

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 636  
By: Brown  
Natural Resources  
2-26-97  
Committee Report (Substituted)

### **DIGEST**

Currently, Texas law allows an operator who produces not more than 100,000 tons of coal per year to receive state assistance in the permit application process. At present no Texas coal mining operators qualify for the Small Operators Assistance Program (SOAP) under the 100,000 tons per year limit. This bill would raise the limit to 300,000 tons per year.

Coal mine operators pay federal taxes on coal mined within the state. Up to 50 percent of the taxes paid may be returned to the state for reclamation of abandoned coal mines. After all priority coal mines have been reclaimed, these federal funds may be used to reclaim abandoned non-coal mines. This bill provides clarification so that the Railroad Commission of Texas can use federal funds to reclaim both abandoned coal and non-coal mines in the state.

### **PURPOSE**

As proposed, C.S.S.B. 636 requires the Railroad Commission to pay the cost of preparing a determination of probable hydrologic consequences and statement of results of test borings for a surface coal mining operator if the Railroad Commission finds that the probable total annual production of the surface coal mining operator will not exceed 300,000 tons. This bill also provides that land and water are eligible for reclamation or abatement if they meet certain qualifications.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 134.056 and 134.142, Natural Resources Code, as follows:

Sec. 134.056. SMALL MINE EXEMPTION. Requires the Railroad Commission of Texas (commission) to designate a qualified laboratory to prepare the determination of probable hydrologic consequences and statement of the results of test borings or core samplings required by Section 134.052 and to pay the costs of preparing the determination and statement if the commission finds that the probable total annual product at all locations of the surface coal mining operator will not exceed 300,000 tons, rather than 100,000 tons.

Sec. 134.142. ELIGIBILITY OF LAND AND WATER. Provides that land and water are eligible for reclamation or abatement expenditures under this subchapter if the land and water are eligible for reclamation or abatement expenditures under the Surface Mining Control and Reclamation Act of 1977. Deletes certain reclamation or abatement eligibility requirements.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

Amends SECTION 1, Section 134.142, Natural Resources Code, to provide that land and water are eligible for reclamation or abatement expenditures under this subchapter if the land and water are

eligible for reclamation or abatement under the Surface Mining Control and Reclamation Act of 1977. Deletes certain eligibility requirements for reclamation or abatement expenditures.

Amends SECTIONS 2-4, to make conforming changes.