

## ATTACHMENT 2.a

### Amendments to HB 401, PN 2632

Amending the act of August 23, 1961 (P.L.1068, No.484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," further providing for purpose, for definitions, for disbursements, for inflation protection, for audits and for subrogation; establishing the Mine Subsidence Assistance Program; providing for subsidence insurance; and making editorial changes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title and sections 1, 2, 3, 4, 5, 7 and 9 of the act of August 23, 1961 (P.L.1068, No.484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," reenacted and amended November 27, 1972 P.L.1243, No.278), are amended to read:

#### AN ACT

To provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental [Resources] Protection for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation.

Section 1. Purposes.--Whereas, the anthracite and bituminous coal and clay mine areas have been faced with the grave problem of subsidence for many years, and

Whereas, these problems are becoming more widespread, and

Whereas, these conditions cause undue hardship upon a multitude of persons, and

[Whereas, studies reveal that the subsidence is traceable primarily to mining of thirty or more years ago and not necessarily to present day mining so that effective measures cannot readily be taken at this late date for the elimination of the problem, and]

Whereas, it would be to the advantage of residents of the anthracite and bituminous coal and clay mining regions to form a common bond to combat distress resulting from subsidence;

Now therefore, there shall be established a Coal and Clay Mine Subsidence Insurance Fund and a Coal and Clay Mine Subsidence Insurance Board with the powers and duties as herein set out.

Section 2. [Terms.--The Coal and Clay Mine Subsidence Insurance Board is hereinafter called the board, the Coal and Clay Mine Subsidence Insurance Fund is hereinafter called the fund, and the Department of Environmental Resources is hereinafter called the department.] Definitions.--The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Abandoned underground mining area."--An area determined by the Department of Environmental Protection to be either above or in close proximity to abandoned underground mine workings and periodically published in the Pennsylvania Bulletin.

"Board." The Coal and Clay Mine Subsidence Insurance Board **established in section 3.**

"Department." The Department of Environmental Protection of the Commonwealth.

"Dwelling." A single-family structure the primary purpose of which is residential.

"Fund." The Coal and Clay Mine Subsidence Insurance Fund **established in section 4.**

**"Insurance producer." Any person licensed by the Pennsylvania Insurance Department as an agent or broker to sell, solicit or negotiate contracts of insurance in this Commonwealth.**

"Mine subsidence." ~~The lateral or vertical movement of the earth resulting from past or present underground coal or clay mining operations~~ **The movement of the ground surface as a result of the collapse of underground coal or clay mine workings.**

"Mine subsidence emergency." A condition in which a dwelling sustains mine subsidence damage sufficient to render the structure unsafe for human occupancy as determined by the department.

"Mine subsidence insurance policy." An insurance agreement, as defined by department regulation, which is issued by the department.

**"Mine workings." The roof, floor and pillars within an underground coal or clay mine.**

"Owner of structure." A person, corporation, organization or association holding title to a structure [within the anthracite or bituminous coal or clay mine regions as defined by the board.](#)

"Program." The Mine Subsidence Assistance Program [established in section 20.](#)

"Secretary." The Secretary of Environmental Protection of the Commonwealth.

"Structure." A complete building which contains a roof, walls and a foundation which firmly attaches the structure to the earth.

Section 3. The Coal and Clay Mine Subsidence Insurance Board.--The Coal and Clay Mine Subsidence Insurance Board is hereby created consisting of the [Secretary of Environmental Resources] secretary, as chairman, and the Commissioner of Insurance and the State Treasurer.

Section 4. The Coal and Clay Mine Subsidence Insurance Fund.--The premiums to be paid by owners of structures, as hereinafter described, are hereby constituted a Coal and Clay Mine Subsidence Insurance Fund, [hereinafter called fund,] for the purpose of insuring from the moneys in the fund such owners against the damages resulting from subsidence, of coal or clay mines. Such fund shall be administered by a board without liability on the part of the State except as hereinafter provided beyond the amount thereof and shall be applied to the payment of such damages.

