

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

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In the Department of Mines and Mineral Industries,
 Anthracite Mine Inspectors,
 Bituminous Mine Inspectors,
 Anthracite Mine Inspectors' Examining Board,
 Mine Inspectors' Examining Board for the Bituminous
 Coal Mines of Pennsylvania,

Oil and Gas Inspectors Examining Board.

* * * * *

Section 2. This act shall take effect immediately.

Act effective
 immediately.

APPROVED—The 21st day of December, A. D. 1959.

DAVID L. LAWRENCE

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 No. 722

AN ACT

Providing for creation of an Oil and Gas Inspectors Examining Board in the Department of Mines and Mineral Industries; conferring powers and imposing duties on the board and conferring powers and imposing duties in connection therewith upon the Governor; providing for the qualifications, examination, appointment, term of office, removal and salaries of Oil and Gas Inspectors; and providing penalties.

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

Oil and Gas
 Inspectors Ex-
 amining Board.

Section 1. There is hereby created a departmental administrative board in the Department of Mines and Mineral Industries to be known as the Oil and Gas Inspectors Examining Board. The Governor shall appoint the members of the board in the manner prescribed by "The Administrative Code of 1929" for appointments of members of administrative boards. The board shall consist of six members, as follows: one competent petroleum engineer, one competent gas engineer, two competent coal mine engineers, one representative of the employes of the gas or oil industry and one representative of the employes of the coal mining industry. All board members shall have had a minimum of five years experience in their respective fields. The Secretary of Mines and Mineral Industries shall be ex-officio member of and also chairman of the board.

Creation,
 appointment,
 membership,
 minimum experi-
 ence, Chairman,
 minimum age,
 residence
 requirement,
 compensation.

Each member of the board shall be at least thirty years of age, shall be a citizen of the Commonwealth of Pennsylvania, and shall have been a resident thereof for at least one year.

The board shall elect a secretary who need not be a member of the board.

Each member of the board, except the Secretary of Mines and Mineral Industries, shall be paid actual and approved traveling expenses and thirty dollars (\$30) per diem while attending meetings of the board, conducting administrative hearings of the board, and administering written examinations of said board; and the secretary shall receive such reasonable compensation as the board shall determine, with the approval of the Secretary of Mines and Mineral Industries.

Duties of board.

Section 2. The Oil and Gas Inspectors Examining Board shall prepare questions and formulate rules to be used in conducting and governing the examinations given to the applicants for the office of oil and gas inspector.

Meetings.

Section 3. The Oil and Gas Inspectors Examining Board shall meet upon the call of the chairman thereof at such times and places as the chairman shall designate and at such other times and places as the board may, by rule, determine.

Required oath of members of board.

Section 4. The members of the board upon assuming office shall each take and subscribe to, before an officer authorized to administer the same, the following oath:

“I do solemnly swear (or affirm) that I will perform the duties of examiner of applicants for the office of oil and gas inspector to the best of my ability, and that in recommending or rejecting said applicants I will be governed by the evidence of their qualifications to fill the position and not by any consideration of political or personal factor, and that I will certify all applicants who may be found qualified and no others according to the true intent and meaning of the law.”

The oaths of the members of the examining board shall be filed in the office of the Department of Mines and Mineral Industries.

Notice of examinations.

Section 5. Public notice of an examination for the office of oil and gas inspector shall be given, at least fifteen days prior to the date thereof, in at least two newspapers of general circulation in each county in the oil and gas producing areas of the Commonwealth. The board shall meet at the time and place set forth in said notice and examine the applicants for the office of oil and gas inspector. The qualifications of the applicants shall be certified to the board, and be as follows:

(1) Each candidate shall be a citizen of the United States of good repute, of personal integrity, in good physical condition, and not under thirty or over fifty-five years of age.

Qualification of candidates.

(2) The candidate shall give to the board satisfactory *evidence of having had at least eight years of practical experience in the oil and gas industry, one year of which immediately preceding the examination shall have been in the oil and gas industry within this Commonwealth.

Section 6. The examination shall be in writing. The applicants who have attained an average of at least ninety percent, including such allowances for experience as the board shall by rule determine, shall be eligible for appointment.

Eligibility for appointment.

Section 7. The board, or at least two members thereof, shall certify to the Governor, and also to the Secretary of Mines and Mineral Industries, the names and grade of all eligible applicants who are properly qualified under the provision of this act to fill the office of oil and gas inspector.

Certification of eligible list by board.

Section 8. The manuscripts and all other papers in the examination, together with the tally sheets and the correct solution of each question as prepared by the board, shall be filed in the Department of Mines and Mineral Industries where they shall be retained for not less than seven years following the examination.

