

CONSERVATION DISTRICT LAW - OMNIBUS AMENDMENTS
Act of Jul. 9, 2008, P.L. 986, No. 75
Session of 2008
No. 2008-75

Cl. 03

SB 1020

AN ACT

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

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

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

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

(1) **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; assist in developing and implementing plans for storm water management; prevent impairment of dams and reservoirs; assist in maintaining the navigability of rivers and harbors; protect air quality; 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.**

(2) **To designate conservation districts as a primary local government unit responsible for the conservation of natural resources in this Commonwealth and to be responsible for implementing programs, projects and activities to quantify, prevent and control nonpoint sources of pollution.**

(3) **To authorize and encourage conservation districts to**

work in close cooperation with landowners and occupiers, agencies of Federal and State Government, other local and county government units and other entities identified and approved by the commission for the purposes of effectuating programs and policies under this act.

Section 2. Section 3(m) of the act, reenacted and amended Dec. 19, 1984 (P.L.1125, No.221), is amended to read:

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

* * *

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

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

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

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

(b) **In order for the commission to fulfill its duties and responsibilities and exercise its authority under this and other acts, an agreement shall be executed between the Department of Agriculture, the department and the commission which specifically defines and delineates the role and responsibility of each agency in assisting the commission in fulfilling its duties.**

(c) **In order for the commission to fulfill its duties and responsibilities and exercise its authority under this and other acts, the commission, the department and the Department of Agriculture:**

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

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

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

(d) **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 their staff or personnel to the commission to provide services and support and may make such special reports, surveys or studies as the commission may request.**

(e) **The commission shall consist of the Secretary of Environmental [Resources, who shall be the chairman,] **Protection or a designee**, the Secretary of Agriculture of Pennsylvania **or a designee**, 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.]" **Districts, Inc.,** or their successor organizations. 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 elected to the Senate. The State Conservationist of the [Soil Conservation Service,] **Natural Resources Conservation Service of the United States** Department of Agriculture [and], the Associate Director of the Cooperative Extension Service of The Pennsylvania State University, **the President of the Pennsylvania Association of Conservation Districts, Inc., the Secretary of Conservation and Natural Resources or a designee and the Secretary of Community and Economic Development or a designee** shall be associate, non-voting members of the commission.

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

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

(h) The commission shall keep a record of its official actions, and may perform such acts and promulgate such **policies, procedures, performance standards, guidelines,** 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.]

(i) The commission by a majority of its voting members shall select and employ an independent executive secretary to serve and report to the commission. The executive secretary shall not be supervised by the Department of Agriculture, the department or any other voting member entity. The commission shall assign the executive secretary duties and responsibilities as required to fulfill its obligations under this and other acts.

(j) 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.

(k) 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.

(l) 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 terms of the members they are replacing. All farmer and public members of the commission shall be entitled to one hundred fifty dollars (\$150) per diem adjusted every four years for inflation plus reimbursement for reasonable traveling, lodging and other necessary expenses incurred in the discharge of their duties in accordance with Commonwealth regulations.

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

(n) An appointed member of the commission who fails to attend three consecutive meetings without cause shall forfeit his seat unless the chairperson of the commission, upon written request from the member, finds that the member should be excused from a meeting. The Governor may also remove an appointed member of the commission for malfeasance or misfeasance.

(2) At the request of the [State Conservation Commission] **commission**, the Attorney General and/or Office of General Counsel of the Commonwealth will provide such services as the [State Conservation Commission] **commission** may require. With respect to any program delegated [by the department] **by any department of the Commonwealth** to a conservation district pursuant to section 11(2), at the request of the [State Conservation Commission] **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] **any department of the Commonwealth** 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], **associate 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 **or provide services** 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 **training, assistance and certification** as may be appropriate to the directors, **staff and volunteers** 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; **and to establish standards for conservation district audits;**

(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[.];

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

(m) To review fees for services established by conservation districts for the purpose of determining if such fees are reasonable in relation to the scope of the service to be provided;

(n) To develop, implement and enforce programs which meet the purposes of this act, including nutrient management and odor management under 3 Pa.C.S. Ch. 5 (relating to nutrient management and odor management) and resource enhancement and protection tax credits under Article XVII-E of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

(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.

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

Section 4. Section 5 of the act, reenacted and amended Dec. 19, 1984 (P.L.1125, No.221), is amended to read:

Section 5. Creation of Conservation Districts.--(1) When the 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 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 2. These determinations may be made through petitions, hearings, referenda or by any other means which the 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 this act shall henceforth be named conservation districts.

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

Section 6. Designation of District Directors.--(1) When a county has been declared a conservation district, a board of directors, consisting of seven members, shall be appointed by the county governing body. This board of directors shall consist of one member of the county governing body, not more than four or less than two farmers, and not less than two or more than four public members who shall not be farmers. **The commission may waive the requirement for two farmer members in first, second and second class-A counties upon the request of the conservation district and the county governing body consistent with section 6(1) and approved by the commission.** The total number of directors shall always be seven, unless the [State Conservation Commission] **commission**, upon request of the district and the county governing body, approves a lesser or greater number in unusual or extenuating circumstances but in no case shall the number be less than five nor more than nine. The composition of the board shall be determined by the county governing body and approved by the [State Conservation Commission] **commission** before such change shall become effective; the farmer and public members to be appointed shall be selected from a list containing at least [double the number of directors] **one eligible nominee for each director** to be appointed, and such list is to be [submitted by each of the organizations within the county designated by the State Conservation Commission.] **composed of eligible nominations submitted in writing by a qualified officer of the organizations designated by the commission.** Upon receipt of notice from the [State Conservation Commission] **commission** of the organizations to be entitled to make such nominations, and having secured nomination lists, the county governing body shall appoint the proper number of directors. **The composition of the board shall be determined by the county governing body and approved by the commission before such change becomes effective.**

