

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 800

Session of
1981

INTRODUCED BY BITTLE, WASS, MANMILLER, FEE, PUNT, CAPPABIANCA,
GEIST, STEIGHNER, GEIST AND BURD, MARCH 10, 1981

AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 25, 1981

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 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 enforcement of this act; providing financial assistance to
11 such conservation districts; and authorizing county
12 commissioners to make appropriations thereto; providing for
13 disposition and operation of existing districts; and
14 repealing existing laws," further providing for county
15 boards, providing for nomination of district directors;
16 providing additional duties for the Department of
17 Environmental Resources, the State Conservation Commission
18 and district boards.

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

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

AN ACT

24
25 Relating to soil conservation and soil erosion, and land use

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

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

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

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

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

1 context:

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

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

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

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

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

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

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

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

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

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

1 this act.

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

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

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

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

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

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

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

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

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

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

30 (d) To secure the cooperation and assistance of any

1 governmental agency and to be the agency through which
2 government aid in land and water management and conservation of
3 related resources can be extended to private lands;

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

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

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

16 (h) To approve applications for projects and recommend
17 priorities for planning for watershed applications under the
18 Watershed Protection and Flood Prevention Act, U. S. Public Law
19 566 of 1954, as amended.

20 (i) To approve applications for projects and recommend
21 priorities for planning for applications under the Resource and
22 Conservation and Development Program authorized by Public Law
23 87-703, the Food and Agriculture Act of 1962, as amended.

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

27 (k) To provide assistance to environmental advisory councils
28 created by municipalities pursuant to the act of December 21,
29 1973 (P.L.425, No.148), referred to as the Municipal
30 Environmental Advisory Council Law.

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

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

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

1 (3) All soil conservation districts and soil and water
2 conservation districts created in the past under the provisions
3 of the act shall henceforth be named conservation districts.

4 (4) Any conservation district may call upon the Attorney
5 General or Office of General Counsel for such legal services as
6 it may require, including the defense of any suit brought
7 against such district, DISTRICT DIRECTOR or any employe thereof. <—

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

1 of directors.

2 The district board may appoint associate directors without
3 voting power to carry out the district's business as directed by
4 the district board.

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

25 The director appointed from the county board [of county
26 commissioners] shall receive no additional compensation but
27 shall receive traveling expenses as allowed as a member of the
28 county board [of county commissioners]. The other members of the
29 board of directors shall serve without pay, [but] unless, at the
30 district's request, the State Conservation Commission approves

1 the districts to pay directors for services rendered on specific
2 projects, or a per diem, at a rate approved by the commission.
3 The directors may be reimbursed for actual and necessary
4 expenses incurred while engaged in the performance of their
5 official duties, provided funds are made available by the [board
6 of county commissioners] county board or by the State
7 Conservation Commission for such purpose, and under such terms
8 and conditions as the county board or the commission, whichever
9 has provided the funds, shall determine.

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

26 (2) The board of directors shall provide for the execution
27 of surety bonds for any members or employees who shall be
28 entrusted with funds or property; shall provide for the keeping
29 of a full and accurate record of all proceedings and of all
30 resolutions, regulations and orders issued or adopted; shall

1 prepare and distribute annual reports and shall provide for an
2 annual audit of the accounts of receipts and disbursements.

3 (3) The board of directors may invite the legislative body
4 of any political subdivision to designate a representative to
5 advise and consult with the directors of the district on all
6 questions of program and policy which may affect the property,
7 water supply, or other interests of such political subdivision.

