

(2) After there has been a finding by the secretary in the manner required by this section that any person or firm has failed to pay the prevailing wages prescribed by this act and thereafter there shall be a failure by such person or firm to pay the prevailing wages prescribed by this act, or there shall be a subsequent failure of such person or firm to comply with any opportunity to adjust any differences which shall be afforded him by the secretary.

Section 12. Failure to Comply, Termination.—In any case where the secretary shall have determined that any person or firm has failed to pay the prevailing wages under subsections (e) and (f) of section 11 hereof, he may direct the public body to terminate, and the public body may terminate, any such contractor's right to proceed with the public work.

Section 13. Workmen's Rights.—Any workmen paid less than the rates specified in the contract shall have a right of action for the difference between the wage so paid and the wages stipulated in the contract, which right of action shall be instituted within six months from the occurrence of the event creating such right.

Section 14. Rules and Regulations.—The secretary is hereby authorized and empowered to prescribe, adopt, promulgate, rescind and enforce rules and regulations pertaining to the administration and enforcement of the provisions of this act.

Section 15. Application of Act.—This act shall have no application to any public works subject to the Walsh-Healey Act, the act of June 30, 1936, chapter 881, 49 Stat. 2036, 41 USCA sections 35-45, or the Davis Bacon Act, the act of March 3, 1931, 40 U. S. Code 276 (a).

Section 16. Repealer.—All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 17. Effective Date.—This act shall take effect on the first day of the sixth month following date of final enactment.

APPROVED—The 15th day of August, A. D. 1961.

DAVID L. LAWRENCE

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No. 443

AN ACT

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," extending the provisions of the act to authorize the sealing of abandoned coal mines and filling voids in abandoned coal mines and making money

heretofore appropriated available for those purposes and retaining certain money for the control and drainage of water from anthracite coal formations.

**Anthracite mine drainage.**

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

Sections 1 and 2, act of July 7, 1955, P. L. 258, amended February 11, 1959, P. L. 3, further amended.

Section 1. Sections 1 and 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 February 11, 1959 (P. L. 3), are amended to read:

In the event that matching Federal funds being made available, the Commonwealth accepts the grants with conditions.

Section 1. In the event that Federal moneys are made available on a matching basis for the control and drainage of water from anthracite coal formations, *to seal abandoned coal mines and to fill voids in abandoned coal mines*, the Commonwealth accepts the grant of Federal aid thereunder subject to the terms and conditions of the grant.

Department of Mines and Mineral Industries is authorized to perform the necessary work.

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 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.

Proviso.

Non applicability of proviso.

Emergency determination required.

Duties of Department.

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.

Section 2. Section 4 of the act is amended to read: Section 4 of the act amended.

Section 4. The sum of eight million five hundred thousand dollars (\$8,500,000), or as much thereof as is necessary, is appropriated to the Department of Mines and Mineral Industries to match Federal moneys made available for the control and drainage of water from anthracite coal formations, *to seal abandoned coal mines and to fill voids in abandoned coal mines* in this Commonwealth and to carry out the purposes of this act: *Provided, That from the total sum made available by the Federal government and matched by the Commonwealth, there shall be retained the sum of two million dollars (\$2,000,000) for the control and drainage of water from anthracite coal formations.*

Appropriation.

Section 3. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 16th day of August, A. D. 1961.

DAVID L. LAWRENCE

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No. 444

AN ACT

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges;