

hibit and restrain any unlicensed person, association, co-partnership or corporation from engaging in an activity for which a license is required to be issued by either department, and setting out the method of procedure *therefor," is repealed absolutely.

Section 11. Pending Actions.—All cases pending under the provisions of the act of April 6, 1951 (P. L. 68), as amended, on the effective date of this act shall be governed by the provisions of this act.

Section 12. Effective Date.—This act shall take effect immediately.

APPROVED—The 8th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 315

AN ACT

Amending the act of May 15, 1945 (P. L. 547), entitled "An act relating to soil conservation and soil erosion, and land use practices contributing to soil wastage and soil erosion; providing for the organization of the various counties into soil conservation districts; the appointment of their officers and employes; and prescribing their powers and duties; creating the State Soil Conservation Commission in the Department of Agriculture and fixing its powers and duties relative to the enforcement of this act; providing financial assistance to such soil conservation districts; and authorizing county commissioners to make appropriations thereto; providing for disposition and operation of existing districts; and repealing existing laws," creating the State Soil and Water Conservation Commission and districts, imposing powers and duties thereon, and making editorial corrections.

Soil Conservation Law.

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

Title and sections 3, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 14, act of May 15, 1945, P. L. 547, amended.

Section 1. The title and sections 3, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 14, act of May 15, 1945 (P. L. 547), known as the "Soil Conservation Law," are amended to read:

AN ACT

New title.

Relating to soil conservation and soil erosion, and land use practices contributing to soil wastage and soil erosion; providing for the organization of the various counties into soil *and water* conservation districts; the appointment of their officers and employes; and prescribing their powers and duties; creating the State Soil *and Water* Conservation Commission in the De-

* "therefore" in original.

partment of Agriculture and fixing its powers and duties relative to the enforcement of this act; providing financial assistance to such soil *and water* conservation districts; and authorizing county commissioners to make appropriations thereto; providing for disposition and operation of existing districts; and repealing existing laws.

Section 3. Definitions.—Wherever used or referred to in this act unless a different meaning clearly appears from the context:

(a) “Commonwealth” means the Commonwealth of Pennsylvania.

(b) “Agency of this Commonwealth” includes the government of this Commonwealth and any subdivision, agency or instrumentality, corporate or otherwise, of the government of this Commonwealth.

(c) “District” or “Soil *and water* conservation district” means any county in the Commonwealth whose board of county commissioners has, by resolution, declared said county to be a soil *and water* conservation district.

(d) “County board” means the board of county commissioners of any county within the Commonwealth.

(e) “Directors” or “Board of directors” means the governing body of a soil *and water* conservation district appointed under the provision of this act.

(f) “Commission” means the State Soil *and Water* Conservation Commission created by this act.

(g) “United States” or “Agency of the United States” includes the United States Department of Agriculture and any other agency or instrumentality, corporate or otherwise, of the government of the United States of America.

(h) “Government” or “governmental” includes the government of this Commonwealth and the government of the United States.

(i) “Land occupier” or “occupier of land” includes any person, firm or corporation who shall hold title to, or shall be in possession of, any lands lying within a soil *and water* conservation district, organized under the provisions of this act, whether as owner, lessee, renter, tenant or otherwise.

Section 4. State Soil *and Water* Conservation Commission.—(1) There is hereby created in the Department of Agriculture the State Soil *and Water* Conservation Commission, which shall be a departmental administrative commission with all the powers and duties generally vested in, and imposed upon, such commissions by the Administrative Code of one thousand nine hun-

dred twenty-nine and its amendments. The commission shall consist of the Secretary of Agriculture, who shall be the chairman, the Secretary of Forests and Waters, the Dean of the [School] *College of Agriculture* of [the] *The Pennsylvania State [College] University*, and three farmer members, who shall be farmers, to be appointed by the Governor from a list of six nominees submitted by the association known as "Pennsylvania State Council of Farm Organizations." In the event, however, that said association shall fail to make and submit to the Governor, nominations to fill vacancies, the Governor may appoint any citizens of Pennsylvania to fill such vacancies. The commission shall keep a record of its official actions, and may perform such acts and promulgate such rules and regulations as may be necessary, and employ such personnel as needed for the execution of its function under this act.

(2) The commission may call upon the Attorney General of the Commonwealth for such legal services as it may require. It shall have authority to delegate to its chairman, to one or more of its members, or to one or more agents or employes, such powers and duties as it may deem proper. Upon request of the commission, for the purpose of carrying out any of its functions, any agency of the Commonwealth and *The Pennsylvania State [College] University* may assign or detail members of the staff or personnel to the commission, and may make such special reports, surveys or studies as the commission may request.

