

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2263

Session of  
1980

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INTRODUCED BY MESSRS. BITTLE, FEE, MANMILLER, GEIST,  
CAPPABIANCA, PUNT, BURD, STEIGHNER, GRABOWSKI, WASS AND  
E. R. LYNCH, FEBRUARY 12, 1980

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AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 19, 1980

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## AN ACT

1 Reenacting and amending the act of May 15, 1945 (P.L.547,  
2 No.217), entitled, as amended, "An act relating to soil  
3 conservation and soil erosion, and land use practices  
4 contributing to soil wastage and soil erosion; providing for  
5 the organization of the various counties into conservation  
6 districts; the appointment of their officers and employees;  
7 and prescribing their powers and duties; creating the State  
8 Conservation Commission in the Department of Environmental  
9 Resources and fixing its powers and duties relative to the  
10 enforcement of this act; providing financial assistance to  
11 such conservation districts; and authorizing county  
12 commissioners to make appropriations thereto," further  
13 providing for county boards, providing for nomination of  
14 district directors; providing additional duties for the  
15 Department of Environmental Resources, the State Conservation  
16 Commission and district boards.

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

19 Section 1. The title, act of May 15, 1945 (P.L.547, No.217),  
20 known as the "Soil Conservation Law," amended December 29, 1972  
21 (P.L.1686, No.361), is amended to read:

## AN ACT

22  
23 Relating to soil conservation and soil erosion, and land use  
24 practices contributing to soil wastage and soil erosion;

1 providing for the organization of the various counties into  
2 conservation districts; the appointment of their officers and  
3 employes; and prescribing their powers and duties; creating  
4 the State Conservation Commission in the Department of  
5 Environmental Resources and fixing its powers and duties  
6 relative to the enforcement of this act; providing financial  
7 assistance to such conservation districts; and authorizing  
8 county [commissioners] boards to make appropriations thereto;  
9 providing for disposition and operation of existing  
10 districts; and repealing existing laws.

11 Section 2. The act, amended August 1, 1963 (P.L.445,  
12 No.236), August 8, 1963 (P.L.598, No.315), December 19, 1967  
13 (P.L.860, No.382) and December 29, 1972 (P.L.1686, No.361), is  
14 reenacted and amended to read:

15 Section 1. Short Title.--This act shall be known and cited  
16 as the "Soil Conservation Law" of one thousand nine hundred  
17 forty-five.

18 Section 2. Declaration of Policy.--It is hereby declared to  
19 be the policy of the Commonwealth to provide for the  
20 conservation of the soil, water and related resources of this  
21 Commonwealth, and for the control and prevention of soil  
22 erosion, and thereby to preserve natural resources; assist in  
23 the control of floods; prevent impairment of dams and  
24 reservoirs; assist in maintaining the navigability of rivers and  
25 harbors; preserve wildlife; preserve the tax base; protect  
26 public lands; and protect and promote the health, safety and  
27 general welfare of the people of the Commonwealth.

28 Section 3. Definitions.--Wherever used or referred to in  
29 this act unless a different meaning clearly appears from the  
30 context:

1 (a) "Commonwealth" means the Commonwealth of Pennsylvania.

2 (b) "Agency of this Commonwealth" includes the government of  
3 this Commonwealth and any subdivision, agency or  
4 instrumentality, corporate or otherwise, of the government of  
5 this Commonwealth.

6 (c) "District" or "conservation district" means any county  
7 in the Commonwealth whose county board [of county commissioners]  
8 has, by resolution, declared said county to be a conservation  
9 district.

10 (d) "County board" means the board of county commissioners  
11 or the governing body of any county within the Commonwealth.

12 (e) "Directors" or "Board of directors" means the governing  
13 body of a conservation district appointed under the provision of  
14 this act.

15 (f) "Commission" means the State Conservation Commission  
16 created by this act.

17 (g) "United States" or "Agency of the United States"  
18 includes the United States Department of Agriculture and any  
19 other agency or instrumentality, corporate or otherwise, of the  
20 government of the United States of America.

21 (h) "Government" or "governmental" includes the government  
22 of this Commonwealth and the government of the United States.

23 (i) "Land occupier" or "occupier of land" includes any  
24 person, firm or corporation who shall hold title to, or shall be  
25 in possession of, any lands lying within a conservation  
26 district, organized under the provisions of this act, whether as  
27 owner, lessee, renter, tenant or otherwise.

