

By: Representative Ellington

To: Oil, Gas and Other  
Minerals; Conservation and  
Water Resources

HOUSE BILL NO. 863

1 AN ACT TO AMEND SECTIONS 53-7-5, 53-7-7, 53-7-17 THROUGH  
2 53-7-21 AND 53-7-25 THROUGH 53-7-47, 53-7-65, 53-7-67, 53-7-73 AND  
3 53-7-75, MISSISSIPPI CODE OF 1972, TO REVISE THE MISSISSIPPI  
4 SURFACE MINING AND RECLAMATION LAW; TO TRANSFER NONCOAL PERMITTING  
5 AUTHORITY TO THE ENVIRONMENTAL QUALITY PERMIT BOARD; TO ELIMINATE  
6 TEMPORARY AUTOMATIC PERMITS AFTER MAILING OF AN APPLICATION; TO  
7 ELIMINATE A TEN DAY GRACE PERIOD FOR VIOLATIONS OF THIS LAW; AND  
8 TO REPEAL SECTION 53-7-23, MISSISSIPPI CODE OF 1972, WHICH CREATES  
9 THE DUTIES FOR THE OPERATOR OF CERTAIN MATERIALS UNDER THE LAW;  
10 AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 SECTION 1. Section 53-7-5, Mississippi Code of 1972, is  
13 amended as follows:

14 53-7-5. For the purposes of this chapter, the following  
15 terms shall have the meanings respectively ascribed to them,  
16 except where the context or subject matter otherwise requires:

17 (a) "Commission" means the Mississippi Commission on  
18 Environmental Quality as created by Section 49-2-5;

19 (b) (i) "Class I materials" means bentonite, metallic  
20 ore, mineral clay, dolomite and phosphate;

21 (ii) "Class II materials" means sand, gravel,  
22 soil, clay, sand clay, clay gravel, limestone and chalk;

23 (iii) "Materials" means all Class I materials and  
24 all Class II materials and such other materials as shall be  
25 designated by the commission either as a Class I or Class II  
26 material;

27 (c) "Affected area" means the area of land from which  
28 any materials are to be removed in a surface mining operation and  
29 upon which any materials are to be deposited and shall include all  
30 lands affected by the construction of new roads or the improvement



31 or use of existing roads other than public roads to gain access  
32 and to haul materials;

33 (d) "Department" means the Mississippi Department of  
34 Environmental Quality, as established by Section 49-2-7;

35 (e) "Exploration activity" means the disturbance of the  
36 surface or subsurface for the purpose of determining the location,  
37 quantity or quality of a deposit of any material, except the  
38 drilling of test holes or core holes of twelve (12) inches or less  
39 in diameter;

40 (f) "Fund" means the Land Reclamation Fund created by  
41 Section 53-7-69;

42 (g) "Highwall" means the vertical wall created by the  
43 cutting of a bench in the contour mining process, and shall have  
44 no application to open pit, box cut, strip drift or any other type  
45 of mining process except contour mining;

46 (h) "Nearest approximate original contour" means that  
47 surface configuration achieved by backfilling and grading of the  
48 surface-mined area so that it substantially resembles the surface  
49 configuration of the land prior to mining and blends into and  
50 complements the drainage pattern of the surrounding terrain, with  
51 all highwalls, spoil piles and water-collecting depression  
52 eliminated;

53 (i) "Notice of intent" means the notice of intent to  
54 surface mine Class II materials required by Section 53-7-21;

55 (j) "Operator" means the person, including any public  
56 or governmental agency, not otherwise exempted by this chapter,  
57 that is to engage or that is engaged in a surface mining  
58 operation, whether on a permanent, continuous basis, or for a  
59 limited period of time and for a specific or ancillary purpose,  
60 including any individual or entity whose permit has expired or  
61 been suspended or revoked;

62 (k) "Overburden" means all earth and other materials  
63 which are removed to gain access to the material in the process of



64 surface mining and shall mean such material before or after its  
65 removal by surface mining;

66 (l) "Permit area" means all the area designated as such  
67 in the permit application and shall include all land affected by  
68 the surface mining operations during the term of the permit and  
69 may include any contiguous area which the operator proposes to  
70 surface mine thereafter;

71 (m) "Permit Board" means the Mississippi Environmental  
72 Quality Permit Board as created in Section 49-17-28;

73 (n) "Person" means any individual, corporation,  
74 partnership, company, firm, association, business, joint-stock  
75 company, society, association executor, receiver, trustee,  
76 administrator guardian, fiduciary, or other legal person or  
77 entity, and any governmental agency, including the State of  
78 Mississippi, any agency thereof or political subdivision thereof,  
79 or any organization or association of citizens;

80 (o) "Reclamation" means work necessary to restore an  
81 area of land affected by surface mining to a useful, productive  
82 and beneficial purpose, the entire process being designed to  
83 restore the land to a useful, productive and beneficial purpose,  
84 suitable and amenable to surrounding land and consistent with  
85 local environmental conditions in accordance with the standards  
86 set forth in Section 53-7-35 and other provisions of this chapter;

87 (p) "Spoil pile" means the overburden and other mined  
88 waste material as it is piled or deposited in the process of  
89 surface mining;

90 (q) "Surface mining" and "mining" means the extraction  
91 of materials from the ground or water or from waste or stock piles  
92 or from pits or banks or natural occurrences by methods including,  
93 but not limited to, strip drift, open pit, contour or auger  
94 mining, dredging, placering, quarrying and leaching, and  
95 activities related thereto, which will, in effect, consume, delete



96 or alter the surface estate, and also those aspects of underground  
97 mining having significant effects on the surface;

98           (r) "Surface mining operation" and "operation" means  
99 the activities conducted at a mining site, including extraction,  
100 storage, processing and shipping of materials and reclamation of  
101 the affected area. This term shall not include the following:  
102 the dredging and removal of oyster shells from navigable bodies of  
103 water; the dredging and removal of any materials from the bed of  
104 navigable streams, when such activity is regulated and permitted  
105 by the United States Corps of Engineers; the extraction of  
106 hydrocarbons in a liquid or gaseous state by means of wells, pipe,  
107 or on-site methods, or geothermal steam; or off-site  
108 transportation;

109           (s) "Topsoil" means the organic or inorganic matter  
110 naturally present on the surface of the earth which has been  
111 subjected to and influenced by genetic and environmental factors  
112 of parent material, climate, macroorganisms and microorganisms,  
113 and topography, all acting over a period of time, and that is  
114 necessary for the growth and regeneration of vegetation on the  
115 surface of the earth; and

116           (t) "Toxic material" means any substance present in  
117 sufficient concentration or amount to cause injury or illness to  
118 plant, animal, aquatic or human life.

