

**Hall of the House of Representatives**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of House Bill No. 2451**

"TO LIMIT AND REGULATE THE CITING AND LOCATION OF SAND AND GRAVEL  
DREDGING AND STORAGE OPERATIONS AND TO CREATE A SAFE ZONE FOR  
CHILDREN FROM EXPOSURE TO DUST AND AIRBORNE DEBRIS."

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**Amendment No. 1 to House Bill No. 2451.**

Amend House Bill No. 2451 as originally introduced:

Page 1, line 9, delete "CITING" and substitute "SITING"

AND

Page 1, line 16, delete "CITING" and substitute "SITING"

AND

Page 1, line 29, delete "River" and substitute "River in a county with a population of two hundred fifty thousand (250,000) or more according to the latest federal decennial census"

AND

Page 2, delete lines 11 through 14, and substitute the following:

"(a) Notwithstanding any and all laws regarding the mining and dredging of sand and gravel, no sand and gravel operation shall be located and operated within a zone of five hundred feet (500') in any direction of a residential area or neighborhood, a school, or a child care facility.

(b)(1) The prohibition of subsection (a) of this section shall not apply to:

(A) Any activities associated with maintaining the authorized channel depth of the McClellan-Kerr Arkansas River Navigation System; or

(B) Any sand and gravel operation that was actively dredging, storing, or transporting sand and gravel on January 1, 2003.

(2) However, any expansion of a sand and gravel operation existing on January 1, 2003, shall be subject to the prohibitions of subsection (a) of this section and the other requirements of this act."



AND

Page 2, delete lines 17 through 23, and substitute the following:

“(a)(1) In a municipality with a zoning ordinance, the municipality shall establish, by ordinance, a zoning requirement to create a safe zone around residential areas or neighborhoods, schools, or child care facilities of the state and a permit system for locating sand and gravel operations within the municipality to enforce the requirements of this act.

(2) In municipalities without a zoning ordinance, the mayor shall issue permits to sand and gravel operations only in those areas that are beyond the safe zone around residential areas or neighborhoods, schools, or child care facilities.

(3) In the unincorporated area of a county, the county judge shall issue permits to sand and gravel operations only in those areas that are beyond the safe zone around residential areas or neighborhoods, schools, or child care facilities of the state.

(b) A municipality or a county shall have the authority to set and charge a permit fee to recover the cost of issuing the permits required under this section.

(c)(1) In areas along the Arkansas River without local zoning authority, the State Land Commissioner shall enforce this act through a lease condition for the five hundred foot (500’) safe zone around residential areas or neighborhoods, schools, or child care facilities.

(2) The lease shall contain conditions to require the safe zone for all the land based storage, loading and unloading, and transportation facilities under the state issued lease for the extraction of sand and gravel from the bed of the Arkansas River.”

The Amendment was read \_\_\_\_\_  
By: Representative Bright  
EAN/APK - 031820031325  
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\_\_\_\_\_  
Chief Clerk