

**Arkansas Code Annotated 15-57-401 to 15-57-414**  
(Act 1166 of 1997, As Amended)

**The Arkansas Quarry Operation,  
Reclamation, and Safe Closure Act**

Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

## Chapter 57

### MINING AND RECLAMATION GENERALLY

#### SUBCHAPTER 4 - QUARRY OPERATION RECLAMATION, OPERATION, AND SAFE CLOSURE

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#### **15-57-401. Title.**

This subchapter shall be known and may be cited as the "Arkansas Quarry Operation, Reclamation and Safe Closure Act".

**History.** Acts 1997, No. 1166, § 1.

#### **15-57-402. Definitions.**

As used in this subchapter:

- (1) "Active" means a quarry wall where extraction is occurring or is planned to occur;
- (2) "Affected land" means the area of land to the nearest acre, where the quarrying of stone, industrial activity, and the stockpiling of topsoil and spoil occur;
- (3) "Citation" means a written warning of a violation that may be accompanied by a fine when given two (2) times for the same violation;
- (4) "Commission" means the Arkansas Pollution Control and Ecology Commission, or such commission or other entity as may lawfully succeed to the powers and duties of the commission;
- (5) "Default" means an operation that has uncorrected violations of the requirements of this subchapter which allows the department to forfeit the bond to have the site reclaimed as per the reclamation plan;

(6) "Department" means the Arkansas Department of Environmental Quality or such department or other entity which may lawfully succeed to the powers and duties of the department;

(7) "Director" means the executive head and active administrator of the Arkansas Department of Environmental Quality;

(8) "Exhausted quarry" means a quarry where the stone is depleted;

(9) "Fee" means the notification or annual operating payment made by the operator to the department. The amount cannot be changed except by legislative action. This fee will be payable on or before July 1 for all operating quarries in the current calendar year;

(10) "Final floor" means the bottom surface created in a quarry;

(11) "Final wall" means the last wall created in a quarry;

(12) "Fine" means a penalty for noncompliance which may accompany a second citation, except as provided in other sections of this subchapter for specific violations. Fines are not retroactive, and the amounts cannot be changed except by legislative action;

(13) "Inactive status" means the period of time a quarry is inactive or temporarily shutdown;

(14) "Notification of intent" is the operator's proper notification to the department of the operator's intent to open a quarry, to temporarily close a quarry, to reactivate a quarry, and to shut down an exhausted quarry;

(15) "Notification in process" means that a notification of intent is on file and incomplete;

(16) "Operator" means any person engaged in or controlling a quarrying operation;

(17) "Quarry" means an excavation or pit from which stone is removed;

(18) The "quarry rim" means the top surface of the quarry behind the wall from which has been removed the topsoil and spoil;

(19) "Reclamation plan" is a plan presented to the department by an operator detailing the reclamation and revegetation of lands affected by quarrying both contemporaneously and after the quarry is exhausted, and required by this subchapter;

(20) "Spoil" means the unconsolidated boulders, soil and other naturally occurring materials which lie above a deposit of quarriable stone, which must be excavated from above a deposit so that extraction can begin;

(21) "Start up" means the date an operator begins site preparation for quarrying; and

(22) "Topsoil" means the top strata of soil normally associated with the growth of vegetation. It is

generally free of boulders, cobbles, or other floating rock and exhibits the growing properties normally associated with, at a minimum, the pasturing of cattle.

**History.** Acts 1997, No. 1166, § 2; 1999, No. 1164, § 141.

### **15-57-403. Notification - Filing - Public notice and response.**

(a) It shall be unlawful for any operator to engage in a quarrying operation without first submitting to the Arkansas Department of Environmental Quality a "notification of intent to quarry" or a "notification of reactivated quarry" in accordance with this subchapter. 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. An operator shall be deemed to be quarrying from the time he begins start up until reclamation is completed at the exhausted quarry.

(b) Only new quarries or any land purchased or leased for a quarry after January 1, 1997, will be subject to this subchapter.