119           SECTION 2. Section 53-7-7, Mississippi Code of 1972, is  
120 amended as follows:

121           53-7-7. (1) The provisions of this chapter shall apply to  
122 all operations except those operations conducted for the mining of  
123 Class II materials that affect four (4) acres or less of land;  
124 provided, however, that the department shall be notified by the  
125 operator of the commencement, expansion or resumption of any such  
126 exempt operations through the filing of a notice of intent in a  
127 form determined by the department; provided, further, there is  
128 hereby exempted from such notice requirement the excavations made



129 by the owner of land for his own use, not commercial purposes,  
130 where the materials removed do not exceed one thousand (1,000)  
131 cubic yards per year and one (1) acre or less of land is affected.  
132 No exempted area of four (4) acres or less shall be closer than  
133 one thousand three hundred and twenty (1,320) feet to another  
134 exempted area of four (4) acres or less. Before conducting any  
135 activities that would cause any such operation shall exceed four  
136 (4) acres, the operator shall apply for a permit and shall comply  
137 with the provisions of this chapter; and, if the department has  
138 reason to believe that any such operation for which a notice of  
139 intent has not been submitted does, in fact, exceed four (4)  
140 acres, it may investigate such operations to ensure that permits  
141 will be obtained when required and that there will be compliance  
142 with the provisions of this chapter.

143 Any person who resides in the county of any surface mining  
144 operation which is exempted by this subsection may file a petition  
145 with the commission to request that the exemption be reviewed or  
146 revoked and that the operator be required to apply for a surface  
147 mining permit and to comply with the provisions of this chapter.  
148 The exemption may be revoked if the operation is affecting more  
149 than four (4) acres of land or is mining Class I materials. The  
150 commission may conduct a public hearing, prior to ruling on the  
151 petition, in accordance with the provisions of Section 53-7-45.

152 (2) The provisions of this chapter shall not apply to  
153 operations for any materials on any lands whereupon the operations  
154 were being conducted before April 15, 1978. If the operation  
155 extends to or encompasses additional land after April 15, 1978,  
156 then the newly mined land shall be subject to the provisions of  
157 this chapter.

158 SECTION 3. Section 53-7-17, Mississippi Code of 1972, is  
159 amended as follows:

160 53-7-17. On passage of any federal surface mining  
161 legislation, the commission shall take steps necessary to



162 establish the exclusive jurisdiction of the commission, Permit  
163 Board and department over the regulation of surface mining and  
164 reclamation operations in this state.

165 SECTION 4. Section 53-7-19, Mississippi Code of 1972, is  
166 amended as follows:

167 53-7-19. The commission shall administer and enforce the  
168 provisions of this chapter and shall have the following powers and  
169 duties:

170 (a) To develop a statewide, comprehensive policy and  
171 plan for the regulation of surface mining and reclamation  
172 consistent with the provisions of this chapter;

173 (b) To conduct public hearings pursuant to the  
174 provisions of Section 53-7-45 for the purpose of which it may  
175 administer oaths or affirmations, subpoena witnesses requested by  
176 any party and compel their attendance, take evidence and require  
177 production of any books, papers, correspondence, memoranda,  
178 agreements or other documents or records that are relevant or  
179 material to the administration of this chapter;

180 \* \* \*

181 (c) To issue orders requiring an operator to take such  
182 actions as are necessary to comply with this chapter and  
183 regulations adopted hereunder, and to issue orders modifying prior  
184 orders;

185 (d) To hire employees, to adopt standards for  
186 employment of such persons, and to employ contractors to assist in  
187 carrying out the provisions of this chapter;

188 (e) To enter on and inspect for the purpose of assuring  
189 compliance with the terms of this chapter, in person or by its  
190 agents, any surface mining operation that is subject to the  
191 provisions of this chapter;

192 (f) To conduct, encourage, request and participate in  
193 studies, surveys, investigations, research, experiments, training  
194 and demonstrations by contract, grant or otherwise; to prepare and



195 require permittees to prepare reports; and to collect information  
196 and disseminate to the public such information as is deemed  
197 reasonable and necessary for the proper enforcement of this  
198 chapter;

199           (g) To accept, receive and administer any grants,  
200 gifts, loans or other funds made available from any source for the  
201 purpose of this chapter, and any money received by the commission  
202 shall be deposited in the fund;

203           (h) To enter into contracts with federal, state and  
204 local boards and agencies having pertinent expertise for the  
205 purpose of obtaining professional and technical services necessary  
206 to carry out the provisions of this chapter;

207           (i) To enter into contracts with persons to reclaim  
208 land pursuant to the provisions of this chapter;

209           (j) To issue special rules and regulations in  
210 connection with granting a permit to an operator where the sole  
211 purpose of the operation covered by the permit is to conduct an  
212 exploration activity. Such rules and regulations shall provide  
213 for notice to the department of any exploration activity and for  
214 protection of all confidential information acquired;

215           (k) To order the immediate cessation of an ongoing  
216 surface mining operation for which a notice of intent has been  
217 filed or a permit has been issued if it finds that such operation  
218 endangers the health or safety of the public or creates imminent  
219 and significant environmental harm;

220           (l) To order the immediate cessation of any operation  
221 that requires the filing of a notice of intent, but has been  
222 started without the filing of a notice of intent, or requires a  
223 permit, but has been started or continued without a permit;

224           (m) To institute and prosecute all such court actions  
225 as may be necessary to obtain the enforcement of any order issued  
226 by the commission;



227           (n) To recognize the differences in the various  
228 materials set out herein, taking into consideration the commercial  
229 value of such material and the nature and size of operation  
230 necessary to extract the deposit, in regulating surface mining  
231 operations;

232           (o) To authorize the executive director of the  
233 department, to discharge or exercise any power or duty granted to  
234 the commission by the provisions of this chapter;

235           (p) To perform such other duties and acts as are  
236 required and provided for by this chapter; and

237           (q) To issue special rules and regulations in  
238 connection with granting approval to an operator where the sole  
239 purpose of the operation is to remove materials from the  
240 unprotected side of the levee to effect emergency repairs of the  
241 levee system.

