

Section 4. Purchased hospital and post hospital care under the provisions of this act shall be paid for on or after March 1, 1964. Date payments begin.

Section 5. This act shall take effect immediately. Act effective immediately.

APPROVED—The 13th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 393

AN ACT

Amending the act of June 27, 1947 (P. L. 1095), entitled, as amended, "An act providing for the regulation of mining of anthracite coal by the open pit or strip mining method and for the conservation and improvement of lands affected directly or indirectly by such mining; requiring operators to register, pay a license fee and secure a permit to engage in strip mining and file a bond conditioned for compliance with this act; requiring backfilling of stripping pits and leveling and planting lands affected to prevent erosion and the pollution of waters and to protect public health, safety and welfare; conferring powers and imposing duties upon the Department of Mines and Mineral Industries; providing for appeals, and imposing penalties, and making appropriations," re-defining certain terms, regulating the licensure of anthracite strip mining operators and the issuance of permits for strip mining operations; imposing fees; providing for the suspension of licenses; further regulating bonds and backfilling; authorizing the secretary to make rules and regulations; imposing additional penalties; changing appeal procedure; creating a Land Restoration Board to determine the amount of backfilling or alternative use of land in certain cases, and creating a Bureau of Anthracite Conservation and Reclamation within the Department of Mines and Mineral Industries.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Anthracite Strip Mining Law.

Section 1. The title, act of June 27, 1947 (P. L. 1095), known as the "Anthracite Strip Mining Law," amended September 2, 1961 (P. L. 1194), is amended to read: Title, act of June 27, 1947, P. L. 1095, amended September 2, 1961, P. L. 1194, further amended.

AN ACT

Providing for the regulation of mining of anthracite coal by the open pit or strip mining method and for the conservation and improvement of lands affected directly or indirectly by such mining; requiring operators to [register, pay a license fee and secure a permit to engage in strip mining and file a bond] *be licensed, to pay license fees, to secure permits to engage in strip mining and to file bonds* conditioned for compliance with this act; requiring backfilling of stripping pits and leveling and planting lands affected New title.

to prevent erosion and the pollution of waters and to protect public health, safety and welfare; conferring powers and imposing duties upon the Department of Mines and Mineral Industries; providing for appeals, and imposing penalties, and making appropriations.

Section 2 of act, amended.

Section 2. Section 2 of the act is amended to read:

Short title.

Section 2. *Short Title.*—This act shall be known and may be cited as the “Anthracite Strip Mining [Law] and Conservation Act.”

Section 3 of act, amended September 2, 1961, P. L. 1194, further amended.

Section 3. Section 3 of the act, amended September 2, 1961 (P. L. 1194), is amended to read:

Section 3. Definitions.—The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

“Anthracite.”—The hard coal mined in the northeasterly part of the Commonwealth of Pennsylvania commonly known as the Anthracite Region.

“Strip Mining.”—The mining or recovery of coal by removing the material which overlies the coal bed in its natural or previously mined condition.

“Stripping pit.”—Any trench, cut, hole or pit formed by the removal of the surface or coal as a result of strip mining.

“Operation.”—[One or more stripping pits located on the property embraced] *A stripping pit located within the boundaries of a mine inspection district as outlined by the Pennsylvania Department of Mines and Mineral Industries: Provided, That in all cases where a single stripping pit extends across a mine inspection district line such pit will not be considered as two operations because of being located in two mine inspection districts.*

“Operator.”—A person, partnership, association or corporation engaged in strip mining of anthracite coal as a principal, or who is or becomes the owner of the coal recovered as the result of such strip mining.

“Spoil banks.”—The material of whatever nature removed and deposited on the surface that the underlying coal may be recovered.

“Department.”—The Department of Mines and Mineral Industries of the Commonwealth of Pennsylvania.

“Secretary.”—*The Secretary of Mines and Mineral Industries.*

“Abandoned.”—An operation where no coal has been produced or overburden removed for a period of [one (1) year] *six (6) months*, verified by monthly reports submitted to the department by the operator and by inspections made by mine inspectors, unless an operator within thirty (30) days after receipt of notification by the secretary terming an operation abandoned submits

sufficient evidence to the secretary that the operation is in fact not abandoned.

