



**House
Legislative
Analysis
Section**

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ABANDONED MINE SHAFTS

House Bill 4905

Sponsor: Rep. Stephen Shepich

**Committee: Conservation, Environment
& Great Lakes**

Complete to 11-5-93

A SUMMARY OF HOUSE BILL 4905 AS INTRODUCED 6-30-93

House Bill 4905 would create an act to provide for the closure of abandoned mine shafts in order to protect the public health, safety, and welfare, and the environment. The bill would also establish an Abandoned Mine Shaft Closure Fund.

Investigation of Abandoned Mines. Under the bill, the director of the Department of Natural Resources (DNR), in coordination with local mining inspectors, would enter into a contract for an on-site investigation and a literature search on the location of abandoned iron ore, copper, and gold underground mine entries, voids, and air shafts. Data gathered during an investigation would be analyzed, compiled, and prioritized to enable the department to use the fund to effectively protect public safety. If possible, the data would also identify those responsible for remedial action at an abandoned underground mine entry, void, or air shaft site. The director would use the gathered data to determine what remedial action and site restoration should occur at which mine entries, voids, or air shafts, and in what order work would be performed. A priority list would be compiled, accompanied by cost estimates for sealing, capping, filling, or fencing, together with a statement of the criteria used to locate the mine sites.

Owner/Operator Responsibility. If the DNR determined that an abandoned underground mine created a risk to public safety, then the former owner or operator of the mine would be responsible for payment of remedial actions to seal, cap, fill, fence, or perform site restoration. Following the expenditure of money from the Abandoned Mine Shaft Closure Fund, the attorney general could bring an action to recover the amount expended for which the owner or operator was liable. Money recovered would be deposited into the fund.

Remedial Actions. The director of the DNR could undertake one or more of the following actions to minimize the number of abandoned underground mine entries, voids, and air shafts that presented a risk to public safety:

****Issue orders and instructions to those responsible for taking remedial action to require the locating, sealing, capping, filling, or fencing and restoration of abandoned mine entries, voids, or air shafts.**

****Determine -- based on the risk to public safety -- the order in which abandoned mine entries, voids, and air shafts would be sealed, capped, filled, or fenced, and which remedy was preferable for each.**

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Abandoned Mine Shaft Closure Fund. The fund would receive money or other assets from any source, including appropriations of state funds, public or private grants, and funds generated from the sale of bonds. Money would remain in the fund at the close of the fiscal year and would not lapse to the general fund. Funds would be expended for one or more of the following purposes only:

1) Identifying and locating abandoned underground mine entries, voids, and air shafts.

2) Sealing, capping, and filling abandoned underground mine entries, voids, and air shafts.

3) Fencing areas affected by past mining that exhibited a significant public safety hazard.

4) Site restoration, as necessary to protect the public health, safety, and welfare and the environment.

Annual Report. An annual report on the fund's expenditures, issued by the director of the DNR and provided to the House and Senate leadership, to the governor, and to members of the Senate and House DNR appropriations subcommittees, would include an estimate of the number and location of the state's abandoned underground mine entries, voids, and air shafts; the number that were sealed, capped, or filled with money from the fund during the reporting year; the number that were fenced with money from the fund during the reporting year; and the number and nature of restorations at the site of mines that were sealed, capped, filled, or fenced during the reporting year with money from the fund.