

SENATE BILL 189

L3

(6lr1274)

ENROLLED BILL

— *Education, Energy, and the Environment/Environment and Transportation* —

Introduced by **Senator Lewis 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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Municipalities – Open Drainage Inlets – ~~Required Grating Systems~~ Inventory**
3 **and Improvements**
4 **(Mason’s Law)**

5 FOR the purpose of requiring a municipality to inventory and prioritize all existing open
6 drainage inlets in the municipality and construct or install a ~~certain approved~~
7 ~~grating system~~ certain improvements on a new or existing open drainage inlet within
8 the municipality; requiring, in certain fiscal years, a certain amount of money
9 appropriated to the comprehensive flood management grant program within the
10 Department of the Environment to be used to provide matching funds to assist
11 municipalities with certain costs; and generally relating to open drainage inlets in
12 municipalities.

13 BY repealing and reenacting, with amendments,
14 Article – Environment

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 Section 5-803(h)
 2 Annotated Code of Maryland
 3 (2013 Replacement Volume and 2025 Supplement)

4 BY adding to
 5 Article – Local Government
 6 Section 4-112
 7 Annotated Code of Maryland
 8 (2013 Volume and 2025 Supplement)

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

11 Article – Environment

12 5-803.

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

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

19 (ii) The Department may provide grants to subdivisions to pay the
 20 entire cost of watershed studies when the Department delegates that responsibility pursuant
 21 to subsection (b) of this section.

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

28 1. Is undertaken as part of a comprehensive flood
 29 management plan prepared and adopted by the subdivision; and

30 2. Is not inconsistent with any State or interjurisdictional
 31 flood management plan.

32 (ii) Grants for automated flood warnings projects shall be
 33 conditioned to require all affected local governing bodies to:

1 1. Adopt a specific and compatible response plan which has
2 been coordinated with local emergency management authorities and reviewed and approved
3 by the Department and the Maryland Department of Emergency Management; and

4 2. Provide for financial and other commitments to properly
5 operate and maintain the project.

6 (iii) 1. The amount of any grant made by the Department for a
7 flood control and watershed management capital project that involves only nonfederal funds
8 and meets the criteria of this subtitle shall be matched by a minimum amount of 25% of
9 project costs in local government or private funds.

10 2. For a flood control and watershed management capital
11 project that involves federal funding and meets the criteria of this subtitle:

12 A. The Department may provide up to 50% of the nonfederal
13 share of the project funding; and

14 B. Local government or private funds shall provide not less
15 than 50% of the nonfederal share of the project funding.

16 (iv) Each project application for a grant under this paragraph shall
17 be submitted to and reviewed by the State clearinghouse of the Department of Planning in
18 accordance with established clearinghouse procedures.

19 (4) (i) Subject to the approval of the Board of Public Works, the
20 Department may provide grants to subdivisions immediately after a flood for acquisition of
21 any flood damaged owner-occupied dwelling.

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

25 (5) (i) The Department may award grants to subdivisions that have
26 incurred at least \$1,000,000 in infrastructure damage caused by a flood event that occurred
27 on or after January 1, 2009.

28 (ii) The total amount of grants awarded by the Department to
29 subdivisions under this paragraph may:

30 1. For fiscal years 2020, 2021, and 2022, equal up to 100% of
31 the total amount of money appropriated to the comprehensive flood management program;
32 and

33 2. For fiscal year 2023 and each fiscal year thereafter, equal
34 up to 50% of the total amount of money appropriated to the comprehensive flood
35 management program.

1 (iii) A grant awarded to a subdivision under this paragraph may be:

2 1. For an amount of up to 50% of the combined cost of
 3 infrastructure repairs, watershed restoration, and emergency work associated with the flood
 4 event;

5 2. Used for infrastructure repairs, watershed management, or
 6 emergency protection work associated with the flood event; and

7 3. Used for expenses associated with item 2 of this
 8 subparagraph that the subdivision has already incurred.

9 (iv) The Department shall prioritize awarding grants under this
 10 paragraph to subdivisions in which:

11 1. Infrastructure damage occurred in an area designated by
 12 the Maryland Historical Trust as an historic district; or

13 2. Infrastructure damage caused by a flood event has
 14 occurred more than once within the previous 5 years.

