

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 406, L.D. 519, Bill, "An Act to Exempt Gravel Pits with Less Than 5 Unreclaimed Acres from Regulation by the Department of Environmental Protection under the Site Location of Development Act"

Amend the bill by striking out the title and substituting the following:

'An Act Establishing Performance Standards for Internally Drained Borrow Pits Consisting of 5 to 30 Acres of Reclaimed and Unreclaimed Land'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 38 MRSA §482, first ¶, as amended by PL 1983, c. 743, §13, is further amended to read:

As used in this ~~Article~~ article and article 7, unless the context otherwise indicates, the following terms have the following meanings.

Sec. 2. 38 MRSA §482, sub-§1-A is enacted to read:

1-A. Borrow pit. "Borrow pit" means a mining operation undertaken primarily to extract and remove sand, fill or gravel. "Borrow pit" does not include any mining operation undertaken primarily to extract or remove rock or clay.

Sec. 3. 38 MRSA §482, sub-§2, as repealed and replaced by PL 1987, c. 812, §§2 and 18, is amended to read:

2. Development that may substantially affect the environment. "Development which that may substantially affect the environment," in this article called "development," means any state, municipal, quasi-municipal, educational, charitable, residential, commercial or industrial development which that:

- 2 A. Occupies a land or water area in excess of 20 acres;
- 4 B. Contemplates drilling for or excavating natural
6 resources on land or under water where the area affected is
in excess of 60,000 square feet;
- 8 C. Is a mining activity as defined in this section;
- 10 D. Is a hazardous activity as defined in this section;
- 12 E. Is a structure as defined in this section;
- 14 F. Is a conversion of an existing structure that meets the
16 definition of structure in this section;
- 18 G. Is a subdivision as defined in this section; or
- 20 H. Is a ~~multi-unit~~ multiunit housing development as defined
22 in this section located wholly or in part within the
shoreland zone.

24 ~~This term "Development" does not include state highways, state
aid highways and borrow pits for sand, fill or gravel of less
than 5 acres or when, borrow pits less than 5 acres, borrow pits
26 regulated under article 7, borrow pits regulated by the
Department of Transportation, and such borrow pits entirely
28 within the jurisdiction of the Maine Land Use Regulation
Commission under Title 12, chapter 206-A, and those activities
30 regulated by the Department of Marine Resources under Title 12,
section 6072.~~

32 **Sec. 4. 38 MRSA §484-A is enacted to read:**

34 **§484-A. Unlicensed pits; temporary licensing exemption**

36 Notwithstanding section 482, subsection 2, a borrow pit
38 within the jurisdiction of the department that on October 1, 1993
was between 5 and 30 acres and did not possess a valid license
40 under this article is not required to obtain a license under this
article if:

42 **1. Notice of intent to comply.** Pursuant to section 490-C,
44 the owner or operator of the pit files a notice of intent to
comply no later than:

46 **A. April 1, 1994, for pits having reclaimed or unreclaimed
48 areas that drain externally or having reclaimed or
unreclaimed areas where internal drainage is achieved with
berms or other structures; or**

50

2 B. October 1, 1994 for pits where all reclaimed and
4 unreclaimed lands are naturally internally drained; and

6 2. Adherence to compliance schedule. By October 1, 1995:

8 A. All reclaimed and unreclaimed areas that were not
10 naturally internally drained on October 1, 1993 are
12 stabilized or reclaimed;

14 B. All other conditions existing on October 1, 1993 comply
16 with the performance standards under article 7; and

18 C. All activities conducted after filing a notice of intent
20 to comply are conducted in compliance with article 7.

22 An unlicensed borrow pit of 5 or more acres is in violation
24 of this article if the owner or operator of that pit does not
26 file a notice of intent to comply under subsection 1.

28 **Sec. 5. 38 MRSA c. 3, sub-c. I, article 7 is enacted to read:**

30 **Article 7**

32 **Performance Standards for Medium Borrow Pits**

34 **§490-A. Definitions**

36 As used in this article, unless the context otherwise
38 indicates, the following terms have the following meanings.

40 1. Affected land. "Affected land" means reclaimed and
42 unreclaimed land, land that has or will have the overburden
44 removed, land on which stumps, spoil or other solid waste has or
46 will be deposited and any storage area or other land area, except
48 a natural buffer strip, that will be or has been used in
connection with the borrow pit.

