

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 3:30 p.m. on March 16, 2009, in Room 783 of the Docking State Office Building.

All members were present except - Representatives Hayzlett and Moxley

Committee staff present:

Mike Corrigan, Office of the Revisor of Statutes
Corey Carnahan, Kansas Legislative Research Department
Pat Matzek, Committee Assistant

Conferees appearing before the Committee:

Woody Moses, Managing Director, Kansas Aggregate Producers Association
Dane Barclay, Owner, Alsop Sand Company
Ramon Gonzalez, Sales Manager, NR Hamm Quarry
Lou Allen, Attorney

Others attending:

See attached list.

Representative Powell opened the meeting requesting Mike Corrigan to explain **SB 253**. Mr. Corrigan advised the bill addresses the issue of modifying zoning regulations in all cities and counties and would exempt rezoning related to mining operations, subject to the Surface-Mining Land Conservation and Reclamation Act, from any super-majority vote requirement of the city or county governing body.

Hearing on:

SB 253 - Zoning amendments; protest petitions; mining operations; extraordinary vote not required.

Proponents:

Woody Moses, Managing Director, Kansas Aggregate Producers Association, (Attachment 1) spoke in favor of **SB 253**, stating the bill amends the requirement for zoning approval on mining operations pursuant to K.S.A. 49-601, to a simple majority. The bill is strictly limited to surface mining operations, does not apply to underground mining or coal, and unlike oil or feeding operations, does not exempt industry from zoning law.

Dane Barclay, Owner, Alsop Sand Company, (Attachment 2) appeared as a proponent of **SB 253**, documenting that of the more populated areas the Sand Company works in, like Salina, it is impossible to find a sand plant site where someone will not object to their presence. Mr. Barclay further stated in the Salina area, there are pockets of workable sand, but when all the areas without sand are eliminated; i.e., the areas that are no longer accessible because of flood control dikes, roads, houses, cities, sewer lines, oil and gas pipelines, railroads, drainage ditches, and the landowners that committed their land to other uses, there are very few areas left.

Ramon Gonzalez, Sales Manager, NR Hamm Quarry, (Attachment 3) testified in favor of **SB 253**, stating that with limestone being a limited resource, it is vital as a community to develop these resources in order to meet economic and social needs of the future, and that this bill would provide the local units of government the tools necessary to plan for their logical development. Mr. Gonzalez further advised the support of **SB 253** will help aid in the ability to successfully zone future quarry sites.

CONTINUATION SHEET

Minutes of the House Agriculture and Natural Resources Committee at 3:30 p.m. on March 16, 2009, in Room 783 of the Docking State Office Building.

Opponent:

Lou Allen, Attorney, (Attachment 4) provided testimony in opposition of **SB 253**, advising that although she opposes the current amendments, she proposes a change to the statute, K.S.A. 12-757, and because of the zoning issue in her neighborhood, she has become aware of some deficiencies in this statute, specifically the calculation of the protest area. Ms. Allen further stated the above issue is the reason for her submission of the proposed amendment which is attached to her testimony as "Exhibit B". It is not intended to change the current law, but attempts instead to clarify the law so there is uniformity in the calculation for protest petitions.

Questions were asked and comments were made.

The hearing was closed on **SB 253**.

The next meeting is scheduled for March 17, 2009.

The meeting was adjourned at 4:45 p.m.