

commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," prescribing an alternative method for fixing the rates of certain common carriers.

Public Utility  
Law.

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

Section 311, act  
of May 28, 1937,  
P. L. 1053,  
amended.

Section 1. Section 311 of the act of May 28, 1937 (P. L. 1053), known as the "Public Utility Law," is amended to read:

Section 311. Valuation of Property of a Public Utility.—The commission may, after reasonable notice and hearing, ascertain and fix the fair value of the whole or any part of the property of any public utility, in so far as the same is material to the exercise of the jurisdiction of the commission, and may make revaluations from time to time and ascertain the fair value of all new construction, extensions, and additions to the property of any public utility. When any public utility furnishes more than one of the different types of utility service enumerated in paragraph seventeen of section two of this act, the commission shall segregate the property used and useful in furnishing each type of such service, and shall not consider the property of such public utility as a unit in determining the value of the property of such public utility for the purpose of fixing rates. *In fixing any rate of a public utility engaged exclusively in common carriage of passengers by motor vehicles, the commission may, in lieu of other standards established by law, fix the fair return by relating the fair and reasonable operating expenses, depreciation, taxes and other costs of furnishing service to carrier operating revenues.*

Effective date.

Section 2. This act shall take effect in ninety days.

APPROVED—The 1st day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 238

AN ACT

Amending the act of April 19, 1945 (P. L. 272), entitled "An act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin," transferring the functions of the Interstate Commission on the Delaware River, providing for the disposition of its unexpended funds and properties, and providing for the continuance of certain employees under the Pennsylvania State Retirement System.

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

Delaware River Basin (New York, New Jersey, Pennsylvania and Delaware).

Section 1. Section 1, act of April 19, 1945 (P. L. 272), entitled "An act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin," is amended to read:

Section 1, act of April 19, 1945, P. L. 272, amended.

Section 1. That part of the area of the Delaware River Basin lying within this state is hereby established and declared to be a component part of an interstate region for the intergovernmental cooperation by said states in the conservation, protection and development of the water resources thereof by means of integrated plans, and [said Interstate Commission on the Delaware River Basin] *the Delaware River Basin Commission* is hereby recognized as the duly established regional commission, or agency, of this state for intergovernmental cooperation [in effectuating the purposes described in paragraph (2) of the above preamble, with full and complete authority to exercise for the accomplishment of said purposes, the governmental machinery, powers and duties conferred by this state upon said Commission (or Committee) on Interstate Cooperation].

Area of Delaware River Basin lying in Pennsylvania declared part of interstate cooperation.

Delaware River Basin Commission successor to Interstate Commission on the Delaware River Basin.

Section 2. The functions and powers of the Interstate Commission on the Delaware River are hereby transferred from that Commission to the Delaware River Basin Commission, an Interstate Commission, established by the act of July 7, 1961 (P. L. 518), and any and all reference to the Interstate Commission on the Delaware River Basin shall be construed to mean the Delaware River Basin Commission.

Functions and powers transferred.

Section 3. Any and all interests in the funds and properties of the Interstate Commission on the Delaware River Basin which are or may be in the possession or control of the Commonwealth of Pennsylvania or in which the Commonwealth of Pennsylvania may have an equity or to which the Commonwealth of Pennsylvania may have title are hereby transferred to the Delaware River Basin Commission with power in said Commission to hold, use and dispose of any and all such interests in accordance with the compact under which said Commission functions.

Interests transferred.

Section 4. Pending the dissolution of the Interstate Commission on the Delaware River Basin, said Commission may transfer any interest of the Commonwealth of Pennsylvania in funds or property in its possession to the Delaware River Basin Commission which latter Commission may hold, use and dispose of pursuant to the provisions of the compact under which it functions.

Pending dissolution transfer may be made of Pennsylvania interests.

Program to continue.

Section 5. The dissolution of the Interstate Commission on the Delaware River Basin and the transfer of its funds and properties, or any portion thereof, shall not be construed as a disavowal of any activity or program of said Commission nor as a direction for the discontinuance of any such program or activity. Henceforth, the Delaware River Basin Commission, subject to the provisions of the Delaware River Basin Compact, shall have full power and authority to continue any activity or program hitherto carried on by the Interstate Commission on the Delaware River Basin.

Employees of former commission, in State Employees' Retirement System, who continue to work in new commission retain State employees' retirement rights.

Section 6. Any employees of the Interstate Commission on the Delaware River Basin, who have been included in the Pennsylvania Retirement System for at least ten years prior to January 1, 1963, and who are or shall be employed by the Delaware River Basin Commission, shall be continued under the Pennsylvania State Retirement System and such employees shall be deemed to be State employees within the meaning of the act of June 27, 1923 (P. L. 858), section 1, as amended, from the time of their employment by the Delaware River Basin Commission.

Specific repeal.

Section 7. The act of May 21, 1943 (P. L. 422), entitled "An act to promote interstate cooperation for the use, conservation, protection and equitable diversion of the water resources in the Delaware River Basin, between and among the States of Pennsylvania, New York and New Jersey, for the purpose of meeting prospective needs for domestic and municipal water supply; regulating and limiting the use of the waters of the Delaware River and its tributaries; and prescribing rules and standards requiring permits from, and providing for hearings by the Water and Power Resources Board, and for appeals from its decision; vesting power in the Water and Power Resources Board to vary or modify the rules and standards under certain conditions; and to adopt rules and regulations; and further defining its powers and duties; requiring notice to the States of New York and New Jersey of all applications for water diversion; providing for the filing of stipulations by the Attorney General with the United States Supreme Court, and obtaining its approval of water diversions," is repealed.

Effective immediately.

Section 8. The provisions of this act shall become effective immediately upon enactment.

APPROVED—The 1st day of August, A. D. 1963.

WILLIAM W. SCRANTON