
By: **Delegates Cane, Bozman, Conway, Eckardt, and Elmore**
Introduced and read first time: January 24, 2003
Assigned to: Environmental Matters

Committee Report: Favorable
House action: Adopted
Read second time: March 4, 2003

CHAPTER _____

1 AN ACT concerning

2 **Public Drainage Associations**

3 FOR the purpose of authorizing a public drainage association to impose certain
4 assessments on land owned by the State or a political subdivision of the State;
5 authorizing certain associations to establish certain land classifications as a
6 basis for certain assessments; and generally relating to public drainage
7 associations.

8 BY repealing and reenacting, with amendments,
9 Article 25 - County Commissioners
10 Section 73(a), 82, and 96
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2002 Supplement)

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

15 **Article 25 - County Commissioners**

16 73.

17 (a) All [persons] PERSONS, INCLUDING THE STATE OR A POLITICAL
18 SUBDIVISION OF THE STATE, whose lands will derive benefit from the proposed
19 improvements shall contribute to the cost and expense of making the same; and the
20 said board of drainage viewers shall adjudge thereof, and shall assess against such
21 persons respectively a sum proportional to the benefits accruing to their lands. The
22 sums so assessed shall be sufficient, less such amounts as may be received from the
23 county commissioners or from any other source, to cover the costs of constructing or

1 improving such ditches or drains or other drainage works, the payment of damages
2 awarded (if any), the payment of compensations for adopted improvements previously
3 constructed (if any), the expenses of the board of drainage viewers, and the costs of
4 forming the drainage organization.

5 82.

6 (a) At the request of the board of managers of a drainage association, the
7 board of county commissioners shall appoint a board of viewers to determine if the
8 original determination as to which lands have benefited from the improvements has
9 changed.

10 (b) The board of viewers shall have the same qualifications, rights, powers,
11 privileges, and duties as the original board of viewers.

12 (c) (1) The board of viewers shall report its findings to the board of county
13 commissioners.

14 (2) The report shall be considered in the same manner as the original
15 report, including the same right to a public hearing and the right to judicial review.

16 (d) Any revision in the original determination as to which [lands] LANDS,
17 BOTH PUBLIC AND PRIVATE, benefit from the improvements shall become the basis
18 for all future assessments for paying for the improvements, including related
19 expenses such as damages, and the maintenance of the improvements.

20 (e) Notwithstanding the requirements of this section, the board of managers
21 of a drainage association, at any time after the creation of a drainage association, may
22 determine which land in the association is classified as [woodland or cropland]
23 WOODLAND, CROPLAND, COMMERCIAL, INDUSTRIAL, OR RESIDENTIAL.

24 96.

25 (a) All drainage improvements constructed under §§ 52 through 102 of this
26 article shall be under the control and supervision of the county board of managers. It
27 shall be the duty of the board to keep the drainage improvements in good repair in
28 accordance with an approved operation and maintenance plan.

29 (b) Also for this purpose, the county board of managers may at any time levy
30 a tax for drainage improvements maintenance on the [lands] LANDS, BOTH PUBLIC
31 AND PRIVATE benefited. Taxes for maintenance purposes shall be levied, collected
32 and disbursed in the same manner as were the original taxes for drainage
33 improvements, except that the board of managers may, at any time, determine which
34 land is classified as [woodland or cropland] WOODLAND, CROPLAND, COMMERCIAL,
35 INDUSTRIAL, OR RESIDENTIAL.

36 (c) If the board of managers requests, the county commissioners may appoint
37 a board of drainage viewers to evaluate changes in land use made after the original
38 assessment for drainage improvement. The county board of managers may use the

- 1 evaluation report as a basis for the levy of a tax for drainage improvements
- 2 maintenance.

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