

*with any recommendations, shall be given to city council, in writing, within fifteen (15) days from the date of said referral. If the Planning Commission shall fail to file such a report, within the specified time and manner, it shall be conclusively presumed that the Planning Commission has approved the proposed amendment, supplement or change.*

*Thereupon, council shall fix a time for public hearing, and notice of such public hearing shall be published, in at least one newspaper of general circulation in the city, three (3) consecutive times, the first insertion to appear at least ten (10) days prior to the date fixed for said public hearing.*

*An affirmative vote of at least four (4) members of council shall be required to pass the proposed amendment, supplement or change.*

*Upon final approval of the ordinance, adopted in accordance with the above, said ordinance shall be forthwith published in accordance with the provisions of section 1014 of this act relating to publication of ordinances prescribing penalties.*

APPROVED—The 19th day of August, A. D. 1953.

JOHN S. FINE

No. 310

### AN ACT

To further amend the act, approved the ninth day of June, one thousand nine hundred eleven (Pamphlet Laws 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," by further providing for the appointment, tenure and duties of bituminous mine inspectors.

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

Section 1. Section two of Article XIX of the act, approved the ninth day of June, one thousand nine hundred eleven (Pamphlet Laws 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," is hereby amended to read as follows:

Section 2. The [said] *Mine Inspector's Examining Board for the Bituminous Coal Mines of Pennsylvania* shall meet on the *call of the chairman* [first Tuesday in March following its appointment, in the city of Pittsburgh, to examine applicants for the office of inspector. Two weeks previous to the aforesaid time the board shall

Bituminous  
coal-mines.

Section 2 of  
Article XIX, act  
of June 9, 1911,  
P. L. 756,  
amended.

Meetings of Mine  
Inspector's Ex-  
amining Board  
for the Bitumi-  
nous Coal Mines  
of Pennsylvania.

meet] to prepare questions [and], formulate rules and procedure for conducting the examination, and examine candidates for the office of bituminous mine inspector. The board may also be convened by the Governor, at any other time, [for the purpose of filling vacancies or performing any other necessary work] when there remain upon the list of successful candidates less than three names, as a result of appointments made therefrom, or as a result of the expiration of certificates of qualification, to meet and proceed to conduct an examination for the purpose of supplying a new list of eligible candidates.

Purpose.

Governor may convene board.

The board [, after being duly organized,] shall, before each examination, take and subscribe to, before any officer authorized to administer the same, the following oath, namely:

“We, the undersigned, do solemnly swear (or affirm) that we will perform the duties of examiners of [applicants] candidates for appointment as inspector of bituminous mines to the best of our ability, and that in recommending or rejecting said [applicants] candidates we will be governed solely by the evidence of their qualifications to fill the position, and not by any consideration of political or personal favor, and that we will certify all whom we may find qualified according to the true intent and meaning of this act, and none other.”

Oath of office of board.

The oaths of the members of the Examining Board shall be filed in the Department of Mines.

Section 2. Section three of Article XIX of said act, as last amended by the act, approved the sixteenth day of May, one thousand nine hundred forty-five (Pamphlet Laws 597), is hereby further amended to read as follows:

Section 3 of Article XIX, said act, as last amended by act of May 16, 1945, P. L. 597, further amended.

Section 3. The qualifications of candidates for the office of bituminous mine inspector shall be certified under oath to the Examining Board and shall be as follows:

Qualifications of candidates to office of bituminous mine inspector.

The candidates shall be citizens of Pennsylvania, of temperate habits, of good repute as men of personal integrity, in good physical condition, and shall be between the ages of thirty and fifty years [: Provided, however, That any inspector appointed under the provisions of the act of May fifteen, one thousand eight hundred and ninety-three, or under the provisions of this act, shall be eligible for reappointment, even if beyond fifty years of age, if in good physical condition]. The candidates shall have a knowledge of the different systems of working coal seams, and shall have had at least ten years' practical experience in bituminous mines, five years of which, immediately preceding their examination, shall have been in bituminous mines of this Commonwealth, and shall also have had practical experience with explo-

Proviso.

sive gas and other dangerous gases found in coal mines; and upon examination, shall give evidence of such theoretical as well as practical knowledge and general intelligence respecting mines and mining, and the working and ventilation of mines, as will satisfy the Examining Board of their capability and fitness for the duties imposed upon inspectors of mines by the provisions of this act: Provided, however, That any [applicant] *candidate* who has *honorably* served in the armed forces of the United States or *an ally thereof* [and who has had ten years experience in the bituminous mines of Pennsylvania,] shall be eligible to take such examination, [although he has not worked in the mines for five years immediately preceding the examination] *where the required continuity of practical experience has been interrupted by such military service.*

Section 4 of Article XIX, said act, as last amended by act of June 1, 1915, P. L. 706, further amended Examinations.

