

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 499

Session of  
1985

INTRODUCED BY REBER, FRYER, LETTERMAN, BUNT, FREIND, AFFLERBACH,  
HALUSKA, ANGSTADT, BELFANTI, HERMAN, GREENWOOD, WOGAN, DORR,  
BALDWIN, HERSHEY, SAURMAN, SHOWERS, SIRIANNI, NOYE, WOZNIAK,  
NAHILL, G. M. SNYDER, TRELLO, CORNELL, B. SMITH, VROON,  
MERRY, GEIST, MORRIS, BOWSER, CIMINI, RUDY, PHILLIPS, SEMMEL,  
FREEMAN AND BROUJOS, FEBRUARY 26, 1985

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 26, 1985

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," further providing for  
21 leases on certain areas of State forests AND FOR BONDING  
22 REQUIREMENTS FOR OIL AND GAS OPERATIONS. <—

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

25 Section 1. Section 1903-A(1) of the act of April 9, 1929

1 (P.L.177, No.175), known as The Administrative Code of 1929,  
2 amended February 17, 1972 (P.L.70, No.23), is amended to read:

3 Section 1903-A. Forest Powers; Lease of Small Areas of State  
4 Forests.--The Department of Environmental Resources shall have  
5 the power:

6 (1) To lease, for a period not exceeding ten years, on such  
7 terms and conditions as it may consider reasonable, to any  
8 person, corporation, association, church organization, or school  
9 board, of Pennsylvania, such portion of any State forest,  
10 whether owned or leased by the Commonwealth, as the department  
11 may deem suitable, as a site for buildings and facilities to be  
12 used by such person, corporation, association, church  
13 organization, or school board for health and recreation, or as a  
14 site for a church or school purposes: Provided, however, That  
15 the department may, with the approval of the Governor, if a  
16 substantial capital investment is involved and if it is deemed  
17 in the best interests of the Commonwealth, enter into such  
18 leases for a period not to exceed thirty-five years. The  
19 department shall not terminate the lease of a person whose cabin  
20 has been destroyed or seriously damaged by fire, storm, flood or  
21 other natural causes and shall permit the rebuilding of such  
22 cabin. The department shall permit persons holding leases to  
23 renovate or make additions to existing cabins with the approval  
24 of the department.

25 \* \* \*

26 SECTION 2. SECTION 1904-A OF THE ACT IS AMENDED BY ADDING A <—  
27 CLAUSE TO READ:

28 SECTION 1904-A. WATERS.--THE DEPARTMENT OF ENVIRONMENTAL  
29 RESOURCES SHALL HAVE THE POWER AND ITS DUTY SHALL BE:

30 \* \* \*

1       (9) TO PROMULGATE RULES AND REGULATIONS TO PROTECT, MANAGE  
2 AND REGULATE THE RECREATIONAL USE OF DESIGNATED WHITEWATER  
3 ZONES; LICENSE WHITEWATER OUTFITTERS OPERATING WITHIN DESIGNATED  
4 WHITEWATER ZONES; AND ESTABLISH FEES, ROYALTIES AND CHARGES FOR  
5 LICENSES AND FOR USING PUBLIC LANDS, WATERS AND FACILITIES.

6       (I) FOR EACH SPECIFIC DESIGNATED WHITEWATER ZONE, A LICENSE  
7 TO CONTINUE OPERATING AS A WHITEWATER RAFTING OUTFITTER SHALL BE  
8 ISSUED BY THE DEPARTMENT TO ANY WHITEWATER RAFTING OUTFITTER WHO  
9 HAS PROVIDED WHITEWATER RAFTING SERVICES ON A DESIGNATED  
10 WHITEWATER ZONE FOR A PERIOD OF FIVE OR MORE YEARS, WHO HAS  
11 PROVIDED THOSE SERVICES UNDER FORMAL AGREEMENT WITH THE  
12 DEPARTMENT, WHO HAS DEMONSTRATED AN ACCEPTABLE MEASURE OF  
13 COMPLIANCE WITH THE SAFETY AND OPERATIONAL REQUIREMENTS OF THAT  
14 AGREEMENT, AND WHO HAS PROVIDED WHITEWATER RAFTING SERVICES ON  
15 THAT DESIGNATED WHITEWATER ZONE PRIOR TO OPERATION AND  
16 MANAGEMENT OF THAT DESIGNATED WHITEWATER ZONE THROUGH FORMAL  
17 AGREEMENT WITH THE DEPARTMENT. EACH WHITEWATER RAFTING OUTFITTER  
18 PRESENTLY CONDUCTING WHITEWATER RAFTING TRIPS UNDER AGREEMENT  
19 WITH THE DEPARTMENT SHALL BE DEEMED TO FULFILL THE FOREGOING  
20 CRITERIA.