(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) (a) The director appointed from the county governing body shall be appointed annually by the county governing body. **A county governing body may require that a director of the conservation district be a resident of the county.** The term of office for farmer and public directors will be four years, except that directors shall be appointed so that no more than three directors' terms shall expire in any one year, unless a conservation district board is comprised of more than seven directors as provided for in section 6. A director shall hold office until a successor has been appointed and has qualified **but no longer than six months beyond the four-year period.** Vacancies shall be filled for the unexpired terms.

(b) (i) Successors to fill [unexpired terms or for] full terms shall be appointed by the county governing body from a list containing at least [double the number of directors] **one eligible nominee for each director** to be appointed, and such list [to] **shall** be composed of **eligible** nominations submitted in writing by a qualified officer of each of the organizations designated by the [State Conservation Commission.] **commission.**

(ii) **Successors to fill unexpired terms shall be appointed by the county governing body as in subparagraph (a) or from a**

list of the associate conservation district directors who have had two or more years of active service with that district and who meet the commission's eligibility criteria for the unexpired term. The names and contact information, including home addresses of all directors, shall be provided to the commission by the county governing body within thirty days of their appointment. The final list of nominations shall be placed on file by the county governing body and shall be open to public inspection. In filling unexpired terms, the county governing body may make appointments from any list prepared in the above manner that has been compiled within the twelve months preceding such appointments.

(2) The director appointed from the county governing body shall receive no additional compensation but shall receive traveling expenses as allowed as a member of the county governing body. The other members of the board of directors shall serve without pay, unless, at the district's request, the [State Conservation Commission] **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 **paid a per diem and 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 county governing body or by the [State Conservation Commission] **commission** for such purpose, and under such terms and conditions as [the county governing body or the commission, whichever has provided the funds, shall determine] **established by the commission.**

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

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

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

Section 7. Sections 9, 11 and 12(2) of the act, reenacted and amended Dec. 19, 1984 (P.L.1125, No.221), are amended to read:

Section 9. Powers of Districts and Directors.--The directors of a 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;] **commission and to provide notification and documentation to the commission to avoid duplication of existing work;**

(2) To employ the necessary personnel to properly conduct the operations of the district and provide adequate and necessary insurance coverage for directors and employees, and

appropriate fringe benefits for employees, 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 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 **and sediment** control and prevention operations **and other best management practices**, [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; **and to borrow and invest money and to apply for, receive and use low-interest loans** 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 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;

(9.1) To engage in any of the following activities: wetland construction and maintenance; reclamation of mine lands;

reclamation of soil erosion; water management; management of parks, trails and related facilities; management of forest lands and roads; road maintenance; odor management and air quality; development of alternative energy resources; or any other natural resource program approved by the commission. Nothing in this subsection is intended to diminish, limit or interfere with the authority provided State agencies under other laws of this Commonwealth;

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

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

(12) To sue and be sued in the name of the district; to have perpetual succession unless terminated as hereinafter provided; to make **policies and procedures necessary or convenient to the exercise of its powers and 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;

(13) (a) 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[;].**

(b) On lands owned or controlled by the Commonwealth or any of its agencies, the Commonwealth, at its sole discretion, may agree to fee schedules for work performed by the district for State-delegated program duties specifically related to earth disturbance, erosion and sediment control or stream encroachments.

(c) To enter into a contract or agreement with Federal, State, county and local Governments for payment for work performed or services rendered by the district consistent with this act.

(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;

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

(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 employee 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 11. Commonwealth Agencies to Cooperate.--(1)
Agencies of this Commonwealth [which have jurisdiction over or are charged with the administration of Commonwealth highways, or any Commonwealth-owned lands] and agencies of any county or other governmental subdivision of the Commonwealth[, which have jurisdiction over or 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] **any districts organized hereunder** in the effectuation of programs and operations undertaken by the board of directors under the provisions of this act.

(2) (a) 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[.]; **and the act of July 7, 1980 (P.L.380, No.97), known as the "Solid Waste Management Act," and the rules and regulations adopted thereunder.**

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

(c) Any district acting pursuant to a delegation agreement shall have the same powers and duties otherwise vested in [the] **any delegating department or agency of this Commonwealth** to implement these acts, to the extent delegated by the agreement. [The] **Any delegating** 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.]

(d) Prior to the commission's approval of any delegation agreement, any Commonwealth agency proposing a delegation agreement must provide the commission with the following:

(i) an analysis of funding sources for the proposed delegation agreement;

(ii) an estimation of the current and projected amount of funds or compensation to be provided for proposed delegation agreement;

(iii) any conditions, limitations or other factors that affect or potentially affect the proposed funding sources;

(iv) any additional resources outside of the proposed funding in support of the proposed delegation agreement; and

(v) a clear delineation of the duties, authorities, deliverables and tasks to be performed under the delegation agreement.

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

(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] **four** 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 close out its affairs.

* * *

Section 8. Repeals are as follows:

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

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

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

APPROVED--The 9th day of July, A. D. 2008.

EDWARD G. RENDELL