Section 5. The Initial Source of Fund.--The expenses of the administration of the fund shall after July 1, 1972, be paid out of the general appropriation of the [Department of Environmental Resources] department.

Section 7. Schedule of Premiums.--At any time during each year, the [said] board shall prepare and publish a schedule of premiums or rates of insurance for subscribers, which schedule shall be printed and distributed free of charge to such persons who shall

make application therefor, and any such subscriber may, at his option as hereinafter provided, pay to the fund the amount of premium appropriate, and upon payment thereof, shall be insured, as hereinafter provided, for the year for which such premium is paid, and such insurance shall cover all payments becoming due for which said premium is paid. The premium is fixed and shall be adequate to enable payment of all sums which may become due and payable under the provisions of this act, and adequate reserve sufficient to carry all policies and claims to maturity. In fixing the premiums payable by any subscriber, the board may take into account the condition of the premises of such subscriber in respect to the possibility of subsidence as shown by the report of any inspector appointed by the board or by the department, and they may from time to time change the amount of premiums payable by any of the subscribers as circumstances may require and the condition of the premises of such subscribers in respect to the possibility of subsidence may justify, and they may increase the premiums of any subscriber whose loss experience warrants such change. The insurance of any subscriber shall not be effective until he shall have paid in full the premium so fixed and determined.

Section 9. Investment of Surplus.--The [said] board may invest any of the surplus or reserve belonging to the fund in such securities and investments as are authorized for investment by savings banks. All such securities or evidences of indebtedness shall be placed in the hands of the State Treasurer who shall be the custodian thereof. He shall collect the principal and interest thereof when due and pay the same into the fund. The State Treasurer shall pay for all such securities or evidences of indebtedness by check issued upon requisition of the board. All such payments shall be made only upon delivery of such securities or evidences of indebtedness to the State Treasurer. To all requisitions calling upon the State Treasurer to pay for any securities or evidences of indebtedness, there shall be attached a certified copy of the resolution of the board authorizing the investment. The [said] board may upon like resolution sell any of such securities.

Section 2. Section 10 of the act, amended November 20, 1981(P.L.350, No.127), is amended to read:

Section 10. Disbursements from Fund.--(a) Moneys from the general appropriation of the [Department of Environmental Resources] department are hereby made available for the expense of administering the fund including the purchase through the Department of General Services of surety bonds for such officers or employes of the board as may be required to furnish them supplies, materials, motor vehicles, workmen's insurance covering the officers and employes of the board, and liability insurance covering vehicles operated by the officers and employes of the board.

(b) Moneys from the general appropriation of the [Department of Environmental Resources] department shall also be available [for payment, to the Insurance Department, of the cost incurred by that department in examining and auditing the fund in such amounts as the Insurance Department shall determine, and] for payment, to the Treasury Department, of the cost of making disbursements out of the fund on behalf of the fund at such amounts as the Treasury Department, with the approval of the Executive Board, shall determine.

(c) The board shall keep an accurate account of the money paid in premiums by the subscribers and the disbursements on account of damages to the premises thereof, and if at the expiration of any year there shall be a balance remaining after deducting such disbursements, the unearned premiums on undetermined risks and the percentage of premiums paid or payable to create or maintain the surplus provided herein, and after setting aside an adequate reserve, so much of the balance as the board may determine to be safely distributable may either be allocated to the cost of administering the fund or be distributed among the subscribers in proportion to the premiums paid by them and the proportionate share of such subscribers as shall remain subscribers to the fund shall be credited to the installment of premiums next due by them and the proportionate share of such subscribers as shall have ceased to be subscribers in the fund shall be refunded to them out of the fund in the manner hereinafter provided.

