

duties, and may delegate to one or more of their number or to one or more of said officers, agents, or employes such powers and duties as it may deem proper.

Section 2. That section nine of said act is hereby amended to read as follows:

Section 9. Grant of Lands by Department to Authority.—The department shall have power and authority, with the approval of the Governor, to grant, assign, and convey to the Authority with or without consideration any lands, easements or rights in lands, *together with any improvements, buildings or structures therein or thereon*, now owned by the Commonwealth of Pennsylvania or hereafter acquired by it, needed or convenient for the corporate purposes of the Authority, or to lease to the Authority for a term, not exceeding ninety-nine (99) years, at a nominal or such other rental as may be determined, any or all such lands, easements, or rights in lands, *together with any improvements, structures or buildings therein or thereon*.

APPROVED—The 4th day of June, A. D. 1937.

GEORGE H. EARLE

No. 329

AN ACT

Simplifying the procedure for the construction and financing of public works projects by municipalities; enabling municipalities to make and perform contracts with Federal agencies, relating to the construction and financing of such projects; and conferring additional powers upon municipalities.

Section 1. Be it enacted, &c., That,

Public works.
Short title.

Section 1. Short Title.—This act shall be known, and may be cited, as “The Municipal Emergency Procedure Act of one thousand nine hundred and thirty-seven.”

Definitions.

Section 2. Definitions.—The following terms, whenever used or referred to in this act, shall have the following meanings, unless a different meaning appears from the context.

(a) The term “Bond” shall mean bonds, interim receipts, certificates, or other obligations of a municipality issued, or to be issued, by its governing body, for the purpose of financing, or aiding in the financing of, any work, undertaking or project for which a loan or grant, or both, has heretofore been made, or may hereafter be made by any Federal agency.

(b) The terms “Contract” or “Agreement” between a Federal agency and a municipality shall include contracts and agreements in the customary form and shall also be deemed to include an allotment of funds, resolu-

tion, unilateral promise, or commitment by a Federal agency, by which it shall undertake to make a loan or grant, or both, upon the performance of specified conditions or compliance with rules and regulations theretofore or thereafter promulgated, prescribed or published by a Federal agency. In the case of such an allotment of funds, resolution, unilateral promise, or commitment by a Federal agency, the terms, conditions, and restrictions therein set forth, and the rules and regulations theretofore or thereafter promulgated, prescribed or published shall, for the purpose of this act, be deemed to constitute covenants of such a contract which shall be performed by the municipality, if the municipality accepts any money from such Federal agency.

(c) The term "Federal Agency" shall include the United States of America, the President of the United States of America, the Federal Emergency Administrator of Public Works, the Reconstruction Finance Corporation, and any agency or instrumentality of the United States of America, which has heretofore been, or hereafter may be, designated, created or authorized to make loans or grants.

(d) The term "Governing Body" shall mean the county commissioners, city or borough council, township commissioners or supervisors, board of school directors, or other corporate authority of the county, municipality or district.

(e) The term "Law" shall mean any act or statute, general, special or local, of this Commonwealth, including, without being limited to, the charter of any municipality.

(f) The term "Municipality" shall mean a county, city, borough, school district, township or other incorporated district.

(g) The term "Public Works Project" shall mean any work, project, or undertaking which any municipality is authorized or required by law to undertake, or any lawful purpose for which any municipality is authorized or required by law to make an appropriation.

(h) The term "Recovery Act" shall mean the National Industrial Recovery Act, being the act of the Congress of the United States of America, approved the sixteenth day of June, one thousand nine hundred thirty-three, entitled "An act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes," the Emergency Relief Appropriation Act of one thousand nine hundred thirty-five, the Emergency Relief Appropriation Act of one thousand nine hundred thirty-six, and any acts amendatory thereof, or supplemental thereto, and revisions thereof, and any further acts or joint resolutions of the Congress

of the United States of America to reduce and relieve unemployment, or to provide for the construction of public works or for work relief.

Powers of municipalities.

