

Section 205. Pennsylvania State Police.—The Pennsylvania State Police shall consist of a Commissioner, a Deputy Commissioner, the State police force, and the State Highway Patrol, as now authorized by law, which are hereby consolidated into one force, to be known as the State Police Force, and such chiefs, statisticians, clerks, experts and other assistants, as the commissioner, with the approval of the Governor, shall deem necessary for the work of the force.

The Commissioner of the Pennsylvania State Police shall receive a salary at the rate of fifteen thousand dollars per annum.

The Deputy Commissioner of the Pennsylvania State Police shall be appointed by the Commissioner of Pennsylvania State Police, with the approval of the Governor, and shall receive a salary at the rate of ten thousand dollars per annum.

The State Police Force shall consist of such number of officers and men, and shall be organized in such manner, as the Commissioner of Pennsylvania State Police, with the approval of the Governor, shall, from time to time, determine: Provided, however, That the number of officers and men shall not exceed in the aggregate at any time [one thousand eight hundred (1800)] *one thousand nine hundred (1900)* persons.

The members of the State Police Force and the chiefs, statisticians, clerks, experts, and other assistants, engaged in the work of the Pennsylvania State Police shall be appointed by the commissioner, and shall receive such compensation as shall be fixed by the commissioner, with the approval of the Governor, which compensation shall, however, conform to the standards established by the Executive Board.

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

APPROVED—The 29th day of July, A. D. 1953.

JOHN S. FINE

No. 255

AN ACT

To amend *the act, approved the fourteenth day of June, one thousand nine hundred twenty-three (Pamphlet Laws 704), entitled "An act relating to limited power permits and limited water supply permits from the Water Supply Commission of Pennsylvania and the conditions thereof, to the flooding and use by holders of limited power permits of islands owned by the Commonwealth, to the unlawful use for water or steam power development of dams and changes in streams hereafter con-

* "an" in original.

structed or made otherwise than under limited power permits, and to proceedings for the enforcement of this act," by suspending and postponing for a certain period provisions relating to steam power dams within the jurisdiction of the United States.

Water power and water supply permits.

Section 2, act of June 14, 1923, P. L. 704, amended.

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

Section 1. Section two of the act, approved the fourteenth day of June, one thousand nine hundred twenty-three (Pamphlet Laws 704), entitled "An act relating to limited power permits and limited water supply permits from the Water Supply Commission of Pennsylvania and the conditions thereof, to the flooding and use by holders of limited power permits of islands owned by the Commonwealth, to the unlawful use for water or steam power development of dams and changes in streams hereafter constructed or made otherwise than under limited power permits, and to proceedings for the enforcement of this act," is hereby amended to read as follows:

Power dams, etc., when within jurisdiction of United States.

Section 2. A power dam or change in stream to develop power shall be deemed to be within the jurisdiction of the United States, within the meaning of this section, whenever (1) such dam or change is constructed or made, or to be constructed or made, in or upon navigable waters of the United States, or (2) the Federal Power Commission shall have found that the interests of interstate or foreign commerce would be affected by the construction of such dam or the making of such change.

Limitation on permit when power dam, etc., is not within jurisdiction of United States.

Every permit hereafter granted by the commission for the construction of a power dam or for a change in stream to develop power, not within the jurisdiction of the United States, shall be limited to such periods not exceeding fifty years as the said commission shall determine and set forth therein: Provided, That the permittee shall be entitled to extension and renewal of such permit upon the terms thereof until the permittee shall have received through recapture or purchase by the Commonwealth, or by a duly authorized subsequent permittee, repayment of the capital prudently invested in the power project upon the faith of the permit, plus such reasonable damages, if any, to property of the permittee valuable, serviceable, and dependent for its usefulness upon the continuance of such permit, but not recaptured or purchased, as may be caused by the severance therefrom of property taken.

Proviso.

Conditions of permit when power dam, etc., is within jurisdiction of United States.

Every permit hereafter granted by the commission for the construction of a power dam or for a change in stream to develop power, within the jurisdiction of the United States, shall be on the following conditions, which shall be expressed in such permit, namely: (a) That the permit shall become null and void unless, within the time specified therein, the permittee (or, as to a change

in stream within the Commonwealth effected or to be effected by a dam or other means without the Commonwealth, those constructing or purposing to construct, maintain, or operate such dam or other means) shall secure from the Federal Power Commission a license for such dam or change; and (b) that if and to the extent that any of the rights or powers set forth or reserved as rights or powers of the United States in or pursuant to the provisions of such license shall be waived by the United States or be unenforceable by the United States, then and to that extent such rights and powers (including, if so waived or unenforceable, any rights of recapture, extension, or renewal so set forth or reserved) may be exercised and enforced by the Commonwealth of Pennsylvania, subject to such alterations in plans, specifications, or structures, and such extensions of time for commencing or completing construction, as may be made or granted by the Federal Power Commission.

The provisions of this act relating to dams or changes in streams to supply water for steam power within the jurisdiction of the United States shall be suspended and postponed until the Federal Power Commission shall require licenses for such dams or changes in streams; and during the period in which the provisions of this act shall be so suspended and postponed, any such dams or changes in streams shall continue to be subject to existing laws relating to water obstructions.

Provisions of act suspended and postponed temporarily.

Existing laws applicable during such suspension, etc.

Every permit granted under this section shall be subject to such reasonable annual charge, specified therein, as the commission shall fix, for the purpose of reimbursing the Commonwealth for the costs of administration of this act, and may, in the discretion of the commission, embody such other terms, conditions, and stipulations as the commission shall deem necessary to protect the present and future interests of the Commonwealth and its people in the construction, maintenance, and operation of the project, and in the water and power resources to be utilized thereby, and suitable to secure to the permittee a reasonable opportunity for a fair return on the actual investment prudently made in the project.

Annual charge.

Terms, conditions and stipulations.

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

Act effective immediately.

APPROVED—The 29th day of July, A. D. 1953.

JOHN S. FINE

* "3" in original.