

INSTALLED. PAYMENT MAY BE MADE EITHER TO THE PERSON WHEN THE PERSON HAS ADVANCED MONEY, OR DIRECTLY TO A VENDOR OR CONTRACTOR IN ACCORDANCE WITH THE WRITTEN AGREEMENT REQUIRED BY THIS SECTION, OR SUPPLEMENTAL WRITTEN AGREEMENTS WITH THE VENDOR OR CONTRACTOR.

(C) (1) THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL JOINTLY PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THIS SUBTITLE. HOWEVER, RULES AND REGULATIONS SOLELY INVOLVING INTERNAL MANAGEMENT OF THE COST SHARING PROGRAM NEED ONLY BE PROMULGATED BY THE SECRETARY OF AGRICULTURE. THE DEPARTMENT OF NATURAL RESOURCES SHALL BE CONSULTED PRIOR TO ANY RULE MAKING EFFORT TO ASSURE COORDINATION WITH ITS SEDIMENT CONTROL AND RELATED WATERSHED PROGRAMS.

(2) ALL RULES AND REGULATIONS PROMULGATED UNDER THIS SECTION SHALL BE APPROVED BY THE BOARD OF PUBLIC WORKS PRIOR TO THE USE OF THE PROCEEDS OF STATE BONDS IN THE COST SHARING PROGRAM.

(3) THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY ENTER INTO AGREEMENTS WITH APPROPRIATE FEDERAL AND LOCAL GOVERNMENTAL ENTITIES TO ASSIST IN ADMINISTERING THIS SUBTITLE.

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(A) FAILURE BY A PERSON TO ESTABLISH, INSTALL, CONSTRUCT, OR MAINTAIN A BEST MANAGEMENT PRACTICE IN ACCORDANCE WITH THE AGREEMENT REQUIRED TO BE EXECUTED WITH THE DEPARTMENT OF AGRICULTURE UNDER SECTION 8-704 OF THIS SUBTITLE SHALL RENDER THE PERSON LIABLE FOR THE FULL AMOUNT OF STATE COST SHARING FUNDS PAID FOR PRACTICES THAT ARE NOT IMPLEMENTED OR MAINTAINED. HOWEVER, A PERSON MAY NOT BE FOUND LIABLE FOR INADEQUATE MAINTENANCE OR DESTRUCTION OF A BEST MANAGEMENT PRACTICE IF IT WERE CAUSED BY AN ACT OF NATURE THAT COULD NOT REASONABLY BE ANTICIPATED BY THE PERSON.

(B) THE ATTORNEY GENERAL, AT THE REQUEST OF THE SECRETARY OF AGRICULTURE MAY INSTITUTE APPROPRIATE LEGAL ACTION TO ENFORCE THE TERMS AND CONDITIONS OF ALL COST SHARING AGREEMENTS EXECUTED UNDER THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the passage of this Act is contingent upon the passage of Senate Bill 938 of 1982 to authorize use of proceeds of the Water Quality Loan Act of 1974 for cost sharing projects to control agriculturally related nonpoint sources of pollution in Maryland. Should that measure fail enactment, the provisions of this Act are null and void without the need of further action by the General Assembly.