

HOUSE BILL 428

M3, B1

(9lr1406)

ENROLLED BILL

— *Environment and Transportation and Appropriations/Budget and Taxation* —

Introduced by **Delegates C. Watson, Atterbeary, Bagnall, Cain, Chang, Corderman, Ebersole, Feldmark, Fennell, Hill, Jackson, Kelly, Kittleman, Korman, Lafferty, R. Lewis, Miller, Patterson, Pendergrass, ~~and Terrasa~~ Terrasa, Acevero, Anderton, Boyce, Bridges, Gaines, Ghrist, Gilchrist, Harrison, Haynes, Healey, Hettleman, Holmes, Jones, Krimm, Lehman, Lierman, Love, ~~Mangione~~, McKay, Proctor, Solomon, Stein, Valentino-Smith, Wells, and P. Young**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Comprehensive Flood Management Grant Program – Awards for Flood Damage**
3 **and Mandatory Funding**

4 FOR the purpose of altering the policy and purpose of provisions of law governing flood
5 control and watershed management to include establishing a grant program to assist
6 local jurisdictions with certain repairs and work associated with a flood event;
7 clarifying the projects for which an application must be submitted to and reviewed
8 by the State clearinghouse of the Department of Planning; authorizing the
9 Department of the Environment to use the comprehensive flood management grant

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.

Italics indicate opposite chamber/conference committee amendments.



1 program to award grants to subdivisions that have incurred infrastructure damage
 2 of a certain monetary amount caused by a flood event that occurred on or after a
 3 certain date; specifying the amount and use of the grant; establishing a priority for
 4 awarding the grant; requiring the Governor to include a certain appropriation to the
 5 comprehensive flood management grant program in ~~each~~ certain annual budget
 6 ~~submission~~ submissions; specifying that funds not awarded from the comprehensive
 7 flood management grant program by the end of a fiscal year remain in the program
 8 and are not subject to a certain provision of law; making stylistic and conforming
 9 changes; and generally relating to the comprehensive flood management grant
 10 program.

11 BY repealing and reenacting, without amendments,
 12 Article – Environment
 13 Section 5–801(a), (e), and (i)
 14 Annotated Code of Maryland
 15 (2013 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, with amendments,
 17 Article – Environment
 18 Section 5–802(b) and 5–803(h)
 19 Annotated Code of Maryland
 20 (2013 Replacement Volume and 2018 Supplement)

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

23 **Article – Environment**

24 5–801.

25 (a) In this subtitle the following terms have the meanings indicated.

26 (e) “Federal flood insurance program” means the program established by the
 27 National Flood Insurance Act of 1968, as amended.

28 (i) “Subdivision” means:

29 (1) Any county, including Baltimore City; and

30 (2) Any incorporated municipality which has the authority to adopt and
 31 enforce land use and control measures for the areas within its jurisdiction.

32 5–802.

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

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

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

5 (3) To provide for comprehensive watershed management;

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

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

9 (6) To provide for the biological and environmental quality of the
10 watersheds of the State; and

11 (7) To establish a grant program to assist local jurisdictions with
12 [implementation]:

13 (I) **IMPLEMENTATION** of those capital projects included within the
14 comprehensive flood management plans which are adopted and approved in accordance
15 with this subtitle; **AND**

16 (II) **INFRASTRUCTURE REPAIRS, ~~DEBRIS REMOVAL~~ WATERSHED**
17 **RESTORATION, AND EMERGENCY PROTECTION WORK ASSOCIATED WITH A FLOOD**
18 **EVENT.**

19 5-803.

20 (h) (1) There is a comprehensive flood management grant program within the
21 Department.

22 (2) (I) Subject to the approval of the Board of Public Works, the
23 Department may use proceeds from the State debt created to fund the comprehensive flood
24 management grant program to pay the entire cost of watershed studies pursuant to
25 subsection (b) of this section.

26 (II) The Department may provide grants to subdivisions to pay the
27 entire cost of watershed studies when the Department delegates that responsibility
28 pursuant to subsection (b) of this section.

29 (3) (I) Subject to the approval of the Board of Public Works, the
30 Department may provide grants to subdivisions for flood control and watershed
31 management capital projects, and for the capital costs related to design, purchase, and
32 installation of automated flood warning projects, provided that the projects are consistent

1 with the plans and implementation prepared and adopted in accordance with this subtitle,
2 and provided further that each project:

3 [(i)] 1. Is undertaken as part of a comprehensive flood
4 management plan prepared and adopted by the subdivision; and

5 [(ii)] 2. Is not inconsistent with any State or interjurisdictional
6 flood management plan.

