

No. 1984-221

AN ACT

HB 2226

Reenacting and amending the act of May 15, 1945 (P.L.547, No.217), entitled, as amended, "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 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 enforcement of this act; providing financial assistance to such conservation districts; and authorizing county commissioners to make appropriations thereto; providing for disposition and operation of existing districts; and repealing existing laws," further providing for county boards; and providing for nomination of district directors and for additional duties for the Department of Environmental Resources, the State Conservation Commission and district boards.

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

Section 1. The title of the act of May 15, 1945 (P.L.547, No.217), known as the Soil Conservation Law, amended December 29, 1972 (P.L.1686, No.361), is amended to read:

AN ACT

Relating to **[soil conservation and soil erosion,] *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 **[enforcement] *administration*** of this act; providing financial ***and legal*** assistance to such conservation districts ***and the commission***; and authorizing county **[commissioners] *governing bodies*** to make appropriations thereto; providing for disposition and operation of existing districts; and repealing existing laws.

Section 2. 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) and December 29, 1972 (P.L.1686, No.361), is reenacted and amended to read:

Section 1. Short Title.—This act shall be known and cited as the "[Soil Conservation *District Law [of one thousand nine hundred forty-five].*"

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 **[board of county commissioners]** *county governing body* has, by resolution, declared said county to be a conservation district.

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

(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 of Environmental Resources]** *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]** *The Administrative Code of [one thousand nine hundred twenty-nine and its amendments] 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 nominees submitted by the **[association]** *associations* known as *the*

“Pennsylvania State Council of Farm Organizations,” and [“**The Pennsylvania State**] *the “Pennsylvania Association of Conservation District Directors, Inc.”* Each association shall nominate one candidate for each farmer member vacancy. Two urban members of the commission shall also be appointed to the commission by the Governor. 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 [Director of Agriculture and Home Economics Extension] *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[, and employ such personnel as needed for the execution of its function under this act]. *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-chairman] *vice-chairperson* shall be elected by the members of the commission and shall serve in that capacity for the ensuing year.

(2) *The commission may call upon the Attorney General of the Commonwealth for such legal services as it may require. It]*

(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 employes to the same extent as it defends and indemnifies Commonwealth employes, and such directors and employes shall have all immunities afforded by law to Commonwealth employes.

(3) The commission shall have authority to delegate to its [chairman] chairperson, 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 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)] (4) The farmer and urban members of the commission shall be appointed for a period of four years and shall hold office until their succes-

sors have been appointed and have qualified. 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 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 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 members of the commission shall be entitled to fifty dollars (\$50) per diem plus 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)] (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 **[several]** districts generally informed of activities and experience useful to other districts;

(c) To approve and coordinate the programs of the **[several]** 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 **[or]**, 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 **[county-wide]** organizations *within the county* that may act in nominating persons for appointment as directors, as provided in section **[six] 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.

[5] (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 [soil and water] 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.

Section 5. Creation of Conservation Districts.—(1) When the [board of county commissioners of any county shall determine] *county governing body determines*, in the manner hereinafter provided, that conservation of soil and water, and related resources and control and prevention of *accelerated* 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] *county governing body*, by a resolution adopted at any regular or special meeting of the board, to declare the county to be a conservation district, for the purpose of effectuating the legislative policy announced in section [two] 2. These determinations may be made through petitions, hearings, referenda or by any other means which the [board of county commissioners] *county governing body* deems appropriate.

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

(3) All soil conservation districts and soil and water conservation districts created in the past under the provisions of [the] *this* act shall henceforth be named conservation districts.

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 [board of county commissioners] *county governing body*. This board of directors shall consist of one member of the [board of county commissioners] *county governing body*, not more than four or less than two farmers, and not less than two or more than four urban members[, but the]. *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 [commissioners] *governing body* and approved by the

State Conservation Commission before such change shall become effective; the farmer and urban 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 **[county-wide]** 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 **[board of county commissioners]** *county governing body* shall appoint the proper number of directors.

(2) The district board may appoint associate directors without voting power to carry out the district's business at the discretion of the district board.

Section 7. Appointment; Qualifications; Compensation; and Tenure of Directors.—(1) The director appointed from the **[board of county commissioners]** *county governing body* shall be appointed annually by the **[board of county commissioners]** *county governing body*. The term of office for farmer and urban directors will be four years, except that directors shall be appointed so that no more than **[two]** *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 **[his]** *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 **[commissioners]** *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 **[commissioners]** *governing body* and shall be open to public inspection. In filling unexpired terms, the county **[commissioners]** *governing body* may make appointments from any list prepared in the above manner that has been compiled within the twelve months preceding such appointments.

