

HOUSE BILL NO. 6392

November 12, 2020, Introduced by Reps. Steven Johnson and Meerman and referred to the Committee on Government Operations.

A bill to amend 1911 PA 163, entitled

"An act to provide for the election of inspectors of mines in certain cases and the appointment of their deputies, for the appointment of such inspectors of mines and their deputies until the election and qualification of the first inspectors of mines, to prescribe their powers and duties and to provide for their compensation, and to repeal Act No. 213 of the Public Acts of 1887,"

by amending section 8 (MCL 425.108), as amended by 1984 PA 116.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. ~~The duties of the~~ **A** mine inspector shall ~~be to visit~~

1 **inspect** all **of** the mines ~~of~~ **located within** his or her county once
2 ~~in every~~ 60 days, and more often if in his or her judgment **it**
3 **becomes** necessary. ~~, and closely inspect the mines so visited, and~~
4 **The mine inspector shall** condemn all ~~such places~~ **any mine** where he
5 or she ~~shall find~~ **determines** that the employees are in danger from
6 any cause, whether resulting from careless mining or defective
7 machinery or appliances or improper or unsafe methods of any
8 nature. The mine inspector shall compel the erection of a partition
9 between all shafts where hoisting of ore is performed and where
10 there are ladder ways, where persons must ascend and descend going
11 to and from their work. If the mine inspector ~~shall find~~ **determines**
12 that a place is dangerous from any cause, ~~as aforesaid,~~ the mine
13 inspector shall immediately order the persons engaged in work at
14 that place to quit work, and shall notify the superintendent,
15 agent, or person in charge to secure the place from the existing
16 danger. ~~, which~~ **The** notification or order ~~shall~~ **must** be in writing
17 and ~~shall~~ **must** clearly define the limits of the dangerous place and
18 specify the work to be done or change to be made to render the ~~same~~
19 **place** secure, ordinary mine risks excepted. The mine inspector
20 shall also ~~command~~ **order** the person, persons, or corporation
21 working any mine, or the agent, superintendent, foreman, or other
22 person having immediate charge of the working of any mine, to
23 furnish all shafts and open pits of the mine with ~~some~~ **a** secure
24 safeguard at the top of the shaft or open pit so as to guard
25 against accident by persons falling ~~therein~~ **into the shaft or open**
26 **pit** or by material falling down the mine. ~~, also~~ **In addition, the**
27 **mine inspector shall require** a covering on all the carriages on
28 which persons ascend or descend up and down the shaft, if in the
29 inspector's judgment it ~~shall be~~ **is** practicable and necessary for

1 ~~the purpose of~~ safety. If a mine is idle or abandoned, the mine
 2 inspector shall notify the person, persons, or corporation owning
 3 the land on which the mine is situated, or the agent of ~~such-the~~
 4 owner or owners, to erect and maintain around all the shafts and
 5 open pits of the mine a fence or railing suitable to prevent
 6 persons or domestic animals from accidentally falling into the
 7 shafts or open pits. This notice ~~shall-must~~ be in writing and ~~shall~~
 8 **must** be served upon the owner, owners, or agent, personally or by
 9 leaving a copy at the residence of the owner or agent, if they or
 10 any of them reside in the county where the mine is situated. ~~and~~
 11 **Before January 1, 2022**, if the owner, owners, or agents are ~~none of~~
 12 ~~them-not~~ residents of the county the notice may be given by
 13 publication in 1 or more newspapers printed and circulated in the
 14 county if there ~~be-is~~ one, and by registered letter, and if a
 15 newspaper is not published in the county then in a newspaper
 16 published in some adjoining county for a period of 3 consecutive
 17 weeks. **Beginning January 1, 2022, if the owner, owners, or agents**
 18 **are not residents of the county, notice must be posted as provided**
 19 **in the local government public notice act.** If the owner, owners, or
 20 agent ~~shall-do~~ not, within 30 days after receiving ~~such-the~~ notice
 21 or within 30 days after the completion of publication, erect
 22 suitable fences or railings as provided in this section, the mine
 23 inspector shall cause ~~such~~ suitable fences or railings to be
 24 erected and ~~make-a-return~~ **provide an accounting** of his or her
 25 ~~doings in the case,~~ **actions**, with the description of the land or
 26 lands on which the shafts and open pits are located, together with
 27 an itemized statement of the actual expenses incurred ~~in the case~~
 28 on each description of land, to the county clerk of the county. ~~and~~
 29 ~~which return~~ **The accounting** and statement ~~shall-must~~ be verified by

1 the affidavit of the mine inspector. All expenses incurred under
 2 this section ~~shall~~**must** be audited by the county board of
 3 commissioners of the county, and all sums allowed by the board for
 4 ~~such~~**the** expenses ~~shall~~**must** be paid from the general fund of the
 5 county. The county clerk shall certify to the county board of
 6 commissioners at its annual meeting in each year the amount of
 7 expense incurred under this section during the preceding year and
 8 the amount ~~belonging~~**attributable** to each ~~and every~~ description of
 9 land on which any ~~such~~ mines are situated. ~~, and that amount shall~~
 10 **These amounts must** be certified to the supervisors of the ~~proper~~
 11 **affected** townships in the same manner as county taxes are certified
 12 to those supervisors. ~~, and the~~**The** amount of the expense incurred
 13 ~~as above on~~**for** each description ~~shall be~~**is** assessed by the
 14 supervisors upon the description upon their assessment rolls for
 15 that year in a separate column, and ~~shall be~~**is** collected in the
 16 same manner as county taxes, and when so collected paid into the
 17 general fund of the county.

18 Enacting section 1. This amendatory act does not take effect
 19 unless Senate Bill No. ____ or House Bill No. 6440 (request no.
 20 02449'19) of the 100th Legislature is enacted into law.