(3) The farmer members of the commission shall be appointed for a period of two years and shall hold office until their successors have been appointed and have qualified. At the expiration of their terms of office, or in the event of vacancies through death, resignation or otherwise, new farmer members shall be appointed in the manner set forth in paragraph one of this section. A majority of the commission shall constitute a quorum and all decisions shall require the concurrence of a majority of the commission. All members of the commission shall be entitled to their actual and necessary expenses including traveling expenses incurred in the discharge of their duties. The commission shall provide for the execution of surety bonds for all employes and officers who shall be 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.

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

(a) To offer such assistance as may be appropriate to the directors of soil *and water* conservation districts;

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

(c) To approve and coordinate the programs of the several soil *and water* conservation districts or projects; to apportion among the several districts any funds allotted from State or Federal sources; and to be responsible for the expenditures of such funds by the districts;

(d) To secure the cooperation and assistance of any governmental agency and to be the agency through which government aid in erosion control can be extended to private lands. This provision shall not apply to educational projects;

(e) To disseminate information concerning the activities and programs of the soil *and water* conservation districts and to encourage the formation of such districts in areas where their organization is desirable;

(f) To accept contributions of money, services or materials to carry on erosion control work under the provisions of this act;

(g) To designate the county-wide agricultural organizations whose officers or delegates may act in nominating farmers for appointment as farmer directors, as provided in section six of this act. Such designations may be changed from time to time as conditions may warrant.

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

(5) The commission shall have the power to receive such funds as appropriated, given, granted or donated to it, or to the program provided for in this act by the Federal Government, the Commonwealth or any other governmental or private agency or person, and shall use such funds for the carrying out of the provisions of this act. The commission may allocate such funds, or parts thereof, to the soil *and water* conservation districts. Funds so allocated shall be apportioned in an equitable and just manner at the discretion of the commission, but the decision of the commission shall be final.

Section 5. Creation of Soil *and Water* Conservation Districts.—(1) When the board of county commissioners of any county shall determine, in the manner hereinafter provided, that conservation of soil resources and control and prevention of soil erosion are problems of public concern in the county, and that a substantial proportion of the rural land owners of the county favor such a resolution, it shall be lawful for the said board of county

commissioners, by a resolution adopted at any regular or special meeting of the board, to declare the county to be a soil *and water* conservation district, for the purpose of effectuating the legislative policy announced in section *two. These determinations may be made through petitions, hearings, referenda or by any other means which the board of county commissioners deems appropriate.

(2) Such a soil *and water* conservation district, upon its creation, shall constitute a public body corporate and politic exercising public powers of the Commonwealth as an agency thereof.

Section 6. Designation of District Directors.—When a county has been declared a soil *and water* conservation district, a board of directors, consisting of five members, shall be appointed by the board of county commissioners. This board of directors shall consist of one member of the board of county commissioners and four practical farmers; the farmer members to be appointed shall be selected from a list containing at least double the number of farmer directors to be appointed, and such list is to be submitted by a body consisting of the president and secretary or two official delegates from each of the county-wide organizations designated by the State Soil *and Water* Conservation Commission. Upon receipt of notice from the State Soil *and Water* Conservation Commission of the organizations to be entitled to make such nominations, the board of county commissioners shall call a meeting of the official delegates and conduct the election of the proper number of nominees.

Section 7. Appointment; Qualifications; Compensation; and Tenure of Directors.—The director appointed from the board of county commissioners shall be appointed annually by the board of county commissioners. The first four farmer directors appointed shall be designated to serve for terms of one, two, three and four years, respectively. Thereafter each farmer director shall serve for four years. A director shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired terms. The selection of successors to fill unexpired terms or for full terms, shall be in the same manner in which the respective retiring directors shall have been selected.

The director appointed from the board of county commissioners shall receive no additional compensation but shall receive traveling expenses as allowed as a member of the board of county commissioners. The farmer members of the board of directors shall serve without pay, but may be reimbursed for traveling expenses incurred

* "2" in original.

while engaged in the performance of their official duties, provided funds are made available by the board of county commissioners or by the State Soil *and Water* Conservation Commission for such purpose, and under such terms and conditions as the county board or the commission, whichever has provided the funds, shall determine.

Section 8. Organization of Directors.—(1) The board of directors of the district shall be the governing body thereof. They shall designate a chairman and may from time to time change such designee. The directors may delegate to their chairman, or to one or more directors, such powers and duties as they shall deem proper. The directors shall furnish to the State Soil *and Water* Conservation Commission, upon request, copies of such rules, orders, contracts, forms and other documents as they shall adopt or employ and such other information concerning their activities as the commission may require in the performance of its duties under this act. They may likewise appoint a secretary who need not be a member of the board of directors.

(2) The board of directors shall provide for the execution of surety bonds for any members or employes who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements.

