

ATTACHMENT 2

**CLAIM AND REFUND PAYMENT
RESOLUTION**

**RESOLUTION OF THE
COAL AND CLAY MINE SUBSIDENCE INSURANCE BOARD (board)**

WHEREAS, Section 4 of the Act of August 23, 1961, P.L. 1068, No. 484, as amended, 52 P.S. §3204, provides:

The premiums to be paid by owners of structures, as hereinafter described, are hereby constituted a Coal and Clay Mine Subsidence Insurance Fund (fund), for the purpose of insuring from the moneys in the fund such owners against the damages resulting from subsidence, of coal or clay mines. 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.

WHEREAS, Section 6 of the Act of August 23, 1961, P.L. 1068, No. 484, as amended, 52 P.S. §3206, provides:

The State Treasurer shall be the custodian of the fund and all disbursements therefrom shall be paid by him by check upon request by the board. It shall not be necessary for the State Treasurer to audit the accounts which the requisition of the board calls upon him to pay, and for making payments without audit, the State Treasurer shall not be under any liability whatsoever. The State Treasurer may deposit any portion of the fund not needed for immediate use as other state funds are lawfully deposited. The interest shall be placed to the credit of the fund.

WHEREAS, Section 19 of the Act of August 23, 1961, P.L. 1068, No. 484, as amended, 52 P.S. §3219, provides:

The board may make such rules and regulations and such other conditions of the policies as it deems just and expedient in keeping with the fulfillment of the purposes herein set out, including reasonable classification of risks eligible for coverage hereunder, limits of coverage, and rules covering the adjustment and settlement of claims.

WHEREAS, the board, at a meeting held on January 14, 2016, determined that payments of damage claim proceeds and unused policy premium refunds need to be paid to the subscribers of the fund without delays.

NOW, THEREFORE BE IT RESOLVED that the board declares all current and future administrative delays imposed on payments of commonwealth obligations by management directive to be inapplicable to payments of damage claim and premium refund checks made to subscribers of the fund by any agency or office that may process such payments upon completion of the agency or office's constitutional or statutorily imposed administrative prerequisites.

**COAL AND CLAY MINE SUBSIDENCE
INSURANCE BOARD:**

John Quigley
Secretary of the Department of Environmental Protection
Board Chairman

Timothy A. Reese
Pennsylvania State Treasurer
Board Member

Teresa D. Miller
Pennsylvania Insurance Commissioner
Board Member

DATED: __/__/____