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By: **Delegates Stull and Cane**

Introduced and read first time: February 4, 2005

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Department of Agriculture - Water Pollution Control - Cost Sharing**

3 FOR the purpose of repealing the requirement that a certain person pay the full  
4 amount of State cost sharing funds paid for certain practices; authorizing the  
5 Department of Agriculture to determine the amount that a certain person shall  
6 pay for failing to establish or maintain a certain practice; making a stylistic  
7 change; and generally relating to cost sharing under the Department's voluntary  
8 cost sharing program for water pollution control.

9 BY repealing and reenacting, with amendments,  
10 Article - Agriculture  
11 Section 8-705(a)  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2004 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Agriculture**

17 8-705.

18 (a) Failure by a person to establish, install, construct, or maintain a best  
19 management practice in accordance with the agreement required to be executed with  
20 the Department [of Agriculture] under § 8-704 of this subtitle shall render the  
21 person liable for [the full] AN amount, TO BE DETERMINED BY THE DEPARTMENT, of  
22 State cost sharing funds paid for practices that are not implemented or maintained.  
23 However, a person may not be found liable for inadequate maintenance or destruction  
24 of a best management practice if it were caused by an act of nature that could not  
25 reasonably be anticipated by the person.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2005.