Section 3. Section four of Article XIX of said act, as last amended by the act, approved the first day of June, one thousand nine hundred fifteen (Pamphlet Laws 706), is hereby further amended to read as follows:

Section 4. The principal examination shall be in writing, and each [applicant] *candidate* shall also undergo an oral examination pertaining to explosive gas, safety lamps, methods of ventilation, and mine management, *and such other matters as the Examining Board shall deem relevant.* The questions and answers thereto in the oral examination shall be reported verbatim by an expert stenographer, and typewritten, fully to assist the board in the work of rating the qualifications of the candidates [ : Provided, That any person who has served as a mine inspector, or continuously for eight years, and has passed two consecutive examinations for the office of mine inspector, shall be exempt from taking any further examination, and shall continue in said office without any further examination unless removed or suspended, as provided by article twenty-one of the act of June nine, one thousand nine hundred and eleven (Pamphlet Laws, seven hundred and fifty-six), and section four of the act of April fourteen, one thousand nine hundred and three (Pamphlet Laws, one hundred and eighty)]. Any candidate who shall make a general average of at least ninety per centum shall be deemed successful. The manuscripts and other papers of all applicants in the principal examination, together with the tally sheets and the correct solution of each question as prepared by the Examining Board, and also the stenographer's report of the oral examination, shall be filed in the Department of Mines. [The Examining Board, or at least four members thereof, shall certify to the Governor, and also to the Department of Mines, the] *The names and percentages of all successful candidates who are properly qualified, under*

the provisions of this article, to fill the office of *bituminous mine* inspector, shall be certified to the Governor and the Department of Mines. A certificate of qualification prepared by the [Chief of the Department of Mines] Secretary of Mines shall be issued to each successful candidate. A certificate so issued shall remain in force for only a period of four years from the date of the examination: Provided, That a certificate of qualification of a person honorably discharged from the armed forces of the United States or an ally thereof shall not expire until the first examination occurring more than six months following his release from military service.

Issuance of certificate of qualification to successful candidates.

Expiration of certificates.

Proviso.

The Examining Board shall, [as soon as practicable] after the examination, furnish to [each applicant] *any candidate*, on [printed slips of paper] request, a copy of all questions (oral and written) given at the examination, marked "solved right," "imperfect," or "wrong," as the case may be.

Section 4. Section five of Article XIX of said act, as last amended by the act, approved the sixteenth day of May, one thousand nine hundred forty-five (Pamphlet Laws 597), is hereby \*further amended to read as follows:

Section 5 of Article XIX, said act, as last amended by act of May 16, 1945, P. L. 597, further amended.

Section 5. The Governor shall [, from the names certified to him by the Examining Board, commission one person to be inspector for each district, in pursuance of this act, whose commission shall be for a full term of four years from the fifteenth day of May following the regular examinations. Each inspector appointed under the provisions of the act of May fifteen, one thousand eight hundred and ninety-three, may continue in office until May fifteen, one thousand nine hundred and thirteen] appoint as *bituminous mine inspectors only those persons holding a valid certificate of qualifications*.

Appointments by Governor.

After the passage of this act the Secretary [of the Department] of Mines shall have the right to assign the inspectors to the districts for which, in his opinion, they are best fitted [: Provided, however, That any one who has been certified to the Governor by the Examining Board as eligible for appointment as an inspector and whose name was on such list at the time he entered the armed forces of the United States, shall remain on said approved list until he has had an opportunity to again qualify: Provided further, That any person who has been commissioned as an inspector for a period of four years, and who subsequent to his appointment entered the armed forces of the United States, shall be entitled to serve his full term upon his return from the service].

Assignment of inspectors.

*The tenure of office of bituminous mine inspectors appointed under this act shall be during good behavior,*

Tenure of office.

\* "further" omitted in original.

*subject to Article 21, sections thirteen and fourteen of this article, and the Constitution.*

Section 6 of Article XIX, said act, repealed.

Section 7 of Article XIX, said act, amended.

Expenses.

Offices.

Proviso.

Office furniture and supplies.

Section 8 of Article XIX, said act, repealed.

