

HB0250/933520/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 250
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “**Environment)**” insert “**and Delegate Odom**”; in line 2, strike “**Water Resources and Wetlands**” and substitute “**Appropriation or Use of Water and Dam Safety**”; strike beginning with “authorizing” in line 6 down through “development” in line 8 and substitute “**requiring the Department to take certain actions before imposing certain civil or administrative penalties**”; and in line 24, strike “and 16–502”.

AMENDMENT NO. 2

On page 3, in line 15, strike “AND”; in line 18, after “VIOLATOR” insert “**; AND**”

9. THE DEGREE OF COOPERATION WITH THE DEPARTMENT AFTER BEING NOTIFIED OF THE VIOLATION AND ANY GOOD FAITH EFFORTS TO ADDRESS THE VIOLATION;

and after line 32, insert:

“(D) BEFORE TAKING ANY CIVIL OR ADMINISTRATIVE ACTION TO RECOVER A PENALTY UNDER SUBSECTION (A) OR (C) OF THIS SECTION, THE DEPARTMENT SHALL:

(1) PROVIDE THE PERSON ALLEGED TO HAVE VIOLATED THIS SUBTITLE WITH WRITTEN NOTICE OF THE PROPOSED PENALTY AND AN OPPORTUNITY FOR AN INFORMAL MEETING CONCERNING SETTLEMENT OF THE PROPOSED CIVIL OR ADMINISTRATIVE PENALTY;

(2) USE DISCRETION TO DETERMINE WHETHER A FORMAL ENFORCEMENT ACTION UNDER THIS SECTION IS APPROPRIATE; AND

(3) IF APPLICABLE, REVIEW ANY GOOD FAITH APPLICATION FROM THE PERSON, OR AN AUTHORIZED REPRESENTATIVE OF THE PERSON, FOR A LOAN FROM THE PRIVATE DAM REPAIR FUND.

On page 4, in line 1, strike “(D)” and substitute “(E)”.

On pages 7 through 9, strike in their entirety the lines beginning with line 11 on page 7 through line 9 on page 9, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application of any provision of this Act to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.”.

On page 9, in line 10, strike “2.” and substitute “3.”.