28 (j) "Cooperating organization" is any organization approved  
29 by the commission to assist in carrying out the provisions of  
30 this act.

1     (k) "Nominating organization" is any organization approved  
2     under section 6 for the purpose of nominating district  
3     directors.

4     Section 4. State Conservation Commission.--(1) There is  
5 hereby created in the Department of Environmental Resources the  
6 State Conservation Commission, which shall be a departmental  
7 administrative commission with all the powers and duties  
8 generally vested in, and imposed upon, such commissions by the  
9 Administrative Code of one thousand nine hundred twenty-nine and  
10 its amendments. The commission shall consist of the Secretary of  
11 Environmental Resources, who shall be the chairman, the  
12 Secretary of Agriculture, the Dean of the College of Agriculture  
13 of The Pennsylvania State University and four farmer members,  
14 who shall be farmers, to be appointed by the Governor from a  
15 list of eight nominees submitted by the association known as  
16 "Pennsylvania State Council of Farm Organizations," and "The  
17 Pennsylvania State Association of Conservation District  
18 Directors, Inc." Each association shall nominate one candidate  
19 for each farmer member vacancy. Two urban members of the  
20 commission shall also be appointed to the commission by the  
21 Governor. In the event, however, that said association shall  
22 fail to make and submit to the Governor, nominations to fill  
23 vacancies, the Governor may appoint any citizens of Pennsylvania  
24 to fill such vacancies. The State Conservationist of the Soil  
25 Conservation Service, United States Department of Agriculture  
26 and the [Director of Agriculture and Home Economics Extension]  
27 Associate Director of the Cooperative Extension Service of The  
28 Pennsylvania State University shall be associate, non-voting  
29 members of the commission. The commission shall keep a record of  
30 its official actions, and may perform such acts and promulgate

1 such rules and regulations as may be necessary.[, and employ  
2 such personnel as needed for the execution of its function under  
3 this act.] The Department of Environmental Resources shall  
4 assign such personnel as needed for the execution of the  
5 commission's function under this act. A majority of the voting  
6 members shall constitute a quorum and all decisions of the  
7 commission shall require a concurrence of the voting members of  
8 the commission. At the last regular meeting of the commission in  
9 the calendar year, a [vice-chairman] vice-chairperson shall be  
10 elected by the members of the commission and shall serve in that  
11 capacity for the ensuing year.

12 (2) The commission may call upon the Attorney General of the  
13 Commonwealth for such legal services as it or any conservation  
14 district as it may require. It shall have authority to delegate  
15 to its [chairman] chairperson, to one or more of its members, or  
16 to one or more agents or employees, such powers and duties as it  
17 may deem proper. Upon request of the commission, for the purpose  
18 of carrying out any of its functions, any agency of the  
19 Commonwealth and The Pennsylvania State College may assign or  
20 detail members of the staff or personnel to the commission, and  
21 may make such special reports, surveys or studies as the  
22 commission may request.

23 (3) The farmer and urban members of the commission shall be  
24 appointed for a period of four years and shall hold office until  
25 their successors have been appointed and have qualified. The  
26 four farmer members' terms shall be so staggered that no more  
27 than one member's term shall expire each year while the two  
28 urban members' terms shall be so staggered that no more than one  
29 member's term shall expire every second year. At the expiration  
30 of their terms of office, or in the event of vacancies through

1 death, resignation or otherwise, new farmer or urban members  
2 shall be appointed to fill the unexpired term of the members  
3 they are replacing. A majority of the commission shall  
4 constitute a quorum and all decisions shall require the  
5 concurrence of a majority of the commission. All members of the  
6 commission shall be entitled to fifty dollars (\$50) per diem  
7 plus expenses including traveling expenses incurred in the  
8 discharge of their duties. The [commission] department shall  
9 provide for the execution of surety bonds for all employees and  
10 officers who shall be entrusted with funds or property of the  
11 commission and shall provide for the keeping of a full and  
12 accurate record of all proceedings and of all resolutions,  
13 regulations and orders issued or adopted.