242           (2) The Permit Board shall have the following powers and  
243 duties:

244           (a) To issue, modify, revoke, transfer, suspend and  
245 reissue permits and to require, modify or release performance  
246 bonds in the manner prescribed in this chapter and by the  
247 regulations adopted by the commission in this chapter; and

248           (b) To authorize the executive director of the  
249 department to discharge or exercise any power or duty granted to  
250 the Permit Board by the provisions of this chapter.

251           SECTION 5. Section 53-7-21, Mississippi Code of 1972, is  
252 amended as follows:

253           53-7-21. (1) From and after April 15, 1978, no operator  
254 shall engage in surface mining without having first obtained a  
255 surface mining permit from the Permit Board unless the surface  
256 mining operation is exempted from the provisions of this chapter  
257 by Section 53-7-7. The approved permit shall authorize the  
258 operator to engage in surface mining upon the area of land  
259 described in his application for a period of five (5) years from





260 the date of its issuance, unless the permit applicant requests and  
261 the Permit Board agrees to a shorter term.

262 In addition to the permit, each operator holding a permit  
263 shall annually, on the anniversary date of the permit, file with  
264 the department a certificate of compliance in which the operator,  
265 under oath, shall declare that he is following his approved mining  
266 and reclamation plan and is abiding by the provisions of this  
267 chapter and the rules and regulations of the commission. A fee of  
268 Twenty-five Dollars (\$25.00) shall accompany the certificate of  
269 compliance.

270 (2) Before a Class I permit may be issued, a public hearing  
271 shall be conducted, and all Class I permit applicants shall  
272 publish notice pursuant to Section 53-7-45.

273 SECTION 6. Section 53-7-25, Mississippi Code of 1972, is  
274 amended as follows:

275 53-7-25. Each application for a surface mining permit and  
276 each notice of intent shall be accompanied by an initial \* \* \* fee  
277 in accordance with a published fee schedule adopted by the  
278 commission, but in no event less than One Hundred Dollars  
279 (\$100.00) plus Ten Dollars (\$10.00) per acre included in the  
280 application, not to exceed a total sum of Five Hundred Dollars  
281 (\$500.00). The commission, in considering regulations pertaining  
282 to the fee schedule, shall recognize the differences in the  
283 various materials set out herein, taking into consideration the  
284 commercial value of the material and the nature and size of  
285 operation necessary to extract it. All state agencies, political  
286 subdivisions of the state, and local governing bodies shall be  
287 exempt from all fees required by this chapter.

288 SECTION 7. Section 53-7-27, Mississippi Code of 1972, is  
289 amended as follows:

290 53-7-27. Upon application to the Permit Board for a surface  
291 mining permit \* \* \*, an operator shall submit one (1) copy thereof  
292 to the Permit Board in care of the department and one (1) copy to



293 the soil and water conservation commissioners of the district in  
294 which any part of the land is located. The application shall be  
295 on a form prescribed by the commission which shall contain the  
296 following information and such other information as the commission  
297 or Permit Board reasonably deems necessary \* \* \*:

298 (a) A legal description of the tract or tracts of land  
299 in the affected area and a description giving sufficient  
300 information so that it may be located and distinguished from other  
301 lands, identification of the access from the nearest public road,  
302 and one (1) or more maps or plats of adequate scale to clearly  
303 portray the location of the affected area of the operation;

304 (b) The approximate location and depth of the deposit  
305 in the permit area and the total number of acres in the permit  
306 area;

307 (c) The name, address and management officers of the  
308 permit applicant and any affiliated persons who shall be engaged  
309 in the operations;

310 (d) Legal and equitable interests of record, if  
311 reasonably ascertainable, in the surface estate of the permit area  
312 and in the surface estate of land located within five hundred  
313 (500) feet of the permit area;

314 (e) Persons residing on the property of the permit area  
315 at the time of application;

316 (f) Current or previous surface mining permits held by  
317 the applicant, including any revocations, suspensions or bond  
318 forfeitures;

319 (g) The type and method of operation, the engineering  
320 techniques, and the equipment that is proposed to be used,  
321 including mining schedules, the nature and expected amount of  
322 overburden to be removed, the depth of excavations, a description  
323 of the affected area and permit area, the anticipated hydrologic  
324 consequences of the mining operation, and the proposed use of  
325 explosives for blasting, including the nature of the explosive,



326 the proposed location of the blasting and the expected effect of  
327 the blasting;

328 (h) The applicant's legal right to surface mine the  
329 affected area;

330 (i) The names and locations of all lakes, rivers,  
331 reservoirs, streams, creeks, and other bodies of water in the  
332 vicinity of the contemplated operations which may be affected  
333 thereby and the types of existing vegetative cover on the area  
334 affected thereby and on adjoining lands within five hundred (500)  
335 feet of the exterior limits of the affected area;

336 (j) A topographical survey map showing the surface  
337 drainage plan on and away from the permit area;

338 (k) The surface location and extent of all existing and  
339 proposed waste and spoil piles, cuts, pits, tailing dumps, ponds,  
340 borrow pits, evaporation and settling basins, roads, buildings,  
341 access ways, workings and installations such as to provide a  
342 reasonably clear and accurate portrayal of the existing surface  
343 conditions and the proposed mining operations;

344 (l) In cases where the surface and mineral estates, or  
345 any part thereof, in land covered by the application, have been  
346 severed and are owned by separate owners, the applicant shall  
347 provide a notarized statement subscribed to by each surface owner  
348 and lessee thereof, unless the lease or other conveyance to the  
349 applicant specifically states the material to be mined by the  
350 operator granting consent for the applicant to initiate and  
351 conduct surface mining, exploration and reclamation activities on  
352 the land;

353 (m) A certificate of insurance certifying that the  
354 applicant has in force a public liability insurance policy issued  
355 by an insurance company authorized to conduct business in the  
356 State of Mississippi covering all operations of the applicant in  
357 this state and affording bodily injury protection and property  
358 damage protection in an amount not less than the following:



359 (i) One Hundred Thousand Dollars (\$100,000.00) for  
360 all damages because of bodily injury sustained by one (1) person  
361 as the result of any one (1) occurrence, and Three Hundred  
362 Thousand Dollars (\$300,000.00) for all damages because of bodily  
363 injury sustained by two (2) or more persons as the result of any  
364 one (1) occurrence;

365 (ii) One Hundred Thousand Dollars (\$100,000.00)  
366 for all claims arising out of damage to property as the result of  
367 any one (1) occurrence including completed operations;  
368 Such policy shall be maintained in full force and effect during  
369 the term of the permit or any renewal, including the length of all  
370 reclamation operations;

371 (n) A copy of a reclamation plan prepared pursuant to  
372 Section 53-7-31; and

373 (o) A copy of the notice to be published in compliance  
374 with the requirements of Section 53-7-45, if so required.

