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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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A BILL ENTITLED

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

28 (b) The State Secretary of Agriculture and the State Soil Conservation  
29 Committee shall be notified of any establishment of a drainage association so that

1 coordination and assistance may be provided in accordance with § 8-602 of the  
2 Agriculture Article.

3 (c) The provisions of this subtitle apply in those counties having a charter  
4 form of government under Article XI-A of the Constitution, with the term "county  
5 council" being substituted in each instance in this subtitle for the term "county  
6 commissioners". The provisions of this subtitle apply in those counties having adopted  
7 code home rule under Article XI-F of the Constitution.

8 (d) The provisions of this subtitle do not restrict a chartered or code county  
9 from exercising those powers granted in Article 25A, § 5(G) of the Code and Article  
10 25B, § 13 of the Code, which do not conflict with this subtitle.

11 (E) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A UNIT  
12 OF STATE OR LOCAL GOVERNMENT THAT OWNS LAND THAT IS BENEFITTED OR  
13 DAMAGED BY A PUBLIC DRAINAGE ASSOCIATION IS REQUIRED TO PAY ANY FEE,  
14 ASSESSMENT, OR TAX LEVIED UNDER THIS SUBTITLE IF THE FEE, ASSESSMENT, OR  
15 TAX IS LEVIED AGAINST ALL LAND WHICH IS SIMILARLY BENEFITTED OR DAMAGED  
16 BY THE PROPOSED WORKS OF IMPROVEMENT WITHIN A PUBLIC DRAINAGE  
17 ASSOCIATION ORGANIZED UNDER THIS SUBTITLE.

18 169.

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

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

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

39 (d) As used in this subtitle the term "landowner" and "owner of land" shall  
40 mean any person, firm, or corporation, who shall hold title to, or shall have contracted  
41 to purchase, land which shall be benefitted and/or damaged by the proposed works of

1 improvement under consideration within a public watershed association organized or  
2 proposed to be organized under this subtitle.

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

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