14 (4) In addition to the duties and powers herein conferred  
15 upon the commission, it shall have the following duties and  
16 powers:

17 (a) To offer such assistance as may be appropriate to the  
18 directors of conservation districts;

19 (b) To keep the directors of each of the several districts  
20 generally informed of activities and experience useful to other  
21 districts;

22 (c) To approve and coordinate the programs of the several  
23 conservation districts or projects; to apportion among the  
24 several districts or to any agency of the Commonwealth, the  
25 United States or cooperating organizations any funds allotted  
26 from State or Federal or other sources; and to be responsible  
27 for the expenditures of such funds by the districts;

28 (d) To secure the cooperation and assistance of any  
29 governmental agency and to be the agency through which  
30 government aid in land and water management and conservation of

1 related resources can be extended to private lands;

2 (e) To disseminate information concerning the activities and  
3 programs of the conservation districts and to encourage the  
4 formation of such districts in areas where their organization is  
5 desirable;

6 (f) To accept contributions of money, services or materials  
7 to carry on land and water management and conservation of  
8 related resources under the provisions of this act;

9 (g) To designate the [county-wide] organizations within the  
10 county that may act in nominating persons for appointment as  
11 directors, as provided in section six of this act. Such  
12 designations may be changed from time to time as conditions may  
13 warrant;

14 (h) To approve applications for projects and recommend  
15 priorities for planning for watershed applications under the  
16 Watershed Protection and Flood Prevention Act, U. S. Public Law  
17 566 of 1954, as amended.

18 (i) To approve applications for projects and recommend  
19 priorities for planning for applications under the Resource and  
20 Conservation and Development Program authorized by Public Law  
21 87-703, the Food and Agriculture Act of 1962, as amended.

22 (j) To approve applications and recommend priorities for  
23 planning for applications for other Federal programs requiring  
24 State Conservation Agency participation.

25 (k) To provide assistance to environmental advisory councils  
26 created by municipalities pursuant to the act of December 21,  
27 1973 (P.L.425, No.148), referred to as the Municipal  
28 Environmental Advisory Council Law."

29 (5) The commission shall have the power to receive such  
30 funds as appropriated, given, granted or donated to it, or to

1 the program provided for in this act by the Federal Government,  
2 the Commonwealth or any other governmental or private agency or  
3 person, and shall use such funds for the carrying out of the  
4 provisions of this act. The commission may allocate such funds,  
5 or parts thereof, to the soil and water conservation districts  
6 or to any agency of this Commonwealth, the United States or  
7 cooperating organization. Funds so allocated shall be  
8 apportioned in an equitable and just manner at the discretion of  
9 the commission, but the decision of the commission shall be  
10 final.

11 Section 5. Creation of Conservation Districts.--(1) When  
12 the [board of county commissioners] county board of any county  
13 shall determine, in the manner hereinafter provided, that  
14 conservation of soil and water, and related resources and  
15 control and prevention of soil erosion are problems of public  
16 concern in the county, and that a substantial proportion of the  
17 rural land owners of the county favor such a resolution, it  
18 shall be lawful for the said county board [of county  
19 commissioners], by a resolution adopted at any regular or  
20 special meeting of the board, to declare the county to be a  
21 conservation district, for the purpose of effectuating the  
22 legislative policy announced in section two. These  
23 determinations may be made through petitions, hearings,  
24 referenda or by any other means which the county board [of  
25 county commissioners] deems appropriate.

26 (2) Such a district, upon its creation, shall constitute a  
27 public body corporate and politic exercising public powers of  
28 the Commonwealth as an agency thereof.

29 (3) All soil conservation districts and soil and water  
30 conservation districts created in the past under the provisions



1 of the act shall henceforth be named conservation districts.

2 Section 6. Designation of District Directors.--When a county  
3 has been declared a conservation district, a board of directors,  
4 consisting of seven members, shall be appointed by the county  
5 board [of county commissioners]. This board of directors shall  
6 consist of one member of the county board [of county  
7 commissioners], not more than four or less than two farmers, and  
8 not less than two or more than four urban members.[, but the]  
9 The total number of directors shall always be seven, unless the  
10 State Conservation Commission, upon request of the district and  
11 the county board, approves a lesser or greater number in unusual  
12 or extenuating circumstances but in no case shall the number be  
13 less than five nor more than nine. The composition of the board  
14 shall be determined by the county [commissioners] board and  
15 approved by the State Conservation Commission before such change  
16 shall become effective; the farmer and urban members to be  
17 appointed shall be selected from a list containing at least  
18 double the number of directors to be appointed, and such list is  
19 to be submitted by each of the [county-wide] organizations  
20 within the county designated by the State Conservation  
21 Commission. Upon receipt of notice from the State Conservation  
22 Commission of the organizations to be entitled to make such  
23 nominations, and having secured nomination lists, the COUNTY <—  
24 board [of county commissioners] shall appoint the proper number <—  
25 of directors.