375 SECTION 8. Section 53-7-29, Mississippi Code of 1972, is  
376 amended as follows:

377 53-7-29. (1) The department shall file a copy of each  
378 application \* \* \* for public inspection with the chancery clerk at  
379 the county courthouse of the county where any and all portion of  
380 the mining is proposed to occur after deleting the confidential  
381 information according to Section 53-7-75.

382 (2) The department shall immediately submit copies,  
383 excluding all confidential information, of the permit application  
384 or notice of intent to the State Soil and Water Conservation  
385 Commission, Mississippi Department of Wildlife, Fisheries and  
386 Parks, Mississippi Forestry Commission, Mississippi Department of  
387 Environmental Quality, Board of Trustees of the Department of  
388 Archives and History, Mississippi Transportation Commission, State  
389 Oil and Gas Board and the Mississippi Agricultural and Forestry  
390 Experiment Station, to any other state agency whose jurisdiction  
391 the commission feels the particular mining operation may affect



392 and to any person who requests the notification thereof upon  
393 payment of a reasonable fee established by the department. Each  
394 such agency shall review the permit application and notice of  
395 intent and submit, within thirty (30) days of receipt of the  
396 application, such comments, recommendations and evaluations as the  
397 agency deems necessary and proper based only upon the effect of  
398 the proposed operation on matters within the agency's  
399 jurisdiction. Such comments shall include an enumeration of  
400 permits or licenses required under the agency's jurisdiction.  
401 Such comments and recommendations shall be made a part of the  
402 record and one (1) copy shall be furnished to the operator.

403 SECTION 9. Section 53-7-31, Mississippi Code of 1972, is  
404 amended as follows:

405 53-7-31. (1) A reclamation plan shall be developed in a  
406 manner consistent with local, physical, environmental and  
407 climatological conditions and current mining and reclamation  
408 technology. A reclamation plan submitted as part of a permit  
409 application shall include the following information:

410 (a) The identification of the entire area to be mined  
411 and affected thereby over the estimated life of the mining  
412 operation, accompanied by a detailed topographic map on such scale  
413 as the commission shall require by regulation showing:

414 (i) The affected area, the location of the stream  
415 or streams or any standing body of water into which the area  
416 drains, the location of drainways and the planned siltation traps  
417 and other impoundments, and the location of haul or other access  
418 roads to be prepared or used by the operator in the mining  
419 operation;

420 (ii) The location of any buildings, cemeteries,  
421 public highways, railroad tracks, gas and oil wells, publicly  
422 owned land, sanitary landfills, officially designated scenic  
423 areas, utility lines, underground mines, transmission lines or



424 pipelines within the affected area or within five hundred (500)  
425 feet thereof;

426 (iii) The approximate location of the cuts or  
427 excavations to be made in the surface and the estimated location  
428 and height of spoil banks, and the total number of acres involved  
429 in the affected area;

430 (iv) The date the map was prepared, together with  
431 a certification as to its accuracy by the person responsible for  
432 its preparation.

433 (b) The condition of the land to be covered by the  
434 permit prior to any mining, including:

435 (i) The uses existing at the time of the  
436 application, and if the land has a history of previous mining, the  
437 uses, if reasonably ascertainable, which immediately preceded any  
438 mining, and

439 (ii) The capability of the land prior to any  
440 mining to support a variety of uses, giving consideration to soil  
441 and foundation characteristics, topography and vegetative cover.

442 (c) The capacity of the land to support its anticipated  
443 use following reclamation, including a discussion of the capacity  
444 of the reclaimed land to support alternative uses.

445 (d) A description of how the proposed postmining land  
446 condition is to be achieved and the necessary support activities  
447 that may be needed to achieve the condition, including an estimate  
448 of the cost per acre of the reclamation.

449 (e) The steps taken to comply with applicable air and  
450 water quality and water rights laws and regulations and any  
451 applicable health and safety standards, including copies of any  
452 pertinent permit applications.

453 (f) A general timetable that the operator estimates  
454 will be necessary for accomplishing the major events contained in  
455 the reclamation plan.



456 (g) Such other information as the commission, by  
457 regulation, shall determine to be reasonably necessary to  
458 effectuate the purposes of this chapter.

459 (2) The Permit Board may, in its discretion, permit the  
460 operator of an operation for Class II materials to reclaim lands  
461 in lieu of the lands included in the application; provided,  
462 however, that the acreage of the lieu lands reclaimed shall not be  
463 less than the acreage of the lands in the application. If the  
464 operator proposes to reclaim lands in lieu of those lands included  
465 in the application, he shall so state and shall submit the  
466 reclamation plan accordingly. The Permit Board shall not approve  
467 the reclamation of lieu lands unless the operator submits with the  
468 reclamation plan a notarized statement of each surface owner and  
469 lessee thereof as to all lands included in the application to  
470 surface mine, which statement shall contain the consent of each  
471 such surface owner and lessee thereof for the reclamation of the  
472 lieu lands. If the Permit Board does not approve the reclamation  
473 of the lieu lands, the operator shall submit a reclamation plan  
474 for the lands contained in the application.

475 SECTION 10. Section 53-7-33, Mississippi Code of 1972, is  
476 amended as follows:

477 53-7-33. The commissioners of the soil and water  
478 conservation districts affected may submit written comments,  
479 recommendations and evaluations of such reclamation plans to the  
480 Permit Board within thirty (30) days after filing of such plan  
481 from the operator as required by Section 53-7-27. Such comments,  
482 recommendations and evaluations shall become a part of the record.

