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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

No. **275** Session of  
1961

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INTRODUCED BY MESSRS. PECHAN AND KROMER,  
FEBRUARY 27, 1961.

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REFERRED TO COMMITTEE ON MINES AND MINERAL  
INDUSTRIES, FEBRUARY 27, 1961.

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**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

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

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 providing for appeals and imposing penalties and making appropriations" providing that forfeitures for failure or refusal to comply with requirements for back-filling and other acts shall upon request be made available to county commissioners for performance of such acts subject to rules and regulations of the Department of Mines and Mineral Industries

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

- 1 Section 1 Section 17 act of June 27 1947 (P L 1095) known as
- 2 the "Anthracite Strip Mining Law" is amended to read
- 3 Section 17 If the operator fails or refuses to comply with the re-
- 4 quirements of the act as to any area for which liability has been provided
- 5 in the bond the Secretary of Mines and Mineral Industries shall declare
- 6 such portion of the bond forfeited and shall certify the same to the
- 7 Department of Justice which department shall proceed to sue out and
- 8 collect the amount of liability forfeited thereon and where the operator

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1 has deposited cash or securities in lieu of bond the Secretary of Mines  
2 and Mineral Industries shall declare such portion of the deposit forfeited  
3 and shall direct the State Treasurer to pay said moneys into a special  
4 fund for the use of the department or to proceeded to sell said securities  
5 to the extent forfeited and pay the proceeds thereof into the said special  
6 fund Such moneys or securities so forfeited and collected shall be used  
7 by the Secretary of Mines and Mineral Industries to pay the cost of  
8 backfilling and other acts required by this act and the cost of planting as  
9 required by section 14 of this act or shall be made available to the  
10 county commissioners of the county where the land upon which such  
11 acts are required is located as provided in section 17.1 of this act and  
12 any balance not used for these purposes shall be returned to the operator

13 Section 2 The act is amended by adding after section 17 a new sec-  
14 tion to read

15 Section 17.1 (a) The Secretary of Mines and Mineral Industries  
16 shall notify the county commissioners of each county in which a bond  
17 or portion thereof or money or securities are hereafter forfeited by an  
18 operator for failure or refusal to comply with the requirements of this  
19 act as to land situated in that county The Secretary of Mines and Mineral  
20 Industries shall also so notify the county commissioners of any such

1 forfeitures heretofore made and upon which said department has not  
2 undertaken restoration

3 (b) Upon the receipt of such notification with accompanying maps  
4 indicating the location of the land the county commissioners may re-  
5 quest the Secretary of Mines and Mineral Industries to make the  
6 proceeds from the forfeitures relating to such land available to them  
7 so that the said county commissioners may arrange for and perform by  
8 use of local labor equipment and material the back-filling and other acts  
9 including planting required by this act

10 (c) Upon the receipt of any such request by the county commis-  
11 sioners the Secretary of Mines and Mineral Industries shall subject to  
12 such rules and regulations relating to employes materials equipment  
13 completion dates inspections accountings and other related matters as  
14 he shall deem necessary make such forfeitures available to the county  
15 commissioners who shall then be responsible for the backfilling and  
16 other acts including planting required by this act

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1961.

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Governor