

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2491 Session of
2008

INTRODUCED BY R. MILLER, ARGALL, BOYD, CAPPELLI, CREIGHTON,
CUTLER, EVERETT, FREEMAN, GEORGE, GILLESPIE, GINGRICH,
GOODMAN, GRELL, HARPER, HERSHEY, M. KELLER, MELIO, MOUL,
MOYER, MUNDY, MURT, NICKOL, REICHLEY, ROSS, RUBLEY, SAYLOR,
SCAVELLO, SONNEY, STERN, SWANGER AND HARHART, MAY 2, 2008

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MAY 2, 2008

AN ACT

1 Amending the act of May 15, 1945 (P.L.547, No.217), entitled, as
2 amended, "An act relating to the conservation of soil, water
3 and related natural resources 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 employes;
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 administration of this act; providing financial and legal
11 assistance to such conservation districts and the commission;
12 and authorizing county governing bodies to make
13 appropriations thereto; providing for disposition and
14 operation of existing districts; and repealing existing
15 laws," imposing a surcharge on certain fines and penalties;
16 and making editorial changes.

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

19 Section 1. Section 3 of the act of May 15, 1945 (P.L.547,
20 No.217), known as the Conservation District Law, reenacted and
21 amended December 19, 1984 (P.L.1125, No.221), is amended to
22 read:

23 Section 3. Definitions.--[Wherever used or referred to in

1 this act unless a different meaning clearly appears from the
2 context:

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

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

8 (c) "District" or "conservation district" means any county
9 in the Commonwealth whose county governing body has, by
10 resolution, declared said county to be a conservation district.

11 (d) "County governing body" means the board of county
12 commissioners or that body that has responsibility or authority
13 relating to the conservation district.

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

17 (f) "Commission" means the State Conservation Commission
18 created by this act.

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

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

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

30 (j) "Cooperating organization" is any organization approved

1 by the commission to assist in carrying out the provisions of
2 this act.

3 (k) "Nominating organization" is any organization approved
4 under section 4 for the purpose of nominating district
5 directors.

6 (l) "County" includes cities of the first class.

7 (m) "Department" means the Department of Environmental
8 Resources.] The following words and phrases when used in this
9 act shall have the meanings given to them in this section unless
10 the context clearly indicates otherwise:

11 "Agency of the Commonwealth." The term includes the
12 government of the Commonwealth and any subdivision, agency or
13 instrumentality, corporate or otherwise, of the government of
14 this Commonwealth.

15 "Commission." The State Conservation Commission created by
16 this act.

17 "Commonwealth." The Commonwealth of Pennsylvania.

18 "Cooperating organization." An organization approved by the
19 State Conservation Commission to assist in carrying out the
20 provisions of this act.

21 "County." The term includes a city of the first class.

22 "County governing body." The board of county commissioners
23 or that body that has responsibility or authority relating to a
24 conservation district.

25 "Department." The Department of Environmental Protection of
26 the Commonwealth.

27 "Directors" or "board of directors." The governing body of a
28 conservation district appointed under the provisions of this
29 act.

30 "District" or "conservation district." A county in the

1 Commonwealth whose county governing body has, by resolution,
2 declared the county to be a conservation district.

3 "Government" or "governmental." The government of the
4 Commonwealth and the government of the United States.

5 "Land occupier" or "occupier of land." The term includes any
6 person, firm or corporation who holds title to or is in
7 possession of any lands lying within a conservation district,
8 organized under the provisions of this act, whether as owner,
9 lessee, renter, tenant or otherwise.

10 "Nominating organization." An organization approved under
11 section 4 for the purpose of nominating district directors.

12 "United States" or "agency of the United States." The term
13 includes the United States Department of Agriculture and any
14 other agency or instrumentality, corporate or otherwise, of the
15 government of the United States.

16 Section 2. The act is amended by adding a section to read:

17 Section 14.1. Surcharge on Fines and Penalties.--(a) The
18 department shall impose and collect a surcharge on each fine and
19 penalty that is collected by it under this or any other act and
20 that is deposited into a special fund. The amount of the
21 surcharge shall be equal to ten percent of the amount of the
22 fine or penalty. The surcharge shall be deposited into the
23 special fund in which the fine or penalty is deposited.

24 (b) The Secretary of the Budget shall annually transfer from
25 each special fund to the Conservation District Fund an amount
26 equal to the aggregate amount of surcharges collected under this
27 section and deposited into the special fund during the previous
28 year.

29 (c) As used in this section, "special fund" means any
30 special fund or restricted revenue account administered by the

1 department, including, but not limited to:

2 (1) The Clean Air Fund.

3 (2) The Clean Water Fund.

4 (3) The Safe Drinking Water Fund.

5 (4) The Solid Waste Abatement Fund.

6 (5) The Waste Transportation Safety Account.

7 Section 3. This act shall take effect in 60 days.