

any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Superintendent of Public Instruction shall fix a reasonable charge for such district for the year in question. In addition, the district shall pay on account of transportation by the county board of pupils to and from classes and schools for handicapped children, whether or not conducted by the county board, an amount to be determined by subtracting from the cost of transportation per pupil the reimbursement due the district on account of such transportation. In order to facilitate such payments by the several school districts, the Superintendent of Public Instruction shall withhold from any moneys due to such district out of any State appropriation, except from reimbursement due on account of rentals as provided in section two thousand five hundred eleven point one of the act to which this is an amendment, the amounts due by such school districts to the Commonwealth. All amounts so withheld are hereby specifically appropriated to the Department of Public Instruction for the support of public schools.

APPROVED—The 9th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 493

AN ACT

Amending the act of June 12, 1951 (P. L. 533), entitled "An act relating to mental health, including mental illness, mental defect, epilepsy and inebriety; and amending, revising, consolidating and changing the laws relating thereto," providing that evidence of mental condition may be submitted by deposition or affidavit of a physician of any City-owned hospital or institution.

The Mental Health Act of 1951.

Section 811, act of June 12, 1951, P. L. 533, amended January 14, 1952, P. L. 2053, further amended.

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

Section 1. Section 811, act of June 12, 1951 (P. L. 533), known as "The Mental Health Act of 1951," amended January 14, 1952 (P. L. 2053), is amended to read:

Section 811. Statement of Officer or Physician of Institution as to Condition of Patient.—Whenever the superintendent or any physician of any State-owned mental hospital, or manager of a veterans' administration hospital, or physician at any municipally-owned hospital or institution, is required to appear and testify before any court or commission issued out of such court

in a civil proceeding relating to the mental condition of any patient in his charge *or under his care* in such hospital *or institution*, the deposition of or sworn statement by such superintendent, manager or physician may be admissible in evidence as to the condition of the patient in lieu of the appearance and testimony of the superintendent, manager or physician in court or before a commission, unless by special order the court directs and requires the appearance and testimony in person of such superintendent, manager, or physician.

Section 2. This act shall take effect immediately.

Act effective
immediately.

APPROVED—The 9th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 494

AN ACT

Defining and providing for the licensing of child day care homes and centers; conferring powers and imposing duties on the Department of Public Welfare.

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

Child Day Care
License Act.

Section 1. Short Title.—This act shall be known, and may be cited, as the “Child Day Care License Act.”

Section 2. Definitions.—As used in this act—

(1) “Day Care” means care in lieu of parental care given regularly at least five days a week for part of the twenty-four hour day between six o’clock antemeridian and nine o’clock postmeridian to children under sixteen years of age away from their own homes.

(2) “Family Day Care Home” means any premises in which day care is regularly provided to not more than six children unrelated to the operator at any one time.

(3) “Day Care Center” means any premises in which day care is regularly provided for seven or more children unrelated to the operator at any one time.

(4) “Department” means the Department of Public Welfare of the Commonwealth.

Section 3. Maintenance Without License Prohibited.—No person, copartnership, association or corporation, except social agencies supervised by the department, shall maintain, operate or conduct any family day care home or day care center for children without having a license therefor issued by the department.