

creditors of such vendor, with the correct amount due and to become due to each of them, or which shall contain any false or untrue statement, is guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine not exceeding five thousand (\$5000) dollars or to undergo imprisonment not exceeding six (6) months, or both.

(j) Any person or persons, firm or corporation, or any person or persons acting for or on behalf of any firm or corporation, who shall procure from any seller or vendor a list of creditors, as hereinabove set forth, through fraud, misrepresentation or deceit, for the purpose of injuring the seller or vendor in his business, and not for the purpose of securing the creditors of the seller or vendor, is guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine not exceeding one thousand (\$1000) dollars.

(k) Whoever, being a debtor in possession of goods, defined in clause (f) of subsection (1) of section 9-105 of the "Uniform Commercial Code," approved the sixth day of April, one thousand nine hundred fifty-three, Act No. 1, subject to a security interest, maliciously or fraudulently sells, injures, destroys, conceals, abandons, or defaces identifying marks on such goods, or otherwise disposes of such goods under claim of full *ownership shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars or undergo imprisonment not exceeding one (1) year, or both.

Section 2. The provisions of this act shall become effective at 12:01 A.M. on the first day of July, one thousand nine hundred fifty-four.

APPROVED—The 19th day of August, A. D. 1953.

JOHN S. FINE

No. 305

AN ACT

To amend the title and 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

* "ownership" in original.

and the Department of Forests and Waters; providing for appeals, and imposing penalties, and making appropriations," by appropriating funds derived from payments made in lieu of planting to the Department of Mines, and transferring powers and duties from the Secretary of Forests and Waters to the Secretary of Mines.

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

Section 1. The title and sections 14, 16 and 19 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," are hereby amended to read as follows:

"Anthracite Strip Mining Law."

Title and sections 14, 16 and 19, act of June 27, 1947, P. L. 1095, amended.

An Act

Amended title.

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.

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

Leveling and planting lands.

[Forests and Waters] *Mines* 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] *Mines* 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 [Forests and Waters] *Mines* 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*. 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.

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 his release.

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 19th day of August, A. D. 1953.

JOHN S. FINE