

Appendix 2
Conservation District Law, Act 217

(NOTE This is NOT an official copy of Act 217, as amended.
It is provided here as solely a general reference for use
by conservation districts.)**

“CONSERVATION DISTRICT LAW”

Act of May 15, 1945, P. L. 217

As Amended April 30, 1986, Act No. 39

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.

The act, amended AUGUST 1, 1963, (P.L. 445, No. 236), August 8, 1963 (P.L. 598, No. 315), December 19, 1967 (P.L. 860, No. 382) December 29, 1972 (P.L. 1686, No. 361), and December 19, 1984 (No. 221), is reenacted and amended to read:

Section 1. **Short Title.** -- This act shall be known and cited as the "Conservation District Law".

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

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 "*conservation district*" means any county in the Commonwealth whose county

governing body has, by resolution, declared said county to be a conservation district.

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

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

(f) "*Commission*" means the State 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 conservation district, organized under the provisions of this act, whether as owner, lessee, renter, tenant or otherwise.

(j) "*Cooperating organization*" is any organization approved by the commission to assist in carrying out the provisions of this act.

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

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

(m) "*Department*" means the Department of Environmental Resources.

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 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 public members 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 of the Senate. 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 regulations 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.

(2) At the request of the State Conservation Commission, the Attorney General and/or Office of General Counsel of the Commonwealth will provide such services as the

State Conservation Commission may require. With respect to any program delegated by the department to a conservation district pursuant to section 11 (2), at the request of the State Conservation Commission, the Attorney General and/or Office of General Counsel will provide such services as the conservation district may require. With respect to the performance of any duties or functions delegated to a conservation district by the department pursuant to section 11 (2), the Commonwealth will defend and indemnify district directors and associate directors and district employees to the same extent as it defends and indemnifies Commonwealth employees, and such directors and employees shall have all immunities afforded by law to Commonwealth employees.

(3) The commission shall have authority to delegate to its chairperson, to one or more of its members, or to one or more agents or employees, 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 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.

(4) The farmer and 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 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 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 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 employees 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.

(5) 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 conservation districts;

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

(c) To approve and coordinate the programs of the conservation districts or projects; to apportion among the several districts or to any agency of the Commonwealth, the United States or cooperating organizations any funds allotted from State, Federal or other 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 land and water management and conservation of related resources can be extended to private lands;

(e) To disseminate information concerning the activities and programs of the 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 land and water management and conservation of related resources under the provisions of this act;

(g) To designate the organizations within the county that may act in nominating persons for appointment as directors, as provided in section 6 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;

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

(j) To approve applications and recommend priorities for other Federal programs requiring State Conservation Commission participation;

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

(6) 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 conservation districts or to any agency of this Commonwealth, the United States, or cooperating organization. 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.

Sections 2 to 4 of Act 1986, April 30, P.L. 128, No.39, provide as follows:

“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.”