483 SECTION 11. Section 53-7-35, Mississippi Code of 1972, is  
484 amended as follows:

485 53-7-35. (1) Any permit issued pursuant to this chapter to  
486 conduct operations shall require that such operations will meet  
487 all applicable reclamation standards of this chapter. Reclamation  
488 standards shall apply to all operations, exploration activities



489 and reclamation operations covered by this chapter and shall,  
490 unless inapplicable, require the operator as a minimum to:

491 (a) Conduct operations in a manner consistent with  
492 prudent mining practice, so as to maximize the utilization and  
493 conservation of the resource being recovered; and, in keeping with  
494 the intent of maximizing the value of mined land, stockpiles of  
495 commercially valuable material may remain, provided they are  
496 ecologically stable. Such stockpiling shall be subject to such  
497 rules and regulations the commission may adopt;

498 (b) Restore the affected area so that it may be used  
499 for a useful, productive and beneficial purpose, including an  
500 agricultural, grazing, industrial, recreational, residential or  
501 commercial purpose or lakes or ponds or a wildlife, natural or  
502 forested area;

503 (c) Conduct water drainage and silt control for all the  
504 affected areas so as to strictly control soil erosion, damage to  
505 adjacent lands and pollution of streams and other waters, both  
506 during and following the mining operations. Before, during and  
507 for a reasonable period after mining, all drainways for the  
508 affected area shall be protected with silt traps or dams of  
509 approved design as directed by the regulations. The operator may  
510 elect to impound water to provide lakes or ponds of approved  
511 design for wildlife, recreational or water supply purposes, if it  
512 is a part of the approved reclamation plan;

513 (d) Removal or covering of all metal, lumber and other  
514 refuse, except vegetation resulting from the operation;

515 (e) Regrade the area to the nearest approximate  
516 original contour or rolling topography, and elimination of all  
517 highwalls, spoil piles and water-collecting depressions; provided,  
518 however, lakes or ponds may be constructed if part of an approved  
519 reclamation plan;





520 (f) Stabilize and protect all surface areas affected by  
521 the mining and reclamation operation sufficiently to control  
522 erosion and attendant air and water pollution;

523 (g) Remove the topsoil, if any, from the land in a  
524 separate layer, and place it on any lieu lands to be reclaimed or  
525 replace it on the backfill area, or if not utilized immediately,  
526 segregate it in a separate pile from other spoil and when the  
527 topsoil is not replaced on a backfill area of lieu lands within a  
528 time short enough to avoid deterioration of the topsoil, maintain  
529 a successful cover by plants approved by the commission, or other  
530 means thereafter so that the topsoil is preserved from wind and  
531 water erosion, remains free of any contamination by acid or other  
532 toxic material, and so that the topsoil is in a usable condition  
533 for sustaining vegetation when restored during reclamation. If  
534 topsoil is of insufficient quantity or of poor quality for  
535 sustaining vegetation and if other strata can be shown to be as  
536 suitable for vegetation requirements, then the operator shall  
537 petition the commission for permission to be exempt from the  
538 requirement and to remove, segregate and preserve in a like manner  
539 such other strata which is best able to support vegetation or to  
540 mix strata if such mixing can be shown to be equally suitable for  
541 revegetation requirements;

542 (h) Replace, if required to do so, the topsoil if any,  
543 and if there is no topsoil, replace the best available subsoil, if  
544 any, on top of the land to be reclaimed or on top of lieu lands  
545 being reclaimed;

546 (i) Fill any auger holes with an impervious material in  
547 order to prevent drainage;

548 (j) Minimize the disturbances to the prevailing  
549 hydrologic balance at the mine site and in associated offsite  
550 areas and to the quality and quantity of water in surface and  
551 groundwater systems both during and after surface mining  
552 operations and during reclamation by:



553 (i) Avoiding acid or other toxic mine drainage by  
554 such measures as, but not limited to:

555 (A) Preventing or removing water from contact  
556 with toxic material producing deposits;

557 (B) Treating drainage to reduce toxic  
558 material content; and

559 (C) Casing, sealing or otherwise managing  
560 boreholes, shafts and wells to keep acid or other toxic material  
561 drainage from entering ground and surface waters;

562 (ii) Conducting operations so as to prevent  
563 unreasonable additional contributions of suspended solids to  
564 streamflow or runoff outside the permit area above natural levels  
565 under seasonal flow conditions;

566 (iii) Consistent with good water conservation  
567 practices, removing such temporary or large siltation structures  
568 from drainways after disturbed areas are revegetated and  
569 stabilized;

570 (iv) Such other actions as the commission may  
571 prescribe pursuant to rules or regulations adopted in accordance  
572 with this chapter;

573 (k) Stabilize any waste piles;

574 (l) With respect to the use of impoundments for the  
575 disposal of mine wastes, processing wastes or other liquid or  
576 solid wastes, incorporate current engineering practices for the  
577 design and construction of water retention facilities which, at a  
578 minimum, shall be compatible with the requirements of Mississippi  
579 law and applicable federal laws, insure that leachate will not  
580 pollute surface or ground water, and locate impoundments so as not  
581 to endanger public health and safety should failure occur;

582 (m) Insure that all debris, acid-forming materials,  
583 toxic materials or materials constituting a fire hazard are  
584 treated or disposed of in a manner designed to prevent  
585 contamination of ground or surface waters or combustion;



586           (n) Insure that construction, maintenance and  
587 postmining conditions of access roads into and across the site of  
588 operations will minimize erosion and siltation, pollution of air  
589 and water, damage to fish or wildlife or their habitat, or public  
590 or private property; provided that the commission may permit the  
591 retention after mining of certain access roads if compatible with  
592 the approved reclamation plan;

593           (o) Refrain from the construction of roads or other  
594 access ways up a stream bed or drainage channel or in proximity to  
595 such channel where such construction would seriously alter the  
596 normal flow of water;

597           (p) Revegetation of the affected area with plants,  
598 approved by the commission, to attain a useful, productive and  
599 beneficial purpose, including an agricultural, grazing,  
600 industrial, recreational, residential or commercial purpose or  
601 lakes or ponds or a wildlife, natural or forested area;

602           (q) Assume responsibility for successful revegetation  
603 for a period of two (2) years beyond the date on which the ninety  
604 percent (90%) of the required bond is released as provided by  
605 Section 53-7-67;

606           (r) With respect to permanent impoundments of water as  
607 part of the approved reclamation plan, insure that:

608               (i) The size of the impoundment and the  
609 availability of water are adequate for its intended purpose,

610               (ii) The impoundment dam construction will meet  
611 the requirements of Mississippi law and applicable federal laws,

612               (iii) The quality of impounded water will be  
613 suitable on a permanent basis for its intended use and the  
614 discharges from the impoundment will not degrade the water quality  
615 in the receiving stream,

616               (iv) Final grading will provide adequate safety  
617 and access for anticipated water users, and



618                   (v) Such water impoundments will not result in the  
619 diminution of the quality or quantity of water utilized by  
620 adjacent or surrounding landowners; and

621                   (s) Protect offsite areas from slides or damage  
622 occurring during the surface mining and reclamation operations,  
623 and not deposit spoil material or locate any part of the  
624 operations or waste accumulations outside the permit area.

