

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the erection and maintenance of such hospitals; validating proceedings, elections, and erections under existing laws repealed by this act, and all indebtedness incurred in connection therewith.

**Compiler's Note:** Section 1051 of Act 447 of 1929 provided that sections 1 through 11 are repealed except as to first class counties.

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 the manner prescribed by the general election laws of the Commonwealth.

Section 2. If a majority of the electors voting upon such question at such election shall vote in favor of the establishment of such a hospital, the county commissioners shall acquire a site for such hospital either by purchase or condemnation; in case such site shall be acquired by condemnation, the procedure for the assessment of damages for the property taken shall be the same as is now provided by law for the acquisition of land under the power of eminent domain by any school district for school purposes; the power to acquire such a site for a hospital by eminent domain is hereby vested in the county,--the same being exercised through the county commissioners to the same extent and in the same manner that the power of eminent domain is exercised through school directors in the acquisition of property for school purposes.

Section 3. If a majority of the electors voting upon such question at such election shall be in favor of the establishment of a hospital, the court of common pleas of the county shall immediately appoint an advisory board of five members, all of whom shall be electors of the county and one of whom be a licensed physician. The members of said board shall be appointed, one for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year, or until their successors are appointed and have qualified. All appointments at the expiration of any term shall be for a term of five years.

The board shall meet monthly and at such other times as it may be deemed necessary. The board shall visit and inspect and keep in close touch with the management and operation of said

hospital, and shall from time to time make such recommendations and suggestions to the county commissioners for changes or improvements in said management and operation as may be deemed advisable. It shall also make an annual report to the county commissioners concerning the management and operation of said hospital.

The county commissioners shall, at the expense of the county, provide a meeting place for said board and furnish all supplies and materials necessary to carry on its work.

The members of the board shall not receive any compensation for their services, but shall be allowed all actual and necessary expenses incurred in the discharge of their duties, which shall be paid by the county.

Section 4. If a majority of the electors voting upon such question at such election shall be in favor of the establishment of the hospital, the county commissioners shall, after consultation with the advisory board, select a site for such hospital, and shall have plans and specifications prepared for such hospital, but no such hospital shall be erected until such plans and specifications and the site therefor have been first approved by the Secretary of Health and the county controller, if there be a controller in said county.

Section 5. Any such hospital shall be constructed by contract or contracts let by the county commissioners to the lowest responsible and best bidder, after due advertisement in at least three newspapers, one of which shall be published in the county once a week for four consecutive weeks; and when so constructed the hospital shall be equipped by the county commissioners, at the cost of the county, in the same manner, if there be a controller in said county.

Section 6. The county commissioners may, after consultation with the advisory board, employ a superintendent and such physicians, nurses, and other employes as may be necessary to properly conduct and manage such hospital, and shall fix their compensation, except in counties having a salary board, where such compensation shall be fixed by the salary board, which shall consist of the county commissioners and the county controller. All such salaries shall be paid from the county treasury in the usual manner.

Section 7. The county commissioners shall have power, after consulting with the advisory board, to make general rules and regulations for the management of the hospital, and shall have power to do all acts deemed necessary to promote the usefulness of the hospital in the prevention of tuberculosis.

Section 8. Every hospital established under the provisions of this act shall be used for the benefit of all inhabitants afflicted with tuberculosis, resident within the county in which the hospital is located, and all such persons shall be entitled to occupancy, nursing, care, treatment, and maintenance, according to the rules and regulations prescribed by the county commissioners. The county commissioners may exclude from the use of the hospital any person who wilfully violates any rule or regulation adopted for the hospital by said county commissioners. The county commissioners may charge and collect, from persons admitted to the hospital, or persons legally responsible for their maintenance, reasonable compensation for the care, treatment, and maintenance of such persons; but free treatment shall be given to all such persons who are, after reasonable investigation, found to be unable to pay.

Section 9. The county commissioners may admit patients to said hospital who are resident within any other county of the Commonwealth, provided such other county agrees to reimburse

the county in which the hospital is located for all charges in connection with the admission, maintenance, care, and treatment of such patients. Authority is hereby conferred upon all counties in the State to pay to any other county in which such hospital is located reasonable charges for patients cared for by said hospital, resident in the county paying such charges. All money received from the care and maintenance of patients, or from gifts or donations, shall be paid into the county treasury, and shall be used only for the maintenance of such hospitals. County commissioners are authorized and empowered to receive contributions, donations, property, and trust funds for the erection and maintenance of hospitals, as provided in this act.

Section 10. The advisory board herein provided for shall, by December thirty-first of each year, furnish to the county commissioners and the county controller, if any, a schedule of expenses deemed necessary for the maintenance and operation of the hospital for the ensuing year, and the county commissioners shall, after considering the schedule submitted by the advisory board, annually make appropriations deemed by them sufficient to properly manage and operate said hospital. The county commissioners shall levy a special tax sufficient to produce the moneys appropriated to said hospital, which tax shall be collected in the same manner as other county taxes and shall be paid into the county treasury. All payments from the county treasury shall be made by warrant of the county commissioners, countersigned by the county controller, if any, in the usual manner.

Section 11. The county commissioners of every county establishing a hospital as provided for in this act may incur or increase the indebtedness of the county, in the manner now provided by law, to an amount sufficient to pay the cost of acquiring a site and of erecting, constructing, and equipping the said hospital, by issuing coupon bonds at a rate of interest not exceeding six per centum and payable within thirty years from the date of issue. The county commissioners shall levy an annual tax in an amount necessary to pay interest and sinking fund charges upon such bonds.

Section 12. All proceedings heretofore had or instituted, all elections heretofore held, all purchases of land, all proceedings for the acquisition of land by the right of eminent domain, all moneys expended, and all bonds or other securities issued under the provisions of the act, approved the twentieth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, nine hundred and forty-four), entitled "An act authorizing the establishment by counties of hospitals for the treatment of persons afflicted with tuberculosis; providing for the management and maintenance thereof; and authorizing the incurring of indebtedness and the levy of taxes therefor," and its amendments and supplements, by any county or by any board of trustees in behalf of any county, are hereby ratified, confirmed, validated, and made legal, and in any county where any such hospital has been or is now being erected, or where proceedings have been instituted under the provisions of said act, such proceedings and hospital may be completed, and the said hospital may thereafter be managed and operated in accordance with the provisions of this act.

Section 13. The provisions of this act are severable, and if any of its provisions are held unconstitutional, the decision shall not affect the remaining provisions of this act. It is hereby declared as a legislative intent that this law would

have been enacted had such unconstitutional provisions not been included therein.