

HOUSE BILL 1303

M4

2lr0140

By: **Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)**

Introduced and read first time: February 15, 2012

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 27, 2012

Committee Report: Favorable

House action: Adopted

Read second time: March 19, 2012

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Cost Sharing for Water Pollution Control**

3 FOR the purpose of altering the maximum amount of State cost sharing for certain
4 water pollution control projects; and generally relating to State cost sharing for
5 water pollution control.

6 BY repealing and reenacting, with amendments,
7 Article – Agriculture
8 Section 8–704
9 Annotated Code of Maryland
10 (2007 Replacement Volume and 2011 Supplement)

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

13 **Article – Agriculture**

14 8–704.

15 (a) (1) State cost sharing in any project may be made available for up to
16 87 1/2 percent of eligible costs, not to exceed a dollar amount of up to **[\$100,000]**
17 **\$200,000** as determined by a regulation adopted jointly by the Secretary of
18 Agriculture and the Secretary of the Environment.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) State cost sharing funds may be made available for any project if:

2 (i) The Department of Agriculture, the soil conservation
3 district, and a person have executed an agreement which, among other things,
4 obligates the person to establish, construct, or install the best management practice in
5 accordance with technical specifications, to maintain the best management practice for
6 its expected life span, and to provide the required matching funds for the project;

7 (ii) The Board of Public Works has given approval to the project
8 when the proceeds of State bonds are to be used to finance the State share; and

9 (iii) The soil conservation district has certified to the
10 Department that the project meets all applicable technical standards, and that all
11 submitted invoices properly represent eligible costs.

12 (3) (i) 1. Except as authorized under subparagraph 2 of this
13 subparagraph and before the Department of Agriculture executes a cost sharing
14 agreement with a farm tenant, it shall obtain the consent of the landlord to the terms
15 and conditions of the agreement.

16 2. The Department may execute the agreement without
17 the consent of the landlord if:

18 A. The agreement concerns a short-term project that
19 involves only the planting of a cover crop; and

20 B. The Department has sent by first-class mail written
21 notice of a cover crop project to the landlord at least 10 calendar days before executing
22 the agreement for the first cover crop project during the term of the lease.

23 (ii) The Department may also require the granting to the State
24 of an appropriate security interest in any equipment, structures or similar items
25 purchased with State moneys.

26 (4) A cost sharing agreement executed as required under this subtitle
27 may be assigned and transferred to a successor in title of all or part of a tract of land
28 subject to a best management practice.

29 (b) State cost sharing funds shall be disbursed, upon warrant of the
30 Comptroller, only after the Department has determined that the best management
31 practice has been established or in the case of equipment, structures, or similar items,
32 that it has been received and properly installed. Payment may be made either to the
33 person when the person has advanced money, or directly to a vendor or contractor in
34 accordance with the written agreement required by this section, or supplemental
35 written agreements with the vendor or contractor.

1 (c) (1) The Secretary of Agriculture and the Secretary of the Environment
2 shall jointly promulgate rules and regulations to implement this subtitle. However,
3 rules and regulations solely involving internal management of the cost sharing
4 program need only be promulgated by the Secretary of Agriculture. The Department of
5 Natural Resources shall be consulted prior to any rule making effort to assure
6 coordination with its sediment control and related watershed programs.

7 (2) All rules and regulations promulgated under this section shall be
8 approved by the Board of Public Works prior to the use of the proceeds of State bonds
9 in the cost sharing program.

10 (3) The Department of Agriculture and the Department of the
11 Environment may enter into agreements with appropriate federal and local
12 governmental entities to assist in administering this subtitle.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.