Sections 9 and 10 of Article XIX, said act, amended.

Bond and oath of inspectors.

Filing.

Ineligibles.

Section 5. Section six of Article XIX of said act is hereby repealed.

Section 6. Section seven of Article XIX of said act is hereby amended to read as follows:

Section 7. [After the passage of this act, the salary of the inspectors shall be three thousand dollars a year, to be paid quarterly by the State Treasurer, on warrant of the Auditor General, issued upon the presentation of voucher approved by the Chief of the Department of Mines.] Each inspector may also incur traveling expenses, and such other expenses as may be necessary for the proper discharge of his duties under the provisions of this act [, which shall be paid quarterly by the State Treasurer, on warrant of the Auditor General, issued upon presentation of vouchers properly made out and sworn to by the inspector and approved by the Chief of the Department of Mines]. Each inspector shall have an office in his district, which may be at his place of residence [; provided that]: *Provided, That* a suitable room, approved by the [Chief of the Department] *Secretary* of Mines, be set apart for that purpose. The [Chief of the Department] *Secretary* of Mines shall have authority to procure for the inspectors, on their request, furniture, instruments, chemicals, typewriters, stationery, and all other necessary supplies, which shall be paid for by the State Treasurer, on warrant of the Auditor General, issued upon presentation of vouchers approved by the [Chief of the Department] *Secretary* of Mines. All furniture, instruments, plans, books, memoranda, notes and other materials pertaining to the office of inspector, shall be the property of the State, and shall be delivered by the inspector to his successor in office.

Section 7. Section eight of Article XIX of said act is hereby repealed.

Section 8. Sections nine and ten of Article XIX of said act are hereby amended to read as follows:

Section 9. Each *bituminous mine* inspector shall, before entering upon the discharge of his duties, give a *surety* bond in the sum of five thousand dollars, [with sureties to be approved by the president judge of the district in which he resides,] conditional for the faithful discharge of his duties; and shall take an oath, or make affirmation, that he will discharge his duties with impartiality and fidelity, to the best of his knowledge and ability. *Such bond and oath shall be filed in the office of the Secretary of the Commonwealth.* [But no] *No* person who is acting as manager or agent of any coal mine, or as mining engineer, or who is *directly* or *indi-*

rectly interested in operating any coal mine, shall at the same time act as *bituminous mine* inspector [under this act].

Section 10. In case [the] *a bituminous mine* inspector becomes incapacitated to perform the duties of his office, or is granted a leave of absence by the [Chief of the Department] *Secretary* of Mines, it shall be the duty of the Governor, at the request of the [Chief of the Department] *Secretary* of Mines, to appoint temporarily to the office a person [on the eligible list of applicants filed in the Department of Mines] *holding a valid certificate of qualification*. The temporary inspector shall act until the regular inspector is able to resume the duties of his office [, and shall be paid in the same manner as hereinbefore provided for the payment of the regular inspector].

Temporary appointments.

Section 9. Section eleven of Article XIX of said act, as amended by the act, approved the twenty-seventh day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1013), is hereby further amended to read as follows:

Section 11 of Article XIX, said act, as amended by act of June 27, 1947, P. L. 1013, further amended.

Section 11. Each *bituminous mine* inspector shall devote the whole of his time to the duties of his office. It shall be his duty to thoroughly examine each mine in his district as often as possible (but at least once every four months), giving special attention to all mines generating explosive gas, and to other mines where unusual dangers may be suspected to exist, and to see that all the provisions of this act are observed and strictly carried out, especially those that demand that the air current be carried to the working faces. He shall keep in his office a record of all examinations of mines, showing the condition in which he finds them, especially with reference to ventilation and drainage, the number of persons employed inside of each mine, the extent to which the law is obeyed, and the progress made in the improvement of mines. He shall keep a record of all serious accidents, showing the nature and causes thereof, and the number of deaths resulting therefrom. *He shall also perform such other duties as the Secretary of Mines may require.*

Duties of inspectors.

Record.

Section 10. Sections twelve, thirteen and fourteen of Article XIX of said act are hereby amended to read as follows:

Sections 12, 13 and 14 of Article XIX, said act, amended.

Section 12. It shall be the duty of [the] *a bituminous mine* inspector, after the final examination of any mine, to make out a written, or partly written and partly printed, report of the condition in which he finds it, [and to post the said report,] *and see that said report is posted by the operator* immediately after the final examination, in the office at the mine, or in some other conspicuous place, where it shall remain for one year, open to examination by any person employed in or about the said mine.

