

SENATE AMENDMENT 1 TO sb397.

inserting "of" on line 26 on page 1 between "quarrying" and "stone"

and

by deleting lines 28 and 29 on page 1 and appropriately relettering the subsequent subsections of Section 2

and

by deleting "violated the requirements of this act." from lines 35 and 36 on page 1 and substituting therefor the following:

"uncorrected violations of the requirements of this act which allows the Department to forfeit the bond to have the site reclaimed as per the reclamation plan."

and

by deleting "citation." from line 28 on page 2 and substituting therefor "citation, except as provided in other sections of this act for specific violations."

and

by inserting an additional sentence to begin following the period on line 32 on page 2 to read as follows:

"This fee will be payable on or before July 1, for all operating quarries in the current calendar year."

and

by inserting between the period and "An" on line 8 on page 3 the following: "The submittal, with returned receipt, shall enable the operator to begin or continue quarrying as long as the required reclamation bond is in force, and proof of public notification is included."

and

by deleting "necessary, on" from line 20 on page 3 and substituting therefor the following: "necessary, to determine compliance with the requirements of the operator s notification. On"

and

by deleting "registered" from line 23 on page 3 and substituting therefor "certified"

and

by deleting "emissions" from line 24 on page 3 and substituting therefor "omissions"

and

by deleting "letter" from line 26 on page 3 and substituting therefor "a notice"

and

by deleting "the right" from line 30 on page 3 and substituting therefor "the unconditional authorization"

and

by deleting "be promptly answered by" from line 34 on page 3

and

by deleting "registered" from line 35 on page 3 and substituting "certified"

and

by deleting "an will" from line 2 on page 4 and substituting therefor "and will"

and

by deleting "entered" from line 3 on page 4 and substituting "published"

and

by inserting an additional sentence to begin at the end of line 7 on page 4 to read as follows:

"Proof of publication shall be provided to the Department in the operator s notice of intent."

and

by deleting "registered" from line 16 on page 4 and substituting therefor "certified"

and

by deleting "two (2) copies" from line 26 on page 4 and substituting therefor "one (1) copy"

and

by deleting "an" from line 13 on page 5 and substituting "and"

and

by deleting "stockpile" from line 18 on page 5 and substituting therefor "stockpiles"

and

by deleting "this act" from line 24 on page 5 and substituting therefor: "the Arkansas Quarry Operation, Reclamation and Safe Closure Act"

and

by deleting "thirty (30)" from line 29 on page 6 and substituting therefor "sixty (60)"

and

by deleting "levee" from line 30 on page 6 and substituting therefor "levy"

and

by deleting "until notification is received" from line 35 on page 6

and

by deleting "requires" from line 36 on page 6 and substituting "require"

and

by deleting "bonding and" from line 36 on page 6

and

by deleting line 1 on page 7 and substituting therefor the following:

"requirements or the Department may forfeit the bond and issue a contract to have the site reclaimed as per the reclamation requirements."

and

by deleting "registered" from line 5 on page 7 and substituting therefor "certified"

and

by deleting "registered" from line 12 on page 7 and substituting therefor "certified"

and

by deleting "levee" from line 10 on page 8 and substituting "levy"

and

by deleting "by bond or other security" from lines 15 and 16 on page 8 and substituting therefor:

"or the Department may forfeit bond and issue a contract to have the site reclaimed as per the reclamation plan"

and

by inserting "once the bond has been forfeited" between "Department" and the period on line 20 on page 8

and

by deleting line 32 on page 8 and substituting therefor the following:

"be on file at Operator s offices and sent to the Department with notification of exhausted quarry."

and

by inserting "with acid forming materials" on line 3 on page 9 between "areas" and "in"

and

by inserting "forfeited" between "Operator s" and "bond" on line 1 on page 10

and

by inserting "as per the reclamation plan" on line 2 on page 10 between "reclaimed" and the period

and

by inserting "and a copy will be sent to the Department" between the word "office" and the period on line 34 on page 10

and

by deleting line 10 on page 11 and substituting therefor:

"any of the requirements of subsections (a), (b), and (c) of this section,"

and

by deleting "(f)" from line 11 on page 11

and

by deleting "levee" from line 13 on page 11 and substituting "levy"

and

by deleting "sections (d) or (e) or (f)" from line 17 on page 11 and substituting therefor: "subsections (d) and (e) of this section"

and

by deleting "for" from the end of line 25 on page 11

and

by deleting "future departmental review" from line 26 on page 11

and
by inserting "and sent to the Department" between "years" and the period on line 27 on page 11

and
by inserting an additional subsection to begin on line 32 on page 11 to read as follows:
"(c) The Department shall investigate complaints by neighbors and citizens to determine if violations of this act have occurred."

and
by deleting "two thousand dollars (\$2,000)" from line 6 on page 12 and substituting therefor "one thousand dollars (\$1,000)"

and
by deleting "a committee" from line 7 on page 12 and substituting "the operator and a representative of the Department."

and
by deleting line 8 on page 12

and
by deleting "can" from line 14 on page 12 and substituting "may"

and
by deleting "will" from line 17 on page 12 and substituting "shall"

and
by deleting Section 13 and substituting therefor the following:

"SECTION 13. An operator may request and obtain an adjudicatory hearing and review by the commission of any decision by the director to enforce the provisions of this act, including any action to impose a civil penalty, stop quarrying activities or forfeit a bond. The decision of the commission shall be final, and may be appealed by the operator to the circuit court of the county in which the quarry is located in accordance with the Arkansas Code."

SECTION 14. Distribution of fees, fines, and forfeiture amounts. The Department shall collect fees, fines, and bond forfeiture amounts pursuant to this act. These revenues, along with gifts, grants, donations and other funds received under this act,

including all interest earned, shall be deposited in the Land Reclamation Fund established by A.C.A. 15-57-319. The Department shall use these funds pursuant to this act for contract awards for the reclamation of affected lands as required by this act. When accumulated funds equal the product of ten percent (10%) of the number of acres of affected lands times one thousand dollars (\$1,000), surplus funds shall be deposited into the State Treasury as general revenues.

and

by appropriately renumbering the subsequent sections of the bill