“Degree.”—When used in this act, shall mean *inclination* from the horizontal and in each case shall be subject to a tolerance of five (5) degrees.

“Landowner.”—The person, partnership, association or corporation, private, municipal or otherwise, in which the legal title to the land is vested.

“Overburden.”—The material or strata overlying a seam or seams of anthracite coal in its natural state.

“Area of land affected.”—The area of land from which the overburden is removed, *except that in strip-ping pits not more than one hundred (100) feet in depth the area shall include that occupied by the spoil piles.*

“Deep mining.”—Such mining as is presently or has previously been carried on by means of slope, tunnel, drift or shaft without the removal of the overburden.

Section 4. Section 4 of the act, amended April 4, 1956 (P. L. 1398), is amended to read:

Section 4 of act,
amended April 4,
1956, P. L. 1398,
further amended.

Section 4. [(A) Application for a permit to engage in strip mining of anthracite at each operation shall be made on a form prepared and *furnished by the department. Such application shall contain an estimate of the number of acres of land that the operator estimates will be the area of land affected by strip mining at each operation by the operator during the year immediately following the date of the permit, and shall be accompanied by a bond for each operation, as hereinafter provided, and by a filing or license fee in an amount to be calculated at the rate of twenty-five dollars (\$25.00) per acre, which the operator estimates will be the area of land affected: Provided, That in no case shall the license fee be less than one hundred dollars (\$100.00).

(B) Each operator of a coal stripping operation shall furnish the mine inspector in whose district the operation is located, a map on a scale of one hundred feet to the inch, showing the location of the operation with respect to the land lines of adjoining properties, together with the location of any public highway, dwelling house or stream of water. An accurate and correct report of the coal produced shall also be furnished the mine inspector in whose district the operation is located not later than the seventh day of each month.

If an operator continues to operate beyond one year, the mine inspector shall be furnished with a new map at the end of each year of operation, on which map is outlined the area affected and restored from the date the operation started to the date the map is furnished the inspector.] (a) *It shall be unlawful for any person to proceed to mine coal, commonly known as anthracite,*

License required
for strip mining
operator.

* “furnishing” in original.

by the strip mining method as an operator within this Commonwealth without first obtaining a license as a strip mining operator from the Department of Mines and Mineral Industries. Applications for licensure as strip mining operators shall be made in writing to the department upon forms prepared and furnished by the department, and shall contain such information as to the applicant as the department shall require, and when the application is made by a corporation, partnership or association, the names of its officers, directors and principal owners. The application for licensure shall be accompanied by a fee of three hundred dollars (\$300). It shall be the duty of all persons licensed as strip mining operators to renew such license annually, and pay for each such license renewal the sum of three hundred dollars (\$300). The application for renewal of a license as a strip mining operator shall be made, annually, on or before January 1 of the next succeeding year.

License fee.

Renewal.

Penalty.—Any person who proceeds to mine coal, commonly known as anthracite, by the strip mining method as an operator without having applied for and received a license as herein provided, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not less than five thousand dollars (\$5,000) and not exceeding ten thousand dollars (\$10,000), or undergo imprisonment not exceeding six months, or both. The fine shall be payable to the Commonwealth.

Duty of department to be satisfied of reliability of operator.

(b) The department shall not issue any new strip mining operator's license or renew any existing strip mining operator's license to any person or operator if it finds, after investigation, that the applicant for licensure or renewal has previously failed and continues to fail to comply with any of the provisions of this act as hereby amended. Where the applicant is a corporation, partnership or association, the department shall not issue such license or renewal if, after investigation, it finds that any principal owner or partner of such corporation, partnership or association, has previously failed and continues to fail to comply with any of the provisions of this act, or if any principal owner or partner is or has been a principal owner or partner of any other corporation, partnership or association, which has previously failed and continues to fail to comply with any of the provisions of this act as hereby amended.

Section 5 of act, amended September 2, 1961, P. L. 1194, further amended.

Permit required for each operation.