625           (2) The purpose of this section is to cause the affected  
626 area to be restored to a useful, productive and beneficial  
627 purpose. A method of reclamation other than that provided in this  
628 section may be approved by the Permit Board if the Permit Board  
629 determines that the method of reclamation required by this section  
630 is not practical and that such alternative method will provide for  
631 the affected area to be restored to a useful, productive and  
632 beneficial purpose. If an alternative method of reclamation is  
633 generally applicable to all operations involving a particular  
634 material, the commission shall promulgate appropriate rules and  
635 regulations therefor.

636           (3) Each operator, unless he shall receive an exemption from  
637 the Permit Board, shall perform reclamation work concurrently with  
638 the conduct of the mining operation where practical. The fact  
639 that an operator will likely redisturb an area shall be cause for  
640 the Permit Board to grant an exception from the requirement of  
641 concurrent reclamation.

642           (4) The operator and, in case of bond forfeiture, the  
643 commission, shall have the continuing right to enter the affected  
644 area included in the reclamation plan and to perform thereon the  
645 reclamation measures required properly to complete the reclamation  
646 plan.

647           (5) If at any time the commission finds that reclamation of  
648 the affected area is not proceeding in accordance with the  
649 reclamation plan and that the operator has failed within thirty  
650 (30) days after notice to commence corrective action, or if the



651 commission finds that revegetation has not been properly completed  
652 in conformance with the reclamation plan within two (2) years or  
653 longer, if required by the commission, after termination of mining  
654 operations or upon revocation of the permit, the commission shall  
655 initiate proceedings against the bond or other security filed by  
656 the operator. Such proceedings shall not be commenced with  
657 respect to a surety bond until the surety has been given sixty  
658 (60) days to commence and a reasonable opportunity to begin and  
659 complete corrective action. The \* \* \* commission, shall initiate  
660 such proceedings in the chancery court of the county where the  
661 greater portion of the land is situated. In such proceedings the  
662 damages shall be the cost of reclamation according to the  
663 reclamation plan together with a reasonable attorney's fee;  
664 provided, however, that the damages shall not be limited to the  
665 reasonable value of the land prior to the surface mining. All  
666 damages, less than the attorney's fee, collected as a result of  
667 such proceedings shall be placed in the fund created by Section  
668 53-7-69.

669 SECTION 12. Section 53-7-37, Mississippi Code of 1972, is  
670 amended as follows:

671 53-7-37. After a permit application for surface mining is  
672 issued, \* \* \* the applicant shall file with the Permit Board on a  
673 form prescribed by the commission a bond for performance payable  
674 to the State of Mississippi and conditioned on full and  
675 satisfactory performance of all the requirements of this act and  
676 the permit. The bond shall not be less than Five Hundred Dollars  
677 (\$500.00) nor more than Two Thousand Five Hundred Dollars  
678 (\$2,500.00) for each estimated acre of the affected area of the  
679 respective operation. The bond shall cover that area of land  
680 within the permit area on which the operator will initiate and  
681 conduct surface mining and reclamation operations. The bond shall  
682 be executed by the operator and a corporate surety licensed to do  
683 business in the State of Mississippi, except that the operator may



684 elect to deposit cash or negotiable securities acceptable to the  
685 commission, or assign real or personal property acceptable to the  
686 commission or an assignment of a savings account in a Mississippi  
687 bank in accordance with the commission's regulations. The cash  
688 deposit or market value of such substitute collateral shall be  
689 equal to or greater than the amount of the bond required for the  
690 bonded area. Cash or other substitute collateral shall be  
691 deposited on the same terms as the terms on which surety bonds may  
692 be deposited. The amount of the bond or deposit required and the  
693 terms of acceptance of the applicant's bond or substitute  
694 collateral may be increased or decreased from time to time to  
695 reflect changes in the cost of future reclamation of land mined or  
696 to be mined subject to the limitations on the amount of the bond  
697 set forth in this section.

698 All state agencies, political subdivisions of the state and  
699 local governing bodies shall be exempt from the bonding  
700 requirements set out herein.

701 SECTION 13. Section 53-7-39, Mississippi Code of 1972, is  
702 amended as follows:

703 53-7-39. (1) An on-the-ground inspection of the proposed  
704 affected area shall be made by the commission's field inspectors  
705 or by a representative of the local soil and water conservation  
706 district before a permit for a Class I operation is approved and  
707 issued, and within thirty (30) days after the date of filing of  
708 the issuance of a permit for a Class II operation.

709 (2) No application \* \* \* shall be approved by the Permit  
710 Board if there is found, on the basis of the information set forth  
711 in the application or by on-the-ground inspection, or by clear and  
712 convincing evidence submitted at an evidentiary hearing, that the  
713 requirements of this chapter, or regulations stemming therefrom,  
714 will not or cannot be observed, or that there is clear and  
715 convincing evidence that the proposed method of operation, road  
716 system construction, shaping or revegetation of the affected area



717 cannot be carried out in a manner consistent with the provisions  
718 of this chapter and applicable air and water quality standards of  
719 this state.

720 SECTION 14. Section 53-7-41, Mississippi Code of 1972, is  
721 amended as follows:

722 53-7-41. The permit shall be granted if the Permit Board  
723 determines that the application complies with the requirements of  
724 this chapter. The Permit Board shall deny a permit if:

725 (a) The Permit Board finds that the reclamation as  
726 required by this chapter cannot be accomplished by means of the  
727 proposed reclamation plan;

728 (b) Any part of the proposed operation lies within an  
729 area designated as unsuitable for surface mining as designated by  
730 Section 53-7-49;

731 (c) The Permit Board finds that the proposed mining  
732 operation will cause pollution of any water of the state or of the  
733 ambient air of the state in violation of the laws of this state or  
734 the federal government;

735 (d) The applicant has had any other permit issued  
736 hereunder revoked, or any bond posted to comply with this chapter  
737 forfeited, and the conditions causing the permit to be revoked or  
738 the bond to be forfeited have not been corrected to the  
739 satisfaction of the Permit Board;

740 (e) The Permit Board determines that the proposed  
741 operation will endanger the health and safety of the public or  
742 will create imminent environmental harm;

743 (f) The operation will adversely affect any public  
744 highway or road; or

745 (g) The operator is unable to meet the public liability  
746 insurance or bonding requirements of this chapter.

