

# HOUSE BILL NO. 6208

June 09, 2022, Introduced by Reps. LaFave, Steven Johnson, Tisdell, Bollin, Beeler, Calley, Meerman, Rendon, Bellino, Hoitenga, Lightner, Clements, Outman, Eisen, Allor and Alexander and referred to the Committee on Oversight.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 63417 (MCL 324.63417), as added by 2017 PA 40.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 63417. (1) If the department determines that an operator  
2 has failed or neglected to perform reclamation in conformance with  
3 this part or rules promulgated under this part, the department  
4 shall give notice of this determination, in writing, to the  
5 operator and to the surety executing the conformance bond under

1 section 63409. The notice of determination shall be served upon the  
2 operator and surety in person or by registered mail. If the  
3 operator or surety fails or neglects to properly commence the  
4 required reclamation within 90 days after the date of personal  
5 service or mailing of the notice or fails to proceed with  
6 reclamation at a rate that will conclude the reclamation within the  
7 period specified in the mining and reclamation plan, the department  
8 may enter into and upon any private or public property on which the  
9 mining area is located and upon and across any private or public  
10 property necessary to reach the mining area and **may** conduct  
11 necessary reclamation. ~~, and the~~ **The** operator and surety are  
12 jointly and severally liable for all expenses incurred by the  
13 department **to conduct reclamation**. The department shall certify to  
14 the operator and surety the claim of this state in writing, listing  
15 the items of expense incurred in reclamation. The claim shall be  
16 paid by the operator or surety within 30 days. If the claim is not  
17 paid within that time, the department may bring suit against the  
18 operator or surety, jointly or severally, for the collection of the  
19 claim in any court of competent jurisdiction in Ingham County.

20 (2) The department may order immediate suspension of any  
21 mining activities if the department finds that there exists an  
22 emergency endangering the public health and safety or an imminent  
23 threat to the natural resources of this state. **Within 24 hours**  
24 **after issuing an order under this subsection, the department shall**  
25 **notify the senate and house of representatives in writing.**

26 (3) An order suspending mining activities under subsection (2)  
27 shall be in effect until the endangerment to the public health and  
28 safety or the threat to the natural resources has been eliminated,  
29 but not more than 10 days. To extend the suspension beyond 10 days,

1 the department shall issue an emergency order to continue the  
2 suspension of mining activities and shall schedule a hearing as  
3 provided by the administrative procedures act of 1969, 1969 PA 306,  
4 MCL 24.201 to 24.328. The total duration of the suspension of  
5 activities shall not be more than 30 days.

6 (4) At the request of the department, the attorney general may  
7 institute an action in a circuit court of the county in which the  
8 mining area is located for a restraining order or injunction or  
9 other appropriate remedy to prevent or preclude a violation of this  
10 part or a rule promulgated under this part.