Section 5. Section 5 of the act, amended September 2, 1961 (P. L. 1194), is amended to read:

Section 5. (a) Before any person licensed as a strip mining operator shall hereafter proceed to mine coal, commonly known as anthracite, by the strip mining method, he shall apply to the Department of Mines and

Mineral Industries on a form prepared and furnished by the department for a permit for each separate operation.

(b) *As a part of each application for a permit, the operator shall furnish, in duplicate, a map or plan of mining and restoration on a scale of not less than four hundred (400) feet to the inch, showing the location and extent of the proposed stripping pit with respect to the land lines of adjoining properties, together with the location of any public highway, dwelling house or stream of water. The map of the proposed stripping pit shall be accompanied by cross-sections at intervals not to exceed five hundred (500) feet. Such cross-sections shall include the following information: tidal elevations of the surface, top of the coal seam, bottom of strip mine pit; the cross-sections shall provide surface elevations for a distance of not less than three hundred (300) feet beyond the outlines of the proposed stripping pit; there shall be located on the cross-section the outline of the proposed stripping pit and the approximate area of the placement of the overburden. The operator shall furnish a detailed proposal showing the manner, time and distance for backfilling. The operator shall be required to furnish the department with new maps and cross-sections at the end of each year of operation.*

Duties required of applicant.

(c) *Any permit issued by the department as required by this act shall [remain in force and effect for a period of one (1) year from its date, and shall permit the operator to engage in as many operations in each mine inspection district as he may wish during such period of one (1) year and shall remain in force during such period of one (1) year: Provided, That the operator shall faithfully perform all of the requirements of this act. In the event of a violation of the requirements of this act by the operator it shall be the duty of the Secretary of Mines and Mineral Industries to cancel and withdraw such permit.] permit the operation of the pit for a period of one (1) year from the date of issue unless sooner suspended by the secretary.*

Term of permit.

Section 6. The act is amended by adding, after section 5, a new section to read:

Act amended by adding a new section 5.1.

Section 5.1. Any mine inspector directed by the department shall have the right to enter upon and inspect all stripping operations for the purpose of determining conditions of safety and for compliance with the provisions of this act and all rules and regulations promulgated pursuant thereto. Should an operator fail to comply with the requirements of this act or any rules or regulations promulgated pursuant thereto, the mine inspector shall report the matter to the secretary who shall immediately notify the operator by registered mail of

Right of entry by mine inspector.

Report of non-compliance.

Suspension for failure of compliance.

such failure. Unless the operator complies with the act and such rules and regulations within thirty (30) days from the receipt of such notice, the secretary may, after hearing and final determination, suspend the open pit mining operator's license of the operator and issue a cease and desist order requiring the operator to immediately cease open pit mining within this Commonwealth until such time as it is determined by the secretary that the operator is in full compliance. A mine inspector shall have the authority to order the immediate stopping of any operation that is started by an unlicensed operator or without the operator thereof having first obtained a permit as required by this act or in any case where safety regulations are being violated.

Immediate action required of inspector for lack of license or permit.

Sections 6, 7, 8, 9 and 11 of act, amended September 2, 1961, P. L. 1194, further amended.

Section 7. Sections 6, 7, 8, 9 and 11 of the act, amended September 2, 1961 (P. L. 1194), are amended to read:

Requirement of a bond for each operation.

Section 6. The operator shall file with the Department of Mines and Mineral Industries a bond for each operation on a form to be prescribed and furnished by the department payable to the Commonwealth and conditioned that the operator shall faithfully perform all the requirements of this act. The bond shall be in the amount of *not less than five hundred dollars (\$500) per acre nor more than one thousand dollars (\$1,000) per acre* based upon the number of acres of land in such operation which the operator estimates will be the area of land affected by strip mining during one (1) year immediately following the date of the permit issued by the department. *If following an examination of the maps and cross-sections submitted the secretary deems it necessary to increase the amount of bond in excess of five hundred dollars (\$500) per acre, he shall stipulate the amount of bond per acre required:* Provided, That no bond shall be for an amount less than five thousand dollars (\$5,000). Liability under the bond shall be for the duration of strip mining at each operation and for a period of five years thereafter, unless released prior thereto, in the manner hereinafter provided by this act.

Amount.

Term of bond liability.

