

(2) In the case of joint high schools, five hundred dollars (\$500) per teaching unit multiplied by the standard reimbursement fraction of the district of residence.

(3) In the case of elementary schools operated by union or merged districts, eight hundred dollars (\$800) per teaching unit multiplied by the district's standard reimbursement fraction.

(4) In the case of high schools operated by union or merged districts, eight hundred dollars (\$800) per teaching unit multiplied by the district's standard reimbursement fraction.

In all cases, the supplemental payments specified in the foregoing shall be made only for organizations approved by the Department of Public Instruction.

Notwithstanding the foregoing provisions of this section, when, because of sparsity of population, road or climatic conditions, or lack of other available high school facilities, the State Council of Education has approved the continued operation of a small high school, the district shall receive an amount based on a number of teaching units equal to the number of teachers approved by the State Council of Education as being required to provide a satisfactory educational program in such school, provided that the number of teachers employed is not less than the number approved.

For no year shall any school district or vocational school district receive less than the minimum subsidy per teaching unit, *nor shall any school district of the first class A, during the school year 1953-1954 for the school year 1952-1953, or during the school year 1954-1955 for the school year 1953-1954, receive less than the amount received by any district of the first class.*

Act effective
immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 19th day of August, A. D. 1953.

JOHN S. FINE

No. 338

AN ACT

Providing for the study of the problems of alcoholism; the treatment, commitment, rehabilitation and protection of persons addicted to the excessive use of alcoholic beverages; conferring powers and imposing duties upon the courts and the Department of Health; and making an appropriation.

Alcoholics.

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

Section 1. Duty of the Department of Health.—The Department of Health is hereby authorized and required to establish a Division of Alcoholic Studies and Rehabilitation, hereinafter referred to as the "Division," to (1) study the problems of alcoholism, (2) treat and rehabilitate persons addicted to excessive use of alcoholic beverages, and (3) promote preventive and educational programs designed to eliminate alcoholism.

Section 2. Appointment of Director.—The Secretary of Health, with the approval of the Governor, shall appoint a Director of the Division, hereinafter referred to as the "Director." The Director shall be a duly licensed physician of the Commonwealth, and shall have knowledge of the problems of alcoholism, treatment and rehabilitation of persons addicted to the excessive use of alcoholic beverages, and the promotion of preventive and educational programs.

Section 3. Personnel.—The Director, with the approval of the Secretary of Health, shall appoint such superintendents, experts, professional, technical and skilled personnel, as may be required for the proper administration of the provisions of this act.

Section 4. Hospital and Clinical Facilities.—The Secretary of Health shall contract for or establish such hospital and clinical facilities as are necessary to care properly for persons addicted to the excessive use of alcoholic beverages, and shall establish standards for the administration and organization of these facilities.

Section 5. Commitment; Procedure.—Any person who, through the excessive use of alcoholic beverages, has become unable to care for himself, his family, or his property, or has become a burden on the public, may be admitted to the hospital or clinical facilities established or contracted for under section four of this act, as follows:

(a) Court commitment on voluntary application.

(1) Any person may apply to the Director for admission. The application shall be in writing, upon forms to be furnished by the Department of Health, and shall be signed by the applicant in the presence of at least one witness.

(2) The Director, upon receiving such application, shall examine the applicant. If he finds that the applicant is addicted to the excessive use of alcoholic beverages, and that he is in need of care and will benefit from such treatment, and that facilities are available to receive the applicant, he shall make a certification to that effect, and shall thereupon forward the application, together with his certification, to the court of common pleas of the county wherein the applicant is a resident.

(3) The court, upon receiving the application and certification, shall examine the same, and, in its discre-

tion, may hold a hearing, at which time the applicant shall be present. If it finds the application to be in order, and no reason exists to refuse it, the court shall forthwith order the commitment of the applicant.

(b) Court commitment in lieu of sentence.

(1) Any court of record of this Commonwealth exercising criminal jurisdiction, in lieu of the sentence now provided by law for any crime except murder, may commit any defendant who has pleaded guilty or nolo contendere, or who has been found guilty by a judge or jury of any such crime: Provided, however, That no such commitment shall be ordered unless (a) the court shall find, after an examination of the defendant by a doctor appointed by the court, that said defendant is addicted to the excessive use of alcoholic beverages, and that his commitment will not be injurious to the interests of society, and (b) the Director shall certify to the court, upon request, that facilities are available to receive such person.

(c) Court commitment upon petition.

(1) A petition to commit any person may be presented to the court of common pleas of the county in which such person is a resident or may be found, and notice thereof shall be given to the Director, who shall immediately certify to the court whether facilities are available to receive the person referred to in the petition in the event that the court should order his commitment.

(2) The petition may be made by the spouse, parent, child, legal guardian, the person having the legal custody or liability for his support, his next friend, or any other responsible person.

(3) Whenever a petition is presented, and upon receipt of the Director's certification that facilities are available, the court may immediately appoint a commission composed of three (3) persons, two (2) qualified physicians and one (1) attorney at law, who shall prepare and file all necessary notices, reports and other papers. Each member of the commission shall receive a fee consistent with the prevailing scale in the county, as determined by the court, for the time he is necessarily employed in the duty of his appointment.

(4) The commission shall hear such evidence as may be offered or as they may require relating to the person sought to be committed who is addicted to the excessive use of alcoholic beverages, as well as his or his counsel's statement. If such person shall refuse to submit to an examination before the commission, the court may issue a warrant to bring him before the commission for examination.

(5) The commission shall make a written report to the court, setting forth whether or not they find that such person is in fact addicted to the excessive use of alcoholic

beverages, and that he is in need of care and will benefit from such treatment, and the facts on which their conclusion is based.

