

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1788** Session of  
1975

INTRODUCED BY DeMEDIO, RITTER, FRYER, MEBUS AND WEIDNER,  
OCTOBER 1, 1975

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 1, 1975

AN ACT

1 Amending the act of August 7, 1936 (P.L.106, No.46), entitled,  
2 as amended, "An act relating to flood control; prescribing  
3 the powers and duties of the Water and Power Resources Board  
4 of the Department of Forests and Waters in relation to the  
5 creation of flood control districts, adoption of plans for  
6 flood control works and improvements, carrying into effect of  
7 such plans, assistance, aid and cooperation with public and  
8 private agencies and the Federal Government in Federal flood  
9 control works and improvements, and entering into compacts  
10 and agreements with other states for flood control works and  
11 improvements; conferring the power of eminent domain;  
12 providing for the setting off of benefits; imposing certain  
13 charges upon the Commonwealth; providing for appeals; and  
14 conferring certain powers on municipalities, counties, and  
15 townships, and the Department of Highways," further providing  
16 for contracts.

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

19 Section 1. Section 10, act of August 7, 1936 (P.L.106,  
20 No.46), entitled, as amended, "An act relating to flood control;  
21 prescribing the powers and duties of the Water and Power  
22 Resources Board of the Department of Forests and Waters in  
23 relation to the creation of flood control districts, adoption of  
24 plans for flood control works and improvements, carrying into  
25 effect of such plans, assistance, aid and cooperation with

1 public and private agencies and the Federal Government in  
2 Federal flood control works and improvements, and entering into  
3 compacts and agreements with other states for flood control  
4 works and improvements; conferring the power of eminent domain;  
5 providing for the setting off of benefits; imposing certain  
6 charges upon the Commonwealth; providing for appeals; and  
7 conferring certain powers on municipalities, counties, and  
8 townships, and the Department of Highways," reenacted and  
9 amended March 10, 1937 (P.L.43, No.18) and amended June 18, 1968  
10 (P.L.217, No.103), is amended to read:

11       Section 10. Contracts and Acquisition of Property.--All work  
12 of any character whatever performed by the board under the  
13 authority of this act, except as hereinafter provided, in  
14 connection with any State public flood control works and  
15 improvements, involving an expenditure of more than [one  
16 thousand dollars,] two thousand dollars, shall be performed  
17 under written contract let by the board to the lowest  
18 responsible bidder after due advertisement as prescribed by the  
19 board; except, however, that the board may, with the approval of  
20 the Governor, enter into contracts or agreements, without  
21 advertisement, with any person, corporation or municipality,  
22 covering the removal or relocation of gas, water, and telephone,  
23 telegraph, electric light, and electric power lines, highways,  
24 railroads, or other facilities, and providing therein for said  
25 removal or relocation by the person, corporation or municipality  
26 owning such facility. The board may, with the approval of the  
27 Governor, acquire any necessary easements and rights-of-way and  
28 may pay all costs and damages necessary, arising from and  
29 incidental to said removal or relocation. Payment shall be made  
30 from the General Fund Appropriations for Flood Control Projects.

1       The board may sell, lease, or otherwise dispose of all  
2 property, real, personal or mixed, acquired under the  
3 provisions of this act, not needed by the Commonwealth for  
4 reservoir or flood control purposes, subject to the approval of  
5 the Governor. The moneys received through such sale, lease or  
6 other disposition shall accrue to the General Fund.

7       Section 2. This act shall take effect immediately.