Other kinds of acceptable security.

Such bond shall be signed by the operator and a corporate surety licensed to do business in the Commonwealth: Provided, however, That in lieu of a surety bond the operator may file a collateral bond secured by cash in the form of a certified or cashier's check or [United States Government securities] *negotiable bonds of the United States Government or the Commonwealth of Pennsylvania, the Pennsylvania Turnpike Commission, the General State Authority, the State Public School Building Authority, or any municipality within the Commonwealth.* The cash deposited or the [par] market value of such [United States Government] securities

shall be equal *at least* to the amount of the required bond and shall be held upon the same terms and conditions.

The Secretary of Mines and Mineral Industries shall, upon receipt of any such deposit of cash or securities, immediately deposit the same with the State Treasurer, whose duty it shall be to receive and hold the same in the name of the Commonwealth for the purpose for which such deposit is made. The State Treasurer shall at all times be responsible for the safe-keeping of such deposits.

Duty to deposit with State Treasurer.

Any operator making such deposits shall be entitled to receive from the State Treasurer, on written order of the Secretary of Mines and Mineral Industries, the whole or any portion of any securities so deposited, upon depositing with the department, in lieu thereof, a surety bond or other [United States Government] *negotiable* securities of [a par] *the classes herein specified having a market* value at least equal to the sum required for a bond as aforesaid.

Return of security upon issuance of surety bond in lieu thereof.

The operator shall also be entitled upon request to receive from the State Treasurer the interest or income from said securities deposited as aforesaid as the same become due and payable: Provided, however, That where securities deposited, as aforesaid, mature or are called, the State Treasurer, at the request of the operator, shall convert such securities into other acceptable securities designated by the operator.

Section 7. Upon application by the operator, the permit [may] *shall* be renewed from year to year so as to cover the number of acres embraced in the original permit which have not been stripped, and [an additional] *upon filing the required bond for such additional land and such additional material as would have been required for the additional land had it been included in the original application for a permit, an amended* permit [may] *shall* be issued [at any time] to the operator to cover acres which are not included in [a previous] *the original* permit and which the operator estimates will be the area of land affected during the following year. [No license fee shall be charged for a renewal permit and the fee for an additional permit shall be calculated at the rate of twenty-five dollars (\$25) per acre for the number of acres which the operator estimates will be the area of land affected during the following year. All such moneys received by the department shall be deposited in a special fund with the State Treasurer and shall be expended by the Department of Mines and Mineral Industries in payment of the cost of administering the provisions of this act. Each application for a permit shall be accompanied by a bond as herein provided.]

Permit renewable.

Time when new bonds required.

Section 8. Within thirty (30) days after the close of the year for which the permit was issued, and likewise after the close of each subsequent year, the operator, if he continues to engage in strip mining, shall file with the Department of Mines and Mineral Industries a new bond covering such new acres as he may estimate will be affected during the following year. The bond shall be at the rate of five hundred dollars (\$500) per acre, *unless it has been determined by the secretary that a bond in excess of five hundred dollars (\$500) per acre is required.* The bond shall not be less than five thousand dollars (\$5,000) and shall be accompanied by an annual report, upon a form furnished by the department, setting forth the number of acres of land affected during the preceding year and the number of acres of land that will be affected during the ensuing year at each operation: Provided, however, That any portion of a bond covering an operation which may remain unencumbered at the end of an operational year may be applied to acres of land which the operator anticipates will be affected during the following year.

Annual reports of operator and duties of the secretary.

Section 9. Upon receipt of such annual report, the Secretary of Mines and Mineral Industries shall make an investigation of the operation and shall charge the area of land actually affected by strip mining during the year for which said report is filed against the bond or deposit filed by the operator at the *established* rate [of five hundred dollars (\$500)] per acre of the area of land affected, but in no case shall the bond or deposit retained by the Secretary of Mines and Mineral Industries be less than five thousand dollars (\$5,000). Should the area of land actually affected exceed the estimate made by the operator at the time of the application for the permit, the operator shall file an additional bond at the *established* rate [of five hundred dollars (\$500)] per acre of the area of land affected over and above his estimate: Provided, That an additional bond need not be filed where the number of acres of land actually affected multiplied by five hundred dollars (\$500) does not exceed the sum of five thousand dollars (\$5,000), *except in those instances where the secretary has found it necessary to increase the rate per acre.* If the work contemplated by the permit and bond be not completed, but the area of land actually affected by strip mining during the year is less than the estimate, the secretary shall issue a release of the excess of the bond or deposit upon which liability has not been charged, as aforesaid: Provided, That in no case shall any bond or deposit be released or reduced to an amount less than five thousand dollars (\$5,000).

