

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senators Scott and Cassidy**

A Bill

SENATE BILL 226

For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS OPEN-CUT LAND RECLAMATION
9 ACT TO PROVIDE FOR CERTAIN EXEMPTIONS; AND FOR OTHER
10 PURPOSES."

Subtitle

13 "TO PROVIDE CERTAIN EXEMPTIONS TO THE ARKANSAS OPEN-CUT
14 LAND RECLAMATION ACT."

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

18 SECTION 1. Title 15, Chapter 57, Subchapter 3 of the Arkansas Code of
19 1987 Annotated is hereby amended by adding a new section to read as follows:

20 "15-57-320. Exemptions.

21 *Nothing in this subchapter shall be construed to require any agent or*
22 *employee of a county or municipal government or land owner selling exclusively*
23 *to these government entities to comply with any of the provisions of this*
24 *subchapter when engaged in open-cut mining for the construction,*
25 *reconstruction, improvement or maintenance of streets and highways or*
26 *private road, street, driveway or highway, or other public projects of a*
27 *county or municipality when it is conducted under the authority of said*
28 *government for such activities, and on lands for which the county or municipal*
29 *government has established rights. The county and municipal governments shall*
30 *remove topsoil and overburden and store it on mining site. Upon completion of*
31 *mining the site shall be graded such that no slope will be steeper than one*
32 *(1) foot vertical to three (3) feet horizontal and the topsoil shall be*
33 *respread and the site revegetated in a manner to prevent pollution of the*
34 *waters of Arkansas."*

1 SECTION 2. All provisions of this act of a general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 3. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 4. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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14 SECTION 5. EMERGENCY. It is hereby found and determined by the General
15 Assembly of the State of Arkansas that the reclamation and restoration of land
16 affected by open-cut mining operations are essential to the preservation for
17 productive use of the land resources of this state, however, the construction
18 and maintenance of streets and highways are also a very productive use of land
19 resources and such uses should be exempt from the provisions of the "Arkansas
20 Open-Cut Land Reclamation Act" when conducted under the auspices of the
21 Arkansas Highway Department or any county or municipal government. Therefore,
22 an emergency is hereby declared to exist and this act being necessary for the
23 immediate preservation of the public peace, health, and safety, shall be in
24 full force and effect from and after its passage and approval.

25 */s/ Senator Scott*

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