

has been duly and satisfactorily accounted for.] *The moneys so appropriated shall be used and expended solely and exclusively for the support and maintenance, discipline and training, of the said company, battalion, regiment or similar organization, and the commanding officer shall account, by the proper vouchers to the said county each year, for the expenditure of the money so appropriated, and no appropriation shall be made for any subsequent year, until the expenditure of the previous year is duly and satisfactorily accounted for.*

*The accounts of such expenditures shall be subject to the inspection of the Department of Military Affairs, and shall be audited by the Auditor General in the manner provided by law for the audit of accounts of State moneys.*

APPROVED—The 10th day of March, A. D. 1937.

GEORGE H. EARLE

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No. 18

AN ACT

To reenact and amend the title and the act, approved the seventh day of August, one thousand nine hundred thirty-six (Pamphlet Laws, one hundred six), entitled "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, the Department of Highways and the Department of Property and Supplies," by changing the powers and duties of the Water and Power Resources Board in certain cases, the time for appeals from official plans, the setting off of benefits, the power of eminent domain, and certain riparian rights; and authorizing municipalities, counties and townships to increase or incur indebtedness for the purposes of this act.

Section 1. Be it enacted, &c., That the title and all the sections of the act, approved the seventh day of August, one thousand nine hundred thirty-six (Pamphlet Laws, one hundred six), entitled "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public

Title and entire act, approved August 7, 1936 (P. L. 106), re-enacted and amended.

and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, the Department of Highways and the Department of Property and Supplies," are hereby re-enacted and amended to read as follows:

#### AN ACT

Relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; *providing for the setting off of benefits*; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, *and* the Department of Highways. [and the Department of Property and Supplies]

Flood control.  
Definitions.

Be it enacted, &c., That

Section 1. Definitions.—The word "board," as used in this act, means the Water and Power Resources Board of the Department of Forests and Waters.

The [phrase] *word "fund," as used in this act, means the "Flood Control Fund"* [means the fund] provided for in [section eighteen of] this act.

The word "person," as used in this act, shall include individuals, associations, partnerships, and corporations.

The word "plans," as used in this act, shall mean plans, maps, profiles, estimates of costs, descriptions of property to be taken, damaged or destroyed, and other data and descriptions prepared by the Water and Power Resources Board to establish the area and boundaries of a proposed flood control district, to locate adequate proposed flood control works, to determine the cost of the erection and construction of the same, and to determine property to be taken, damaged or destroyed by the construction of such works; and shall also be construed to include similar plans prepared by any agency of the Federal Government which, before adoption in this Commonwealth, shall have been incorporated into and made a part of any State official plan.

The word "municipality," as used in this act, shall include counties, cities, boroughs, incorporated towns, and townships.

Section 2. Surveys and [Preliminary] Plans.—The Water and Power Resources Board shall have power on its own motion, or upon the petition of at least three municipalities, or upon the petition of at least three hundred persons, who are freeholders, in any drainage area, to make appropriate surveys and to prepare suitable [preliminary] plans for any proposed flood control district in such drainage area, or any part thereof, in order to control, store, preserve, and regulate the flow of rivers and streams and diminish or eliminate floods inimical to the public health and safety and destructive to public and private property and works. [and for no other use or purpose]

Board to make surveys and plans.

[Section 3. Notice and Public Hearing; Objections.—When such surveys and preliminary plans have been completed, the board shall give notice in at least two newspapers in each county, wholly or partially within such proposed flood control district, if so many are published therein, once a week for two consecutive weeks, which notice shall state the place where such preliminary plans may be inspected and the time and place when and where such preliminary plans may be discussed at a public hearing before the board and written objections thereto filed by any person or municipality.

When surveys and plans completed, board shall give notice.

The board shall have such preliminary plans printed and furnish copies thereof to persons interested upon request made.]

Board to have plans printed.

