

(PRE-FILED)

By: **Delegates D'Amato, Taylor, Clagett, and Busch**

Requested: July 19, 1999

Introduced and read first time: January 12, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Millennium Water Trails Program**

3 FOR the purpose of establishing the Maryland Millennium Water Trails Program;
4 declaring the intent of the General Assembly; creating a certain Steering
5 Committee; providing for the membership, chairmanship, and staff of the
6 Steering Committee; requiring the Steering Committee to study, examine, and
7 investigate certain issues and to make certain legislative and regulatory
8 recommendations concerning certain recreational water trails in Maryland;
9 requiring the Steering Committee to create a certain long-term plan; requiring
10 the Steering Committee to issue certain reports by certain dates; authorizing
11 the Department of Natural Resources to plan, construct, and maintain certain
12 facilities for certain water trail activities on certain property; authorizing the
13 Department to develop certain partnership agreements; authorizing the
14 Department to coordinate with local governments on the identification and
15 implementation of certain water trail opportunities and projects; authorizing
16 the Department to enter into certain agreements; authorizing the Department
17 to develop and manage a certain adoption program for certain water trail sites;
18 authorizing the Department to establish jointly with the Division of Tourism
19 and Promotion of the Department of Business and Economic Development a
20 certain strategy; authorizing the Department to adopt certain regulations;
21 requiring the Governor to designate certain water trails for State support and
22 certain county or municipal tax incentives under certain circumstances;
23 providing for immunity from civil liability of certain owners of certain property
24 or operators to certain users of certain water trails for certain injuries except
25 under certain circumstances; clarifying that the immunity of a certain officer or
26 employee is not affected by a certain immunity from liability; authorizing a
27 county or municipal corporation to grant a certain property tax credit for a
28 certain easement; authorizing a county or a municipal corporation to provide for
29 the amount, duration, criteria, and qualifications of a certain real property tax
30 credit; defining certain terms; providing for the termination of a portion of this
31 Act; and generally relating to the Maryland Millennium Water Trails Program.

32 BY adding to

33 Article - Natural Resources

1 Section 8-2201 through 8-2208, inclusive, to be under the new subtitle "Subtitle
2 22. Maryland Millennium Water Trails Program"
3 Annotated Code of Maryland
4 (1990 Replacement Volume and 1999 Supplement)

5 BY adding to
6 Article - Courts and Judicial Proceedings
7 Section 5-640
8 Annotated Code of Maryland
9 (1998 Replacement Volume and 1999 Supplement)

10 BY adding to
11 Article - Tax - Property
12 Section 9-236
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1999 Supplement)

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

17 **Article - Natural Resources**

18 **SUBTITLE 22. MARYLAND MILLENNIUM WATER TRAILS PROGRAM.**

19 8-2201.

20 IN THIS SUBTITLE, "PROGRAM" MEANS THE MARYLAND MILLENNIUM WATER
21 TRAILS PROGRAM.

22 8-2202.

23 THE GENERAL ASSEMBLY RECOGNIZES THE INCREASE IN WATER-ORIENTED
24 RECREATION BY USERS OF MOTORIZED AND NONMOTORIZED WATERCRAFT ON
25 MARYLAND'S WATERS. THESE RECREATIONISTS DESIRE ACCESS TO WATERWAYS
26 AND OVERNIGHT CAMPING FACILITIES. THE GENERAL ASSEMBLY CREATES A
27 MARYLAND MILLENNIUM WATER TRAILS PROGRAM, ADMINISTERED BY THE
28 DEPARTMENT OF NATURAL RESOURCES, TO ESTABLISH CAMPING AND ACCESS
29 AREAS IN THE MOST ENVIRONMENTALLY RESPONSIBLE MANNER, TO COORDINATE A
30 SYSTEM OF MANAGEMENT FOR THE WATER TRAILS AND CAMP SITES, AND TO ASSIST
31 IN ESTABLISHING THESE FACILITIES ON PUBLIC AND PRIVATE LANDS.

32 8-2203.

33 THERE IS A MARYLAND MILLENNIUM WATER TRAILS PROGRAM.

1 8-2204.

2 THE PURPOSE OF THE PROGRAM IS:

3 (1) TO DEVELOP STATE-DESIGNATED RECREATIONAL WATER TRAILS IN
4 MARYLAND, INCLUDING THE CHESAPEAKE BAY, OCEAN FRONT WATERS, LAKES,
5 CANALS, RIVERS, ESTUARIES, AND OTHER MARINE WATERWAYS THROUGHOUT THE
6 STATE, BETWEEN SPECIFIC POINTS WITH PERIODIC ACCESS POINTS AND
7 OVERNIGHT CAMPING FOR THE BOATING PUBLIC;

8 (2) TO INCLUDE THE WIDEST VARIETY OF WATERCRAFT IN THE
9 PROGRAM, DEPENDING ON THE FEASIBILITY AND CHARACTERISTICS OF EACH
10 SPECIFIC WATER TRAIL; AND

11 (3) TO PROMOTE THE LONG-TERM STEWARDSHIP OF MARYLAND'S
12 MARINE ENVIRONMENT, ASSURING ITS CONSERVATION AND MAINTENANCE IN A
13 NATURAL STATE, WHILE PROVIDING EXCEPTIONAL EDUCATIONAL AND
14 RECREATIONAL BENEFITS OF THE PROGRAM TO THE GENERAL PUBLIC.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
16 read as follows:

17 **Article - Natural Resources**

18 8-2205.

