

public and private institutions, convalescent and nursing homes, schools, colleges, *school and college auditoriums and gymnasiums when used for public assemblages, airports, airport buildings, airplane hangars, dormitories, warehouses, garages, farm buildings [where they are used on a commercial basis], *except those used to store produce **prepared for market or sell farm products grown, raised or produced by the owner or tenant of the building*, and all other buildings specified by the department, not enumerated in Classes II, III, IV, and V, wherein persons are employed, housed or assembled, *except those farm buildings excluded herein*.

Class II Buildings.—Theatres and motion picture theatres.

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

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

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

APPROVED—The 24th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 491

AN ACT

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards

* "schools" in original.

** "prepare" in original.

and commissions shall be determined," further regulating the powers and duties of the Department of Public Welfare relating to public child welfare services, regulating payments to counties.

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

The Administrative Code of 1929.

Section 1. Section 2310, act of April 9, 1929, (P. L. 177), known as "The Administrative Code of 1929," amended July 13, 1957 (P. L. 852), is amended to read:

Section 2310, act of April 9, 1929, P. L. 177, amended July 13, 1957, P. L. 852, further amended.

Section 2310. Child Welfare.—The Department of Public Welfare shall have the power, and its duty shall be:

(a) [To investigate the residence of a child placed in Pennsylvania from unlicensed sources in another State, to return such child to the State of its legal residence, and to enter into appropriate contracts with such State relative thereto] *To assure within the Commonwealth the availability and equitable provision of adequate public child welfare services for all children who need them, regardless of religion, race, settlement, residence, or economic or social status;*

(b) [To exercise any other powers and perform any other duties with regard to the bringing into this Commonwealth dependent, delinquent or defective children, which may now or hereafter be authorized or imposed by law upon the department] *To make and enforce all rules and regulations necessary and appropriate to the proper accomplishment of the child welfare duties and functions vested by law in the county institution districts, or their successors. All rules and regulations which the department is authorized by this section to make with respect to the duties and functions of the county institution districts, or their successors, shall be binding upon them;*

(c) [To make and enforce such rules and regulations for the effective enforcement of this section as shall be deemed advisable and appropriate] *To consult with and assist each county institution district, or its successor, in carrying out child welfare duties and functions as authorized by law.*

Section 2. Section 2310.1 of the act, added December 21, 1959 (P. L. 1944), is amended to read:

Section 2310.1 of act, added December 21, 1959, P. L. 1944, amended.

Section 2310.1. Reimbursement to Counties for Child Welfare Program.—The Department of Public Welfare shall have the power to enter into agreements with county commissioners to reimburse them, from State and Federal funds, for part of the cost of child welfare programs, including the cost of salaries, the cost of care and treatment in foster homes and private institutions, and the cost of services designed to keep children in their

own homes. The amount of reimbursement to each county shall be calculated in accordance with a formula to be established by the department: *Provided, however, That no reimbursement shall be paid pursuant to this section on account of program costs arising subsequent to the commencement of the program of annual grants as provided in section 2310.2 of this act, but reimbursement shall be paid for program costs arising prior to the commencement of such annual grants.*

Act amended by adding three new sections 2310.2, 2310.3 and 2310.4.

Section 3. The act is amended by adding, after section 2310.1, three new sections to read:

Section 2310.2. Annual Plans and Grants.—The Department of Public Welfare shall have the power, and its duty shall be:

(a) *Beginning with the calendar year immediately following the year in which this act takes effect, to make annual grants to county institution districts, or their successors, to defray part of the cost of child welfare programs authorized by law and developed jointly with the department in an amount up to one-half of the total of all such approved expenditures for all county institution districts, or their successors;*

(b) *To prescribe the time at and the form on which county institution districts, or their successors, shall submit to the department annual plans for and annual estimates of the expenditures of the county institution districts, or their successors, for their child welfare programs;*

(c) *Upon approval of an annual plan and the estimated expenditures for a child welfare program, to compute an annual grant in accordance with a formula to be established by the department taking into account the relative need and the fiscal capability of the county institution district, or its successor;*

