

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1020 Session of
2007

INTRODUCED BY WONDERLING, BRUBAKER, WAUGH, O'PAKE, BOSCOLA,
PUNT, CORMAN, MADIGAN, MUSTO, EARLL, FERLO, BROWNE AND
FOLMER, JULY 3, 2007

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, JULY 3, 2007

AN ACT

1 Amending the act of May 15, 1945 (P.L.547, No.217), entitled, as
2 amended, "An act relating to the conservation of soil, water
3 and related natural resources and land use practices
4 contributing to soil wastage and soil erosion; providing for
5 the organization of the various counties into conservation
6 districts; the appointment of their officers and employes;
7 and prescribing their powers and duties; creating the State
8 Conservation Commission in the Department of Environmental
9 Resources and fixing its powers and duties relative to the
10 administration of this act; providing financial and legal
11 assistance to such conservation districts and the commission;
12 and authorizing county governing bodies to make
13 appropriations thereto; providing for disposition and
14 operation of existing districts; and repealing existing
15 laws," further providing for declaration of policy, for the
16 State Conservation Commission, for creation of conservation
17 districts, for designation of district directors, for
18 appointment, qualifications, compensation and tenure of
19 directors, for organization of directors, for powers of
20 districts and directors, for Commonwealth agencies to
21 cooperate and for discontinuation of districts; and making a
22 repeal.

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

25 Section 1. Section 2 of the act of May 15, 1945 (P.L.547,
26 No.217), known as the Conservation District Law, reenacted and
27 amended December 19, 1984 (P.L.1125, No.221), is amended to

1 read:

2 Section 2. Declaration of Policy.--It is hereby declared to
3 be the policy of the Commonwealth [to]:

4 (1) To provide for the conservation of the soil, water and
5 related resources of this Commonwealth, and for the control and
6 prevention of soil erosion, and thereby to preserve natural
7 resources; assist in the control of floods; assist in developing
8 and implementing plans for storm water management; prevent
9 impairment of dams and reservoirs; assist in maintaining the
10 navigability of rivers and harbors; protect air quality;
11 preserve wildlife; preserve the tax base; protect public lands;
12 and protect and promote the health, safety and general welfare
13 of the people of the Commonwealth.

14 (2) To designate conservation districts as the primary local
15 government unit responsible for the conservation of natural
16 resources in this Commonwealth and to be responsible for
17 implementing programs, projects and activities to quantify,
18 prevent and control non-point sources of pollution.

19 (3) To authorize and encourage conservation districts to
20 work in close cooperation with landowners and occupiers,
21 agencies of Federal and State government, other local and county
22 government units and other entities identified and approved by
23 the commission for the purposes of effectuating programs and
24 policies under this act.

25 Section 2. Section 3(m) of the act is amended to read:

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

29 * * *

30 (m) "Department" means the Department of Environmental

1 [Resources] Protection.

2 Section 3. Section 4 of the act, amended April 30, 1986
3 (P.L.128, No.39), is amended to read:

4 Section 4. State Conservation Commission.--(1) There is
5 hereby created [in the department] the State Conservation
6 Commission, which shall be a departmental administrative
7 commission under the concurrent authority of the department and
8 the Department of Agriculture, with all the powers and duties
9 generally vested in, and imposed upon, such commissions by the
10 act of April 9, 1929 (P.L.177, No.175), known as "The
11 Administrative Code of 1929."

12 (a) The commission shall be administratively housed within
13 the Department of Agriculture and shall be staffed and supported
14 by both the department and the Department of Agriculture.

15 (b) In order for the commission to fulfill its duties and
16 responsibilities and exercise its authority under this act, an
17 agreement shall be executed between the Department of
18 Agriculture, the department and the commission which:

19 (i) Specifically defines and delineates the role and
20 responsibility of each agency in assisting the commission in
21 fulfilling its duties.

22 (ii) Identifies staff and other resources each agency shall
23 assign to the commission to fulfill the responsibilities
24 identified in paragraph (i).

