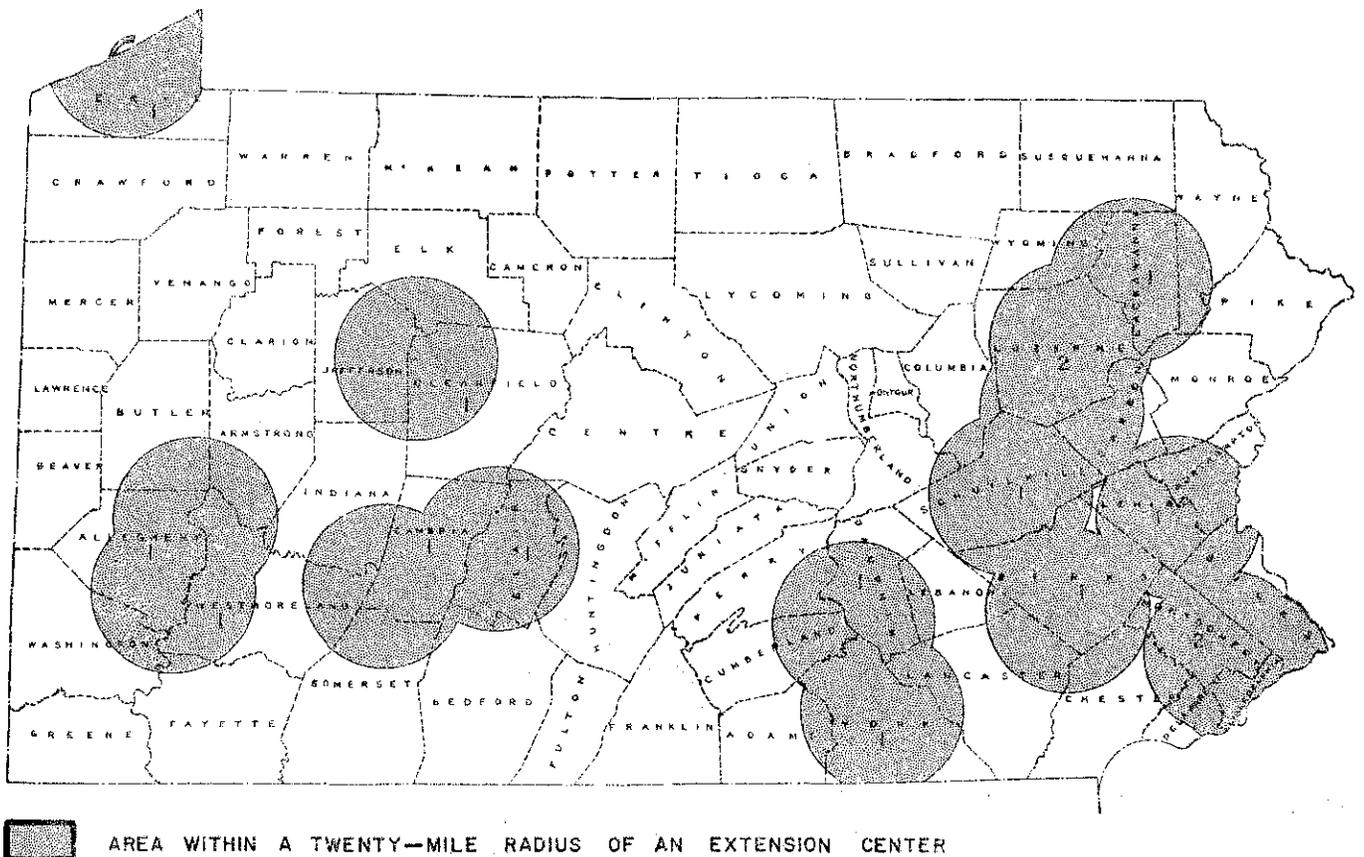
Approximately 65.5 percent of Pennsylvania's population live within a twenty-mile radius of a junior college. Commuting distance may vary according to local topography. Tuition charges at junior colleges in Pennsylvania range from token fees to \$1,250 per academic year, with an average (median) of \$635.

Of the 16 extension centers in Pennsylvania, 13 are affiliated with The Pennsylvania State University, one with Temple University, one with the University of Pittsburgh, and one—the Harrisburg Area Center—with 5 institutions: Elizabethtown College, Lebanon Valley College, The Pennsylvania State University, Temple

University, and the University of Pennsylvania. The tuition charge at the 13 Pennsylvania State University extension centers is \$525. Tuition charges at the 3 others range from \$600 to \$780 per academic year.

Map II shows the areas in Pennsylvania which are within a twenty-mile radius of an extension center, and the number of extension centers in each county. As of November, 1961, 5,653 students, or 2.7 percent of the total enrollment in Pennsylvania colleges and universities, were enrolled in extension centers. Approximately 74.4 percent of Pennsylvania's population live within a twenty-mile radius of an extension center.

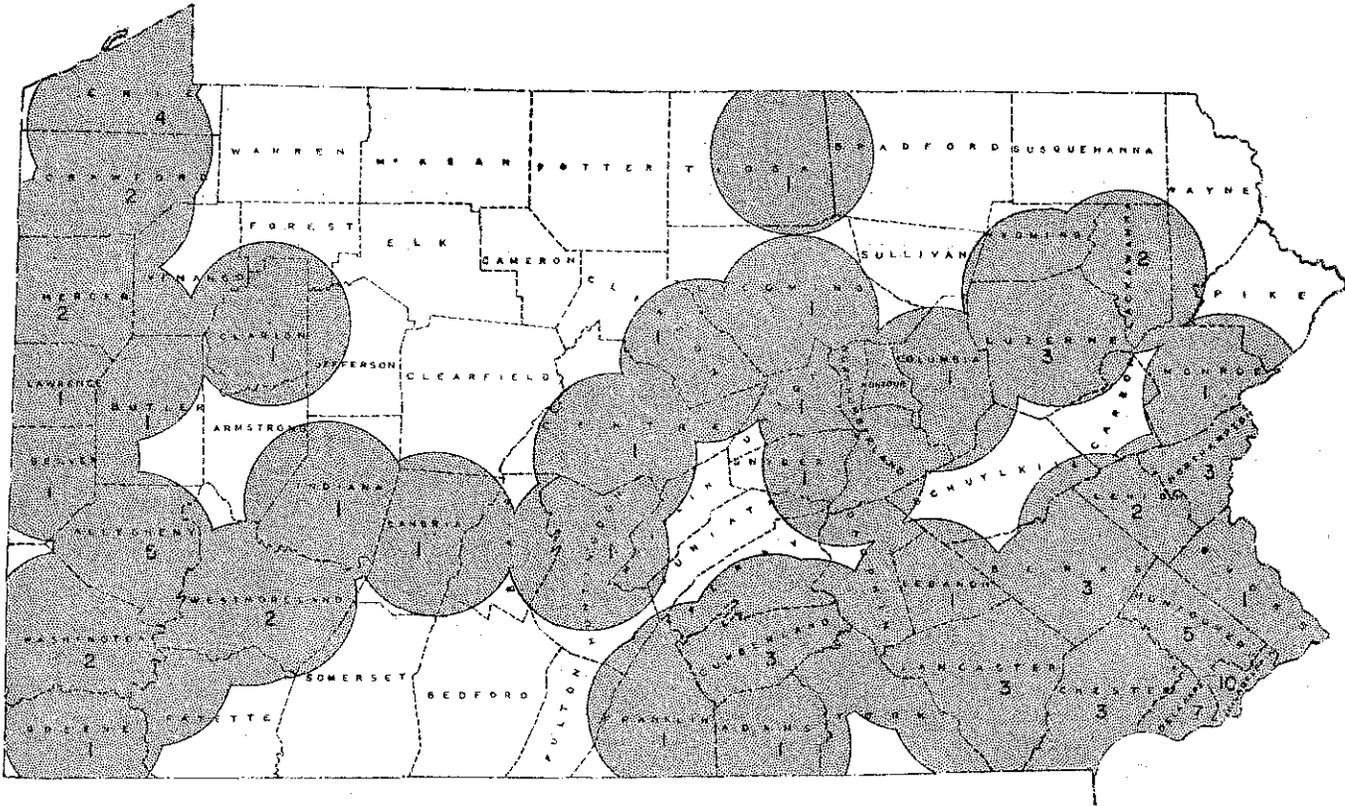
Map II
 AREA WITHIN A TWENTY-MILE RADIUS OF AN EXTENSION CENTER
 AND
 NUMBER OF EXTENSION CENTERS IN EACH COUNTY
 1962



SOURCE: Commonwealth of Pennsylvania, Department of Public Instruction, *Institutions of Higher Education in Pennsylvania Which Are Legally Authorized to Grant Degrees* (October 1962).

Map III

AREA WITHIN A TWENTY-MILE RADIUS
OF A COLLEGE OR UNIVERSITY GRANTING A BACHELOR'S DEGREE
AND
NUMBER OF SUCH INSTITUTIONS IN EACH COUNTY
1962



 AREA WITHIN A TWENTY-MILE RADIUS OF A COLLEGE OR UNIVERSITY GRANTING A BACHELOR'S DEGREE

NOTE: Thirty-six institutions which are graduate or professional schools only are not included on the map.

SOURCE: Commonwealth of Pennsylvania, Department of Public Instruction, Bureau of Research, *Fall College Enrollment Trends* (January 1962).

Map III shows the areas in Pennsylvania which are within a twenty-mile radius of a college or university. As of November 1961, 197,047 graduate and undergraduate students, or 94.9 percent of total college enrollment in Pennsylvania, were enrolled in colleges and

universities granting a bachelor's degree, excluding those institutions which are graduate or professional schools only. The percentage of Pennsylvania's population living within a twenty-mile radius of a college or university as defined above is 91.2.

Plant Capacity and Estimated Future Enrollments

In consideration of the need for community colleges, it is essential to evaluate the adequacy of existing physical plants in conjunction with the magnitude of potential enrollment changes.

A recent space engineering study indicates that improved utilization of all present facilities could provide additional student capacity of approximately 45 percent.⁵ This estimate does not include universal application of the trimester plan, which in turn could provide an estimated additional 25 percent increase in capacity.

The number of students that can be expected to attend college in the next decade is dependent upon numerous factors. Among these are (1) admission policies, (2)

fluctuation of the nation's economy, (3) student motivation, (4) military demands, (5) educational requirements for employment, and (6) availability of financial assistance.

Table 2 below shows for the coming decade estimates of the number of Pennsylvania students entering college, the percentage change in enrollment, and the percent expected to graduate under four alternative admission policies and motivational conditions. These estimates are based on the assumption that other relevant factors will continue their present trends.

Examination of the table, column (3), shows that if present admission policies are not altered, 54,400 of the 1971 Pennsylvania high school graduates may be expected to enter college (line 10). This represents an increase of 52 percent (line 11) over the 35,700 entering in 1962. Similarly, an increase of 54 percent may be noted in column (4), where it is assumed that by means of guidance and financial assistance, more seventh,

⁵ S.U.A., Incorporated, *Space Programming and Physical Plant Investment in American Colleges and Universities 1957-1970*, (New York).

Table 2
ESTIMATED FUTURE ENROLLMENTS
1962-1971

Line No.	Year (1)	Estimated Number of Pennsylvania High School Graduates 1962-1971 ¹ (2)	Estimated Number Entering College, Percentage Change in Enrollments and Percent Expected to Graduate Under Four Alternative Policies				
			Present Admission Policies (3)	Increased 7th-9th Stanine Decreased 1st-5th Stanine ² (4)	Admission 6th-9th Stanine Only ² (5)	Admission All 8th and 9th Stanine Only ² (6)	
1	1962	114,200	35,700	35,700	28,900	17,200	
2	1963	111,900	35,700	35,100	28,500	16,700	
3	1964	142,700	46,400	44,900	36,700	21,000	
4	1965	163,300	53,400	51,900	43,000	23,700	
5	1966	149,900	49,600	48,400	40,800	21,400	
6	1967	148,400	49,400	48,800	42,000	20,900	
7	1968	146,800	49,300	48,900	43,100	20,600	
8	1969	157,300	53,000	53,000	47,600	21,900	
9	1970	161,300	54,500	54,800	50,100	22,300	
10	1971	160,600	54,400	54,900	50,900	22,000	
11	Percentage Change: 1971 Enrollment over 1962 Enrollment Under Present Admission Policies			52%	54%	43%	— 38%
12	Percent of Total Admitted Expected to Graduate			64%	67%	73%	87%

¹ Estimates of high school graduates are based on births for the relevant years, corrected for mortality and migration, and the present trend in high school dropouts.

² Stanine categories reflect I.Q. scores, for example: Stanines 1-5, Otis I.Q., 103 and below
Stanine 6, Otis I.Q., 104-109
Stanine 7, Otis I.Q., 110-115
Stanines 8, 9, Otis I.Q., 122 and above

eighth, and ninth stanine⁶ students are motivated to enter college, while some first through fifth stanine students who are interested in further training are directed toward noncollege education. Column (5), in which it is assumed that only sixth through ninth stanine students are encouraged and admitted, indicates that but 28,900 students would have entered college in 1962 as compared to the 35,700 under present policies. Under this assumption, the number of students entering college in 1971 would be 43 percent greater than the number entering in 1962 under present policies. Column (6) shows estimates in which it is assumed that all eighth and ninth stanine students, but no others, are admitted to college. Under this assumption, the total number of students entering college in 1971 represents a 38 percent decrease from the number of high school graduates entering college in 1962 under present policies.

In connection with the increases in enrollment shown in columns (3), (4), and (5), it should be noted that although improved utilization of plant facilities could provide adequate space, the critical question of providing adequate staff remains.

Different educational policies result in markedly different enrollments and generate significantly different products and costs. Table 2, line 12, shows the percent expected to graduate under alternative sets of policy.⁷ Thus, under present admission policies, 64 out of every 100 students entering can be expected to graduate. If only eighth and ninth stanine students enter college, 87 out of every 100 entering can be expected to graduate. These differences, which indicate different dropout rates, are reflected in the costs. It costs almost twice as much to produce a fifth stanine graduate as a ninth stanine graduate,⁸ and it is estimated that the cost of producing a graduate under present admission policies

is roughly a thousand dollars more than the cost of producing a graduate if only eighth and ninth stanine students were admitted.

Student Loan Programs

In recent years there has been a growing emphasis on student loan programs. The scope of these programs has varied widely. Eligibility depends upon various conditions, such as affiliation with the sponsoring organizations (colleges, business corporations, and other organizations), residence in a specific state, et cetera.

The residence requirement is operative in Massachusetts, where student loans, made by commercial banks, are guaranteed by a corporate entity statutorily established specifically for that purpose. The capital of this corporation is furnished by private subscription, providing the 8 percent reserve fund initially required. This required reserve has recently been reduced to 5 percent. Another example of a program in which eligibility depends upon specific state residence is the New York program. The reserve fund for this program was made available by legislative appropriation. The plan has recently been extended to include certain post-high school noncollege students among those eligible for educational loans.

Pennsylvania does not operate a state student loan program, but two programs with a multi-state orientation, (1) the National Defense Student Loan Program, and (2) United Student Aid Funds (USAF), Incorporated, are available to eligible Pennsylvania residents who are attending an accredited college either in Pennsylvania or out of state.

The National Defense Student Loan Program, which requires that a student be enrolled at a participating college or university in order to be eligible for a loan, began operation in the 1958-1959 fiscal year. Under this program, Congress appropriates funds which are distributed among the participating colleges and universities. In order to participate, the college or university must contribute a sum equal to at least one-ninth of the amount contributed by the Federal Government. The participating institution administers the fund; freshmen are eligible, and a student may borrow up to \$1,000 in one academic year and up to \$5,000 during his entire course of higher education.

⁶ Stanine categories reflect I.Q. scores, for example: Stanines 1-5, Otis I.Q., 103 and below; Stanine 6 Otis I.Q., 104-109; Stanine 7, Otis I.Q., 110-115; Stanines 8, 9, Otis I.Q., 122 and above.

⁷ Data on number of graduates based on dropout patterns as presented in Dael Wolfe, *America's Resources of Specialized Talent* (1954).

⁸ See *Pennsylvania High School Seniors, 1958: Their Mental Ability; Their Aspirations; Their Post-High School Activities*, Report of the Joint State Government Commission (1959), p. 13.

In the five years since the inception of the plan, Pennsylvania colleges and universities have fully utilized their Federal allocation (\$18.3 million). As of 1962-1963, 86 Pennsylvania colleges and universities, including The Pennsylvania State University and fourteen state colleges, are participating in the National Defense Student Loan Program.

United Student Aid Funds, Incorporated (date of incorporation, 1960), was formed to create student loan programs in states where a state program was not already established. USAF loans are based on a contributed reserve. The program was originally established on a "State Reserve Program" basis. Nationally-subscribed funds were allocated to states on the basis of student population. Currently, USAF is shifting to a "College Reserve Program" basis. Nationally-subscribed funds now being received are allocated to the reserve account of colleges which participate by depositing at least \$1,000 in the reserve. USAF matches the initial \$1,000 deposit of participating colleges, and from time to time, as national funds permit, it matches deposits in excess of the initial \$1,000. Loan funds (\$12.50 for every \$1 in the reserve) are available to students of the participating colleges. Loans are made by banks in the student's state of residence. If banks in that state are not affiliated with USAF, and if the state does not have its own loan program, the student may borrow directly through USAF headquarters.

Freshmen are not eligible to borrow under the USAF program. A student who has successfully completed his first year of college may borrow up to \$1,000 in one academic year. The maximum which may be borrowed by one student is \$3,000.

Additional loans based on restricted reserve funds are available to students at Pennsylvania colleges and to Pennsylvania residents.

Through a special contribution (applicable in Pennsylvania and several other states), USAF offers to deposit \$1,000 in the reserve account of any fully accredited college which has not as yet made any deposits in the college reserve fund. Acceptance of this offer by a college makes available \$12,500 in student loans prior to any deposit by the college.

In Pennsylvania, as of December 1962, 49 colleges and universities, including The Pennsylvania State University and 9 state colleges, were participating in the USAF program. As of the same date, 104 banks with 167 offices in 142 communities were participating in the plan.

Loan funds backed by the "Pennsylvania Residents Reserve Account" are available on the basis of the original "State Reserve Program" to Pennsylvania residents attending any fully accredited college.

As of January, 1963, the "Pennsylvania Residents Reserve Account" contained a total amount of \$75,000 providing an endorsement capacity of \$937,500. The total amount of loans outstanding against this reserve was \$277,755.

Area Technical Schools

The above discussion of student loan programs has indicated some of the sources of financial assistance available to Pennsylvania college students. Noncollege technical students are not eligible to participate in these plans. It should be noted, however, that as regards opportunities for noncollege training in Pennsylvania, local school districts have been authorized (1949, March 10, P. L. 30 Art. XVIII, §1841, added 1953, August 21, P. L. 1223, §2) to ". . . establish, maintain, conduct and operate . . . 'area technical schools' . . ." which ". . . may be organized as technical service centers in which pupils may enroll full-time or in which pupils enrolled in academic high schools may elect to attend part-time."