(6) Upon receipt of the petition for the commitment of such person, or of the report of the commission if one has been appointed, the court may fix a day for a hearing, to be held at such place as the court directs. When the hearing is to be held, the court shall notify the parties in interest. The court may require the presence of the person sought to be committed and may exclude the public.

(7) If the court approves the report of the commission that the person in question is addicted to the excessive use of alcoholic beverages and that he is in need of care and will benefit from such treatment, the court shall make an order committing such person.

Section 6. Appointment of Guardian.—Whenever any person is committed in accordance with the provisions of section five of this act, the court may, at the time of ordering commitment, appoint a guardian of the estate of the person so committed, if it is necessary to protect the interests and estate of such person.

Section 7. Duration of Commitment.—Any person committed under any of the provisions of section five of this act shall thereby be subjected to treatment and confinement for a period of one (1) year: Provided, however, That he may be released sooner than one (1) year in accordance with the provisions of section eight of this act.

Section 8. Leaves of Absence; Discharges.—(a) The Director, in his discretion, may allow a leave of absence to any person whose condition is such as to warrant it, and upon such conditions as he may prescribe for the best interests of such person, including supervision by any nationally recognized scientific and service organizations whose purpose is to treat and rehabilitate persons addicted to the excessive use of alcoholic beverages: Provided, That the Director, upon learning of the violation of any such condition, may, in his discretion, request the committing court for a warrant to return the person to confinement.

(b) The Secretary of Health may, upon recommendation of the Director, order and compel the final discharge of any person committed under the provisions of section five of this act as cured, or no longer being in need of care, or as not amenable to treatment.

Section 9. Habeas Corpus.—Any person committed under the provisions of this act shall have the right at any time to secure his release, by writ of habeas corpus, if it appears to the court that such person is cured and not in need of further treatment.

Section 10. Costs.—The per diem rate for persons receiving care and treatment in the hospital and clinic provided for in this act shall be determined by rates established by the Secretary of Health, based on estimates and actual cost of operation: Provided, however, That no person shall be charged at a rate greater than the actual cost of care and treatment.

Liability for all cost of care of any person committed under the provisions of subsections (a) and (c) of section five of this act in any hospital or clinical facilities of the Division is hereby imposed, in the following order, against:

- (1) The person's real and personal property.
- (2) The persons liable for the patient's support.
- (3) The county in which he resides.

Liability for all cost of care of any person committed under the provisions of subsection (b) of section five of this act in any hospital or clinical facilities of the Division is hereby imposed, in the following order, against:

- (1) The county in which such patient was convicted of crime.
- (2) Such patient's real and personal property.
- (3) The persons liable for such patient's support.
- (4) Any county paying any costs may recover the same from the patient's estate or the persons liable for his support.

Section 11. Court Order for Payment of Costs.—(a) In ordering the commitment of any person pursuant to the provisions of section five of this act, the court, at the time of commitment, shall make an order for the payment of the costs of care of the patient. The court shall take into consideration the ability to pay of the patient or the persons liable for his support, and shall have the power or duty to modify or revise the order from time to time on cause shown.

(b) Every order shall be entered in the prothonotary's office and shall have the effect of a judgment.

Section 12. Collection of Costs.—All money due the Commonwealth from the estate of a person committed, or the persons liable for his support, or the county in which he resides, for his care in any hospital or clinical facilities operated by the Division shall be collected by the Department of Revenue, as collection agency for the Division, and shall be promptly transmitted by the Department of Revenue to the State Treasurer.

Section 13. Acceptance of Gifts, Etc.—The Secretary of Health may accept, on behalf of the Division, grants, gifts, donations, bequests, or devises of money, personal or real property which is unencumbered, or any interest therein, which, or the income of which, shall be used in carrying out the provisions of this act.

Section 14. The sum of five hundred thousand dollars (**Appropriation.** \$500,000) is hereby appropriated to carry out the provisions of this act.

APPROVED—The 20th day of August, A. D. 1953.

JOHN S. FINE

No. 339

AN ACT

Providing for payments by the Commonwealth to municipalities which have expended money to acquire and construct sewage treatment plants in accordance with the Clean Streams Program and the act, approved the twenty-second day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1987), and making an appropriation.

Whereas, The Commonwealth of Pennsylvania under the Act of Assembly approved the twenty-second day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1987), has required certain municipalities of this Commonwealth to construct sewage treatment plants to abate the pollution of the waters of the Commonwealth and thereby preserve and improve the purity of such waters in the interest of the public health; and,

Whereas, these municipalities have in the past and will in the future expend large sums of money to acquire and construct sewage treatment plants in accordance with the Clean Streams Program and the aforesaid Act of Assembly, which sewage treatment facilities benefit not only the local municipality but are a benefit to all of the citizens of the Commonwealth of Pennsylvania; and,

Whereas, the responsibility to preserve and improve the purity of the waters of the Commonwealth does not rest solely upon municipal government but is also a function and responsibility of State government acting in the interest of the general public health, the Commonwealth of Pennsylvania, in consideration of the benefits resulting from the acquisition and construction, both in the past and in the future, of sewage treatment plants by municipalities. *

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

Section 1. Commencing on the first day of July, one thousand nine hundred fifty-four, and annually thereafter, the Commonwealth shall pay toward the cost of operating, maintaining, repairing, replacing and other expenses relating to sewage treatment plants, an amount not to exceed two per centum (2%) of the costs

Sewage treatment plants.

Commonwealth to make payments to municipalities which have expended money to acquire and construct such plants to control stream pollution.

* "by" deleted from original.