

HOUSE BILL NO. 6403

September 22, 2022, Introduced by Reps. LaFave and Markkanen and referred to the Committee on Natural Resources and Outdoor Recreation.

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 sections 1, 6, 7, 8, and 8a (MCL 425.101, 425.106, 425.107, 425.108, and 425.108a), sections 1 and 8 as amended by 1984 PA 116; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) ~~There~~**In a county of this state where there is an**
 2 **active ferrous mineral mine situated, an inspector of mines** shall
 3 be elected at the general election in the year 1968, and at the
 4 general election held every fourth year thereafter ~~an inspector of~~
 5 ~~mines for the term of 4 years in any county within this state where~~
 6 ~~there are iron or copper mines situated, some~~ **after that year. The**
 7 **inspector of mines shall serve for a term of 4 years.**

8 (2) **In a county of this state where there is an active ferrous**
 9 **mineral mine situated, the inspector of mines elected under**
 10 **subsection (1) must meet all of the following requirements:**

11 (a) **Be a** suitable person who is a citizen of this state. ~~who~~
 12 ~~can read and write the English language, and who has had~~

13 (b) **Have** at least 10 years' actual experience in mining, or a
 14 ~~person holding~~ **hold** the degree of mining engineer ~~or an~~
 15 ~~equivalent degree. and who shall have~~

16 (c) **Have** practiced his or her profession as a mining engineer
 17 for at least 2 years.

18 (3) Inspectors of mines shall not, during their term of
 19 office, accept employment or be employed by any mining company or
 20 any subsidiary or affiliate thereof. ~~A person of a mining company.~~

21 (4) **An individual** elected to any other public office ~~shall is~~
 22 ~~not be~~ eligible for election as an inspector of mines ~~nor or~~ for
 23 appointment as a deputy inspector.

24 Sec. 6. (1) ~~The~~**Subject to the approval of the board of**
 25 **supervisors of the county in which an inspector of mines is**
 26 **elected, the** inspector of mines ~~when so elected may appoint 1 or~~
 27 **not more than 3** deputy inspectors ~~not exceeding 3, as in his~~
 28 ~~judgment may be necessary for the purpose of discharging in the~~
 29 **inspector of mines' judgment to discharge** the duties hereinafter

1 prescribed under this act. ~~and~~

2 (2) **The inspector of mines** may revoke such ~~appointments at his~~
3 ~~pleasure. Any and all such~~ **the appointment of a deputy inspector.**

4 (3) **A** ~~deputy inspectors~~ **inspector** in any county shall ~~be~~ **is**
5 under the supervision of the inspector of mines **of the relevant**
6 **county,** and ~~their~~ **the deputy inspector's** duties shall ~~be~~ **are**
7 prescribed by ~~him~~ **the inspector of mines.**

8 Sec. 7. The board of supervisors in each county where an
9 inspector of mines is ~~se~~ elected or appointed shall ~~fix~~ **do both of**
10 **the following:**

11 (a) **Establish** the compensation of ~~such~~ **the inspector of mines**
12 and his ~~deputy or deputies,~~ and ~~provide~~ **inspector.**

13 (b) **Provide** for the payment of the ~~same:~~ ~~Provided, That the~~
14 ~~compensation of the inspector of mines shall not be less than~~
15 ~~\$15.00 per day, and that of the deputy inspectors shall not be less~~
16 ~~than \$10.00 per day for each day actually employed in the~~
17 ~~performance of their official duties: Provided further, That the~~
18 ~~compensation of inspectors and deputy inspectors shall not be paid~~
19 ~~more than 5 days in any week.~~ **compensation.**

20 Sec. 8. (1) The duties of ~~the mine~~ **an** inspector shall ~~be to~~
21 ~~visit~~ **of mines include, but are not limited to, all of the**
22 **following:**

23 (a) **Visit** all **of the active ferrous mineral** mines ~~of his or~~
24 ~~her~~ **in the inspector of mines'** county ~~once in every 60 days,~~
25 **quarterly** and more often if ~~in his or her judgment necessary,~~ ~~and~~
26 ~~elose~~ **ly according to the inspector of mines.**

27 (b) **Closely** inspect the mines. ~~so visited, and condemn~~

28 (c) **Condemn** all ~~such~~ places where ~~he or she shall find that~~
29 **the inspector of mines determines** the employees **of the mine** are in

1 danger from any cause, whether resulting from careless mining or
 2 defective machinery or appliances or improper or unsafe methods of
 3 any nature.

4 (2) The ~~mine-inspector~~ **of mines** shall **work with the department**
 5 **of environment, Great Lakes, and energy or the Mine Safety and**
 6 **Health Administration, or both, to** compel the erection of a
 7 partition between all shafts where hoisting of ore is performed and
 8 where there are ladder ways, ~~where persons must~~ **individuals** ascend
 9 and descend going to and from their work.

10 (3) If the ~~mine-inspector shall find of mines determines~~ that
 11 a place is dangerous from any cause ~~as aforesaid, described under~~
 12 **subsection (1) (c)**, the ~~mine-inspector of mines~~ shall ~~immediately do~~
 13 **all of the following:**

14 (a) **Immediately** order the ~~persons~~ **individuals** engaged in work
 15 at that place to quit work. ~~, and shall notify~~

16 (b) **Notify** the superintendent, agent, or person in charge to
 17 secure the place from the existing danger, ~~which notification or~~
 18 ~~order shall be in writing and shall~~ **in writing. The notification or**
 19 **order must** clearly define the limits of the dangerous place and
 20 specify the work to be done or change to be made to render the ~~same~~
 21 **place** secure, ordinary mine risks excepted. ~~The mine inspector~~
 22 ~~shall also command~~

23 (c) **Command** the person, ~~persons,~~ or corporation working any
 24 **active ferrous mineral** mine, or the agent, superintendent, foreman,
 25 or other person having immediate charge of the working of any
 26 **active ferrous mineral** mine, to furnish all shafts and open pits of
 27 the **active ferrous mineral** mine with ~~some~~ **a** secure safeguard at the
 28 top of the shaft or open pit ~~so as to guard against accident by~~
 29 ~~persons~~ **individuals** falling ~~therein~~ **into the shaft or open pit** or

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

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

16 **(4) An inspector of mines shall investigate and address any**
 17 **noise, dust, or other nuisance complaints made to the inspector of**
 18 **mines that are related to an active mine operation within the**
 19 **inspector's county.**

20 **(5) Except as provided under section 8a, an inspector of**
 21 **mines' duties do not include the inspection of idle or abandoned**
 22 **mines.**

23 ~~Sec. 8a. It shall be the duty of the mine~~~~The inspector to~~~~of~~
 24 **mines shall** inspect any mine before the mine is ~~re-opened~~~~reopened~~
 25 and ~~to~~ issue a certificate of safety before any employee or ~~person~~
 26 **individual** is ~~permitted~~~~allowed~~ to enter the mine. The owner of any
 27 mine ~~, who shall direct~~~~directs~~ or ~~permit~~~~allows~~ any ~~person~~
 28 **individual** to enter a mine in violation of ~~the provisions of this~~
 29 section ~~, shall be punished by~~ **is responsible for** a fine of not

1 less than ~~\$100.00~~ ~~nor~~ **\$1,000.00** or more than ~~\$500.00~~ **\$5,000.00** for
2 each and every offense.

3 Enacting section 1. Section 2 of 1911 PA 163, MCL 425.102, is
4 repealed.