

SENATE BILL 269

M3, B1

(9lr0495)

ENROLLED BILL

— Budget and Taxation/Environment and Transportation and Appropriations —

Introduced by **Senators Hester, Guzzone, Carter, Hough, Kagan, Lam, Peters, West, and Zucker**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Comprehensive Flood Management Grant Program – Awards for Flood Damage**
3 **and Mandatory ~~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
10 program to award grants to subdivisions that have incurred infrastructure damage
11 of a certain monetary amount caused by a flood event that occurred on or after a
12 certain date; specifying the amount and use of the grant; establishing a priority for
13 awarding the grant; ~~requiring~~ authorizing ~~requiring~~ the Governor to include a
14 certain appropriation to the comprehensive flood management grant program in

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 ~~each certain~~ annual budget ~~submission~~ submissions; specifying that funds not
 2 awarded from the comprehensive flood management grant program by the end of a
 3 fiscal year remain in the program and are not subject to a certain ~~provisions~~
 4 provision of law; making stylistic and conforming changes; and generally relating to
 5 the comprehensive flood management grant program.

6 BY repealing and reenacting, without amendments,
 7 Article – Environment
 8 Section 5–801(a), (e), and (i)
 9 Annotated Code of Maryland
 10 (2013 Replacement Volume and 2018 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – Environment
 13 Section 5–802(b) and 5–803(h)
 14 Annotated Code of Maryland
 15 (2013 Replacement Volume and 2018 Supplement)

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

18 Article – Environment

19 5–801.

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

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

23 (i) “Subdivision” means:

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

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

27 5–802.

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

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

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

1 (3) To provide for comprehensive watershed management;

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

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

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

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

9 (I) IMPLEMENTATION of those capital projects included within the
10 comprehensive flood management plans which are adopted and approved in accordance
11 with this subtitle; AND

12 (II) INFRASTRUCTURE REPAIRS, ~~DEBRIS REMOVAL~~ WATERSHED
13 RESTORATION, AND EMERGENCY PROTECTION WORK ASSOCIATED WITH A FLOOD
14 EVENT.

15 5-803.

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

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

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

25 (3) (I) Subject to the approval of the Board of Public Works, the
26 Department may provide grants to subdivisions for flood control and watershed
27 management capital projects, and for the capital costs related to design, purchase, and
28 installation of automated flood warning projects, provided that the projects are consistent
29 with the plans and implementation prepared and adopted in accordance with this subtitle,
30 and provided further that each project:

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

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

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

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

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

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

15 2. **FOR A FLOOD CONTROL AND WATERSHED**
16 **MANAGEMENT CAPITAL PROJECT THAT INVOLVES FEDERAL FUNDING AND MEETS**
17 **THE CRITERIA OF THIS SUBTITLE:**

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

20 B. **LOCAL GOVERNMENT OR PRIVATE FUNDS SHALL**
21 **PROVIDE NOT LESS THAN 50% OF THE NONFEDERAL SHARE OF THE PROJECT**
22 **FUNDING.**

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

27 [(5)] (4) (i) Subject to the approval of the Board of Public Works, the
28 Department may provide grants to subdivisions immediately after a flood for acquisition of
29 any flood damaged owner-occupied dwelling.

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

33 [(6)] (i) The amount of any grant made by the Department for a flood
34 control and watershed management capital project which involves only nonfederal funds

1 and meets the criteria of this subtitle shall be matched by a minimum amount of 25% of
2 project costs in local government or private funds.

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

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

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

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

12 (II) THE TOTAL AMOUNT OF GRANTS AWARDED BY THE
13 DEPARTMENT TO SUBDIVISIONS UNDER THIS PARAGRAPH MAY:

14 1. FOR FISCAL YEARS 2020, 2021, AND 2022, EQUAL UP
15 TO 100% OF THE TOTAL AMOUNT OF MONEY APPROPRIATED TO THE
16 COMPREHENSIVE FLOOD MANAGEMENT ~~GRANT~~ PROGRAM; AND

17 2. FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR
18 THEREAFTER, EQUAL UP TO 50% OF THE TOTAL AMOUNT OF MONEY APPROPRIATED
19 TO THE COMPREHENSIVE FLOOD MANAGEMENT ~~GRANT~~ PROGRAM.

20 ~~(II)~~ (III) A GRANT AWARDED TO A SUBDIVISION UNDER THIS
21 PARAGRAPH MAY BE:

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

25 2. USED FOR INFRASTRUCTURE REPAIRS, ~~DEBRIS~~
26 ~~REMOVAL~~ WATERSHED MANAGEMENT, OR EMERGENCY PROTECTION WORK
27 ASSOCIATED WITH THE FLOOD EVENT; AND

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

30 ~~(III)~~ (IV) THE DEPARTMENT SHALL PRIORITIZE AWARDING
31 GRANTS UNDER THIS PARAGRAPH TO SUBDIVISIONS IN WHICH:

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

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

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

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

13 [(9)] (8) **(I) ~~FOR EACH FISCAL YEAR, THE~~ FOR FISCAL YEAR 2021**
 14 **AND EACH FISCAL YEAR THEREAFTER THE GOVERNOR SHALL MAY SHALL INCLUDE**
 15 **IN THE ANNUAL STATE BUDGET AN APPROPRIATION ~~OF AT LEAST \$5,000,000~~ FOR**
 16 **THE COMPREHENSIVE FLOOD MANAGEMENT GRANT PROGRAM OF AT LEAST:**

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

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

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

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

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

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

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

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

28 **[(i)] 1.** A determination of statewide and interjurisdictional needs
 29 and priorities;

30 **[(ii)] 2.** Standards of eligibility for applicants and projects;

- 1 [(iii)] 3. Criteria for recognition of tidal and nontidal areas;
- 2 [(iv)] 4. Engineering and economic standards and alternatives;
- 3 and
- 4 [(v)] 5. Procedures for filing and processing contents of
- 5 applications.

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

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

8 clearinghouse procedures.]

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

10 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.