26 The district board may appoint associate directors without  
27 voting power to carry out the district's business as directed by  
28 the district board.

29 Section 7. Appointment; Qualifications; Compensation; and  
30 Tenure of Directors.--The director appointed from the county

1 board [of county commissioners] shall be appointed annually by  
2 the county board [of county commissioners]. The term of office  
3 for farmer and urban directors will be four years, except that  
4 directors shall be appointed so that no more than two directors'  
5 terms shall expire in one year. A director shall hold office  
6 until his successor has been appointed and has qualified.  
7 Vacancies shall be filled for the unexpired terms. Successors to  
8 fill unexpired terms or for full terms shall be appointed by the  
9 county [commissioners] board from a list containing at least  
10 double the number of directors to be appointed, such list to be  
11 composed of nominations submitted in writing by a qualified  
12 officer of each of the organizations designated by the State  
13 Conservation Commission. The final list of nominations shall be  
14 placed on file by the county [commissioners] board and shall be  
15 open to public inspection. In filling unexpired terms, the  
16 county [commissioners] board may make appointments from any list  
17 prepared in the above manner that has been compiled within the  
18 twelve months preceding such appointments.

19 The director appointed from the county board [of county  
20 commissioners] shall receive no additional compensation but  
21 shall receive traveling expenses as allowed as a member of the  
22 county board [of county commissioners]. The other members of the  
23 board of directors shall serve without pay, [but] unless the  
24 district applies for and receives permission from, the State  
25 Conservation Commission to pay the directors for services  
26 rendered on specific projects, or a per diem, at a rate approved  
27 by the commission. The directors may be reimbursed for actual  
28 and necessary expenses incurred while engaged in the performance  
29 of their official duties, provided funds are made available by  
30 the board of county commissioners or by the State Conservation

1 Commission for such purpose, and under such terms and conditions  
2 as the county board or the commission, whichever has provided  
3 the funds, shall determine.

4 The district may apply for and receive permission from the  
5 State Conservation Commission to pay associate directors for  
6 services rendered on specific projects.

7 Section 8. Organization of Directors.--(1) The board of  
8 directors of the district shall be the governing body thereof.  
9 At their first meeting in the calendar year they shall elect a  
10 [chairman] chairperson and [vice-chairman] vice-chairperson and  
11 elect or appoint a secretary and/or treasurer and such other  
12 officers deemed necessary. A majority of the voting members  
13 shall constitute a quorum. The directors may delegate to their  
14 chairman, or to one or more directors, such powers and duties as  
15 they shall deem proper. The directors shall furnish to the State  
16 Conservation Commission, upon request, copies of such rules,  
17 orders, contracts, forms and other documents as they shall adopt  
18 or employ and such other information concerning their activities  
19 as the commission may require in the performance of its duties  
20 under this act. They may likewise appoint a secretary and/or  
21 treasurer who need not be a member of the board of directors.

22 (2) The board of directors shall provide for the execution  
23 of surety bonds for any members or employees who shall be  
24 entrusted with funds or property; shall provide for the keeping  
25 of a full and accurate record of all proceedings and of all  
26 resolutions, regulations and orders issued or adopted; shall  
27 prepare and distribute annual reports and shall provide for an  
28 annual audit of the accounts of receipts and disbursements.

29 (3) The board of directors may invite the legislative body  
30 of any political subdivision to designate a representative to

1 advise and consult with the directors of the district on all  
2 questions of program and policy which may affect the property,  
3 water supply, or other interests of such political subdivision.

4 (4) A director absent from regular district meeting three or  
5 more times during a year without due cause may be replaced by  
6 the county commissioners.