15 **(6) (I) THE DEPARTMENT MAY AWARD GRANTS TO MUNICIPALITIES**
 16 **TO PROVIDE MATCHING FUNDS TO ASSIST WITH THE COSTS OF MAKING**
 17 **IMPROVEMENTS TO EXISTING OPEN DRAINAGE INLETS IN ACCORDANCE WITH §**
 18 **4-112 OF THE LOCAL GOVERNMENT ARTICLE.**

19 **(II) IN EACH OF FISCAL YEARS 2029 THROUGH 2031, \$250,000**
 20 **OF THE MONEY APPROPRIATED TO THE COMPREHENSIVE FLOOD MANAGEMENT**
 21 **GRANT PROGRAM SHALL BE USED TO AWARD GRANTS UNDER THIS PARAGRAPH.**

22 **(7) To receive a grant, the subdivision must participate in the national flood**
 23 **insurance program.**

24 ~~**(7)**~~ **(8) Before awarding a grant under paragraphs (2), (3), or (4) of this**
 25 **subsection, the Department, in cooperation with the Department of Planning, shall review**
 26 **the flood control and watershed management operations of the applicant subdivision to**
 27 **assure that the flood control and watershed management operations are in compliance with**
 28 **this subtitle.**

29 ~~**(8)**~~ **(9) (i) For fiscal year 2026 and each fiscal year thereafter, the**
 30 **Governor may include in the annual State budget an appropriation for the comprehensive**
 31 **flood management grant program of up to \$20,000,000.**

32 **(ii) For fiscal year 2026 and each fiscal year thereafter, at least 40%**
 33 **of funding provided under the comprehensive flood management grant program shall be**

1 used for projects located in or directly benefiting underserved or overburdened communities,
 2 as defined in § 1-701 of this article.

3 (iii) Funds not awarded from the comprehensive flood management
 4 grant program by the end of a fiscal year:

5 1. Shall remain in the program; and

6 2. Are not subject to § 7-302 of the State Finance and
 7 Procurement Article.

8 ~~[(9)]~~ (10) (i) The Department, in consultation with the Department of
 9 Planning, shall adopt regulations necessary for the administration of the grant program.

10 (ii) These regulations may include:

11 1. A determination of statewide and interjurisdictional needs
 12 and priorities;

13 2. Standards of eligibility for applicants and projects;

14 3. Criteria for recognition of tidal and nontidal areas;

15 4. Engineering and economic standards and alternatives;
 16 and

17 5. Procedures for filing and processing contents of
 18 applications.

19 Article – Local Government

20 4-112.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 22 INDICATED.

23 (2) (I) “APPROVED GRATING SYSTEM” MEANS A COVER PLACED
 24 OVER THE OPENING OF AN OPEN DRAINAGE INLET IN ORDER TO ALLOW
 25 STORMWATER RUNOFF TO ENTER THE DRAINAGE INLET WHILE PREVENTING LARGE
 26 DEBRIS FROM ENTERING THE DRAINAGE INLET.

27 (II) “APPROVED GRATING SYSTEM” INCLUDES:

28 1. A STANDARD YARD INLET;

1 2. A RAISED GRATE YARD INLET;

2 3. A TRASH RACK GRATING, PROVIDED THAT THE RACK
3 HAS AT LEAST FOUR SIDES, EACH OF WHICH IS AT LEAST AS LARGE AS THE DIAMETER
4 OF THE SURFACE OPENING; AND

5 4. FOR NEW DRAINAGE INLETS, A PRECAST CONCRETE
6 BOX INCORPORATED INTO THE CONSTRUCTION OF THE DRAINAGE INLET.

7 (3) (I) “OPEN DRAINAGE INLET” MEANS A STRUCTURE WITH A
8 SURFACE OPENING THAT:

9 ~~(I)~~ 1. HAS A DIAMETER OF 12 INCHES OR MORE; AND

10 ~~(II)~~ 2. IS DESIGNED TO COLLECT AND DRAIN STORMWATER
11 RUNOFF.

12 (II) “OPEN DRAINAGE INLET” INCLUDES AN OPEN HEADWALL
13 STRUCTURE ATTACHED TO A CULVERT.

14 (III) “OPEN DRAINAGE INLET” DOES NOT INCLUDE:

15 1. A GRATE INLET;

16 2. A CURB INLET;

17 3. A COMBINATION CURB AND GRATE INLET;

18 4. A SURFACE-LEVEL DRAINAGE TUNNEL WITH ONLY
19 ONE SURFACE-LEVEL INLET AND ONE DIRECT SURFACE-LEVEL OUTLET;

20 5. A SLOTTED INLET; OR

21 6. A CULVERT LOCATED ON AN OPEN DRAINAGE
22 HIGHWAY.