747 SECTION 15. Section 53-7-43, Mississippi Code of 1972, is  
748 amended as follows:



749           53-7-43. (1) Amendments to the surface mining plan or  
750 reclamation plan may be made in accordance with the regulations of  
751 the commission. The Permit Board shall conduct a hearing on the  
752 proposed amendments to Class I permits, and may order a hearing on  
753 the proposed amendments to Class II permits. Notice shall be  
754 published by the Class I operator as provided in Section 53-7-45,  
755 and the hearing shall be conducted in accordance with the  
756 provisions of Section 53-7-45.

757           (2) In the event the operator seeks to renew his permit for  
758 another term, he shall notify the Permit Board of such intent no  
759 later than six (6) months prior to the permit's expiration  
760 date \* \* \*. Upon the submission of such notification to the  
761 Permit Board, the Permit Board may, in its discretion, order a  
762 public hearing to be held in accordance with the provisions of  
763 Section 53-7-45 prior to the expiration of the permit.

764           (3) Permits may be transferred, in the discretion of the  
765 Permit Board, pursuant to rules and regulations adopted by the  
766 commission which rules and regulations shall be based upon the  
767 criteria of the approval of permit applications and the issuance  
768 of permits.

769           (4) The fee for an amendment of a permit shall be Fifty  
770 Dollars (\$50.00), unless a hearing is ordered in which case the  
771 fee shall be One Hundred Fifty Dollars (\$150.00). The fee for a  
772 renewal of a permit shall not be more than the original permit  
773 fee.

774           SECTION 16. Section 53-7-45, Mississippi Code of 1972, is  
775 amended as follows:

776           53-7-45. (1) All applicants for a Class I permit and  
777 operators of a Class I operation requesting an amendment shall  
778 publish notice that the application or request for amendment has  
779 been filed, describing by name the specific type of application or  
780 request and setting forth the ownership, location and boundaries  
781 of the permit area sufficient so that the proposed or existing





782 area of operation may be easily located by local residents, and  
783 the location where the application is available for public  
784 inspection. Such notice shall be placed in a newspaper of general  
785 circulation in the county of the proposed or existing operation  
786 one (1) time within ten (10) days after filing the application or  
787 request for amendment.

788 (2) Public hearings may be held at the office of the Permit  
789 Board in Hinds County, Mississippi, or in the county in which the  
790 greater portion of the affected area is located, in the discretion  
791 of the Permit Board. The Permit Board shall give thirty (30)  
792 days' notice of the date, time and place of any such hearing to  
793 (a) the operator involved, (b) the local soil and water  
794 conservation districts, local governing bodies, the State Soil and  
795 Water Conservation Commission, the Mississippi Department of  
796 Environmental Quality, the Mississippi Department of Wildlife,  
797 Fisheries and Parks, Mississippi Forestry Commission, Board of  
798 Trustees of the Mississippi Department of Archives and History,  
799 Mississippi Transportation Commission, Mississippi Agricultural  
800 and Forestry Experiment Station and to any other state agency  
801 whose jurisdiction the Permit Board feels the mining operation may  
802 affect, (c) the owners of record of all surface areas in the  
803 permit area and within five hundred (500) feet thereof, notifying  
804 them of the subject matter of such hearing, and (d) other  
805 interested parties by publication once weekly for three (3)  
806 consecutive weeks in the newspaper of general circulation in the  
807 county where such operation may be conducted or is being  
808 conducted. The last publication of such notice shall be not less  
809 than ten (10) days prior to the date of the hearing.

810 (3) The Permit Board shall issue and furnish all of the  
811 parties to the administrative proceedings with its written  
812 findings based on the record, issuing, denying or modifying the  
813 application in whole or in part and stating the reasons therefor,  
814 not later than thirty (30) days after the hearings.



815 (4) (a) Any party to the administrative proceedings whose  
816 interest is or may be adversely affected by any ruling, order,  
817 decision or other act of the Permit Board may request an  
818 evidentiary hearing or further appeal of the Permit Board's  
819 decision under Section 49-17-29(4)(b), (4)(c) and (5).

820 \* \* \*

821 (b) The court shall hear such complaint solely on the  
822 record made before the commission. The findings of the  
823 commission, if supported by substantial evidence on the record  
824 considered as a whole, shall be upheld.

825 (c) The court may, under such conditions as it may  
826 prescribe, grant such temporary relief as it deems appropriate  
827 pending final determination of the proceedings.

828 (d) The commencement of an appeal under this section  
829 shall not, unless specifically ordered by the court, operate as a  
830 stay of the action, order or decision of the commission.

831 (e) Any action arising under this chapter shall be  
832 given precedence by the court.

833 SECTION 17. Section 53-7-47, Mississippi Code of 1972, is  
834 amended as follows:

835 53-7-47. No operation to mine any material shall commence or  
836 operate on lands which are part of a national park, national  
837 monument, national historic landmark, any property listed on the  
838 National Register of Historic Places, national forest, national  
839 wilderness area, national wildlife refuge, national wild or scenic  
840 river, state park, state wildlife refuge, state forest, recorded  
841 state historical landmark, state historic site, state  
842 archaeological landmark or city or county park, forest or  
843 historical area. The Permit Board, for good cause shown after a  
844 public hearing held in accordance with the provisions of Section  
845 53-7-45, may make an exception to this subsection.

846 SECTION 18. Section 53-7-65, Mississippi Code of 1972, is  
847 amended as follows:



848           53-7-65. (1) Upon the filing of a complaint by any person  
849 with the commission alleging that any person or operator is in  
850 violation of this chapter or regulations of the commission, the  
851 commission shall conduct an investigation of the complaint and  
852 upon finding a basis for such complaint shall \* \* \* enter such  
853 order as it deems appropriate \* \* \*, which order may include a  
854 civil penalty in an amount not to exceed One Thousand Dollars  
855 (\$1,000.00) for each violation. If such order is not complied  
856 with, the commission may commence proceedings under Sections  
857 53-7-59 through 53-7-63.

858           (2) Any party may appeal any order of the commission under  
859 Section 49-17-41.

860           (3) The provisions of this section shall in no way be  
861 construed to limit any action at law to which any party might be  
862 otherwise legally entitled.

