

HOUSE BILL NO. 6258

June 21, 2022, Introduced by Rep. Cambensy and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 629 to subchapter 4 of
chapter 3 of article III; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **PART 629**

2 **MINE INSPECTION**

3 **Sec. 62901. As used in this part:**

1 (a) "Department" means the department of environment, Great
2 Lakes, and energy.

3 (b) "Director" means the director of the department or his or
4 her designee.

5 (c) "Mine" means a metallic mineral mine.

6 Sec. 62903. The department shall do all of the following:

7 (a) Inspect each active mine at least once every 60 days.

8 (b) Condemn a mine or part of a mine where the employees are
9 in danger from any cause.

10 (c) Require the erection of a partition between mine shafts
11 and ladder ways.

12 (d) If a mine or part of a mine is dangerous, immediately do
13 both of the following:

14 (i) Order in writing the individuals working at that place to
15 leave and not return until further notice. An order under this
16 subparagraph and a notification under subparagraph (ii) shall
17 clearly define the limits of the dangerous place.

18 (ii) Notify in writing the operator or its agent of the work to
19 be done or change to be made to secure the place from danger other
20 than ordinary mine risks.

21 (e) Order the mine operator or its agent to do both of the
22 following:

23 (i) Furnish all shafts and open pits of the mine with some
24 secure safeguard at the top of the shaft or open pit so as to
25 prevent individuals or material from falling down the mine.

26 (ii) Furnish a covering on all the carriages on which
27 individuals ascend or descend a shaft, if in the department's
28 judgment it is practicable and necessary for safety.

29 Sec. 62905. (1) If a mine is idle or abandoned, the department

1 shall, in writing, order the owner or owners of the land on which
2 the mine is located, or the agent of the owner or owners, to erect
3 and maintain around each shaft and open pit of the mine a suitable
4 fence or railing as necessary to prevent individuals or domestic
5 animals from falling into the shaft or open pit.

6 (2) If an owner or agent is a resident of this state, the
7 department shall serve the notice on the owner or agent personally
8 or by leaving a copy at the residence of the owner or agent. If an
9 owner or agent is not a resident of this state, the notice may be
10 given by registered mail and publication for 3 consecutive weeks in
11 1 or more newspapers circulated in the county where the mine is
12 located. The newspaper must be published in the county where the
13 mine is located or, if there is not such a newspaper, in an
14 adjoining county.

15 (3) If an owner or agent does not, within 30 days after notice
16 is given under subsection (2), erect fences or railings as provided
17 in subsection (1), the department shall cause the fences or
18 railings to be erected.

19 (4) The owner or owners of the land where the mine is located
20 are liable to this state for costs incurred by the department under
21 subsection (3). Those costs constitute a lien in favor of this
22 state against the land on which the mine is located. A lien under
23 this subsection has priority over all other liens and encumbrances
24 except liens and encumbrances recorded before the date the lien
25 under this subsection is recorded. A lien under this subsection
26 arises when the department first incurs costs under subsection (3).

27 (5) If the attorney general determines that the lien under
28 subsection (4) is insufficient to protect the interest of this
29 state in recovering the costs under subsection (3), the attorney

1 general may file a petition in the circuit court for the county in
2 which the land is located seeking either or both of the following:

3 (a) A lien against the land that takes priority over all other
4 liens and encumbrances on the land that are or have been recorded.

5 (b) A lien against real or personal property or rights to real
6 or personal property other than the land where the mine is located,
7 owned by the person who owns the land where the mine is located.

8 The lien under this subdivision has priority over all other liens
9 and encumbrances recorded before the date the lien under this
10 subdivision is recorded. The following are not subject to a lien
11 under this subdivision:

12 (i) Assets of a qualified pension plan or individual retirement
13 account under the internal revenue code of 1986, 26 USC 1 to 98344.

14 (ii) Assets held expressly for the purpose of financing a
15 dependent's college education.

16 (iii) Up to \$500,000.00 in nonbusiness real or personal property
17 or rights to real or personal property, except that not more than
18 \$25,000.00 of this amount may be cash or securities.

19 (6) A petition submitted under subsection (5) shall set forth
20 with as much specificity as possible the type of lien sought, the
21 property that would be affected, and the reasons the attorney
22 general believes the lien is necessary. Upon receipt of a petition
23 under subsection (5), the court shall promptly schedule a hearing
24 to determine whether the petition should be granted. Notice of the
25 hearing shall be provided to the attorney general, the property
26 owner, and any persons holding liens or perfected security
27 interests in the land where the mine is located.