25 (iii) Specifies the compensation, if any, the commission or
26 any local conservation district shall receive for performing
27 duties delegated to them by either agency.

28 (c) In order for the commission to fulfill its duties and
29 responsibilities and exercise its authority under this act, the
30 commission, the department and the Department of Agriculture:

1 (i) May establish joint offices in order to facilitate
2 cooperation and coordination of work and to eliminate
3 overlapping functions.

4 (ii) Shall cooperate with each other in the use of employes,
5 land, buildings, quarters, facilities and equipment.

6 (iii) Shall establish a single point of contact for the
7 support, funding, administration and oversight of conservation
8 districts, directors and staff, and other cooperating
9 organizations and individuals.

10 (d) Upon request of the commission, for the purpose of
11 carrying out any of its functions, any agency of the
12 Commonwealth and The Pennsylvania State University may assign or
13 detail members of their staff or personnel to the commission to
14 provide services and support and may make such special reports,
15 surveys or studies as the commission may request.

16 (e) The commission shall consist of the Secretary of
17 Environmental [Resources, who shall be the chairman,] Protection
18 or a designee, the Secretary of Agriculture of Pennsylvania or a
19 designee, the Dean of the College of Agriculture of The
20 Pennsylvania State University and four farmer members, who shall
21 be farmers, to be appointed by the Governor with the advice and
22 consent of a majority of the members elected to the Senate. In
23 appointing farmer members, the Governor shall consider nominees
24 submitted by the associations known as the "Pennsylvania State
25 Council of Farm Organizations," and the "Pennsylvania
26 Association of Conservation [District Directors, Inc.]"
27 Districts, Inc.," or their successor organizations. Each
28 association shall nominate one candidate for each farmer member
29 vacancy. Two public members who shall not be farmers shall also
30 be appointed to the commission by the Governor with the advice

1 and consent of a majority of the members elected to the Senate.
2 The State Conservationist of the [Soil Conservation Service,]
3 Natural Resources Conservation Service of the United States
4 Department of Agriculture [and], the Associate Director of the
5 Cooperative Extension Service of The Pennsylvania State
6 University, the President of the Pennsylvania Association of
7 Conservation Districts, Inc., the Secretary of Conservation and
8 Natural Resources or a designee and the Secretary of Community
9 and Economic Development or a designee shall be associate, non-
10 voting members of the commission.

11 (f) The commission may appoint other associate, non-voting
12 members who may be selected and removed with a two-thirds vote
13 of the voting members.

14 (g) The chairmanship of the commission shall rotate on an
15 annual basis between the Secretary of Agriculture and the
16 Secretary of Environmental Protection with the Secretary of
17 Agriculture chairing the first annual rotation beginning July 1,
18 2007.

19 (h) The commission shall keep a record of its official
20 actions, and may perform such acts and promulgate such policies,
21 procedures, performance standards, guidelines, rules and
22 regulations as may be necessary. [The department shall assign
23 such personnel as needed for the execution of the commission's
24 function under this act.]

25 (i) The commission by a majority of its voting members shall
26 select and employ an independent executive secretary to serve
27 and report to the commission. The executive secretary shall not
28 be supervised by the Department of Agriculture, the department
29 or any other voting member entity. The commission shall assign
30 the executive secretary duties and responsibilities as required

1 to fulfill its obligations under this act.

2 (j) A majority of the voting members shall constitute a
3 quorum and all decisions of the commission shall require a
4 concurrence of the voting members of the commission.

5 (k) At the last regular meeting of the commission in the
6 calendar year, a vice-chairperson shall be elected by the
7 members of the commission and shall serve in that capacity for
8 the ensuing year.