(c) There will be no requirements for a "notification of intent" to be filed with the department for temporarily closed or exhausted quarries in existence prior to January 1, 1998. These quarries will be exempt from the requirements of this subchapter unless reactivated.

(d) A new "notification of intent to quarry" shall be required if a change in the majority ownership of an operator occurs.

(e) Representatives of the department may make regular site visits to quarry operations, as necessary, to determine compliance with the requirements of the operator's notification. On these visits the operator will make his quarry operation accessible to the department.

(f) Upon receipt of "notifications of intent", the department will have ninety (90) days to respond to the operator by certified mail to errors and/or omissions in the notifications.

(g) On completion of a notification, the department will issue the operator a notice which will be posted on quarry premises at all times when quarry is in operation and which will state:

Name of company has completed the requirements, as set out by the "Arkansas Quarry Operation, Reclamation and Safe Closure Act" of 1997, and has the unconditional authorization to quarry at this site, so long as the quarry is in compliance with all laws and regulations for up to five (5) years.

(h) The department, upon finding the operator to be out of compliance with the requirements of his "notification" may issue warnings, citations, and notices of default to the operator.

(i) All filings and other communication will be by certified mail.

(j)(1)(A) An operator will give notice to the public in a local newspaper of general circulation that he or she intends to open or reactivate a quarry.

(B)(i) The notification will be part of an operator's intent and will be published in the newspaper at the same time the intent is filed with the department.

(ii) Proof of publication shall be provided to the department in the operator's notice of intent.

(C) The notification will indicate the approximate location of the quarry using section, township, and range plus a road address or identifiable local landmarks when possible, the date of start up and the date the operator plans to temporarily close, if applicable, as well as the operator's name, address, phone number, and contact person.

(D) The notification shall state that interested parties may contact the department for further information and that they have ten (10) days after publication of the notice to notify the department of any request for a public meeting.

(2)(A) If the department receives at least five (5) requests for a public meeting from owners of property within one-half (1/2) mile of the quarry, it may require that the operator hold a public meeting.

(B) This public meeting shall be held within two (2) weeks after the expiration of the ten-day public notice period.

(C) This public meeting shall be held in a location near the proposed quarry to allow the public to discuss their interests with the operator prior to start up.

(3)(A) The operator will keep responses from the public on file for two (2) years.

(B) The department will forward responses it receives to the operator.

(4) The operator will keep a record of all action taken resulting from public responses for two (2) years, notifying the department of each action.

**History.** Acts 1997, No. 1166, § 3; 1999, No. 1320, § 1.

#### **15-57-404. Notification of intent to quarry.**

(a)(1) Except for operators of quarries excluded by §15-57-403(a)(2), any operator desiring to engage in quarrying shall complete a "notification of intent to quarry" which, when submitted to the Arkansas Department of Environmental Quality by certified mail, will entitle said operator to conduct quarry operations.

(2)(A) For all active quarries, as of January 1, 1998, a "notification of intent" must be on file or in process at the department.

(B) For all new quarries to be opened after January 1, 1998, a "notification of intent" must be on file or in process at the department before the operator may begin quarry operations.

(3) The notification shall be accompanied by the payment of a two hundred and fifty dollar (\$250) fee.

(4) The submittal shall be an agreement between the operator and the department.

(5) The operator shall pay an annual fee to the department in the amount of twenty-five dollars (\$25.00) per acre of affected land, not to exceed one thousand dollars (\$1,000) per quarry.

(6) The "notification of intent" shall include one (1) copy of the following:

(A) The company name, officers, majority of ownership, onsite superintendents, addresses, name of quarry, phone numbers, anticipated start up and shut down dates;

(B) The following right to quarry, signed and notarized:

"I, the operator of quarry name located at legal description in \_\_\_\_\_ County, have the legal right by deeds, leases, or other instruments to conduct quarry operations for commercial and other purposes at this location. I will comply with all state and federal laws and regulations in this operation.

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary"

(C) A location map which contains the following:

(i) A 7.5 minute topographic quad map as prepared by the U.S.C.S;

(ii) Clearly marked legal boundaries of area to be quarried;

(iii) Clearly defined entrances onto public roads;

(iv) Present use of the property; and

(v) A legal description.