28 (7) In addition to the liens provided for in subsections (4)
29 and (5), if this state incurred unpaid costs under subsection (3)

1 that increase the market value of the land that is the location of
2 the mine, the increase in value caused by the installation of
3 fences or railing, to the extent of those costs, constitutes a lien
4 in favor of this state against the land. This lien has priority
5 over all other liens or encumbrances that are or have been recorded
6 against the land.

7 (8) A lien provided in subsection (4), (5), or (7) is
8 perfected against land when a notice of lien is filed by the
9 department with the register of deeds in the county in which the
10 land is located. In addition, the department shall, at the time of
11 the filing of the notice of lien, provide a copy of the notice of
12 lien to the owner of that property by certified mail.

13 (9) A lien under this section continues until the liability
14 for costs under subsection (3) is satisfied.

15 (10) Upon satisfaction of the liability secured by the lien,
16 the department shall file a notice of release of lien in the same
17 manner as provided in subsection (8).

18 Sec. 62907. If a mine is closed or abandoned, the mine shall
19 not be reopened and an individual other than a department officer
20 or employee shall not enter the mine unless the department has
21 inspected the mine and issued a certificate of safety. A mine owner
22 or operator who directs or permits an individual to enter a mine in
23 violation of this section shall be ordered to pay a civil fine of
24 not less than \$100.00 or more than \$500.00.

25 Sec. 62909. If the mine operator allows an individual to work
26 in a place condemned under section 62903, except to do the work
27 required to ensure the safety, ordinary risks of mining excepted,
28 of employees who will work in that area, the operator of the mine
29 is liable for an accident that causes injury or death to an

1 employee working in the place and that occurs before the
2 condemnation order is complied with or revoked.

3 Sec. 62911. (1) The operator of a mine or its agent shall,
4 upon request by a department employee, furnish the department
5 employee at the mine with all of the following:

6 (a) For inspection, maps, drawings, and plans of the mine,
7 together with plans of all contemplated changes in the manner of
8 working the mine or any part of the mine.

9 (b) An individual or individuals to accompany the department
10 employee through the mine or any part thereof.

11 (c) Use of ladders and other appliances necessary and suitable
12 to make a proper inspection of the mine.

13 (2) A person who violates subsection (1) shall be ordered to
14 pay a civil fine of not less than \$100.00 or more than \$500.00.

15 Sec. 62913. (1) If an individual working in any mine or place
16 where mining is done notifies the department verbally or in writing
17 of any mine condition or accident with respect to which the
18 department has jurisdiction under this part, the department shall
19 immediately conduct an inspection.

20 (2) The notice to the department under subsection (1) is
21 exempt from disclosure under the freedom of information act, 1976
22 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the
23 department except if required by court order. If an officer or
24 employee of the department discloses the name of an individual who
25 gives notice under this section, the officer or employee shall be
26 ordered to pay a civil fine of not less than \$100.00 or more than
27 \$500.00.

28 Sec. 62915. (1) The department shall prepare, maintain on its
29 website, and update as necessary a list of abandoned metallic

1 mineral mines in this state. The list shall identify each mine by
2 name, location, and owner.

3 (2) The department shall prepare by March 1 each year a report
4 of the department's activities under this part during the prior
5 calendar year. The report shall include, but is not limited to, all
6 of the following:

7 (a) The number of mine accidents during the reporting period
8 that caused death or injury to an individual.

9 (b) The circumstances of each accident described in
10 subdivision (a), including, but not limited to, all of the
11 following:

12 (i) The name of the mine where the accident occurred.

13 (ii) Whether the accident occurred through fault or negligence
14 and, if so, whether the negligence was that of the mine owner or
15 operator or of an employee or employees.

16 (iii) The results of inquests if any have been held in case of
17 accidents causing death.

18 (3) The department shall post a report under subsection (2) on
19 its website for 5 years. The department shall provide a copy of the
20 report to the board of commissioners of each county in which an
21 active metallic mineral mine is located and to the director of the
22 Michigan occupational safety and health administration.

23 Enacting section 1. 1911 PA 163, MCL 425.101 to 425.113, is
24 repealed.

25 Enacting section 2. This amendatory act does not take effect
26 unless Senate Bill No.____ or House Bill No.____ (request no.
27 01430'21 a) of the 101st Legislature is enacted into law.