9 (l) The farmer and public members of the commission shall be
10 appointed for a period of four years and shall hold office until
11 their successors have been appointed and have qualified, but no
12 longer than six months beyond the four-year period. The four
13 farmer members' terms shall be so staggered that no more than
14 one member's term shall expire each year while the two public
15 members' terms shall be so staggered that no more than one
16 member's term shall expire every second year. At the expiration
17 of their terms of office, or in the event of vacancies through
18 death, resignation or otherwise, new farmer or public members
19 shall be appointed to fill the unexpired terms of the members
20 they are replacing. All farmer and public members of the
21 commission shall be entitled to one hundred fifty dollars (\$150)
22 per diem adjusted every four years for inflation plus
23 reimbursement for reasonable traveling, lodging and other
24 necessary expenses incurred in the discharge of their duties in
25 accordance with Commonwealth regulations.

26 (m) The commission shall provide for the keeping of a full
27 and accurate record of all proceedings and of all resolutions,
28 regulations and orders issued or adopted.

29 (n) An appointed member of the commission who fails to
30 attend three consecutive meetings without cause shall forfeit

1 his seat unless the chairperson of the commission, upon written
2 request from the member, finds that the member should be excused
3 from a meeting. The Governor may also remove an appointed member
4 of the commission for malfeasance or misfeasance.

5 (2) At the request of the [State Conservation Commission]
6 commission, the Attorney General and/or Office of General
7 Counsel of the Commonwealth will provide such services as the
8 [State Conservation Commission] commission may require. With
9 respect to any program delegated [by the department] by any
10 department of the Commonwealth to a conservation district
11 pursuant to section 11(2), at the request of the [State
12 Conservation Commission] commission, the Attorney General and/or
13 Office of General Counsel will provide such services as the
14 conservation district may require. With respect to the
15 performance of any duties or functions delegated to a
16 conservation district by [the] any department of the
17 Commonwealth pursuant to section 11(2), the Commonwealth will
18 defend and indemnify district directors [and], associate
19 directors and district employes to the same extent as it defends
20 and indemnifies Commonwealth employes, and such directors [and],
21 associate directors and employes shall have all immunities
22 afforded by law to Commonwealth employes.

23 (3) The commission shall have authority to delegate to its
24 chairperson, to one or more of its members, or to one or more
25 agents or employes, such powers and duties as it may deem
26 proper. Upon request of the commission, for the purpose of
27 carrying out any of its functions, any agency of the
28 Commonwealth and The Pennsylvania State University may assign or
29 detail members of the staff or personnel to the commission, and
30 may make such special reports, surveys or studies or provide

1 services as the commission may request.

2 [(4) The farmer and public members of the commission shall
3 be appointed for a period of four years and shall hold office
4 until their successors have been appointed and have qualified,
5 but no longer than six months beyond the four-year period. The
6 four farmer members' terms shall be so staggered that no more
7 than one member's term shall expire each year while the two
8 public members' terms shall be so staggered that no more than
9 one member's term shall expire every second year. At the
10 expiration of their terms of office, or in the event of
11 vacancies through death, resignation or otherwise, new farmer or
12 public members shall be appointed to fill the unexpired term of
13 the members they are replacing. A majority of the commission
14 shall constitute a quorum and all decisions shall require the
15 concurrence of a majority of the commission. All farmer and
16 public members of the commission shall be entitled to sixty
17 dollars (\$60) per diem plus reimbursement for reasonable
18 traveling, lodging and other necessary expenses incurred in the
19 discharge of their duties in accordance with Commonwealth
20 regulations. The commission shall provide for the execution of
21 surety bonds for all employes and officers who shall be
22 entrusted with funds or property of the commission and shall
23 provide for the keeping of a full and accurate record of all
24 proceedings and of all resolutions, regulations and orders
25 issued or adopted. A farmer or public member of the commission
26 who fails to attend three consecutive meetings shall forfeit his
27 seat unless the Secretary of Environmental Resources, upon
28 written request from the member, finds that the member should be
29 excused from a meeting because of illness or the death of a
30 family member.]