2. Medium borrow pit. "Medium borrow pit" means a borrow
pit that has a total reclaimed and unreclaimed area from 5 to 30
acres and that has:

A. Except as otherwise provided, a working pit not larger
than 10 acres; and

B. Natural internal drainage in all reclaimed and
unreclaimed areas.

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2 2. Natural buffer strip. "Natural buffer strip" means an
undisturbed area or belt of land that is covered with trees or
4 other vegetation.

6 3. Private drinking water supply. "Private drinking water
supply" means a surface water supply, a dug well, or a spring or
8 a hole drilled, driven or bored into the earth that is used to
extract drinking water for human consumption that is not part of
10 a public drinking water supply.

12 4. Protected natural resource. "Protected natural
resource" has the same meaning as in section 480-B, subsection 8.

14 5. Public drinking water supply. "Public drinking water
supply" has the same meaning as public water system as defined in
16 Title 22, section 2601, subsection 8.

18 6. Regulator. "Regulator" means:
20 A. For medium borrow pits located within a municipality
that is registered under section 490-I to enforce this
22 article, the municipality; and
24 B. For all other medium borrow pits, the Department of
Environmental Protection.

26 7. Working pit. "Working pit" means the unreclaimed area
28 of a borrow pit, including side slopes. "Working pit" does not
include stockpiles.

30 **§490-B. Applicability**

32 This article does not apply to:

34 1. Site law pits. A person in possession of a valid permit
36 for a borrow pit under article 6 on October 1, 1993. A person in
possession of a valid permit for a borrow pit under article 6 on
38 October 1, 1993 must operate that pit in compliance with the
terms and conditions of that permit;

40 2. Maine Land Use Regulation Commission pits. Borrow pits
42 wholly within the jurisdiction of the Maine Land Use Regulation
Commission; and

44 3. Other mining operations. A mining operation undertaken
46 primarily to extract clay, silt, topsoil, consolidated minerals
or peat or any mineral extraction below the normal high water
48 line of any fresh, estuarine or marine surface waters.

2 A person having a medium borrow pit site law permit application
4 pending at the department on October 1, 1993 may, at the
6 discretion of that person, withdraw that application and file a
8 notice of intent to comply pursuant to section 490-C. If that
10 person does not withdraw that application, the department shall
12 continue to process the application and that person must operate
14 that medium borrow pit in compliance with the terms and
16 conditions of any permit issued as a result of that application.

10 **§490-C. Notice of intent to comply**

12 Except as provided in section 484-A, a person intending to
14 operate a borrow pit as a medium borrow pit under this article
16 must file a notice of intent to comply before expanding that pit
18 to 5 or more acres. A notice filed under this section must be
20 complete, submitted on forms approved by the department and must
22 be mailed to the regulator by certified mail, return receipt
24 requested. Upon receiving the postal receipt, the owner or
26 operator may commence operation of the borrow pit. At the time
28 the notice is mailed to the regulator, a copy of that notice must
30 be sent to the Maine Historic Preservation Commission, to each
32 abutting property owner and, if the municipality is not the
34 regulator, to the municipality.

24 A notice of intent to comply is not complete unless it
26 includes all the following information:

28 1. Name, address and phone number. The name, mailing
30 address and telephone number of the owner of the borrow pit and,
32 if different from the owner, the operator of the borrow pit;

32 2. Map and site plan. A location map and site plan drawn
34 to scale showing property boundaries, stockpile areas, existing
36 reclaimed and unreclaimed lands, proposed maximum acreage of all
38 affected lands, all applicable private or public drinking water
40 supplies and all existing or proposed solid waste disposal areas;

38 3. Parcel description. A parcel description and size, by
40 tax map or deed description;

40 4. Information on abutters. The name and address of
42 abutting property owners;

44 5. Signed statement. A statement, signed and dated by
46 the owner or operator, certifying that the borrow pit will be
48 operated in compliance with this article; and

48 6. Fees. Any fee required by section 490-J.

2 If the department determines that a notice filed under this
3 section is not complete, the department must notify the owner or
4 operator of the borrow pit no later than 45 days after receiving
5 the notice.