As of December 1962, five area technical schools had been established in Allegheny, Bucks, Fayette, and Luzerne Counties. The Williamsport Technical Institute involves but one school district; however, it has a program

similar to those of the area technical schools. Table 3 shows enrollments in these schools as of 1961-1962, the last school year for which data are available.

Table 3
ENROLLMENT IN PENNSYLVANIA AREA TECHNICAL SCHOOLS
AND THE WILLIAMSPORT TECHNICAL INSTITUTE
As of 1961-1962

School (1)	County (2)	Enrollment		
		Day (3)	Evening (4)	Total (5)
Lower Bucks County Area Technical School	Bucks	604	780	1,384
Upper Bucks County Area Technical School	Bucks	^a	^a	^a
Fayette Area Technical School	Fayette	197	184	381
Forbes Trail Area Technical School	Allegheny	139	201	340
Wyoming Valley Area Technical School	Luzerne	137	45	182
Williamsport Technical Institute	Lycoming	1,621 ^b	555	2,176 ^b
Total		2,698^b	1,765	4,463^b

^a The Upper Bucks County Area Technical School was organized as of the 1962-1963 school year.

^b Includes 1,101 adults enrolled in full-time industrial training and retraining programs at the Williamsport Technical Institute.

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As per House Resolution No. 99, Session of 1961, which directs:

“ . . . the Joint State Government Commission . . . to evaluate the effectiveness of the rules, regulations and administrative practices of the Pennsylvania Bureau of Highway Safety upon the frequency and severity of traffic accidents, and the costs which

the rules and regulations impose upon the taxpayer and the motoring public, . . . ”

the task force has evaluated current practices of the Pennsylvania Bureau of Traffic Safety (formerly Pennsylvania Bureau of Highway Safety).

See, **PERIODIC PHYSICAL RE-EXAMINATION OF MOTOR VEHICLE OPERATORS; An Evaluation of the Pennsylvania Experience**, 1963.

MOTOR VEHICLE AIR POLLUTION

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Senate Resolution No. 2, Session of 1962, directs the Joint State Government Commission to:

“ . . . make an investigation and study of the relationship of motor vehicle exhaust fumes to air pollution, smog, lung cancer and damage to health and property; to study the imminency of the danger of automobile exhaust fumes and to advise on the necessity of enacting legislation to require the mandatory use of a type of muffler device to remove poisonous gases escaping from motor vehicle exhausts; . . . ”

To facilitate a thorough and realistic evaluation of the chemical, engineering and health aspects of the problem under review, the Executive Committee, sitting as a task force, appointed a panel of technical advisors on May 8, 1962. On June 8, 1962, the Executive Committee held a public hearing in Philadelphia and received pertinent facts and relevant views from specialists in public health, medical research, chemical engineering, manufacturing, public administration and enforcement, and motor vehicle associations.

The panel of technical advisors undertook an intensive study and comprehensive evaluation of the various aspects of the motor vehicle air pollution problem, and with members of the task force and legislative advisors, visited the General Motors Research Center in Detroit; the Taft Sanitary Engineering Laboratory and the Toms River Biological Laboratory, both of the United States Public Health Service, in Cincinnati; the United States Public Health Service in Washington and its Clinical Center in Bethesda, and the Sloan-Kettering Institute in New York. In the Los Angeles area, The Motor Vehicle Pollution Control Board, two air pollution control districts, the Scott Laboratories, Stanford Research Laboratories, and

the Air Pollution Research Center at the University of California in Riverside were visited. In the San Francisco Bay area, visits were made to the State Department of Health, the Bay Area Air Pollution Control District, and to the California Research Laboratory at Richmond.

In connection with the visits to the various installations, the panel of technical advisors conferred with leading health, engineering and air pollution experts.

The panel advises that three facts are of critical importance when considering the motor vehicle exhaust emission problem:

1. At the present time, practically no analytical data with respect to the concentrations of automotive air pollutants in the Pennsylvania atmosphere are available. Therefore, the effects of such pollutants upon the health of Pennsylvania's general population are largely conjectural.
2. At the present time, no satisfactory new engine designs or accessories are on the market that would eliminate exhaust emissions which if present in sufficient concentration are known to be injurious to health.
3. Although the concentrations of automotive air pollutants present in the Pennsylvania atmospheres have not yet been ascertained, it is certain that potentially hazardous exhaust emissions can be reduced to the public advantage by undertaking a moderate and relatively simple program for correction of the worst phases.

For details and recommendations, see *Report of Panel of Technical Advisors on Automotive Air Pollution*, to the Joint State Government Commission, 1963.

HEALTH AND WELFARE

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Senate Resolution No. 81, Session of 1961, calls upon the Joint State Government Commission to “. . . study and investigate the problems relating to compulsive disorders, . . . such as excessive use of tobacco, prostitution, certain sex offenses and other psychopathic behavior, . . .”

Again, Senate Concurrent Resolution No. 113, Session of 1961, requests the Joint State Government Commission “to study the problem of sex offenders in Pennsylvania . . . to prevent the reoccurrence of [sex] offenses . . . [and avoid] such tragedies . . . [by] means of trying to discover such latent tendencies during the formative school years . . .”

The task force (1) held a public hearing in Philadelphia on November 1, 1962, to afford interested parties an opportunity to present facts and express viewpoints with respect to the problems posed by drug addiction and alcoholism as contributory factors to both delinquency and crime, and (2) undertook a preliminary survey of the area of deviate behavior.

The area of deviate behavior is characterized by a lamentable paucity of reliable facts and observations. In view of the scarcity of facts, the task force directed that fact-finding operations be undertaken with a view of obtaining such data as might facilitate informed judg-

ments regarding the effectiveness of existing legislation to protect the community against sex offenders and to ascertain the social and personality characteristics of such offenders. Specifically, the task force undertook (1) a survey of sentencing under the Act of 1952, January 8, P. L. 1951 (known as the Barr-Walker Act), which has been in effect for approximately ten years and which was designed to provide the means for isolating sex offenders from the community, and (2) a review of the case histories of 273 Pennsylvania paroled sex offenders.

The Barr-Walker Act in Operation

The Barr-Walker Act of 1952, which is similar to the statutory enactments of seven states, authorizes the imposition of an indeterminate sentence ranging from one day to life for certain sex offenses.

Briefly, a judge when sentencing a sex offender may apply the provisions of the Barr-Walker Act if he is of the opinion that a person convicted of the crime of indecent assault, incest, assault with intent to commit sodomy, solicitation to commit sodomy, sodomy, and assault with intent to ravish, or rape, if permitted to remain at large, “constitutes a threat of bodily harm to members of the public, or is a habitual offender and mentally ill.” In such

an event, the judge may, in lieu of the sentence provided by law, sentence the sex offender for an indeterminate term having a minimum of one day and a maximum of life.

Before sentence under the Barr-Walker Act can be imposed, a complete psychiatric examination of the offender must be performed either by the Department of Public Welfare or by a court-designated psychiatrist. The Department of Public Welfare, in its report to the court, is required to designate a State institution deemed suitable for confinement of the offender.

Within three months after a person has been sentenced under this act, and at least every six months thereafter, the Board of Parole, which has exclusive jurisdiction over offenders sentenced under the Barr-Walker Act, must review his case to determine whether or not he should be paroled and inform him of its decision.

The Barr-Walker Act also authorizes the Department of Public Welfare to establish psychiatric clinics for the examination, diagnosis, and treatment of offenders sentenced under its provisions. This authority has not been administratively implemented.

Over the ten-year period during which the Barr-Walker Act has been in effect, approximately 3,740 convicted sex offenders were received by the Bureau of Correction. During the same period, 94 sex offenders, or approximately 2.5 percent of the 3,740, were sentenced under the Barr-Walker Act.

Sixty percent of the 94 persons sentenced under this act were committed from seven counties. Of the 94 offenders sentenced, 40 percent were convicted of homosexual offenses, 56 percent were convicted of heterosexual offenses, and 4 percent were convicted of both homosexual and heterosexual offenses. As regards the degree of violence used by the convicted sex offenders, 75 percent used no force, 17 percent used physical force, 5 percent used a weapon or drug, and 3 percent used verbal threats.

The relatively limited utilization of the Barr-Walker Act may be attributable to factors previously noted by the Joint State Government Commission which reported in 1951:

"Specific sex offender laws have in general been unsuccessful due to (1) the use of ill-defined terms in the legislation; (2) inadequate facilities for the

diagnosis and treatment of sex offenders; and (3) inherent dangers to civil liberties in such legislation."¹

Characteristics of Sex Offenders

Though there has been considerable legislative action—some 24 states currently have so-called sex psychopath laws on their statute books—little reliable knowledge is available regarding the characteristics and the behavior patterns of persons convicted of sex crimes. Only a few states, notably Michigan, California, New Jersey and New York, have published data purporting to deal with the characteristics of sex offenders and their behavior patterns.²

Over the last decade, the Pennsylvania Bureau of Correction has processed 3,740 convicted sex offenders, or approximately 374 per year. In order to provide reliable factual knowledge regarding characteristics and behavior patterns of sex offenders, the task force has conducted a study of 273 paroled sex offenders under the jurisdiction of the Pennsylvania Board of Parole.

At the outset, it should be noted that any inferences drawn from a population of convicted sex offenders are of but limited applicability because the evidence suggests that the number of convicted sex offenders constitutes only a small fraction of the total number of persons committing sex crimes. While no information is available on the sexual behavior of the United States population as a whole, research on the sexual behavior of selected groups of persons who have not been convicted of sex offenses suggests that deviate sexual behavior occurs with high frequency.³

Briefly, as regards characteristics and behavior patterns of convicted sex offenders, 48 percent were between the ages of 17 and 29, inclusive, at time of offense. Approximately 76 percent were native-born Pennsylvanians. The modal educational level reached was between ninth and twelfth grade, the same as that of the Penn-

¹ *Sex Offenders*, Report of the Joint State Government Commission (1951).

² State of California, Department of Mental Hygiene, *California Sexual Deviation Research*, Final Report, (March 1954); State of Michigan, *Report of the Governor's Study Commission on the Deviated Criminal Sex Offender*, (1951); State of New Jersey, *The Habitual Sex Offender*, (February 1950); State of New York, *Report on 102 Sex Offenders at Sing Sing Prison*, (March 1950).

³ See, for example, Alfred C. Kinsey, Wardwell B. Pomeroy, and Clyde E. Martin, *Sexual Behavior in the Human Male*, (Philadelphia: W. B. Saunders Company, 1948).

sylvania adult male population. Of the 273 paroled sex offenders, six percent had previous convictions for the same type of sex offense, three percent had a prior conviction for a dissimilar sex offense, 30 percent had been convicted for a nonsex offense, and 10 percent had a record of conviction for both sex and nonsex offenses; 43 percent had no previous conviction, and seven percent were juveniles at the time of conviction.

The task force reviewed pertinent Pennsylvania statutes with a view of ascertaining whether or not there exists statutory authorization which would facilitate discovery of latent deviate tendencies "during the formative school years." Section 1402 (f) of the Public School Code of 1949 reads as follows:

"(f) The Secretary of Health, upon petition of the school board or joint school board or on his own initiative with the concurrence of the school board or joint school board, may modify for individual school districts the school health services program specified in this section. The program as modified shall conform to approved medical or dental practices and shall permit valid statistical appraisals of the various components of the program."⁴

⁴ Public School Code of 1949, §1402 added 1957, July 15, P. L. 937.

Again, Section 1402 (c) provides:

"(c) 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."⁵

The sections of the Public School Code referred to above were amended into the code in 1957. At least one state has attempted the adaptation of medical questionnaires to ascertain latent deviate sexual tendencies.⁶ Inquiry with the Department of Health, which has responsibility for the procedures used in conjunction with the school health act, discloses that Sections 1402 (f) and 1402 (c) have not been administratively implemented.

See separate report to be issued entitled, *Characteristics and Behavior Patterns of Paroled Sex Offenders: A Summary of 273 Case Studies*, 1963.

⁵ *Ibid.*

⁶ California Department of Mental Hygiene, *California Sexual Deviation Research*, Vol. 20, No. 1, (March 1954) pp. 146-147.

EASTERN AND WESTERN CORRECTIONAL INSTITUTIONS

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* Deceased.

Senate Concurrent Resolution No. 108, Session of 1961, directs the Joint State Government Commission to:

“. . . determine the advisability of creating more forestry camps, minimum security low cost farm colonies and a study and research center that would provide short and long term active rehabilitative treatment of mentally disturbed prisoners . . .”

In addition, the resolution directs the Commission to study “. . . the facilities and security measures surrounding this institution [Eastern State Correctional Institution], as well as the Western State Correctional Institution . . .” with a view of relocating both Eastern and Western State Correctional Institutions “. . . in a county in northern Pennsylvania wherein are located large tracts of unoccupied lands already owned by the Commonwealth; . . .”

As regards the first area of investigation, the task force (1) undertook a comprehensive study of the contemporary correctional process in Pennsylvania, and (2) reviewed, with correctional authorities of the states of New York, New Jersey and Michigan, specific aspects of their operations in the fields of parole and minimum security facilities such as forestry camps.

Eastern and Western Correctional Institutions are the oldest correctional institutions in the state. Western was originally built in 1826 and Eastern in 1829. It should be noted that Eastern was specifically designed to facilitate solitary confinement at labor. This system became known throughout the world as the "Pennsylvania System" and was widely adopted by European countries at the time.

To facilitate an appraisal of the desirability of relocating Eastern and Western State Correctional Institutions, the task force conferred with the Pennsylvania Commissioner of Correction and the wardens of the two institutions and with various private agencies concerned with prison reform.

At the invitation of the Joint State Government Commission, the American Foundation, a private research organization, has undertaken an exploratory study of the problem. Under date of November 19, 1962, Mrs. Curtis Bok, president of the foundation, advises:

"It is our opinion that the critical core of such a study should be a detailed statement of operational philosophy, policy and programming.

"The history of Corrections is a history of response to crises by hasty improvisations which have subsequently been perpetuated in public buildings and public policy. Much frustration in Corrections today comes as an inheritance from a series of such ill-considered and premature commitments. We can contribute most to you if we help avoid a repetition of this pattern. The idea of a Diagnostic, Treatment and Research Center designed to use resources of the community effectively is imaginative and far-reach-

ing. Limited planning, however, could squeeze the vitality from the current conception. Working with the Bureau of Correction and an Advisory Committee, we propose to recruit a team of experts to help develop a *comprehensive* philosophy and program.

"You will recognize that a document of this sort would be of value to other states and countries faced with similar questions and needs. Because our interest in Corrections is international in scope, we also hope to adapt the material and to publish it on a broader scale.

"One of the pressing needs of the Commission and the Bureau of Correction is for information which would help in making a decision as to whether a Diagnostic, Treatment and Research Center should be established at the present site of the Eastern State Penitentiary, or whether a new facility should be built just outside Philadelphia. As we see it, our responsibility also requires that we develop a tentative estimate of costs, equipment and personnel required for modifying the Penitentiary and a comparative set of statistics and information for building a new facility somewhere else. This information should be in sufficient detail to enable the Bureau of Correction to work with engineers and architects to prepare the final budget.

"Obviously, there will be a lag between the time our study is submitted and buildings can be built. In the interim, the Bureau of Correction and the American Foundation plan to collaborate on studies which will test some of the concepts and refine and develop techniques. By the time the buildings can be modified or built, we may have moved a long way toward a well-tested program."

Crime and Convicted Criminals

Contemporary correctional agencies in Pennsylvania, as in other states, deal with but a small fraction of the

offender population. For example, nationally, there were approximately 1,870,000 major offenses¹ known to the police in 1960 (the last year for which comparable statistics are available). During the same year, about 88,675 prisoners were received from the courts by state and Federal correctional institutions.²

In Pennsylvania in 1960, approximately 74,000 major offenses were known to the police.³ During the same year, 11,394 persons charged with major offenses were processed by Pennsylvania courts.⁴ Of the 11,394, 3,012 were disposed of without conviction and 8,382 were convicted and sentenced.⁵ Of these, 4,946 received sentences to state correctional institutions or county prisons and jails, 2,762 were placed on probation⁶ or received a suspended sentence, 451 were assessed fines or costs, and 223 received other sentences. Of the 4,946 persons sentenced to state correctional institutions and county pris-

¹ Murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny \$50 and over, and auto theft. *Uniform Crime Reports—1961*, U. S. Department of Justice, Federal Bureau of Investigation, Table 2, p. 34.

² U. S. Department of Justice, Bureau of Prisons, *National Prisoner Statistics; Prisoners in State and Federal Institutions 1960* (1961).

³ Federal Bureau of Investigation, *loc. cit.*

⁴ This and the following figures based on data from Pennsylvania Department of Justice, Bureau of Correction, *Pennsylvania Judicial Statistics 1960*.

⁵ Upon the expiration of the maximum sentence imposed for the crime for which the offender was convicted, the offender is discharged from the custody of the law. Those persons serving a maximum sentence of less than two years are under the jurisdiction of the committing court. Those prisoners serving a maximum sentence of two years or more fall under the jurisdiction of the Pennsylvania Board of Parole. On expiration of his minimum term, the incarcerated offender becomes eligible to be considered for parole—that is, he may at that time file an application for conditional release with the Pennsylvania Board of Parole, an independent administrative agency, the members of which are appointed by the Governor. If the parole is granted, the released offender remains in the custody and under the supervision of the Board of Parole until the expiration of his maximum sentence and must meet certain specified administratively-determined conditions of conduct. In the recent past, approximately 80 percent of offenders released from State correctional institutions have been released on parole, having served some period of time less than their maximum sentence in the institution. For the jurisdiction of the Board of Parole over sex offenders sentenced under the Barr-Walker Act, see page 34.

⁶ 1941, August 6, P. L. 861.

ons and jails, 1,477 were sentenced to state correctional institutions and 3,469 were sentenced to county prisons and jails.⁷

The number of criminals convicted of or imprisoned for major crimes is small in relation to the number of major offenses known to the police.⁸ In predicting the benefits from rehabilitation expenditures, it would be unrealistic, with the present rates of apprehension and conviction, to anticipate more than about a 15 percent reduction in major crimes, even if highly effective rehabilitation techniques could be developed.

Characteristics of Pennsylvania State Correctional Institutions

Correctional institutions are frequently classified with respect to their rehabilitation program and to the degree of security which they provide.

Reports of the Bureau of Correction furnished to the Joint State Government Commission indicated that county prisons and jails as of 1962 had a total capacity of 7,773. Of this total, 31 percent were maximum-medium security facilities, 11 percent were maximum-medium security facilities, 35 percent were medium-minimum security facilities, and 23 percent were minimum security facilities. In 1961, 51 county prisons, representing 63 percent of total capacity, operated below capacity. The average daily operating expense per prisoner, including meals, ranged from \$1.50 to \$5.39 and the weighted average for all prisons and jails combined was \$3.49.

The Commonwealth operates eight correctional institutions and two diagnostic and classification centers. Table 4 summarizes the principal characteristics of these facilities as of 1962.

⁷ There are 13 counties authorized by special legislation to receive offenders convicted of offenses which normally would require incarceration in a state penitentiary.

