



Senate Fiscal Agency
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Senate Bill 119 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Ed McBroom
Committee: Natural Resources

Date Completed: 11-29-21

RATIONALE

A mine inspector is considered an important position for Michigan counties with mines in order to ensure public safety; however, some counties in the Upper Peninsula have mines that have been inactive for decades. As with active mines, inactive mines need to be inspected for hazards, including inadequate fencing and new caving. Evidently, because of low population, it has become difficult for Upper Peninsula counties with inactive mines to find individuals who meet the qualifications to be elected as mine inspectors. Some have proposed that, in order to ensure that the role of a mine inspector can be filled in affected counties with inactive mines only, the qualifications for a mine inspector be eased or that another county's mine inspector be allowed to serve in a county without a mine inspector.

CONTENT

The bill would amend Public Act 163 of 1911, which pertains to the election of mine inspectors, to do the following:

- **Require a mine inspector to be elected in any county where an operating metallic mineral, instead of iron or copper, mine was located.**
- **Allow a county board of commissioners to designate as inspector of mines for that county an inspector from another county if a vacancy occurred because of a lack of qualified candidates.**
- **Prescribe the qualifications for a mine inspector elected in a county where, on the bill's effective date, an abandoned, closed, or idled metallic mineral mine was located.**
- **Specify that an individual elected to another public office would not be eligible for appointment as an inspector of mines, as described above.**
- **Allow a county board of commissioners to designate as inspector for that county an inspector of mines for another county, if an inspector vacated office.**

Under the Act, in a county within Michigan where there are iron or copper mines situated, a mine inspector must be elected during each general election held every four years. A mine inspector serves for a four-year term. Under the bill, this would apply in a county where a metallic mine was situated.

A mine inspector must meet all of the following requirements:

- Be a suitable individual who is a citizen of Michigan.
- Be able to read and write in English.
- Have at least 10 years' actual experience in mining or hold the degree of mining engineer or an equivalent degree.
- Have practiced as a mining engineer for at least two years.

Under the bill, in a county where there was only an abandoned, closed, or idled metallic mineral mine situated as of the bill's effective date, an elected mine inspector also would have to meet the qualifications listed above, except that he or she would have to have actual experience in mining or hold the degree of mining engineer, or an equivalent degree.

The bill specifies that if a mine inspector were unable to service to the completion of his or her term for any reason, the county in which the inspector served could designate a mine inspector elected to serve in another county, subject to the approval of the county board of commissioners in that other county, to serve as the mine inspector until the next election.

(The Michigan Election Law currently prescribes the manner in which a county office, including county mine inspector, would be filled if the office became vacant. Under Section 209 of the Law, if there is a vacancy in a county office (excluding the office of county clerk or prosecutor), the presiding or senior probate judge, the county clerk, and the county prosecutor must appoint a suitable person to fill the vacancy until the next election.)

The bill also would repeal Section 2 of Public Act 163. (Section 2 prescribes procedures for appointed mine inspectors and deputy inspectors as counties transitioned to elected mine inspectors.)

MCL 425.101 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Although no longer operational, mines still need to be inspected for security and safety. Inadequate barriers to entry or a new caving could pose a danger to the public if mines remain uninspected. Some counties with inactive mines have had a difficult time finding individuals to serve as mine inspectors. The bill would ease the qualifications for mine inspectors in counties with inactive mines to allow for a larger pool of possible candidates for election, which would ensure that this important public service was being carried out. It also would ensure that inspections could be conducted even if a mine inspector could not be elected in a particular county.

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local governments. For any county that has no iron or copper mines but has at least one other metallic mineral mine situated, there would be an added expense of holding elections for and paying an inspector of mines and his or her deputies. For any county that currently has an inspector of mines, but where only an abandoned, closed, or idled metallic mineral mines is situated, the requirements for the position would be reduced. The bill could allow a county in that situation to offer lower compensation for the position, which would reduce expenditures by the difference.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.