6 **§490-D. Performance standards for medium borrow pits**

8 1. Significant wildlife habitat. Affected land may not be
9 located in a significant wildlife habitat, as defined in Title
10 38, section 480-B, or in an area listed under the Maine Natural
11 Heritage Program under Title 5, section 13074-A. The department
12 may not grant a variance from the provisions of this subsection.

14 2. Solid waste. Solid waste, including stumps, wood waste
15 and land-clearing debris generated on the affected land must be
16 disposed of in accordance with section 421 and chapter 13,
17 including any rules adopted to implement those laws. The
18 department may not grant a variance from the provisions of this
19 subsection.

20 3. Groundwater protection. Excavation may not occur within
21 5 feet of the seasonal high water table. A benchmark sufficient
22 to verify the location of the seasonal high water table must be
23 established and at least one test pit or monitoring well must be
24 established on each 5 acres of unreclaimed land. To further
25 ensure adequate groundwater protection:

28 A. A 300-foot separation must be maintained between any
29 area used to store oils and any private drinking water
30 supply;

32 B. A 200-foot separation must be maintained between any
33 excavation and any private drinking water supply in
34 existence prior to that excavation;

36 C. A 1,000-foot separation must be maintained between any
37 excavation and any public drinking water supply; and

38 D. Refueling operations, oil changes and other maintenance
39 activities requiring the handling of fuels, petroleum
40 products, hydraulic fluids, and other on-site activity
41 involving the storage or use of products which, if spilled,
42 may contaminate groundwater, must be conducted in accordance
43 with the department's spill prevention, control and
44 countermeasures plan. Petroleum products and other
45 substances that may contaminate groundwater must be stored
46 and handled over impervious surfaces that are designed to
47 contain spills. The spill prevention, control and
48 countermeasures plan must be posted at the site.

The department may not grant a variance from the provisions of paragraphs A to D.

4. Natural buffer strip. Existing vegetation within a natural buffer strip may not be removed. If vegetation within the natural buffer strip has been removed or disturbed by activities related to operation of the borrow pit before submission of a notice of intent to comply, that vegetation must be reestablished no later than the time at which the area is reclaimed. The department may not grant a variance from the provisions of this subsection.

5. Protected natural resources. An undisturbed natural buffer strip having a width of at least 75 feet plus 4 times the average percent slope must be maintained between the affected land and any protected natural resource.

6. Roads. Excavation may not occur below road level within 50 feet of a road or right-of-way, except that excavation below road level may occur within 50 feet of any private road with the written permission of the owner of the road. The department may not grant a variance from the provisions of this subsection.

7. Property boundary. A natural buffer strip at least 150 feet wide must be maintained between any excavation and a property boundary, including a road right-of-way. This distance may be reduced to not less than 10 feet with the written permission of the affected abutting property owner or owners, except that the distance may not be reduced to less than 25 feet from the boundary of a cemetery or burial ground. The distance between borrow pits owned by abutting owners may be reduced to not less than 50 feet with the abutter's written permission. The department may not grant a variance from the provisions of this section.

8. Erosion and sedimentation control. All reclaimed and unreclaimed areas, except for access roads, must be naturally internally drained at all times. Berms or other structures may not be constructed to create or maintain internal drainage.

A. The area of a working pit may not exceed 10 acres.

B. Stockpiles consisting of topsoil to be used for reclamation must be seeded, mulched or otherwise temporarily stabilized.

Except for the provisions of paragraph A, the department may not grant a variance from the provisions of this subsection. Notwithstanding any other provision of this article, a variance from paragraph A may not result in the combined working pit and stockpile area exceeding 15 acres.

2 **9. Surface water protection and storm water management.**
3 Surface water discharges from areas not required to be naturally
4 internally drained may not be increased as a result of storm
5 water runoff from storms up to a level of intensity of a 25-year,
6 24-hour storm. Structures such as detention ponds, retention
7 ponds and undersized culverts may not be used to meet this
8 standard. Sediment may not leave the parcel or enter a protected
9 natural resource. Grubbed areas not internally drained must be
10 stabilized. Erosion and sedimentation control for access roads
11 must be conducted in accordance with the best management
12 practices for the control of erosion and sediment adopted by the
13 department.

