

## No. 154

## AN ACT

## HB 1047

Amending the act of July 17, 1961 (P.L.659, No.339), entitled "An act relating to bituminous coal mines; amending, revising, consolidating and changing the laws relating thereto; providing 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; prescribing powers and duties in connection therewith; prescribing penalties; and repealing existing laws," further providing for appeals.

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

Section 1. Section 123, act of July 17, 1961 (P.L.659, No.339), known as the "Pennsylvania Bituminous Coal Mine Act," is amended to read:

Section 123. Discretionary Power of Mine Inspectors.—The mine inspector shall exercise sound discretion in the performance of his duties under the provisions of this act, and if the operator, superintendent, mine foreman, or other person employed in or about any mine, shall be dissatisfied with any decision the mine inspector has given in the discharge of his duties, which decision shall be in writing, it shall be the duty of the dissatisfied person to appeal from said decision to the secretary, who shall at once appoint a commission to accompany promptly the mine inspector in the district to make further examination into the matter in dispute. If the said commission shall agree with the decision of the mine inspector in the district, their decision shall be final and conclusive, unless **[the dissatisfied person shall, within seven days of the receipt of the decision of the commission, appeal therefrom to the court of common pleas of the county in which said mine, or a portion thereof, is situated. Whereupon, the court, or a judge of said court, in open court or in chambers, shall promptly hear such appeal, and shall permit testimony and argument, oral or written, or both, by both parties. In such appeal, the appellant shall be designated the plaintiff and the secretary shall be the defendant. Within five days after conclusion of testimony and argument, the said court shall issue such decision and order as may be proper and appropriate under the circumstances. Such decision shall be final, subject only to review by the Superior Court upon a petition for certiorari filed in such court within sixty days from the entry of said decision and order. Said appeal to the said court of common pleas shall act as a supersedeas of the decision of the commission.] an appeal is taken in accordance with the provisions of the act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law."**

Section 2. Clause (55) of subsection (g) of section 509 of the act of July 31, 1970 (P.L.673, No.223), known as the "Appellate Court Jurisdiction Act of 1970," added June 3, 1971 (P.L.118, No.6), is repealed.

APPROVED—The 21st day of December, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly  
No. 154.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style with a large initial "C" and a prominent "T" at the end.

*Secretary of the Commonwealth.*