

HB0034/213326/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 34
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Schindler**” and substitute “**Schindler, Allen, Behler, Boyce, Foley, Fraser-Hidalgo, Guyton, J. Long, Lewis, Odom, Stein, T. Morgan, and Ziegler**”; in line 2, strike “**Required Grating Systems**” and substitute “**Inventory and Improvements**”; in line 4, after “to” insert “inventory and prioritize all existing open drainage inlets in the municipality and”; in lines 4 and 5, strike “a certain approved grating system” and substitute “certain improvements”; in line 5, after “municipality” insert “; requiring, in certain fiscal years, a certain amount of money appropriated to the comprehensive flood management grant program within the Department of the Environment to be used to provide matching funds to assist municipalities with certain costs”; and after line 6, insert:

“BY repealing and reenacting, with amendments,

Article - Environment

Section 5-803(h)

Annotated Code of Maryland

(2013 Replacement Volume and 2025 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 13, insert:

Article – Environment

5–803.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) For fiscal year 2026 and each fiscal year thereafter, at least 40% of funding provided under the comprehensive flood management grant program shall be used for projects located in or directly benefiting underserved or overburdened communities, as defined in § 1-701 of this article.

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

1. Shall remain in the program; and
2. Are not subject to § 7-302 of the State Finance and Procurement Article.

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

- (ii) These regulations may include:
1. A determination of statewide and interjurisdictional needs and priorities;
 2. Standards of eligibility for applicants and projects;
 3. Criteria for recognition of tidal and nontidal areas;
 4. Engineering and economic standards and alternatives;
- and
5. Procedures for filing and processing contents of applications.”;

On page 2, in line 8, after “(3)” insert “(I)”; in lines 10 and 11, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; after line 12, insert:

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

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

- 1. A GRATE INLET;**
- 2. A CURB INLET;**
- 3. A COMBINATION CURB AND GRATE INLET;**
- 4. A SURFACE-LEVEL DRAINAGE TUNNEL WITH ONLY ONE SURFACE-LEVEL INLET AND ONE DIRECT SURFACE-LEVEL OUTLET;**
- 5. A SLOTTED INLET; OR**
- 6. A CULVERT LOCATED ON AN OPEN DRAINAGE HIGHWAY.**

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

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

(II) “PUBLICLY OWNED EXISTING OPEN DRAINAGE INLET” DOES NOT INCLUDE INLETS:

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

2. INSPECTED BY THE DEPARTMENT OF THE ENVIRONMENT.

(B) A MUNICIPALITY MAY ENTER PRIVATE PROPERTY TO:

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

(2) INSTALL AN APPROVED GRATING SYSTEM.

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

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

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

3. A. A MUNICIPALITY IS NOT REQUIRED TO MAKE IMPROVEMENTS TO PUBLICLY OWNED EXISTING OPEN DRAINAGE INLETS AND

PRIVATELY OWNED EXISTING OPEN DRAINAGE INLETS THAT DO NOT POSE A LEGITIMATE RISK TO PUBLIC SAFETY.

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

(II) IMPROVEMENTS MAY INCLUDE:

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

2. INSTALLATION OF FENCING THAT:

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

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

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

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

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

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

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

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

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

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

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

strike in their entirety lines 13 through 29, inclusive; and in line 30, strike “3.” and substitute “2.”.