7 Section 9. Powers of Districts and Directors.--The directors  
8 of a conservation district shall have the following powers in  
9 addition to those granted in other sections of this act:

10 (1) To conduct surveys, investigations and research relating  
11 to the character of soil erosion and the preventive control  
12 measures needed to publish the results of such surveys,  
13 investigation or research, and disseminate information  
14 concerning such preventive and control measures after securing  
15 approval from the State Conservation Commission: Provided,  
16 however, That in order to avoid duplication of research  
17 activities no district shall initiate any research program  
18 except in cooperation with The Pennsylvania State University  
19 College of Agriculture or any agency approved by the State  
20 Conservation Commission;

21 (2) To employ the necessary personnel to properly conduct  
22 the operations of the district and provide adequate and  
23 necessary insurance coverage for directors and employes, and  
24 appropriate fringe benefits for employe, provided funds are  
25 available for such purposes;

26 (3) To carry out preventive and control measures within the  
27 district, including but not limited, to engineering operations,  
28 methods of cultivation, the growing of vegetation, changes in  
29 use of land and drainage operations on lands owned or controlled  
30 by this State or any of its agencies with the consent and

1 cooperation of the agency administering and having jurisdiction  
2 thereof, and on any other lands within the district upon  
3 obtaining the written consent of the owner and occupier of such  
4 lands or the necessary rights or interests in such lands;

5 (4) To cooperate or enter into agreements with, and to  
6 furnish financial or other aid to, any agency, governmental or  
7 otherwise, or any occupier of lands within the district in  
8 carrying on erosion control and prevention operations, including  
9 ditching and draining operations for effective conservation and  
10 utilization of the lands within the district, subject to such  
11 conditions as the directors may deem necessary to advance the  
12 purposes of this act: Provided, however, That such agreements  
13 are within the limits of available funds or within  
14 appropriations made available to it by law;

15 (5) To obtain options upon, and to acquire by purchase,  
16 exchange, lease, gift, grant, bequest, devise or otherwise, any  
17 property real or personal or right or interests therein; to  
18 maintain, administer and improve any properties acquired; to  
19 receive income from such properties and to expend such income in  
20 carrying out the purposes and provisions of this act; and to  
21 sell, lease or otherwise dispose of any of its property or  
22 interests therein in furtherance of the purposes and the  
23 provisions of this act;

24 (6) To make available on such terms as it shall prescribe to  
25 land occupiers within the district, agricultural and engineering  
26 machinery and equipment; fertilizer, seeds and seedlings and  
27 such other material or equipment as will assist such land  
28 occupiers to carry on operations upon their lands for the  
29 effective conservation and utilization of soil resources; and  
30 for the prevention and control of soil erosion;

1 (7) To construct, improve and maintain such structures as  
2 may be necessary or convenient for the performance of any of the  
3 operations authorized in this act;

4 [(8) To develop comprehensive plans for the conservation of  
5 soil resources and for the control and prevention of soil  
6 erosion within the district, which plans shall specify in such  
7 detail as may be possible, the acts, procedures, performances  
8 and avoidances which are necessary or desirable for the  
9 effectuation of such plans, including the specification of  
10 engineering operations; methods of cultivation, the growing of  
11 vegetation, cropping programs, tillage practices and changes in  
12 use of land and to publish such plans and information and bring  
13 them to the attention of occupiers of lands within the district:  
14 Provided, however, That in order to avoid duplication of  
15 educational activities, such plans and information shall be  
16 published in cooperation with The Pennsylvania State University  
17 College of Agriculture, or with the approval of the State  
18 Conservation Commission;]

19 (8) To assist and advise owners and occupiers of land in  
20 developing plans for storm water management, soil erosion  
21 control and conservation of water and soil resources, including  
22 recommended engineering practices, cultivation methods, cropping  
23 programs, tillage practices and changes of land use.

24 (9) To assist and advise the county and municipal  
25 governments in developing and implementing storm water  
26 management plans and programs and in administering programs for  
27 flood control, flood plain management and water pollution  
28 control.

29 (10) To conduct educational programs relating to soil and  
30 water conservation in cooperation with the Pennsylvania State

1 University and to publish educational materials relating to soil  
2 and water conservation with the approval of the State  
3 Conservation Commission.

4 (11) Upon approval of the commission to accept authority  
5 delegated by local, State or Federal government.

6 [(9)] (12) To sue and be sued in the name of the district;  
7 to have perpetual succession unless terminated as hereinafter  
8 provided; to make and execute contracts and other instruments  
9 necessary or convenient to the exercise of its powers; to make,  
10 and from time to time amend and repeal, rules and regulations  
11 not inconsistent with this act to carry into effect its purposes  
12 and powers.

