

## No. 235

## AN ACT

Amending the act of June 3, 1937 (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing a penalty for hunting deer in a party of more than twenty-five persons.

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

Section 1. Section 731, act of June 3, 1937 (P. L. 1225), known as "The Game Law," is amended by adding, after clause (r), a new clause to read:

Section 731, act of June 3, 1937, P. L. 1225, amended by adding a new clause (s).

Section 731. Penalties.—Any person violating any of the provisions of the sections of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

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*(s) For hunting deer together or in unison or as a party of more than twenty-five persons contrary to the provisions of this article, ten dollars (\$10) for each person involved plus costs of prosecution.*

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APPROVED—The 1st day of August, A. D. 1963.

WILLIAM W. SCRANTON

## No. 236

## 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 employees; 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," making editorial corrections, further providing for the appointment of directors, and authorizing the appointment of a treasurer.

**Soil Conservation Law.**

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

Subsections (1) and (2), section 4; section 7; subsection (1), section 8; clauses (1) and (8), section 9 and subsection (3), section 12, act of May 15, 1945, P. L. 547, amended.

Section 1. Subsections (1) and (2) of section 4, section 7, subsection (1) of section 8, clauses (1) and (8) of section 9 and subsection (3) of section 12, act of May 15, 1945 (P. L. 547), known as the "Soil Conservation Law," are amended to read:

Section 4. State Soil Conservation Commission.—(1) There is hereby created in the Department of Agriculture, the State Soil 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 hundred 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 functions 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.

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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.] *Successors to fill unexpired terms or for full terms shall be appointed by the county commissioners 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 Soil Conservation Commission. Approved organizations may, at their option, send official delegates to present personally their nominations for inclusion on the list. In either case, the final list of nominations shall be placed on file by the county commissioners and shall be open to public inspection. In filling unexpired terms, the county commissioners may make appointments from any list prepared in the above manner that has been compiled within the twelve months preceding such appointments.*

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 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 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 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 and/or treasurer who need not be a member of the board of directors.

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Section 9. Powers of Districts and Directors.—The directors of a soil 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, investigations or research, and disseminate information concerning such preventive and control measures after securing approval from the State Soil 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 an agency approved by the State Soil Conservation Commission;

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(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 Conservation Commission;

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Section 12. Discontinuance of Districts.—\* \* \*

(3) Upon the repeal by the board of county commissioners of the resolution declaring the county to be a soil 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] *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] *commission* a report of such sale specifying the property sold, the amount re-

ceived \*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.

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APPROVED—The 1st day of August, A. D. 1963.

WILLIAM W. SCRANTON

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No. 237

AN ACT

Amending the act of May 28, 1937 (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejection proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action, giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the

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\* "thereafter" in original.