(D) A five-year quarry operation map which contains the following:

(i) Scaled dimensions (i.e. 1:200);

(ii) Approximate property boundaries;

(iii) The location and identification of all affected lands to the nearest acre, anticipated for up to

five (5) years;

(iv) All pertinent manmade and natural structures including the plant location and the location of safeguarding items as required by § 15-57-410;

(v) Location of topsoil and spoil stockpiles;

(vi) Entrances onto public roads; and

(vii) Areas of natural rock exposure (no topsoil or spoil).

(E) Notification of intent to reclaim quarry.

"I, operator of quarry name located at legal description in \_\_\_\_\_ County, agree to reclaim said described quarry in conformance with the Arkansas Quarry Operation, Reclamation, and Safe Closure Act, when the quarry is exhausted.

\_\_\_\_\_  
President

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Secretary"

(b) The operator's financial plan for reclamation will include:

(A) An estimate of reclamation cost; and

(B) An acceptable bond or substitute security.

(c) All operators will have sixty (60) days to correct any errors or omissions to a "notification of intent" if notified by the department that a "notification of intent" is incomplete.

(d) A fine of not more than one hundred dollars (\$100) per day, per citation, may be levied against an operator whose "notification of intent" is not completed and on file in the department within sixty (60) days after receipt of notice by the department of errors and omissions in the first filing. The maximum fine is five thousand dollars (\$5,000).

(e) A fine of not more than one hundred dollars (\$100) per day, per citation, may be levied against operators which are found to be out of compliance with these requirements. The maximum fine is five thousand dollars (\$5,000).

**History.** Acts 1997, No. 1166, § 4.

**15-57-405. Notification of temporarily closed quarry.**

(a) Quarry sites in which operations are only occasionally conducted and in which the operator anticipates future quarry activity can be shut down on a temporary basis.

If so, the operator will file a "notification of temporarily closed quarry" with the Arkansas Department of Environmental Quality, within thirty (30) days after an operation is closed. Full reclamation will not be required until no further additional quarrying is anticipated or the quarry is exhausted. All operational safeguards, as described in this subchapter, will remain in place as required until the quarry is exhausted. The "notification of temporarily closed quarry" will contain the following:

(1) Same information as "notification of intent" per § 15-57-404(a); and

(2) Right to temporarily close as follows:

"I, operator of quarry name, located at legal description in \_\_\_\_\_ County, have the legal right by deeds, leases or other instruments to temporarily close this quarry operation until such time as it becomes necessary to reactivate this operation. I will comply with all state and federal laws and regulations during this temporary closure and inactive status."

(b) When an operator closes a quarry and fails to file a "notification of temporarily closed quarry" with the department within sixty (60) days, the department may levy a fine of not more than one hundred dollars (\$100) per day by citation until said notification is received. The maximum fine is five thousand dollars (\$5,000).

(c) If a "notification of temporarily closed quarry" is not received within ninety (90) days of the issuance of the citation, the department may declare that the quarry is in default and require the operator to reclaim the site as per the bonding and reclamation requirements or the department may forfeit the bond and issue a contract to have the site reclaimed as per the reclamation requirements.

**History.** Acts 1997, No. 1166, § 5.

#### **15-57-406. Notification of reactivated quarry.**

Prior to resuming operation in a temporarily closed quarry, an operator will notify the Arkansas Department of Environmental Quality by certified mail with a "notification of reactivated quarry". This notification will consist of the resubmittal of the "notification of intent" along with any modifications required made necessary by changed conditions at the quarry site.

**History.** Acts 1997, No. 1166, § 6.

#### **15-57-407. Notification refiling required.**

(a) Every five (5) years all "notifications of intent to quarry", and of "temporarily closed quarry" must be refiled with the Arkansas Department of Environmental Quality by certified mail on or before the operator's anniversary date, with any modifications made necessary by changed conditions in the quarry site, such as changes in the affected acreage, majority ownership of the



operator, changes in public roads and manmade structures adjacent to the quarry site, or new technology.