Report as to condition of mine and posting thereof.

Contents of report.

The report shall show the date of the inspection, the number of cubic feet of air in circulation, where the measurement of the air was made, and the quantity of air as measured at the last cut-through in each split, together with the number of persons employed in each split, and also at any other place requested by the [Chief of the Department] *Secretary* of Mines. The report shall contain such other information as the *bituminous mine* inspector or the *Secretary of Mines* may deem necessary.

Violations.

If the inspector discovers any room, entry, airway, or other working places being driven in advance of the air current, contrary to the requirements of this act, he shall order the workmen in such places to cease work at once, until the law is complied with.

Entering mines to make examinations.

Section 13. To enable the *bituminous mine* inspector to perform the duties imposed upon him by this act, he shall have the right at all times to enter any mine in his district, or any mine in any other district when directed to do so by the [Chief of the Department] *Secretary* of Mines, to make examinations or obtain information; and upon the discovery of any violation of this act, or upon being informed of any violation of the act, he shall institute proceedings against the person or persons at fault, under the provisions of section two of article twenty-six of this act. In case any mine or portion of a mine is, in the judgment of the inspector, in so dangerous a condition, from any cause, as to jeopardize life and health, he shall at once notify the [Chief of the Department] *Secretary* of Mines, who shall immediately direct two or more [of the] other *bituminous mine* inspectors to accompany promptly the said inspector to the mine wherein

Proceedings against violators.

Dangerous conditions.

Notice to Secretary of Mines.

Notice to superintendent of mine to remove dangerous condition.

Application to court for an injunction.

Hearing.

Costs. Proviso.

said dangerous condition is alleged to exist. The inspectors shall make a full investigation, and if they shall agree that there is immediate danger they shall direct the superintendent of the mine, in writing, to remove forthwith said dangerous condition. If the superintendent fails to do so, the [inspectors] *district bituminous mine inspector* shall immediately apply, in the name of the Commonwealth, to the court of common pleas of the county in which said mine is located, or to a judge of said court in chambers, for [a writ of] *an* injunction, to enjoin the operation of all work in and about said mine. Whereupon said court, or judge, shall at once proceed to hear and determine the case; and if the cause appear to be sufficient, after hearing the parties and their evidence, as in like cases, shall issue its writ to restrain the working of said mine until all cause of danger is removed; and the costs of said proceedings shall be borne by the owner, lessee, or agent of the mine: Provided, That if said court shall find the cause not sufficient, then the case shall be dismissed, and the costs shall be borne

by the county wherein said mine is located: Provided also, That should any inspector find during his inspection of a mine, or portion of a mine, such dangerous conditions existing therein that in his opinion, any delay in removing the workmen from such dangerous places might cause loss of life or serious personal injury to the employes, the said inspector shall have the right to temporarily withdraw all persons from such dangerous places until the foregoing provisions of this section can be carried into effect.

Further proviso.

Section 14. Each *bituminous mine* inspector shall make the following reports to the [Chief of the Department] *Secretary* of Mines, on blank forms provided for that purpose: (1) Not later than the tenth of each month he shall make a report of all fatal and serious non-fatal accidents that have occurred in his district during the preceding month, stating the date, nature, and cause of each accident, and placing the responsibility therefor, together with the name, age, occupation, and nationality of each person killed or injured, and whether married or single, and the number of widows and orphans left; which report shall be recorded and filed in the Department of Mines, and included (or a synopsis of the same) in the annual report of said Department; (2) Not later than the sixth of each month he shall make a report, giving the name of operator, and the name and location of each mine inspected during the preceding month, with date of inspection, condition of mine, quantity of air in circulation at all points required by the [Chief of the Department] *Secretary* of Mines, [and] the number of persons employed in each split of air, *and such other information as the Secretary of Mines may require*; (3) Not later than the twentieth of February of each year he shall make an annual report, which shall briefly recapitulate the duties performed by him during the preceding year, and briefly describe the condition of the mines in his district relative to ventilation, drainage, and general sanitary arrangements, as relating to the health, safety, and welfare of the employes, and which shall also contain such suggestions or information of importance as he may deem necessary, or as required by the [Chief of the Department] *Secretary* of Mines.

Monthly reports to Secretary of Mines.

Fatal and serious non-fatal accidents reports.

Mine inspection reports.

Annual reports.

APPROVED—The 19th day of August, A. D. 1953.

JOHN S. FINE