

No. 1986-39

AN ACT

HB 2264

Amending the act of May 15, 1945 (P.L.547, No.217), entitled, as amended, "An act relating to the conservation of soil, water and related natural resources and land use practices contributing to soil wastage and soil erosion; providing for the organization of the various counties into conservation districts; the appointment of their officers and employes; and prescribing their powers and duties; creating the State Conservation Commission in the Department of Environmental Resources and fixing its powers and duties relative to the administration of this act; providing financial and legal assistance to such conservation districts and the commission; and authorizing county governing bodies to make appropriations thereto; providing for disposition and operation of existing districts; and repealing existing laws," further structuring and reestablishing the State Conservation Commission.

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

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

Section 4. State Conservation Commission.—(1) There is hereby created in the department the State 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 1929. The commission shall consist of the Secretary of Environmental Resources, who shall be the chairman, the Secretary of Agriculture of Pennsylvania, the Dean of the College of Agriculture of The Pennsylvania State University and four farmer members, who shall be farmers, to be appointed by the Governor **[from a list of eight] with the advice and consent of a majority of the members elected to the Senate. In appointing farmer members, the Governor shall consider** nominees submitted by the associations known as the "Pennsylvania State Council of Farm Organizations," and the "Pennsylvania Association of Conservation District Directors, Inc." Each association shall nominate one candidate for each farmer member vacancy. Two **[urban] public members [of the commission] who shall not be farmers** shall also be appointed to the commission by the Governor **with the advice and consent of a majority of the members elected to the Senate. [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 qualified citizens of Pennsylvania to fill such vacancies.]** The State Conservationist of the Soil Conservation Service, United States Department of Agriculture and the Associate Director of the Cooperative Extension Service of The Pennsylvania State University shall be associate, non-voting members of the commission. The commission shall keep a record of its official actions, and may perform such acts and promulgate such rules and regula-

tions as may be necessary. The department shall assign such personnel as needed for the execution of the commission's function under this act. A majority of the voting members shall constitute a quorum and all decisions of the commission shall require a concurrence of the voting members of the commission. At the last regular meeting of the commission in the calendar year, a vice-chairperson shall be elected by the members of the commission and shall serve in that capacity for the ensuing year.

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(4) The *farmer and [urban] public* members of the commission shall be appointed for a period of four years and shall hold office until their successors have been appointed and have qualified, *but no longer than six months beyond the four-year period*. The four farmer members' terms shall be so staggered that no more than one member's term shall expire each year while the two *[urban] public* members' terms shall be so staggered that no more than one member's term shall expire every second year. At the expiration of their terms of office, or in the event of vacancies through death, resignation or otherwise, new farmer or *[urban] public* members shall be appointed to fill the unexpired term of the members they are replacing. A majority of the commission shall constitute a quorum and all decisions shall require the concurrence of a majority of the commission. All *farmer and public* members of the commission shall be entitled to *[fifty dollars (\$50) per diem plus expenses including traveling] sixty dollars (\$60) per diem plus reimbursement for reasonable traveling, lodging and other necessary* expenses incurred in the discharge of their duties *in accordance with Commonwealth regulations*. 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. *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.*

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

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

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

Section 3. The presently confirmed members of the State Conservation Commission as of the effective date of this act shall continue to serve as commission members until their present terms of office expire, provided that any present commission member whose term has expired on or before the effective date of this act shall serve until a successor has been appointed and qualified, but no longer than six months after the effective date of this act. Any person presently serving on the board of directors of a conservation district shall continue to serve as a board member until his present term of office expires.

Section 4. Each rule and regulation of the State Conservation Commission in effect on the effective date of this act and not inconsistent with this act shall remain in effect after such date until repealed or amended by the commission, provided that the commission shall immediately initiate the repeal or amendment of any rule or regulation which is inconsistent with the provisions of this act.

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

APPROVED—The 30th day of April, A. D. 1986.

DICK THORNBURGH