14 Grading or other construction activity on the site may not alter
15 natural drainageways such that the drainage, other than that
16 which occurred before development, adversely affects adjacent
17 parcels of land, or that the drainageways flowing from adjacent
18 parcels of land to the parcel are impeded.

19 **10. Stockpiles.** There may not be more than 2 acres of
20 stockpiles within the working pit at any time. The department
21 may grant a variance from this subsection, except that a variance
22 may not result in the combined working pit and stockpile area
23 exceeding 15 acres.

24 **11. Traffic.** Entrances and exits of the borrow pit must be
25 located, posted and constructed in accordance with standards for
26 commercial or industrial entrances of the Department of
27 Transportation. Adequate sight distances for entering, exiting
28 and stopping must be maintained in accordance with these
29 standards. The department may not grant a variance from the
30 provisions of this subsection.

31 **12. Noise.** Noise levels may not exceed applicable noise
32 limits in rules adopted by the board. The department may not
33 grant a variance from the provisions of this subsection.

34 **13. Dust.** Dust generated by activities at the borrow pit,
35 including dust associated with traffic to and from the borrow
36 pit, must be controlled by sweeping, paving, watering or other
37 best management practices for control of fugitive emissions. The
38 department may not grant a variance from the provisions of this
39 subsection.

40 **14. Reclamation.** The affected land must be restored to a
41 condition that is similar to or compatible with the conditions
42 that existed before excavation. Reclamation should be conducted
43 in accordance with the department's best management practices for
44 erosion and sediment control, and must include:

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A. Regrading side slopes to a slope no steeper than 2 1/2 horizontal feet for each vertical foot;

B. Establishing a vegetative cover by seeding within one year of the completion of excavation. Vegetative cover is acceptable if, within one year of seeding:

(1) The planting of trees and shrubs results in a permanent stand or a stand capable of regeneration and succession, sufficient to ensure a 75% survival rate; and

(2) The planting of all materials results in permanent 90% ground coverage;

C. Removing all structures and, once no longer in productive use, reclaiming all access roads, haul roads and other support roads; and

D. Reclaiming all affected lands within 2 years after final grading.

Except for paragraph A, the department may not grant a variance from the provisions of this subsection. The department may grant a variance from paragraph A, provided that the variance will not result in a reclaimed slope steeper than 2 horizontal feet for each vertical foot. The department may not assess a fee for a request for a variance from paragraph A.

§490-E. Variances

The owner or operator of a medium borrow pit must comply with the performance standards in section 490-D unless a variance from those performance standards is approved by the department. Except where prohibited by section 490-D, the department may grant a variance from the performance standards in this article if the owner or operator affirmatively demonstrates to the department that the variance does not adversely affect natural resources or existing uses and does not adversely affect the health, safety and general welfare of the public. The department must use the applicable provisions of rules adopted under the site location of development laws to decide upon variances. A variance request must be mailed to the department by certified mail, return receipt requested. At the time a variance request is mailed to the department, a copy of the variance request must be sent to each abutting property owner and to the municipality in which the borrow pit is located. A variance request must include any fee applicable under section 490-J.

2 The department shall publish a timetable for responding to
3 variance requests in the same manner prescribed in section
4 344-B. A variance is not valid unless approved by the department
5 and, if a municipality is the regulator, the municipality. In
6 making its decision on variance requests, the department shall
7 consider comments or information received from abutters and the
8 compliance record of the owner or operator. The department shall
9 inform the owner or operator of the borrow pit of any significant
10 concerns or issues raised by abutters.

11 **§490-F. Review before expansion.**

12
13 Before expanding a borrow pit beyond an area that exceeds a
14 total of 10 acres of reclaimed and unreclaimed land, and before
15 expanding a borrow pit beyond an area that exceeds a total of 20
16 acres of reclaimed and unreclaimed land, the owner or operator
17 shall notify the regulator of an intent to expand and must
18 request an inspection. In the same manner as prescribed in
19 section 344-B, the department shall publish a timetable for
20 responding to inspection requests and shall inspect the site
21 within that time period to determine the pit's compliance with
22 this article and other applicable laws administered by the
23 department. Mining activities at the pit may continue after the
24 filing of a notice of an intent to expand. The failure of a
25 regulator to conduct a site visit within a published time period
26 is not sufficient basis for a stop-work order under section
27 490-H, subsection 1.

