

SECTION 3. AND BE IT FURTHER ENACTED, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Natural Resources

8-1005.

(C) IF IT APPEARS REASONABLY LIKELY THAT FUNDS WILL BE AVAILABLE FOR AN APPROVED SHORE EROSION CONTROL PROJECT, THE DEPARTMENT SHALL DEVELOP COMPLETE PLANS, SPECIFICATIONS, AND ALL INFORMATION NECESSARY TO SOLICIT FIRM BIDS FOR CONSTRUCTION OF THE PROJECT. AFTER SELECTION OF A CONTRACTOR, IN ACCORDANCE WITH NORMAL COMPETITIVE BIDDING PROCEDURES, THE DEPARTMENT SHALL ADVISE THE PROPERTY OWNER OF THE ESTIMATED COST FOR THE COMPLETION OF ALL WORK. THE PROPERTY OWNER THEN MAY ELECT TO ABANDON THE PROJECT, AND FORFEIT ANY INITIAL DEPOSIT REQUIRED UNDER THE RULES AND REGULATIONS OF THE DEPARTMENT.

(D) IF, AFTER COMPLETION OF THE PROCEDURES REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, THE PROPERTY OWNER DECIDES TO PROCEED WITH THE PROJECT, THE PROVISIONS OF THIS SUBSECTION SHALL APPLY.

(1) THE PROPERTY OWNER SHALL EXECUTE A WRITTEN NOTICE TO PROCEED, ON A FORM PROVIDED BY THE DEPARTMENT, AND SHALL PAY ANY PROPERTY OWNER'S CASH CONTRIBUTION REQUIRED UNDER THIS SUBTITLE. THIS ACTION SHALL CONSTITUTE AN IRREVOCABLE COMMITMENT BY THE PROPERTY OWNER TO COMPLETION OF THE PROJECT IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE, INCLUDING AUTHORIZATION FOR THE DEPARTMENT TO INCUR COSTS UP TO 10 PERCENT IN EXCESS OF THE ESTIMATED COST ABOVE.

(2) ANY EXCESS COSTS WITHIN THE 10 PERCENT LIMIT SHALL NOT ACT TO INCREASE THE PROPERTY OWNER'S CASH CONTRIBUTION BUT SHALL BE INCLUDED IN THE NET PROJECT CONSTRUCTION COST FOR PURPOSES OF ASSESSING BENEFIT CHARGES AT THE CONCLUSION OF THE PROJECT.

(3) THE DEPARTMENT SHALL AT THIS TIME CAUSE A NOTICE OF LIEN TO BE RECORDED AMONG THE LAND RECORDS OF THE COUNTY WHERE THE BENEFITED PROPERTY IS LOCATED. THE NOTICE SHALL GENERALLY DESCRIBE THE PROVISIONS OF § 8-1006 OF THIS SUBTITLE REGARDING LIEN PRIORITY AND THE ASSUMPTION OF LIABILITY BY A PURCHASER OF A BENEFITED PROPERTY.

(4) THE DEPARTMENT SHALL AWARD A CONSTRUCTION CONTRACT FOR THE PROJECT, SHALL SUPERVISE ACTUAL CONSTRUCTION WORK, AND MAKE REASONABLE EFFORTS TO ENSURE THAT THE PROJECT IS COMPLETED IN ACCORDANCE WITH ALL SPECIFICATIONS, AND IN A MANNER THAT CONFORMS TO NORMAL INDUSTRY PRACTICE. IN THIS REGARD, THE DEPARTMENT ALONE SHALL BE RESPONSIBLE, IN ITS OWN DISCRETION, FOR NEGOTIATING ANY CHANGES IN THE CONSTRUCTION CONTRACT AND FOR DETERMINING WHEN THE PROJECT IS SATISFACTORILY COMPLETE IN ALL RESPECTS.