1 (5) In addition to the duties and powers herein conferred
2 upon the commission, it shall have the following duties and
3 powers:

4 (a) To offer such training, assistance and certification as
5 may be appropriate to the directors, staff and volunteers of
6 conservation districts;

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

9 (c) To approve and coordinate the programs of the
10 conservation districts or projects; to apportion among the
11 several districts or to any agency of the Commonwealth, the
12 United States or cooperating organizations any funds allotted
13 from State, Federal or other sources; [and] to be responsible
14 for the expenditures of such funds by the districts; and to
15 establish standards for conservation district audits;

16 (d) To secure the cooperation and assistance of any
17 governmental agency and to be the agency through which
18 government aid in land and water management and conservation of
19 related resources can be extended to private lands;

20 (e) To disseminate information concerning the activities and
21 programs of the conservation districts and to encourage the
22 formation of such districts in areas where their organization is
23 desirable;

24 (f) To accept contributions of money, services or materials
25 to carry on land and water management and conservation of
26 related resources under the provisions of this act;

27 (g) To designate the organizations within the county that
28 may act in nominating persons for appointment as directors, as
29 provided in section 6 of this act. Such designations may be
30 changed from time to time as conditions may warrant;

1 (h) To approve applications for projects and recommend
2 priorities for planning for watershed applications under the
3 Watershed Protection and Flood Prevention Act, U. S. Public Law
4 566 of 1954, as amended;

5 (i) To approve applications for projects and recommend
6 priorities for planning for applications under the Resource and
7 Conservation and Development Program authorized by Public Law
8 87-703, the Food and Agriculture Act of 1962, as amended;

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

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

16 (l) To approve the delegation of and contracting for certain
17 functions and powers to districts and to monitor district
18 activities in response to delegated functions and powers
19 otherwise accepted by or contracted to districts.

20 (6) The commission shall have the power to receive such
21 funds as appropriated, given, granted or donated to it, or to
22 the program provided for in this act by the Federal Government,
23 the Commonwealth or any other governmental or private agency or
24 person, and shall use such funds for the carrying out of the
25 provisions of this act. The commission may allocate such funds,
26 or parts thereof, to the conservation districts or to any agency
27 of this Commonwealth, the United States, or cooperating
28 organization. Funds so allocated shall be apportioned in an
29 equitable and just manner at the discretion of the commission,
30 but the decision of the commission shall be final.

1 (7) The commission shall have the power to administer grant
2 and loan programs for landowners to implement non-point source
3 best management practices on their properties.

4 Section 4. Section 5 of the act is amended to read:

5 Section 5. Creation of Conservation Districts.--(1) When
6 the county governing body determines, in the manner hereinafter
7 provided, that conservation of soil and water, and related
8 resources and control and prevention of accelerated soil erosion
9 are problems of public concern in the county, and that a
10 substantial proportion of the [rural] land owners of the county
11 favor such a resolution, it shall be lawful for the said county
12 governing body, by a resolution adopted at any regular or
13 special meeting [of the board], to declare the county to be a
14 conservation district, for the purpose of effectuating the
15 legislative policy announced in section 2. These determinations
16 may be made through petitions, hearings, referenda or by any
17 other means which the county governing body deems appropriate.

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

21 (3) All soil conservation districts and soil and water
22 conservation districts created in the past under the provisions
23 of this act shall henceforth be named conservation districts.

24 Section 5. Sections 6 and 7 of the act, amended April 30,
25 1986 (P.L.128, No.39), are amended to read:

26 Section 6. Designation of District Directors.--(1) When a
27 county has been declared a conservation district, a board of
28 directors, consisting of seven members, shall be appointed by
29 the county governing body. This board of directors shall consist
30 of one member of the county governing body, not more than four

