

HOUSE AMENDMENT 1 TO hb1296.

deleting "Stalnaker" from line 5 on page 1 and substituting "McGinnis"

deleting the title and substituting the following:

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

and

by deleting the subtitle and substituting therefore the following:

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

and

by deleting Sections 1 through 6 in their entirety and substituting therefor the following:

"SECTION 1. Arkansas Code 15-57-310 is amended by inserting an additional subsection at the end thereof to read as follows:

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

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

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

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

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

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.

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

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