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

Section 9. Powers of Districts and Directors.—The directors of a soil *and water* conservation district shall have the following powers in addition to those granted in other sections of this act:

(1) To conduct surveys, investigations and research relating to the character of soil erosion and the preventive control measures needed to publish the results of such surveys, investigation or research, and disseminate information concerning such preventive and control measures after securing approval from the State Soil *and Water* Conservation Commission: Provided, however, That in order to avoid duplication of research activities no district shall initiate any research program except in cooperation with [the] *The Pennsylvania State [College School] University College of Agriculture* or any agency approved by the State Soil *and Water* Conservation Commission;

(2) To employ the necessary personnel to properly conduct the operations of the district and provide adequate and necessary insurance coverage for directors and employees, provided funds are available for such purposes;

(3) To carry out preventive and control measures within the district, including but not limited, to engineering operations, methods of cultivation, the growing of vegetation, changes in use of land and drainage operations on lands owned or controlled by this State or any of its agencies with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the written consent of the owner and occupier of such lands or the necessary rights or interests in such lands;

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

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

(6) To make available on such terms as it shall prescribe to land occupiers within the district, agricultural and engineering machinery and equipment; fertilizer, seeds and seedlings and such other material or equipment as will assist such land occupiers to carry on operations upon their lands for the effective conservation and utilization of soil resources; and for the prevention and control of soil erosion;

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

(8) To develop comprehensive plans for the conservation of soil resources and for the control and prevention

of soil erosion within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations; methods of cultivation, the growing of vegetation, cropping programs, tillage practices and changes in use of land and to publish such plans and information and bring them to the attention of occupiers of lands within * the district: Provided, however, That in order to avoid duplication of educational activities, such plans and information shall be published in cooperation with [the] *The Pennsylvania State [College School] University College of Agriculture*, or with the approval of the State *Soil and Water Conservation Commission*;

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

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

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

(12) To accept contributions of any character from any source whatsoever, but only by and with the consent and approval of the State *Soil and Water Conservation Commission*, unless specifically authorized so to do by this act.

(13) *To sponsor projects under the Watershed Protection and Flood Prevention Act, U. S. Public Law 566 of 1954, as amended.*

Section 11. State Agencies to Cooperate.—Agencies of this Commonwealth which shall have jurisdiction over or be charged with the administration of State highways, or any State-owned lands and agencies of any county or other governmental subdivision of the State, which shall have jurisdiction over or be charged with

* "in" in original.

the administration of any county-owned or other publicly owned lands lying within the boundaries of any district organized hereunder, may cooperate with the directors of such districts in the effectuation of programs and operations undertaken by the board of directors under the provisions of this act. *All soil conservation districts created in the past under the provisions of this act shall henceforth be named soil and water conservation districts.*

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

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

(3) Upon the repeal by the board of county commissioners of the resolution declaring the county to be a soil *and water* conservation district, the directors shall, at public auction, dispose of all property belonging to the district as soon as said property is no longer needed by the district to fulfill any existing contracts, and shall forthwith pay over the proceeds of such sale, less the necessary costs of the sale, into the county treasury. The directors shall, at least ten days prior to holding such public auction, notify the State Commission of the property proposed to be sold thereat, and after such sale shall render to the board of county commissioners and to the State Commission a report of such sale specifying the property sold, the amount received therefor and the disposition of the proceeds. Such report of the sale shall also be accompanied by a list of the remaining property of the district still undisposed of.

(4) Any property, real or personal, remaining unsold at the end of two years shall be taken over by the county

board for proper disposition and the proceeds derived therefrom placed in the county treasury.

Section 13. County Commissioners' Appropriations.—The county commissioners of the several counties of this Commonwealth are hereby authorized to appropriate annually out of the current revenues of the county, moneys to the soil *and water* conservation district, properly organized and functioning under the provisions of this act, and located within the county. The amount appropriated shall be determined as in the case of county appropriations, or appropriations of cities of the first class, as the case may be.

Section 14. State Appropriations.—The General Assembly of the Commonwealth shall appropriate from time to time as may be necessary, moneys out of the General Fund to the State Soil *and Water* Conservation Commission for its use in administering the provisions of this act.

APPROVED—The 8th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 316

AN ACT

Amending the act of June 25, 1947 (P. L. 938), entitled "An act relating to the annual salaries and compensation of certain county officers of counties of the seventh class," increasing the compensation of auditors.

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

Section 1. Section 1, act of June 25, 1947 (P. L. 938), entitled "An act relating to the annual salaries and compensation of certain county officers of counties of the seventh class," amended September 8, 1959 (P. L. 840), is amended to read:

Section 1. That in counties of the seventh class the annual salary of the sheriff shall be five thousand two hundred dollars (\$5,200).

The district attorney shall receive an annual salary depending upon the population of the county, as follows: (a) twenty thousand (20,000) and more, but less than thirty thousand (30,000), three thousand seven hundred dollars (\$3,700); (b) thirty thousand (30,000) and more, but less than forty thousand (40,000), four thousand two hundred dollars (\$4,200); (c) forty thousand (40,000) and more, but less than fifty thousand

Seventh class counties.

Section 1, act of June 25, 1947, P. L. 938, amended September 8, 1959, P. L. 840, further amended.

Salaries of county officers.