

on behalf of the Commonwealth for the value of any fish, bait-fish or fish-bait, destroyed in violation of section 200 of this act.

APPROVED—The 19th day of January, A. D. 1968.

RAYMOND P. SHAFER

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No. 445

AN ACT

SB 1241

Amending the act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage, contingent on Federal aid, and making an appropriation," removing certain restrictions and adding certain powers.

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

Section 1. Section 2, act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage, contingent on Federal aid, and making an appropriation," amended August 16, 1961 (P. L. 993) and September 7, 1961 (P. L. 1241), is amended to read:

Section 2. In such event the Department of Mines and Mineral Industries shall construct ditches, flumes, backfill stripping pits and cropfalls, and improve stream beds for the purpose of preventing the flow of surface water into mines, and shall purchase the necessary materials for the same, and also shall purchase and install pumps, pipes, machinery, equipment and materials for the purpose of pumping water from abandoned mines, and shall seal abandoned coal mines and fill voids in abandoned coal mines in those instances where such work is in the interest of public welfare: Provided, however, That the Commonwealth shall not bear any operating and maintenance costs whatsoever other than one-half of the power pumping costs and shall not bear the installation costs of any underground facilities; however, this restriction shall not apply and shall not pertain to cases of emergencies endangering life created by the flooding of mines, nor shall the functions herein set out be restricted to abandoned mines in cases of such emergency.

In such instances, upon the prior determination by the Secretary of Mines and Mineral Industries when the Secretary of the Interior of the United States of America operating under the Federal companion legislation has likewise ruled that an emergency exists, the Department of Mines and Mineral Industries shall:

- (1) Conduct rescue operations;
  - (2) Without advertising or competitive bidding, purchase material and equipment and provide labor and techniques for pumping of water from the mines, constructing ditches, flumes and other devices for mine drainage, for sealing, backfilling and for the performance of any other work designated by the Secretary of Mines and Mineral Industries as expedient to prevent the spreading and reduce the hazards from flooding of mines;
  - (3) Pay for power and for other costs attendant upon the operation and maintenance of pumping and other devices for mine drainage;
  - (4) Perform the purpose of the act with personnel of the department or by contract with others;
  - (5) Reimburse any person, agency or corporation for material, labor and equipment furnished at the request of the Department of Mines and Mineral Industries in the performance of the aforesaid duties;
  - (6) Pay for the foregoing whether already undertaken or to be undertaken hereafter;
  - (7) Conduct investigation to determine the cause of this disaster and to institute measures to insure the future safety and health of persons in the area; and
  - (8) Do all necessary and expedient to effect the purposes of this act.
- Anything to the contrary herein notwithstanding upon the prior determination by the Secretary of Mines and Mineral Industries that water in an abandoned mine or in abandoned mines threatens the safety of the residents of the area or threatens widespread subsidence and damage to large amounts of property, the Department of Mines and Mineral Industries, without the need for joinder by the Federal Government and without the need to secure a sponsoring agency to maintain and operate any of the facilities shall have the authority to:
- (1) Drill boreholes or provide other means of entry into the mine water pools to provide passage of water to the surface;
  - (2) Purchase and install pumps, pipes, machinery, equipment and materials for the purpose of pumping water from such abandoned mines;
  - (3) Purchase, construct and install any other facilities deemed appropriate to maintain water levels in such abandoned mines at

heights deemed best to avoid or minimize danger of subsidence; and

(4) Pay for any operating and maintenance costs of such pumping as shall be deemed necessary to maintain water levels to avoid or minimize danger of subsidence.

Under no circumstances may any funds be used the object of which or as a result of which any mining operator or company will be relieved of his or its pumping obligations or any part thereof.

The aforesaid determination and action taken thereby may not in any way be construed as relieving any party of its obligations or responsibilities as to the disposition of mine waters.

Section 2. This act shall take effect immediately.

APPROVED—The 19th day of January, A. D. 1968.

RAYMOND P. SHAFER

No. 446

AN ACT

HB 1446

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," providing for mine conservation inspectors in place of mine inspectors and defining their qualifications and enforcement powers and duties, providing for appeals from certain actions of such inspectors and making editorial changes.

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

Section 1. Section 3, act of May 31, 1945 (P. L. 1198), known as the "Bituminous Coal Open Pit Mining Conservation Act," amended May 23, 1949 (P. L. 1730) and September 2, 1961 (P. L. 1210), 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:

"Open pit mining" shall mean the mining or recovery of bituminous coal by removing the strata or material which overlies or is above the coal deposit or seam in its natural condition.

"Pit" shall mean the place where bituminous coal is being mined by the open pit mining method.