

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H3/27/97

## A Bill

HOUSE BILL 1296

5 By: Representative McGinnis  
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### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 15-57-310 PERTAINING TO  
10 UNPERMITTED MINING OPERATIONS; AND FOR OTHER PURPOSES."

### Subtitle

13 "AN ACT TO AMEND ARKANSAS CODE 15-57-310  
14 PERTAINING TO UNPERMITTED MINING  
15 OPERATIONS."  
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code 15-57-310 is amended by inserting an  
20 additional subsection at the end thereof to read as follows:

21 "(h)(1) Upon the effective date of this act, any person owning or  
22 operating an unpermitted stream bed mining operation who is required to obtain  
23 such a permit by this subchapter or regulations promulgated pursuant to this  
24 subchapter shall be assessed, at a minimum, a one thousand dollar (\$1,000)  
25 penalty and ordered by the department to cease operations until the necessary  
26 permits are issued. The failure to cease operations before obtaining the  
27 necessary state permits ordered shall be grounds for subsequent enforcement  
28 action, including fines. The fact that the alleged violator has obtained a  
29 permit from the U. S. Corps of Engineers shall not be a defense to any  
30 enforcement action brought by the department pursuant to this subchapter.

31 (2) Upon the effective date of this act, any person owning or  
32 operating an unpermitted open-cut sand or gravel operation adjacent to a  
33 stream in this state shall be assessed, at a minimum, a five hundred dollar  
34 (\$500) penalty and ordered by the department to cease operations until the  
35 necessary permits are issued. The failure to cease operations before  
36 obtaining the necessary state permits ordered shall be grounds for subsequent

1 enforcement action, including fines.

2 (3) In no event shall the owner or operator of a sand and gravel  
3 mining operation remove materials from a stream bed, whether dry or flowing,  
4 in such a manner as to deepen the channel or alter its established course.  
5 Any owner or operator conducting such removal operations shall be subject to  
6 the full extent of liabilities established by this subchapter.

7 (4) This section shall not be construed to prevent the U. S. Army  
8 Corps of Engineers from issuing 404 permits to prevent flooding.

9 (5) All reports required to be filed with the Department of  
10 Pollution Control and Ecology or the Pollution Control and Ecology Commission  
11 shall also be filed with the House Committee on Agricultural and Economic  
12 Development and the Senate Committee on Agricultural, Economic and Industrial  
13 Development."

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

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

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

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/s/Rep. McGinnis

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