13 [(10)] (13) As a condition to extending any benefits under  
14 this act, or to the performance of work upon any lands not owned  
15 or controlled by the Commonwealth or any of its agencies, the  
16 board of directors may require contributions in money, services,  
17 materials or otherwise to any operations conferring such  
18 benefits and may require land occupiers to enter into and  
19 perform such agreements or covenants as to the long term use of  
20 such lands as will tend to prevent or control erosion thereon.

21 [(11)] (14) No provisions with respect to the acquisition,  
22 operation or disposition of property by other public bodies  
23 shall be applicable to a district organized hereunder unless the  
24 Legislature shall specifically so state.

25 [(12)] (15) To accept contributions of any character from  
26 any source whatsoever, but only by and with the consent and  
27 approval of the State [Soil and Water] Conservation Commission, <—  
28 UNLESS the funding is from other governmental agencies or unless <—  
29 specifically authorized so to do by this act.

30 [(13)] (16) To sponsor projects under the Watershed

1 Protection and Flood Prevention Act, U. S. Public Law 566 of  
2 1954, as amended, and the Resource and Conservation and  
3 Development Program authorized by Public Law 87-703, the Food  
4 and Agriculture Act of 1962, as amended.

5 (17) To establish a program of assistance to environmental  
6 advisory councils which may include, but not be limited to,  
7 educational services, exchange of information or assignment of  
8 administrative and/or technical personnel.

9 Section 10. Cooperation between Districts.--The directors of  
10 any two or more districts organized under the provisions of this  
11 act may cooperate with one another in the exercise of any or all  
12 powers conferred in this act. Directors of two or more  
13 districts, upon approval of the county boards and the State  
14 Conservation Commission, may create special purpose or watershed  
15 districts to solve specific problems of a multi-county nature.

16 Section 11. State Agencies to Cooperate.--Agencies of this  
17 Commonwealth which shall have jurisdiction over or be charged  
18 with the administration of State highways, or any State-owned  
19 lands and agencies of any county or other governmental  
20 subdivision of the State, which shall have jurisdiction over or  
21 be charged with the administration of any county-owned or other  
22 publicly owned lands lying within the boundaries of any district  
23 organized hereunder, may cooperate with the directors of such  
24 districts in the effectuation of programs and operations  
25 undertaken by the board of directors under the provisions of  
26 this act.

27 Section 12. Discontinuance of Districts.--(1) The county  
28 board of any county in which, by resolution, such county was  
29 declared to be a conservation district, may at any time after  
30 five years from the passage of said resolution and after



1 determining that a substantial proportion of the land occupiers  
2 of the district so desire, and upon approval by the commission,  
3 repeal said resolution at a regular or special meeting of said  
4 board. This determination may be made through hearings,  
5 petitions, referenda or any other means which the county board  
6 deems appropriate.

7 (2) Upon the repeal of the resolution which declared the  
8 county to be a conservation district, the directors may not  
9 enter into any more contracts or agreements on behalf of the  
10 district, and all rules and regulations theretofore adopted and  
11 in force within such district shall be of no further force and  
12 effect. Such district, however, shall continue for a period not  
13 to exceed two years for the purpose of fulfilling its contracts,  
14 discharging any existing obligations, collecting and  
15 distributing its assets and doing all other acts required to  
16 adjust and wind up its affairs not to exceed a period of two  
17 years.

18 (3) Upon the repeal by the county board [of county  
19 commissioners] of the resolution declaring the county to be a  
20 conservation district, the directors shall, at public auction,  
21 dispose of all property belonging to the district as soon as  
22 said property is no longer needed by the district to fulfill any  
23 existing contracts, and shall forthwith pay over the proceeds of  
24 such sale, less the necessary costs of the sale, into the county  
25 treasury. The directors shall, at least ten days prior to  
26 holding such public auction, notify the commission of the  
27 property proposed to be sold thereat, and after such sale shall  
28 render to the county board [of county commissioners] and to the  
29 commission a report of such sale specifying the property sold,  
30 the amount received therefor and the disposition of the

1 proceeds. Such report of the sale shall also be accompanied by a  
2 list of the remaining property of the district still undisposed  
3 of.

4 (4) Any property, real or personal, remaining unsold at the  
5 end of two years shall be taken over by the county board for  
6 proper disposition and the proceeds derived therefrom placed in  
7 the county treasury.