21       (II) LICENSES ISSUED BY THE DEPARTMENT TO CONTINUE TO  
22 OPERATE AS A WHITEWATER RAFTING OUTFITTER SHALL BE FOR A PERIOD  
23 OF TEN YEARS AND SHALL BE RENEWABLE UNDER GUIDELINES APPROPRIATE  
24 AND NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND INTEREST  
25 AND PROVIDE STABILITY TO THE OUTFITTING INDUSTRY; SHALL BE  
26 TRANSFERRABLE UNDER REASONABLE GUIDELINES OF THE DEPARTMENT  
27 RELATING TO TRANSFER OF LICENSES AND REQUIRED QUALIFICATIONS OF  
28 TRANSFEREES; SHALL INCLUDE THE RIGHT TO CONTINUE TO UTILIZE OR  
29 LEASE ANY PREMISES LEASED BEFORE THE EFFECTIVE DATE OF THIS ACT  
30 BY A WHITEWATER RAFTING OUTFITTER FROM THE DEPARTMENT OR OFFER

1 TO LEASE SUCH ACCESS AREAS AS THE DEPARTMENT DEEMS APPROPRIATE  
2 FOR USE BY WHITEWATER RAFTING OUTFITTERS; AND SHALL SUPERSEDE,  
3 AFTER THE ADOPTION OF REGULATIONS, ANY AGREEMENT BETWEEN THE  
4 DEPARTMENT AND A WHITEWATER RAFTING OUTFITTER, EXCEPT FEE  
5 AGREEMENTS IN WHICH A WHITEWATER RAFTING OUTFITTER IS REQUIRED  
6 TO PAY THE DEPARTMENT A FEE, WHICH FEE AGREEMENTS SHALL CONTINUE  
7 FOR THE LIFE OF THE AGREEMENT AND WHICH SHALL NOT PRECLUDE THE  
8 ISSUANCE OF A LICENSE.

9 (III) THE DEPARTMENT MAY, WITH REGARD TO A SPECIFIC  
10 DESIGNATED WHITEWATER ZONE, ACCEPT BIDS, ISSUE LICENSES AND  
11 CHARGE FEES AND ROYALTIES FOR AN ADDITIONAL WHITEWATER RAFTING  
12 OUTFITTER ONLY IF THE DEPARTMENT DETERMINES THAT THERE IS  
13 ADDITIONAL WHITEWATER RAFTING OUTFITTER CARRYING CAPACITY ON THE  
14 WATERWAY AND THAT THERE IS A NEED FOR ADDITIONAL WHITEWATER  
15 RAFTING OUTFITTER ALLOCATIONS. SUCH LICENSES SHALL APPLY ONLY  
16 FOR THAT SPECIFIC DESIGNATED WHITEWATER ZONE AND ONLY FOR A  
17 PERIOD NOT TO EXCEED TEN YEARS.

18 (IV) LICENSED WHITEWATER RAFTING OUTFITTERS SHALL BE SUBJECT  
19 TO ALL APPROPRIATE RULES, REGULATIONS AND GUIDELINES PROMULGATED  
20 BY THE DEPARTMENT FOR THE PURPOSES OF REGULATING THE OPERATION  
21 AND SAFETY OF EACH DESIGNATED WHITEWATER ZONE.

22 (V) LICENSES GRANTED BY THE DEPARTMENT MAY BE TERMINATED BY  
23 THE DEPARTMENT FOR NONCOMPLIANCE AFTER A 30-DAY WRITTEN NOTICE  
24 TO THE OUTFITTER AND A HEARING IN ACCORDANCE WITH TITLE 2 OF THE  
25 PENNSYLVANIA CONSOLIDATED STATUTES (RELATING TO ADMINISTRATIVE  
26 LAW AND PROCEDURE).

27 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:  
28 SECTION 1929-A. BONDS FOR OIL AND GAS OPERATIONS.--THE  
29 BONDING REQUIREMENTS UNDER SECTION 215 OF THE ACT OF DECEMBER  
30 19, 1984 (P.L.1140, NO.223), KNOWN AS THE "OIL AND GAS ACT,"

1 SHALL ONLY BE CONDITIONED ON THE FAITHFUL PERFORMANCE OF THE  
2 DRILLING, RESTORATION, WATER SUPPLY REPLACEMENT AND PLUGGING  
3 REQUIREMENTS OF THAT ACT.

4 SECTION 4. THE ACT OF DECEMBER 19, 1984 (P.L.1140, NO.223),  
5 KNOWN AS THE OIL AND GAS ACT, IS REPEALED INSOFAR AS IT IS  
6 INCONSISTENT WITH THIS ACT.

7 Section ~~2~~ 5. This act shall take effect immediately.

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