7 [(4)] (II) Grants for automated flood warnings projects shall be
8 conditioned to require all affected local governing bodies TO:

9 [(i)] 1. [To adopt] **ADOPT** a specific and compatible response plan
10 which has been coordinated with local emergency management authorities and reviewed
11 and approved by the Department and the Maryland Emergency Management Agency; and

12 [(ii)] 2. [To provide] **PROVIDE** for financial and other
13 commitments to properly operate and maintain the project.

14 (III) 1. **THE AMOUNT OF ANY GRANT MADE BY THE**
15 **DEPARTMENT FOR A FLOOD CONTROL AND WATERSHED MANAGEMENT CAPITAL**
16 **PROJECT THAT INVOLVES ONLY NONFEDERAL FUNDS AND MEETS THE CRITERIA OF**
17 **THIS SUBTITLE SHALL BE MATCHED BY A MINIMUM AMOUNT OF 25% OF PROJECT**
18 **COSTS IN LOCAL GOVERNMENT OR PRIVATE FUNDS.**

19 2. **FOR A FLOOD CONTROL AND WATERSHED**
20 **MANAGEMENT CAPITAL PROJECT THAT INVOLVES FEDERAL FUNDING AND MEETS**
21 **THE CRITERIA OF THIS SUBTITLE:**

22 A. **THE DEPARTMENT MAY PROVIDE UP TO 50% OF THE**
23 **NONFEDERAL SHARE OF THE PROJECT FUNDING; AND**

24 B. **LOCAL GOVERNMENT OR PRIVATE FUNDS SHALL**
25 **PROVIDE NOT LESS THAN 50% OF THE NONFEDERAL SHARE OF THE PROJECT**
26 **FUNDING.**

27 (IV) **EACH PROJECT APPLICATION FOR A GRANT UNDER THIS**
28 **PARAGRAPH SHALL BE SUBMITTED TO AND REVIEWED BY THE STATE**
29 **CLEARINGHOUSE OF THE DEPARTMENT OF PLANNING IN ACCORDANCE WITH**
30 **ESTABLISHED CLEARINGHOUSE PROCEDURES.**

31 [(5)] (4) (i) Subject to the approval of the Board of Public Works, the
32 Department may provide grants to subdivisions immediately after a flood for acquisition of
33 any flood damaged owner-occupied dwelling.

1 (ii) Total expenditures for grants made under this paragraph may
 2 not exceed 50% of the total authorized budgeted funds in a fiscal year for grants under this
 3 subsection.

4 [(6) (i) The amount of any grant made by the Department for a flood
 5 control and watershed management capital project which involves only nonfederal funds
 6 and meets the criteria of this subtitle shall be matched by a minimum amount of 25% of
 7 project costs in local government or private funds.

8 (ii) For a flood control and watershed management capital project
 9 which involves federal funding and meets the criteria of this subtitle:

10 1. The Department may provide up to 50% of the nonfederal
 11 share of the project funding; and

12 2. Local government or private funds shall provide not less
 13 than 50% of the nonfederal share of the project funding.]

14 **(5) (I) THE DEPARTMENT MAY AWARD GRANTS TO SUBDIVISIONS
 15 THAT HAVE INCURRED AT LEAST \$1,000,000 IN INFRASTRUCTURE DAMAGE CAUSED
 16 BY A FLOOD EVENT THAT OCCURRED ON OR AFTER JANUARY 1, 2009.**

17 **(II) THE TOTAL AMOUNT OF GRANTS AWARDED BY THE
 18 DEPARTMENT TO SUBDIVISIONS UNDER THIS PARAGRAPH MAY:**

19 **1. FOR FISCAL YEARS 2020, 2021, AND 2022, EQUAL UP
 20 TO 100% OF THE TOTAL AMOUNT OF MONEY APPROPRIATED TO THE
 21 COMPREHENSIVE FLOOD MANAGEMENT PROGRAM; AND**

22 **2. FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR
 23 THEREAFTER, EQUAL UP TO 50% OF THE TOTAL AMOUNT OF MONEY APPROPRIATED
 24 TO THE COMPREHENSIVE FLOOD MANAGEMENT PROGRAM.**

25 **~~(H)~~ (III) A GRANT AWARDED TO A SUBDIVISION UNDER THIS
 26 PARAGRAPH MAY BE:**

27 **1. FOR AN AMOUNT OF UP TO 50% OF THE COMBINED
 28 COST OF INFRASTRUCTURE REPAIRS, ~~DEBRIS REMOVAL~~ WATERSHED RESTORATION,
 29 AND EMERGENCY WORK ASSOCIATED WITH THE FLOOD EVENT;**

30 **2. USED FOR INFRASTRUCTURE REPAIRS, ~~DEBRIS~~
 31 ~~REMOVAL~~ WATERSHED MANAGEMENT, OR EMERGENCY PROTECTION WORK
 32 ASSOCIATED WITH THE FLOOD EVENT; AND**

1 3. **USED FOR EXPENSES ASSOCIATED WITH ITEM 2 OF**
 2 **THIS ~~ITEM~~ SUBPARAGRAPH THAT THE SUBDIVISION HAS ALREADY INCURRED.**

3 ~~(III)~~ **(IV) THE DEPARTMENT SHALL PRIORITIZE AWARDING**
 4 **GRANTS UNDER THIS PARAGRAPH TO SUBDIVISIONS IN WHICH:**

5 1. **INFRASTRUCTURE DAMAGE OCCURRED IN ~~A LOCALLY~~**
 6 **AN AREA DESIGNATED BY THE MARYLAND HISTORICAL TRUST AS AN HISTORIC**
 7 **DISTRICT; OR**

8 2. **INFRASTRUCTURE DAMAGE CAUSED BY A FLOOD**
 9 **EVENT HAS OCCURRED MORE THAN ONCE WITHIN THE PREVIOUS 5 YEARS.**

10 **[(7)] (6)** To receive a grant, the subdivision must participate in the
 11 national flood insurance program.

12 **[(8)] (7)** Before [making] **AWARDING** a grant **UNDER PARAGRAPHS (2),**
 13 **(3), OR (4) OF THIS SUBSECTION**, the Department, in cooperation with the Department
 14 of Planning, shall review the flood control and watershed management operations of the
 15 applicant subdivision to assure that the flood control and watershed management
 16 operations are in compliance with this subtitle.

17 **[(9)] (8) (I) ~~FOR EACH FISCAL YEAR FOR FISCAL YEAR 2021 AND~~**
 18 **~~EACH FISCAL YEAR THEREAFTER, THE~~ *THE* GOVERNOR SHALL INCLUDE IN THE**
 19 **ANNUAL STATE BUDGET AN APPROPRIATION ~~OF AT LEAST \$5,000,000~~ FOR THE**
 20 **COMPREHENSIVE FLOOD MANAGEMENT GRANT PROGRAM OF AT LEAST:**

21 1. **FOR FISCAL YEAR 2021, \$3,000,000;**

22 2. **FOR FISCAL YEAR 2022, \$3,000,000; AND**

23 3. **FOR FISCAL YEAR 2023, \$2,000,000.**

24 **(II) FUNDS NOT AWARDED FROM THE COMPREHENSIVE FLOOD**
 25 **MANAGEMENT GRANT PROGRAM BY THE END OF A FISCAL YEAR:**

26 1. **SHALL REMAIN IN THE PROGRAM; AND**

27 2. **ARE NOT SUBJECT TO § 7-302 OF THE STATE**
 28 **FINANCE AND PROCUREMENT ARTICLE.**

29 **(9) (I)** The Department, in consultation with the Department of
 30 Planning, shall adopt regulations necessary for the administration of the grant program.

31 **(II)** These regulations may include:

- 1 [(i)] 1. A determination of statewide and interjurisdictional needs
- 2 and priorities;
- 3 [(ii)] 2. Standards of eligibility for applicants and projects;
- 4 [(iii)] 3. Criteria for recognition of tidal and nontidal areas;
- 5 [(iv)] 4. Engineering and economic standards and alternatives;
- 6 and
- 7 [(v)] 5. Procedures for filing and processing contents of
- 8 applications.

9 [(10) Each project application shall be submitted to and reviewed by the

10 State clearinghouse of the Department of Planning in accordance with established

11 clearinghouse procedures.]

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June

13 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.