

conditions of said sales were not fixed by the board of school directors in the motion or resolution authorizing said sales: Provided, That notice of such public auctions was published in one or more newspapers of general circulation published within the county or the school district for at least three times before the date fixed for said sales, each time being in a different week, and providing that the terms and conditions of said sales were fixed by the board of school directors prior to the holding of such sales, and providing also that all the other requirements of law concerning the authorization, advertising and holding of such sale have been complied with.

Proviso.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 23rd day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 399

AN ACT

Amending the act of May 31, 1945 (P. L. 1198), entitled "An act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit mining method; regulating such mining; and providing penalties," changing penalties in regards to certain actions relating to registration and furnishing of bonds.

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

Bituminous Coal  
Open Pit Mining  
Conservation  
Act.

Section 1. Section 16, act of May 31, 1945 (P. L. 1198), known as the "Bituminous Coal Open Pit Mining Conservation Act," amended May 10, 1956 (P. L. 1562), is amended to read:

Section 16, act  
of May 31, 1945,  
P. L. 1198,  
amended May  
10, 1956, P. L.  
1562, further  
amended.

Section 16. Except as provided in section four of this act, any operator who proceeds to mine bituminous coal by the open pit mining method without having received a registration certificate, as herein provided, or who proceeds to mine bituminous coal by the open pit mining method without securing an amended registration certificate, or who fails to register and secure a new registration certificate, as herein provided, or who proceeds to mine bituminous coal by the open pit mining method without having furnished the proper bond, as herein provided, or who has intentionally filed false information in the application for a registration certificate, shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine of *not less than five hundred dollars (\$500.00) or not exceeding five thousand dollars (\$5000.00), or imprisonment in the county jail for a period not exceeding three months, or both.*

Mining bitumi-  
nous coal by  
open pit mining  
without regis-  
tration.

The fines shall be paid into and held by the State Treasurer in the "Bituminous Coal Open Pit Mining Reclamation Fund," provided for in section eighteen of this act, and shall be used by the Secretary of Mines *and Mineral Industries* for the sole purpose of foresting or reclaiming land affected by open pit mining of bituminous coal upon lands situated in the county in which the violation occurred.

APPROVED—The 23rd day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 400

AN ACT

Providing for the creation, maintenance and operation of an employes' retirement system in cities of the second class A, and imposing certain charges on cities of the second class A and school districts in cities of the second class A.

Cities of second  
class A—pen-  
sions.

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

Section 1. The following words and phrases, as used in this act, shall be construed to have the following meanings:

"Board," the city retirement board created by this act.

"City employe," an officer or employe of the city whose salary or compensation is paid on a yearly or monthly basis, including the collector of taxes and employes of the office of collector of taxes and also any officer or employe regularly employed two hundred or more days per year whose compensation is paid on a per diem basis.

"Fund," the city employes' retirement fund created by this act.

"Accumulated deductions," the total of the amounts deducted from the salary of a contributor and paid into the fund created by this act and standing to the credit of the members' annuity reserve account, together with the regular interest thereon.

"Contributor," any person who has accumulated deductions in the fund created by this act standing to the credit of the members' annuity reserve account.

"Beneficiary," any person in receipt of a retirement allowance under this act.

"Prior service," all service as a city employe served not later than December thirty-first preceding the year a retirement system is established in any city.