

No. 1979-21

## AN ACT

HB 300

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the Department of Environmental Resources to make determinations about natural gas.

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

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," is amended by adding a section to read:

**Section 1927-A. Natural Gas Determinations.—The Department of Environmental Resources shall have the power and its duty shall be:**

**(1) To exercise jurisdiction with respect to making "determinations" pursuant to Title V, sections 501 and 503 of the Federal Natural Gas Policy Act of 1978, Public Law 95-621 (hereinafter referred to as the "NGPA") on behalf of the Commonwealth of Pennsylvania, and only to the extent required to comply with Title I and Title V of the NGPA and the regulations promulgated thereunder.**

**(2) To do all such things and take all such actions as may be necessary to implement procedures required for compliance with Title I and Title V of the NGPA as they apply to determinations with respect to certification of natural gas wells and production of natural gas in the Commonwealth, taking into account fully the particular facts and circumstances applicable to such activities in the Commonwealth, and to fully and efficiently carry out on behalf of the Commonwealth the functions, duties and powers which are to be exercised by a "State agency" under Title V of the NGPA, including specifically, without limiting the foregoing, establishing procedures and general and alternative requirements, promulgating rules, regulations and orders, establishing reasonable filing fees, making specified determinations, executing on behalf of the Commonwealth agreements or contracts with appropriate Federal agencies, expending such funds as are made available to such department for such purposes, and making such reports and certifications as are called for. All fees**

***collected by the department under this section shall be deposited in the General Fund.***

Section 2. Nothing in this act shall be interpreted or construed to affect the authority and powers of the Department of Environmental Resources except as specifically set forth herein.

Section 3. This act shall take effect immediately and shall be retroactive to November 8, 1978: Provided, however, That the authorization granted to the Department of Environmental Resources hereunder shall expire at such time as its "State agency" functions under the Federal Natural Gas Policy Act of 1978, Public Law 95-621, as enacted, amended or supplemented from time to time, no longer apply.

APPROVED—The 28th day of June, A. D. 1979.

DICK THORNBURGH