(d) Moneys from the general appropriation to the department shall also be available to pay a one-time commission as determined by the board to insurance producers who forward applications for mine subsidence insurance to the board pursuant to section 12, if a policy is issued pursuant to an application submitted by an insurance producer. The amount of the commission shall be determined by the board on an annual basis.

Section 3. Sections 12 and 12.1 of the act, amended or added July 10, 1984 (P.L.711, No.151), are amended to read:

Section 12. Application for Insurance; Terms of Insurance; Penalty for False Statement; **List of Mining Areas.**--(a) Any owner of a structure located within the anthracite or bituminous coal or clay mine region and who desires to become a subscriber to [said] the fund for the purpose of insuring such a structure therein against damages from coal or clay mine subsidences, shall make a [written request for an application for such insurance to the [said] board or any of its agents. The board shall then send to the owner of the structure an application in which application the applicant shall state the name, address, date of ownership of the premises to be insured, the condition of the premises, prior subsidence experience, if any, nature of title whether it includes any subsurface support, whether any agreement exists concerning surface support.] **a complete application as prescribed by the board to the board, its agents or insurance producers.** Thereupon, the board shall make such investigation as may be necessary if such application complies with the rules and regulations of the board and within sixty days after the request for an application is received shall issue a certificate showing the acceptance of the application and the amount of premium payable by such applicant for the year for which premium is sought. The amount of insurance coverage shall not exceed the replacement cost of the insured structure or the maximum amount of coverage established by the fund, whichever is less. Policies may be issued for one year, for two years or for three years as the board may establish. Except as provided in subsection (b), no insurance shall become effective until the premiums have been paid.

All premiums shall be payable to the State Treasurer whereupon a receipt shall be issued therefor. The receipt for premium together with a certificate of the board shall be evidence that the applicant has become a subscriber to the fund and is insured.

(b) If the board fails to make the necessary investigations or inspection and fails to approve or deny an application for insurance within sixty days of receipt of the written request for an application by the board or any of its agents, in accordance with this section, the insurance requested by the applicant shall be deemed granted. The insurance shall be effective from the date the written request for an application was received by the board or any of its agents, but the coverage will be null and void if the applicant fails to remit the premium payment within twenty days from the day the bill for the premium was postmarked.

(1) The insurance may be subjected to later reductions, and premiums adjusted accordingly, if the board determines that the amount of insurance coverage requested is in excess of the current [market value] replacement cost of the structure or [current statutory limits] the maximum amount of coverage established by the fund, whichever is less.

(2) The insurance shall be void if, upon inspection of the structure, the board determines that either (i) mine subsidence damage occurred prior to the request by the applicant for insurance, or (ii) the applicant by his unreasonable actions or in actions is responsible for the failure of the board to inspect the structure within sixty days of receipt of the written request for an application in accordance with this section.

(c) Whoever shall knowingly furnish or make any false certificate, application or statement herein required shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand five hundred dollars (\$1,500) and shall undergo imprisonment not exceeding one year.



(d) In order to assist insurance producers and potential policy holders in identifying structures that could be at risk from mine subsidence damage, the board shall publish and update in the Pennsylvania Bulletin a list of areas in the Commonwealth that are believed to be at risk for mine subsidence damage.

Section 12.1. Application for an Increase in Insurance.--(a) Additions in the amount of insurance, up to the allowable limits, may be made at any time by the subscriber by submitting a written statement to the board or to any of its agents, except during a period when a claim filed by the subscriber is open and pending investigation by the department. Upon receipt of the subscriber's written statement by the board or any of its agents, the board shall have sixty days from the day the request was received to reinspect the structure. If reinspection occurs within the sixty-day period and the structure passes the reinspection, the new amount of insurance shall be effective from the date of premium payment after reinspection. If reinspection does not occur within the sixty-day period, the new amount of insurance shall be effective from the date the subscriber's written request for additional insurance was received by the board or any of its agents, but the additional coverage will be null and void if the applicant fails to remit the premium payment within twenty days from the day the bill for additional premium is postmarked.

