

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Hardin**

A Bill

SENATE BILL 291

5
6

7 **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 15-58-401 TO PROVIDE FOR
9 THE DETERMINATION OF THE ELIGIBILITY OF ABANDONED MINE
10 LANDS FOR THE USE OF FUNDS AVAILABLE FOR RECLAMATION; AND
11 FOR OTHER PURPOSES."

12

13 **Subtitle**

14 "PROVIDE FOR DETERMINATION OF ELIGIBILITY OF ABANDONED
15 MINE LANDS FOR USE OF FUNDS AVAILABLE FOR RECLAMATION."

16

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

18

19 SECTION 1. Arkansas Code Annotated §15-58-401 is hereby amended to read
20 as follows:

21 "15-58-401. Lands eligible.

22 (a) Lands and water eligible for reclamation or drainage abatement
23 expenditures under this chapter are those which were mined for coal or which
24 were affected by the mining, wastebanks, coal processing, or other coal mining
25 processes and abandoned or left in an inadequate reclamation status prior to
26 August 3, 1977, and for which there is no continuing reclamation
27 responsibility under federal or other state laws.

28 (b) Notwithstanding paragraph (a) of this section, lands and water
29 similarly affected by coal mining or other mining processes and abandoned or
30 left in an inadequate reclamation status after August 3, 1977, are also
31 eligible for reclamation or drainage abatement expenditures under this chapter
32 if the director makes either of the following findings:

33 (1) A finding that the surface coal mining operation occurred
34 during the period beginning on August 4, 1977, and ending on or before
35 November 21, 1980, and that any funds for reclamation or abatement which are

1 available pursuant to a bond or other form of financial guarantee or from any
2 other source are not sufficient to provide for adequate reclamation or
3 abatement at the site.

11 (c) In determining which sites to reclaim pursuant to paragraph (b) of
12 this section, the director shall follow the priorities stated in paragraphs
13 (1) and (2) of §15-58-402. The director shall ensure that priority is given
14 to those sites which are in the immediate vicinity of a residential area or
15 which have an adverse economic impact upon a community."

16

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

20

21 SECTION 3. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

26

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

29

30 /s/ Senator Hardin

31

32

33

34

35

