

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Hopkins**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO REGULATE BLASTING OPERATIONS; AND FOR OTHER
9 PURPOSES."

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11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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13 SECTION 1. Any person who knowingly violates any provision of this act
14 or any regulation or order adopted pursuant to this act shall be guilty of a
15 Class B misdemeanor.

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17 SECTION 2. (a) The Director of the Arkansas Department of Labor shall
18 promulgate regulations to establish minimum standards for blasting operations.

19 (b) The Director of the Department of Labor shall implement, enforce,
20 and administer the provisions of this act and the regulations adopted pursuant
21 thereto.

22 (c) The Director of the Department of Labor or his designee shall have
23 the authority to enter, during normal business hours, upon any private or
24 public premises with right of access, ingress and egress for the purpose of
25 ascertaining whether blasting operations have been conducted in accordance
26 with the provisions of this act and the regulations adopted pursuant thereto.

27 (d) If the Director of the Department of Labor or his designee
28 determines that it is necessary for the public welfare, he may impose by
29 administrative order additional restrictions on specific blasting operations.
30 Such orders shall be subject to judicial review as provided by §25-15-212.

31 (e) Regulations under this section shall be adopted pursuant to the
32 Administrative Procedure Act, §§25-15-101 et seq.

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34 SECTION 3. The provisions of this act shall not apply to the following:

35 (a) blasting conducted at a surface coal mine regulated by the

1 Department of Pollution Control and Ecology pursuant to the Arkansas Surface
2 Coal Mining and Reclamation Act, §§15-58-101 et seq.; and

3 (b) blasting conducted during seismic operations regulated by the Oil
4 and Gas Commission pursuant to Act 5 of 1991.

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6 SECTION 4. Inspections conducted under this subchapter and the results
7 of the inspections shall not be admissible as evidence in any action for the
8 purpose of determining liability for damages.

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10 SECTION 5. All provisions of this act of a general and permanent
11 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
12 Code Revision Commission shall incorporate the same in the Code.

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14 SECTION 6. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

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20 SECTION 7. All laws and parts of laws in conflict with this act are
21 hereby repealed.

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