



HOUSE BILL No. 4905

June 30, 1993, Introduced by Reps. Shepich, Jacobetti, Gagliardi, Anthony, Alley, Middaugh, Gnodtke, Harrison, Allen, Bender, Wetters, Freeman, Points, Owen, Scott, Yokich, Byrum, Griffin, Schroer, Leland, Agee, Llewellyn, Randall, Olshove, Harder and Curtis and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to provide for the closure of certain abandoned mine shafts to protect the public health, safety, and welfare and the environment; to establish a fund; to provide for its expenditure; and to provide for an appropriation.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as "the
2 abandoned mine shaft closure act".

3 Sec. 2. As used in this act:

4 (a) "Department" means the department of natural resources.

5 (b) "Director" means the director of the department.

6 (c) "Fund" means the abandoned mine shaft closure fund cre-
7 ated in section 6.

8 (d) "Remedial action" includes, but is not limited to,
9 sealing, capping, or filling abandoned mine entries, voids, and
10 air shafts; fencing of areas affected by past mining that exhibit

1 a significant public safety hazard; and site restoration as
2 necessary to protect the public health, safety, or welfare or the
3 environment.

4 Sec. 3. (1) The director, in coordination with local mining
5 inspectors appointed pursuant to Act No. 163 of the Public Acts
6 of 1911, being sections 425.101 to 425.113 of the Michigan
7 Compiled Laws, shall conduct or enter into a contract for an
8 on-site investigation, as may be appropriate, and a literature
9 search regarding the location of abandoned iron ore, copper, and
10 gold underground mine entries, voids, and air shafts within the
11 state.

12 (2) Data gathered pursuant to subsection (1) shall be ana-
13 lyzed, compiled, and prioritized to enable the department to most
14 effectively use the fund to protect the public safety. If the
15 information is available, the data gathered shall also identify
16 the persons that are or may be responsible for engaging in reme-
17 dial action at the site of an abandoned underground mine entry,
18 void, or air shaft.

19 (3) The director shall use the data gathered pursuant to
20 this section to determine what remedial action and site restora-
21 tion should occur at which mine entries, voids, or air shafts,
22 and in what order the work should be performed with money from
23 the fund. The list shall be compiled in order of priority and
24 shall be accompanied by estimates of the total cost for sealing,
25 capping, filling, or fencing. The director shall include with
26 the list a statement of the criteria used to locate the sites on
27 the list.

1 Sec. 4. (1) Upon receipt of an order of the director, a
2 person who was the former owner or operator of an abandoned
3 underground mine that the director determines creates a risk to
4 the public safety is responsible for payment for necessary reme-
5 dial actions to seal, cap, fill, fence, or perform site restora-
6 tion at the mine site, as ordered by the department.

7 (2) The attorney general, following the expenditure of money
8 from the fund, may bring an action to recover from that owner or
9 operator the amount of money expended for which the owner or
10 operator is liable. Money recovered under this section shall be
11 deposited into the fund.

12 Sec. 5. (1) The director may do 1 or more of the following
13 to minimize the number of abandoned underground mine entries,
14 voids, and air shafts that present a risk to public safety:

15 (a) Issue orders and instructions to parties that are
16 responsible for taking remedial action to require the locating,
17 sealing, capping, filling, or fencing and restoration of aban-
18 doned mine entries, voids, or air shafts.

19 (b) Based on the risk to public safety, determine the order
20 in which abandoned mine entries, voids, and air shafts will be
21 sealed, capped, filled, or fenced and determine which remedy is
22 preferable for each entry, void, and air shaft.

23 (2) The attorney general shall seek financial recovery from
24 persons that are found to be responsible for abandoned under-
25 ground mine entries, voids, and air shafts that create a risk to
26 the public safety.

1 Sec. 6. (1) The abandoned mine shaft closure fund is
2 created within the state treasury.

3 (2) The state treasurer may receive money or other assets
4 from any source for deposit into the fund. Money deposited in
5 the fund may include, but is not limited to, appropriations,
6 public or private grants, and funds generated from the sale of
7 bonds. The state treasurer shall direct the investment of the
8 fund. The state treasurer shall credit to the fund interest and
9 earnings from fund investments.

10 (3) Money in the fund at the close of the fiscal year shall
11 remain in the fund and shall not lapse to the general fund.

12 (4) The department shall expend money from the fund, upon
13 appropriation, only for 1 or more of the following purposes:

14 (a) The identification and locating of abandoned underground
15 mine entries, voids, and air shafts.

16 (b) Sealing, capping, and filling abandoned underground mine
17 entries, voids, and air shafts.

18 (c) Fencing of areas affected by past mining that exhibit a
19 significant public safety hazard.

20 (d) Site restoration as necessary to protect the public
21 health, safety, and welfare and the environment.

22 Sec. 7. The director shall annually issue a report that
23 details expenditures from the fund. A copy of the report shall
24 be provided to the leadership of the house and the senate, to the
25 governor, and to the members of the senate and house appropria-
26 tions subcommittees for the department of natural resources. The
27 report shall include all of the following:

1 (a) An estimate of the number of abandoned underground mine
2 entries, voids, and air shafts in this state and their
3 locations.

4 (b) The number of such entries, voids, and air shafts that
5 present a danger to the public safety.

6 (c) The number of underground mine entries, voids, or air
7 shafts that are sealed, capped, or filled during the reporting
8 year with money from the fund.

9 (d) The number of mine entries, voids, or air shafts that
10 are fenced during the reporting year with money from the fund.

11 (e) The number and nature of restorations at the site of
12 mines that are sealed, capped, filled, or fenced during the
13 reporting year with money from the fund.

14 Sec. 8. The legislature shall annually appropriate funds to
15 implement this act.