

relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," is hereby amended to read as follows:

Section 308. Election of Directors and Trustees; Terms; Vacancies.—At the annual meeting, the stockholders or members shall elect by ballot, from their own number, not less than seven directors or trustees, a majority of whom shall be residents of this Commonwealth, to serve for one year and until their successors are duly chosen.

Any insurance company may provide in its by-laws for the division of its board of directors or trustees into two, three, or four classes, and may provide for the election thereof at its annual meetings in such manner that the members of one class only shall retire, and their successors be chosen, each year. Vacancies, *including vacancies resulting from an increase in the number of directors or from failure of the stockholders to fill any class of directors*, may be filled by an election by the board of directors or trustees for the unexpired term.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 2nd day of July, A. D. 1953.

JOHN S. FINE

No. 77

AN ACT

To further amend the act, approved the twenty-seventh day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1095), entitled "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 the Department of Forests and Waters; providing for appeals, and imposing penalties, and making appropriations," by regulating the covering of open pits and transferring powers and duties to the Secretary of Mines.

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

"Anthracite Strip Mining Law."

Section 1. Section twelve of the act, approved the twenty-seventh day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1095), entitled "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 the Department of Forests and Waters; providing for appeals, and imposing penalties, and making appropriations," is hereby amended to read as follows:

Section 12, act of June 27, 1947, P. L. 1095, amended.

Section 12. In any case where a strip mining operation after completion shall leave anthracite exposed, the operator shall be required on written order of the department to cover the exposed surface of the anthracite to a depth of five (5) feet in order to prevent the spread of fire to the unmined anthracite. *Nothing contained in this act shall be construed to mean that the covering material required by this section or material deposited in the stripping pit, whether five (5) feet or more in depth, shall be leveled or planted with trees, grasses or shrubs, as provided in section fourteen of this act.*

Exposed anthracite to be covered.

Section 2. Section fourteen of the said act is hereby amended to read as follows:

Section 14, said act, amended.

Section 14. In all cases in which the Secretary of [Forests and Waters] *Mines* 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 Forests and Waters the sum of sixty dollars (\$60.00) 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 Forests and Waters to pay the cost of planting such trees, grasses

Leveling and planting lands.

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 Forests and Waters 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 [Forests and Waters and upon such approval, the secretary shall certify such performance to the Department of Mines] *Mines*. If, upon inspection, the Secretary of [Forests and Waters] *Mines* 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, *by either the operator or by the Department of Forests and Waters*.

Section 16, said act, amended.

Section 3. Section sixteen of the said act is hereby amended to read as follows:

Release of bond or cash.

Section 16. If and when the Secretary of Mines shall find that the operator has completed the backfilling and other acts as required by this act [and shall receive the certificate of the Secretary of Forests and Waters that planting has been done or the payment has been made, if and as required by section 14 of this act], he shall issue a release of the bond or of the cash and securities deposited. 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.

Section 19, said act, amended.

Section 4. Section nineteen of the said act is hereby amended to read as follows:

Hearing and appeals.

Section 19. The right of the 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 the Secretary of Mines [or by the Secretary of Forests and Waters] 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. 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 is located.

APPROVED—The 2nd day of July, A. D. 1953.

JOHN S. FINE