(2) The director appointed from the [board of county commissioners] county governing body shall receive no additional compensation but shall receive traveling expenses as allowed as a member of the [board of county commissioners] county governing body. The other members of the board of directors shall serve without pay, [but] unless, at the district's request, the State Conservation Commission approves the district's request to pay directors for services rendered on specific projects at a rate approved by the commission. The directors may be reimbursed for actual and necessary expenses incurred while engaged in the performance of their official duties, provided funds are made available by the [board of county commissioners] county governing body or by the State Conservation Commission for such purpose, and under such terms and conditions as the county [board] governing body 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. At their first meeting in the

calendar year they shall elect a **[chairman] chairperson** and **[vice-chairman] vice-chairperson** and elect or appoint a secretary and/or treasurer *who may or may not be a member of the board* and such other officers *as* deemed necessary. A majority of the voting members shall constitute a quorum. The directors may delegate to their **[chairman] chairperson**, or to one or more directors, such powers and duties as they shall deem proper. The directors shall furnish to the State 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.]**

(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; *shall prepare and distribute annual reports* and shall provide for an annual audit of the accounts of receipts and disbursements.

(3) The board of directors may invite the **[legislative] governing** 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.

(4) A director absent from regular district meeting three or more times during a year without due cause may be replaced by the county **[commissioners] governing body**.

Section 9. Powers of Districts and Directors.—The directors of a **[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 *and* 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 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 Pennsylvania State University College of Agriculture or any agency approved by the State 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 employes, *and appropriate fringe benefits for employes*, 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] Commonwealth** 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 Pennsylvania State University College of Agriculture, or with the approval of the State Conservation Commission;]

(8) To assist and advise owners and occupiers of land in developing and/or implementing plans for storm water management, water use, water management and water pollution control, soil erosion control and conservation of water and soil resources, including recommended engineering practices, cultivation methods, cropping programs, tillage practices and changes of land use;

(9) To assist and advise county and municipal governments in subdivision and land development reviews, developing and implementing storm

water management plans and programs and in administering programs for flood control, flood plain management, water use, water management and water pollution control and other natural resource concerns;

(10) To conduct educational programs relating to soil and water conservation and to publish educational materials relating to soil and water conservation;

(11) To accept, upon approval by the State Conservation Commission, any authority delegated by municipal or county governments, the Commonwealth or Federal Government;

[(9)] (12) 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)] (13) 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 *accelerated* erosion thereon[.];

[(11)] (14) 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)] (15) 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 the funding is from other governmental agencies or unless specifically authorized so to do by this act[.];*

[(13)] (16) To sponsor projects under the Watershed Protection and Flood Prevention Act, U.S. Public Law 566 of 1954, as amended, and the Resource and Conservation and Development Program authorized by Public Law 87-703, the Food and Agriculture Act of 1962, as amended[.];

(17) To enter public or private property to make such inspections as are necessary to determine compliance with the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law"; the act of November 26, 1978 (P.L.1375, No.325), known as the "Dam Safety and Encroachments Act," and any rules, regulations, permits or orders issued thereunder, to the extent that such inspection authority has been delegated to a district by the department;

(18) To establish a program of assistance to environmental advisory councils which may include, but not be limited to, educational services, exchange of information or assignment of administrative and/or technical personnel; and

(19) No agent or employe of a conservation district or other Commonwealth agency or political subdivision engaged in the planning, design, construction or regulatory review of soil and water conservation projects and

practices under the authority of this act, "The Clean Streams Law," or delegations pursuant to paragraph (2) of section 11 of this act shall be considered to be engaged in the practice of landscape architecture.

Section 10. Cooperation between Districts.—The directors of any two or more districts organized under the provisions of this act may cooperate with one another in the exercise of any or all powers conferred in this act *and, upon approval of the county governing bodies and the State Conservation Commission, may create official special purpose or watershed organizations to solve specific problems of a multicounty or multistate nature.*

Section 11. [State] Commonwealth Agencies to Cooperate.—(1) Agencies of this Commonwealth which [shall] have jurisdiction over or [be] *are* charged with the administration of [State] Commonwealth highways, or any [State-owned] Commonwealth-owned lands and agencies of any county or other governmental subdivision of the [State] Commonwealth, which [shall] have jurisdiction over or [be] *are* charged with 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.