(b) The additional insurance may be subjected to later reductions, and premiums adjusted accordingly, if the board determines that the added insurance raises the total amount of insurance in excess of the current [market value] replacement cost of the structure or [current statutory limits] the maximum amount of coverage established by the fund, whichever is less.

(c) The additional insurance shall be void if, upon reinspection of the structure, the board determines that either:

(1) Mine subsidence damage occurred prior to the request of the subscriber for additional insurance.

(2) The subscriber's unreasonable actions or inactions are responsible for the board's failure to reinspect the insured structure within sixty days of receipt of the written request for an increase in the amount of coverage by the board or any of its agents.

Section 4. Sections 13, 14, 15 and 17 of the act are amended to read:

Section 13. Audit by Auditor General.--The Auditor General through such agents as he may select shall, at least once each year, make a complete examination and audit of the fund including all receipts and expenditures, cash on hand and securities, investments or property held representing cash or cash disbursements, and for these purposes the Auditor General is hereby authorized to employ such consultants, experts, accountants or investigators as he may deem advisable.

The expense incurred in making said examination and audit shall be certified to the fund by the Auditor General and shall be paid from the general appropriation of the [Department of Environmental Resources] department.

The first audit of such fund may, in the discretion of the Auditor General, extend back to the creation of such fund or to any other period in its life.

[Section 14. Audit by Insurance Department.--The Insurance Department at least once each year shall make a complete examination and audit of the affairs of the fund including all receipts and expenditures, cash on hand and securities, investments or property held representing cash or cash disbursements to ascertain its financial condition and its ability to fulfill its obligations, whether the board in managing the fund has complied with the provisions of law relating to the fund and the equity of the board's plans and dealings with its policyholders.

For the purpose of any examination and audit authorized by this act, the Commissioner of Insurance, his deputy or his examiners shall have free access to all the books, records and

papers pertaining to the fund, and all persons charged with the management of the fund or connected therewith as employees are hereby directed and required to give to the Commissioner of Insurance, his deputy or officers the means, facilities and opportunity for such examination and audit.

The expenses incurred by the Insurance Department in making any examination and audit under the provisions of this act shall be ascertained by the department, certified to the fund, and paid from the general appropriation of the Department of Environmental Resources.]

Section 15. Claims against Fund.--Any subscriber to the fund must file with the board a true statement of his claim for any subsidence and shall give to the board an opportunity to investigate and to determine whether the board will pay the claim. For any claim to be considered valid the department must determine that a mine subsidence event occurred during the term of the mine subsidence insurance policy.

Section 17. Subrogation to Rights of Claimants.--Nothing herein shall relieve any person, partnership, or corporation otherwise liable therefor from any liability for damages sustained; and the fund and the program shall be subrogated to the rights of any property owners' insurance herein.

Section 5. The act is amended by adding sections to read:

Section 20. Mine Subsidence Assistance Program.--(a) If a homeowner believes that the homeowner's dwelling has sustained mine subsidence damage, the homeowner may apply to the department board for mine subsidence assistance. The application must be on a form prepared by the department board and must provide for inspection of the dwelling to determine the nature, extent and time of the damage. Upon a determination by the board and its agents that a dwelling has sustained mine subsidence damage and that an application for assistance was submitted to the department board within forty-five days of occurrence of the mine subsidence event the time when the

dwelling was damaged by such subsidence, the department board shall, to the extent funds are made available, grant assistance, as follows:

(1) Grants may be awarded only to persons whose dwellings are unsafe for occupancy as a result of a mine subsidence emergency and may be awarded to move and provide temporary housing for persons whose dwellings are destroyed or endangered until the homes are repaired, until there is no further danger of subsidence or until a new permanent residence is found, provided that grants shall not be used to pay for temporary housing for more than one year and the total amount of a grant shall not exceed twelve thousand dollars (\$12,000).