28
29 At the time of filing a notification of intent to expand,
30 the owner or operator shall pay any fee required by section 490-J.

31 **§490-G. Inspections.**

32
33 The regulator may periodically inspect a site, may examine
34 relevant records of the owner or operator of the borrow pit and
35 may take samples and perform tests necessary to determine
36 compliance with the provisions of this article.

37 **§490-H. Enforcement and penalties**

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39 Except as provided in section 490-I, the department shall
40 administer and enforce the provisions of this article,

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42
43 **1. Stop-work order.** The regulator may order the owner or
44 operator of any medium pit that is not operating in compliance
45 with this article to cease operations until the noncompliance is
46 corrected or until the owner or operator of that pit obtains a
47 permit under article 6.

48
49 **2. Penalty.** A person who violates the provisions of this
50 article commits a civil violation and is subject to the penalties

2 established under section 349. Penalties assessed for
4 enforcement actions taken by the State are payable to the State
6 and penalties assessed for enforcement actions taken by a
8 municipality registered under section 490-I are payable to that
municipality. For any action brought by a municipality under
this article in which the municipality prevails, the court may
require the owner or operator to reimburse the municipality for
costs associated with that enforcement action.

10 **§490-I. Municipal enforcement; registration**

12 This section allows a municipality to register for authority
14 to enforce this article by adopting and submitting to the
16 commissioner an ordinance that meets or exceeds the provisions of
18 this article. The commissioner shall review that ordinance to
20 determine if that ordinance meets the provisions of this article
22 and if the municipality has adequate resources to enforce the
24 provisions of this article. If the commissioner determines that
26 the ordinance meets the provisions of this article and that the
28 municipality has the resources to enforce this article, the
commissioner shall register that municipality for authority to
enforce this article. Immediately upon approval by the
commissioner, primary enforcement authority for this article
vests in that municipality. The commissioner may not approve an
ordinance under this section unless the ordinance requires that
any request for a variance from the standards in the article be
approved by the commissioner before that variance is valid.

30 1. **Relation to home rule.** Nothing in this section may be
32 construed to limit a municipality's authority under home rule to
adopt ordinances regulating borrow pits.

34 2. **Optional participation.** Nothing in this article may be
construed to require a municipality to adopt any ordinance.

36 3. **Suspension of approval.** The commissioner may act to
38 enforce any provision of this article or suspend the registration
40 of a municipality if the commissioner determines that a municipal
42 ordinance no longer conforms to the provisions of this article or
44 that the municipality is not adequately enforcing this article.
The commissioner shall notify a municipality of any such
determination in writing. Suspension of municipal registration
by the commissioner does not void or in any way affect a
municipal ordinance or in any way limit the municipality's
authority to enforce the provisions of its ordinance.

46 4. **Appeal.** A municipality may appeal to the board any
48 decision of the commissioner under this section. Any decision by
50 the board on appeal by a municipality constitutes final agency
action.

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§490-J. Fees

The owner or operator of a medium borrow pit operating under this article must pay the regulator:

1. Initial fee. A fee of \$250 upon filing a notice of intent to comply under sections 484-A or 490-C;

2. Annual fee. By March 1st of each year, an annual fee of:

A. Two hundred dollars for borrow pits that will have 2,500 cubic yards or more of material extracted during that year; and

B. Fifty dollars, for all other borrow pits. To be eligible for the annual fee under this paragraph, the owner or operator must include with the payment of this fee a signed statement certifying that the fewer than 2,500 cubic yards of material will be extracted during that year;

3. Variance fee. A fee of \$250 for each variance requested under section 490-E; and

4. Notice of intent to expand. A fee of \$250 upon filing a notice of intent to expand under section 490-F.

Notwithstanding any other provision of this section, the total for all fees paid under subsections 1, 2 and 3 for one borrow pit in one calendar year may not exceed \$250.

Sec. 6. Working group. The department shall convene a working group to review the site law permitting process for borrow pits larger than 30 acres. The working group must include, but is not limited to, borrow pit operators, representatives of environmental groups and municipal officials. The working group shall report to the Joint Standing Committee on Energy and Natural Resources by January 15, 1994 with recommendations for amending that permitting process in a manner that reduces the cost of obtaining a permit, reduces the time required to obtain the permit and enhances the consistency of the permitting process while ensuring adequate protection of the environment and protected natural resources.

