

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

APPROVED—The 29th day of May, A. D. 1951.

JOHN S. FINE

No. 124

AN ACT

To amend subsection (d) of section 4 and section 11 of the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 604), entitled "An act to promote the welfare of the people of the Commonwealth; creating a State Highway and Bridge Authority as a body corporate and politic with power to construct, reconstruct, improve, maintain, equip, furnish, and operate highway and bridge projects, and roadside rests, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Highways to grant, assign, convey, or lease to the Authority lands, easements, or rights of way of the Commonwealth and interests therein, and to acquire lands therefor; authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized; granting the right of eminent domain; empowering said Authority to sell and convey projects and property to the Commonwealth; and providing that no debt of the Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act; and making an appropriation," by authorizing the leasing of certain projects upon their being opened to public use.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: "State Highway and Bridge Authority Act."

Section 1. Subsection (d) of section 4 and section 11 of the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 604), entitled "An act to promote the welfare of the people of the Commonwealth; creating a State Highway and Bridge Authority as a body corporate and politic with power to construct, reconstruct, improve, maintain, equip, furnish, and operate highway and bridge projects, and roadside rests, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Highways to grant, assign, convey, or lease Subsection (d) of section 4 and section 11, act of April 18, 1949, P. L. 604, amended.

* "3" in original.

to the Authority lands, easements, or rights of way of the Commonwealth and interests therein, and to acquire lands therefor; authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized; granting the right of eminent domain; empowering said Authority to sell and convey projects and property to the Commonwealth; and providing that no debt of the Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act; and making an appropriation," are hereby amended to read as follows:

Section 4. Purposes and Powers; General.—

* * * * *

(d) To acquire under agreement with the Department of Highways, with the approval of the Governor, State highways, bridges, easements or rights of way necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department any property, real, personal, or mixed, or any interest therein, now owned or hereafter acquired by the Commonwealth of Pennsylvania, with the approval of the Governor, for a term not exceeding ninety-nine (99) years, at a nominal rental or at such annual rental as may be determined and, with the approval of the Governor, to lease as lessor to the Commonwealth of Pennsylvania or to the Department of Highways any project at any time constructed or made available for public use by the Authority, and any property, real, personal, or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, and, with the approval of the Governor, to sell, transfer and convey to the Commonwealth of Pennsylvania any project at any time *constructed or made available for public use by the Authority and any property, real, personal, or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority.

* * * * *

Section 11. Contracts to Lease and Leases by Department from Authority.—The department shall have power and authority, with the approval of the Governor, to enter into contracts with the Authority to lease as lessee from the Authority any or all of the projects undertaken by the Authority, for a term, with respect to each project constructed, not exceeding thirty (30) years, at such rental or rentals as may be determined by the Authority, and upon the completion of the said projects, or, in the case of highways and bridges, upon the open-

* "construed" in original.

ing of same to public use, the department shall have power and authority, with the approval of the Governor, to lease as lessee any or all of the projects completed by the Authority, *or opened to public use*, for a term, with respect to each project leased, not exceeding thirty (30) years, at such rental or rentals as may be determined by the Authority.

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

APPROVED—The 29th day of May, A. D. 1951.

JOHN S. FINE

No. 125

AN ACT

To further amend section 319 of the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws 736), entitled, as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," by providing for the proration of attorney's fees and expenses in subrogation cases.

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

The Workmen's Compensation Act of 1915.

Section 1. Section 319 of the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws 736), entitled, as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as last amended by the act, approved the eighteenth day of May, one thousand nine hundred forty-five (Pamphlet Laws 671), is hereby further amended to read as follows:

Section 319, act of June 2, 1915, P. L. 736, as last amended by act of May 18, 1945, P. L. 671, further amended.

Section 319. Where the compensable injury is caused in whole or in part by the act or omission of a third party, the employer shall be subrogated to the right of the employe, his personal representative, his estate or his dependents, against such third party [for the balance of any sum recovered in litigation, or paid in compromise settlement, after subtraction of reasonable attorney's fees and other proper disbursements, but only] to the extent of the compensation payable under this article by the employer; *reasonable attorney's fees and other proper disbursements incurred in obtaining a re-*

Employer's right of subrogation.

Proration of attorney's fees and expenses.