

HOUSE AMENDMENT 3 TO hb2229.

deleting "distinctive agencies" on line 32 of page 1 and substituting therefor "entities"

AND

by deleting "adjudicatory" on line 34 of page 4

AND

by deleting lines 35 and 36 on page 9 and lines 1 through 26 on page 10 and substituting therefor the following:

"8-4-210. Investigations and hearings generally.

(a) The Arkansas Pollution Control and Ecology Commission is given and charged with the power and duty to conduct such investigations and hold such hearings as it may deem advisable and necessary for the discharge of its duties under this chapter and to authorize any member, employee, or agent appointed by it to conduct such investigations or hold such hearings.

(b) In any such hearing or investigation, any member of the commission or any employee or agent thereto authorized by the commission may administer oaths, examine witnesses, and issue, in the name of the commission, subpoenas requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing or investigation.

(c) Witnesses shall receive the same fees and mileage as in civil actions, to be paid out of funds appropriated to the commission.

(d) In case of contumacy or refusal to obey a subpoena issued under this section, or refusal to testify, the circuit court of the county where the proceeding is pending or in which the person guilty of such contumacy or refusal to obey is found or resides shall have jurisdiction, upon application of the commission or its authorized member, employee, ~~or~~ agent, or hearing officer, to issue to the person an order requiring him to appear and testify or produce evidence, as the case may require. Any failure to obey the order of the court may be punished by the court as contempt.

(e) In accordance with the above powers, the commission is authorized to conduct adjudicatory hearings providing an aggrieved person with standing a forum for contesting any decision of the department. For the purposes of such hearings, the commission's jurisdiction shall be construed as including all regulatory programs vested with the department."

AND

by deleting lines 9 through 12 on page 11 and substituting therefor the following:

"(a) ~~No order of general application shall be issued until the Arkansas Pollution~~

~~Control and Ecology Commission or its authorized officer, member, or agent shall have held a public hearing upon the matter therein involved. No final order resolving a contested decision of the department shall be issued until the commission has provided persons aggrieved who have standing the opportunity for an adjudicatory hearing upon the matter.~~"

AND

by deleting lines 22 and 23 on page 11

AND

by adding "within ten (10) days of filing with the circuit court" after "requested" and before the period on line 22 of page 15

AND

by deleting line 14 on page 17 and substituting therefore the following:

"irregularities in procedure before the ~~agency~~ commission, not shown in the record,"

AND

by deleting line 34 on page 20 and substituting therefor the following:

"(5) Consider complaints, and make investigations, ~~and hold hearings~~;