

No. 26

AN ACT

HB 568

Amending the act of August 23, 1961 (P.L.1068), entitled "An act to provide for the creation and administration of an Anthracite and Bituminous Coal Mine Subsidence Fund within the Department of Mines and Mineral Industries for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," changing the name of the Coal Mine Subsidence Board and Fund and bringing clay mines within the scope of the act.

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

Section 1. The title and sections 1, 2, 3 and 4, act of August 23, 1961 (P.L.1068), entitled "An act to provide for the creation and administration of an Anthracite and Bituminous Coal Mine Subsidence Fund within the Department of Mines and Mineral Industries for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," are amended to read:

AN ACT

To provide for the creation and administration of an Anthracite and Bituminous Coal *and Clay* Mine Subsidence Fund within the Department of **[Mines and Mineral Industries]** *Environmental Resources* for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation.

Section 1. Purposes.—Whereas, the anthracite and bituminous coal *and clay mine* areas have been faced with the grave problem of subsidence for many years, and

Whereas, these problems are becoming more widespread, and

Whereas, these conditions cause undue hardship upon a multitude of persons, and

Whereas, studies reveal that the subsidence is traceable primarily to mining of thirty or more years ago and not necessarily to present day mining so that effective measures cannot readily be taken at this late date for the elimination of the problem, and

Whereas, it would be to the advantage of residents of the anthracite and bituminous coal *and clay* mining regions to form a common bond to combat distress resulting from subsidence;

Now therefore, there shall be established an Anthracite and Bituminous Coal *and Clay* Mine Subsidence Fund and an Anthracite and Bituminous Coal *and Clay* Mine Subsidence Board with the powers and duties as herein set out.

Section 2. Terms.—The Anthracite and Bituminous Coal *and Clay* Mine Subsidence Board is hereinafter called the board, the Anthracite and Bituminous Coal *and Clay* Mine Subsidence Fund is hereinafter called the fund, and the Department of **[Mines and Mineral Industries]** *Environmental Resources* is hereinafter called the department.

Section 3. The Anthracite and Bituminous Coal *and Clay* Mine Subsidence Board.—The Anthracite and Bituminous Coal *and Clay* Mine Subsidence Board is hereby created consisting of the Secretary of **[Mines and Mineral Industries]** *Environmental Resources*, as chairman, and the Commissioner of Insurance and the State Treasurer.

Section 4. The Anthracite and Bituminous Coal *and Clay* Mine Subsidence Fund.—Certain sums to be paid by home owners, as hereinafter described, are hereby constituted an Anthracite and Bituminous Coal *and Clay* Mine Subsidence Fund, hereinafter called fund, for the purpose of insuring such home owners against the damages resulting from subsidence, as provided hereinunder, and insure the payment of compensation, as herein provided, or of restoration, as herein provided. Such fund shall be administered by a board without liability on the part of the State except as hereinafter provided beyond the amount thereof and shall be applied to the payment of such damages.

Section 2. Section 12 of the act, amended August 10, 1965 (P.L.328), is amended to read:

Section 12. Application for Insurance; Terms of Insurance; Penalty for False Statement.—Any home owner living within the anthracite or bituminous coal *or clay mine* region and who desires to become a subscriber to said fund for the purpose of insuring therein himself from damages through subsidences, shall make a written application for such insurance to the said board in which application the applicant shall state the name, address, date of ownership of the premises to be insured, the condition of the premises, prior subsidence experience, if any, nature of title whether it includes any subsurface support, whether any agreement exists concerning surface support. Thereupon, the board shall make such investigation as may be necessary and within thirty days after such application shall issue a certificate showing the acceptance of the application and the amount of premium payable by such applicant for the year for which premium is sought. Policies may be issued for one year, for two years or for three years as the board may establish. No insurance shall become effective until the premiums have been paid. All premiums shall be payable to the State Treasurer who shall issue a receipt therefor. The receipt for premium together with a certificate of the board shall be evidence that the applicant has become a subscriber to the fund and is insured.

Whoever shall knowingly furnish or make any false certificate, application or statement herein required shall be guilty of a misdemeanor,

and upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand five hundred dollars (\$1,500) and shall undergo imprisonment not exceeding one year.

APPROVED—The 1st day of July, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 26.

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

Secretary of the Commonwealth.