

CHAPTER 47**(HJR 98)**

A JOINT RESOLUTION relating to the regulation of the noncoal mineral industry and declaring an emergency.

WHEREAS, the Natural Resources and Environmental Protection Cabinet promulgated administrative regulations located in 405 KAR Chapter 5, effective February 22, 1995, imposing requirements on noncoal mineral operations in the Commonwealth of Kentucky; and

WHEREAS, the Natural Resources and Environmental Protection Cabinet promulgated administrative regulations located in 405 KAR Chapter 5, effective September 12, 2003, imposing additional requirements on noncoal mineral operations in the Commonwealth of Kentucky; and

WHEREAS, on August 7, 2003, the Administrative Regulation Review Subcommittee made a determination that the additional requirements imposed pursuant to the administrative regulations, which were effective on September 12, 2003, were deficient pursuant to KRS Chapter 13A; and

WHEREAS, on September 10, 2003, the Interim Joint Committee on Agriculture and Natural Resources made a determination that the additional requirements imposed pursuant to the administrative regulations, which were effective on September 12, 2003, were deficient pursuant to KRS Chapter 13A;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. Notwithstanding any provision of law to the contrary, the secretary of the Natural Resources and Environmental Protection Cabinet shall promulgate emergency and ordinary administrative regulations that are identical to the following administrative regulations that became effective on February 22, 1995, according to the records of the regulations compiler of the Legislative Research Commission:

(1) 405 KAR 5:001, except the administrative regulation shall define "tar sand or rock asphalt" and the definition of "mineral operation" shall include tar sand or rock asphalt;

(2) 405 KAR 5:030;

(3) 405 KAR 5:035;

(4) 405 KAR 5:038;

(5) 405 KAR 5:045;

(6) 405 KAR 5:060;

(7) 405 KAR 5:075; and

(8) 405 KAR 5:080.

Section 2. The administrative regulations required to be promulgated pursuant to Section 1 of this Resolution shall be promulgated within thirty (30) days of the effective date of this Resolution.

Section 3. Because it is essential for noncoal mineral operations to be regulated in the Commonwealth of Kentucky, and because it is essential to keep prices of noncoal minerals

affordable and supplies adequate, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor, or upon its otherwise becoming effective.

Approved April 2, 2004