(b) For failure to refile a "notification of intent" or "notification of temporarily closed quarry", departmental enforcement procedures, citations, and fines will be the same as for § 15-57-405.

**History.** Acts 1997, No. 1166, § 7.

### **15-57-408. Notifications of exhausted quarry.**

(a) When a quarry becomes exhausted, the operator will notify the Arkansas Department of Environmental Quality by registered mail that the quarry is an exhausted quarry. This notification will contain the following:

(1) Updated information as required for the "notification of intent" per § 15-57-404(1);

(2) The beginning date of quarry reclamation must be within six (6) months of "notification of exhausted quarry";

(3) The anticipated date reclamation will be completed. All earthwork and revegetation must be completed within the specified time. If revegetation is not approved, the operator will have another year to complete seeding, as required; and

(4) The quarry reclamation map should contain the following:

(A) Identification of all planned roads, water impoundments, final walls, final floors, unconsolidated slopes, quarry rims, areas to be revegetated, berms, other manmade structures and unaffected areas;

(B) The map shall show planned reclamation according to the requirements of the reclamation plan; and

(C) The affected land acreage to be reclaimed will be shown to the nearest acre.

(b) If the operator fails to notify the department of this change of status, the department will notify operator by citation. The operator will then have sixty (60) days to file said notification and commence with plans to reclaim quarry site as per the requirements of this subchapter.

(c) If operator fails to file notification within the required sixty (60) days, the department may levy a fine of one hundred dollars (\$100) per day by citation to the operator until notification is received by the department. The maximum fine is five thousand dollars (\$5,000).

(d) If operator fails to notify the department within sixty (60) days and the fine is in effect, then the department may declare the operator in default and order the operator to begin reclamation as required or the department may forfeit bond and issue a contract to have the site reclaimed as per the reclamation plan.

**15-57-409. Reclamation of land at exhausted quarry site.**

(a) When the quarry is exhausted, the planned reclamation of all affected lands at the quarry site will be completed by the operator, his subcontractor, or by the Arkansas Department of Environmental Quality once the bond has been forfeited.

(b)(1) The minimum reclaimed condition of the exhausted quarry will be as a lake, pasture, timberland, or wetlands, or a combination thereof. Where preaffected lands consist of natural rock outcrops, floors, walls, and ledges, where no topsoil or minimal spoil exists, post-reclaimed land of approximately the same area may be left for self-revegetation, within the total affected land to be reclaimed. Acreage of the preaffected lands will be calculated to the nearest acre. Exhausted highwalls and safety benches may be left for self reclamation.

(2) All equipment, tools, manmade structures, and debris will be removed from affected lands or disposed of on property in a safe manner by mutual agreement between the operator and the landowner. Said agreement will be on file at the operator's offices and sent to the department with notification of exhausted quarry.

(3) If uncovered spoil, earth, or rock formations cause acidic drainage, all acid-forming materials will be covered with at least three feet (3') of spoil and available topsoil, with topsoil in the top one foot (1'), and seeded as required by this subchapter.

(4) Available topsoil and spoil removed during quarrying will be stockpiled for use during reclamation. If either material is not available in quantities necessary for reclamation, then priority will be given to areas with acid-forming materials in subdivision (b)(2) of this section. If contemporaneous reclamation is ongoing, then the operator may reclaim in areas of his own discretion. Thickness of spoil may be varied, but in no case will the combined thickness be less than six inches (6"). Spoil and topsoil which are surplus to full reclamation may be disposed of at the discretion of the operator. No topsoil or dirt is required to be hauled from another location to the quarry site.

(5) Lime, fertilizer, and seeding will be completed as necessary to sustain growth over seventy-five percent (75%) of the affected area or a complete reseeding of bald spots will be required.

(6) If revegetation during reclamation is to be accomplished by planting of trees, the planting guideline of the Arkansas Forestry Commission shall be complied with. A fifty percent (50%) coverage is required after two (2) years. Otherwise, bald spots will be replanted.

(7) All erosion control will be covered under the "Operator's Stormwater Pollution Prevention Plan".

(8) Site process water quality, storage, handling, and discharge will be covered under the operator's NPDES permit.

(9) Quarry site reclamation must be completed through the first seeding within one (1) year for quarry sites of less than fifty (50) acres, within two (2) years for quarry sites of more than fifty (50) acres and less than one hundred (100) acres, and within three (3) years for quarry sites of more than one hundred (100) acres and less than two hundred (200) acres. This time requirement for sites larger than two hundred (200) acres may be modified, at the discretion of the department, upon agreement with the operator.

(10) If an operator fails to begin reclamation during the first six (6) months after a quarry is exhausted, the department will notify the operator by citation of the above violation. If an operator then fails to begin reclamation within sixty (60) days after receiving said notification, the department may then issue a second citation. The second citation will be accompanied by a fine of not more than fifty dollars (\$50.00) per day until reclamation begins. If an operator's reclamation effort does not begin within sixty (60) days of the second citation and the fine is in force for that period, then the department will notify the operator that the operation is in default. The department will then use the proceeds of the operator's forfeited bond to have the quarry site reclaimed as per the reclamation plan.

**History.** Acts 1997, No. 1166, § 9.

#### **15-57-410. Site safety.**

The quarry operator will take the following measures to safeguard the operations for the benefit of neighbors and other citizens and to restrain trespassers from entering onto the quarry or plantsite:

(1) One (1) or a combination of the following will be installed around the quarry and plantsite to complement natural barriers to trespassing as required:

(A) A minimum four-foot high, four-strand barbed wire fence boundary attached to steel posts;

(B) A five-foot high earth and/or rock berm with slopes steeper than 1.5 to 1 and a minimum top width of five feet (5'); and

(C) A protective barrier of boulders, concrete, or other objects capable of discouraging pedestrian or vehicular traffic;

(2) Brightly colored warning signs, for which blaze orange is recommended, will be installed every three hundred feet (300') in clear view;

(3) Barriers or lockable gates capable of withstanding normal vandalism are to be installed at all quarry site entrances. During temporary closure and after full reclamation of an exhausted quarry, barriers of rock or securely locked gates will be installed at all entrances on safety benches and haul roads so that no traffic or dumping can occur on the affected lands or in the quarry itself;

(4) After January 1, 1998, no active quarry wall will be closer than fifty feet (50') to a public road

right of way where the quarry's adjacent floor elevation is at or above the elevation of the right of way of the public road at the property line. Where active quarry floors are below said right of way, quarrying will be permitted only after a vegetated berm a minimum of ten feet (10') high, eight feet (8') wide at the crest, and with one and a half (1 1/2) to one (1) slopes is installed for public safety;

(5) After January 1, 1998, no active quarry wall will be closer than fifty feet (50') from any private property line unless written permission is given by the adjacent property owner. Permission will be on file at the operator's office and a copy will be sent to the Arkansas Department of Environmental Quality;

(6) Where truck traffic to and from the quarry site entrance creates a public safety nuisance because of fugitive dust, the operator will take the appropriate measures to treat the roadbed for dust control in the vicinity of the quarry entrance;

(7) Blasting will be regulated under present MSHA or state labor codes;

(8) Hazardous wastes will be regulated under the present hazardous waste codes;

(9) Active quarry and plant sites will have until January 1, 1998, to comply with the requirements of this section, except for subdivision (6) of this section. Requirements of subdivision (6) of this section are to be in force by July 1, 1997;

(10) If the department finds the operator to be out of compliance with any of the requirements of subdivisions (1), (2), and (3) of this section, a citation will be given to the operator to comply within ninety (90) days. If the operator fails to comply within the ninety-day time requirement or shows no effort to comply, the department may levy by citation a fine of not more than one hundred dollars (\$100) per day until the operator complies with said requirements. The maximum fine is five thousand dollars (\$5,000); and

(11) Any operator quarrying in violation of subdivisions (4) and (5) of this section will be subject to an immediate assessment of a fine of not more than one hundred dollars (\$100) per day and/or a "shut down order" by the department. Said order will stay in effect at the discretion of the department until the operator is no longer in violation.