Section 11. [The application for a permit shall be accompanied by a map showing the location of any public highway, dwelling house or stream of water on or adjacent to the area of land affected. The operator shall backfill the operation made by the strip mining operation to a distance of seventy-five (75) feet beyond the boundary line of the right of way of any public highway and to a distance of two hundred twenty-five (225) feet from any occupied dwelling house, public building, school, church, commercial or institutional building. The backfilling shall be done in such a manner as to insure lateral support of a public highway and to provide a slope having an angle not exceeding forty (40) degrees. The Department of Mines and Mineral Industries may specify the time within which it shall be completed in order to protect the public safety.] *The operator shall be required to backfill stripping pits in the following manner:*

Backfilling.

(1) *All stripping pits not more than one hundred (100) feet in depth shall be completely backfilled.*

(2) *All stripping pits shall be completely backfilled for a distance of one hundred (100) feet from the right-of-way of any public highway or two hundred and fifty (250) feet from any occupied dwelling house, public building, school, church, commercial or institutional building.*

(3) *In all stripping pits in excess of one hundred (100) feet in depth and more than one hundred (100) feet beyond the right-of-way of any public highway or more than two hundred and fifty (250) feet beyond any occupied dwelling house, public building, school, church, commercial or institutional building, the amount of final backfill required shall be determined by the Land Restoration Board as hereinafter constituted. Upon approval of the plan of mining and restoration by said board, the approved plan shall be included in and become a condition of the permit which shall be effective and complied with until the operation is completed or abandoned. The amount of final backfill required for such stripping pits shall be determined by said board concurrently with the issuing of a permit, and shall be included in and become a condition of the permit and the operator shall be required to backfill to the extent specified: Provided, however, That alternative plans for reclamation wherein the land can be used for suitable purposes may be approved by the Land Restoration Board.*

(4) *Whenever reasonable and practicable, the department shall require backfilling as the open pit mining progresses. Within six months after the operation is completed or abandoned, the operator shall have back-*

filled all pits in accordance with the plan previously approved by the secretary, except in those instances where the pit or pits are within one hundred (100) feet of the right-of-way of any public highway or within two hundred and fifty (250) feet of any occupied dwelling house, public building, school, church, commercial or institutional building, in which case, the department shall specify the time within which the backfilling shall be completed in order to protect the public safety. All backfilling shall be completed before necessary backfilling equipment is removed from the operation.

Provided, however, That any permit issued subsequent to the effective date of this amending act shall not require restoration or backfilling of any anthracite coal stripping pit stripped, affected or created prior to the effective date of this amending act to other than the requirements of legislation applicable on the date of such prior stripping.

Distance of spoil banks from streams of water.

The permit shall also specify the distance to which the bottom of the spoil banks made by the strip mining operation may approach any stream of water having a well defined channel. Such distances shall be fixed by the department at such number of feet as in the judgment of the department, after consultation with the Water and Power Resources Board, taking into consideration the character of the overburden, is necessary to protect the channel of the stream.

Nothing contained in this section shall be construed to prohibit the relocation of any public road, in the manner provided by law, or the change of the course or channel of any stream, in the manner provided by law, upon permit issued by the Water and Power Resources Board.

[The operator shall be required within one (1) year after a strip mine operation is abandoned to backfill all stripping pits which are not more than seventy-five (75) feet in depth and within seven hundred (700) feet of the right-of-way of any public highway or within seven hundred (700) feet of any dwelling unit, public building, school, church, commercial or institutional building on an angle of forty-five (45) degrees from the top of the highwall to the bottom of the stripping pit. In all stripping pits which are more than seven hundred (700) feet from the right-of-way of any public highway or more than seven hundred (700) feet beyond any dwelling unit, school, church, commercial or institutional building, the operator shall be required to cover the exposed surface of the coal seams to a depth of five (5) feet.]

