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By: **Delegates Bozman, Cane, Conway, and Elmore**  
Introduced and read first time: January 30, 2003  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 11, 2003

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CHAPTER 288

1 AN ACT concerning

2 **Public Drainage Associations and Public Watershed Associations - Fees,**  
3 **Assessments, and Taxes on Land Owned by a Unit of State or Local**  
4 **Government**

5 FOR the purpose of requiring that a unit of the State government or a unit of a local  
6 government that owns certain land benefitted or damaged by a ~~public drainage~~  
7 ~~association or~~ public watershed association pay certain fees, assessments, and  
8 taxes under certain circumstances; and generally relating to fees, assessments,  
9 and taxes on land benefitted or damaged by ~~public drainage associations or~~  
10 public watershed associations.

11 BY repealing and reenacting, with amendments,  
12 Article 25 - County Commissioners  
13 Section ~~52 and~~ 169  
14 Annotated Code of Maryland  
15 (2001 Replacement Volume and 2002 Supplement)

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

18 **Article 25 - County Commissioners**

19 ~~52.~~

20 (a) ~~The boards of county commissioners of the several counties in the State of~~  
21 ~~Maryland shall have jurisdiction, power, and authority to establish public drainage~~  
22 ~~associations in their respective counties, and to locate and establish ditches, drains,~~  
23 ~~or canals, and to cause to be constructed, straightened, widened or deepened any~~

1 ditch, drain or watercourse for the purpose of establishing and maintaining  
2 watershed drainage systems, and it is hereby declared that such drainage shall be  
3 considered a public benefit and conducive to the public health, convenience and  
4 welfare.

5 (b) ~~The State Secretary of Agriculture and the State Soil Conservation~~  
6 ~~Committee shall be notified of any establishment of a drainage association so that~~  
7 ~~coordination and assistance may be provided in accordance with § 8-602 of the~~  
8 ~~Agriculture Article.~~

9 (c) ~~The provisions of this subtitle apply in those counties having a charter~~  
10 ~~form of government under Article XI A of the Constitution, with the term "county~~  
11 ~~council" being substituted in each instance in this subtitle for the term "county~~  
12 ~~commissioners". The provisions of this subtitle apply in those counties having adopted~~  
13 ~~code home rule under Article XI F of the Constitution.~~

14 (d) ~~The provisions of this subtitle do not restrict a chartered or code county~~  
15 ~~from exercising those powers granted in Article 25A, § 5(G) of the Code and Article~~  
16 ~~25B, § 13 of the Code, which do not conflict with this subtitle.~~

17 ~~(E) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A UNIT~~  
18 ~~OF STATE OR LOCAL GOVERNMENT THAT OWNS LAND THAT IS BENEFITTED OR~~  
19 ~~DAMAGED BY A PUBLIC DRAINAGE ASSOCIATION IS REQUIRED TO PAY ANY FEE,~~  
20 ~~ASSESSMENT, OR TAX LEVIED UNDER THIS SUBTITLE IF THE FEE, ASSESSMENT, OR~~  
21 ~~TAX IS LEVIED AGAINST ALL LAND WHICH IS SIMILARLY BENEFITTED OR DAMAGED~~  
22 ~~BY THE PROPOSED WORKS OF IMPROVEMENT WITHIN A PUBLIC DRAINAGE~~  
23 ~~ASSOCIATION ORGANIZED UNDER THIS SUBTITLE.~~

24 169.

25 (a) The board of county commissioners or the county council of the several  
26 counties of Maryland, and the Mayor and City Council of Baltimore City, shall have  
27 jurisdiction, power, and authority to establish public watershed associations in their  
28 respective counties or Baltimore City for the purpose of constructing, operating,  
29 maintaining, and carrying out works of improvement for watershed protection, flood  
30 prevention, recreation, soil conservation, drainage, and/or the conservation,  
31 development, storage, utilization, and disposal of water for all beneficial purposes in  
32 watershed or subwatershed areas, and the protection of areas subject to sediment or  
33 erosion damages, and to cooperate with local, county, State, and federal agencies; and  
34 it is hereby declared that such watershed protection, flood prevention, recreation, soil  
35 conservation, drainage and/or the conservation, development, storage, utilization, and  
36 disposal of water for all beneficial purposes is a public benefit and conducive to the  
37 public health, safety, and welfare.

38 (b) As used in this subtitle herein the term "county commissioners" shall mean  
39 the county commissioners of the county in which a petition for the establishment of a  
40 public watershed association is filed and such term shall include and be  
41 interchangeable with "County Council", and the "Mayor and City Council" and the  
42 term "county" shall include and be interchangeable with Baltimore City.

1 (c) As used in this subtitle the terms "watershed association" and  
2 "association" shall mean public watershed association.

3 (d) As used in this subtitle the term "landowner" and "owner of land" shall  
4 mean any person, firm, or corporation, who shall hold title to, or shall have contracted  
5 to purchase, land which shall be benefitted and/or damaged by the proposed works of  
6 improvement under consideration within a public watershed association organized or  
7 proposed to be organized under this subtitle.

8 (E) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A UNIT  
9 OF THE STATE GOVERNMENT OR A UNIT OF A LOCAL GOVERNMENT THAT IS A  
10 LANDOWNER OR OWNER OF LAND, AS DEFINED IN SUBSECTION (D) OF THIS SECTION,  
11 IS REQUIRED TO PAY ANY FEE, ASSESSMENT, OR TAX LEVIED UNDER THIS SUBTITLE  
12 IF THE FEE, ASSESSMENT, OR TAX IS LEVIED AGAINST ALL LAND WHICH IS  
13 SIMILARLY BENEFITTED OR DAMAGED BY THE PROPOSED WORKS OF IMPROVEMENT  
14 WITHIN A PUBLIC WATERSHED ASSOCIATION ORGANIZED UNDER THIS SUBTITLE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2003.