

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**

House Bill 125

(Delegate Cane, *et al.*)

Environmental Matters

Education, Health, and Environmental  
Affairs

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**Public Drainage Associations**

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This bill authorizes public drainage associations to impose tax assessments on land owned by the State, a county, or a municipality that receives a benefit from drainage improvements. The bill also authorizes the board of managers of a public drainage association to expand land types in an association to include land classified as commercial, industrial, or residential.

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**Fiscal Summary**

**State Effect:** None. This bill codifies existing practice.

**Local Effect:** None. This bill codifies existing practice.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** All persons whose lands derive benefit from proposed water drainage improvements must contribute to the cost and expense of constructing and improving ditches, drains, and other drainage works. The board of managers of a public drainage association must assess against persons benefiting from public drainage works a sum proportional to the benefit they receive. The board of managers may determine which land in the drainage association is woodland or cropland.

**Background:** Public drainage associations: (1) are political entities with the authority to locate, establish, and construct ditches, drains, or canals; (2) are special taxing districts created by local jurisdictions; and (3) manage drainage ditches and other land improvements that control the flow of water. The State, counties, and local governments work with public drainage associations through local soil conservation districts.

The Public Drainage Task Force issued a report in October 2000 that made several recommendations for enhancing the Eastern Shore environment and the agricultural community. There are 103 public drainage associations on the Eastern Shore with 821 total miles of drainage ditches.

**State and Local Fiscal Effect:** The Maryland Department of Agriculture advises that the bill adds clarifying language and that the State and local governments have been paying assessments for publicly owned property receiving the benefits of drainage improvements.

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### **Additional Information**

**Prior Introductions:** This bill was introduced at the 2002 session as HB 1266. The bill received an unfavorable report from the House Environmental Matters Committee.

**Cross File:** None.

**Information Source(s):** Frederick County, Montgomery County, Maryland Department of the Environment, Department of Legislative Services

**Fiscal Note History:** First Reader - February 11, 2003  
mdf/hlb

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