8 Section 13. County [Commissioners'] Boards'  
9 Appropriations.--The county [commissioners] boards of the  
10 several counties of this Commonwealth are hereby authorized to  
11 appropriate annually out of the current revenues of the county,  
12 moneys to the conservation district, properly organized and  
13 functioning under the provisions of this act, and located within  
14 the county. The amount appropriated shall be determined as in  
15 the case of county appropriations, or appropriations of cities  
16 of the first class, as the case may be.

17 Section 14. State Appropriations.--The General Assembly of  
18 the Commonwealth shall appropriate from time to time as may be  
19 necessary, moneys out of the General Fund to the State  
20 Conservation Commission for its use in administering the  
21 provisions of this act.

22 Section 15. Acts Repealed.--The act approved the second day  
23 of July, one thousand nine hundred thirty-seven (Pamphlet Laws,  
24 two thousand seven hundred twenty-four), entitled "An act  
25 relating to soil conservation and soil erosion, and regulating  
26 land use practices contributing to soil wastage and soil  
27 erosion; providing for the organization of soil conservation  
28 districts, as governmental subdivisions of the Commonwealth,  
29 with powers of enacting ordinances and regulations for the  
30 prevention and control of soil erosion and the conservation of

1 soil resources; prescribing the officers and employes thereof,  
2 and defining their powers and duties; creating the State Soil  
3 Conservation Board in the Department of Agriculture and imposing  
4 powers and prescribing duties thereon relative to the  
5 enforcement of this act; providing financial assistance to such  
6 soil conservation districts; prescribing penalties, and making  
7 an appropriation," as amended, is hereby repealed, except that  
8 districts now chartered and operating under said acts, lying  
9 wholly in one county, may continue to operate thereunder with  
10 the State Soil Conservation Commission replacing the State Soil  
11 Conservation Board until the board of county commissioners, in  
12 the county in which such district is located, declare the county  
13 to be a soil conservation district at which time their affairs  
14 shall be closed out and all assets and records turned over to  
15 the board of directors of the newly declared district, or when a  
16 district now chartered and operating under said acts has  
17 boundaries which extend into two counties it may continue to  
18 operate thereunder with the State Soil Conservation Commission  
19 replacing the State Soil Conservation Board until the county  
20 commissioners, in the county in which the major part of such  
21 district is located, declare that county to be a soil  
22 conservation district, at which time the affairs of such  
23 district shall be closed out and all assets and records turned  
24 over to the board of directors of the newly declared district  
25 (in the case where a soil conservation district now organized  
26 shall comprise territory outside of the county containing its  
27 principal territory, the portion outside shall be administered  
28 by the board of directors of the newly formed district  
29 comprising the county where the principal territory is located  
30 until such time as the county where the outside portion is

1 located shall constitute itself a soil conservation district  
2 under this act, whereupon the said outside portion shall become  
3 a part of the county district wherein it is geographically  
4 located) and in cases where the board or boards of county  
5 commissioners fails or fail to organize under this act, said  
6 district or districts may continue to function as heretofore  
7 under said acts.

8 Section 16. Contracts to Remain in Force.--Whenever any  
9 lands which constitute all or a part of a soil conservation  
10 district created pursuant to the act, approved the second day of  
11 July, one thousand nine hundred thirty-seven (Pamphlet Laws, two  
12 thousand seven hundred twenty-four), and its amendments, become  
13 a part of a district created by resolution of the COUNTY board <—  
14 [of county commissioners], all contracts theretofore entered <—  
15 into to which the former district or supervisors thereof were  
16 parties, shall remain in force and effect for the period  
17 provided in such contracts, and the directors of the newly  
18 created district shall be substituted for the supervisors of the  
19 former district as party to those contracts relating to lands  
20 lying within the district of which they are directors.

21 The representative directors of the district created by the  
22 county board [of county commissioners] shall be entitled to all  
23 the benefits and be subject to all liabilities under such  
24 contracts, and shall have the same right and liability to  
25 perform, to require performance, to sue and be sued thereon,  
26 including the right to terminate such contracts by mutual  
27 consent or otherwise as the supervisors of the district created,  
28 pursuant to the act, approved the second day of July, one  
29 thousand nine hundred thirty-seven (Pamphlet Laws, two thousand  
30 seven hundred twenty-four), and its amendments.

1       Section 17.   Effective Date.--This act shall become effective  
2 immediately upon its final enactment.  
3       Section 3.   This act shall take effect immediately.