

## AMENDMENTS TO HOUSE BILL NO. 1712

Sponsor: REPRESENTATIVE R. BROWN

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1 Amend Bill, page 1, by inserting between lines 11 and 12  
2 "Common interest community." Includes a cooperative,  
3 condominium and planned community where an individual by virtue  
4 of ownership interest in any portion of real estate is or may  
5 become obligated by covenant, easement or agreement imposed upon  
6 the owner's interest to pay any amount for real property taxes,  
7 insurance, maintenance, repair, improvement, management,  
8 administration or regulation of any part of the real estate  
9 other than the portion or interest owned solely by the  
10 individual.

11 Amend Bill, page 1, line 15, by inserting after

12 "communities)"

13 or common interest community

14 Amend Bill, page 2, line 2, by striking out "maintenance of  
15 and repairs to" and inserting

16 the maintenance, repair, rehabilitation, or permanent breach  
17 of

18 Amend Bill, page 2, line 3, by inserting after "includes"

19 construction activities,

20 Amend Bill, page 2, lines 7 through 9, by striking out "or  
21 community association that owns a" in line 7 and all of lines 8  
22 and 9 and inserting

23 who owns, controls, operates, maintains or manages a  
24 regulated private dam in this Commonwealth.

25 Amend Bill, page 2, line 11, by striking out "or

26 corporation." and inserting

27 , community association or corporation. The term does not  
28 include an agency of the Federal, State, county or municipal  
29 government or an interstate government.

1 Amend Bill, page 2, by inserting between lines 13 and 14

2 "Regulated private dam." A privately owned dam subject to  
3 the requirements of section 11 of the act of November 26, 1978  
4 (P.L.1375, No.325), known as the Dam Safety and Encroachments  
5 Act.

6 Amend Bill, page 2, lines 18 and 19, by striking out "for  
7 owners to assist in meeting any financial obligations under" and  
8 inserting

9 assistance to owners of regulated private dams to meet any  
10 proof of financial responsibility requirements promulgated  
11 pursuant to section 11 of

12 Amend Bill, page 2, lines 23 through 25, by striking out "all  
13 financial obligations for" in line 23 and all of lines 24 and 25  
14 and inserting

15 proof of financial responsibility requirements promulgated  
16 pursuant to section 11 of the Dam Safety and Encroachments Act  
17 for the owner's dam.

18 Amend Bill, page 2, line 26, by inserting after "assurance"  
19 assistance

20 Amend Bill, page 2, lines 27 through 30; page 3, lines 1  
21 through 9; by striking out "owners. To participate in the" in  
22 line 27, all of lines 28 through 30 on page 2 and all of lines 1  
23 through 9 on page 3 and inserting

24 an owner provided that the owner:

25 (1) Demonstrates compliance with the Dam Safety and  
26 Encroachments Act and the regulations promulgated under that  
27 act, as determined by the Department of Environmental  
28 Protection, including annual inspection reporting, payment of  
29 registration fees and compliance with an approved emergency  
30 action plan.

31 (2) Pays a one-time program enrollment fee of \$1,000 per  
32 dam to the fund.

33 (3) Pays an annual fee to the fund in an amount equal to  
34 1% of the bond amount required by the Department of  
35 Environmental Protection under proof of financial  
36 responsibility requirements promulgated pursuant to section  
37 11 of the Dam Safety and Encroachments Act.

38 Amend Bill, page 3, line 10, by striking out "Application"

1 and inserting  
2 Program application  
3 Amend Bill, page 3, line 11, by striking out "shall submit  
4 an" and inserting  
5 must submit a complete program  
6 Amend Bill, page 3, line 11, by inserting after "department."  
7 The department shall develop the application form in  
8 consultation with the Department of Environmental Protection.  
9 The department will consult with the Department of Environmental  
10 Protection to determine owner eligibility under this act.  
11 Amend Bill, page 3, line 15, by inserting after "for"  
12 private dam  
13 Amend Bill, page 3, lines 16 and 17, by striking out "for  
14 eligible costs for repairs and maintenance to dams"  
15 Amend Bill, page 3, line 18, by inserting after "department"  
16 , in consultation with the Department of Environmental  
17 Protection,  
18 Amend Bill, page 3, line 22, by inserting after "amount"  
19 under the program  
20 Amend Bill, page 3, line 24, by striking out "Application"  
21 and inserting  
22 Loan application  
23 Amend Bill, page 3, line 25, by striking out "an" and  
24 inserting  
25 a complete loan  
26 Amend Bill, page 3, line 25, by inserting after "The "  
27 loan  
28 Amend Bill, page 3, line 25, by inserting after "application"  
29 where it occurs the second time  
30 form  
31 Amend Bill, page 3, lines 25 and 26, by striking out "on a  
32 form"

1 Amend Bill, page 3, line 26, by inserting after "department"  
2 . The loan application form shall be developed, in  
3 consultation with the Department of Environmental Protection,

4 Amend Bill, page 4, line 2, by inserting after "department"  
5 or Department of Environmental Protection

6 Amend Bill, page 4, line 5, by striking out "Interest" where  
7 it occurs the second time and inserting

8 Loan interest

9 Amend Bill, page 4, line 5, by inserting after "fixed"  
10 at an interest rate in effect

11 Amend Bill, page 4, line 7, by striking out "application is  
12 made" and inserting

13 loan is awarded

14 Amend Bill, page 4, line 10, by inserting after "department"  
15 , in consultation with the Department of Environmental  
16 Protection,

17 Amend Bill, page 4, line 14, by inserting after "department"  
18 , in consultation with the Department of Environmental  
19 Protection,

20 Amend Bill, page 4, line 25, by striking out the period after  
21 "act" and inserting

22 , and to the Department of Environmental Protection for costs  
23 associated with the entry, correction, repair, operation,  
24 maintenance, inspection, monitoring or removal of a dam as  
25 necessary in response to:

26 (1) the failure of an owner enrolled in the program to  
27 comply with the act of November 26, 1978 (P.L.1375, No.325),  
28 known as the Dam Safety and Encroachments Act, or any  
29 regulation, permit or order issued under that act, where the  
30 failure of the owner to comply creates an unsafe condition  
31 under the Dam Safety and Encroachments Act and the  
32 regulations thereunder; or

33 (2) abandonment of the dam by an owner enrolled in the  
34 program.

35 (b) Fund balance and loan program.--At any time that the  
36 fund has a balance equal to or greater than \$1,500,000 and the  
37 Department of Environmental Protection has not identified the  
38 need for an amount in excess of \$1,500,000 to correct the  
39 failure of owners to comply with the Dam Safety and

1 Encroachments Act, the department may begin accepting and  
2 approving owner loan applications for eligible costs so long as  
3 a balance of at least \$1,000,000 remains in the fund.

4 Amend Bill, page 4, line 26, by striking out "(b)" and  
5 inserting

6 (c)