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

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

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

25 (2) To employ the necessary personnel to properly conduct
26 the operations of the district and provide adequate and
27 necessary insurance coverage for directors and employes, and
28 appropriate fringe benefits for employes, provided funds are
29 available for such purposes;

30 (3) To carry out preventive and control measures within the

1 district, including, but not limited, to engineering operations,
2 methods of cultivation, the growing of vegetation, changes in
3 use of land and drainage operations on lands owned or controlled
4 by this State or any of its agencies with the consent and
5 cooperation of the agency administering and having jurisdiction
6 thereof, and on any other lands within the district upon
7 obtaining the written consent of the owner and occupier of such
8 lands or the necessary rights or interests in such lands;

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

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

28 (6) To make available on such terms as it shall prescribe to
29 land occupiers within the district, agricultural and engineering
30 machinery and equipment; fertilizer, seeds and seedlings and

1 such other material or equipment as will assist such land
2 occupiers to carry on operations upon their lands for the
3 effective conservation and utilization of soil resources; and
4 for the prevention and control of soil erosion;

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

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

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

28 (9) To assist and advise the county and municipal
29 governments in developing and implementing storm water
30 management plans and programs and in administering programs for

1 flood control, flood plain management and water pollution
2 control.

3 (10) To conduct educational programs relating to soil and
4 water conservation in cooperation with the Pennsylvania State
5 University and to publish educational materials relating to soil
6 and water conservation with the approval of the State
7 Conservation Commission.

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

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

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

25 ~~[(11)]~~ (14) No provisions with respect to the acquisition,
26 operation or disposition of property by other public bodies
27 shall be applicable to a district organized hereunder unless the
28 Legislature shall specifically so state.

29 ~~[(12)]~~ (15) To accept contributions of any character from
30 any source whatsoever, but only by and with the consent and

1 approval of the State [Soil] Conservation Commission, unless the
2 funding is from other governmental agencies or unless
3 specifically authorized so to do by this act.

4 [(13)] (16) To sponsor projects under the Watershed
5 Protection and Flood Prevention Act, U.S. Public Law 566 of
6 1954, as amended, and the Resource and Conservation and
7 Development Program authorized by Public Law 87-703, the Food
8 and Agriculture Act of 1962, as amended.

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

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

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

1 Section 12. Discontinuance of Districts.--(1) The county
2 board of any county in which, by resolution, such county was
3 declared to be a conservation district, may at any time after
4 five years from the passage of said resolution and after
5 determining that a substantial proportion of the land occupiers
6 of the district so desire, and upon approval by the commission,
7 repeal said resolution at a regular or special meeting of said
8 board. This determination may be made through hearings,
9 petitions, referenda or any other means which the county board
10 deems appropriate.

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

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

1 property proposed to be sold thereat, and after such sale shall
2 render to the county board [of county commissioners] and to the
3 commission a report of such sale specifying the property sold,
4 the amount received therefor and the disposition of the
5 proceeds. Such report of the sale shall also be accompanied by a
6 list of the remaining property of the district still undisposed
7 of.

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

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

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

26 Section 15. Acts Repealed.--The act approved the second day
27 of July, one thousand nine hundred thirty-seven (Pamphlet Laws,
28 two thousand seven hundred twenty-four), entitled "An act
29 relating to soil conservation and soil erosion, and regulating
30 land use practices contributing to soil wastage and soil

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

1 principal territory, the portion outside shall be administered
2 by the board of directors of the newly formed district
3 comprising the county where the principal territory is located
4 until such time as the county where the outside portion is
5 located shall constitute itself a soil conservation district
6 under this act, whereupon the said outside portion shall become
7 a part of the county district wherein it is geographically
8 located) and in cases where the board or boards of county
9 commissioners fails or fail to organize under this act, said
10 district or districts may continue to function as heretofore
11 under said acts.

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

25 The representative directors of the district created by the
26 county board [of county commissioners] shall be entitled to all
27 the benefits and be subject to all liabilities under such
28 contracts, and shall have the same right and liability to
29 perform, to require performance, to sue and be sued thereon,
30 including the right to terminate such contracts by mutual

1 consent or otherwise as the supervisors of the district created,
2 pursuant to the act, approved the second day of July, one
3 thousand nine hundred thirty-seven (Pamphlet Laws, two thousand
4 seven hundred twenty-four), and its amendments.

5 Section 17. Effective Date.--This act shall become effective
6 immediately upon its final enactment.

7 Section 3. This act shall take effect immediately.