

HOUSE BILL 124

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2001 Regular Session
11r0949
CF 11r1533

By: **Delegates Edwards, McKee, Stull, Shank, Elliott, Getty, Hecht,
Donoghue, Taylor, Bartlett, Snodgrass, Stocksdale, Amedori, Brinkley,
K. Kelly, Guns, and Rudolph**

Introduced and read first time: January 15, 2001
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 28, 2001

CHAPTER _____

1 AN ACT concerning

2 **Environment - Flood Damage Restoration Fund**

3 FOR the purpose of establishing the Flood Damage Restoration Fund; requiring the
4 Secretary of the Environment, in consultation with the Director of the Maryland
5 Emergency Management Agency, to award grants from the Fund to subdivisions
6 under certain circumstances; requiring certain subdivisions to comply with
7 certain standards, building codes, guidelines, and regulations under certain
8 circumstances; requiring the Secretary of the Environment, in consultation with
9 the Director of the Maryland Emergency Management Agency, to establish
10 certain grant application procedures; authorizing subdivisions to apply for
11 grants from the Fund to be used for certain purposes related to repair or
12 replacement of certain property damaged by flood; requiring certain
13 subdivisions to provide certain matching funds; authorizing the Secretary of the
14 Environment to adopt regulations for certain purposes; and generally relating to
15 the Flood Damage Restoration Fund.

16 BY repealing and reenacting, with amendments,
17 Article - Environment
18 Section 5-802
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 2000 Supplement)

21 BY adding to
22 Article - Environment
23 Section 5-810

1 Annotated Code of Maryland
2 (1996 Replacement Volume and 2000 Supplement)

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

5 **Article - Environment**

6 5-802.

7 (a) The General Assembly finds and declares that:

8 (1) Recurrent flooding of a portion of the State's land resources causes
9 loss of life, damage to property, disruption of commerce and governmental services,
10 and unsanitary conditions, all of which are detrimental to the health, safety, welfare,
11 and property of the occupants of flood hazard areas of the State;

12 (2) Considerable public costs are incurred through the emergency
13 preparedness program and by replacing public utilities and other public capital
14 investments destroyed or damaged by floods;

15 (3) Flood waters disregard jurisdictional boundaries; and

16 (4) The public interest necessitates management of waters and flood
17 hazard areas for the objectives of preventing and alleviating flood threats to life and
18 health, reducing private and public economic losses, and to the extent possible,
19 preserving the biological values associated with these land and water resources.

20 (b) The policy and purposes of this subtitle are:

21 (1) To assist in the guidance of development to minimize the impacts of
22 flooding;

23 (2) To provide State guidelines and technical assistance to local
24 governments in management of flood hazard areas;

25 (3) To provide for comprehensive watershed management;

26 (4) To facilitate implementation of projects for flood control;

27 (5) To encourage and provide for local governmental units to manage
28 flood-prone lands in a comprehensive manner;

29 (6) To provide for the biological and environmental quality of the
30 watersheds of the State; [and]

31 (7) To establish a grant program to assist local jurisdictions with
32 implementation of those capital projects included within the comprehensive flood
33 management plans which are adopted and approved in accordance with this subtitle;
34 AND

1 (8) TO ESTABLISH A GRANT PROGRAM TO ASSIST SUBDIVISIONS IN THE
2 REPAIR OR REPLACEMENT OF PUBLIC PUBLICLY OWNED REAL PROPERTY DAMAGED
3 BY FLOOD.

4 5-810.

5 (A) IN THIS SECTION, "FUND" MEANS THE FLOOD DAMAGE RESTORATION
6 FUND.

7 (B) THERE IS A FLOOD DAMAGE RESTORATION FUND WITHIN THE
8 DEPARTMENT.

9 (C) (1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT
10 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

11 (2) THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER
12 SHALL ACCOUNT FOR THE FUND.

13 (3) THE TREASURER SHALL INVEST THE FUND IN THE SAME MANNER AS
14 OTHER STATE FUNDS AND CREDIT ANY INVESTMENT EARNINGS TO THE FUND.

15 (D) THE FUND CONSISTS OF:

16 (1) MONEYS APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

17 (2) EARNINGS FROM THE INVESTMENT OF MONEYS IN THE FUND.

18 (E) BEGINNING IN FISCAL 2003, THE GOVERNOR SHALL INCLUDE IN THE
19 STATE BUDGET SUFFICIENT FUNDS TO BRING THE FUND TO A MINIMUM BALANCE
20 OF AT LEAST \$1,000,000 BALANCE AT THE START OF EACH FISCAL YEAR.

21 (F) THE SECRETARY, IN CONSULTATION WITH THE DIRECTOR OF THE
22 MARYLAND EMERGENCY MANAGEMENT AGENCY, SHALL AWARD GRANTS FROM THE
23 FUND TO SUBDIVISIONS FOR CAPITAL EXPENDITURES TO CARRY OUT THE
24 PROVISIONS OF THIS SECTION WHEN FEDERAL FUNDS ARE NOT AVAILABLE.

25 (G) (1) SUBDIVISIONS MAY APPLY FOR GRANTS FROM THE FUND TO REPAIR
26 OR REPLACE PUBLIC PUBLICLY OWNED REAL PROPERTY DAMAGED BY FLOOD.

27 (2) A SUBDIVISION THAT RECEIVES A GRANT FROM THE FUND MUST
28 PROVIDE AND EXPEND A MATCHING FUND FROM ANY SOURCE OTHER THAN STATE
29 FUNDS EQUAL TO 25% OF THE AMOUNT OF THE GRANT PROJECT. NO PART OF THE
30 MATCHING FUND MAY CONSIST OF REAL PROPERTY, IN KIND CONTRIBUTIONS, OR
31 FUNDS EXPENDED PRIOR TO THE AWARD OF THE GRANT.

32 (3) A SUBDIVISION THAT RECEIVES A GRANT FROM THE FUND FOR THE
33 REPAIR OR REPLACEMENT OF PUBLICLY OWNED REAL PROPERTY SHALL COMPLY
34 WITH ALL CURRENT STANDARDS, BUILDING CODES, AND REGULATIONS, INCLUDING
35 ANY APPLICABLE FEDERAL FLOODPLAIN GUIDELINES AND REGULATIONS.

1 (H) THE SECRETARY, IN CONSULTATION WITH THE DIRECTOR OF THE
2 MARYLAND EMERGENCY MANAGEMENT AGENCY, SHALL ESTABLISH PROCEDURES
3 FOR SUBDIVISIONS TO APPLY FOR GRANTS FROM THE FUND.

4 (I) THE SECRETARY, IN CONSULTATION WITH THE DIRECTOR OF THE
5 MARYLAND EMERGENCY MANAGEMENT AGENCY, MAY ADOPT REGULATIONS TO
6 CARRY OUT THE PROVISIONS OF THIS SECTION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2001.