Section 4. [Detailed] Official Plans; Notice.—[When such hearing or hearings on the preliminary plans have been completed, the board shall proceed to consider all objections filed to the preliminary plans and shall affirm, revise, modify or change said plans as in its judgment is deemed just and proper, and shall then prepare detailed official plans for the proposed flood control district. The board shall give public notice of the adoption of such official plan in the same newspapers, and by the same number of insertions as hereinbefore provided for the preliminary plans. Such official plans shall be printed and distributed in the same manner as the preliminary plans, and the board shall also give notice to all persons, whose property may be taken, damaged or destroyed in the completion of such plan, by registered mail to the last known post office address of the owner or reputed owner of the property.] *When the board has completed suitable plans, it shall adopt them as official plans and give public notice of such adoption in at least two newspapers in each county, wholly or partially within such flood control district, if so many are published therein, once a week for two consecutive*

When plans completed and adopted, board to give notice.

*weeks, which notice shall state that the official plans are on file in the office of the board. The board shall also give notice to all persons, whose property may be taken, damaged or destroyed in the completion of such plans, by registered mail to the last known post office address of the owner or reputed owner of the property.*

Section 5. [Appeals; Procedure.—Any person or municipality aggrieved by the action of the board in the adoption of the official plans shall have a right to appeal from the action of the board to the Superior Court at any time within sixty days after the date of the last publication of the notice of the adoption of the official plans and not thereafter. Such appeal shall be by petition against the board officially as defendant, filed with the Superior Court, alleging therein in brief detail the action complained of and praying for a modification or reversal thereof. Such petition shall specify the petitioners' objections to the action of the board and no objection not so specified shall be considered by the court.

A copy of such appeal shall be filed with the board on the same day it is filed with the Superior Court. Thereupon the board shall file with the Superior Court at least ten copies of the official plans. The board shall, not later than fifteen days after the filing of the appeal petition, file with the Superior Court an answer thereto and send a copy thereof by registered mail to the person filing the appeal petition or his counsel of record. The answer shall deny or admit the allegations in the petition and the grounds for its action.

The Superior Court shall fix a time and place of hearing, of which due notice shall be given to the appellant and his counsel and to the board in such manner as the Superior Court shall prescribe.

After hearing, the Superior Court on its own independent judgment shall make such order affirming the official plans of the board or modifying or changing the same as to it appears just and proper for the purpose of flood control only.

The Superior Court shall have power to consolidate any and all appeals taken from the action of the board and hear them in the same proceeding.

Within thirty days after the entry of any final judgment, order or decree of the aforesaid Superior Court, any party to the record aggrieved thereby may appeal therefrom to the Supreme Court if the jurisdiction of the Superior Court is in issue, or if the case involves the construction or application of the Constitution of the United States or of any statute or treaty of the United States, or if the case involves the construction or application of the Constitution of Pennsylvania, or if the appeal to the Supreme Court be specially allowed

by the Superior Court itself or by any one Justice of the Supreme Court. Such appeals shall be taken and prosecuted in the same manner and with the same effect as is provided in other cases of appeal from the Superior Court to the Supreme Court.] *Proceedings Against Board; Hearings; Appeals.*—*Any action in equity to restrain the board from proceeding with the official plans for any flood control district and the establishment of such district by any party aggrieved thereby, shall be heard forthwith by the court in which such proceedings may be instituted, and any appeal or appeals shall be heard by the Supreme Court in any district in which it may be in session, as is provided in cases of appeals from special or preliminary injunctions.*

Bills in equity to restrain board, appeal to Supreme Court.

Section 6. When Official Plans Effective.—[Official plans shall become effective for a flood control district and the district shall be deemed established when the period for appeal has expired if no appeal has been taken, or if an appeal has been taken, then when all appeals have been finally adjudicated.] *Official plans shall become effective for a flood control district, and the district shall be deemed established when the board shall have completed suitable plans and adopted them as official plans and given the notice of such adoption provided for in section three of this act.*

Time when plan becomes effective.

