

DEPARTMENT OF MINES CREATED
Act of Apr. 14, 1903, P.L. 180, No. 137
AN ACT

Cl. 52

To establish a Department of Mines in Pennsylvania; defining its purposes and authority; providing for the appointment of a Chief of said Department, and assistants, and fixing their salaries and expenses.

Section 1. Be it enacted, &c., That there is hereby established in Pennsylvania a Department known as the Department of Mines, which shall be charged with the supervision of the execution of the mining laws of this Commonwealth, and the care and publication of the annual reports of the inspectors of coal mines and any and all other mines that may come under the provisions of the mining laws of this Commonwealth.

Section 2. The chief officer of this department shall be denominated Chief of the Department of Mines, and shall be appointed by the Governor, by and with the advice and consent of the Senate, within thirty days after the final passage of this act, and every four years thereafter, who shall be commissioned by the Governor to serve a term of four years from the date of his appointment, and until his successor is duly qualified, and shall receive an annual salary of five thousand dollars and traveling expenses; and in case of a vacancy in the office of chief of said department, by reason of death, resignation or otherwise, the Governor shall appoint a qualified person to fill such vacancy for the unexpired balance of the term.

(2 amended Jun. 7, 1915, P.L.877, No.390)

Section 3. The Chief of the Department of Mines shall be a competent person, having at least ten years' practical experience as a miner and the qualifications of the present mine inspectors. The said Chief of the Department of Mines, so appointed, shall, before entering upon the duties of his office, take and subscribe to the oath of office prescribed by the Constitution, the same to be filed in the office of the Secretary of the Commonwealth, and give to the Commonwealth a bond in the penal sum of ten thousand dollars, with surety, to be approved by the Governor, conditioned for the faithful discharge of the duties of his office.

Section 4. It shall be the duty of the Chief of the Department to devote the whole of his time to duties of his office, and to see that the mining laws of the State are faithfully executed; and for this purpose he is hereby invested with the same power and authority as the mine inspectors, to enter, inspect and examine any mine or colliery within the State, and the works and machinery connected therewith, and to give such aid and instruction to the mine inspectors, from time to time, as he may deem best calculated to protect the health and promote the safety of all persons employed in and about the mines; and the said Chief of the Department of Mines shall have the power to suspend any mine inspector for any neglect of duty, but such suspended mine inspector shall have the right of appeal

to the Governor, who shall be empowered to approve of such suspension or restore such suspended mine inspector to duty, after investigating the causes which led to such suspension. Should the Chief of Department of Mines receive information by petition, signed by ten or more miners or three or more operators, setting forth that any of the mine inspectors are neglectful of the duties of their office, or are physically unable to perform the duties of their office, or are guilty of malfeasance in office, he shall at once investigate the matter; and if he shall be satisfied that the charge or charges are well founded, he shall then petition the court of common pleas or the judge in chambers, in any county within or partly within the inspection district of the said mine inspector; which court upon receipt of said petition and a report of the character of the charges and testimony produced, shall at once issue a citation, in the name of the Commonwealth, to the said inspector to appear, on not less than fifteen days' notice, on a fixed day, before said court, at which time the court shall proceed to inquire into the allegations of the petitioners, and may require the attendance of such witnesses, on the subpoena issued and served by the proper officer or officers, as the judge of the court and the Chief of said Department may deem necessary in the case; the inspector under investigation shall also have similar power and authority to compel the attendance of witnesses in his behalf. If the court shall find by said investigation that the said mine inspector is guilty of neglecting his official duties, or is physically incompetent to perform the duties of his office, or is guilty of malfeasance in office, the said court shall certify the same to the Governor, who shall declare the office vacant, and shall proceed to supply the vacancy as provided by the mining laws of the State. The cost of such investigation shall, if the charges are sustained, be imposed upon the deposed mine inspector; but if the charges are not sustained, the costs shall be paid out of the State Treasury, upon voucher or vouchers duly certified by said Chief of Department.

To enable said Chief of the Department of Mines to conduct more effectually his examinations and investigations of the charge and complaints which may be made by petitioners against any of the mine inspectors as herein provided, he shall have power to administer oaths and take affidavits and depositions, in form and manner provided by law: Provided, however, That nothing in this section shall be construed as to repeal section thirteen of article two of the act of Assembly, approved the second day of June, Anno Domini one thousand eight hundred and ninety-one, entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," and also articles thirteen and fourteen of an act of Assembly, approved the fifteenth day of May, Anno Domini one thousand eight hundred and ninety-three, entitled "An act relating to bituminous coal mines, and providing for the lives, health, safety and welfare of persons employed therein."

Section 5. It shall be the duty of the Chief of the

Department of Mines to take charge of, and preserve in his office, the annual reports of the mine inspectors, and transmit a synopsis of them, together with such other statistical data compiled therefrom, and other work of the Department as may be of public interest, properly addressed, to the Governor, to be transmitted to the General Assembly of this Commonwealth, on or before the fifteenth day of March in each year. It shall also be the duty of the Chief of Department of Mines to see that said reports are placed in the hands of the public printer or others equipped to reproduce same, for publication, on or before the first day of April in each year; the same to be published under the direction of the Chief of the Department of Mines. In order that the Chief of the said Department may be able to prepare, compile and transmit a synopsis of his annual report to the Governor within the time herein specified, the mine inspectors are hereby required to deliver their annual reports to the Chief of said Department on or before the twentieth day of February, in each year. In addition to the annual reports herein required of the mine inspectors, they shall furnish the Chief of the Department of Mines monthly reports, and also such special information on any subject regarding mine accidents, or other matters pertaining to mining interests, or the safety of persons employed in and about the mines, as he at any time may require or may deem necessary, in the proper and lawful discharge of his official duties. The Chief of the Department of Mines shall also establish, as far as may be practicable, a uniform style and size of blanks for the annual, monthly and special reports of the mine inspectors, and prescribe the form and subject matter to be embraced in the text and the tabulated statements of their reports.

The Chief of the Department of Mines is hereby authorized to make such examinations and investigations as may enable him to report on the various systems of coal mining and all other mining practiced in the State, method of mining ventilation and machinery employed, the circumstances and responsibilities of mine accidents; and such other matters as may pertain to the general welfare of coal miners and others connected with mining, and the interests of mine owners and operators in the Commonwealth.

(5 amended Jul. 18, 1957, P.L.990, No.434)

Section 6. The Board of Examiners for the examination of applicants for mine inspectors in the Anthracite and Bituminous coal mines of the Commonwealth, the Board for the examination of applicants for mine foremen and assistant mine foremen in the anthracite mines, the Board for the examination of applicants for first and second grade certificates in the Bituminous mines, and the Board styled Miners' Examining Board for applicants for certificates of competency as miners, shall send to the Chief of the Department of Mines duplicates of the manuscripts and all other papers of applicants, together with the tally-sheets and the solution of each question as given by the Examining Board, which shall be filed in the Department as public documents for a period of time not less than eight years.

(6 amended Jul. 17, 1957, P.L.980, No.427)

Section 7. Certificates of qualification to mine foremen and

assistant mine foremen in the anthracite mines shall be granted by the Chief of the Department of Mines to each applicant who has passed a successful examination. The certificates shall be in manner and form as shall be prescribed by the Chief of the Department of Mines, and a record of all certificates granted shall be kept in the department. Each certificate shall contain the full name, age, and place of birth of the applicant, and also the length and nature of his previous service in the mines. Before the examination for certificates of qualification to mine foremen and assistant mine foremen in the anthracite mines, each applicant shall pay a fee of two dollars, and each successful applicant shall pay an additional fee of three dollars before receiving a certificate. The money thus received from applicants shall be transmitted to the Chief of the Department of Mines, to be deposited in the State Treasury,--said fees to be put in the fund of the Department of Mines for the use of the department for inspection service. The moneys in such fund, from time to time, are hereby specifically appropriated to the Department of Mines for the purposes herein provided. In case of the loss or destruction of a certificate, the Chief of the Department of Mines shall, upon the presentation of satisfactory evidence of the loss or destruction, issue a copy of the certificate, to the original possessor, on the payment of the sum of one dollar.

(7 amended May 28, 1923, P.L.456, No.248)

Section 8. The Chief of the Department of Mines shall keep in the Department a journal or record of all inspections, examinations and work done under his administration, and copies of all official communications; and is hereby authorized to procure such books, instruments, and chemicals, or other tests, as may be found necessary to the proper discharge of his duties under this act, at the expense of the State. All instruments, plans, books and records pertaining to the office shall be the property of the State, and shall be delivered to his successor in office.

Section 9. (9 repealed Apr. 4, 1929, P.L.151, No.153)

Section 10. The Chief of the Department of Mines shall, at all times, be accountable to the Governor for the faithful discharge of his duties imposed on him by law, and the administration of his office and the rules and regulations pertaining to said Department shall be subject to the approval of the Governor.

Section 11. No person who is acting as a land agent, or as a manager, viewer or agent of any mine or colliery, shall, at the same time, serve as Chief of the Department of Mines under the provisions of this act.

Section 12. All acts or parts of acts inconsistent with this act be and the same are hereby repealed.