⁸ This conclusion is valid despite the fact that one offender may be responsible for more than one crime. For example, in 1960, in 2,351 cities (total population 83,429,000), only 26 percent of the major offenses known to the police were cleared by arrest. U. S. Department of Justice, Federal Bureau of Investigation, *Uniform Crime Reports—1960*, Table 8, p. 83.

Table 4
PENNSYLVANIA STATE CORRECTIONAL INSTITUTIONS: SELECTED CHARACTERISTICS

Institution	County	Date of Establishment	Level of Security ¹ and Inmate Characteristics	Normal Working Capacity	1961 Fiscal Year Average Daily Population	Percent Capacity Utilization [Col. (6) ÷ Col. (5)]	Acreage			
							Compound or Campus	Agriculture	Other	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Pittsburgh	Allegheny	1826	Maximum-Medium (Male Adult)	1,048	876	83.59%	14½ ^a			14½
Philadelphia	Philadelphia	1829	Maximum-Medium (Male Adult)	804	703	87.44	10 ^a			10
Graterford	Montgomery	1929	Medium-Minimum (Male Adult)	2,067	1,698	82.15	64 ^a	1,730		1,794
Huntingdon	Huntingdon	1889	Medium-Minimum (Male Adult)	1,120	765	68.30	10 ^a	460	237	707 ^a
Rockview	Centre	1912	Minimum (Male Adult)	988	883	89.37	150 ^b	2,624	4,094	6,868
Camp Hill	Cumberland	1941	Minimum (Male Youthful Offenders)	1,325	1,349	101.81	52 ^c		622	674
Dallas	Luzerne	1960	Medium-Minimum (Male Defective Delinquents)	952	967	101.58	30	1,220		1,250
Muncy	Lycoming	1918	Minimum (All Female Offenders)	360	272	75.56	50	325	423 ^d	798
Eastern Diagnostic Center	Philadelphia	1954		169	386	228.40				
Western Diagnostic Center	Allegheny	1954		128	177	138.28				

¹ Degree of security provided by the institution.

^a Walled.

^b Includes buildings and temporary and permanent roads.

^c Fenced.

^d Forest land and watershed.

^e Two of six cell blocks are outside the 10-acre walled enclosure.

SOURCES: Pennsylvania Department of Justice, Bureau of Correction, *A Systematic Report of the Correctional Institutions Throughout the Commonwealth Together with Accomplishments and Objectives of the Bureau*, (1962); Harry Elmer Barnes, Ph.D., *Pennsylvania Penology*, (State College: Pennsylvania Municipal Publications Service, 1944); and *Populations in the Bureau of Correction*, (June 1962), Table 1, p. 4, Table 6, p. 9; additional data furnished through the courtesy of the Bureau of Correction.

Examination of Table 4 shows that, except for Camp Hill and Dallas, all institutions (exclusive of diagnostic centers) operate below capacity. The two diagnostic centers operate at 138.28 percent and 228.40 percent of capacity. Approximately 21 percent of the total capacity is represented by maximum-medium security facilities, 48 percent is represented by medium-minimum security facilities and 31 percent is represented by minimum security facilities. Currently the Commonwealth maintains one mobile forestry camp, minimum security level, which is operated out of Rockview; two other camps are currently under construction. The Rockview camp does not provide any net additional capacity because the prisoners assigned to the forestry unit return over the weekends to cells in the Rockview prison.

Average daily operating expenses per inmate at State correctional institutions range from \$3.93 to \$6.26, with an average of \$5.04.⁹ These expenses do not include expenditures on capital account.

⁹ In Pennsylvania the counties are financially responsible for the maintenance of prisoners committed from the county to State institutions. The Act of 1929, April 25, P. L. 694, §1, provides as follows: "The expenses of keeping the convicts in the State Penitentiaries shall be borne by the respective counties in which they shall be convicted. . . . And provided also, That all salaries of the wardens or superintendents, their deputies and assistants, the guards and other officers engaged in managing the said penitentiaries, or holding positions of authority over the inmates therein, shall be paid by the State, and shall not be included in computing the cost of keeping convicts in said penitentiaries."

Prisoner Characteristics

Prisoners in State correctional institutions and those in county prisons possess certain characteristics in common.

The percentage distributions shown in Table 5 indicate that these populations are similar with respect to race and sex. They differ markedly, however, from comparable distributions of the general population.

Table 5
PERCENTAGE DISTRIBUTIONS OF PENNSYLVANIA PRISONERS
AND OF THE PENNSYLVANIA GENERAL POPULATION
OVER AGE 14 BY RACE AND SEX

(1)	County Prison Population ¹	State Correctional Institution Population ¹	Pennsylvania General Population Over Age 14
(1)	(2)	(3)	(4)
Race			
Nonwhite	46.9%	45.3%	7.1%
White	53.1	54.7	92.9
Sex			
Male	95.4	96.7	47.8
Female	4.6	3.3	52.2

¹ As of December 31, 1961.

SOURCE: Prisoner population data provided by the Pennsylvania Department of Justice, Bureau of Correction. Pennsylvania population data based on U. S., Bureau of the Census, *United States Census of Population*, 1960.

County prison and State correctional institution populations differ with respect to severity of crime committed and length of sentence. As is shown in Table 6, as of December 31, 1961, 72 percent of the State correctional

institution population was serving a sentence of two years or more, while 19 percent of the county prison population was serving a sentence of two years or more.

Table 6
DISTRIBUTIONS OF PRISONERS IN COUNTY PRISONS AND IN STATE CORRECTIONAL INSTITUTIONS BY LENGTH OF SENTENCE OR REASON FOR DETENTION

Length of Sentence or Reason for Detention	County Prison Population ¹		State Correctional Institution Population ¹	
	Number	Percent	Number	Percent
(1)	(2)	(3)	(4)	(5)
Maximum sentence under 2 years	2,150	32.4%	25	0.3%
Maximum sentence 2 years or more	1,283	19.4	5,805	72.2
Minor judiciary sentence	834	12.6	...	...
Barr-Walker case	...	...	33	0.4
Life sentence	1	^a	445	5.5
Held for various authorities	304	4.6	...	...
Juvenile court case	256	3.9	1,189	14.8
Unsentenced prisoner	1,794	27.1	...	...
Adult defective delinquent	...	...	543	6.7
Awaiting execution	3	^a	7	0.1
Total	6,625	100.0	8,047	100.0

¹ As of December 31, 1961.

^a Less than .01 percent.

SOURCE: Data furnished by Pennsylvania Department of Justice, Bureau of Correction.

With respect to age and marital status, no data are available for county prison populations. Table 7 presents percentage distributions of the prisoner population of State correctional institutions and of the Pennsylvania general population by specified age groups. The average

age of the State correctional institution population is between 30 and 34 years, as compared with the average age of the general population over age 14, which is 44 years.

Table 7
 PERCENTAGE DISTRIBUTIONS OF PENNSYLVANIA STATE CORRECTIONAL INSTITUTION POPULATION
 AND OF THE PENNSYLVANIA GENERAL POPULATION OVER AGE 14
 BY SPECIFIED AGE GROUPS

Age Group	State Correctional Institution Population ¹	Pennsylvania General Population Over Age 14
(1)	(2)	(3)
15-17 Years	5.5%	6.5%
18-20 Years	15.5	5.0
21-24 Years	14.6	6.1
25-29 Years	16.6	8.1
30-34 Years	15.1	9.6
35-39 Years	12.3	10.2
40-49 Years	12.5	19.1
50-59 Years	5.3	15.2
60-69 Years	2.2	11.5
More Than 70 Years	0.4	8.7
Total	100.0	100.0

¹ As of June 30, 1960.

SOURCE: Prisoner population data furnished by the Pennsylvania Department of Justice, Bureau of Correction. Pennsylvania general population data based on U. S., Bureau of the Census *United States Census of Population, 1960*.

Table 8 presents a comparison of the marital status of prisoners received in State correctional institutions, 1954-1958, and of the Pennsylvania general population over age 14.

As shown in the table, the percentage of single persons is greater in the prisoner population (67.7 percent) than in the general population (21.4 percent). This difference may be partially a function of the preponderance of younger age groups in the prisoner population.

Table 8
 PERCENTAGE DISTRIBUTIONS OF PRISONERS RECEIVED IN STATE CORRECTIONAL INSTITUTIONS, 1954-1958
 AND OF THE PENNSYLVANIA GENERAL POPULATION OVER AGE 14
 BY MARITAL STATUS

Marital Status	State Correctional Institution Population	Pennsylvania General Population Over Age 14
(1)	(2)	(3)
Single	67.7%	21.4%
Married	20.1	64.3
Common Law	1.3	1.8
Widowed	1.4	8.7
Divorced	3.4	1.8
Separated	6.1	2.0
Total	100.0	100.0

SOURCE: Prisoner population data furnished by the Pennsylvania Department of Justice, Bureau of Correction. Pennsylvania general population data based on U. S., Bureau of the Census *United States Census of Population, 1960*.

PHILADELPHIA STATE HOSPITAL

TASK FORCE

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House Resolution No. 6, Session of 1961, reads in part:

"Resolved, That the Joint State Government Commission make a study of the cost of caring for the mentally ill in the Philadelphia State Hospital (Byberry) and investigate and compare the financial aid supplied to the Philadelphia State Hospital (Byberry) with the amount of assistance given other State Hospitals; . . ."

In accordance with the directive of the resolution, the task force ascertained the pertinent data and conferred with the Superintendent of the Philadelphia State Hospital and the President of its Board of Trustees.

The Commonwealth owns and operates 18 mental hospitals.¹ Each of the hospitals, with the exception of Farview which is an institution for the criminally insane, and, therefore, is excluded from this analysis, has a geographic service area from which it draws its patients. The City of Philadelphia is serviced by the Philadelphia State Hospital and the Norristown State Hospital.

A patient admitted to any one of the mental hospitals is expected to pay for all care and treatment to the extent of his financial ability. The charges payable by the patient or legally responsible relatives are computed for each institution by taking total operating expenditures for a fiscal period and dividing this total by the number of patient days.

¹ The eighteenth mental hospital, Haverford, was dedicated on September 29, 1962. Since it was not in operation during the biennia under discussion, it is not included in this analysis.

The patient charge is billed by the Department of Revenue to the patient or the person responsible for his support. Moneys so obtained are referred to as "institutional receipts" and credited to the General Fund. In the event that the patient or person responsible for his support claims inability to pay the bill as rendered, an agent of the Department of Revenue makes an investigation of the financial affairs of the patient or party responsible. Should these persons be unable to pay the entire amount, a lesser charge is determined by reference to financial ability standards prescribed by the department. During the period June 1, 1957 to June 30, 1962, total operating expenditures of the mental hospitals amounted to \$294 million. Of this amount, \$46.6 million was offset by patient charges calculated and collected as indicated above. In other words, 16 percent of the total hospital expenditures during this period were financed by patient charges and 84 percent were financed by the General Fund. The amount collected annually by patient charges has increased from approximately \$8 million during the fiscal period 1957-1958, to \$12 million during 1961-1962—a 50 percent increase as compared to a 26 percent increase in total hospital expenditures.

Table 9 shows, for the individual mental hospitals, net Commonwealth expenditures for the biennia 1957-1959 and 1959-1961 and for the fiscal period 1961-1962, (columns (2), (4), and (6)) as well as net Commonwealth expenditures as percentages of total expenditures (columns (3), (5), and (7)).

Table 9
NET COMMONWEALTH EXPENDITURES OF STATE MENTAL HOSPITALS, EXCLUSIVE OF FARVIEW

Name of Hospital	Net Commonwealth Expenditures 1957-1959 Biennium		Net Commonwealth Expenditures 1959-1961 Biennium		Net Commonwealth Expenditures June 1, 1961 through June 30, 1962	
	Dollars	As a Percent of Total Expenditures	Dollars	As a Percent of Total Expenditures	Dollars	As a Percent of Total Expenditures
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Allentown	\$ 5,341,302.25	84.6%	\$ 5,688,562.92	81.2%	\$ 3,447,789.56	81.9%
Clarks Summit	4,033,712.17	91.3	3,806,794.65	86.2	2,122,278.86	85.2
Danville	6,658,576.91	88.5	7,190,786.74	86.0	4,001,974.98	86.0
Dixmont	2,620,315.16	87.9	2,613,521.18	84.6	1,530,335.85	84.5
Embreeville	2,632,360.10	82.5	3,385,907.91	82.5	2,657,685.08	83.5
Harrisburg	5,603,862.10	79.2	5,827,992.59	76.0	3,371,920.99	75.6
Hollidaysburg	2,078,084.10	84.3	2,177,776.39	78.6	1,317,170.49	79.5
Mayview	8,651,524.28	89.6	9,168,167.03	88.4	5,494,328.40	87.5
Norristown	10,065,627.92	77.0	9,978,314.65	76.1	5,939,108.45	77.3
Philadelphia	15,056,370.53	91.1	14,020,580.59	88.5	9,414,872.52	87.8
Retreat	3,527,192.14	91.2	3,458,773.10	88.3	2,008,332.39	87.7
Somerset	2,294,523.78	88.3	2,219,818.10	85.1	1,190,679.48	82.1
Torrance	7,471,440.06	88.7	7,077,540.60	83.9	4,175,476.78	82.3
Warren	7,757,544.53	86.1	8,202,582.16	85.3	4,466,296.31	83.3
Wernersville	3,860,542.08	77.8	4,177,998.96	77.1	2,579,007.61	77.1
Woodville	6,793,790.21	85.0	6,508,982.45	82.1	3,770,734.03	82.2
Total	\$94,446,768.32	85.8	\$95,504,100.02	83.3	\$57,487,991.78	83.0

SOURCE: Based on expenditures as reported by the Pennsylvania Department of the Auditor General, preliminary 1961-1962 disbursements, and institutional receipts as reported by the Pennsylvania Department of Revenue.

Examination of the table shows that during the biennium 1957-1959, (columns (2) and (3)) the Commonwealth made net expenditures to the mental hospitals in the amount of \$94,446,768.32 which constituted 85.8 percent of the total expenditures of these hospitals. This is but another way of saying that during the biennium 1957-1959, patient charges accounted for only 14.2 percent of total hospital expenditures. During the biennium 1957-1959, the Commonwealth financed 91.1 percent of the total expenditures of the Philadelphia State Hospital and 77.0 percent of the expenditures of the Norristown State Hospital, which also services the Philadelphia area.

During the biennium 1959-1961 and during the fiscal period June 1, 1961, through June 30, 1962, (columns (5) and (7)) net Commonwealth expenditures as percentages of total expenditures for all hospitals combined were 83.3 percent and 83.0 percent respectively. The comparable percentages for Philadelphia State Hospital were 88.5 and 87.8; the Norristown percentages were 76.1 and 77.3. For the biennium 1959-1961 and the fiscal period June 1, 1961 through June 30, 1962, Philadelphia has the largest percentage net Commonwealth expenditure.

In other words, percentagewise, the net Commonwealth contributions toward the operating expenses of the Philadelphia State Hospital were above the average Commonwealth contributions in all fiscal periods under review.

The total cost of caring for a mentally-ill person at a given institution depends upon the daily average expenditure per patient and the number of days, months, or years the patient stays in a given institution.² On the basis of the operating experience of the Commonwealth-owned and -operated mental hospitals during the biennium 1959-1961, it is estimated that the total expectable cost per patient at all mental hospitals combined was \$6,775. During that biennium, the estimated total expectable cost per patient at Norristown was \$7,354, and at Philadelphia was \$8,476. The comparable figures for the fiscal period 1961-1962 were \$7,750 at Norristown and \$9,209 at Philadelphia. The total estimated expectable cost per patient at all mental hospitals was \$7,101 for the 1961-1962 fiscal period.

² See "State Mental Hospitals," *Biennial Report of the Joint State Government Commission, 1959-1961*.

Again, in conjunction with financing of the hospitals, it should be noted that prior to 1955 the General Assembly made appropriations in specified amounts to each of the State mental hospitals; in 1955 a lump-sum appropriation was made to the Department of Public Welfare, an unspecified part thereof to be allocated among the mental hospitals. In 1957 the legislature appropriated specific amounts to individual hospitals, and provided, in addition, that patient charges of an individual hospital in excess of estimated patient charges should be allocated to that hospital. In 1959, 1961, and again in 1962, the legislature appropriated a lump sum for the operation and maintenance of the institutions for the mentally ill and mentally retarded. The 1959, 1961 and 1962 appropriations for the operation and maintenance of all institutions for the mentally ill and mentally retarded were as follows:

<i>Session</i>	<i>Amount</i>
1959	\$165,206,471
1961	\$ 99,460,419
1962	\$102,768,248

As regards administrative responsibilities for the Commonwealth-operated mental hospitals, prior to the Act of 1955 the mental hospitals were operated by local boards of trustees appointed by the Governor. These boards

elect the hospital superintendent, had jurisdiction over all personnel, and made the "bylaws, rules and regulations for the management of the institution."³

The Act of 1955, December 14, P. L. 853, changed the administrative structure of the State mental hospitals. Under the terms of the act, the boards of trustees were relieved of their management responsibilities and became purely advisory bodies. The Act of 1955 was implemented by an opinion of the Attorney General which reads in part:

" . . . boards of trustees of State mental institutions, with the exception of the Eastern Pennsylvania Psychiatric Institute, possess advisory and recommendatory powers only and you, as Secretary of Welfare, are given express authority . . . to approve or disapprove the advice and recommendations of the boards of trustees of State mental institutions."⁴

Under the Act of 1955, the executive powers of the boards of trustees were transferred to the Commissioner of Mental Health, a Deputy Secretary in the Department of Public Welfare.

³ 1929, April 9, P. L. 177, §2318, as amended.

⁴ 1955-1956, Op. Atty. Gen., p. 57 at p. 61.

JUDICIAL PROCESSES INVOLVING JUVENILES

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Pursuant to House Resolution No. 63, Session of 1961, the Joint State Government Commission appointed a task force to codify, amend, revise and consolidate the Juvenile Court Law of Pennsylvania.

The task force:

- (1) Reviewed data concerning national adult and juvenile arrests, characteristics of inmates at Morganza, and distribution of prison population by sex and by type of offenses.
- (2) Reviewed administrative functions and practices of the Department of Public Welfare with re-

spect to dependent, neglected, and delinquent children.

The task force and advisory committee reviewed the statute law of Pennsylvania, court decisions and literature in the field and studied the standard Juvenile Court Act prepared by the Committee on Standard Juvenile Court Act of the National Probation and Parole Association in cooperation with the National Council of Juvenile Court Judges and the United States Children's Bureau.

A proposed juvenile court law is being prepared for the consideration of the General Assembly.

INTERGOVERNMENTAL RELATIONS

INTERSTATE COMPACTS

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* Deceased

House Resolution No. 64, Session of 1961, upon noting a lack of definite information concerning compacts and reciprocity agreements, directs the Joint State Government Commission to compile and submit a report showing compacts and reciprocity agreements that have been ratified or contemplated and methods of ratification.