23 (4) “PRIVATELY OWNED EXISTING OPEN DRAINAGE INLET” MEANS AN
24 INLET THAT IS LOCATED ON PRIVATE PROPERTY AND WAS INSTALLED BEFORE
25 OCTOBER 1, 2026.

26 (5) (I) “PUBLICLY OWNED EXISTING OPEN DRAINAGE INLET”
27 MEANS AN INLET OWNED AND MAINTAINED BY THE MUNICIPALITY THAT WAS
28 INSTALLED BEFORE OCTOBER 1, 2026.

1 **(II) "PUBLICLY OWNED EXISTING OPEN DRAINAGE INLET" DOES**
2 **NOT INCLUDE INLETS:**

3 **1. OWNED OR MAINTAINED BY A FEDERAL ENTITY,**
4 **STATE ENTITY, COUNTY, OR SCHOOL BOARD; OR**

5 **2. INSPECTED BY THE DEPARTMENT OF THE**
6 **ENVIRONMENT.**

7 **(B) A MUNICIPALITY MAY ENTER PRIVATE PROPERTY TO:**

8 **(1) COMPLETE THE INVENTORY REQUIRED UNDER SUBSECTION (C)**
9 **OF THIS SECTION; AND**

10 **(2) INSTALL AN APPROVED GRATING SYSTEM.**

11 **(C) (1) ON OR BEFORE JULY 1, 2027, A MUNICIPALITY SHALL INVENTORY**
12 **THE NUMBER AND LOCATION OF ALL PUBLICLY OWNED EXISTING OPEN DRAINAGE**
13 **INLETS AND PRIVATELY OWNED EXISTING OPEN DRAINAGE INLETS IN THE**
14 **MUNICIPALITY.**

15 **(2) (I) 1. ON OR BEFORE APRIL 1, 2028, A MUNICIPALITY**
16 **SHALL DEVELOP A PRIORITIZATION PLAN FOR MAKING IMPROVEMENTS TO**
17 **PUBLICLY OWNED EXISTING OPEN DRAINAGE INLETS AND PRIVATELY OWNED**
18 **EXISTING OPEN DRAINAGE INLETS.**

19 **2. THE PLAN SHALL PRIORITIZE MAKING**
20 **IMPROVEMENTS TO PUBLICLY OWNED EXISTING OPEN DRAINAGE INLETS AND**
21 **PRIVATELY OWNED EXISTING OPEN DRAINAGE INLETS THAT POSE THE GREATEST**
22 **RISK TO PUBLIC SAFETY.**

23 **3. A. A MUNICIPALITY IS NOT REQUIRED TO MAKE**
24 **IMPROVEMENTS TO PUBLICLY OWNED EXISTING OPEN DRAINAGE INLETS AND**
25 **PRIVATELY OWNED EXISTING OPEN DRAINAGE INLETS THAT DO NOT POSE A**
26 **LEGITIMATE RISK TO PUBLIC SAFETY.**

27 **B. A MUNICIPALITY SHALL INCLUDE IN THE PLAN AN**
28 **EXPLANATION OF THE REASON FOR EACH PUBLICLY OWNED EXISTING OPEN**
29 **DRAINAGE INLET AND PRIVATELY OWNED EXISTING OPEN DRAINAGE INLET**
30 **EXCLUDED FROM THE PRIORITIZATION PLAN.**

31 **(II) IMPROVEMENTS MAY INCLUDE:**

1 1. INSTALLATION OF AN APPROVED GRATING SYSTEM
2 SECURED TO THE INLET END OF THE OPEN DRAINAGE INLET OR THE CONCRETE
3 STRUCTURE BUILT TO HOUSE THE DRAINAGE INLET, IN A MANNER THAT PREVENTS
4 THE APPROVED GRATING SYSTEM FROM BEING REMOVED WITHOUT THE
5 APPROPRIATE TOOLS OR BY THE FORCE OF FLOOD WATER; OR

6 2. INSTALLATION OF FENCING THAT:

7 A. OBSTRUCTS AT LEAST 50% OF ANY OPENING; AND

8 B. IS DESIGNED AND INSTALLED IN A MANNER THAT
9 WOULD NOT ALLOW A PERSON TO ENTER THE OPEN DRAINAGE INLET.

10 (3) ON OR BEFORE APRIL 1, 2028, EACH MUNICIPALITY SHALL
11 NOTIFY A PRIVATE PROPERTY OWNER WITH A PRIVATELY OWNED EXISTING OPEN
12 DRAINAGE INLET THAT THE INSTALLATION OF AN APPROVED GRATING SYSTEM OR
13 FENCING IS REQUIRED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