1 or less than two farmers, and not less than two or more than
2 four public members who shall not be farmers. The commission may
3 waive the requirement for two farmer members in first, second
4 and second class-A counties upon the request of the conservation
5 district and the county governing body consistent with section
6 6(1) and approved by the commission. The total number of
7 directors shall always be seven, unless the [State Conservation
8 Commission] commission, upon request of the district and the
9 county governing body, approves a lesser or greater number in
10 unusual or extenuating circumstances but in no case shall the
11 number be less than five nor more than nine. The composition of
12 the board shall be determined by the county governing body and
13 approved by the [State Conservation Commission] commission
14 before such change shall become effective; the farmer and public
15 members to be appointed shall be selected from a list containing
16 at least [double the number of directors] one eligible nominee
17 for each director to be appointed, and such list is to be
18 [submitted by each of the organizations within the county
19 designated by the State Conservation Commission.] composed of
20 eligible nominations submitted in writing by a qualified officer
21 of the organizations designated by the commission. Upon receipt
22 of notice from the [State Conservation Commission] commission of
23 the organizations to be entitled to make such nominations, and
24 having secured nomination lists, the county governing body shall
25 appoint the proper number of directors. The composition of the
26 board shall be determined by the county governing body and
27 approved by the commission before such change becomes effective.

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

1 Section 7. Appointment; Qualifications; Compensation; and
2 Tenure of Directors.--(1) The director appointed from the
3 county governing body shall be appointed annually by the county
4 governing body. A county governing body may require that a
5 director of the conservation district be a resident of the
6 county. The term of office for farmer and public directors will
7 be four years, except that directors shall be appointed so that
8 no more than three directors' terms shall expire in any one
9 year, unless a conservation district board is comprised of more
10 than seven directors as provided for in section 7. A director
11 shall hold office until a successor has been appointed and has
12 qualified. Vacancies shall be filled for the unexpired terms.
13 Successors to fill unexpired terms or for full terms shall be
14 appointed by the county governing body from a list containing at
15 least [double the number of directors] one eligible nominee for
16 each director to be appointed, and such list [to] shall be
17 composed of eligible nominations submitted in writing by a
18 qualified officer of each of the organizations designated by the
19 [State Conservation Commission.] commission. The names and
20 contact information, including home addresses of all directors,
21 shall be provided to the commission by the county governing body
22 within thirty days of their appointment. The final list of
23 nominations shall be placed on file by the county governing body
24 and shall be open to public inspection. In filling unexpired
25 terms, the county governing body may make appointments from any
26 list prepared in the above manner that has been compiled within
27 the twelve months preceding such appointments.

28 (2) The director appointed from the county governing body
29 shall receive no additional compensation but shall receive
30 traveling expenses as allowed as a member of the county

1 governing body. The other members of the board of directors
2 shall serve without pay, unless, at the district's request, the
3 [State Conservation Commission] commission approves the
4 district's request to pay directors for services rendered on
5 specific projects at a rate approved by the commission. The
6 directors may be paid a per diem and may be reimbursed for
7 actual and necessary expenses incurred while engaged in the
8 performance of their official duties, provided funds are made
9 available by the county governing body or by the [State
10 Conservation Commission] commission for such purpose, and under
11 such terms and conditions as [the county governing body or the
12 commission, whichever has provided the funds, shall determine]
13 established by the commission.

14 Section 6. Section 8 of the act is amended by adding a
15 paragraph to read:

16 Section 8. Organization of Directors.--* * *

17 (5) The county governing body may remove a district director
18 from the district board for malfeasance or misfeasance. The
19 commission shall establish guidelines, policies and procedures
20 for the removal of a district director.

21 Section 7. Sections 9, 11 and 12(2) of the act are amended
22 to read:

23 Section 9. Powers of Districts and Directors.--The directors
24 of a district shall have the following powers in addition to
25 those granted in other sections of this act:

26 (1) To conduct surveys, investigations and research relating
27 to the character of soil erosion and the preventive control
28 measures needed and to publish the results of such surveys,
29 investigation or research, and disseminate information
30 concerning such preventive and control measures after securing

