

# HOUSE BILL NO. 6257

June 21, 2022, Introduced by Rep. Cambensy and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding part 636.

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

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**PART 636**

**METALLIC MINERAL MINE RECLAMATION FUND**

**Sec. 63601. As used in this part:**

(a) "Department" means the department of environment, Great  
Lakes, and energy.

(b) "Director" means the director of the department or the

1 director's designee.

2 (c) "Fund" means the metallic mineral mine reclamation fund  
3 created in section 63603.

4 (d) "Mining" means metallic mineral mining.

5 Sec. 63603. (1) The metallic mineral mine reclamation fund is  
6 created in the state treasury.

7 (2) The state treasurer shall deposit in the fund all of the  
8 following:

9 (a) Grants from the secretary of the interior from the federal  
10 abandoned mine reclamation fund established in 30 USC 1231.

11 (b) Revenue as provided under section 4 of 1951 PA 77, MCL  
12 211.624.

13 (c) Revenue as provided under section 9 of the nonferrous  
14 metallic minerals extraction severance tax act, 2012 PA 410, MCL  
15 211.789.

16 (d) Money and other assets received from any other source.

17 (3) The state treasurer shall direct the investment of money  
18 in the fund and credit interest and earnings from the investments  
19 to the fund. The department is the administrator of the fund for  
20 audits of the fund.

21 (4) The department shall expend money from the fund on  
22 appropriation, only for 1 or more of the following purposes:

23 (a) Acquisition and filling of voids and sealing of tunnels,  
24 shafts, and entryways of lands affected by past mining practices.

25 (b) Reclamation of land and water resources and the  
26 environment adversely affected by past mining and remediation of  
27 adverse effects of past mining.

28 (c) Acquisition of land as provided for in section 63607.

29 (d) Administrative expenses incurred in accomplishing the

1 purposes of this part.

2 (e) Any other necessary expenses to accomplish the purposes of  
3 this part.

4 (f) Any other purposes related to mining for which federal  
5 grant revenue described in subsection (2) may be utilized under  
6 federal law.

7 (5) Expenditures of money from the fund shall be prioritized  
8 based on the risk to public health, public safety, general welfare,  
9 and property from past mining practices.

10 Sec. 63605. (1) The department or its contractors may enter  
11 upon property to do either of the following:

12 (a) Conduct studies or exploratory work to determine the  
13 existence of adverse effects of past mining practices.

14 (b) Determine the feasibility of action to restore or reclaim  
15 land or water resources or otherwise abate, control, or prevent the  
16 adverse effects of past mining practices.

17 (2) The department or its contractors may enter upon property  
18 adversely affected by past mining practices, and any other property  
19 that provides necessary access to the adversely affected property,  
20 to take action to restore or reclaim land or water resources or  
21 otherwise abate, control, or prevent the adverse effects of past  
22 mining practices, if both of the following conditions are met:

23 (a) The director determines that all of the following apply:

24 (i) Public health, public safety, the general welfare, or  
25 property are at risk from or have been adversely affected by past  
26 mining practices.

27 (ii) The risks or adverse effects are at a stage when, in the  
28 public interest, actions described in this subsection should be  
29 taken.

1           (iii) The owners of the land or water resources that must be  
2 entered are not known or are not readily available or will not give  
3 permission for the department or its contractor to enter upon the  
4 property.

5           (b) The department or its contractor has given notice of the  
6 intended entry to the owners by mail, if the owners are known, or,  
7 if not known, by posting notice on the premises and advertising  
8 once in a newspaper of general circulation in the municipality  
9 where the property is located.

10           (3) Entry under subsection (1) or (2) is an exercise of the  
11 police power for the protection of the public health, public  
12 safety, and general welfare and not an act of condemnation of  
13 property or trespass.

14           (4) The money expended for the work under subsection (2) and  
15 the benefits accruing to the property entered upon are chargeable  
16 against the property and shall offset any claim in or any action  
17 brought by an owner of any interest in the property for damages  
18 allegedly caused by the entry. This subsection does not create new  
19 rights of action or eliminate existing immunities.

20           Sec. 63607. (1) The department may acquire by purchase,  
21 donation, or otherwise any interest in property that the director  
22 determines is necessary to fill voids, seal abandoned tunnels,  
23 shafts, and entryways, and reclaim surface impacts of underground  
24 or strip mines.

25           (2) If mine waste piles are being reworked for conservation  
26 purposes, the incremental costs of disposing of the wastes from  
27 those operations by filling voids and sealing tunnels may be  
28 eligible for funding under this part if the disposal of these  
29 wastes meets the purposes of this part.

1           Sec. 63609. If required as a condition of federal grants to  
2 the fund, the director shall report to the secretary of the  
3 interior on operations paid for with revenue from the fund. The  
4 report may include recommendations as to future uses of the fund.

5           Sec. 63611. The department may contract for work to be  
6 performed under this part, with or without advertising for bids, if  
7 the director determines that a condition exists that can reasonably  
8 be expected to cause substantial physical harm to individuals,  
9 property, or the environment and to which individuals or  
10 improvements on real property are currently exposed.

11           Sec. 63613. The department may engage in cooperative projects  
12 under this part with any agency of the United States, any other  
13 state, or their governmental agencies or with any institution of  
14 higher education described in or established pursuant to section 4,  
15 5, 6, or 7 of article VIII of the state constitution of 1963.

16           Sec. 63615. The department may promulgate rules to implement  
17 this part.

18           Enacting section 1. This amendatory act does not take effect  
19 unless both of the following bills of the 101st Legislature are  
20 enacted into law:

21           (a) Senate Bill No. \_\_\_\_ or House Bill No. 6254 (request no.  
22 03615'21).

23           (b) Senate Bill No. \_\_\_\_ or House Bill No. 6255 (request no.  
24 06211'22).