

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2264

Session of
1986

INTRODUCED BY LLOYD, MORRIS, RUDY, AFFLERBACH, CHADWICK, SEMMEL,
WASS, BROUJOS, JOHNSON, SHOWERS, COY, SIRIANNI, BALDWIN,
BUSH, STUBAN AND FARGO, MARCH 17, 1986

SENATOR HELFRICK, AGRICULTURE AND RURAL AFFAIRS, IN SENATE, AS
AMENDED, APRIL 23, 1986

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," further structuring and reestablishing the State
16 Conservation Commission.

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

19 Section 1. Sections 4(1) and (4), 6(1), ~~7(1) and 14~~ AND 7(1) <—
20 of the act of May 15, 1945 (P.L.547, No.217), known as the
21 Conservation District Law, reenacted and amended December 19,
22 1984 (P.L.1125, No.221), are amended to read:

23 Section 4. State Conservation Commission.--(1) There is

1 hereby created in the department the State Conservation
2 Commission, which shall be a departmental administrative
3 commission with all the powers and duties generally vested in,
4 and imposed upon, such commissions by The Administrative Code of
5 1929. The commission shall consist of the Secretary of
6 Environmental Resources, who shall be the chairman, the
7 Secretary of Agriculture of Pennsylvania, the Dean of the
8 College of Agriculture of The Pennsylvania State University and
9 four farmer members, who shall be farmers, to be appointed by
10 the Governor [from a list of eight] with the advice and consent
11 of a majority of the members elected to the Senate. In
12 appointing farmer members, the Governor shall consider nominees
13 submitted by the associations known as the "Pennsylvania State
14 Council of Farm Organizations," and the "Pennsylvania
15 Association of Conservation District Directors, Inc." Each
16 association shall nominate one candidate for each farmer member
17 vacancy. Two [urban] public members [of the commission] who
18 shall not be farmers shall also be appointed to the commission
19 by the Governor with the advice and consent of a majority of the
20 members elected to the Senate. [In the event, however, that said
21 association shall fail to make and submit to the Governor,
22 nominations to fill vacancies, the Governor may appoint any
23 qualified citizens of Pennsylvania to fill such vacancies.] The
24 State Conservationist of the Soil Conservation Service, United
25 States Department of Agriculture and the Associate Director of
26 the Cooperative Extension Service of The Pennsylvania State
27 University shall be associate, non-voting members of the
28 commission. The commission shall keep a record of its official
29 actions, and may perform such acts and promulgate such rules and
30 regulations as may be necessary. The department shall assign

1 such personnel as needed for the execution of the commission's
2 function under this act. A majority of the voting members shall
3 constitute a quorum and all decisions of the commission shall
4 require a concurrence of the voting members of the commission.
5 At the last regular meeting of the commission in the calendar
6 year, a vice-chairperson shall be elected by the members of the
7 commission and shall serve in that capacity for the ensuing
8 year.

9 * * *

10 (4) The farmer and [urban] public members of the commission
11 shall be appointed for a period of four years and shall hold
12 office until their successors have been appointed and have
13 qualified, but no longer than six months beyond the four-year
14 period. The four farmer members' terms shall be so staggered
15 that no more than one member's term shall expire each year while
16 the two [urban] public members' terms shall be so staggered that
17 no more than one member's term shall expire every second year.
18 At the expiration of their terms of office, or in the event of
19 vacancies through death, resignation or otherwise, new farmer or
20 [urban] public members shall be appointed to fill the unexpired
21 term of the members they are replacing. A majority of the
22 commission shall constitute a quorum and all decisions shall
23 require the concurrence of a majority of the commission. All
24 farmer and public members of the commission shall be entitled to
25 [fifty dollars (\$50) per diem plus expenses including traveling]
26 sixty dollars (\$60) per diem plus reimbursement for reasonable
27 traveling, lodging and other necessary expenses incurred in the
28 discharge of their duties IN ACCORDANCE WITH COMMONWEALTH
29 REGULATIONS. The commission shall provide for the execution of
30 surety bonds for all employes and officers who shall be

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entrusted with funds or property of the commission and shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted. A farmer or public member of the commission who fails to attend three consecutive meetings shall forfeit his seat unless the Secretary of Environmental Resources, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of a family member.