Specific repeal of section 12.

Section 8. Section 12 of the act is repealed.

Section 9. Sections 14, 16 and 19 of the act, amended September 2, 1961 (P. L. 1194), are amended to read:

Section 14. In all cases in which the Secretary of Mines and Mineral Industries shall find as a fact that the planting of such areas is reasonable, practicable and likely to succeed, the peaks and ridges of such spoil banks shall be leveled and rounded off to such an extent as will permit the planting of trees, grasses, or shrubs. Within one (1) year after the strip mining operation on the premises is terminated, the operator shall plant trees, shrubs or grasses upon the surface of the spoil banks and the surface of backfills. Any operator, however, may at his option pay to the Department of Mines and Mineral Industries the sum of [sixty dollars (\$60.00)] *one hundred dollars (\$100)* per acre for each acre of such surface of spoil banks and backfillings, and thereby shall be released from any duty to plant as herein provided. The moneys so paid from time to time shall be placed in a special fund in the hands of the Treasury Department of the Commonwealth and shall be used by the Department of Mines and Mineral Industries to pay the cost of planting such trees, grasses or shrubs, and the supervision of such work and all other expenses necessary for or connected with such planting, and are hereby appropriated to the Department of Mines and Mineral Industries for such purposes. Any moneys remaining unused after such planting may be used for planting any other lands affected by strip mining of anthracite coal. All planting, required by this act to be done by the operator, shall be done subject to the supervision and approval of the Secretary of Mines and Mineral Industries. If, upon inspection, the Secretary of Mines and Mineral Industries does not approve the planting, he shall notify the operator in writing setting forth the objections and after a hearing shall order the planting to be completed in accordance with his final decision.

Section 16. If and when the Secretary of Mines and Mineral Industries shall find that the operator has completed the backfilling and other acts as required by this act, and a report is filed by the inspector certifying that it has been done in the manner prescribed by this act, the Secretary of Mines and Mineral Industries shall issue a release of the bond or of the cash and securities deposited [at the rate of four hundred forty dollars (\$440) per acre in proportion to the area backfilled and leveled. The remaining sixty dollars (\$60)] *retaining one hundred dollars (\$100)* per acre [shall be retained] *affected* until such time as the planting is completed and certified to by the forester as being done in workmanlike manner at which time the [remaining sixty dollars

Sections 14, 16 and 19 of act, amended September 2, 1961, P. L. 1194, further amended.

Leveling and planting trees.

Release of bond or cash.

(\$60)] retained one hundred dollars (\$100) per acre shall be released. Upon the presentation of such release, the State Treasurer shall immediately return to the operator the amount of cash or securities specified in its release.

Hearing and
appeals.

Section 19. [The right of the] Any operator, or [of] any other person [whose property may be adversely affected, to a hearing before the making of any final order or adjudication by] *who shall be aggrieved by any administrative regulation, directive or order of the Secretary of Mines and Mineral Industries, [and to appeal therefrom shall exist in accordance with the procedure prescribed in the Administrative Agency Law of June 4, 1945 (Pamphlet Laws 1388), and the Rules of Civil Procedure promulgated by the Supreme Court of this Commonwealth.] the Land Restoration Board, or any other administrative agency making application of the provisions of this act, may file a petition in the court of common pleas of the county where the land is located, alleging therein the action complained of and praying for remedy thereof and the said court shall proceed therein by rule or rules upon the proper administrative officer, body or authority to show cause why the petitioner should not have the remedy prayed for by his, her or its petition. The court in such proceedings shall make such procedural orders as may be necessary for facilitating and expediting hearings and disposition of the matters complained of. Every such petition shall specify the petitioner's objection to the action of the administrative officer, body or authority and such officer, body or authority on or before the return day of the rule shall make answer thereto. Such petition shall be heard by the said court of common pleas de novo. From the decision of the said court of common pleas, an appeal may be taken by either party to the Superior or Supreme Court of Pennsylvania as in other cases. Such rights to a hearing and to appeal shall also be enjoyed by the duly authorized officials of the political subdivision or subdivisions in which the [authorized operation] land is located.*

Act amended by
adding three new
sections 20.1,
20.2 and 20.3.
Land Restoration
Board.

Section 10. The act is amended by adding, after section 20, three new sections to read:

Section 20.1. There is hereby created within the department a Land Restoration Board to be composed of the Secretary of Mines and Mineral Industries who shall be chairman of the board, a conservationist, a representative of the anthracite industry and a registered professional engineer, each of whom shall be appointed by the Governor for terms of four years to coincide with the Governor's own term of office, or until his successor has been appointed and has qualified, and of the Deputy

Secretary of Mines and Mineral Industries assigned to anthracite operations.

Section 20.2. There is hereby created within the department a Bureau of Anthracite Conservation and Reclamation and the secretary shall appoint and fix the compensation of a director of said bureau to be known as the Director of Anthracite Conservation and Reclamation.

Bureau of Anthracite Conservation and Reclamation.

The Bureau of Anthracite Conservation and Reclamation shall have the power and its duty shall be to administer all of the laws of this Commonwealth governing and relating to the mining of anthracite coal by the open pit or strip method and, subject to the approval of the secretary, to exercise all the powers and perform all the duties by law vested in and imposed upon said secretary in relation to such open pit or strip mining.

Section 20.3. Except as herein provided, all coal stripping operations coming within the provisions of this act shall be under the exclusive jurisdiction of the department and shall be conducted in compliance with such reasonable rules and regulations as may be deemed necessary by the secretary for the health and safety of those persons engaged in the work. The secretary through the mine inspectors shall have the authority and power to enforce the provisions of this act and the rules and regulations promulgated thereunder by him.

Department jurisdiction.

Section 11. Section 21 of the act, amended September 2, 1961 (P. L. 1194), is amended to read:

Section 21 of act, amended September 2, 1961, P. L. 1194, further amended.

Section 21. Any operator who proceeds to mine coal, commonly known as "anthracite," by the strip mining method without [having registered and] having received a permit, or without having received an amended permit as herein provided, 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) and not exceeding five thousand dollars (\$5,000.00), or undergo imprisonment not exceeding three (3) months, or both. The fine shall be payable to the Commonwealth.

Violations and penalties.

Section 12. The act is amended by adding, after section 21 thereof, a new section to read:

Act amended by adding a new section 21.1.

Section 21.1. All funds received by the Secretary of Mines and Mineral Industries from registration fees, from forfeiture of bonds, of cash deposits and securities, and from penalties provided under the terms of this act, shall be held by the State Treasurer in a special fund separate and apart from all other moneys in the State Treasury, to be known as the "Anthracite Coal Open Pit Mining Reclamation Fund," and shall be used by the Secretary of Mines and Mineral Industries for the

Disposition of funds.

sole purpose of administering the provisions of this act and for foresting or reclaiming land affected by open pit mining of anthracite coal, and for such purposes are hereby specifically appropriated to the Department of Mines and Mineral Industries.

General repeal.

Section 13. All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Effective date and applicability of certain provisions.

Section 14. The act shall take effect in ninety days. However, the Land Restoration Board and the Bureau of Anthracite Conservation and Reclamation shall be created immediately, and the Director of Anthracite Conservation and Reclamation may be appointed immediately to enable the said board, bureau and director to make such preparation as shall be necessary to carry out the provisions of the act as amended on the said effective date.

APPROVED—The 13th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 394

AN ACT

Amending the act of June 24, 1937 (P. L. 2051), entitled, as amended, "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Welfare and county boards of assistance hereby created for this purpose; authorizing the Department of Public Welfare to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," authorizing the Department of Public Welfare to contract with certain nonprofit corporations for the purpose of providing medical services, including hospital care, to persons who are eligible for such services as assistance.

Public Assistance Law.

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

Section 4, act of June 24, 1937, P. L. 2051, amended by adding a new clause (o).

Section 1. Section 4, act of June 24, 1937 (P. L. 2051), known as the "Public Assistance Law," is amended by adding, at the end thereof, a new clause to read: