

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 197

Session of
1973

INTRODUCED BY MESSRS. ZEARFOSS, W. W. WILT, BITTLE, LAUDADIO,
SCHMITT, J. B. KELLY, VIPOND, HALVERSON, MALADY, FISCHER,
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CRAWFORD, MESSRS. USTYNOSKI, KNEPPER, MRS. GILLETTE, MESSRS.
SHANE, VALICENTI, MURTHA, KAHLE, DORSEY, JONES, SALOOM,
KLINGAMAN, KENNEDY, PARKER, O'CONNELL, GRING, WEIDNER, MRS.
WHITTLESEY, MESSRS. WELLS AND GLEASON, JANUARY 29, 1973

SENATOR MURPHY, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
OCTOBER 24, 1973

AN ACT

1 Authorizing the establishment of ~~conservation commissions~~ <—
2 ENVIRONMENTAL ADVISORY COUNCILS by certain political <—
3 subdivisions.

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

6 Section 1. The governing body of any city, borough,
7 township, or incorporated town, or group of two or more such
8 political subdivisions, may by ordinance ~~redesignate an existing~~ <—
9 ~~municipal park and/or recreation board as a Park, Recreation and~~
10 ~~Conservation Commission to exercise, in addition to powers~~
11 ~~already granted, the powers and authority granted in this act,~~
12 ~~or may establish an independent conservation commission for the~~
13 ~~promotion, conservation, protection and development of natural~~
14 ~~resources, including watershed resources, located within its or~~
15 ~~their territorial limits. The county conservation districts~~

1 ~~shall coordinate the activities of conservation commissions in~~
2 ~~matters involving two or more conservation commissions within~~
3 ~~the county~~ ESTABLISH AN ENVIRONMENTAL ADVISORY COUNCIL TO ADVISE <—
4 OTHER LOCAL GOVERNMENTAL AGENCIES, INCLUDING, BUT NOT LIMITED
5 TO, THE PLANNING COMMISSION, PARK AND RECREATION BOARDS AND
6 ELECTED OFFICIALS, ON MATTERS DEALING WITH PROTECTION,
7 CONSERVATION, MANAGEMENT, PROMOTION AND USE OF NATURAL
8 RESOURCES, INCLUDING AIR, LAND AND WATER RESOURCES, LOCATED
9 WITHIN ITS OR THEIR TERRITORIAL LIMITS.

10 Section 2. ~~A conservation commission~~ AN ENVIRONMENTAL <—
11 ADVISORY COUNCIL shall be composed of no less than three nor
12 more than seven residents of the political subdivision
13 establishing the ~~commission~~ COUNCIL, who shall be appointed and <—
14 all vacancies filled by the governing body of the political
15 subdivision. Where two or more political subdivisions jointly
16 establish a ~~conservation commission~~ AN ENVIRONMENTAL ADVISORY <—
17 COUNCIL the members shall be appointed in the same manner, by
18 each of the respective political subdivisions establishing the
19 ~~commission~~ COUNCIL, each constituent political subdivision to <—
20 have equal membership on the joint ~~commission~~ COUNCIL. Duly <—
21 appointed ~~commission~~ COUNCIL members shall serve for a term of <—
22 three years except that initial appointments shall be so
23 staggered that the terms of approximately one-third of the
24 membership ~~will~~ SHALL expire each year, the terms of their <—
25 successors to be of three years each. Members shall receive no
26 compensation for their services, but shall be reimbursed for the
27 expenses actually and necessarily incurred by them in the
28 performance of their duties. The appointing authority shall
29 designate the chairman of the ~~commission~~ COUNCIL except that in <—
30 joint ~~commissions~~ COUNCILS the chairman ~~will~~ SHALL be elected by <—

1 the duly selected members. Whenever possible, one member shall
2 also be a member of the municipal planning board.

3 ~~If an existing park and/or recreation board is redesignated~~ <—
4 ~~as the Park, Recreation and Conservation Commission, the~~
5 ~~membership may be increased to not more than eleven.~~

6 Section 3. ~~A conservation commission~~ AN ENVIRONMENTAL <—
7 ADVISORY COUNCIL organized under this act shall have power to
8 ~~develop~~ IDENTIFY ENVIRONMENTAL PROBLEMS AND RECOMMEND plans and <—
9 programs TO THE APPROPRIATE AGENCIES for the promotion and <—
10 conservation of the natural resources and for the protection and
11 improvement of the quality of the environment within its
12 territorial limits; ~~to conduct research into the use and~~ MAKE <—
13 RECOMMENDATIONS AS TO THE possible use of the open land areas of <—
14 the ~~political subdivision or~~ political subdivisions within its <—
15 territorial limits; ~~to coordinate the activities of unofficial~~ <—
16 ~~bodies organized for similar purposes; to advertise, prepare,~~
17 ~~print and distribute books, maps, charts, plans and pamphlets as~~
18 ~~necessary for its purposes; TO PROMOTE A COMMUNITY ENVIRONMENTAL~~ <—
19 PROGRAM; to keep an index of all open areas, publicly or
20 privately owned, including ~~open marshlands, swamps and other~~ <—
21 ~~wetlands and waters,~~ BUT NOT LIMITED TO FLOOD-PRONE AREAS, <—
22 SWAMPS, AND OTHER UNIQUE NATURAL AREAS, for the purpose of
23 obtaining information on the proper use of such areas; and to
24 ~~recommend from time to time to the planning commission or, if~~ <—
25 ~~none, to the chief executive officer or officers, or to the~~
26 ~~governing body or bodies plans and programs for the~~
27 ~~implementation of such purposes.~~

28 ~~Subject to the approval of the governing body or bodies~~
29 ~~within its territorial limits, a conservation commission may~~
30 ~~acquire property, both real and personal, in the name of the~~

1 ~~political subdivision or political subdivisions, by gift,~~
2 ~~purchase, grant, bequest, easement devise or lease for any of~~
3 ~~its purposes and shall administer the same for such purposes~~
4 ~~subject to the terms of the conveyance, gift or lease.~~ ADVISE <—
5 THE APPROPRIATE LOCAL GOVERNMENTAL AGENCIES, INCLUDING BUT NOT
6 LIMITED TO, THE PLANNING COMMISSION AND RECREATION AND PARK
7 BOARD OR, IF NONE, TO THE ELECTED GOVERNING BODY OR BODIES
8 WITHIN ITS TERRITORIAL LIMITS IN THE ACQUISITION OF PROPERTY,
9 BOTH REAL AND PERSONAL, BY GIFT, PURCHASE, GRANT, BEQUEST,
10 EASEMENT, DEVISE OR LEASE IN MATTERS DEALING WITH THE PURPOSES
11 OF THIS ACT.

12 ~~A conservation commission~~ AN ENVIRONMENTAL ADVISORY COUNCIL <—
13 shall not exercise any powers or perform any duties which by law
14 are conferred or imposed upon a State agency.

15 Section 4. ~~A conservation commission~~ AN ENVIRONMENTAL <—
16 ADVISORY COUNCIL shall keep records of its meetings and
17 activities and shall make an annual report which shall be
18 printed in the annual municipal report or, if none, otherwise
19 made known and available.

20 Section 5. The governing body of any political subdivision
21 establishing ~~a conservation commission~~ AN ENVIRONMENTAL ADVISORY <—
22 COUNCIL may appropriate funds for the expenses incurred by the
23 ~~conservation commission~~ ENVIRONMENTAL ADVISORY COUNCIL. <—

24 Appropriations may be expended for such administrative,
25 clerical, PRINTING and legal services as may from time to time <—
26 be required and as shall be within the limit of funds
27 appropriated to the ~~conservation commission~~ ENVIRONMENTAL <—
28 ADVISORY COUNCIL. The whole or any part of any funds so
29 appropriated in any year may be placed in a conservation fund,
30 allowed to accumulate from year to year, or be expended in any

1 year.

2 Section 6. Nothing in this act shall be construed to require
3 a political subdivision ~~which has heretofore constituted a shade~~ <—
4 ~~tree commission or its counterpart to abolish such commission,~~
5 ~~and any such commission heretofore established may continue to~~
6 ~~operate as originally established.~~ TO ABOLISH ANY EXISTING <—
7 COMMISSIONS WITH A RELATED RESPONSIBILITY OR TO PREVENT ITS
8 ESTABLISHMENT.

9 Section 7. ~~The Secretary of the Department of Environmental~~ <—
10 ~~Resources, in cooperation with the Secretary of the Department~~
11 ~~of Community Affairs, shall establish a program of assistance to~~
12 ~~conservation commissions with and through county conservation~~
13 ~~districts in acquiring land and in planning for its protection,~~
14 ~~management use and development. Such a program shall include,~~
15 ~~but shall not be limited to educational services, exchange of~~
16 ~~information, assignment of technical personnel for natural~~
17 ~~resource planning assistance, and the coordination of State and~~
18 ~~local conservation activities.~~ THE STATE CONSERVATION COMMISSION <—
19 IN THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL ESTABLISH A
20 PROGRAM OF ASSISTANCE TO ENVIRONMENTAL ADVISORY COUNCILS THAT
21 MAY INCLUDE EDUCATIONAL SERVICES, EXCHANGE OF INFORMATION,
22 ASSIGNMENT OF TECHNICAL PERSONNEL FOR NATURAL RESOURCES PLANNING
23 ASSISTANCE, AND THE COORDINATION OF STATE AND LOCAL CONSERVATION
24 ACTIVITIES.

25 SECTION 8. THE SECRETARY OF COMMUNITY AFFAIRS SHALL
26 ESTABLISH A PROGRAM OF ASSISTANCE TO ENVIRONMENTAL ADVISORY
27 COUNCILS IN PLANNING FOR THE MANAGEMENT, USE AND DEVELOPMENT OF
28 OPEN SPACE AND RECREATION AREAS.

29 Section ~~8~~ 9. This act shall take effect immediately. <—