

Approved _____ Date 2-17-87

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Senator Merrill Werts at _____
Chairperson

8:00 a.m. ~~XXX~~ on February 11, 1987 in room 123-S of the Capitol.

All members were present except:

Committee staff present:
Ramon Powers - Research
Don Hayward - Revisor
Nancy Jones - Secretary

Conferees appearing before the committee:
Senator Phil Martin
Terry Fox, Triad Mining Consultant, Pittsburg, KS.

SB 134 - Amending the mined-land conservation & reclamation act

Speaking as the sponsor of SB 134, Senator Martin stated this legislation is needed as clay to be mined lies beneath coal seams and, under federal law, clay mining businesses are required to purchase coal mining permits at an expense of as much as \$40,000 as well as clay mining permits. This regulation applies even though the removal of coal is incidental to the removal of clay. Exemption from the coal mining permit would enhance business opportunities. Senator Martin stated that the State of Kansas chose not to adopt the federal exemption some years ago but the State Mined-Land Conservation and Reclamation Board is amenable to such an exemption.

Terry Fox stated the federal Surface Mining Reclamation & Control Act was passed in 1977 and states were allowed to adopt minimum requirements of the Act, to gain primacy. The state of Kansas did not adopt the minimum for a permit relating to another mineral when coal production was less than 16 2/3% of the major mineral production set by the Act. With a decline in coal production, other uses for the land were researched including the mining of clay with properties useful for the manufacture of a number of products such as pottery, ceramic pipe and kitty litter. To reach the clay, coal seams must also be mined but the total amount of coal taken would be below the 16 2/3% maximum set in federal law. Receiving the necessary permits to engage in clay mining currently is a long process delaying initiation of production as well as being costly. Mr. Fox also stated there is continued monitoring by the Board of sites where there is extraction and disposal of coal in any quantity.

Discussion was held regarding the policy of the Conservation & Reclamation Board relative to adopting this exemption which would be permitted under SB 134.

A motion to recommend SB 134 favorably was made by Senator Feleciano, seconded by Senator Langworthy. Motion carried.

Chairman Werts encouraged committee members to study material to be received today pertinent to low-level radioactive waste disposal, as this Committee will hold hearings on the proposed legislation. Discussion was also held regarding an Executive Reorganization Order combining the Fish & Game Commission with the Park and Resources Authority which will later have a full hearing in this Committee.

Meeting adjourned. The next meeting will be February 17, 1987.

quest list
2-11-87

Ed Reinert	Topeka	Ks LWUs
Terry Fox	Pittsburg	TRIAD Mining Consultants
Jerry Conrad	Topeka	KG & E
M. Hawver	"	Capital Journal
Julia McConnell	"	KCC
Bill Sulber	Manhattan	Ks. Farm Bureau