(2) Loans may be approved at an interest rate equal to the average rate of return earned by the fund during the previous five FISCAL years or six percent, whichever is lower for the repair or replacement of dwellings damaged by mine subsidence. The loan shall be for a period of time not exceeding fifteen years in duration and shall be in an amount sufficient to cover the cost of repairing the structural damage to the dwelling, but in no event shall be more than the market value of the dwelling as determined by an appraiser, or the maximum amount of coverage established by the fund, whichever is less, as provided for in regulations promulgated under this act. Loans shall be administered by the department board pursuant to standard criteria utilized by the mortgage banking industry in issuing conventional mortgages, provided that the department board may consider other equity interests in real property available to the borrower in addition to the equity in the dwelling for which the loan is applied and shall be secured by a lien upon the dwelling being repaired or replaced and other equity securing the loan.

(3) In addition to repairing or replacing structural damage to a dwelling, loans may also be made to repair or replace dwelling-related driveways, septic systems, sidewalks, fences, sewer laterals, water lines, gas lines, wells and inground pools, located on the property on which the dwelling is located,

provided that the damage has been caused by the same mine subsidence event that damaged the dwelling.

(4) Loans shall be made for only the amount not covered by insurance or other sources of remuneration, including amounts for which a mine operator is liable under the act of April 27, 1966 (1st Sp. Sess., P.L.31, No.1), known as "The Bituminous Mine Subsidence and Land Conservation Act," unless it is determined that the operator is unable to meet his obligations under that act.

~~(5) Any homeowner who has carried mine subsidence insurance in the past on a dwelling for which assistance under this section is applied shall not be eligible for such assistance if the homeowner has failed to maintain the insurance and coverage is not in effect at the time of the mine subsidence event that caused the damage for which assistance is applied. This paragraph does not apply to homeowners who may apply for assistance as a result of the failure of a mine operator to meet his obligations under "The Bituminous Mine Subsidence and Land Conservation Act."~~

(b) If a person receiving **loan** assistance under this section does not have mine subsidence insurance ~~and is not ineligible to receive such assistance under subsection (a)(5),~~ the person shall be required to purchase a mine subsidence insurance policy when the structural damage for which assistance was granted has been repaired. Persons receiving a loan under this section must maintain mine subsidence insurance coverage **in an amount equal to eighty percent of the replacement cost of the repaired dwelling or the maximum amount of mine subsidence insurance available, whichever amount is lower,** for the duration of the loan, ~~and persons receiving a grant under this section must maintain mine subsidence insurance coverage for as long as it is determined by the department that the dwelling is in danger of further damage from mine subsidence.~~ If a person receiving ~~mine subsidence assistance~~ **a loan** fails to maintain the required mine subsidence insurance, the person shall immediately pay the fund the outstanding balance due on the loan ~~or refund the grant proceeds~~ provided under this section.

(c) Repairs for which loans are provided under this section must be completed within one year of the receipt of ~~grant or~~ loan assistance, unless an extension is approved by the department. If the department determines that repairs have not been made within one year and that no extension should be granted, the person who received the ~~grant or~~ loan assistance shall repay the fund for the amount of the ~~grant or~~ loan not expended on repairs for which the ~~grant or~~ loan was provided.

(d) Loans provided pursuant to this section are not transferable. If a person receiving a loan under this section sells or transfers ownership of the dwelling for which loan assistance has been provided, the person shall pay the fund the outstanding balance due on the loan at the time title to the dwelling is transferred.

