

## No. 43.

## AN ACT

Authorizing any city of the third class to acquire by purchase all the facilities, improvements, and franchises of any water corporation operating partly within and partly without the limits of the said city, and, having obtained the same, to supply water to persons, corporations, and municipalities both within the limits of the city and the territory before served by the water corporation without the city; requiring that, before so doing, the approval of the Public Service Commission be had of the action of the selling company, and of the municipal purchase, and of the rendering of this service by the municipality; and regulating the procedure for obtaining this approval; permitting the city to classify the service outside of the city as different from the service within the city as to rates and otherwise, and subjecting the service by the city beyond its limits to the same regulation and control by the Public Service Commission as to rates, service, and otherwise as though in the territory thus served beyond the limits of the city the serving was by a water corporation; and providing that higher rates or different regulations for the district outside of the city limits shall not be held to be unjustly discriminatory for the sole reason that they are different from those in force in the city.

Cities of third class.

Authorized to purchase water works partly within and partly without.

Approved by Public Service Commission.

Section 1. Be it enacted, &c., That any city of the third class owning, operating, or controlling a system of water works for the supplying of water to persons, partnerships, and corporations residing therein, and for fire protection, whether the title to the said water works be in the name of commissioners of water works or in the city itself or otherwise, shall have the right, and it is hereby authorized and empowered to acquire all the water works, including water pipes, mains, service attachments, fire hydrants, and improvements of any water corporation or private individual operating partly within and partly without the limits of the said city, both so much as is included within the limits of the said city and so much as is without the limits of the said city, serving the territory adjacent thereto, and to acquire and exercise all of the franchises and powers of said prior owner both within and without the city limits. No such municipal acquisition shall be valid until, upon application filed by the city and formally joined in by the proposed vendor water company, the Public Service Commission of the Commonwealth of Pennsylvania shall have found and determined, after public hearing, that the granting of such application and the service contemplated by the city is necessary or proper for the service, accommodation, and convenience of the public. In any such proceeding the entire matter shall be before the Commission, and no further specific approvals of the said Commission, which might otherwise be required, shall be necessary.

Section 2. That the service of any such city of the third class in the territory outside of the limits of the city acting hereunder shall be subject to regulation and control by the Public Service Commission as to character of service, extensions, and rates, with the same force and in like manner as though the city serving in such territory were in fact a water corporation, and, with respect to such territory outside of the limits of the city, shall have all the powers and be subject to all the duties of a water corporation.

Service outside city limits subject to regulation by Public Service Commission.

Section 3. Inasmuch as the city may be serving its inhabitants at less than the actual cost of service, including capital charges and depreciation, because the plant may have been or may be built and operated in part out of the funds raised by municipal taxation, no rate, classification, rule, regulation, or practice, put in operation by the city in the portion of its territory supplied, located beyond the city limits shall be considered as unjustly discriminatory solely by reason of the fact that a different rate, classification, rule, regulation, or practice is in operation within the boundaries of the municipality with respect to a similar service rendered.

Rates.

APPROVED—The 23d day of March, A. D. 1925.

GIFFORD PINCHOT.

No. 44.

### AN ACT

Authorizing and regulating the establishment and operation by counties of hospitals for the treatment of persons afflicted with tuberculosis; providing for the acquisition of property for such hospitals by the power of eminent domain; the incurring of indebtedness and the levying of taxes; the appointment of an advisory board; authorizing counties to pay for patients cared for in hospitals of other counties; authorizing counties to receive gifts or trust funds for the erection and maintenance of such hospitals; validating proceedings, elections, and erections under existing laws repealed by this act, and all indebtedness incurred in connection therewith.

Section 1. Be it enacted, &c., That whenever one hundred or more citizens, residents of a county, petition the county commissioners for the establishment of a county hospital for the treatment of persons afflicted with tuberculosis, the county commissioners shall, at the next general or municipal election, submit to the voters of the county the question whether or not the county shall establish such a hospital. Such question shall be printed at the foot of the ballot, and shall be in the form provided by the general laws for the submission of such question. The vote on such question shall be counted, returned, and computed in

Petition to county commissioners, for county hospital for tuberculosis.

Question to be submitted to voters.