

HOUSE BILL NO. 6191

June 09, 2022, Introduced by Reps. Allor, Steven Johnson, Tisdell, Bollin, Beeler, Meerman, Calley, Rendon, Hoitenga, Lightner, Clements, Outman, Eisen and Alexander and referred to the Committee on Oversight.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 63513 and 63542 (MCL 324.63513 and 324.63542),
as added by 1995 PA 57; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 63513. (1) ~~The department may expend money from the state~~
2 ~~abandoned mine reclamation fund created by section 63510 for the~~
3 ~~emergency restoration, reclamation, abatement, control, or~~
4 ~~prevention of adverse effects of coal mining practices on eligible~~
5 ~~land, Subsection (2) applies if the department finds that all both~~
6 ~~of the following: conditions exist:~~

(a) ~~An~~ **Because of the effects of past coal mining practices on eligible land, an** emergency ~~exists~~ constituting a danger to the public health, safety, or general welfare **exists**.

(b) No other person, state agency, or local unit of government has commenced actions or operations on the eligible land to restore, reclaim, abate, control, or prevent the adverse effects of ~~past~~ **the** coal mining practices.

(2) ~~The~~ **If the department has obtained a warrant authorizing the entry, the** department may enter on any land ~~where the emergency exists~~ **described in subsection (1)** and any other land necessary to have access to the land ~~where the emergency exists~~ **described in subsection (1)** to take ~~those~~ actions necessary or expedient to ~~restore,~~ **do either of the following:**

(a) **Restore**, reclaim, abate, control, or prevent the adverse effects of coal mining practices. ~~and to do all things necessary or expedient to protect~~

(b) **Protect** the public health, safety, or general welfare. ~~if the department has obtained a warrant authorizing that entry.~~

(3) Entry pursuant to ~~this~~ **subsection (2)** is an exercise of the police power and not an act of condemnation or trespass. If the owner of any interest in the ~~property~~ **land** brings an action for damages because of an entry made pursuant to ~~this~~ **subsection (2)**, the money expended to restore, reclaim, abate, control, or prevent the adverse effects and the benefits accruing to the ~~property~~ **land** entered ~~on~~ is chargeable against the land and ~~shall mitigate or offset~~ **reduces or offsets** any claim in that action. ~~This subsection does~~

(4) **Subsections (2) and (3) do** not create new rights of action or eliminate existing immunities.

1 Sec. 63542. (1) For the purposes of inspections and
2 monitoring, and the administration and enforcement of this part, an
3 operator is assessed an inspection and reclamation fee of not more
4 than 25 cents per ton of coal mined, as determined by the
5 department. The department shall establish, by rule, criteria for
6 determining the amount of the inspection and reclamation fee, ~~—In~~
7 ~~making the determination of the amount of the inspection and~~
8 ~~reclamation fee, the department shall take~~ **taking** into account
9 funds made available to the department pursuant to the surface
10 mining control and reclamation act of 1977, and funds from any
11 other source for the purposes specified in this subsection. The
12 total inspection and reclamation fees assessed annually shall not
13 exceed the total amount appropriated to the department for the
14 purposes specified in this subsection.

15 (2) An operator shall file quarterly reports with the
16 department on a calendar year basis. ~~The~~ **Each** report shall include
17 all of the following:

18 (a) The location of the mining operation and the areas mined
19 during the quarter.

20 (b) A description of the progress of restoration and
21 reclamation activities of the operator for the preceding quarter.

22 (c) The number of tons of coal mined during the quarter.

23 (3) Based on the information reported pursuant to subsection
24 (2)(c), the department shall send the operator written notice of
25 the amount of the fee due for the quarter. The operator shall pay
26 the fee to the department within 30 days after receipt of the
27 notice.

28 (4) The department shall ~~deposit~~ **transmit** the inspection and
29 reclamation fee **to the state treasurer for deposit** in the ~~state~~

1 ~~abandoned mine reclamation~~**general** fund. ~~created by section 63510.~~
2 Enacting section 1. Section 63510 of the natural resources and
3 environmental protection act, 1994 PA 451, MCL 324.63510, is
4 repealed.