The board may proceed with the exercise of the powers granted by this act whenever an official plan has become effective, [provided the General Assembly shall have made a specific appropriation to the Flood Control Fund, if necessary, for the execution of all or a part of such plan] but no contract shall be let, agreement executed, or condemnation proceeding begun requiring expenditures exceeding the amount of moneys in [said] *the fund.*

Section 7. General Powers of Board; Payment of Taxes by Commonwealth.—In order to carry into effect the official plans for any flood control district, the board shall have power to clean out, widen, alter, deepen or change the course, current or channel of any river or stream; to fill up any abandoned canal or water course; to construct and maintain levees, dikes, walls, revetments, dams, lakes, reservoirs, and other works and improvements deemed necessary to prevent floods and to control, preserve, and regulate the flow of rivers and streams; to construct or enlarge bridges and viaducts; to construct, relocate, and elevate public highways; to construct any of said works and improvements across, through or over any public highway, canal, railroad, right of way, or track; to remove or change the location of any fence, building, railroad, canal, or other improvement; to acquire by donation, lease, purchase or condemnation, and own or hold, in the name of the

Board to have power to carry into effect plans for any flood control district.

Commonwealth, real and personal property and easements and the public works erected and constructed under the authority of this act. [Provided, however, That nothing contained in this act shall be construed to authorize the construction, maintenance or operation of any facilities, works or improvements for the generation of any electric power or the development of water power.]

Whenever any lands [easements, rights of way] or other property is acquired by the board *to be used for reservoir* purposes, the board for the assessment and revision of taxes or the county commissioners of the county wherein the same is located, shall, immediately after such acquisition, certify to the Auditor General the assessed valuation of such lands [easements, rights of way] and other property at the time of such acquisition. After such acquisition, the taxing authority of each political subdivision within which such lands [easements, rights of way] or other property is located, shall, from year to year, at the time of their annual levy of taxes, certify to the Auditor General the rate of their respective levies for the next year. Thereupon the Auditor General shall ascertain the amount of taxes which would have been collected upon the assessed valuation certified as hereinbefore provided, at the respective rates of the levies so certified. Upon the ascertainment of such amounts, the same shall be paid by the Commonwealth to the several political subdivisions, from time to time, from the General Fund.

Taxing authorities to certify levies to Auditor General.

Auditor General to compute taxes.

Taxes to be paid by the Commonwealth.

Board authorized to accept Federal money for flood control.

Section 8. Board Designated as Agency to Receive Federal Moneys.—The board is authorized to receive on behalf of the Commonwealth of Pennsylvania any and all Federal moneys, grants, contributions, gratuities, and loans available or hereafter made available by the government of the United States, or any of its agencies or instrumentalities, for State flood control works and improvements under such rules and regulations, not inconsistent with the provisions of this act, as may be prescribed by law of the Congress of the United States, or any Federal agency or instrumentality; and to pay the same over to the State Treasurer, through the Department of Revenue as custodian. All such moneys shall be paid into the [Flood Control Fund] *fund* created by this act.

Board empowered to act for Commonwealth to aid in any Federal flood control plan.

Section 9. Powers and Duties in Connection with Federal Works and Improvements.—In addition to the powers hereinbefore granted, the board is hereby empowered and directed, for and in behalf of the Commonwealth and its subdivisions, to aid, assist, and cooperate in the carrying out of any Federal flood control program or plans, and for such purposes shall have all of the powers conferred and shall be subject to all

the limitations imposed by this act, including the approval of plans as provided in this act, with respect to the State-created flood control districts and the execution of the official plans for such districts, and all other powers consistent therewith, necessary or required, in order to enable the Commonwealth to participate in and receive the benefits of any Federal flood control program or plans in this Commonwealth, subject to all the limitations imposed by this act. It shall have power among others, to enter into and execute any and all contracts and agreements with agencies of the Federal Government, and to do and perform all acts necessary in connection therewith, and to assist and cooperate in [the construction, erection] *constructing, erecting, financing, maintaining, using, and operating* any Federal public flood control works and improvements, and to enter into and execute such contracts as may be deemed necessary and convenient to the exercise of the powers, rights, privileges, and functions conferred by this act. It shall have power to obligate the Commonwealth to pay a portion of the cost of such Federal flood control works and improvements, not, however, exceeding amounts of money available for such purposes.

