

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 168 Session of 2011

INTRODUCED BY MILLER, BOYD, FLECK, GINGRICH, GRELL, GROVE, ROSS, SCAVELLO AND SWANGER, JANUARY 24, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 24, 2011

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) and amended July 9,  
 22 2008 (P.L.986, No.75), is amended to read:

23 Section 3. Definitions.--[Wherever used or referred to in  
 24 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 governing body has, by  
9 resolution, declared said county to be a conservation district.

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

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

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

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

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

16 "Commonwealth." The Commonwealth of Pennsylvania.

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

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

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

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

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

29 "District" or "conservation district." A county in the  
30 Commonwealth whose county governing body has, by resolution,

1 declared the county to be a conservation district.

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

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

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

11 "Special fund." Any special fund or restricted revenue  
12 account administered by the department, including, but not  
13 limited to:

14 (1) The Clean Air Fund.

15 (2) The Clean Water Fund.

16 (3) The Safe Drinking Water Account.

17 (4) The Solid Waste Abatement Fund.

18 (5) The Waste Transportation Safety Account.

19 "United States" or "agency of the United States." The term  
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.

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

24 Section 14.1. Surcharge on Fines and Penalties.--(a) The  
25 department shall impose and collect a surcharge on each fine and  
26 penalty that is collected by it under this or any other act and  
27 that is deposited into a special fund. The amount of the  
28 surcharge shall be equal to ten percent of the amount of the  
29 fine or penalty. The surcharge shall be deposited into the  
30 special fund in which the fine or penalty is deposited.

1       (b) The Secretary of the Budget shall annually transfer from  
2 each special fund to the Conservation District Fund an amount  
3 equal to the aggregate amount of surcharges collected under this  
4 section and deposited into the special fund during the previous  
5 year.

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