~~(e) The board shall make moneys from the fund available for the operations of the Mine Subsidence Assistance Program as it determines are reasonable for its operation and that would not jeopardize the operations or solvency of the fund.~~

~~Section 20.1. Notice of Risk of Subsidence and Availability of Subsidence Insurance. (a) Every mortgage lending institution doing business in an abandoned underground mining area shall provide every person applying for a loan for the purchase of a dwelling located within an abandoned underground mining area with notice of the risk of mine subsidence and of the availability of mine subsidence insurance.~~

~~(b) The department, with the assistance of the Department of Banking, shall notify mortgage lending institutions described in subsection (a) of abandoned underground mining areas and shall provide them with informational publications about mine subsidence insurance and applications for such insurance for distribution by the lender to every person applying for a mortgage loan if the loan applies to a dwelling located within an abandoned underground mining area.~~

~~(c) If a person applying for a mortgage loan for a dwelling located within an abandoned underground mining area declines to purchase mine subsidence insurance after being provided the notice, information and application required by subsections (a) and (b), then the person applying for the mortgage loan shall sign a statement acknowledging that he or she has received the required notice, information and application regarding mine subsidence insurance; has declined to purchase such insurance; and by declining to purchase such insurance waives the right to receive a grant or loan under the program until UNLESS mine subsidence insurance is purchased PRIOR TO A MINE SUBSIDENCE EVENT FOR WHICH A GRANT OR LOAN UNDER THE PROGRAM IS APPLIED. The mortgage lending institution shall forward a copy of the signed statement to the department.~~

~~(d) A mortgage lending institution that fails to provide the required notice, information and signed statement required under subsections (a), (b) and (c) shall compensate the mortgagor for the reasonable cost of repairing any actual subsidence damage not covered by subsidence insurance which may result from the failure. It shall not be a defense to an action under this subsection that the mortgage lending institution did not receive the notice from the department under subsection (b).~~

~~(e) This section shall apply with respect to a mortgage loan made, increased, extended or renewed on or after the effective date of this section.~~

~~**Section 21. Department Report.--**The department shall make an annual report on the program and on experience with mine subsidence insurance notice requirements to the Environmental Resources and Energy Committee of the Senate and the Environmental Resources and Energy Committee of the House of Representatives. An annual report on the operations of the Mine Subsidence Assistance Program and the numbers of subscribers to the mine subsidence fund shall be provided to the House of Representatives and Senate Environmental Resources and Energy Committees.~~

Section 6. Sections 22 and 24.1 of the act are amended to read:

Section 22. Employees of the Board to Be Part of the Department [of Environmental Resources].--All employees of the board shall be employed by and located in the [Department of Environmental Resources] department and shall be subject to the administrative jurisdiction and authority of the [Secretary of Environmental Resources] secretary.

Section 24.1. Appeals.--Any party aggrieved by an action of the board [hereunder] shall have the right to appeal to the Environmental Hearing Board.

Section 7. The addition of section 20 of the act shall apply to mine subsidence damage incurred after December 31, 1998, provided that mine subsidence damage which occurred between January 1, 1999, and the effective date of this act and for which mine subsidence assistance is applied must have been reported to the department prior to the effective date of this act, and an application for assistance for such damage must be filed with the department within 90 days of the effective date of this act.

Section 8. This act shall take **effect as follows:**

- ~~(1) The addition of section 20.1 of the act shall take effect in 180 days.~~
- ~~(2) The remainder of this act shall take effect immediately. in 180 days.~~



## ATTACHMENT 2.b

### Amendments to HB 401, PN 2632, as amended

Page 3, lines 10 through 13 by striking all of said lines.

Page 3, line 15 by striking all of said line.

Page 3, line 21 by striking all of said line.

Page 3, lines 21 and 22 by inserting between said lines:

"Insurance producer." Any person licensed by the Pennsylvania Insurance Department as an agent or broker to sell, solicit or negotiate contracts of insurance in this Commonwealth.

Page 3, lines 22 through 24 by striking all of said lines and replacing with:

"Mine subsidence." The movement of the ground surface as a result of the collapse of underground coal or clay mine workings.

Page 4, line 3 by striking all of said line and replacing with:

"association holding title to a structure."

Page 4, line 4 by striking all of said line.

