

No. 60

HB 355

AN ACT

Amending the act of August 9, 1955 (P.L.323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," further providing for the powers of counties for the utilization of surface, subsurface and ground water resources and related purposes and validating certain transactions in connection therewith.

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

Section 1. Section 1999c, act of August 9, 1955 (P.L.323), known as "The County Code," added October 21, 1965 (P.L.644), is amended to read:

Section 1999c. Appropriations for Reservoirs and Water Resources.—
(a) The board of commissioners may borrow, appropriate and expend money for the construction, acquisition *by purchase, lease or otherwise*, operation and maintenance of dams, reservoirs, *wells* and other facilities for the utilization of surface, *subsurface*, and ground water resources and all related structures, appurtenances and equipment necessary for the use of said dams [and], reservoirs, *wells and other facilities*, and may acquire by purchase, *lease*, gift, or the exercise of power of eminent domain, sites for the same: Provided, That the board of commissioners shall obtain a permit from the [Water and Power Resources Board] *Department of Environmental Resources* whenever such permit is required by law: And provided further, That the board of commissioners shall not acquire by the exercise of power of eminent domain the property of a public utility subject to the jurisdiction of Pennsylvania Public Utility Commission or Federal Power Commission.

(b) The board of commissioners may enter into agreements for the regulation of withdrawals and diversions of waters from said dams [and], reservoirs, *wells and other facilities*, and the sale of the same, subject to approval of State, Federal or interstate agencies which may have primary jurisdiction over water resources. Dams, *wells* and reservoirs acquired *by purchase, lease or otherwise*, or constructed by the commissioners may be for the sole purpose of water supply or in conjunction with any other purposes, except the generation of electric energy.

(c) The board of commissioners may enter into contracts or long-range cooperative programs with State, Federal, interstate and local government agencies or public utilities for the development and use of the county's water resources.

(d) *It shall be lawful for any county to execute such agreements and contracts as it may deem necessary or advisable with an authority organized by such county to provide, design, acquire, hold, construct,*

improve, own, lease, as lessor or lessee, maintain and operate dams, reservoirs, wells and other facilities for the utilization of surface, subsurface and ground water resources and all related structures, appurtenances and equipment necessary for the use of the same; also to grant, convey, lease, transfer, encumber, mortgage and pledge to such authority, its dams, reservoirs, wells and related facilities and any improvements and additions thereto; to assign and pledge to such authority rentals, rates and charges charged and collected by it for the use thereof and to assign to such authority its power to collect the same. No such agreement, contract, grant, conveyance, lease, assignment, encumbrance, mortgage or pledge shall be construed to prevent the affected county from thereafter using its tax revenues for the purpose of maintaining, repairing, altering, inspecting or improving such dams, reservoirs, wells and related facilities.

Every such agreement, contract, grant, conveyance, lease, transfer, assignment, encumbrance, mortgage and pledge heretofore made to or with any authority organized by any county is hereby ratified, confirmed and made valid and the same shall be and remain lawful, valid and enforceable according to its terms.

(e) Any county may enter into an agreement and contract for the sale of water to any other county, city, borough, incorporated town, township, authority or public utility at reasonable and uniform rates to be determined exclusively by it.

APPROVED—The 29th day of July, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 60.

A handwritten signature in cursive script that reads "C. McLaure Tucker". The signature is written in dark ink and is positioned above the printed name of the Secretary of the Commonwealth.

Secretary of the Commonwealth.