Board has power to enter into agreements with Federal Government.

The board is authorized and directed to conform and comply with all rules, regulations, and requirements of the Federal Government and its agencies and instrumentalities, subject to the limitations imposed by this act.

Section 10. Contracts and Acquisition of Property.— All work of any character whatever performed under the authority of this act in connection with any State public flood control works and improvements, involving an expenditure of more than one thousand dollars, shall be performed under written contract let by the board to the lowest responsible bidder after due advertisement as prescribed by the board.

Contracts for over \$1,000 to be in writing and awarded to lowest responsible bidder.

[All purchases of personal property shall be made by the Department of Property and Supplies, as agent for the board, in accordance with the provisions of The Administrative Code of one thousand nine hundred twenty-nine, its amendments and supplements.

All leases and purchases of real property and easements shall be made by the Department of Property and Supplies, as agent for the board, and shall be limited to the acquisition at not more than a fair rental or fair market value, as the case may be.]

*The board may sell, lease, and otherwise dispose of land, buildings, or other property, acquired under the provisions of this act, not needed for reservoir or flood control purposes, subject to the approval of the Governor. The moneys received through such sale, lease or other disposition shall accrue to the fund.*

Board may sell, lease, etc., land, buildings, etc., with approval of Governor.

Board has power to acquire property.

Section 11. Power of Eminent Domain.—The board shall have power to acquire any property, easements, rights of way, and water course [except property, easements, rights of way, or water courses devoted to or acquired for public or quasi-public purposes] deemed necessary for the construction of any of its public works or improvements provided for in this act [and for no other purpose] by the right of eminent domain, and shall have power to enter upon, injure or destroy any such property deemed necessary for such purposes. The proceedings for the condemnation of property and for the assessment of damages for property taken, injured or destroyed shall be in accordance with the act, approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred seventy-six), entitled “An act to authorize the Board of Commissioners of Public Grounds and Buildings to acquire property for the Commonwealth by proceedings in eminent domain, where the purchase of such property has either been authorized by law or determined by the Board of Commissioners of Public Grounds and Buildings under existing laws, and an appropriation made therefor,” and its amendments and supplements, except that the board may take possession of the property [on the confirmation of the viewers’ report only after moneys sufficient to compensate therefor are available in the Flood Control Fund and the board has paid or tendered payment of the amount awarded by the Board of View, or in case the board believes the amount awarded by the Board of View to be excessive, then the amount to be tendered shall be the amount which the board believes to be just and proper: Provided, The property owner may accept the amount awarded by the Board of View or the amount tendered by the board, if less than that awarded by the Board of View, without prejudice to his right to prosecute an appeal therefrom for any excess that he may claim] upon tendering the value of the property taken as determined by the board’s appraisers: *Provided, That any property owner, who believes the amount tendered insufficient to fully compensate him, may accept the same under protest and without prejudice to his right to apply for the appointment of a Board of View to assess the damages claimed: And provided further, That if the award of the Board of View is not greater than the amount previously tendered and accepted, then all costs of the proceeding shall be imposed on such claimant. If the award is greater than the amount tendered and paid by the board, the claimant shall be entitled to costs, and the board shall pay, in addition thereto, the difference between the amount awarded and tendered.*

Board may take possession of property upon tendering value of property taken.

Proviso.

Proviso.



*Nothing herein contained, however, shall deprive either the board or the claimant from appealing from or filing exceptions to the report of the Board of View, but upon trial of any appeal, if the party appealing does not obtain a verdict more favorable than was the report of the Board of View, he shall not recover costs. [Upon the trial of any appeal, if the party appealing does not obtain a verdict more favorable than was the report of the viewers, he shall not recover costs: Provided, That where the board shall make a tender of less than the amount awarded by the Board of View, such tender shall not be construed to preclude the board from appealing from or filing exceptions to the report of viewers.]*

Right of appeal preserved.