Section 3. Powers Conferred.—Every municipality shall have power, and is hereby authorized—

To accept Federal grants.

(a) To accept from any Federal agency grants for, or in aid of, the construction of any public works project.

Make contracts to obtain grants.

(b) To make contracts and execute instruments containing such terms, provisions, and conditions as in the discretion of the governing body of the municipality may be necessary, proper or advisable for the purpose of obtaining grants or loans, or both, from any Federal agency, pursuant to, or by virtue of, the Recovery Act; to make all other contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of any public works project, and to carry out and perform the terms and conditions of all such contracts or instruments.

(c) To subscribe to, and comply with, the Recovery Act, and any rules and regulations made by any Federal agency with regard to any grants or loans, or both, from any Federal agency.

(d) To perform any acts authorized under this act, through, or by means of, its own officers, agents, and employes, or by contracts with corporations, firms or individuals.

To award contracts for erection of public works.

(e) To award any contract for the construction of any public works project, or part thereof, upon any day, at least fifteen days after one publication of a notice requesting bids upon such contract in a newspaper of general circulation in the municipality.

To issue certificates, etc.

(f) To issue interim receipts, certificates or other temporary obligations, in such form and containing such terms, conditions, and provisions as the governing body of the municipality issuing the same may determine, pending the preparation or execution of definite bonds for the purpose of financing the construction of a public works project.

To issue bonds.

(g) To issue bonds bearing the signatures of officers in office on the date of signing such bonds, notwithstanding that before delivery thereof any or all the persons whose signatures appear thereon shall have ceased to be the officers of the municipality issuing the same.

(h) To include in the cost of a public works project which may be financed by the issuance of bonds—

- (1) engineering, inspection, accounting, fiscal, and legal expenses;
- (2) the cost of issuance of the bonds, including engraving, printing, advertising, and other similar expenses;
- (3) any interest costs during the period of construction of such public works project, and for six months thereafter on money borrowed or estimated to be borrowed.

(i) To stipulate in any contract for the construction of any public works project or part thereof the maximum hours that any laborer, workman or mechanic should be permitted or required to work in any one calendar day or calendar week or calendar month, and the minimum wages to be paid to laborers, workmen or mechanics in connection with any public works project.

To fix hours of labor, etc.

(j) To exercise any power conferred by this act for the purpose of obtaining grants or loans, or both, from any Federal agency pursuant to, or by virtue of, the Recovery Act, independently or in conjunction with any other power or powers conferred by this act or heretofore or hereafter conferred by any other law.

(k) To do all acts and things necessary or convenient to carry out the powers expressly given in this act.

Section 4. Construction of Act.—The powers conferred by this act shall be in addition and supplemental to, and not in substitution for, the powers now or hereafter conferred upon any municipality by any other law. This act is intended to aid in relieving the existing emergency by simplifying the procedure for the construction and financing of public works projects. This act is remedial in nature, and the powers hereby granted shall be liberally construed. Nothing in this act shall be construed to authorize the issuance of bonds for any purpose by any municipality not authorized to issue bonds for such purpose under any other law heretofore or hereafter enacted, nor to dispense with the approval by a State department, board, officer or commission of a public works project, where such approval is necessary under provisions of existing law.

Construction of the act.

Section 5. Separability of Provisions.—If any provision of this act, or the application thereof to any person, body or circumstances shall be held invalid, the remainder of the act and the application of such provision to persons, bodies or circumstances, other than those as to which it shall have been held invalid, shall not be affected thereby.

Constitutional provision.

Section 6. Termination of Act.—Except in pursuance of any contract or agreement theretofore entered into by and between any municipality and any Federal agency, no municipality shall exercise any of the powers conferred by this act after December thirty-first, one thousand nine hundred thirty-nine.

May exercise powers until December 31, 1939.

Section 7. Time of Taking Effect.—This act shall become effective immediately upon its final enactment.

When effective.

APPROVED—The 4th day of June, A. D. 1937.

GEORGE H. EARLE