

HB0125/284338/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 125
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 9, after “schedule;” insert “requiring the results of certain tests to be reported in a certain annual update that is submitted in the same year;”; in line 11, after “Act;” insert “authorizing, instead of requiring, the Department to charge a certain owner for certain expenses under certain circumstances; establishing the intent of the General Assembly to require the Department to work with certain owners and consider establishing a certain dam safety repair and removal program under certain circumstances; making this Act an emergency measure;”; and after line 16, insert:

“BY repealing and reenacting, with amendments,
Article - Environment
Section 5-509
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)”.

AMENDMENT NO. 2

On page 3, in line 20, after “(F)” insert “**(1)**”; and after line 22, insert:

“**(2) THE RESULTS OF THE FUNCTIONAL EXERCISE OR TEST REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REPORTED IN THE ANNUAL UPDATE TO THE EMERGENCY ACTION PLAN THAT IS SUBMITTED IN THE SAME YEAR.**”.

AMENDMENT NO. 3

On page 3, after line 24, insert:

(Over)

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“5-509.

(a) On complaint or the Department’s own initiative, the Department may investigate or examine any reservoir, dam, or similar waterway construction. If the Department determines that the reservoir, dam, or similar waterway construction is unsafe, needs repair, or should be removed because the reservoir, dam, or similar waterway construction is unsafe and not repairable, the Department shall notify the owner in writing to repair or remove the object, as the situation warrants. The repair or removal work shall be completed within a reasonable time, which time shall be prescribed in the Department’s notice.

(b) If the work is not completed in the time prescribed in the notice[.];

(1) [the] **THE** Department may have the work completed at the expense of the owner[.];

(2) [The] **UNLESS THE OWNER DEMONSTRATES AN INABILITY TO PAY, AS DETERMINED BY THE DEPARTMENT, THE** Department shall charge the owner for [this] **THE** expense **TO COMPLETE THE WORK[.];** and

(3) [if] **IF** [the] repayment is not made within 30 days after written demand, the Department may bring an action in the proper court to recover [this] **THE** expense **TO COMPLETE THE WORK.**

(c) This section does not apply to farm ponds used for agricultural purposes.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, if the Department of the Environment determines that a reservoir, dam, or similar waterway construction is unsafe, needs repair, or should be removed because the reservoir, dam, or similar waterway construction is unsafe and not repairable and the owner of the reservoir, dam, or similar waterway construction

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demonstrates an inability to pay for the work the Department determines is needed, the Department shall:

(1) work with the owner to pursue cost-effective market-based solutions such as nutrient and sediment credit generation that address the needed work; and

(2) consider establishing a dam safety repair and removal program to assist an owner of a reservoir, dam, or similar waterway construction in funding the needed work.”;

in line 25, strike “2.” and substitute “3.”; and strike beginning with “shall” in line 25 down through “2017” in line 26 and substitute “is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye a and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted”.