The board shall have like powers of eminent domain as hereinbefore granted in this section and in accordance with the same procedure provided by this section, to acquire property, easements, rights of way, and water courses [except property, easements, rights of way or water courses devoted to or acquired for public or quasi-public purposes] deemed necessary by the board to enable the Federal Government, or any of its agencies or instrumentalities, to erect and construct suitable public flood control works and improvements in this Commonwealth, in the construction and erection of which the board has been authorized by this act to aid, assist, and cooperate. [and for no other purpose]

Eminent domain.

The board shall have the power to authorize the Federal Government, or any of its instrumentalities or agencies, to acquire outside the Commonwealth such property, easements, rights of way, and water courses as are deemed necessary for the construction of any public works or improvements provided for in this act, and to order the payment therefor out of the [Flood Control Fund] *fund* to the Federal Government, or its instrumentality or agency, not, however, exceeding amounts of money available in the [Flood Control Fund] *fund*. The board shall not agree to pay any tax on or rental for any such property, easements, rights of way or water courses, nor shall the Commonwealth be liable therefor without the consent of the General Assembly.

Board shall have power to authorize Federal Government to acquire property.

State not to be bound without consent of Legislature.

*In any case, where property necessary to be taken by eminent domain is owned by any person or municipality owning other property which will be benefited by the flood control improvement, the board shall have power to require the Board of View, appointed to assess damages against the property taken, to also assess benefits against the parts of the same property not taken, and such other property owned by the claimant benefited, to an amount not exceeding the damages claimed by the owner, and to set off the same against any dam-*

Method of assessing damages and benefits.

*ages which may be awarded for the property, or part thereof, taken.*

*In such case, the fact that the property claimed to be benefited was at any time previously damaged by a flood shall be conclusive evidence of the fact that benefits have accrued.*

United States not to be liable because of any contributions.

Section 12. United States Not to Be Liable; Federal Rules and Regulations.—All lands, rights in lands, rights of way, and water courses acquired under the authority of this act for State or Federal flood control works and improvements, shall be acquired without cost to the United States, and no moneys made available for flood control in this Commonwealth, by the United States, shall be used for such purposes unless in either event the Government of the United States, or any of its agencies or instrumentalities, shall first consent thereto, nor shall the Government of the United States be deemed liable for any damages, by reason of its contribution, arising in connection with the construction of any State or Federal public works or improvements. The Commonwealth hereby agrees that after such State public works and improvements are constructed where the Federal Government has contributed, the same will be operated and maintained in accordance with all rules and regulations prescribed by the Secretary of War of the United States, subject to all the limitations imposed by this act.

All public works to be operated according to Federal regulations.

Board shall have power to enter into agreements with municipalities.

Section 13. Contracts and Agreements with Municipalities and Persons.—The board shall have power to enter into contracts and other agreements with municipalities and persons for cooperation and assistance in constructing, financing, maintaining, using, and operating any State or Federal public flood control works or improvements, and to enter into and execute such contracts and agreements as may be necessary and convenient to the exercise of the powers, rights, privileges, and functions conferred by this act.

The Department of Highways may enter into agreements with board to relocate roads, streets, and bridges.

Section 14. Relocation of Roads, Streets, and Bridges.—The Department of Highways and municipalities may enter into agreements with the board to relocate roads, streets, bridges, and viaducts necessitated by the construction of any State or Federal flood control works and improvements; and may agree therein to construct new roads, streets, bridges, and viaducts, and pay the cost of the same, or any part thereof, from the Motor License Fund or municipal moneys without any charge or only part of the cost charged against the moneys in the [Flood Control Fund] *fund*. The board may consent in any such agreement to pay the whole or any part of the cost of constructing such relocated roads, streets, bridges, and viaducts from the moneys in the [Flood Control Fund] *fund*. Such re-

located roads, streets, bridges, and viaducts may be constructed by the Department of Highways or by contract let by said department, or the municipality or by the board as may be agreed upon.