863           SECTION 19. Section 53-7-67, Mississippi Code of 1972, is  
864 amended as follows:

865           53-7-67. (1) Upon completion of the operation in the area  
866 covered by the permit, the operator may file an application with  
867 the Permit Board for the release of the bond, collateral or  
868 deposit. The application for bond release shall require a  
869 description of the results achieved pertaining to the operator's  
870 reclamation plan, which includes revegetation and end result  
871 plans, and any other information the commission may require in  
872 accordance with the provisions of this chapter. The Permit Board  
873 shall file a copy of the bond release application for public  
874 inspection with the chancery clerk at the county courthouse of the  
875 county where the surface mining and reclamation operation is  
876 located and give notice of a public hearing, to be held in  
877 accordance with Section 53-7-45, which shall be conducted after  
878 inspecting and evaluating the reclamation work as provided by  
879 subsection (2) of this section. The operator shall also notify



880 the commissioners of the local soil and water conservation  
881 district.

882 (2) On the filing of the notification and request, the  
883 Permit Board or the local soil and water district commissioners  
884 shall, within a reasonable time, not to exceed thirty (30) days,  
885 conduct an inspection and evaluation of the reclamation work  
886 involved. Such evaluation shall consider, among other things,  
887 whether pollution of surface and subsurface water is occurring,  
888 the probability of continuance or future occurrence of such  
889 pollution, and the estimated cost of abating such pollution.  
890 Results of such evaluation and findings of the Permit Board or the  
891 soil and water commissioners shall be supplied to the operator and  
892 other interested parties within thirty (30) days after the  
893 inspection. The evaluation and findings of the soil and water  
894 commissioners shall be forwarded to the commission prior to the  
895 end of such thirty (30) days.

896 (3) The Permit Board may release in whole or in part said  
897 bond, collateral or deposit if it is satisfied that reclamation  
898 covered by the bond, collateral or deposit or portion thereof has  
899 been accomplished as required by this chapter according to the  
900 following schedule:

901 (a) When the operator or surety completes required  
902 backfilling, regrading, and drainage control of a bonded area in  
903 accordance with his approved reclamation plan, the release of up  
904 to ninety percent (90%) of the bond, collateral or deposit for the  
905 applicable permit area; provided, however, that the amount of the  
906 unreleased portion of the bond, collateral or deposit shall not be  
907 less than the amount necessary to assure completion of the  
908 reclamation work by a third party in the event of default by the  
909 operator; and

910 (b) When the operator has successfully completed the  
911 remaining reclamation activities, but not before two (2) years  
912 beyond the date in which the initial portion of the required bond



913 is released as provided in paragraph (a), release the remaining  
914 portion of the bond, collateral or deposit; provided, however,  
915 that no bond, collateral or deposit shall be fully released until  
916 all reclamation requirements of this chapter are fully met.

917 (c) Notwithstanding the provisions of paragraphs (a)  
918 and (b) of this section, the Permit Board may release one hundred  
919 percent (100%) of the bond, collateral or deposit to private  
920 contractors surface mining on areas provided to them by the United  
921 States Army Corps of Engineers. Provided, however, the Permit  
922 Board may release such bond collateral or deposit only if such  
923 contractors have completed the reclamation work required in  
924 paragraph (a) of this subsection and the Corps of Engineers  
925 furnishes written assurance to the State of Mississippi that it  
926 accepts responsibility for restoration of the mined areas in  
927 accordance with all applicable reclamation standards of this  
928 chapter.

929 (4) If the Permit Board disapproves the application for  
930 release of the bond, collateral or deposit or portion thereof, it  
931 shall notify the operator, in writing, stating the reasons for  
932 disapproval and recommending corrective actions necessary to  
933 secure said release.

934 SECTION 20. Section 53-7-73, Mississippi Code of 1972, is  
935 amended as follows:

936 53-7-73. (1) In the case of a temporary suspension of  
937 mining operations expected to be of less than two (2) years'  
938 duration, the operator shall notify the Permit Board, within sixty  
939 (60) days following such suspension, and provide an estimated  
940 schedule of resumption of operations together with a brief summary  
941 of the status of the operation and lands. During the period of  
942 temporary suspension the operator shall conduct necessary  
943 maintenance in accordance with the provisions of this chapter.

944 (2) In the case of a temporary suspension of operations  
945 expected to extend for a period in excess of two (2) years when



946 the operator desires to retain the permit for resumption of mining  
947 operations thereafter, the operator shall notify the Permit Board  
948 within sixty (60) days following such suspension and shall provide  
949 an estimated schedule for resuming operations, a brief summary of  
950 the status of the operation and lands, and a status report of  
951 performance under the reclamation plan and what maintenance, if  
952 any, may be necessary or desirable during the suspension in  
953 furtherance of the established reclamation objectives. The  
954 operator shall request a continuance of the validity of the permit  
955 during the period of such suspension. Upon receipt of such  
956 notification the Permit Board shall cause an inspection to be made  
957 of the property, and if it finds that the request for suspension  
958 is made in good faith and with a bona fide intention of resuming  
959 operations as set forth in the notice, the commission shall  
960 approve the request for continuance of validity of the permit upon  
961 such reasonable conditions as the Permit Board may require with  
962 respect to such maintenance, if any, during the period of  
963 suspension which it may deem necessary or desirable in the  
964 furtherance of the established reclamation objectives.

965 (3) The operator shall notify the commission or Permit Board  
966 upon resumption of operations following a temporary suspension  
967 hereunder.

968 SECTION 21. Section 53-7-75, Mississippi Code of 1972, is  
969 amended as follows:

970 53-7-75. Information submitted to the commission or Permit  
971 Board and to local soil and water district commissioners  
972 pertaining to deposits or materials, or information concerning  
973 trade secrets or privileged commercial or financial information  
974 that relates to the competitive rights of the applicant and  
975 specifically identified as confidential by the applicant and which  
976 is not essential for any public review as determined by the  
977 commission, shall not be disclosed by any member, agency or



978 employee of the commission, Permit Board or local soil and water  
979 conservation district.

980 Any public officer or employee who shall violate the  
981 provisions of this section shall be guilty of a misdemeanor, and,  
982 upon conviction, shall be fined a sum not to exceed One Thousand  
983 Dollars (\$1,000.00) and dismissed from public office or  
984 employment.

985 In addition to the criminal remedy set forth herein, remedies  
986 for misappropriation of a trade secret shall be governed by the  
987 Mississippi Uniform Trade Secrets Act, Sections 75-26-1 through  
988 75-26-19.

989 SECTION 22. Section 53-7-23, Mississippi Code of 1972, which  
990 creates the duties of the operator regarding sand, gravel, soil,  
991 clay, sand clay, clay gravel, limestone and chalk under the  
992 Mississippi Surface Mining and Reclamation Law, is repealed.

993 SECTION 23. This act shall take effect and be in force from  
994 and after July 1, 2001.

