

HOUSE BILL No. 5427

(As amended, December 8, 2005)

November 10, 2005, Introduced by Rep. Casperson and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 63203 (MCL 324.63203), as added by 2004 PA 449.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 63203. (1) The department shall administer and enforce
2 this part in order to regulate nonferrous metallic mineral mining.
3 In addition to other powers granted to it, the department may
4 promulgate rules it considers necessary to carry out its duties
5 under this part, including standards for construction, operation,
6 closure, postclosure monitoring, reclamation, and remediation of a
7 nonferrous metallic mineral mine. However, the department shall not
8 promulgate any additional rules under this part after ~~December 31,~~
9 2005— <<FEBRUARY 15>>, 2006.

1 (2) The department may do either of the following:

2 (a) Enter at all reasonable times in or upon a mining area for
3 the purpose of inspecting and investigating conditions relating to
4 the operation of a mining area. However, an investigation or
5 inspection under this subsection shall comply with the United
6 States constitution, the state constitution of 1963, and this
7 section.

8 (b) Conduct research or enter into contracts related to mining
9 areas and the reclamation of mining areas as may be necessary to
10 implement this part.

11 (3) Subject to subsections (4) and (5), a local unit of
12 government shall not regulate or control mining or reclamation
13 activities that are subject to this part, including construction,
14 operation, closure, postclosure monitoring, reclamation, and
15 remediation activities, and does not have jurisdiction concerning
16 the issuance of permits for those activities.

17 (4) A local unit of government may enact, maintain, and
18 enforce ordinances, regulations, or resolutions affecting mining
19 operations if the ordinances, regulations, or resolutions do not
20 duplicate, contradict, or conflict with this part. In addition, a
21 local unit of government may enact, maintain, and enforce
22 ordinances, regulations, or resolutions regulating the hours at
23 which mining operations may take place and routes used by vehicles
24 in connection with mining operations. However, such ordinances,
25 regulations, or resolutions shall be reasonable in accommodating
26 customary nonferrous metallic mineral mining operations.

27 (5) Subsections (3) and (4) do not prohibit a local unit of

1 government from conducting water quality monitoring.