

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on General Government Appropriations offered the following:

Amendment to Amendment (581949)

On page 6, lines 9 - 29,
remove from the amendment: all of said lines
and insert in lieu thereof:

(d) To abate or substantially reduce an imminent hazard, the department may take any appropriate action, including, but not limited to, using employees of the department or contracting with other state or federal agencies, with private third party contractors, or with the owner or operator of the stack system, or to finance, compensate or fund a Receiver or Trustee of the stack system or of the owner of the stack system, to perform all or part of the work.

(e) The department shall recover from the owner or operator of the phosphogypsum stack system to the use of the Nonmandatory Land Reclamation Trust Fund all moneys expended from the fund (including funds expended prior to the effective

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1 date of this section) to abate an imminent hazard posed by the
2 phosphogypsum stack system plus a penalty equal to an amount
3 calculated at 30% of such funds expended. This penalty shall
4 be imposed annually, and pro-rated from the date of payment
5 from the fund until such time as the expended funds together
6 with this penalty are repaid. If the department prevails in
7 any action to recover funds pursuant to this subsection, it
8 shall be entitled to recover reasonable attorney's fees and
9 costs incurred. No phosphogypsum may be deposited on a stack
10 until all moneys expended from the fund in connection with the
11 stack have been repaid unless the department determines that
12 such placement is necessary to abate or avoid an imminent
13 hazard or unless otherwise authorized by the department.

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