

Act 765 of the 1989 Regular Session.

Act 765

HB1779

By: Representative McKissack

"AN ACT TO AMEND 8-4-306 OF ARKANSAS CODE OF 1987, ANNOTATED,
TO ALLOW POLITICAL SUBDIVISIONS TO ENACT AND ENFORCE LAWS TO
PROHIBIT OPEN BURNING."

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

SECTION 1. Arkansas Code of 1987, Annotated, 8-4-306 is hereby amended to read as follows:

"8-4-306. Political subdivisions preempted; exception.

(a) In order to avoid conflicting and overlapping jurisdiction, it is the intention of this chapter to occupy, by preemption, the field of control and abatement of air pollution and contamination; and no political subdivision of this state shall enact or enforce laws, ordinances, resolutions, rules, or regulations in this field.

(b) Notwithstanding the preceding, any political subdivision of this state may enact and enforce laws, ordinances, resolutions, rules, or regulations for the purpose of prohibiting burning in the open or in a receptacle having no means for significantly controlling the fuel/air ratio.

(c) Nothing in this chapter shall be construed to prevent private actions under existing laws."

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

APPROVED: March 21, 1989