Section 15. Acceptance of Completed Federal Works and Improvements.—The board shall have power to accept on behalf of the Commonwealth all Federal flood control works and improvements [constructed in accordance with the provisions of this act] after the same have been completed, and to agree with the Federal Government to maintain and operate such works and improvements for the primary purpose of flood control.

Board shall have power to accept all works on behalf of the Commonwealth.

Section 16. Water Power and Supply.—The rights of landowners, municipalities, and persons to the waters in a flood control district, or in waters affected by any State or Federal flood control works or improvements for domestic use, water supply, industrial purposes, water power or for any other lawful purposes shall [be affected or impaired only to the extent absolutely necessary for flood control] *extend only to such rights as are owned or possessed by them prior to the adoption of the official plans of such flood control works and improvements, and to such use as could be made of such waters if the public improvements and works herein authorized had not been made.* Whenever such public improvements and works make possible a greater, better or more convenient use of, or benefit from the waters in a flood control district, [as existed at the time of such public improvements or works] the right of such greater, better or more convenient use of or benefit from such waters shall be the property of the Commonwealth, saving the rights of the Federal Government as to navigation. Such rights may be leased, sold or assigned only as the Legislature may hereafter provide, but at all times the primary purpose of flood control shall be preserved. [but such rights shall not be used in competition with existing public or private business] All lands or property, or both, through or over which or bounding which are streams, the beds of which streams are the property of the owners of said lands, shall not be [disturbed in or] deprived of [the natural flow of water in said streams unless—(a) said lands or property, or both, are taken and used by the board for impounding waters, and compensation to the extent to which said lands or property, or both, are damaged thereby has been made under the provisions of this act; or (b) only a reasonable portion of the water in said streams is withheld during a flood period when the retention in the watershed of such reasonable portion is necessary temporarily to prevent a threatened flood] *such reasonable flow of water, as shall be determined and fixed by the board as necessary for the maintenance of fish*

Private rights in waterways.

Private owners entitled to reasonable flow of water.

*and aquatic life, and for domestic and industrial use and consumption.*

Money to be derived from appropriations by Legislature, from Federal grants, etc.

Section 17. Source of Finances.—The cost and expenses of making the surveys hereinbefore provided, the preparation of [preliminary and] official plans, all advertising, the erection and construction of public works and improvements, and of all other work of any kind and character authorized by this act, the acquisition of any and all property in connection therewith, and of all other necessary and incidental costs and expenses, including the expenses of the members of the board, salaries, and expenses of engineers, experts, workmen, clerks, assistants, and other employes, all court and viewers' costs assessed against the Commonwealth, and all other proper and necessary expenses of any kind and character deemed necessary by the board to carry into effect the provisions of this act, shall be paid from appropriations made by the General Assembly to the [Flood Control Fund] *fund*, from Federal moneys available or made available to this Commonwealth as grants, contributions, gratuities, and loans for flood control works and improvements, from gifts and donations received from persons, from appropriations and contributions made to the board by municipalities, and from contributions by other states and their political subdivisions. All moneys so made available shall likewise be available for expenditure by the board to aid and assist in the erection and construction of Federal public flood control works and improvements beneficial to the people of this Commonwealth of the type which may be constructed under the provisions of this act, after such Federal flood control works and improvements have been incorporated into and made a part of an official State plan.

Municipalities may increase indebtedness.

Section 18. *Increase of Municipal Debt; Appropriations.*—*Any municipality may incur or increase its indebtedness, in the manner provided by law, for the purpose of appropriating moneys to the board, to assist in carrying out the purpose of this act, and may make appropriations from current funds for such purpose.*

Flood Control Fund created in State Treasury.

Section [18] 19. Flood Control Fund Created; Appropriation of Moneys Therein.—A special fund, to be known as the Flood Control Fund, is hereby established in the State Treasury into which shall be paid all moneys appropriated by the General Assembly and received from the Federal Government and other states and their political subdivisions, for flood control work and projects, and all moneys arising from gifts or donations from persons and municipalities.