Sec. 7. Report. The Department of Environmental Protection shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters by January 15th of 1994, 1995, 1996 and 1997 on the implementation of this Act. Each report must show total fees received by the department during the previous calendar year from borrow pit

operators who filed a notice under this Act, expenditures of the department in the previous calendar year to administer and enforce this Act, a summary of actions taken by the State to enforce this Act, a list of the municipalities that choose to assume sole jurisdiction for borrow pit regulation under the provisions of this Act and any other information useful in assessing the implementation of this Act.

Sec. 8. Use of funds. All fees paid to the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, section 490-J must be retained and used by the department to carry out the purposes of this Act.

FISCAL NOTE

The overall fiscal impact to the Maine Environmental Protection Fund from the various regulatory changes affecting certain borrow pits can not be determined at this time.

The Department of Environmental Protection will incur some minor additional costs to convene a working group and to submit an annual report to the Legislature. These costs can be absorbed within the department's existing budgeted resources.

STATEMENT OF FACT

This amendment is the majority report of the Joint Standing Committee on Energy and Natural Resources.

Current law requires a permit issued by the Department of Environmental Protection for gravel pits of 5 or more acres. This amendment establishes an alternative to site law permitting for owners or operators of small internally drained gravel pits who wish to expand those pits to 5 or more acres. Under this amendment, a site law permit would not be required to expand a gravel pit to 5 or more acres if the owner or operator certifies that the "working pit" area will not exceed 10 acres at any time, that the working pit will remain naturally internally drained at all times and that all activities will be conducted in compliance with the minimum performance standards established in this amendment. A site law permit would still be required for any pit larger than 30 acres and for any pit larger than 5 acres that can not maintain natural internal drainage in excavated areas.

The amendment allows owners or operators of unlicensed gravel pits between 5 and 30 acres to exempt themselves from the site law permitting process by filing a notice of intent to comply with minimum performance standards. The exemption applies

2 only if the owner or operator of the unlicensed pit certifies in
3 1994 that all existing conditions at the pit will be brought into
4 compliance by October 1, 1995 and that all activities conducted
5 after filing that certification will be conducted in compliance
6 with these minimum performance standards.

7 The performance standards limit the total area of a pit to
8 30 acres and limits the "working pit" size to 10 acres. The
9 standards also prohibit excavation in significant wildlife
10 habitat areas, require minimum buffers around protected natural
11 resources, prohibit excavation within 5 feet of groundwater,
12 within 200 feet of private drinking water supplies and within
13 1,000 feet of public water supplies. The standards also require
14 erosion and sedimentation control, surface water protection and
15 storm water management planning, require reclamation of affected
16 areas and limit traffic, noise and dust generation at the site.
17 The amendment allows the Department of Environmental Protection
18 to grant a variance from some of these standards only if the
19 variance does not adversely affect natural resources or existing
20 uses and does not adversely affect the health, safety and general
21 welfare of the public.

22 The amendment allows a municipality to register for
23 authority to enforce these standards by adopting an ordinance
24 that the Commissioner of Environmental Protection certifies as
25 meeting or exceeding the minimum performance standards in this
26 amendment. Once a municipality is registered to enforce these
27 standards, all fees and fines imposed by this amendment become
28 payable to that municipality. The commissioner may bring an
29 enforcement action or may suspend municipal registration if a
30 registered municipality fails to adequately enforce these
31 standards or changes the ordinance in a manner inconsistent with
32 the standards.

33 Gravel pits currently licensed under site law remain subject
34 to the terms and conditions of that license. Gravel pits that do
35 not comply with these minimum performance standards can be
36 ordered to cease operations until they comply or until they
37 obtain a site law permit. Violations of these standards are
38 subject to the general penalty provisions of the Maine Revised
39 Statutes, Title 38.

40 The amendment requires the Department of Environmental
41 Protection to convene a working group to review the process for
42 licensing gravel pits larger than 30 acres and requires the
43 department to report annually for the next 4 years on the
44 implementation of this amendment.

45 The amendment also adds a fiscal note.