

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Purdom

A Bill

HOUSE BILL 1948

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 15-57-315 TO PROVIDE THAT
9 NEITHER THE POLLUTION CONTROL AND ECOLOGY COMMISSION NOR
10 THE DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY SHALL
11 HEREAFTER HAVE THE POWER TO PROHIBIT MINING IN ANY STREAMS
12 WHICH ARE NOT DESIGNATED AS EXTRAORDINARY RESOURCE WATERS
13 ON MARCH 1, 1995; AND FOR OTHER PURPOSES."

Subtitle

16 "TO PROVIDE THAT NEITHER THE PC&E
17 COMMISSION NOR THE DEPARTMENT OF PC&E
18 SHALL HEREAFTER HAVE THE POWER TO
19 PROHIBIT MINING IN ANY STREAMS WHICH ARE
20 NOT DESIGNATED AS EXTRAORDINARY RESOURCE
21 WATERS ON MARCH 1, 1995."

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

26 SECTION 1. Arkansas Code 15-57-315(14)(B) is amended to read as follows:

27 "(B) There shall be no mining in streams designated as extraordinary
28 resource waters as identified in Regulation 2 of the Department of Pollution
29 Control and Ecology. Provided, however, that no stream shall hereafter be
30 designated as extraordinary resource waters except by the General Assembly,
31 and neither the Pollution Control and Ecology Commission nor the Department
32 of Pollution Control and Ecology shall have authority to prohibit mining in
33 streams other than those which are designated as extraordinary resource
34 waters as of March 1, 1995. Furthermore, mining in streams which are not
35 designated as extraordinary resource waters or which are not otherwise

1 protected by an enactment of the General Assembly shall be subject to all
2 federal regulations and requirements administered by the Department of
3 Pollution Control and Ecology."
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5 SECTION 2. All provisions of this act of a general and permanent
6 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
7 Code Revision Commission shall incorporate the same in the Code.
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9 SECTION 3. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.
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15 SECTION 4. All laws and parts of laws in conflict with this act are
16 hereby repealed.
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18 SECTION 5. EMERGENCY. It is hereby found and determined by the
19 General Assembly that it is the duty of the General Assembly as the elected
20 representatives of the people to determine in which streams in this state
21 mining should be prohibited; that under present law that power has been
22 delegated to the Department of Pollution Control and Ecology; and that this
23 act should go into effect immediately in order to cure the problem as soon as
24 possible. Therefore, an emergency is hereby declared to exist, and this act
25 being immediately necessary for the preservation of the public peace, health,
26 and safety shall be in full force and effect from and after its passage and
27 approval.
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