1 approval from the [State Conservation Commission: Provided,
2 however, That in order to avoid duplication of research
3 activities no district shall initiate any research program
4 except in cooperation with The Pennsylvania State University
5 College of Agriculture or any agency approved by the State
6 Conservation Commission;] commission and to provide notification
7 and documentation to the commission to avoid duplication of
8 existing work;

9 (2) To employ the necessary personnel to properly conduct
10 the operations of the district and provide adequate and
11 necessary insurance coverage for directors and employes, and
12 appropriate fringe benefits for employes, provided funds are
13 available for such purposes;

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

23 (4) To cooperate or enter into agreements with, and to
24 furnish financial or other aid to, any agency, governmental or
25 otherwise, or any occupier of lands within the district in
26 carrying on erosion and sediment control and prevention
27 operations and other best management practices, [including
28 ditching and draining operations] for effective conservation and
29 utilization of the lands within the district, subject to such
30 conditions as the directors may deem necessary to advance the

1 purposes of this act: Provided, however, That such agreements
2 are within the limits of available funds or within
3 appropriations made available to it by law;

4 (5) To obtain options upon, and to acquire by purchase,
5 exchange, lease, gift, grant, bequest, devise or otherwise, any
6 property real or personal or right or interests therein; to
7 maintain, administer and improve any properties acquired; to
8 receive income from such properties and to expend such income in
9 carrying out the purposes and provisions of this act; [and] to
10 sell, lease or otherwise dispose of any of its property or
11 interests therein; and to borrow and invest money and to apply
12 for, receive and use low-interest loans in furtherance of the
13 purposes and the provisions of this act;

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

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

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

1 (9) To assist and advise county and municipal governments in
2 subdivision and land development reviews, developing and
3 implementing storm water management plans and programs and in
4 administering programs for flood control, flood plain
5 management, water use, water management and water pollution
6 control and other natural resource concerns;

7 (9.1) To engage in any of the following activities: wetland
8 construction and maintenance; reclamation of mine lands;
9 reclamation of soil erosion; water management; management of
10 parks, trails and related facilities; management of forest lands
11 and roads; road maintenance; odor management and air quality;
12 development of alternative energy resources; or any other
13 natural resource program approved by the commission;

14 (10) To conduct educational programs relating to [soil and
15 water conservation] any natural resource program approved by the
16 conservation district and to publish related educational
17 materials [relating to soil and water conservation];

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

21 (12) To sue and be sued in the name of the district; to have
22 perpetual succession unless terminated as hereinafter provided;
23 to make policies and procedures necessary or convenient to the
24 exercise of its powers and to make and execute contracts and
25 other instruments necessary or convenient to the exercise of its
26 powers; to make, and from time to time amend and repeal, rules
27 and regulations not inconsistent with this act to carry into
28 effect its purposes and powers;

29 (13) As a condition to extending any benefits under this
30 act, or to the performance of work upon any lands not owned or

1 controlled by the Commonwealth or any of its agencies, the board
2 of directors may require contributions in money, services,
3 materials or otherwise to any operations conferring such
4 benefits [and]. The conservation district may require land
5 occupiers to enter into and perform such agreements or covenants
6 as to the long term use of such lands as will tend to prevent or
7 control accelerated erosion thereon or to further any other
8 provision of this act. The district may contract with State and
9 local agencies for payment for services rendered;

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

14 (15) To accept contributions of any character from any
15 source whatsoever, but only by and with the consent and approval
16 of the [State Conservation Commission] commission, unless the
17 funding is from [other governmental agencies] the Federal, State
18 or local government or unless specifically authorized so to do
19 by this act;

20 (16) To sponsor projects under the Watershed Protection and
21 Flood Prevention Act, U.S. Public Law 566 of 1954, as amended,
22 and the Resource and Conservation and Development Program
23 authorized by Public Law 87-703, the Food and Agriculture Act of
24 1962, as amended;