* * *

Section 6. Designation of District Directors.--(1) When a county has been declared a conservation district, a board of directors, consisting of seven members, shall be appointed by the county governing body. This board of directors shall consist of one member of the county governing body, not more than four or less than two farmers, and not less than two or more than four [urban members] public members who shall not be farmers. The total number of directors shall always be seven, unless the State Conservation Commission, upon request of the district and the county governing body, approves a lesser or greater number in unusual or extenuating circumstances but in no case shall the number be less than five nor more than nine. The composition of the board shall be determined by the county governing body and approved by the State Conservation Commission before such change shall become effective; the farmer and [urban] public members to be appointed shall be selected from a list containing at least double the number of directors to be appointed, and such list is to be submitted by each of the organizations within the county designated by the State Conservation Commission. Upon receipt of notice from the State Conservation Commission of the

1 organizations to be entitled to make such nominations, and
2 having secured nomination lists, the county governing body shall
3 appoint the proper number of directors.

4 * * *

5 Section 7. Appointment; Qualifications; Compensation; and
6 Tenure of Directors.--(1) The director appointed from the
7 county governing body shall be appointed annually by the county
8 governing body. The term of office for farmer and [urban] public
9 directors will be four years, except that directors shall be
10 appointed so that no more than three directors' terms shall
11 expire in any one year, unless a conservation district board is
12 comprised of more than seven directors as provided for in
13 section 6. A director shall hold office until a successor has
14 been appointed and has qualified. Vacancies shall be filled for
15 the unexpired terms. Successors to fill unexpired terms or for
16 full terms shall be appointed by the county governing body from
17 a list containing at least double the number of directors to be
18 appointed, such list to be composed of nominations submitted in
19 writing by a qualified officer of each of the organizations
20 designated by the State Conservation Commission. The final list
21 of nominations shall be placed on file by the county governing
22 body and shall be open to public inspection. In filling
23 unexpired terms, the county governing body may make appointments
24 from any list prepared in the above manner that has been
25 compiled within the twelve months preceding such appointments.

26 * * *

27 ~~Section 14. Commonwealth Appropriations. (1) The General~~ <—
28 ~~Assembly of the Commonwealth shall appropriate from time to time~~
29 ~~as may be necessary, moneys out of the General Fund to the State~~
30 ~~Conservation Commission for its use in administering the~~

1 ~~provisions of this act.~~

2 ~~(2) The department shall submit annually to the~~
3 ~~appropriations committees of the Senate and the House of~~
4 ~~Representatives, no later than fifteen days after the Governor~~
5 ~~has submitted his budget to the General Assembly, an estimate~~
6 ~~for the upcoming year of the commission members' per diem and~~
7 ~~other expenses, the expenses of the department personnel to be~~
8 ~~incurred in supporting the commission and the percentage of the~~
9 ~~working hours of those personnel to be devoted to supporting the~~
10 ~~commission.~~

11 Section 2. This act, with respect to the State Conservation
12 Commission, shall constitute the legislation required to
13 reestablish an agency pursuant to the act of December 22, 1981
14 (P.L.508, No.142), known as the Sunset Act, and the commission
15 is hereby reestablished.

16 Section 3. The presently confirmed members of the State
17 Conservation Commission AS OF THE EFFECTIVE DATE OF THIS ACT <—
18 shall continue to serve as commission members until their
19 present terms of office expire, provided that any present
20 commission member whose term has expired on or before the
21 effective date of this act shall serve until a successor has
22 been appointed and qualified, but no longer than six months
23 after the effective date of this act. Any person presently
24 serving on the board of directors of a conservation district
25 shall continue to serve as a board member until his present term
26 of office expires.

27 Section 4. Each rule and regulation of the State
28 Conservation Commission in effect on the effective date of this
29 act and not inconsistent with this act shall remain in effect
30 after such date until repealed or amended by the commission,

1 provided that the commission shall immediately initiate the
2 repeal or amendment of any rule or regulation which is
3 inconsistent with the provisions of this act.

4 Section 5. This act shall take effect May 1, 1986, or
5 immediately, whichever is later.