Pursuant to the resolution the task force undertook a study of the various phases of interstate compacts and reciprocal agreements. This study encompassed the nature of compacts, the methods of entering into compacts, and a review of compacts to which Pennsylvania is or may be eligible to become a party.

Interstate compacts are contracts between governments. Most of the earliest compacts were those establishing boundaries and were the result of negotiations carried out through joint commissions composed of persons appointed by the interested states. More recent compacts have as their purpose the carrying out of state functions. Through such agreements, the means are provided for joint action by the party states and, where desired, uniformity is achieved.

Agreements among states may touch on matters involving the Federal Government. On this point the Constitution of the United States, Article I, Section 10, Clause 3, provides:

"No State shall, without the Consent of Congress, . . . enter into any Agreement or Compact with another State, or with a foreign Power . . ."

However, not every "agreement" or "compact" requires the consent of Congress. The United States Supreme

Court, interpreting the compact clause in *Virginia v. Tennessee*, 148 U.S. 518 (1893), held consent to be necessary for any combination tending to increase political power in the states which may encroach upon or interfere with the supremacy of the United States. Thus, Federal consent is required when the structure of the Federal Government is involved or when there is some conflict with Federal law or Federal interest; for example, military aid¹ and pollution² compacts. On the other hand, compacts coordinating state laws, services or administration do not require Federal consent; for example, compacts concerning juveniles and mental health.³

An interstate compact or agreement to be binding upon a state requires the legislative sanction of that state. The state, by legislation, may adopt a complete compact or may authorize officials to act within legislatively-prescribed limits.

Interstate agreements and interstate compacts continue until terminated or changed pursuant to their terms or by consent of all the party states. Some compacts include specific provisions for termination, alteration or withdrawal of a party. The Interstate Compact to Conserve Oil and Gas specifically permits a party to withdraw on 60 days' notice.⁴

Those compacts to which Pennsylvania is a member are listed chronologically in Table 10.

¹ See U. S. Const., Art. I, Sec. 8, Cl. 16.

² 70 Stat. 498 (1956).

³ Frederick L. Zimmerman and Mitchell Wendell, *The Law and Use of Interstate Compacts*, (Chicago, Illinois: Council of State Governments, 1961), p. 24.

⁴ 1941, July 23, P. L. 435, Sec. 3.

Table 10
 CHRONOLOGICAL TABLE OF INTERSTATE COMPACTS TO WHICH PENNSYLVANIA IS A PARTY
 JULY 25, 1961

<i>Year Ratified by Penna.</i>	<i>Name of Compact</i>	<i>Purpose</i>	<i>Other Party States</i>	<i>Pennsylvania Member¹</i>	<i>Pennsylvania Statutory Basis</i>	<i>Congressional Consent</i>	<i>Comments</i>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1783	New Jersey-Pennsylvania Boundary Agreement (Delaware River Compact)	Settle jurisdiction of the Delaware River and islands therein.	New Jersey	Where the purpose of the compact has been accomplished, there is no current membership.	1783, Sept. 20, 2 Sm. L. 77; revoked in part, 1955, June 30, P. L. 216; 1957, July 5, P. L. 519.	Agreement took place under the Articles of Confederation.	An enumeration of the various islands in the Delaware River which come under the jurisdiction of N. J. or Penna. is given in the Act of Sept. 25, 1786, 2 Sm. L. 388.
1784	Pennsylvania-Virginia Boundary Agreement	Confirm the Pennsylvania-Virginia boundary line.	Virginia, Ohio, W. Va.		1784, April 1, 2 Sm. L. 261; 1878, May 18, P. L. 74; 1881, June 10, P. L. 118; 1887, June 6, P. L. 353.	Agreement took place under the Articles of Confederation.	Commissioners from Penna. & Va. negotiated a boundary settlement on Aug. 31, 1779. Penna. ratified on Nov. 19, 1779. Va. ratified on June 23, 1780. Penna. again ratified on Sept. 23, 1780 and confirmed the agreement on April 1, 1784. Commissioners were authorized to replace markers on the Ohio and W. Va. borders by acts of May 18, 1878, June 10, 1881 and June 6, 1887. Reports filed in the Department of Internal Affairs.
1789	New York-Pennsylvania Boundary Agreement	Confirm the New York-Pennsylvania boundary line.	New York		1789, Sept. 29, 2 Sm. L. 510; 1876, May 8, P. L. 142; 1887, June 6, P. L. 353.	1890, Aug. 19, 26 Stat. 329	Reports filed in the Department of Internal Affairs.
1824	Chesapeake and Ohio Canal Company	Establish the Chesapeake and Ohio Canal Company and authorize construction of a canal.	Maryland Virginia		1826, Feb. 9, P. L. 8 1826, Mar. 9, P. L. 73 Supplemental 1831, Apr. 2, P. L. 372.	1832, July 14, 4 Stat. 602. See also 4 Stat. 292 and 793.	
1849	Delaware-Maryland-Pennsylvania Boundary Line	Commissioner appointed to determine the point of intersections of the party states.	Delaware Maryland		1849, April 10, P. L. 619.		
1889	Delaware-Pennsylvania Boundary Agreement	Confirm the New Castle circle boundary line.	Delaware		1889, May 4, P. L. 81; 1897, June, P. L. 182.	Joint Resolution 1921, June 30, 42 Stat. 104	Reports filed in the Department of Internal Affairs.
1931	Delaware River Port Authority	Promote and develop facilities of the ports of Philadelphia and Camden.	New Jersey	Thomas E. Minehart, Auditor General; Grace M. Sloan, State Treasurer; James H. J. Lato; John P. Criscione; Joseph J. Gaffigan; Frederic R. Mann; Ted Schlanger; and Frank M. Steinberg.	1931, June 25, P. L. 575 as amended and supplemented.	1932, June 14, 47 Stat. 308; 1952, July 17, 66 Stat. 738.	In 1951 the Delaware River Port Authority replaced the 1931 Delaware River Joint Commission which replaced the 1919 Delaware River Bridge Joint Commission. Original document filed with the Secretary of the Commonwealth. The eight New Jersey members are all appointed by the Governor.
1931	Delaware River Joint Toll Bridge Commission	Operate bridges across the Delaware River.	New Jersey	Thomas E. Minehart, Auditor General; Grace M. Sloan, State Treasurer; Park H. Martin, Secretary of Highways; William H. Noble; Jack Sirott.	1931, June 25, P. L. 1352 as amended and supplemented.	1935, Aug. 30, 49 Stat. 1058; 1947, Aug. 4, 61 Stat. 752; 1952, Mar. 31, 66 Stat. 28	Original document filed with the Secretary of the Commonwealth.
1937	Ohio-Pennsylvania Pymatuning Lake Agreement	Develop, use and control the Pymatuning Lake and surrounding state-owned land for fishing, hunting, recreational and park purposes.	Ohio	Administered by Pennsylvania Water Power Resources Board and Ohio Conservation Division.	1937, June 5, P. L. 1664, amended 1945, April 20, P. L. 282, amended 1959, August 12, P. L. 693. See also <i>Com. v. Weatherly</i> , 5 D. & C. 2d 477 (1957).	1937, August 28, 50 Stat. 865; 1945, July 24, 59 Stat. 502	1959 amendment inoperative, pending Ohio consent.

Year Ratified by Penna.	Name of Compact	Purpose	Other Party States	Pennsylvania Member ¹	Pennsylvania Statutory Basis	Congressional Consent	Comments
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1937	Interstate Compact for the Supervision of Parolees and Probationers	Provide for mutual assistance in the prevention of crime by creating cooperative procedures for out-of-state parolees and probationers.	All states, Puerto Rico and Virgin Islands	The Board of Pardons of the Department of Justice.	1937, June 25, P. L. 2086, amended 1959, Sept. 29, P. L. 989.	1934, June 6, 48 Stat. 909; Repealed and reenacted, 1949, May 24, 63 Stat. 107	The District of Columbia is eligible to join.
1941	Interstate Compact to Conserve Oil and Gas	Conserve oil and gas by the prevention of available physical waste thereof from any cause within reasonable limits.	Ala., Alaska, Ariz., Ark., Colo., Fla., Ill., Ind., Ky., Kan., La., Md., Mich., Miss., Mont., Neb., Nev., N. Mex., N.Y., N.D., Ohio, Okla., S.D., Tenn., Tex., Utah, Wash., W. Va., Wyo. Associate members: Ga., Idaho, Oregon.	Genevieve Blatt, Secretary of Internal Affairs.	1941, July 23, P. L. 435.	1935, Aug. 27, 49 Stat. 939; 1937, Aug. 10, 50 Stat. 617; 1939, July 20, 53 Stat. 1071; 1941, Aug. 21, 55 Stat. 666; 1943, July 7, 57 Stat. 383; 1947, July 12, 61 Stat. 316; 1951, Aug. 28, 65 Stat. 199; 1955, July 28, 69 Stat. 385; 1959, Aug. 7, 73 Stat. 290. The compact was last extended to Sept. 1, 1963.	The compact is open to ratification by all oil producing states. The original document is deposited in the U.S. Dept. of State Archives. For the fiscal year 1962-1963, Penna. appropriated \$2,750. Disbursement is administered by the Governor's Office.
1943	Atlantic States Marine Fisheries Compact	Promote better utilization of the fisheries of the Atlantic Seaboard.	Del., Fla., Ga., Me., Md., Mass., N.H., N.J., N.Y., N.C., R.I., S.C., Va.	Albert M. Day, Executive Director of the Fish Commission; Representative Harris G. Breth; Maurice K. Goddard, Secretary of Forests and Waters.	1943, June 1, P. L. 798; Supplemented 1949, May 9, P. L. 926.	1940, June 8, 54 Stat. 261; 1942, May 4, 56 Stat. 267; supplemental agreement, 1950, Aug. 19, 64 Stat. 467.	The Federal Government requires an annual report. For the fiscal year 1962-1963, Penna. appropriated \$700. Disbursement is administered by the Penna. Fish Commission.
1945	Ohio River Valley Sanitation Compact	Prevent, abate, and control pollution in the Ohio River Basin	Ill., Ind., Ky., N.Y., Ohio, Va., Tenn., W. Va.	Charles L. Wilbar, Secretary of Health; Karl M. Mason; Dr. M. K. McKay.	1945, April 2, P. L. 103.	1936, June 8, 49 Stat. 1490; 1940, July 11, 54 Stat. 752.	For the fiscal year 1962-1963, Penna. appropriated \$20,215.
1945	Interstate Commission on the Potomac River Basin	Cooperation in the abatement, regulation, control and prevention of pollution in the Potomac River Basin.	D.C., Md., Va., W. Va.	Charles L. Wilbar, Chm., Sanitary Water Board; Maurice K. Goddard, Penna. Comm. on Interstate Cooperation; Representative Harold B. Rudisill.	1945, May 29, P. L. 1134 amended 1961, April 28, P. L. 113; the amendment will not take effect until ratified by all party states and approved by Congress.	1940, July 11, 54 Stat. 748.	For the fiscal year 1962-1963, Penna. appropriated \$3,000.
1947	New York City Milk Compact	Provide uniform regulation of the price of milk paid to producers.	Mass., N.J., N.Y., Vt.	Chairman of the Milk Control Commission.	1947, June 27, P. L. 1000; see also: 1937, April 28, P. L. 417.		The compact is inoperative.
1947	Delaware River Tunnel Board	Construct a tunnel under the Delaware River.	New Jersey	None. The Governor may appoint five members for a term of five years who would receive an annual salary of \$5,000 plus necessary expenses.	1947, July 8, P. L. 1452.	1938, June 25, 52 Stat. 1163.	The board is inoperative.
1951	Interstate Civil Defense and Disaster Compact	Provide mutual aid among the states to meet any emergency or disaster from enemy attack or other cause.	Ala., Conn., Del., Ind., Me., Nev., N.H., N.J., N.Y. (Other states have enacted the model Civil Defense Act.)	Director of Civil Defense.	1951, March 19, P. L. 47.	1951, Jan. 12, 64 Stat. 1245.	Any state, territory or possession of the United States, the District of Columbia, and any foreign country or province or state thereof, may join. The Kansas Attorney General has declared the Kansas Civil Defense Compact invalid.
1951	Pennsylvania-New Jersey Turnpike Bridge	Construct a bridge across the Delaware River.	New Jersey	Penna. Turnpike Commission.	1951, June 30, P. L. 956.	1951, Oct. 26, 65 Stat. 650.	

Year Ratified by Penna.	Name of Compact	Purpose	Other Party States	Pennsylvania Member ¹	Pennsylvania Statutory Basis	Congressional Consent	Comments
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1951	Military Aid Compact	Provide for mutual aid and assistance in emergencies.	New Jersey New York	The Governor or his military representative.	1951, Aug. 24, P. L. 1355.	1952, July 1, 66 Stat. 315.	
1953	Middle Atlantic Interstate Forest Fire Protection Compact	Promote effective prevention and control of forest fires.	Del., Md., N.J.	State Forester	1953, July 29, P. L. 970.	1956, July 25, 70 Stat. 636.	Virginia and West Virginia are eligible to join.
1956	Interstate Compact on Juveniles	Provide cooperative procedures for out-of-state supervision of juveniles and create procedures for return of juveniles.	Alaska, Ariz., Ark., Colo., Calif., Conn., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Ky., La., Me., Mass., Minn., Mich., Miss., Mo., Nev., N.H., N.J., N.Y., Ohio, Ore., R.I., S. Dakota, Tenn., Utah, Va., Wash., Wis.	Officer designated by the Governor.	1956, Jan. 26, P. L. 955, amended 1957 June 28, P. L. 411.	Not required. Approved by the House of Representatives, 94 Cong. Rec. 5407 (1948)	The appropriation is included in funds of the Dept. of Public Welfare. Disbursements are controlled by the Auditor General.
1956	Great Lakes Basin Compact	Promote development, use and conservation of the water resources of the Great Lakes Basin.	Ill., Ind., Mich., Minn., N.Y., Wis.	Francis A. Pitkin, Executive Director, State Planning Board; Capt. Joseph S. St. John; Senator Paul W. Mahady	1956, March 22, P. L. 1333.	Not required	Ohio and the Provinces of Quebec and Ontario are eligible to join. For the fiscal year 1962-1963, Penna. appropriated \$12,000.
1956	Interpleader Compact	Permit personal jurisdiction over claimants to property located within party states.	Me., N.H., N.J., N.Y.	Secretary of the Commonwealth	1956, May 15, P. L. 1584.	Not required	Open to all states.
1959	Agreement on Detainers	Encourage the disposition of charges against a prisoner and determination of all detainers based upon untried indictments, informations or complaints.	Conn., Mich., N.H., N.J., N.Y.	Commissioner of Correction	1959, July 25, P. L. 829.	Not required	
1959	Brandywine River Valley Compact	Provide and regulate dams and reservoirs on the Brandywine River and its tributaries.	Delaware		1959, Sept. 9, P. L. 848.		Delaware has not ratified the compact.
1961	Delaware River Basin Compact ²	Develop the water resources of the Delaware River Basin.	Del., N.J., N.Y., United States	The Governor or his representative	1961, July 17, P. L. 518.	1961, Sept. 27, 75 Stat. 688.	A duplicate copy of the compact is filed with the Secretary of State. For the fiscal year 1962-1963, Penna. appropriated \$80,000.
1961	Interstate Compact on Mental Health	Provide cooperation in the care and treatment of the mentally ill and mentally deficient.	Alaska, Ark., Conn., Del., Idaho, Ind., Ky., La., Mass., Me., Minn., Mo., N.H., N.J., N.Y., N.C., Ohio, Okla., Ore., R.I., S.C., S.D., Vt., W. Va.	Ruth Grigg Horting, Secretary of Public Welfare	1961, July 25, P. L. 860.	Not required	Any state may withdraw upon one year's notice. No appropriation is provided in the budget. Any moneys are administered by the Dept. of Public Welfare.

¹ Unless otherwise noted, members receive only necessary and reasonable expenses.

² Superseded Interstate Commission on Delaware River Basin; Reciprocal Agreement for Control of the Delaware River; 1945, April 19, P. L. 272.

SOURCES: Council of State Governments, *Interstate Compacts, 1783-1956* (July 1956), *The Book of the States, 1956-1963*, *Report of the Executive Director to the Board of Managers of the Council of State Governments* (December 1962), (Chicago, Ill.); New York Joint Legislative Committee on Interstate Cooperation, *Report of the Joint Legislative Committee on Interstate Cooperation*, Legislative Document No. 29 (1961).

Column (8) of the table includes, *inter alia*, references to appropriations for the fiscal year 1962-1963 and, where known, depositories of original documents. This becomes particularly important where the text of the compact is not contained in the enabling act.

Table 11 lists those compacts which Pennsylvania is eligible to join. Included are the various highway safety

compacts, for which Congress has given consent in advance through the "Beamer Resolution" cited in column (4). Not listed is the Interstate Advisory Committee on the Susquehanna River Basin, which was formed May 28, 1962 to prepare the way for a tri-state compact by Maryland, New York and Pennsylvania.

Table 11
INTERSTATE COMPACTS WHICH PENNSYLVANIA IS ELIGIBLE TO JOIN

Name	Purpose	Party States and Year of Ratification	Congressional Consent	Comments
(1)	(2)	(3)	(4)	(5)
Interstate Compact on Placement of Children	Cooperation in the interstate placement of children brought from one party state to another for foster care or as a preliminary to possible adoption.	Maine (1961) New York (1960)	Not required	See Pennsylvania House Bill 1085, Pr. No. 1202 (1961) and Senate Bill 464, Pr. No. 506 (1961)
Interstate Compact on Welfare Services	Provide welfare services on a reciprocal basis and eliminate barriers of restrictive residence or settlement requirements.	Connecticut (1961) Maine (1959)	Not required	
Interstate Motor Vehicle Equipment Compact	Promote uniformity in state laws relating to vehicular safety equipment.	New York (1962)	1958, Aug. 20, 72 Stat. 635 "Beamer Resolution"	The compact is open to Canadian and Mexican jurisdictions.
Highway Safety Compact	Cooperative effort and mutual assistance in the establishment and carrying out of traffic safety programs.		1958, Aug 20, 72 Stat. 635 "Beamer Resolution"	The compact is not presently in use.
Driver License Compact	Provide for exchange of information concerning convictions for violation of vehicle or traffic laws.	Nevada (1961)	1958, Aug 20, 72 Stat. 635, "Beamer Resolution"	The compact will be operative after ratification by 3 states. Open to Canadian provinces and Mexican states.
Uniform Vehicle Registration, Proration and Reciprocity Agreement	Proration of annual registration and weight fees.	California (1955) Colorado (1955) Idaho (1955) Iowa (1959) Kansas (1955) Missouri (1959) Montana (1955) Nebraska (1959) Nevada (1955) New Mexico (1955) North Dakota (1961) Oregon (1955) South Dakota (1961) Washington (1955)	Not required	Formerly called the Western States Vehicle Registration and Reciprocity Agreement.

SOURCES: Council of State Governments, *The Book of the States, 1959-1963, Report of the Executive Director to the Board of Managers of the Council of State Governments* (December 1962), (Chicago, Ill.); New York Joint Legislative Committee on Interstate Cooperation, *Report of the Joint Legislative Committee on Interstate Cooperation*, Legislative Document No. 29 (1961).

