

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 197

Session of
1973

INTRODUCED BY MESSRS. ZEARFOSS, W. W. WILT, BITTLE, LAUDADIO,
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WHITTLESEY, MESSRS. WELLS AND GLEASON, JANUARY 29, 1973

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 14, 1973

AN ACT

1 Authorizing the establishment of conservation commissions by
2 certain political subdivisions.

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

5 Section 1. The governing body of any city, borough,
6 township, or incorporated town, or group of two or more such
7 political subdivisions, may by ordinance REDESIGNATE AN EXISTING <—
8 MUNICIPAL PARK AND/OR RECREATION BOARD AS A PARK, RECREATION AND
9 CONSERVATION COMMISSION TO EXERCISE, IN ADDITION TO POWERS
10 ALREADY GRANTED, THE POWERS AND AUTHORITY GRANTED IN THIS ACT,
11 OR MAY establish a AN INDEPENDENT conservation commission for <—
12 the promotion, conservation, protection and development of
13 natural resources, including watershed resources, located within
14 its or their territorial limits. The county conservation
15 districts shall coordinate the activities of the conservation <—

1 ~~commission~~ COMMISSIONS in matters ~~of~~ INVOLVING TWO OR MORE <—
2 CONSERVATION COMMISSIONS WITHIN THE county. ~~concern.~~ <—

3 Section 2. A conservation commission shall be composed of no
4 less than three nor more than seven residents of the political
5 subdivision establishing the commission, who shall be appointed
6 and all vacancies filled by the governing body of the political
7 subdivision. Where two or more political subdivisions jointly
8 establish a conservation commission the members shall be
9 appointed in the same manner, by each of the respective
10 political subdivisions establishing the commission, each
11 constituent political subdivision to have equal membership on
12 the joint commission. Duly appointed commission members shall
13 serve for a term of three years except that initial appointments
14 shall be so staggered that the terms of approximately one-third
15 of the membership will expire each year, the terms of their
16 successors to be of three years each. Members shall receive no
17 compensation for their services, but shall be reimbursed for the
18 expenses actually and necessarily incurred by them in the
19 performance of their duties. The appointing authority shall
20 designate the chairman of the commission except that in joint
21 commissions the chairman will be elected by the duly selected
22 members. Whenever possible, one member shall also be a member of
23 the municipal planning board.

24 IF AN EXISTING PARK AND/OR RECREATION BOARD IS REDESIGNATED <—
25 AS THE PARK, RECREATION AND CONSERVATION COMMISSION, THE
26 MEMBERSHIP MAY BE INCREASED TO NOT MORE THAN ELEVEN.

27 Section 3. A conservation commission organized under this
28 act shall have power to develop plans and programs for the
29 promotion and conservation of the natural resources and for the
30 protection and improvement of the quality of the environment

1 within its territorial limits; to conduct research into the use
2 and possible use of the open land areas of the political
3 subdivision or political subdivisions within its territorial
4 limits; to coordinate the activities of unofficial bodies
5 organized for similar purposes; to advertise, prepare, print and
6 distribute books, maps, charts, plans and pamphlets as necessary
7 for its purposes; to keep an index of all open areas, publicly
8 or privately owned, including open marshlands, swamps and other
9 wetlands and waters for the purpose of obtaining information on
10 the proper use of such areas; and to recommend from time to time
11 to the planning commission or, if none, to the chief executive
12 officer or officers, or to the governing body or bodies plans
13 and programs for the implementation of such purposes.

14 Subject to the approval of the governing body or bodies
15 within its territorial limits, a conservation commission may
16 acquire property, both real and personal, in the name of the
17 political subdivision or political subdivisions, by gift,
18 purchase, grant, bequest, easement devise or lease for any of
19 its purposes and shall administer the same for such purposes
20 subject to the terms of the conveyance, gift or lease.

21 A CONSERVATION COMMISSION SHALL NOT EXERCISE ANY POWERS OR
22 PERFORM ANY DUTIES WHICH BY LAW ARE CONFERRED OR IMPOSED UPON A
23 STATE AGENCY. <—

24 Section 4. A conservation commission shall keep records of
25 its meetings and activities and shall make an annual report
26 which shall be printed in the annual municipal report or, if
27 none, otherwise made known and available.

28 Section 5. The governing body of any political subdivision
29 establishing a conservation commission may appropriate funds for
30 the expenses incurred by the conservation commission.

1 Appropriations may be expended for such administrative, clerical
2 and legal services as may from time to time be required and as
3 shall be within the limit of funds appropriated to the
4 conservation commission. The whole or any part of any funds so
5 appropriated in any year may be placed in a conservation fund,
6 allowed to accumulate from year to year, or be expended in any
7 year.

8 Section 6. Nothing in this act shall be construed to require
9 a political subdivision which has heretofore constituted a shade
10 tree commission or its counterpart to abolish such commission,
11 and any such commission heretofore established may continue to
12 operate as originally established.

13 Section 7. The Secretary of the Department of Environmental
14 Resources, in cooperation with the Secretary of the Department
15 of Community Affairs, shall establish a program of assistance to
16 conservation commissions with and through county conservation
17 districts in acquiring land and in planning for its protection,
18 management use and development. Such a program shall include,
19 but shall not be limited to educational services, exchange of
20 information, assignment of technical personnel for natural
21 resource planning assistance, and the coordination of State and
22 local conservation activities.

23 Section 8. This act shall take effect immediately.