Record to be retained.

Section 9. A certificate of qualification shall be issued to each successful applicant. A certificate so issued shall remain in force and effect for a period of four years only, unless the holder thereof has received an appointment as oil and gas inspector, in which case, the certificate shall become permanent after service or four years in such capacity.

Certificate of qualification.

Section 10. There shall be as many oil and gas inspectors as are required to administer the provisions of the act, subject to the approval of the Governor, upon application from the Secretary of Mines and Mineral Industries.

Number of inspectors.

Section 11. The salaries of oil and gas inspectors shall be established by the Executive Board. They shall also receive necessary expenses incident to the performance of their duties under the law, which shall be paid in the manner now provided by law.

Salaries and expenses.

Section 12. An oil and gas inspector holding office on the effective date of this act shall continue to serve until the expiration of his term, and such person shall

Present inspectors to finish their term.

* "evidence" not in original.

thereafter be eligible for reappointment as oil and gas inspector without an examination, provided he has served as oil and gas inspector for a period of four years or longer.

Tenure dependent on good behavior.

Section 13. The tenure of office of an oil and gas inspector appointed under this act shall be during good behavior. Upon an affidavit made to the Secretary of Mines and Mineral Industries that an oil and gas inspector is holding office illegally or is neglectful or is incompetent or is unable to perform the duties of his office, or that he is guilty of malfeasance, nonfeasance or misfeasance, or upon his own motion, the Secretary of Mines and Mineral Industries shall proceed to inquire into and investigate the allegations or information available to him. If the Secretary of Mines and Mineral Industries determines that there is adequate basis for the charges, he will forthwith suspend the said oil and gas inspectors from his duties, and shall fix a date for a hearing not less than ten days subsequent to notice to the oil and gas inspector at which hearing the oil and gas inspector may be present with counsel and with witnesses, and shall hear the charges and the evidence against him and be permitted to cross-examine any witnesses produced. If, in the opinion of the Secretary of Mines and Mineral Industries, the charges are sustained, he shall then declare the office of the oil and gas inspector vacant, and shall so certify to the Governor who shall then proceed in compliance with the provisions of this act to fill the vacancy. If, in the opinion of the Secretary of Mines and Mineral Industries, the charges are not sustained, he shall then reinstate the oil and gas inspector.

Vacancy to be filled.

Section 14. When a vacancy in the office of oil and gas inspector occurs by death or otherwise, the Governor shall appoint, from the list of eligible applicants as provided above, and as had been certified to him by the Oil and Gas Inspectors Examining Board, a person to fill such a vacancy.

New lists of eligibles.

Section 15. When a list of eligible applicants is exhausted, the Governor shall request the chairman of the board to have the Oil and Gas Inspectors Examining Board meet and proceed to conduct an examination for the purpose of supplying a new list of eligible applicants.

Temporary appointments.

Section 16. When an oil and gas inspector is incapacitated and unable to perform the duties of his office or is granted a leave of absence by the Secretary of Mines and Mineral Industries for sixty days or more, it shall be the duty of the Governor, at the request of the Secretary of Mines and Mineral Industries, to appoint temporarily to the office a person on the eligible list of applicants. The temporary oil and gas inspector shall act until

the regular oil and gas inspector is ready to resume the duties of his office and shall be paid in the same manner as provided for the payment of regular oil and gas inspectors.

Section 17. No oil and gas inspector under the act shall act as a manager, employe *or agent of any oil or gas drilling operation or of any mine or mining operation, nor shall he be interested in any pecuniary way in such operations in this Commonwealth.

Conflict of interest.

Section 18. Any oil and gas inspector violating the provisions of section 17 shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500), or undergo imprisonment in the county jail for a period of not more than ninety days, or both.

Penalty for violating provisions of act.

Section 19. Any person who gives any false or forged evidence of any kind to the Oil and Gas Examining Board or to any member thereof in obtaining a certificate of qualification shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred dollars (\$300), or to undergo imprisonment in the county jail for a period of not more than three months, or both.

Penalty for false evidence.

Section 20. Any person found to be in collusion with any member or members of such examining board or who uses any undue influence or attempts to bribe any members of the board for the purpose of procuring certificates for applicants shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500), or undergo imprisonment in the county jail of not more than six months, or both.

Penalty for collusion.

Section 21. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 21st day of December, A. D. 1959.

DAVID L. LAWRENCE

No. 723

AN ACT

Amending the act of May 22, 1933 (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses," providing that every juror shall receive mileage.

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

Pay and mileage of jurors.

* "or" not in original.