From the rather sparse use of compacts employed in the establishment of state boundaries, there are now more than 30 compacts to which Pennsylvania is a party,

covering a wide variety of state functions. The increase in the use of compacts has provided the means for the several states to achieve their common purposes.

MARKETING PROBLEMS

MILK CONTROL LAWS

TASK FORCE

House Members

PETER G. SCHAAF, *Chairman*
WILLIAM T. BACHMAN
W. MAX BOSSERT
LEE A. DONALDSON, JR.
RALPH J. DOWN
JOSEPH R. HOLLIDAY

GEORGE E. JENKINS
WILLIAM R. KORNS
ALBERT L. McCANDLESS
DANIEL F. McDEVITT
WALTER H. MORLEY
JOSEPH A. SULLIVAN

E. J. FARABAUGH, *Legislative Advisor*

Senate Members

D. ELMER HAWBAKER, *Vice Chairman*
ARTHUR E. KROMER*

JOHN CARL MILLER
WILLIAM G. SESLER

ALBERT E. MADIGAN, *Legislative Advisor*

* Deceased

House Resolution No. 86, Session of 1961, calls upon the Joint State Government Commission to make a study of the Milk Control Law to determine the present need for such legislation, and its advantages and disadvantages, and effect on the economy of the Commonwealth. The resolution requests that the Joint State Government Commission file its report with the House of Representatives.

The task force:

1. Conferred with consumers, dealers and producers on problems germane to State and Federal regulation of milk prices;

2. Reviewed State and Federal laws relating to the control of milk prices;

3. Compared the trends of milk prices in selected states for the last half century;

4. Evaluated the effects of price control practices upon both Pennsylvania consumers and producers.

See Report of Joint State Government Commission entitled, *Milk Price Control*, January 15, 1963.

COAL MARKETING

TASK FORCE

House Members

JOHN F. STANK, *Chairman*
SAMUEL B. DENNISON*
EDWIN C. EWING
JAMES W. GREENLEE
JOSEPH R. HOLLIDAY
WILLIAM R. KORNS

AUSTIN J. MURPHY
JAMES MUSTO
ROBERT S. OGILVIE
LOUIS ROVANSEK
GUS P. VERONA
ARTHUR J. WALL

ADAM T. BOWER, *Legislative Advisor*

Senate Members

HAROLD E. FLACK
THOMAS J. KALMAN

PAUL W. MAHADY
PAUL L. WAGNER

JO HAYS, *Legislative Advisor*

* Deceased

Panel of Technical Advisors

E. F. OSBORN, Ph.D, *Chairman*
The Pennsylvania State University

E. A. DINES, M.S. (Min. E.)
University of Pittsburgh

DAVID R. MITCHELL, E.M.
The Pennsylvania State University

ROBERT T. GALLACHER, Dr. E.M.
Lehigh University

WILLIAM SPACKMAN, Ph.D
The Pennsylvania State University

House Resolution No. 33, Session of 1962, calls upon the Joint State Government Commission to "inquire into and collect all of the information available relating to the coal industry with particular reference to plans or suggestions for new uses of coal including the direct extraction of energy from it, new mining methods and the availability of new markets . . ."

In pursuance of the directive of the resolution, a public hearing was held at Shamokin on April 30, 1962, for the purpose of familiarizing the members of the task force with the problems of the anthracite coal industry as seen by the Pennsylvania Department of Mines and Mineral

Industries, representatives of labor and management and citizens resident in the anthracite region.

On June 27 and 28, 1962, a coal conference was held at The Pennsylvania State University for the purpose of making a firsthand inspection of modern installations relating to the mining, preparation, analysis and utilization of coal and to confer with specialists in mining engineering, coal preparation techniques and coal utilization. Specialists were made available to the Commission through the courtesy of the United States Department of the Interior and the College of Mineral Industries of The Pennsylvania State University.

In addition, the task force and the panel of technical advisors conferred with the United States Secretary of the Interior and members of his staff with respect to the Federal aspects of the problem.

The panel of technical advisors has prepared a special report dealing with:

1. Coal and the growth and structure of Pennsylvania's industrial economy;
2. Trends in coal production (bituminous and anthracite) and employment;
3. Major factors responsible for the decline in coal production;
4. Governmental measures designed to reverse trend and alleviate the impact of the decline;
5. Compositional differences, production costs, and use characteristics which differentiate Pennsylvania coal from coal produced in other states;

6. The potential of Pennsylvania coal as a fuel and as a raw material;
7. The importance of coal research and the need for continuity of research efforts at an adequate level;
8. Major factors affecting mine safety and productivity in Pennsylvania leading to safer working conditions and a better competitive position of Pennsylvania coal to coal from other states and to other fuels.

In addition, the technical panel has made numerous suggestions as to what management, labor and government, might do with a view of improving the position of coal in the Pennsylvania economy. For details, see separate report to be issued, *Coal in Pennsylvania: Recent Developments and Prospects, 1963*, a report of the Panel of Technical Advisors on Coal Marketing to the Joint State Government Commission.

LAWS AND PRACTICES RELATING TO MERCHANDISING OF CONSUMER GOODS

TASK FORCE

House Members

WALTER H. MORLEY, *Chairman*
JAMES F. CLARKE
WILLIAM B. CURWOOD
LEE A. DONALDSON, JR.
RALPH J. DOWN
J. RUSSELL ESHBACK

MAE W. KERNACHAN
HARRY A. KRAMER
KATHRYN GRAHAM PASHLEY
JEANETTE F. REIBMAN
ELISABETH S. WYND
LESTER H. ZIMMERMAN

H. J. MAXWELL, *Legislative Advisor*

Senate Members

ZEHNDER H. CONFAIR
ALBERT E. MADIGAN

WILLIAM G. SESLER
GUS YATRON

GEORGE N. WADE, *Legislative Advisor*

House Resolution No. 37, Session of 1962, calls upon the Joint State Government Commission to "... examine the law and practices relating to the packaging, labeling and pricing of consumer goods, and to inquire into the necessity and advisability of changing, expanding or improving the said laws. ..."

The task force (1) examined the pertinent Federal and State laws relating to the merchandising of consumer goods; (2) ascertained from Commonwealth departments charged with regulatory or supervisory duties in the area of consumer goods marketing, the procedures which are used under existing statutes and their suggestions for amendment; and (3) evaluated recent legislative proposals to revise Commonwealth laws relating to the marketing of consumer goods.

In the area of consumer goods marketing, the Federal Government and state governments have concurrent jurisdiction. Generally speaking, the jurisdiction of the Federal Government relates to goods in interstate commerce. State laws are in the main concerned with the purity and the labeling of goods passing across retail counters within the states. In Pennsylvania, the laws relating to the merchandising of consumer goods are administered by the Department of Internal Affairs, the Department of Agriculture, the Department of Health and the Milk Control Commission.¹

¹ See page 54, and separate report entitled, *Milk Price Control*, January 15, 1963.

The Department of Internal Affairs has jurisdiction under the "Pennsylvania Commodity Law" of 1913 over weights and measures. Representatives of the department testified that the practice of "short-measuring" is widespread in the Commonwealth. According to the department's testimony, "20 percent of all commodities check-weighed are short measured; 50 percent of the milk sold in paper cartons in this State is short-measured; 45 percent of the tobacco is short-weighed, 50 percent of the fresh meat packaged is short-weighed in varying amounts."

The Secretary of Internal Affairs expressed the view that currently the Pennsylvania consumer is not adequately protected and suggested an amendment to existing law which would provide "... no commodity in package form shall be so wrapped, or shall it be in a container so made, formed, or filled, as to mislead the purchaser of the quantity of the contents of the package, and the contents of the container shall not fall below such reasonable standard of fill as may have been described for the commodity in question."

The Pennsylvania Department of Agriculture, through the Bureau of Foods and Chemistry, the Bureau of Markets and the Division of Meat Hygiene, is concerned with food adulteration, misbranding, the establishment of standards for farm and dairy products, the health of animals prior to slaughter and the sanitation of meat plants and dairies.

The Department of Health under the Drug, Device and Cosmetic Act² has jurisdiction over the distribution of narcotic and other dangerous drugs. In addition, the department licenses shellfish dealers and controls the marketing of shellfish. The department is also concerned with the marketing of drinking water and the sanitary conditions in public eating places.

Manifestly, there is some overlapping of functions between the Department of Agriculture and the Department of Health. In the recent past, two bills were introduced which would tend to redefine the jurisdictions of the Department of Agriculture and the Department of Health.³

House Bill 1703 which apparently would have enlarged the jurisdiction of the Department of Agriculture and diminished the jurisdiction of the Department of Health failed of passage. House Bill 1779 which extended

² 1961, September 26, P. L. 1664.

³ House Bill No. 1703, Session of 1959, and House Bill No. 1779, Session of 1961.

the jurisdiction of the Department of Health and restricted for all practical purposes the jurisdiction of the Department of Agriculture "to raw agriculture commodities" was not reported from committee.

The Department of Health takes the position that The Administrative Code makes it the department's duty to protect the health of the citizenry and it should administer all laws relating to foods. The Department of Agriculture contends that the present system "has worked for many years without criticism and is giving the consumer of Pennsylvania good protection, hence a change in jurisdiction over food and food products is unnecessary."

The Joint State Government Commission has been advised that the Department of Agriculture is currently preparing a revised version of House Bill 1779 which would authorize the Secretary of Health to formulate and promulgate standards but keep enforcement under the jurisdiction of the Department of Agriculture.

PROPERTY RIGHTS

PROPERTY PROTECTION

DECEDENTS' ESTATES LAWS

TASK FORCE

Senate Members

MARTIN SILVERT, *Chairman*
THOMAS A. EHRCOOD
THOMAS J. KALMAN

WILLIAM Z. SCOTT
LEONARD C. STAISBY
STANLEY G. STROUP

House Members

CHARLES A. AUKER
JOHN R. GAILEY, JR.
JOSEPH H. GOLDSTEIN

THOMAS F. LAMB
AUSTIN M. LEE
LOUIS SHERMAN

Advisory Committee

HONORABLE MARK E. LEFEVER,
Philadelphia, *Chairman*

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Pittsburgh, *Vice Chairman*

M. PAUL SMITH, *Esquire*,
Norristown, *Secretary*

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HONORABLE ETHAN A. GEARHART, Allentown
W. PITT GIFFORD, *Esquire*, Erie
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ALAN S. LOOSE, *Esquire*, Jim Thorpe
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JAMES G. SCHMIDT, *Esquire*, Philadelphia
C. L. SHAVER, *Esquire*, Somerset
BOYD LEE SPAHR, *Esquire*, Philadelphia
HONORABLE EDWARD LEROY VAN RODEN, Media
PAUL C. WAGNER, *Esquire*, Philadelphia
HONORABLE J. COLVIN WRIGHT, Bedford
ADOLPH L. ZEMAN, *Esquire*, Canonsburg

Pursuant to Senate Resolution No. 25, Session of 1962, the Joint State Government Commission appointed a task force and reactivated the advisory committee appointed in 1945 for the purpose of considering necessary and desirable changes in the laws of decedents' estates and related statutes developed by the Joint State Government Commission, and of making recommendations to the Commission with drafts of legislation necessary to carry the recommendations into effect.

The advisory committee is composed of outstanding members of the bench and bar, 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, 1951, and 1961 Sessions. The Advisory Committee on Decedents' Estates Laws was reactivated by the Executive Committee in 1953, 1955, 1957, and 1960 to screen proposed amendments to the laws relating to decedents' estates.

The task force and advisory committee have undertaken their assignment and reviewed proposals in the area concerned, and recommendations will be submitted.

EMINENT DOMAIN LAW

TASK FORCE

Senate Members

RAYMOND P. SHAFER
THOMAS A. EHRCOOD
THOMAS J. KALMAN
MARTIN L. MURRAY

—Co-Chairmen—

House Members

HERBERT FINEMAN
JAMES S. BOWMAN
THOMAS H. CAULEY
KENNETH B. LEE
THOMAS J. McCORMACK
HAROLD B. RUDISILL

Advisory Committee

B. GRAEME FRAZIER, JR., *Esquire*,
Philadelphia, *Chairman*

LAWRENCE A. RIZZO, *Esquire*,
Pittsburgh, *Research Consultant*

HARRY V. BAIR, *Esquire*, Pittsburgh
ERNEST BIAGI, Philadelphia
FRANK J. DOCKTOR,* *Esquire*, Washington
JOHN P. DOLMAN, M.A.I., Philadelphia
HONORABLE SPENCER R. LIVERANT, York
HORACE LOMBARDI,* *Esquire*, Philadelphia
E. E. MATHER, JR., *Esquire*, Philadelphia
RAYMOND C. MILLER, *Esquire*,
Department of Justice, Harrisburg
HONORABLE HERBERT A. MOOK, Meadville
DAVID McNEIL OLDS, *Esquire*, Pittsburgh

HONORABLE JOHN J. PENTZ, Clearfield
WILLIAM L. RAFSKY, *Esquire*, Philadelphia
JOHN R. REZZOLLA, JR., *Esquire*
Department of Highways, Harrisburg
SIDNEY SCHULMAN, *Esquire*, Philadelphia
GEORGE X. SCHWARTZ, *Esquire*, Philadelphia
B. WALKER SENNETT, *Esquire*, Erie
MORRIS L. SHAFER, *Esquire*, Carlisle
MILTON C. SHARP, *Esquire*, Philadelphia
BERNARD A. WAGNER, M.A.I., York
HONORABLE WALTER P. WELLS, Coudersport
ADOLPH L. ZEMAN, *Esquire*, Canonsburg

* Deceased

House Concurrent Resolution No. 59, adopted finally on October 1, 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 changing 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. . . ."

The resolution directs the Joint State Government Commission:

“. . . to study and investigate exhaustively the law and procedure relating to the exercise of the right to condemn property for public purposes in Pennsylvania and for the payment of damages therefor, with a view toward proposing a complete revision and codification thereof into one statute in order to eliminate present inconsistencies, produce uniformity in practice and procedure, assure just and equitable treatment between all interested parties and in general improve the administration of justice in this field of law.”

A task force was appointed in 1960 to conduct this study. To aid in the inquiry, the Joint State Government Commission appointed an advisory committee, giving representation to the judiciary in metropolitan and rural areas, the Pennsylvania Bar Association, the Department of Highways, the Department of Justice, real estate appraisers, municipal governments, redevelopment and housing authorities, metropolitan and rural boards of viewers, schools of law, public utilities, and practitioners familiar with the law of eminent domain.

Accordingly, the task force and advisory committee, after studying the law of eminent domain in force in this Commonwealth and comparable state and Federal legislation, drafted the “Proposed Eminent Domain Law of 1963.” This proposed code deals with the procedure to condemn, procedure for determining damages and

benefits, just compensation and the measure of damages, evidence, and the appointment, qualifications, powers, duties, et cetera, of the board of viewers.

The purpose of the code is to improve the law and procedure in the exercise of the powers of eminent domain presently vested in condemnors by the Constitution and by statute. The code is not intended to enlarge or abridge the power of condemnation presently possessed by any condemnor, nor to change the method by which a condemnor proceeds to condemn, such as, by ordinance, resolution or otherwise. The change in the law begins with the actual taking of property and the passage of title thereto. It is believed that the proposed code brings a higher degree of certainty and protection to all parties concerned.

In September 1962, *The Proposed Eminent Domain Law of 1963*, together with applicable Comments, was published and furnished to each member of the General Assembly and departments of the Commonwealth, and was distributed widely throughout Pennsylvania to judges, the Pennsylvania and county bar associations, attorneys, appraisers, and interested citizens, who were invited to submit suggestions, criticisms and recommendations.

A bill embodying the proposed code, as modified after consideration of the responses received, will be submitted for consideration to the General Assembly as directed by House Concurrent Resolution No. 59, Session of 1959.

FIRE PREVENTION

TASK FORCE

Senate Members

WILLIAM VINCENT MULLIN, *Chairman*
MARVIN V. KELLER

MARTIN L. MURRAY
M. HARVEY TAYLOR

House Members

HAROLD G. WESCOTT, *Vice Chairman*
JOHN HOPE ANDERSON
FRANK P. CROSSIN
CLYDE R. DENGLER
SAMUEL B. DENNISON*
J. RUSSELL ESHBACK

JAMES W. GREENLEE
HARRY A. KRAMER
THOMAS J. McCORMACK
JAMES P. O'DONNELL
EDWARD A. SCHUSTER, SR.
C. TIMOTHY SLACK
JOHN J. WELSH

* Deceased

House Resolution No. 80, Session of 1961, reads in part:

"In a study summarized in the Biennial Report for 1959-61 a task force of the Joint State Government Commission found that although the Fire and Panic Act places responsibility for enforcing health and safety measures in public buildings and buildings of public assembly upon the Department of Labor and Industry, other acts place coextensive powers and responsibilities with respect to specialized structures upon other governmental agencies. The task force found further that in practice these other agencies seldom exercise their full statutory powers and responsibilities but confine their activities to particular structural features and uses; . . ."

This resolution directs the Joint State Government Commission to:

" . . . ascertain whether or not the division of responsibilities for enforcing health and safety measures . . . is in accord with the public interest . . ."

Senate Concurrent Resolution No. 109, Session of 1961, calls on the Joint State Government Commission to:

" . . . proceed immediately to make a study of fire prevention laws . . . and make recommendations as to the desirability of uniformity of standards throughout the Commonwealth . . ."

In accordance with the directive in House Resolution No. 80, the task force (1) reviewed the Fire and Panic Act¹ and related statutes which were summarized in the *Biennial Report of the Joint State Government Commission 1959-1961* and submitted to the General Assembly,² and (2) reviewed testimony offered before the Commission in November 1960 by interested parties, including officials of the Commonwealth, with respect to the operation of the fire prevention laws.

Details aside, the testimony was concerned with (1) the need for the modernization and reorganization of fire prevention provisions under the Fire and Panic Act; (2) the conflict between Commonwealth and local jurisdictions; (3) the overlapping jurisdiction of Commonwealth agencies, and (4) the equity of fire insurance rates in metropolitan Philadelphia.

The Fire and Panic Act is couched in general terms; therefore, the act should be read in conjunction with the rules and regulations promulgated under its authority. The substantive provisions of the act have never been

¹ 1927, April 27, P. L. 465, as amended. (Since the 1959-1961 Biennial Report, the Fire and Panic Act was amended by adding Section 4.1 which requires that the location of fire extinguishers obscured from view be marked. 1961, August 4, P. L. 926.)

² *Biennial Report of the Joint State Government Commission 1959-1961*, pp. 35-38.

litigated, indicating general acceptance by the parties concerned. The rules and regulations promulgated under the act were comprehensively reviewed in 1956 and have been amended since to reflect technological changes.