**History.** Acts 1997, No. 1166, § 10.

#### **15-57-411. Complaints of violations of this subchapter.**

(a) The operator is required to document and respond to complaints by neighbors and citizens as they relate to the requirements of this subchapter. A record of the complaints and responses will be kept on file at the quarry office or company office for a minimum of two (2) years and sent to the Arkansas Department of Environmental Quality.

(b) Any complaints received by the department as they relate to this subchapter will be forwarded to the operator. The operator's response will be kept on file for future departmental review, at the quarry office or the company office, for a minimum of two (2) years.

(c) The department shall investigate complaints by neighbors and citizens to determine if violations of this subchapter have occurred.

**History.** Acts 1997, No. 1166, § 11.

### **15-57-412. Bond.**

(a) In order to assure that all reclamation is completed as required and within a reasonable length of time, the operator shall submit a bond or substitute security used specifically for the quarry described in the legal description of the "notification of intent". Said bond or substitute security shall be in force prior to the operator commencing a new or reactivated quarry operation and in force for all active quarry operations by January 1, 1998.

(b)(1) As of January 1, 1998, the reclamation bond required for acceptance of an operator's notice of intent to open a quarry, or to reactivate a quarry, will be one thousand one hundred dollars (\$1,100) per acre of affected land. The face value of the bond will be evaluated every five (5) years by the operator and a representative of the Arkansas Department of Environmental Quality.

(2) In the event it is determined that the bond or substitute security is inadequate, the surety will be notified and the bond limits or amount of security will be increased. If said security is determined to be surplus, then the amount required will be decreased.

(c) Bonding or substitute security may be incrementally increased based on the annual acreage to be affected but must be sufficient in total to fund full reclamation as required by this subchapter.

(d) Bonding or substitute security shall be incrementally decreased as reclamation is completed. When final reclamation is completed, the remaining bond or substitute security will be released to the operator.

(e)(1) The operator may submit any of the following three (3) types of bonds, or substitute security:

(A) A surety bond;

(B) A collateral bond with supporting collateral consisting of irrevocable letters of credit or certificates of deposit in favor of the department; and

(C) A self bond with an unencumbered right to certain property to be held by the department.

(2) Recommended bond forms shall be provided by the department. A variation of the language in all but the self bond form may be acceptable, provided the requirements of the subchapter and this Code are incorporated and the department approves the language.

(3) In the event self bonding is used, the following conditions apply:

(A) The applicant must use the self bond form provided by the department;

(B) The collateral to be offered must be appraised by a licensed appraiser approved by the operator and the department;

(C) The operator must have unencumbered ownership of the collateral, and provide proof of such ownership to the department;

(D) The value of the collateral as bond will be eighty percent (80%) of the fair market value of the collateral as established by the appraiser;

(E) Any collateral that decreases in value due to usage, (for example rolling stock) will be not be acceptable;

(F) In the event the collateral consists of real property, an environmental audit of the area must be provided to the department; and

(G) Where applicable, a lien will be filed against the collateral until the affected area is reclaimed and released by the commission.

**History.** Acts 1997, No. 1166, § 12; 1999, No. 1320, § 2.

#### **15-57-413. Hearing.**

An operator may request and obtain an adjudicatory hearing and review by the Arkansas Pollution Control and Ecology Commission of any decision by the Director of the Arkansas Department of Environmental Quality to enforce the provisions of this subchapter, 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.

**History.** Acts 1997, No. 1166, § 13.

#### **15-57-414. Distribution of fees, fines, and forfeiture amounts.**

(a) The Arkansas Department of Environmental Quality shall collect fees, fines, and bond forfeiture amounts pursuant to this subchapter.

(b) These revenues, along with gifts, grants, donations, and other funds received under this subchapter, including all interest earned, shall be deposited in the Land Reclamation Fund established by § 15-57-319.

(c) The department shall use these funds pursuant to this subchapter for contract awards for the reclamation of affected lands as required by this subchapter.

(d) 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.

**History.** Acts 1997, No. 1166, § 14.