Page 4, line 6 by striking all of said line.

Page 7, lines 19 and 20 by inserting between said lines:

(d) Moneys from the general appropriation to the department shall also be available to pay a one-time commission as determined by the board to insurance producers who forward applications for mine subsidence insurance to the board pursuant to section 12, if a policy is issued pursuant to an application submitted by an insurance producer. The amount of the commission shall be determined by the board on an annual basis.

Page 7, line 23 after "Statement" by inserting:

": List of Mining Areas"

Page 7, line 27 by placing an opening bracket before "written" through Page 8, line 5 by placing a closing bracket after "support" and inserting:

a complete application as prescribed by the board to the board, its agents or insurance producers

Page 9, lines 22 and 23 by inserting between said lines:

(d) In order to assist insurance producers and potential policy holders in identifying structures that could be at risk from mine subsidence damage, the board shall publish and update in the Pennsylvania Bulletin a list of areas in the Commonwealth that are believed to be at risk for mine subsidence damage.

Page 12, line 11 after “claim.” by striking the remainder of said line

Page 12, lines 12 and 13 by striking all of said lines.

Page 12, line 17 by striking “the program”

Page 12, line 20 before “Program” by inserting:

“Mine Subsidence Assistance”

Page 12, line 22 by striking “department” and replacing with:

“board”

Page 12, line 26 after “determination” by inserting:

“by the board and its agents”

Page 12, line 28 by striking “department” and replacing with:

“board”

Page 12, line 28 by striking “occurrence of the mine” and line 29 by striking “subsidence event” and replacing with:

“the time when the dwelling was damaged by such subsidence”

Page 12, line 29 by striking “department” and replacing with:

“board”

Page 13, line 19 by striking “as provided for in” and line 20 by striking “regulations promulgated under this act”

Page 13, line 23 by striking “department” and replacing with:

“board”

Page 13, line 27 after “replaced” by inserting:

“and other equity securing the loan”

Page 14, lines 12 through 21 by striking all of said lines.

Page 14, line 22 after “receiving” by inserting:

“loan”

Page 14, line 23 by striking “and is not ineligible to” and line 24 by striking “receive such assistance under subsection (a)(5)”

Page 14, line 28 after “coverage” by inserting:

“in an amount equal to eighty percent of the replacement cost of the repaired dwelling or the maximum amount of mine subsidence insurance available, whichever amount is lower”

Page 14, line 29 after “loan” by striking the remainder of said line, and line 30 by striking all of said line.

Page 15, line 1 by striking all of said line.

Page 15, line 2 by striking “further damage from mine subsidence”

Page 15, 2 by striking “mine” and replacing with:

“a loan”

Page 15, line 3 by striking “subsidence assistance”

Page 15, line 5 by striking “or refund the grant”

Page 15, line 6 by striking “proceeds”

Page 15, line 8 by striking “grant or”

Page 15, line 12 by striking “grant or”

Page 15, line 13 by striking “grant or”

Page 15, line 14 by striking “grant or”

Page 15, lines 21 through 24 by striking all of said lines and replacing with:

(e) The board shall make moneys from the fund available for the operations of the Mine Subsidence Assistance Program as it determines are reasonable for its operation and that would not jeopardize the operations or solvency of the fund.

Page 15, lines 25 through 30 by striking all of said lines.

Page 16, lines 1 through 30 by striking all of said lines.

Page 17, lines 1 through 4 by striking all of said lines.

Page 17, lines 5 through 10 by striking all of said lines and replacing with:

Section 21. Report.--An annual report on the operations of the Mine Subsidence Assistance Program and the numbers of subscribers to the mine subsidence fund shall be provided to the House of Representatives and Senate Environmental Resources and Energy Committees.

Page 18, line 1 by striking “as followings:” and replacing with:

“in 180 days.”

Page 18, lines 2 through 5 by striking all of said lines.