In appraising the potentialities of conflict between the Commonwealth and local jurisdictions, it should be noted that the act specifically exempts from its provisions, and consequently from Commonwealth jurisdiction, the cities of Philadelphia, Pittsburgh and Scranton which account for \$8,311,000,000, or 24 percent of the total taxable real property of \$35,133,000,000. Currently in Pennsylvania, about 140 local governments have adopted building codes.³ The extent and nature of the fire prevention activities of third class cities, boroughs and townships appear to vary greatly.⁴

As noted in House Resolution No. 80 above, the Fire and Panic Act places responsibility for enforcing fire prevention in public buildings upon the Department of Labor and Industry while other acts place additional, and in some cases overlapping, responsibilities with respect to specialized structures upon other Commonwealth agencies. It was determined that in practice these other agencies as a rule confine their activities to the areas over which they have exclusive jurisdiction.

With respect to the adjustment of fire insurance rates in Philadelphia in 1959 by the Insurance Commissioner, the Commissioner's findings and decisions were appealed by the City of Philadelphia to the Superior Court. The court reviewed 12 separate contentions by the City of Philadelphia and upheld the Insurance Commissioner. The court observed that:

"Finally, Philadelphia charges the Insurance Commissioner with failure to give proper weight to the efforts of that city to reduce its fire losses by spending more money for fire protection, building new fire stations, purchasing modern equipment, training its firemen, inspecting buildings, amending its fire code,

³ Building and Housing Codes, Pennsylvania Department of Commerce, Revised, (April 1962), p. 9.

⁴ See Elizabeth Smedley, *Local Fire Administration in Pennsylvania*, Pennsylvania Department of Internal Affairs, (1960), pp. 243 *et. seq.* Among the activities mentioned are inspection, investigation, publicity, talks and demonstrations, fire drills, administration and enforcement of local ordinances.

increasing water department expenditures, and engaging in urban redevelopment and to its receiving national awards for fire protection and prevention.

"The city firemen report each fire to which they are summoned and estimate the loss caused by each. The city apparently considered these estimates of fire losses in the city to have some probative value. These city estimates have no bearing upon the accuracy of the fire losses actually paid by insurance companies over the same period. In the first place, the insurance companies are called upon to pay many insurance losses for fires about which the fire companies never know, because the fires are extinguished before a fire company is summoned, but not before damaging property. Moreover, it is to be expected that the estimates made by firemen would be less than the damage claimed and received by the owners of the property.

"With all the activity of Philadelphia to prevent and extinguish fires, praiseworthy as it is, the cold hard facts are that the fire losses covered by insurance within the city have been increasing. There has been no improvement in loss experience in the more recent years considered in the filing, and the 1957 classified experience was even worse than in 1956 in most classes for which rate changes are proposed.

"Furthermore, for some years Philadelphia has had the benefit of a better base rate than its fire-fighting facilities warrant. . . .

"Actually, Philadelphia has for some years enjoyed savings in fire rates as the result of a 'prospective' approach to its fire losses. This has occurred through the maintenance of its rating by the Middle Department as a Class 2 City in spite of a determination in 1948 by the National Board that a Class 4 grading was appropriate. While the city grading was raised to Class 3 in 1953, all rating in Philadelphia since 1948 has been on the Class 2 grading basis on the strength of city promises that its fire facilities would be rehabilitated."⁵

⁵ *Pennsylvania Insurance Department v. Philadelphia*, 196 Pa. Superior Ct. 221, 252-254, (1961).

INSURANCE LAWS

TASK FORCE

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House Concurrent Resolution No. 29, Session of 1961, notes that:

"The last codifications of the insurance laws of this Commonwealth were enacted in 1921. Many laws on the subject of insurance have been enacted since that time. It is of great importance that the insurance laws be recodified and modernized . . ." and directs the Joint State Government Commission " . . . to study, investigate and recodify the insurance laws of this Commonwealth."

The task force, appointed to make this study, conferred with the Honorable Francis R. Smith, Commissioner of Insurance, and with representatives of the Insurance Department of the Commonwealth to explore the extent of technical assistance which the department could provide in the execution of the task, and to obtain the department's views with respect to the study.

The task force reviewed with representatives of the Insurance Department the compilation entitled *Insurance Laws and Related Statutes* (1961) prepared by the department.

As a first step in the undertaking, the Commissioner of Insurance agreed to have the staff of the Insurance Department prepare the text of two compilations: (1) Pennsylvania Statutory Law to be Included in a Proposed Insurance Department Act, and (2) the Pennsylvania Statute Law to be Included in a Proposed Insurance Company Law. This was done, and the Joint State Government Commission reproduced these in two volumes. These compilations were furnished to 36 insurance organizations, associations, companies and interested parties, who were requested to submit their comments and suggestions with respect to (1) the physical organization of the statutes in these volumes; (2) whether

these volumes included all the laws on the subject; (3) whether these volumes included any laws which should have been omitted; and (4) proposed elimination of ambiguities, archaic language, duplications and inconsistencies.

The task force was advised by the Commissioner of Insurance that he had engaged the services of Edward L. Springer, Esquire, to work for the department to further aid in the study. Mr. Springer agreed to (a) review all pertinent court decisions in Pennsylvania interpreting the state's insurance laws; (b) review all departmental regulations and Attorney General's opinions relating to the aforesaid laws; (c) review the insurance laws with professional personnel in the Department of Justice; (d) confer with the technical personnel in the Insurance Department and review with each of them the specific laws with which they are respectively concerned; (e) confer with representatives of different segments of the insurance industry to obtain from them their views on those provisions of the insurance laws with which they are mainly concerned; (f) review in detail modernized insurance codes adopted by other states; (g) review model bills recommended by the National Association of Insurance Commissioners; and (h) review suggestions, recommendations and criticisms received from insurance organizations, associations, companies and other interested parties, resulting from their examination of the compilations furnished.

The task force has received and reviewed the draft of *A Proposed Organization of Pennsylvania Insurance Laws* prepared by Mr. Springer.

In view of the far-reaching significance and the highly technical nature of the assignment, the task of codification remains to be completed.

MECHANICS' LIENS LAW

TASK FORCE

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Senate Concurrent Resolution No. 111, Session of 1961, observes that:

"The act of June 4, 1901 (P. L. 431), commonly referred to as the 'Mechanics' Lien Law,' was enacted subsequent to the adoption of the Constitution of the Commonwealth of Pennsylvania in 1874 and in so far as the provisions thereof are not divergent from preexisting law, is not in violation of Article III, Section 7, of the Constitution as a special law. However, many sections and amendments to the act have been held unconstitutional by our Supreme Court.

"There is great confusion with respect to the construction and application of the act and the General Assembly requires for its use comprehensive factual information relating to the laws concerning mechanics' liens so that they may be codified, simplified, and clarified in keeping with the constitutional limitations, as to their construction and application . . . and directs the Joint State Government Commission ". . . to study the laws relating to mechanics' liens with a view to codifying, clarifying and simplifying such laws . . . and report to the General Assembly its findings and recommendations."

A task force was appointed to conduct this study. To aid in the inquiry, the Joint State Government Commission appointed an advisory committee of professionals with experience in this field who reflect the concern of workmen, contractors, materialmen, bonding companies, financial institutions and lending agencies, title insurance companies, and the Pennsylvania Bar Association. In addition, the membership of the advisory committee made available the experience of judges, rural and urban practitioners, and teachers of law.

A codification of the substantive provisions of the law of mechanics' liens, within the framework of the Constitution, has been prepared to achieve simplification and clarification in its application. In addition, the proposal provides that much of the procedure shall be governed by the Pennsylvania Rules of Civil Procedure.

A study of the laws of other states reveals alternative provisions which could not be considered for Pennsylvania because of constitutional limitations. Recommendations based upon the experience in other states, therefore, would require that the Constitution first be amended to permit such changes in the statute law.

PROPERTY TAXES

TASK FORCE

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MARTIN SILVERT

In accordance with House Resolution No. 67, Session of 1961, the task force:

1. Afforded interested parties an opportunity to express views with respect to the effect of contemporary property tax exemption upon the tax burdens carried by taxable real property.
2. Reviewed the law governing the exemption and exclusion of real property from taxation.
3. Evaluated the evidence purporting to show the relative importance of real property not subject to taxation.

Views

The task force on January 20, 1962, conferred with local government officials and on October 3, 1962, held a public hearing at Stroudsburg, Pennsylvania, at which interested parties presented facts with respect to the effects of religious, charitable and governmental exemptions upon the tax burden carried by taxable property and made suggestions contemplating changes in existing statutes and practices.

It was the consensus of those testifying at the hearing that tax exemptions, particularly charitable exemptions, impose disproportionate burdens upon taxable property, and it was suggested that these burdens be lessened by legislative action on the State level. Specifically, it was suggested that (1) the Commonwealth compensate local subdivisions for the loss of revenues occasioned by charitable exemptions by means of general subsidies, school subsidies, or in-lieu payments similar to those currently made on account of certain Federal and Commonwealth-owned properties; (2) the present statutory charitable exemptions be limited or repealed; and (3) the holding

of tax-exempt land by charitable institutions be statutorily limited.¹

Currently the Commonwealth makes school subsidies available on the basis of a formula which automatically reflects removal of property from the tax duplicate.

The Law

Disregarding properties not subject to local taxation because of contractual relationships entered into by the Commonwealth² and of Federal ownership,³ real property may not be subjected to local taxation by virtue of:

1. Constitutional exemption;
2. Statutory exemption pursuant to constitutional authorization;
3. Failure of the legislature to specifically enumerate certain types of property in assessment and tax statutes.

When dealing with the law of real property not subject to local taxation, it is helpful to differentiate between property *exempt* from taxation and property *excluded* from taxation. Property is *exempt* from taxation if the Constitution or a statute specifically provides that it is not to be subject to taxation. Property is *excluded* from taxation when it is in fact not subject to taxes even though there is no constitutional provision or specific statute which specifies that it is not to be taxed.

¹ Public Hearing, Joint State Government Commission, Stroudsburg, Oct. 3, 1962.

² *Com. v. Pottsville Water Co.*, 94 Pa. 561 (1880); *Wagner Institute v. Philadelphia*, 18 Phila. 285 (1886); confirmed on other grounds, 116 Pa. 555 (1887); cf. *Mott v. Pa. R. R. Co.*, 30 Pa. 9 (1858).

³ *McCulloch v. Maryland*, 4 Wheat. 316 (1819); U. S. Const., Art I, §8, Cl. 17.

TAX-EXEMPT PROPERTY

Constitutional Exemption

Residences of disabled veterans are the only real property exempt from taxation by constitutional mandate. This exemption is granted by a 1961 amendment to Article IX, Section 1 of the Pennsylvania Constitution, which reads as follows:

"Citizens and residents of this Commonwealth who served in any war or armed conflict in which the United States was engaged and were honorably discharged, or released under honorable circumstances from active service, shall be exempt from the payment of all real property taxes upon the residence occupied by the said citizens and residents of this Commonwealth imposed by the Commonwealth of Pennsylvania or any of its political subdivisions if, as a result of military service, they are blind, paraplegic, or double or quadruple amputees and if the State Veterans' Commission determines that such persons are in need of the tax exemptions granted herein."⁴

With respect to the application of this amendment, the Attorney General has held this language to be complete in itself and therefore self-executing.⁵

Statutorily-Exempt Property

As regards properties which may be exempt by statute, the Pennsylvania Constitution of 1874⁶ provides that the General Assembly may, by general laws, exempt from taxation:

1. Public property used for public purposes;
2. Actual places of religious worship;
3. Places of burial not used or held for private or corporate profit;
4. Institutions of purely public charity; and
5. Property owned, occupied, and used by any branch, post, or camp of honorably discharged soldiers, sailors, and marines.

Article IX, Section 2 of the Pennsylvania Constitution provides:

⁴ Added November 7, 1961.

⁵ *Disabled Veterans' Exemption From Real Property Taxes*, Op. Atty. Gen., 26 D. & C. 2d 94 (1962).

⁶ Pa. Const., Art. IX, §1, last amended November 7, 1961.

"All laws exempting property from taxation, other than the property above enumerated, shall be void."

Property of Local Subdivisions

Acting under constitutional authorization, the General Assembly has exempted from local taxation all schoolhouses, courthouses, jails, poorhouses and other public property used for public purposes, with the ground thereto annexed and necessary for the occupancy and enjoyment of the same, and public parks when owned and held by trustees for the benefit of the public and used for amusements, recreation, sports and other public purposes without profit.⁷ To enjoy the exemption, public property must be used for public purposes⁸ and be reasonably necessary⁹ to the public use.¹⁰ The exemption terminates when property is no longer used for public purposes,¹¹ or if it becomes primarily a revenue-producing property.¹²

Church Property

"The following property shall be exempt . . .

"All churches, meeting-houses, or other *regular places of stated worship*, with the ground thereto annexed *necessary* for the occupancy and enjoyment of the same;"¹³ (Emphasis supplied).

Regular places of stated worship means worship fixed, established, occurring at certain times—not occasionally.¹⁴ Only that property where people statedly join together in some form of worship is exempted.¹⁵

⁷ 1933, May 22, P. L. 853, §204 (d), (e), (f), (g); 1943, May 21, P. L. 571, §202 (a) (4), (5), (6), (7), Cl. (4) amended 1961, September 18, P. L. 1463. These acts by their own provisions do not exempt property otherwise taxable which is owned or held by an agency of the government of the United States.

⁸ *Pittsburgh Public Parking Authority v. Board of Property Assessment, Appeals and Review*, 377 Pa. 274 (1954).

⁹ *Moon Township Appeal*, 387 Pa. 144 (1956).

¹⁰ *Donan v. Philadelphia Housing Authority*, 331 Pa. 209 (1938).

¹¹ *Pittsburgh Guardians of the Poor v. Allegheny County*, 1 Pitts. 97 (1854).

¹² *Moon Township Appeal*, 387 Pa. 144 (1956); *New Castle v. Lawrence County*, 353 Pa. 175 (1945).

¹³ 1933, May 22, P. L. 853, §204 (a); 1943, May 21, P. L. 571, §202 (a) (1).

¹⁴ *Mullen v. Commissioners of Erie County*, 85 Pa. 288 (1877); an unfinished cathedral in process of construction is not exempt. See also *Chevro v. Philadelphia*, 116 Pa. Superior Ct. 101 (1935) and *Moore v. Taylor*, 147 Pa. 481 (1892).

¹⁵ *Laymen's Week-End Retreat League of Philadelphia v. Buller*, 83 Pa. Superior Ct. 1 (1924); *Philadelphia v. Overbrook Park Congregation*, 171 Pa. Superior Ct. 581 (1952).

Necessary includes sufficient property for entrance and exit and for light and air, but does not comprehend that which is merely desirable.¹⁶ For example, a parking lot,¹⁷ Sunday school buildings¹⁸ and parsonages¹⁹ are subject to local taxes.

Organizations which have a religious purpose may qualify for an exemption as a public charity even though they do not meet the test of regular places of stated worship.²⁰

Burial Grounds

"The following property shall be exempt . . .

"All burial grounds and all mausoleums, vaults, crypts or structures intended to hold or contain the bodies of the dead, not used or held for private or corporate profit,"²¹

The exemption includes a building used for offices and assistant superintendent's quarters,²² but land of a nonprofit cemetery used by a mausoleum company operating for profit is taxable.²³ Exemption has also been denied a religious congregation that bought a cemetery as an investment²⁴ and a cemetery association that paid dividends to shareholders.²⁵

Eleemosynary Property

"The following property shall be exempt . . .

"All hospitals, universities, colleges, seminaries, academies, associations and institutions of learning, benevolence, or charity, including fire and rescue

¹⁶ *First Baptist Church of Pittsburgh v. Pittsburgh*, 341 Pa. 568 (1941).

¹⁷ *Second Church of Christ Science of Philadelphia v. Philadelphia*, 398 Pa. 65 (1959).

¹⁸ *Mullen v. Commissioners of Erie County*, 85 Pa. 288 (1877).

¹⁹ *Philadelphia v. St. Elizabeth's Church*, 45 Pa. Superior Ct. 363 (1911); *Bears v. Kemp*, 10 D. & C. 97 (1927); *Wynnefield United Presbyterian Church v. Philadelphia*, 348 Pa. 252 (1944).

²⁰ *West Indies Mission Appeal*, 387 Pa. 534 (1957).

²¹ 1933, May 22, P. L. 853, §204 (b); 1943, May 21, P. L. 571, §202 (a) (2).

²² *Braddock Catholic Cemetery Company's Appeal*, 59 D. & C. 408 (1947).

²³ *Ivy Hill Cemetery Company's Appeal*, 120 Pa. Superior Ct. 340 (1936); See also *Laureldale Cemetery Association v. Matthews*, 354 Pa. 239 (1946).

²⁴ *Brown's Heirs v. City of Pittsburgh*, 1 Mona. 8, 16 A. 43 (1888).

²⁵ *Woodlawn Association v. Board of Assessment*, 100 P. L. J. 434 (1952).

stations, with the grounds thereto annexed and necessary for the occupancy and enjoyment of the same, founded, endowed, and maintained by public or private charity: Provided, That the entire revenue derived by the same be applied to the support and to increase the efficiency and facilities thereof, the repair and the necessary increase of grounds and buildings thereof, and for no other purpose;²⁶

Additional exemptions are playgrounds,²⁷ public libraries, museums and art galleries,²⁸ when maintained by public or private charities.

To qualify for the exemption, an institution may not be operated for private or corporate gain, must be endowed or maintained by public or private donations,²⁹ and must offer to the public some service designed for the well-being of the beneficiaries.

Property used for business purposes is not exempt,³⁰ even if the revenue derived from the business is used to make the institution self-supporting.³¹ However, business activity incidental to the purpose of the institution and offered on a nominal charge is permitted.³²

The benefits cannot be restricted to a certain class³³ unless membership is involuntary.³⁴ So long as benefits are available to the general public,³⁵ religious institutions may be eligible for the charitable exemption³⁶ even though preference may be given to persons of the religious group.³⁷

²⁶ 1933, May 22, P. L. 853 §204 (c) amended 1959, Aug. 14, P. L. 707; 1943, May 21, P. L. 571, §202 (a) (3), amended 1959, August 11, P. L. 668.

²⁷ *Ibid.*, 1933, §204 (j); *Ibid.*, 1943, §202 (a), (10), amended 1961, Sept. 18, P. L. 1463.

²⁸ *Ibid.*, 1933, §204 (1), amended 1961, June 19, P. L. 481; *Ibid.*, 1943, (a) (12).

²⁹ *The Ogontz School Tax Exemption Case*, 361 Pa. 284 (1949); *Hill School Tax Exemption Case*, 370 Pa. 21 (1952).

³⁰ *YMCA of Germantown v. Philadelphia*, 323 Pa. 401 (1936); see also statute affecting Philadelphia, 1866, March 30, P. L. 354, Act No. 325.

³¹ *American Sunday School Union v. Taylor*, 161 Pa. 307 (1894).

³² *Appeal of YMCA of Pittsburgh*, 383 Pa. 176 (1955).

³³ *Pennsylvania Bar Association Endowment v. Robins*, 69 Dauph. 181 (1956); *Philadelphia v. Masonic Home*, 160 Pa. 572 (1894).

³⁴ *Burd Orphan Asylum v. School District of Upper Darby*, 90 Pa. 21 (1879), the class may be composed of white female orphan children of legitimate birth; see also, *B'nai B'rith Orphanage v. Heidler*, 46 C. C. 49 (1917).