14 (4) ON OR BEFORE APRIL 1, 2031, EACH MUNICIPALITY SHALL MAKE
15 IMPROVEMENTS TO ALL PUBLICLY OWNED EXISTING OPEN DRAINAGE INLETS AND
16 PRIVATELY OWNED EXISTING OPEN DRAINAGE INLETS INCLUDED IN THE
17 PRIORITIZATION PLAN DEVELOPED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

18 (5) (I) A MUNICIPALITY IS RESPONSIBLE FOR THE COST OF
19 INSTALLING IMPROVEMENTS ON ALL PUBLICLY OWNED EXISTING OPEN DRAINAGE
20 INLETS AND PRIVATELY OWNED EXISTING OPEN DRAINAGE INLETS.

21 (II) A MUNICIPALITY MAY APPLY TO THE ~~COMPREHENSIVE~~
22 ~~FLOOD MANAGEMENT GRANT PROGRAM~~ COMPREHENSIVE FLOOD MANAGEMENT
23 GRANT PROGRAM WITHIN THE DEPARTMENT OF THE ENVIRONMENT TO
24 COST-SHARE A PORTION OF THE INSTALLATION COSTS.

25 (D) A MUNICIPALITY IS NOT REQUIRED TO ADD IMPROVEMENTS TO ANY
26 PUBLICLY OWNED EXISTING OPEN DRAINAGE INLETS AND PRIVATELY OWNED
27 EXISTING OPEN DRAINAGE INLETS IF IT WOULD SIGNIFICANTLY IMPAIR THE
28 HYDRAULIC CAPACITY OF THE DRAINAGE SYSTEM.

29 (E) ONCE A MUNICIPALITY HAS INSTALLED AN APPROVED GRATING SYSTEM
30 ON A PRIVATELY OWNED EXISTING OPEN DRAINAGE INLET, THE MUNICIPALITY:

31 (1) IS NOT RESPONSIBLE FOR MAINTAINING IMPROVEMENTS
32 INSTALLED ON A PRIVATELY OWNED EXISTING OPEN DRAINAGE INLET; AND

1 **(2) MAY NOT BE HELD LIABLE FOR INCIDENTS ARISING OUT OF THE**
2 **MAINTENANCE OF AN APPROVED GRATING SYSTEM.**

3 **(F) ANY NEW OPEN DRAINAGE INLET INSTALLED IN A MUNICIPALITY SHALL**
4 **BE EQUIPPED WITH AN APPROVED GRATING SYSTEM THAT MEETS THE**
5 **REQUIREMENTS FOR INSTALLATION DESCRIBED IN THIS SECTION.**

6 ~~**(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**~~
7 ~~**MUNICIPALITY SHALL:**~~

8 ~~**(I) INCORPORATE AN APPROVED GRATING SYSTEM INTO THE**~~
9 ~~**CONSTRUCTION OF ANY NEW OPEN DRAINAGE INLET WITHIN THE MUNICIPALITY;**~~
10 ~~**AND**~~

11 ~~**(II) INSTALL AN APPROVED GRATING SYSTEM ON ANY EXISTING**~~
12 ~~**OPEN DRAINAGE INLET WITHIN THE MUNICIPALITY.**~~

13 ~~**(2) AN APPROVED GRATING SYSTEM CONSTRUCTED OR INSTALLED**~~
14 ~~**UNDER THIS SUBSECTION SHALL BE SECURED TO THE INLET END OF THE OPEN**~~
15 ~~**DRAINAGE INLET, OR THE CONCRETE STRUCTURE BUILT TO HOUSE THE DRAINAGE**~~
16 ~~**INLET, IN A MANNER THAT PREVENTS THE APPROVED GRATING SYSTEM FROM**~~
17 ~~**BEING REMOVED WITHOUT THE APPROPRIATE TOOLS OR BY THE FORCE OF FLOOD**~~
18 ~~**WATER.**~~

19 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before June 1, 2027,~~
20 ~~each municipality in the State shall install an approved grating system on any existing~~
21 ~~open drainage inlet within the municipality in accordance with § 4-112 of the Local~~
22 ~~Government Article, as enacted by Section 1 of this Act.~~

23 SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2026.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.