(d) *To pay the annual grant in four quarterly installments. The moneys received in any quarter may be used at any time during the year. The first installment shall be for the quarter beginning January 1 and ending March 31; the second installment shall be for the quarter beginning April 1 and ending June 30; the third installment shall be for the quarter beginning July 1 and ending September 30; and the fourth installment shall be for the quarter beginning October 1 and ending December 31. Each installment shall be paid only if it is approved by the department upon finding that the county institution district, or its successor, is complying with the regulations of the department prescribing minimum child welfare services, minimum standards of performance of child welfare services and minimum*

standards of child welfare personnel administration on a merit basis;

(e) In the event that sufficient State funds to pay the full amount of the grants to which county institution districts, or their successors, may be entitled under the provisions of this section have not been appropriated, to distribute State funds among the county institution districts, or their successors, by a formula reasonably designed to achieve the objectives of section 2310 of this act.

*Section 2310.3. Adjustment of Annual Grants.—The Department of Public Welfare shall have the power and its duty shall be to review the annual grant at the end of each calendar year and, if it was not warranted by the actual expenditures, *to adjust one or more installments of the next annual grant in order to recover the amount of such excess. If any installment of the next annual grant is not paid to the county institution district, or its successor, because of failure to comply with the requirements of section **2310.2 of this act, the department shall effect a refund of such excess.*

Section 2310.4. Administration of County Child Welfare Services.—On and after January 1, 1968, the Department of Public Welfare shall have the power, and its duty shall be:

(a) To provide, maintain, administer, manage and operate a program of child welfare services in a county institution district, or its successor, when the department determines, after hearing, that such county institution district, or its successor, is not complying with the regulations prescribing minimum child welfare services or minimum standards of performance of child welfare services or minimum standards of child welfare personnel administration on a merit basis and that, as a result, the needs of children and youth are not being adequately served.

When in pursuance of this section, the department takes charge of and directs the operation of the child welfare services of a county institution district, or its successor, the county shall be charged and shall pay the cost of such services, including reasonable expenditures incident to the administration thereof incurred by the department. The amount so charged and to be paid by the county shall be reduced by the amount of the grant that would have been payable under the provisions of section 2310.2 if the county institution district, or its successor, had maintained a child welfare program in compliance with the regulations of the department.

* "to" not in original.

** "2310.1" in original.

The amount due the Commonwealth may be deducted from any Commonwealth funds otherwise payable to the county. All sums collected from the county under this section, in whatever manner such collections are made, shall be paid into the State treasury and shall be credited to the current appropriation to the department for child welfare.

(b) To relinquish the administration of the child welfare program of the county institution district, or its successor, when the department is assured that the regulations of the department will be complied with thereafter and that the needs of children and youth will be adequately served.

APPROVED—The 24th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 492

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," requiring physicians and persons conducting, managing or in charge of hospitals and pharmacies to report to the police when persons with injuries inflicted in violation of the law come or are brought to them; imposing penalties for failure to make such reports; absolving persons who make such reports from civil or criminal liability; and eliminating the privilege against certain testimony.

The Penal Code.

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

Act of June 24,
1939, P. L. 872,
amended by add-
ing a new section
330.

Section 1. The act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended by adding, after section 329, a new section to read:

Section 330. (a) Failure to Report Injuries by Deadly Weapon or Criminal Act.—Any physician, including any licensed doctor of medicine, licensed osteopathic physician, intern or resident, or any person conducting, managing or in charge of any hospital or pharmacy, or in charge of any ward or part of a hospital, to whom shall come or be brought any person suffering from any wound or other injury inflicted by his own act or by the act of another by means of a knife, gun, pistol or other deadly weapon, or in any other case where injuries have been inflicted upon any person in violation of any penal law of this Commonwealth, shall report the same immediately, both by telephone and in writing, to the chief of police or other head of the police department of the city, borough, incorporated town or