³⁵ *White v. Smith*, 189 Pa. 222 (1899).

³⁶ *Dougherty v. Philadelphia*, 139 Pa. Superior Ct. 37 (1940).

³⁷ *Burd Orphan Asylum v. School District of Upper Darby*, 90 Pa. 21 (1879).

The Pennsylvania Supreme Court has held that an organization devoted to the spread of the Christian religion is a purely public charity.³⁸ If the primary function of the organization is social, its property is not exempt.³⁹ In an unusual case, exemption was denied an association whose purpose was the preservation of hawks, on the basis that this purpose was inconsistent with the policy and laws of the Commonwealth.⁴⁰

In addition the institution must own the property⁴¹ and use it for the attainment of its objectives.⁴²

Veterans' Organizations

"The following property shall be exempt . . .

"All real and personal property owned, occupied, and used by any branch, post or camp of honorably discharged soldiers, sailors and marines,"⁴³

Real estate owned but not used or occupied by a veterans' organization is not exempt from municipal taxation.⁴⁴

PROPERTY EXCLUDED FROM TAXATION

Commonwealth-Owned Property

The courts have held that legislative enactments presumptively do not embrace the rights of a sovereign unless the sovereign is explicitly designated or clearly intended. Statutes subjecting "real estate" to taxation by municipal bodies, do not affect property owned by the Commonwealth.⁴⁵

Operating Properties of Public Service Corporations

The exclusion of operating property of public service corporations is judicially reviewed in the case of *Longvue*

Corporation v. Board of Property Assessment, 375 Pa. 35 (1953). The court observed:

"This case involves the right of the plaintiff corporation to exemption from local real estate taxation as a quasi-public body performing a service essential to the public welfare. . . .

"While the basis for the exemption from local taxation of real estate of quasi-public corporations performing essential public services has unvaryingly been ascribed to this court's early pronouncement in *Schuylkill Bridge Co. v. Frailey*, 13 S. & R. 422 (1826), the decision in that case was in no sense a judicial promulgation of an exemption from taxation. Nor could it have been intended so to be. A court is without power to create such an exemption. . . . Certain it is that exemption from taxation of property of public utilities does not derive from any existing statute.

"What the *Schuylkill Bridge Co.* case decided, and all that it decided, was that the privately owned toll bridge involved in that case was not within the category of items of property specified by the taxing statute there in question (Act of April 11, 1799, 4 Dall. L. 508) and consequently was not subject to the tax imposed pursuant to that Act. So much is plainly evident from the opinion of Chief Justice Tilghman who stated that 'The right of the legislature to impose a tax is not denied, but it is denied that this, or any other bridge, is one of the articles designated for taxation, by the act of assembly.' From the fact that a bridge was not expressly included in the list of enumerated articles made subject to the tax imposed by the Act plus the fact that the statute did not provide a method for determining the value of a toll bridge, the court concluded that the bridge in question did not fall within the intended scope of the Act. In the course of the opinion for the court, the learned Chief Justice opined, as a probable reason for the legislative policy of excluding bridges from taxation, that 'It might have been thought impolitic to damp that spirit of enterprise, which might lead to the construction of bridges over all our rivers; an object of vast importance to the state, and not to be accomplished without great cost and hazard' and then further volunteered that '. . . the companies by which they were erected, stood in need of encouragement. Not only was the cost very great but the hazard also.' Apart from impliedly recognizing

³⁸ *Board of Home Missions and Church Extension of the Methodist Episcopal Church v. Philadelphia*, 266 Pa. 405 (1920).

³⁹ *Art Club of Philadelphia Appeal*, 327 Pa. 106 (1937).

⁴⁰ *Hawk Mountain Sanctuary Association v. Board for Assessment*, 188 Pa. Superior Ct. 54 (1958).

⁴¹ *Art Club of Philadelphia Appeal*, 327 Pa. 106 (1937); Real property owned by one charity that shares use and occupancy with another charity is exempt; 1933, May 22, P. L. 853, §204 (i) and 1943, May 21, P. L. 571, §202 (a) (9).

⁴² *Mercantile Library Company v. Taylor*, 161 Pa. 155 (1894); *Barnes Foundation v. Keely*, 314 Pa. 112 (1934); *Northampton County v. Lafayette College*, 128 Pa. 132 (1889).

⁴³ 1933, May 22, P. L. 853, §204 (h); 1943, May 21, P. L. 571, §202 (a) (8).

⁴⁴ *Appeal of American Legion Home Association*, 97 P. L. J. 478 (1949).

⁴⁵ *Commonwealth v. Dauphin County*, 335 Pa. 177 (1939).

that policy-making is the province of the legislature, nowhere did the court assume to assert judicial power to exempt property from taxation.

"Subsequent cases extended the exclusory legislative intent perceived in the *Schuykill Bridge Co.* case, *supra*, to other forms of property corporately owned and operated and ascribed additional reasons for the legislature's adjudicated failure to subject property of quasi-public bodies to local taxation by general statutes: see, e.g., *Lehigh Coal & Navigation Co. v. Northampton County*, 8 W. & S. 334, and *Conoy Township v. York Haven Electric Power Plant Co.*, 222 Pa. 319, 71 A. 207 [footnote omitted]. In the *Conoy* case it was said that ' . . . it is settled in this state that the words "real estate" in our taxing statutes do not include lands or appurtenances essential and necessary to the exercise of the franchise of a public corporation.' Thus, the freedom of property of public utilities from local taxation was made to rest on the restricted legal meaning of the term 'real estate', as judicially determined, when employed in a tax statute. No question of the legislature's power to subject such property to local taxation by the use of words appropriate and efficient for the purpose was involved in any of the cases where such exemption from taxes has been claimed and allowed.

"Nor does the exemption derive alone from the restricted meaning in a tax statute of the term 'real estate' in relation to the property of a public utility, as suggested in the *Conoy* case, *supra*. It is also necessary that a claimant of such exemption qualify in all respects as a quasi-public body performing a service essential to the public welfare. . . .

"The sole question, then, is whether the plaintiff corporation is a quasi-public body performing an essential public service. . . .

"In holding that the plaintiff corporation is not liable for local property taxes, we are not extending the category of exemptibles. We decide no more than that a quasi-public body engaged in the performance of an essentially necessary public service, such as the present appellee, has not been brought by the legislature within the scope of the statutes authorizing local taxation of property." (at pp. 36-40, 42)

The only statutory enactments delimiting the exclusion of public service corporation property from taxation are the acts passed in 1858⁴⁶ applicable to Philadelphia and 1859⁴⁷ applicable to Pittsburgh. The former provides:

" . . . the offices, depots, car houses and *other real property* [Emphasis supplied] of railroad corporations situated in said city, the superstructures of the road and water stations only excepted, are and hereafter shall be subject to taxation by ordinances for city purposes."⁴⁸

The court in *Philadelphia v. Electric Traction Company*⁴⁹ interpreted this statute consistent with the reasoning reviewed in *Longvue Corporation, supra*. In other words, the court held that railroad operating properties located in Philadelphia and not specifically enumerated in the statute are excluded from taxation.

The 1859 act does not enumerate any specific property but merely provides:

"That *all real estate* [Emphasis supplied] situated in . . . [Pittsburgh], owned or possessed by any railroad company, shall be and is hereby made subject to taxation for city purposes the same as other real estate in said city."⁵⁰

In construing this statute the court in *Pennsylvania Railroad v. Pittsburgh*⁵¹ stated:

" . . . It speaks so clearly that it cannot be misunderstood . . . The lawmakers are presumed to have known that this property was then exempt from taxation . . . Unless the intention of the Act was to bring this property within the taxing power of the city, this section has no meaning . . ." (at p. 541).

Hence, railroad operating properties located in Pittsburgh are subject to local taxation while those located in Philadelphia are excluded.

In conclusion, it would appear that there are but three classes of property that may not be subjected to taxation by the General Assembly: certain property excluded by

⁴⁶ 1858, April 21, P. L. 385.

⁴⁷ 1859, January 4, P. L. 828.

⁴⁸ 1858, April 21, P. L. 385, §1.

⁴⁹ 208 Pa. 157 (1904).

⁵⁰ 1859, January 4, P. L. 828, §3.

⁵¹ 104 Pa. 522 (1884).

virtue of contractual obligations, Federally-owned property, and residences of certain disabled veterans.

However, the exemption currently enjoyed by certain classes of property by virtue of statutory enactments permitted by the Constitution may be modified or removed by appropriate legislative action. Finally, the General Assembly could subject to taxation Commonwealth and public service corporation properties.

The Relative Importance of Real Property Not Subject to Taxation

Existing law requires only that tax-exempt property and property excluded from taxation be listed except in Philadelphia and in third class cities where a "value" must also be shown.⁵²

On the basis of existing records, it is not possible to ascertain the value of either the total or any major class of real property not subject to local taxation. In the absence of a statutory requirement that tax exempt property in all local jurisdictions be assessed in the same manner as taxable property, local assessing officials follow a wide variety of practices. In some jurisdictions nontaxable property is not recorded; in others it is listed but not valued. Again, in some, it is assessed at a nominal

⁵² 1st Class Counties, 1939, June 27, P. L. 1199, §9; 2d Class Counties, 1939, June 21, P. L. 626, §4 (a); 3d Class Counties, 1931, June 26, P. L. 1379, §6 (a), amended, 1961, Sept. 19, P. L. 1509; 4th to 8th Class Counties, 1943, May 21, P. L. 271, §601, amended 1952, Jan. 18, P. L. 2138; 3d Class Cities, 1931, June 23, P. L. 932, reenacted and amended 1951, June 28, P. L. 662, §2504, also amended 1951, Aug. 17, P. L. 1262; General County Assessment Law, 1933, May 22, P. L. 853, §405.

amount. The unreliability of recorded valuations of property not subjected to taxation is clearly indicated in a 1957 survey of the State Tax Equalization Board.⁵³ The board noted that the assessed valuation of \$31,885,154 of Commonwealth-owned property in Warren County exceeded the total assessed valuation of Commonwealth-owned property in Allegheny County (\$30,373,689) and in Philadelphia (\$21,939,400). Commenting on these facts the board explained that:

“ . . . This relatively large amount of Commonwealth-owned assessments in Warren County was due to the particular policy of assessing the Warren State Mental Hospital and not to more physical Commonwealth-owned property located in Warren County.

“For example, the Warren State Mental Hospital has a rated capacity of 2,589 patients and is assessed at \$31,441,000. On the other hand, Allegheny County has 4 state mental hospitals with a combined rated capacity of 6,013 patients and a combined assessed valuation of \$13,708,000. The Philadelphia State Mental Hospital with a rated capacity of 5,661 patients had an assessed valuation of \$9,707,000. The Allegheny and Philadelphia County hospitals referred to above also had more land acreage than the Warren State Hospital.”⁵⁴

⁵³ State Tax Equalization Board, *Tax Exempt Real Property: 1957 County Assessed Valuations*, May 1958.

⁵⁴ *Ibid.*, p. 14.

PUBLIC EMPLOYMENT

COMMONWEALTH CIVIL SERVICE

TASK FORCE

House Members

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Senate Members

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CLARENCE D. BELL

BENJAMIN R. DONOLOW
THOMAS P. MCCREESH

Pursuant to House Resolution No. 25, Session of 1961, the Joint State Government Commission reviewed (1) the development of civil service in the United States, and (2) the establishment of civil service practices and procedures in Pennsylvania by legislative enactment and executive order. In April 1961, the Joint State Government Commission submitted a preliminary report to the General Assembly entitled *Civil Service: History and Contemporary Practices*.

The Task Force on Commonwealth Civil Service, appointed October 13, 1961, surveyed developments in the civil service area subsequent to the submission of the Commission's report.

In connection with civil service in the states, it is customary to differentiate between "general" and "partial" coverage. Under the former, all positions except those specifically exempted, (e.g., policymakers, their aides and unskilled labor) are covered. Under the latter, only specifically enumerated classes of employes, job positions, or agencies are covered. Since the Federal Government requires that state employes administering Federal grants have civil service status, all states cover some employes.

Coverage confined to state employes administering Federal programs is commonly designated as "grant-in-aid" coverage.

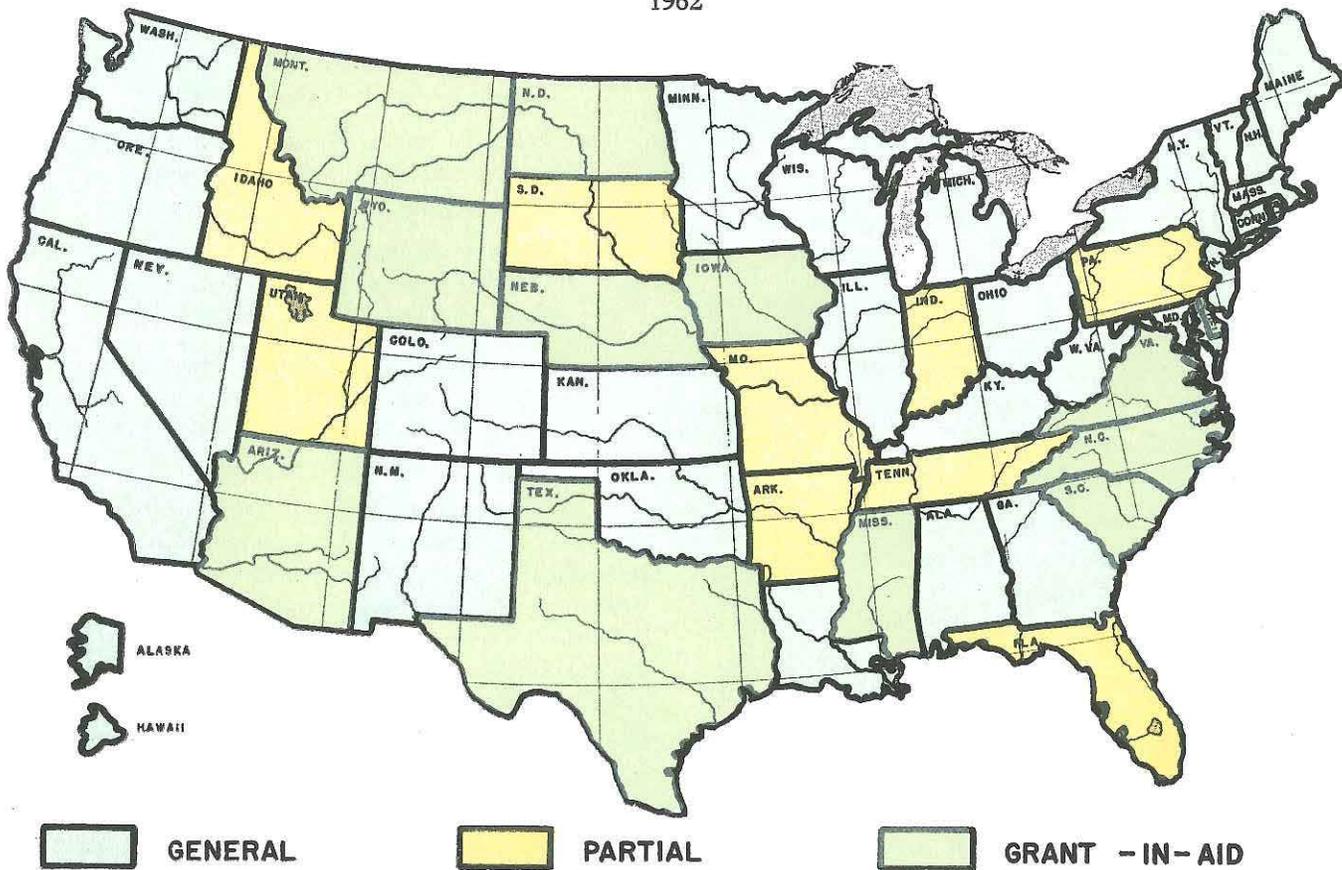
The contemporary situation with respect to civil service coverage in the states is presented on Map VII.

Examination of Map VI shows that currently 29 states have state-wide "general" coverage, 9 states (including Pennsylvania) have "partial" coverage, and 12 states have "grant-in-aid" coverage.

Generally, the percentage of covered state employes varies with the type of coverage that obtains in a given state. Currently, less than 40 percent of Pennsylvania state employes are covered by civil service. The percentages in representative industrial states are: New York 98, Ohio 76, Michigan 98, New Jersey 88, and Illinois 71. As of October 1, 1962, of the 27,095 Pennsylvania employes covered by civil service, only one-half were covered under the Civil Service Act,¹ whereas in the other states referred to all coverage is provided by statute.

¹ 1941, August 5, P. L. 752, as amended.

MAP VI
CIVIL SERVICE IN THE STATES BY TYPE OF COVERAGE
1962



SOURCE: Council of State Governments, *The Book of the States*, 1962-1963, pp. 178-181, and correspondence with The Public Personnel Association.

On November 22, 1961, at a meeting of the Task Force on Commonwealth Civil Service, the Executive Director of the State Civil Service Commission testified that the provisions of House Bill No. 1639, Printer's No. 2053 (1961 Session), were regarded by the Civil Service Commission "... as a possible answer to the problem ... posed by House Resolution 25 ..." which provides in part that the Joint State Government Commission "... examine present Commonwealth civil service practices and develop a unified, simplified and equitable system of civil service for Commonwealth departments, agencies and offices; ..." House Bill No. 1639,² which was not reported from the House Committee on Rules, would have amended the Civil Service Act to:

1. Extend the substantive provisions of that act to positions:
 - a. which were placed under "executive civil service" by Executive Board action;³
 - b. in the Board of Parole⁴ and the Department of Health,⁵ now covered by provisions of other statutes;
 - c. required by the United States government to be under a merit system in order to qualify for Federal funds;

³ Executive Board Resolution, September 10, 1956, as amended and supplemented.

⁴ 1941, August 6, P. L. 861, §§13, 14.

⁵ The Administrative Code of 1929, §2111 (c), added 1951, August 24, P. L. 1340.

² House Bill No. 1639, Printer's No. 2053, introduced on May 23, 1961.

2. Authorize:
 - a. the waiver of residence and citizenship requirements;
 - b. the requirement of specific educational attainments;
 - c. appointment at a rate of compensation higher than the prescribed minimum rate;
3. Repeal the authority of the Governor to suspend or remove any employe, including civil service employes;
4. Add as an additional examination technique, an evaluation of experience and education, commonly called an "unassembled examination";
5. Extend the maximum period during which a provisional appointee may be legally employed from 90 to 180 days;
6. Change the provision requiring the director to certify three names to the appointing authority by varying the number of names to be certified in accordance with the position to be filled.

Proposals 2 and 3 above constitute a reversal of policies embodied in the Civil Service Act; proposals 4, 5 and 6 are in the nature of modifications or supplementations of existing provisions of the act.⁶

In 1961, the General Assembly enacted the Department of Highways' Career System Act⁷ which created an independent career system for 13 specified "professional" positions⁸ in the Department of Highways, and provided for a Highway Professional Board consisting of the Secretary of Highways and four members appointed by the Governor to administer the system.