(2) *In accordance with regulations adopted by the Environmental Quality Board, the department may, by agreement, delegate to a district one or more of its regulatory and enforcement functions, including, but not limited to, the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law," and the rules and regulations adopted thereunder; the act of May 31, 1945 (P.L.1198, No.418), known as the "Surface Mining Conservation and Reclamation Act;" the act of October 4, 1978 (P.L.851, No.166), known as the "Flood Plain Management Act," and the rules and regulations adopted thereunder; and the act of November 26, 1978 (P.L.1375, No.325), known as the "Dam Safety and Encroachments Act," and the rules and regulations adopted thereunder. Any district acting pursuant to a delegation agreement shall have the same powers and duties otherwise vested in the department to implement these acts, to the extent delegated by the agreement. The department shall monitor and supervise the activities of each district conducted pursuant to a delegation agreement. Any person aggrieved by an action of a district pursuant to a delegation agreement may appeal such action pursuant to 2 Pa.C.S. § 105 (relating to local agency law), within thirty days following notice of such action.*

(3) *The department shall monitor and supervise the activities of each district conducted pursuant to the agreement.*

Section 12. Discontinuance of Districts.—(1) The county [board] *governing body* of any county in which, by resolution, such county was declared to be a conservation district, may at any time after five years from the passage of said resolution and after determining that a substantial proportion of the 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] *county governing body*. This determination may be made through hearings, petitions, referenda or any other means which the county [board] *governing body* deems appropriate.

(2) Upon the repeal of the resolution which declared the county to be a 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 a period not to exceed two years 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] close out** its affairs **[not to exceed a period of two years]**.

(3) Upon **[the]** repeal by the **[board of county commissioners] county governing body** of the resolution declaring the county to be a **[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 commission of the property proposed to be sold thereat, and after such sale shall render to the **[board of county commissioners] county governing body** and to the 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] governing body** for proper disposition and the proceeds derived therefrom placed in the county treasury.

Section 13. County **[Commissioners'] Governing Body's** Appropriations.—The county **[commissioners] governing bodies** of the several counties of this Commonwealth are hereby authorized to appropriate annually out of the current revenues of the county, moneys to the 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] Commonwealth** 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 Conservation Commission for its use in administering the provisions of this act.

Section 15. Acts Repealed.—The act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand seven hundred twenty-four), entitled "An act relating to soil conservation and soil erosion, and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts, as governmental subdivisions of the Commonwealth, with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources; prescribing the officers and employees thereof, and defining their powers and duties; creating the State

Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; providing financial assistance to such soil conservation districts; prescribing penalties, and making an appropriation," as amended, is hereby repealed, except that districts now chartered and operating under said acts, lying wholly in one county, may continue to operate thereunder with the State Soil Conservation Commission replacing the State Soil Conservation Board until the board of county commissioners, in the county in which such district is located, declare the county to be a soil conservation district at which time their affairs shall be closed out and all assets and records turned over to the board of directors of the newly declared district, or when a district now chartered and operating under said acts has boundaries which extend into two counties it may continue to operate thereunder with the State Soil Conservation Commission replacing the State Soil Conservation Board until the county commissioners, in the county in which the major part of such district is located, declare that county to be a soil conservation district, at which time the affairs of such district shall be closed out and all assets and records turned over to the board of directors of the newly declared district (in the case where a soil conservation district now organized shall comprise territory outside of the county containing its principal territory, the portion outside shall be administered by the board of directors of the newly formed district comprising the county where the principal territory is located until such time as the county where the outside portion is located shall constitute itself a soil conservation district under this act, whereupon the said outside portion shall become a part of the county district wherein it is geographically located) and in cases where the board or boards of county commissioners fails or fail to organize under this act, said district or districts may continue to function as heretofore under said acts.

Section 16. **Contracts to Remain in Force.**—Whenever any lands which constitute all or a part of a soil conservation district created pursuant to the act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand seven hundred twenty-four), and its amendments, become a part of a district created by resolution of the board of county commissioners, all contracts theretofore entered into to which the former district or supervisors thereof were parties, shall remain in force and effect for the period provided in such contracts, and the directors of the newly created district shall be substituted for the supervisors of the former district as party to those contracts relating to lands lying within the district of which they are directors.

The representative directors of the district created by the board of county commissioners shall be entitled to all the benefits and be subject to all liabilities under such contracts, and shall have the same right and liability to perform, to require performance, to sue and be sued thereon, including the right to terminate such contracts by mutual consent or otherwise as the supervisors of the district created, pursuant to the act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand seven hundred twenty-four), and its amendments.

Section 17. *Effective Date.*—This act shall become effective immediately upon its final enactment.

Section 3. This act shall take effect immediately.

APPROVED—The 19th day of December, A. D. 1984.

DICK THORNBURGH