

No. 1985-57

## AN ACT

HB 499

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," further providing for leases on certain areas of State forests and for bonding requirements for oil and gas operations.

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

Section 1. Section 1903-A(1) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended February 17, 1972 (P.L.70, No.23), is amended to read:

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

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

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Section 2. Section 1904-A of the act is amended by adding a clause to read:

Section 1904-A. Waters.—The Department of Environmental Resources shall have the power and its duty shall be:

\* \* \*

(9) *To promulgate rules and regulations to protect, manage and regulate the recreational use of designated whitewater zones; license whitewater outfitters operating within designated whitewater zones; and establish fees, royalties and charges for licenses and for using public lands, waters and facilities.*

(i) *For each specific designated whitewater zone, a license to continue operating as a whitewater rafting outfitter shall be issued by the department to any whitewater rafting outfitter who has provided whitewater rafting services on a designated whitewater zone for a period of five or more years, who has provided those services under formal agreement with the department, who has demonstrated an acceptable measure of compliance with the safety and operational requirements of that agreement and who has provided whitewater rafting services on that designated whitewater zone prior to operation and management of that designated whitewater zone through formal agreement with the department. Each whitewater rafting outfitter presently conducting whitewater rafting trips under agreement with the department shall be deemed to fulfill the foregoing criteria.*

(ii) *Licenses issued by the department to continue to operate as a whitewater rafting outfitter shall be for a period of ten years and shall be renewable under guidelines appropriate and necessary to protect the public health, safety and interest and provide stability to the outfitting industry; shall be transferrable under reasonable guidelines of the department relating to transfer of licenses and required qualifications of transferees; shall include the right to continue to utilize or lease any premises leased before the effective date of this act by a whitewater rafting outfitter from the department or offer to lease such access areas as the department deems appropriate for use by whitewater rafting outfitters; and shall supersede, after the adoption of regulations, any agreement between the department and a whitewater rafting outfitter, except fee agreements in which a whitewater rafting outfitter is required to pay the department a fee, which fee agreements shall continue for the life of the agreement and which shall not preclude the issuance of a license.*

(iii) *The department may, with regard to a specific designated whitewater zone, accept bids, issue licenses and charge fees and royalties for an additional whitewater rafting outfitter only if the department determines that there is additional whitewater rafting outfitter carrying capacity on the waterway and that there is a need for additional whitewater rafting outfitter allocations. Such licenses shall apply only for that specific designated whitewater zone and only for a period not to exceed ten years.*

(iv) *Licensed whitewater rafting outfitters shall be subject to all appropriate rules, regulations and guidelines promulgated by the department for the purposes of regulating the operation and safety of each designated whitewater zone.*

*(v) Licenses granted by the department may be terminated by the department for noncompliance after a 30-day written notice to the outfitter and a hearing in accordance with Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).*

Section 3. The act is amended by adding a section to read:

*Section 1929-A. Bonds for Oil and Gas Operations.—The bonding requirements under section 215 of the act of December 19, 1984 (P.L.1140, No.223), known as the “Oil and Gas Act,” shall only be conditioned on the faithful performance of the drilling, restoration, water supply replacement and plugging requirements of that act.*

Section 4. The act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, is repealed insofar as it is inconsistent with this act.

Section 5. This act shall take effect immediately.

APPROVED—The 11th day July, A. D. 1985.

DICK THORNBURGH