A review of the experiences of other states which have unified civil service systems, particularly states which have recently adopted comprehensive personnel codes, suggests that unification of civil service in Pennsylvania is not likely to be attained unless decisions are made regarding the following alternatives:

⁶ For an analysis of the current civil service practices and procedures, see *Civil Service: History and Contemporary Practices*, Preliminary Report of Joint State Government Commission (1961) pp. 20 *et seq.*

⁷ 1961, September 20, P. L. 1568.

⁸ Engineers, geologists, chemists, planning specialists, statisticians, economists, geodesists, photogrammetrists, architects, landscape architects, cartographers, draftsmen, and surveyors: 1961, September 20, P. L. 1568, §3 (2).

1. Shall the extent of civil service coverage and exemption be determined by executive order or legislative enactment?
2. If civil service coverage is enacted by legislative action, shall the statute provide the detailed specifications for day-to-day administration?
3. Shall civil service be administered by an independent commission or by a personnel department under the jurisdiction of Governor?
4. Regardless of where administrative responsibility is lodged, shall provision be made for a separate advisory and quasi-judicial review board?
5. Shall the agencies concerned with the operation of the civil service system be financed by means of legislative appropriations or departmental allocations?

As regards determination of the extent of coverage and exemption by executive order or legislative enactment in Pennsylvania, it should be noted that executive civil service was challenged before the Commonwealth Court in *Coyle v. Smith*, 79 Dauph. 27 (1962), as an unconstitutional delegation by the General Assembly of its law-making powers. Though the court did not decide the case on constitutional grounds, its reservations were indicated in its opinion when it observed:

" . . . it is not necessary in the instant proceeding to determine whether the Civil Service Act of 1941 was or *could* be incorporated in its entirety in the Agreement of March 22, 1957, or whether, if it were to be so included, the plaintiffs were exempt, nevertheless, from its provisions because the Legislature has not seen fit to amend the Act to include [them]. . . ." (Emphasis supplied.)

If the constitutional challenge were to be successful in the courts or if the validity of executive civil service were to be challenged by the Federal authorities, the Commonwealth would jeopardize receipt of the Federal funds administered by State employes presently under executive rather than legislative civil service. For the fiscal period ending June 30, 1962, more than \$15 million of Federal money was administered by State employes not presently covered by the Civil Service Act.

⁹ *Coyle v. Smith*, *supra*, at 36. This agreement was entered into pursuant to the Executive Board Resolution of September 10, 1956, which established executive civil service.

VETERANS' LAWS

TASK FORCE

House Members

MICHAEL J. NEEDHAM, *Chairman*
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EUGENE M. FULMER
WILLIAM LIMPER

ARTHUR J. MAY
ROBERT S. OGILVIE
BAKER ROYER
BARNET SAKULSKY
RONALD L. THOMPSON
JOHN T. WALSH

Senate Members

CLARENCE D. BELL, *Vice Chairman*
BENJAMIN R. DONOLOW

PAUL W. MAHADY
SAMUEL B. WOLFE*

* Deceased

House Resolution No. 90, Session of 1961, provides that:

"In order to assure that the current laws reflect the continuing interest and gratitude of the citizens of the Commonwealth to those who served their State and Nation when called upon to do so in the past it is essential that the entire area of veterans' laws be examined and studied in order to ascertain which laws should be retained or modified and which should be repealed as duplications . . ."

and directs that the Joint State Government Commission ". . . study the various laws of the Commonwealth affecting veterans."

The task force:

1. Reviewed the compilation of *Pennsylvania Laws Affecting War Veterans* (1956, with Supplement 1957) and directed that the Legislative Reference Bureau complete the compilation by including the enactments of the 1959 and 1961 Sessions of the General Assembly.

2. Reviewed a report of a subcommittee of the House Appropriations Committee concerning the Pennsylvania Soldiers' and Sailors' Home at Erie and considered the function of the home in the light of the need for such services to veterans of the Commonwealth.

3. Conferred with representatives of the Pennsylvania Joint Veterans' Council and various veterans' organizations to ascertain their views as to veterans' laws which should be repealed, retained or modified and suggested new legislation. Recommendations made to the task force will be submitted to the General Assembly.

In the light of the limited national emergency declared by the President of the United States on July 26, 1961, the relevant Pennsylvania statutes were reviewed to determine whether the employment, reemployment and retirement rights of public employees are adequately protected, and the task force concluded that these laws are in need of clarification.

RETIREMENT

TASK FORCE

House Members

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ADAM T. BOWER
W. MACK GUTHRIE
FRANCES R. JONES
WALTER T. KAMYK
RUSSEL C. KEISER

MARGARETTE S. KOOKER
PAUL M. LAWSON
MARTIN C. MIHM
MARTIN P. MULLEN
HERMAN B. WILLAREDT
NORMAN WOOD

Senate Members

GEORGE N. WADE, *Vice Chairman*
HUGH J. McMENAMIN

JOSEPH D. RIPP
PAUL L. WAGNER

In accordance with House Resolution No. 59, Session of 1961, the task force reviewed:

1. Magnitude of changes in public employment by local subdivisions, exclusive of school districts;
2. Assignment of the proceeds of the yield of the specified insurance taxes to local associations for retirement and disability benefits on behalf of police and firemen;
3. Characteristics of local retirement systems.

In addition, the task force inquired into the feasibility of ascertaining the actuarial soundness of these local retirement systems. It is estimated that actuarial evaluation of local pension systems would cost at least \$65,000; this estimate must be regarded as minimal because it is made on the assumption that all municipalities will furnish the actuary with comprehensive basic data.

Public Employment by Local Subdivisions

According to the Census of Governments, in 1957 Pennsylvania's local subdivisions employed approximately

97,000 persons.¹ Approximately 78 percent had local retirement coverage, social security coverage, or both. Specifically, 50,900 had local retirement coverage only, 12,500 had social security coverage only, 12,400 had both. However, of the 75,000 full-time employees, 94 percent had retirement coverage.

The United States Department of Health, Education and Welfare reported that as of October 1961, Pennsylvania local subdivisions, exclusive of school districts, employed approximately 103,000 persons.² Of this total, 69,800 were covered by social security; 38,100 had other retirement coverage in addition to social security.

Comparison of the 1957 and 1961 reports indicates that social security coverage over the period under review increased from 25,000 to 69,800.

¹ U. S. Department of Commerce, Bureau of the Census, *1957 Census of Governments*.

² U. S. Department of Health, Education and Welfare, *State and Local Government Employment Covered by OASDI*, (April 1962).

Commonwealth Assignment of Insurance Tax Proceeds to Police and Firemen Pension Funds

Of the total employed by local subdivisions, 18,000 were policemen and 7,000 were regularly employed in fire protection. For purposes of coverage analysis, it is useful to distinguish between police and firemen and all other local employes because (1) under existing Federal statutes, Pennsylvania police and firemen who are covered by a public retirement system are not eligible for social security coverage, and (2) it has been the traditional policy of the Commonwealth to assign the yields of the taxes on premiums of fire insurance companies and foreign casualty companies to political subdivisions for the payment of pension, retirement or disability benefits to firemen and policemen, respectively.

Firemen Pension Funds

The statute provides that the net proceeds collected from the tax on foreign fire insurance premiums are to be allocated among municipalities on the basis of the ratio of volume of insurance written in a political subdivision to total volume of fire insurance written in the Commonwealth.

In addition, the statute specifically provides that the moneys shall be paid into the "... relief fund association of, or the pension fund covering the employes of the fire department, or of such fire company, or fire companies, paid or volunteer, ..."³

In the recent past, about \$3 million per year from the foreign fire insurance premiums tax has been distributed to municipalities. The Secretary of Internal Affairs in 1961 reported that there were approximately 7,000 regular full-time and part-time paid firemen and 92,000 "active" volunteer firemen.⁴ In other words, the annual State allocation amounted to approximately \$30 per fireman.

Police Pension Funds

The statute provides that the net yield of the tax on premiums of foreign casualty insurance companies shall be distributed to the respective retirement funds of State

and municipal police.⁵ Total 1961 calendar year proceeds in the amount of \$6,691,182 were allocated in 1962 as follows: \$882,411 or 13.2 percent to the State Police and \$5,808,771 or 86.8 percent to police employed by political subdivisions.

Specifically, the statute provides that the share allocated to the State Police shall be credited to the State Employees' Retirement Fund. The moneys allocated to the counties and municipalities shall be "... paid, or credited, to the pension or retirement fund, or the premium on the pension annuity contract, as the case may be, to provide pension retirement or disability benefits for the policemen of such municipality ..."⁶

In the recent past, about \$5.5 million per year from the foreign casualty insurance premiums tax has been made available for State and local police benefits. The Secretary of Internal Affairs in 1961, reported that State and local governments in Pennsylvania employed 15,365 full-time "regular" policemen.⁷ In other words, the average annual State allocation amounted to approximately \$360 per full-time "regular" police officer.⁸

Characteristics of Local Retirement Systems

Commonwealth statutes authorize the establishment of retirement systems or the purchase of group insurance contracts by all political subdivisions. The statutes make it mandatory upon cities of the first and second classes and counties of the second, fifth and sixth classes to establish retirement systems. Other jurisdictions, may or may not establish retirement systems, inasmuch as the pertinent statutes are permissive.

The basic characteristics of retirement systems for municipal employes, other than those specifically relating to police and firemen, are shown in Table 12.

³ 1895, June 28, P. L. 408, §2, as amended, 1949, May 26, P. L. 1825 §1.

⁴ *Ibid.*

⁵ Pennsylvania Department of Internal Affairs, *Pennsylvania Statistical Abstract*, (1961).

⁶ As regards disposition of moneys in relief, pension or disability funds, the courts have held the moneys may not be distributed among individual members but must be segregated in a fund for the purpose of paying relief, pension, or disability benefits. *Hanover Township Police Pension and Benefit Fund Association Case*, 396 Pa. 313 (1959).

⁷ 1895, June 28, P. L. 408, §2, as amended, 1949, May 26, P. L. 1825 §1.

⁸ Pennsylvania Department of Internal Affairs, *Pennsylvania Statistical Abstract*, (1961).

Table 12
BASIC CHARACTERISTICS OF RETIREMENT SYSTEMS FOR MUNICIPAL EMPLOYEES

Type of Municipality ¹	Administrative Body	Mandatory Establishment	Mandatory Membership	Contribution Rates		Superannuation Retirement Age	Basic Superannuation Retirement Benefits ²	Basic Disability Benefits
				Employer	Employee			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Cities 1st Class Home Rule Charter Ordinance, No. 907, December 8, 1956, as amended	Director of Finance Managing Director City Controller City Solicitor Personnel Director Four Employees	Yes	Yes	Annual appropriation on actuarial basis	8% or 5%	60 or 65	1/65 times average final compensation times years of service; 1/70 times average final compensation times years of service	Ordinary disability benefit; paid after 10 years service; 1/100 times final average compensation times years of service; not less than 25% of final compensation.
Cities 2nd Class 1915, May 28, P. L. 596, as amended	Mayor City Controller President of City Council Two Employees	Yes	Yes	Annual appropriation sufficient to maintain pensions due under act	2% to 5%, not to exceed \$22.50 per month	60 and 20 years of service	Varies between \$180 and \$247.50 per month, plus additional service increments	Ordinary disability benefit; paid after 15 years service; same benefit as retirement allowances. Service-connected disability; contributions repaid and annuity of 70% final compensation; no service requirement.
Cities 2nd Class A 1959, September 23, P. L. 970, as amended	President of City Council City Treasurer One Employee	No	Yes	Annual and periodical appropriations on actuarial basis	Such percent of salary as will buy 1/120 of final salary for each year of service at superannuation retirement age	60	Member's annuity = actuarial equivalent of accumulated deductions City annuity = 1/120 of final salary times years of service	Ordinary disability benefit; paid after 5 years service; annuity equal to 1/120 of final salary times years of service and additional annuity equal to 25% of final salary including member's contributions.
Cities 3rd Class 1931, June 23, P. L. 932, as amended	Mayor City Controller Superintendent of Finance Two Employees	No	Yes	Annual appropriation on actuarial basis	2% of monthly compensation or 3 1/2% on first \$4,800 if under social security agreement; 5% on excess over \$4,800	60 and 20 years of service	50% average final salary last 5 years	Ordinary disability benefit; paid after 20 years service; same benefit as retirement allowance.
Optional Law 1945, May 23, P. L. 903, as amended	Mayor City Controller Director of Finance Two Employees	No	Yes	Annual appropriation not to exceed one-half mill on assessed valuation for city purposes	3% of monthly compensation or 3 1/2% on first \$4,800; 5% on excess over \$4,800 if under social security agreement	60 and 20 years of service	50% average final salary last 5 years	Ordinary disability benefit; paid after 15 years service; same benefit as retirement allowance.
Boroughs 1927, May 4, P. L. 519, as amended, Sections 1104.1, 1202, Clause XXX, 1301.1	Borough Council	No		One-half mill on assessed value for general tax purposes	None specified	60 and 10 years of service	Annuity contract not to exceed 50% last compensation	Not specified.
Counties: 2nd Class 1953, July 28, P. L. 723, as amended	County Commissioners County Treasurer County Controller Two Employees	Yes	Yes	Annual appropriation equal to employee's contribution	5% of compensation not to exceed \$25 per month	60, and 20 years of service	50% of average monthly compensation for last 2 years on compensation up to \$500 per month; plus service increments; plus specified increases	Ordinary disability benefit; paid after 15 years service; same benefit as retirement allowance.

Type of Municipality ¹	Administrative Body	Mandatory Establishment	Mandatory Membership	Contribution Rates		Superannuation Retirement Age	Basic Superannuation Retirement Benefits ²	Basic Disability Benefits
				Employer	Employee			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Counties: 3rd Class 1937, June 4, P. L. 1625, as amended	County Commissioners County Controller County Treasurer	No	Yes	Appropriations sufficient to meet obligations of next fiscal year	Percent sufficient to buy 1/120 final salary; or 1/80 final salary for each year of service	60	Member's annuity = actuarial equivalent of accumulated deductions County annuity = 1/120 times final salary times years of service; or 1/80 times final salary times years of service	Ordinary disability benefit; paid after 5 years service; retirement allowance consisting of a county annuity of 25% of final salary which includes member's annuity.
Counties: 4th Class 1941, July 8, P. L. 293, as amended	County Commissioners County Controller County Treasurer	No	Yes	Appropriations sufficient to meet obligations of next fiscal year	Percent sufficient to buy 1/120 average salary; or 1/80 average salary for each year of service	60	Member's annuity = actuarial equivalent of accumulated deductions County annuity = 1/120 times average salary times years of service; 1/80 times average salary times years of service; not to exceed 50% average salary	Ordinary disability benefit; paid after 5 years service; county annuity equal to 25% of average salary and actuarial equivalent of member's contributions.
Counties: 5th and 6th Class 7th and 8th Class 1941, August 5, P. L. 803, as amended	County Commissioners County Controller County Treasurer	Yes No	Yes Yes	Appropriations for next fiscal year obligations	Percent sufficient to buy member's annuity of 1/120 final salary; or 1/80 final salary at superannuation retirement age	60	Member's annuity = actuarial equivalent of accumulated deductions County annuity = 1/120 times years of service times final salary; or 1/100 times years of service times final salary	Ordinary disability benefit; paid after 5 years service; retirement allowance consisting of a county annuity of 25% of final salary which includes member's annuity.
Townships: 1st Class 1931, June 24, P. L. 1706, as amended	Township Commissioners	Not specified	Not specified	One-half mill on assessed valuation for general township purposes	Not specified	Not specified	Annuity contract	Not specified
Townships: 2nd Class 1933, May 1, P. L. 103, as amended, Section 702, Clause XIII	Township Supervisors	Not specified	Not specified	Appropriation	Not specified	Not specified	Annuity contract	Not specified
Municipal Employees' Retirement System 1943, June 4, P. L. 886, as amended	Secretary of State State Treasurer Three Appointees of Governor	No	Yes	Annual appropriation on actuarial basis	Percent of salary sufficient to purchase annuity of 1/250 of final salary up to \$4,800 and annuity of 1/125 of final salary in excess of \$4,800 for each year of service	65	Member's annuity = actuarial equivalent of accumulated deductions Municipal annuity = 1/125 of final salary for each year of service	Ordinary disability benefit; paid after 10 years service; member's annuity and municipal annuity and disability annuity which equal 30% of final salary. Service connected disability; no service requirements; member's annuity and municipal annuity and disability annuity which equal 50% of final salary.

¹ Does not include municipal authorities.

² Basic benefits may be reduced where employees are covered by social security agreement.

Examination of the table indicates that existing enabling legislation provides for great diversity with respect to eligibility requirements and employe and employer contribution rates. For example, with respect to retirement eligibility (column (7)), 20 years of service are required in third class cities; the statute does not specify any service requirements for third class counties. Again, with respect to age requirements, some statutes do not mandatorily require the establishment of a minimum retirement age (e.g., townships). Diversity of employe contributions is equally pronounced—for boroughs and townships no minima or maxima are specified; the minima and maxima for cities and counties of the second class are enumerated in the statute.

The Municipal Employes' Retirement System

In 1943 the General Assembly authorized the establishment of the Municipal Employes' Retirement System with a view of facilitating a measure of uniformity with respect to eligibility requirements, benefits and contributions for all municipal employes. The act specified that the system was not to become operative until municipalities having a collective total of at least 250 employes eligible for membership had applied. The Municipal Employes' Retirement System became operative on October 17, 1961. As of January 1, 1962, the system had 28 member municipalities, covering 522 employes.

On July 1, 1962, ten additional municipalities became members, bringing the total number of covered employes

to 816. The five largest municipalities (Jefferson, Indiana and Green Counties, Middletown Borough and the City of Sharon) account for 393 employes or 48 percent of the total. The remaining 33 municipalities have an average of 13 covered employes.

State Employes' Retirement System; Dual Coverage

The task force evaluated the survey contemplated by House Resolution No. 13, Session of 1961, which calls for a poll of the members of the State Employes' Retirement System with a view of ascertaining the approximate number of employes who would in the event of statutory authorization elect "dual coverage," that is, full coverage under both the Federal Social Security Act and the State Employes' Retirement System without offset to rates or benefits. Currently the offset to retirement benefits resulting from the election of social security coverage may be purchased by State employes at the time of retirement.⁹

In view of the passage of the Act of 1961, September 26, P.L. 1661 which authorizes group life insurance for State employes but which as yet has not been administratively implemented in the sense that such group life insurance is not purchasable by State employes, the task force concluded that it is inexpedient to attempt to ascertain employe preferences at this time, inasmuch as preferences are likely to be influenced by the availability of group life insurance.

⁹ 1961, August 28, P. L. 1144, amending the Act of 1959, June 1, P. L. 392, §§302, 403, 506.

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.

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

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:

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.

Joint State
Government
Commission.

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.

Joint State
Government
Commission.

Executive
Committee.
Chairman.

Powers of com-
mission.

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

Powers of
commission.

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

Studies and
investigations.

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.

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.

Meeting of
study
committees.

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.

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 traveling 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.

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