

SCS SB 642 -- SURFACE MINING OPERATIONS

SPONSOR: Romine (Engler)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Tourism and Natural Resources by a vote of 20 to 0.

Currently, a proposal to operate a surface mine requires that an operator send a notice of intent to operate a surface mine to any landowner with real property that is immediately contiguous or adjacent from the proposed mine plan area. This act repeals this requirement and instead requires that notice be sent to any real property landowner within one-half mile whose property is either adjacent to the mine plan area, is land upon which the mine plan area is to be located, or is adjacent land having a legal relationship with either the applicant or the owner of the land upon which the mine plan area is located. This act also modifies the notice of intent. If any individual that is notified requests a public meeting, the proposed surface mine operator must bear the expenses.

Currently, the Land Reclamation Commission evaluates permit applications for proposed surface mining operations. The bill instead gives this authority to the staff director of the Land Reclamation Commission. Upon completion of the notice of intent to operate a surface mine and any public meetings, the staff director must make a decision within six weeks, rather than the current four weeks, to issue or deny a permit application. In certain cases, the staff director may seek additional information from the applicant before making a decision to issue or deny a permit application. The staff director's decision is deemed to be the decision of the Director of the Department of Natural Resources and subject to appeal to the Administrative Hearing Commission.

The bill also specifies criteria that the Administrative Hearing Commission may consider when reviewing the director's permit application decision. If the Land Reclamation Commission changes a finding of fact or conclusion of law, or modifies or vacates the decision recommended by the Administrative Hearing Commission, it must issue its own decision subject to judicial review. For an appeal of the Commission's decision, the court of appeals district with jurisdiction in the county where the mine is to be located will have original jurisdiction.

PROPOSERS: Supporters say that the bill provides better notice of a mining proposal to the neighboring property owners and provides a more fair appeal process for applicants.

Testifying for the bill were Senator Romine; Mining Industry

Council of Missouri; and Missouri Limestone Producers Association.

OPPONENTS: There was no opposition voiced to the committee.