

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 287

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, strike “a”; in the same line, strike “complaint” and substitute “complaints”; and in line 15, after the semicolon insert “requiring the Department to reimburse certain costs of abatement to certain persons and make certain repair efforts under certain circumstances; authorizing the Department to enter certain property and take certain actions to abate a state of nuisance;”.

AMENDMENT NO. 2

On page 2, in line 12 strike “A FISH OR ANY OTHER ANIMAL” and substitute “AN ORGANISM”; in line 25, after “NONNATIVE” insert “AQUATIC”; and strike beginning with ““ORGANISM”” in line 29 down through “(10)” in line 30.

AMENDMENT NO. 3

On page 4, in line 3, strike “PROPERTY” and substitute “PROPERTY:

1.”; and in the same line, after “EXISTS” insert “; OR

2. THAT MUST BE ENTERED TO ACCESS OR ABATE THE STATE OF NUISANCE”.

AMENDMENT NO. 4

On page 4, in line 4, after “NOTICE” insert “UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION”; in line 9, after “UNDER” insert “PARAGRAPH (3) OF”; in line 10, strike “SERVED WITH THE NOTICE”; and after line 15, insert:

“(5) (I) THIS PARAGRAPH APPLIES TO A PERSON SERVED WITH A NOTICE UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.”

(Over)

(II) 1. IF THE PERSON VOLUNTARILY ABATES THE STATE OF NUISANCE WITHIN THE TIME SPECIFIED IN THE NOTICE, THE DEPARTMENT SHALL REIMBURSE ALL REASONABLE COSTS OF ABATEMENT.

2. IF THE PERSON CONSENTS, THE DEPARTMENT MAY ENTER THE PROPERTY AND, AT THE DEPARTMENT'S EXPENSE, DO ANY WORK AND USE ANY MATERIALS NECESSARY TO ABATE THE STATE OF NUISANCE.

(III) IF THE PERSON DOES NOT VOLUNTARILY ABATE THE STATE OF NUISANCE WITHIN THE TIME SPECIFIED IN THE NOTICE AND REFUSES TO ALLOW THE DEPARTMENT TO ENTER ON THE PROPERTY FOR THE PURPOSE OF ABATING THE STATE OF NUISANCE, THE SECRETARY MAY FILE A COMPLAINT IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE STATE OF NUISANCE EXISTS.

(IV) A COMPLAINT FILED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH MAY SEEK A COURT ORDER REQUIRING THE PERSON TO ALLOW THE DEPARTMENT TO:

1. ENTER ON THE PROPERTY; AND

2. AT THE EXPENSE OF THE DEPARTMENT, DO ANY WORK AND USE ANY MATERIALS NECESSARY TO ABATE THE STATE OF NUISANCE.

(V) IF THE DEPARTMENT ABATES A STATE OF NUISANCE UNDER THIS PARAGRAPH, THE DEPARTMENT SHALL:

1. MAKE REASONABLE EFFORTS TO REPAIR ANY PROPERTY DAMAGE CAUSED BY ABATEMENT ACTIVITIES; OR

2. REIMBURSE THE PERSON FOR REPAIR OR REPLACEMENT COSTS ASSOCIATED WITH DAMAGES CAUSED BY ABATEMENT ACTIVITIES.”.