All moneys in the Flood Control Fund, from time to time, are hereby specifically appropriated to the board for the payment of any and all costs and expenses prop-

erly payable under the provisions of section seventeen of this act, and for payments on account of any moneys which the board may have agreed to contribute to aid and assist in the erection and construction of any Federal flood control works and improvements and in the erection and construction of flood control works and improvements under compacts and agreements with other states, [in accordance with appropriations made by the General Assembly] *and for the acquisition of land for flood control and watershed protection.*

Where more than one flood control district is created, separate accounts shall be kept for each district, and payments from the [Flood Control Fund] *fund* for or on account of any one district shall not exceed the amount credited to such district in said fund.

Section [19] 20. Cooperation with Other States.—The Water and Power Resources Board is hereby designated as the agency of the Commonwealth with power to enter into reciprocal compacts and agreements with other states in developing flood control projects and works, [of the type which may be constructed under the provisions of this act, to become effective only after the same have been approved by the General Assembly] and shall have authority to expend moneys made available [or] *and* appropriated by [the General Assembly] *this act* for interstate flood control works and improvements, located within or without this Commonwealth, on rivers and streams entering into or flowing out of or along the borders of this Commonwealth, and to receive, for payment into the [Flood Control Fund] *fund*, from other states and their political subdivisions, any moneys to aid and assist in the construction of flood control works and improvements located in this State which are deemed beneficial to the inhabitants of other states. Payments on account of such interstate works and improvements may be made by the board direct to the contractor or to the agency of such other state which let the contract or is performing the work of constructing such works or improvements, or to the Federal Government, or any of its instrumentalities or agencies supervising the construction of such works or improvements.

The Water and Power Resources Board shall have the power to enter into reciprocal agreements with other states.

The board is further authorized to empower the Federal Government, or any of its instrumentalities or agencies, to supervise the construction of such interstate flood control works and improvements.

Section [20] 21. Constitutional Construction.—The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been

Constitutional provision.

adopted had such unconstitutional provision not been included therein.

When effective.

Section 2. This act shall become effective immediately upon its final enactment.

APPROVED—The 10th day of March, A. D. 1937.

GEORGE H. EARLE

No. 19

AN ACT

To amend the act, approved the nineteenth day of July, one thousand nine hundred thirteen (Pamphlet Laws, eight hundred forty-three), entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employees, and prescribing a penalty for non-compliance therewith," by further defining the duty of employers to make reports of injuries received by their employees; requiring employers to make reports of deaths resulting from injuries received by employees, and prescribing a penalty for failure to do so, and clarifying the provisions of the act pertaining to the evidential value of such reports.

Sections 1, 2, 3, 4, and 5, act of July 19, 1913 (P. L. 343), amended.

Section 1. Be it enacted, &c., That sections one, two, three, four, and five of the act, approved the nineteenth day of July, one thousand nine hundred thirteen (Pamphlet Laws, eight hundred forty-three), entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employees, and prescribing a penalty for non-compliance therewith," are hereby amended to read as follows:

Labor.

Injuries to and deaths of employees.

Section 1. Be it enacted, &c., That within [thirty] *fifteen* days after the [beginning of the disability of] *date of any injury received by* an employee [because of any personal injury, caused by an accident occurring] in the course of *or resulting from* his employment, and *within forty-eight hours of the death of an employee occurring from an injury received in the course of or resulting from his employment,* the employer, whether a person, firm, or corporation, *or the Commonwealth, or any political subdivision thereof,* shall make report of such [accident] *injury or death directly* to the Department of Labor and Industry. Such report *shall be made in such form as the Department of Labor and Industry shall prescribe,* and shall set forth the name, address, and nature of the business of the employer; name, address, sex, age, nationality, *wage or salary,* and occupation of the employee; date, day of week, hour, place, *cause,* and character of the [accident] *injury or death,* and *in the case of an injury,* the nature of the injury, and the duration of the disability, or probable disability, as far as the same can be ascertained. Such employer shall, also, upon request of the Department of Labor and

Reports of employers.

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