

No. 225

AN ACT

HB 1968

Amending the act of April 9, 1929 (P.L.177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the Water and Power Resources Board to sell, lease or otherwise dispose of certain sand, gravel and minerals in or beneath certain streams or bodies of water.

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

Section 1. Clause (d) of section 1808, act of April 9, 1929 (P.L.177), known as "The Administrative Code of 1929," added September 16, 1961 (P.L.1348), is amended to read:

Section 1808. Water and Power Resources Board.—The Water and Power Resources Board shall have the power, and its duty shall be:

* * *

(d) To enter into agreements to sell, lease or otherwise dispose of any iron, coal, limestone, fire-clay, oil, gas, *sand, gravel* and other minerals [**except sand and gravel and minerals deposited as silt in pools created by dams,**] that may be found in or beneath the beds of navigable streams or bodies of water within the Commonwealth and nonnavigable streams or bodies of water where the beds thereof are owned by the Commonwealth, on such terms and conditions as the board deems to be in the best interest of the Commonwealth: Provided, however, *except as hereinafter provided in the case of sand and gravel and other minerals extracted,* That any proposed contracts involving more than one thousand dollars shall be awarded to the highest responsible bidder after due advertisement as prescribed by the board. *In the case of sand and gravel wherever located, and minerals deposited in pools created by dams, the agreement shall be a permit granting the permittee the nonexclusive right and privilege of dredging, excavating, removing, and carrying away the merchantable sand and gravel or other minerals subject to a royalty payment by the permittee to the Pennsylvania Fish Commission of ten cents (10¢) per adjusted dry ton of two thousand pounds or, alternatively, fifteen cents (15¢) per*

cubic yard based on three thousand pounds per adjusted dry weight for usable and merchantable sand and/or gravel and/or other minerals extracted, but in any event an amount of not less than one thousand dollars (\$1,000) per year: And, provided further, That such agreement shall be irrevocable during the term of the permit so long as there is full and complete performance of the covenants and conditions of the agreement and the permit. Nothing herein contained shall authorize anyone to interfere with the free navigation of said streams or bodies of water or to undermine the bed thereof or to interfere with the rights of any person or persons holding property on the banks thereof.

Section 2. This act shall take effect immediately.

APPROVED—The 31st day of July, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 225.



Secretary of the Commonwealth.