

No. 292

## AN ACT

Concerning the construction and maintenance of one or more dams and reservoirs across the Delaware River; revoking in part upon the concurrence of the State of New Jersey, Paragraph First of the Compact of April 26, 1783, between the State of New Jersey and the Commonwealth of Pennsylvania; authorizing the General Assembly of the Commonwealth of Pennsylvania, subject to the consent of the State of New Jersey and Congress of the United States, to determine the location, size and construction of said dams or reservoirs; providing that diversion shall be subject to the decree of the Supreme Court of the United States or to a Compact between the State of New Jersey and the Commonwealth of Pennsylvania; authorizing the acquisition of land by purchase or by the exercise of the power of eminent domain; authorizing the Governor to apply to the Congress for consent and approval of this agreement upon the concurrence of the State of New Jersey; and repealing Act of June 30, 1955.

Whereas, on June 30, 1955, the Governor of the Commonwealth of Pennsylvania approved Act No. 69 of the Public Laws which accepted the terms and conditions of Chapter 443 of the Public Laws of the State of New Jersey approved December 30, 1953, authorizing the construction by the Commonwealth of Pennsylvania of a dam across the Delaware River; and

Preamble.

Whereas, on February 29, 1956, the United States Senate Committee on Public Works, 84th Congress, 2nd Session, adopted the following resolution:

Resolved by the Committee on Public Works of the United States Senate, That the Board of Engineers for Rivers and Harbors, created under Section 3 of the River and Harbor Act, approved June 13, 1902, be, and is hereby, requested to review the report of the Chief of Engineers on the Delaware River, N. Y., N. J., and Pa., contained in House Document Numbered 179, Seventy-Third Congress, Second Session, and other reports, in connection with the pending comprehensive survey of said stream with a view to determining the feasibility of construction and operation of a reservoir on the Main Stem of the Delaware River above Delaware Water Gap near Wallpack Bend or Tocks Island, on a cooperative basis by the United States and the Commonwealth of Pennsylvania and the State of New Jersey, as an integral unit of a comprehensive plan for the control and utilization of the water resources of the Delaware River in the interest of flood control, navigation, water supply, stream pollution abatement, recreation, control of the movement of salt water, electric power, and other purposes; and

Whereas, the United States Army District Engineers have been making a survey of the Delaware River Watershed; and

Whereas, the existing legislation of the Commonwealth of Pennsylvania is inadequate for the maximum development of the Delaware River and may hinder the action of the Congress of the United States in authorizing and providing for the development, control and utilization of the water resources of the Delaware River; and

Whereas, the Commonwealth of Pennsylvania favors the maximum development, utilization and control of the water resources of the Delaware River by the construction of one or more dams and reservoirs in the interest of \*flood control, navigation, water supply, stream pollution abatement, recreation, control of the movement of salt water, electric power and other purposes therefor;

Compact.

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

Compact of April 26, 1783, revoked so as to permit erection of dams across the Delaware River, subject to concurrence by New Jersey.

Section 1. Subject to the concurrence of the State of New Jersey, Paragraph First of the Compact of April 26, 1783, between the State of New Jersey and the Commonwealth of Pennsylvania and ratified by the New Jersey act of May 27, 1783, (P. L. 1783, Chapter XX. 2nd Sitting) and by the Pennsylvania act of September 20, 1783, (2 Smith's Laws 77), is hereby revoked in so far as it would prevent the Commonwealth of Pennsylvania, the State of New Jersey and the Government of the United States or any commission or other body or agency, singly or collectively, designated by the Legislature of said Commonwealth to construct and maintain one or more dams and reservoirs across the Delaware River.

Location, size and construction to be determined by General Assembly, subject to concurrence by New Jersey, and the Congress.

Section 2. The location, size and construction of the dam or dams, and reservoir or reservoirs to be constructed pursuant to this act is to be determined by the General Assembly of the Commonwealth of Pennsylvania, subject to the concurrence of the State of New Jersey and subject to the concurrence of the Congress of the United States if the Federal government or one or more of its departments or agencies participates in the construction or financing of said dam or dams and reservoir or reservoirs.

Limitation of powers granted, specifically, no volume diversion of water.

Section 3. This act shall not be construed as a consent by the Commonwealth of Pennsylvania to the diversion by the State of New Jersey of any specific volume of wa-

\* "flood" in original.

ter from said dam or dams and reservoir or reservoirs. Any diversion by the State of New Jersey or the Commonwealth of Pennsylvania shall be subject to restrictions or conditions that may be imposed by decree of the Supreme Court of the United States, or restrictions or conditions arrived at by Compact between the Commonwealth of Pennsylvania and the State of New Jersey.

Section 4. In connection with the construction of any such dam or dams and reservoir or reservoirs, real property in Pennsylvania may be acquired by purchase or may be taken by the exercise of the power of eminent domain. In concurring in this legislation, the State of New Jersey shall authorize the acquisition of land in New Jersey by purchase and by the exercise of the power of eminent domain.

Power of eminent domain granted for Pennsylvania.

Section 5. This act shall become operative when the State of New Jersey shall, prior to July 1, 1959, by Statute, accept the terms and conditions of this act and shall concur in the revocation of the Compact of April 26, 1783, to the extent provided herein. Upon the concurrence of the State of New Jersey, the act of June \*30, 1955 (P. L. 216), will be repealed.

New Jersey to concur before this act becomes operative.

Section 6. This act shall become effective immediately.

Act effective immediately.

APPROVED—The 5th day of July, A. D. 1957.

GEORGE M. LEADER

No. 293

### AN ACT

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." increasing the minimum amount of contracts or leases of valuable minerals by the Department of Forests and Waters, which must be adver-

\* "20" in original.

\*\* "an" in original.