25 (17) To enter public or private property to make such
26 inspections as are necessary to determine compliance with the
27 act of June 22, 1937 (P.L.1987, No.394), known as "The Clean
28 Streams Law"; the act of November 26, 1978 (P.L.1375, No.325),
29 known as the "Dam Safety and Encroachments Act," and any rules,
30 regulations, permits or orders issued thereunder, to the extent

1 that such inspection authority has been delegated to a district
2 by the department;

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

7 (19) No agent or employe of a conservation district or other
8 Commonwealth agency or political subdivision engaged in the
9 planning, design, construction or regulatory review of soil and
10 water conservation projects and practices under the authority of
11 this act, "The Clean Streams Law," or delegations pursuant to
12 paragraph (2) of section 11 of this act shall be considered to
13 be engaged in the practice of landscape architecture.

14 Section 11. Commonwealth Agencies to Cooperate.--(1)
15 Agencies of this Commonwealth [which have jurisdiction over or
16 are charged with the administration of Commonwealth highways, or
17 any Commonwealth-owned lands] and agencies of any county or
18 other governmental subdivision of the Commonwealth[, which have
19 jurisdiction over or are charged with the administration of any
20 county-owned or other publicly owned lands lying within the
21 boundaries of any district organized hereunder,] may cooperate
22 with the directors of such districts in the effectuation of
23 programs and operations undertaken by the board of directors
24 under the provisions of this act.

25 (2) (a) In accordance with regulations adopted by the
26 Environmental Quality Board, the department may, by agreement,
27 delegate to a district one or more of its regulatory and
28 enforcement functions, including, but not limited to, the act of
29 June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams
30 Law," and the rules and regulations adopted thereunder; the act

1 of May 31, 1945 (P.L.1198, No.418), known as the "Surface Mining
2 Conservation and Reclamation Act;" the act of October 4, 1978
3 (P.L.851, No.166), known as the "Flood Plain Management Act,"
4 and the rules and regulations adopted thereunder; [and] the act
5 of November 26, 1978 (P.L.1375, No.325), known as the "Dam
6 Safety and Encroachments Act," and the rules and regulations
7 adopted thereunder[.]; and the act of July 7, 1980 (P.L.380,
8 No.97), known as the "Solid Waste Management Act," and the rules
9 and regulations adopted thereunder.

10 (b) Any other State agency, in accordance with the
11 regulations, guidelines or policies adopted by the agency may,
12 by agreement, delegate to a district one or more of its
13 regulator and enforcement functions.

14 (c) Any district acting pursuant to a delegation agreement
15 shall have the same powers and duties otherwise vested in [the]
16 any delegating department or agency of this Commonwealth to
17 implement these acts, to the extent delegated by the agreement.
18 [The] Any delegating department shall monitor and supervise the
19 activities of each district conducted pursuant to a delegation
20 agreement. Any person aggrieved by an action of a district
21 pursuant to a delegation agreement may appeal such action
22 pursuant to 2 Pa.C.S. § 105 (relating to local agency law),
23 within thirty days following notice of such action.

24 (3) The delegating department shall monitor and supervise
25 the activities of each district conducted pursuant to the
26 agreement.

27 Section 12. Discontinuance of Districts.--* * *

28 (2) Upon the repeal of the resolution which declared the
29 county to be a conservation district, the directors may not
30 enter into any more contracts or agreements on behalf of the

1 district, and all rules and regulations theretofore adopted and
2 in force within such district shall be of no further force and
3 effect. Such district, however, shall continue for a period not
4 to exceed [two] four years for the purpose of fulfilling its
5 contracts, discharging any existing obligations, collecting and
6 distributing its assets and doing all other acts required to
7 adjust and close out its affairs.

8 * * *

9 Section 8. Repeals are as follows:

10 (1) The General Assembly declares that the repeal under
11 paragraph (2) is necessary to effectuate the amendment of
12 section 4 of the act.

13 (2) Section 503(d) of the act of June 28, 1995 (P.L.89,
14 No.18), known as the Conservation and Natural Resources Act,
15 is repealed.

16 Section 9. This act shall take effect in 60 days.