19 (A) THE DEPARTMENT SHALL ESTABLISH A WATER TRAILS STEERING
20 COMMITTEE, COMPOSED OF:

21 (1) THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES;

22 (2) THE SECRETARY OF THE DEPARTMENT OF BUSINESS AND
23 ECONOMIC DEVELOPMENT; AND

24 (3) REPRESENTATIVES FROM THE FOLLOWING, APPOINTED BY THE
25 SECRETARY OF NATURAL RESOURCES:

26 (I) RECREATIONAL USERS OF WATER TRAILS;

27 (II) MARINE-ORIENTED COUNTIES AND MUNICIPAL
28 CORPORATIONS;

29 (III) COMMERCIAL AND RECREATIONAL SECTORS HAVING AN
30 INTEREST IN THE PROGRAM, INCLUDING FISHING, HUNTING, AND PADDLER'S
31 ASSOCIATIONS;

32 (IV) THE TOURISM INDUSTRY;

33 (V) PRIVATE LAND CONSERVATION AND ENVIRONMENTAL
34 ORGANIZATIONS; AND

1 (VI) OTHER INTEREST GROUPS THE DEPARTMENT DEEMS
2 NECESSARY.

3 (B) THE SECRETARY OF NATURAL RESOURCES SHALL CHAIR THE STEERING
4 COMMITTEE.

5 (C) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT FOR THE STEERING
6 COMMITTEE WITH THE ASSISTANCE FROM THE DEPARTMENT OF BUSINESS AND
7 ECONOMIC DEVELOPMENT.

8 (D) THE STEERING COMMITTEE SHALL:

9 (1) STUDY AND SURVEY WATER TRAILS ALREADY UNDER
10 DEVELOPMENT BY PUBLIC AND PRIVATE ORGANIZATIONS;

11 (2) EXAMINE SUCCESSFUL WATER TRAIL PROGRAMS IN OTHER STATES;

12 (3) PERFORM BASELINE STUDIES ON THE FEASIBILITY OF
13 ESTABLISHING WATER TRAILS IN VARIOUS WATERWAYS IN THE STATE;

14 (4) CREATE A LONG-TERM PLAN FOR A STATEWIDE WATER TRAIL
15 PROGRAM THAT ADDRESSES:

16 (I) PARTNERSHIPS WITH PRIVATE OR NONPROFIT ASSOCIATIONS
17 THAT MAY INCLUDE PAID MEMBERSHIPS AND PERMITS;

18 (II) BUDGETARY NEEDS;

19 (III) FUNDING SOURCES INCLUDING THE AVAILABILITY OF
20 FEDERAL, STATE, AND PRIVATE SOURCES;

21 (IV) THE CREATION OF GUIDEBOOKS; AND

22 (V) A STATE-SPONSORED SYSTEM OF ADOPTION OF WATER TRAIL
23 SITES BY PRIVATE, NONPROFIT, PUBLIC, AND FOR-PROFIT BUSINESSES;

24 (5) STUDY ACCESS NEEDS AND DEVELOP ACCESS PLANS FOR PROPOSED
25 AND EXISTING WATER TRAILS WITH A GOAL OF ACCESS POINTS FOR INGRESS,
26 EGRESS, AND OVERNIGHT CAMPING AT APPROPRIATE INTERVALS ALONG THE
27 COURSE OF A WATER TRAIL;

28 (6) EXAMINE THE FEASIBILITY OF LINKING PROPOSED WATER TRAILS
29 WITH EXISTING AND DEVELOPING HIKING AND BIKING TRAILS;

30 (7) DETERMINE THE FEASIBILITY OF CREATING CENTRAL WATER TRAIL
31 HUBS THAT WOULD INCLUDE EDUCATIONAL PROGRAMS, INFORMATION SERVICES,
32 GEAR, MODEST LOGISTICAL SUPPORT, AND EMERGENCY HELP; AND

33 (8) RECOMMEND LEGISLATION AND REGULATIONS NEEDED TO
34 ADMINISTER THE WATER TRAILS PROGRAM, INCLUDING FUTURE MANAGEMENT
35 OPTIONS.

1 (E) (1) ON OR BEFORE DECEMBER 1, 2000, THE STEERING COMMITTEE
2 SHALL ISSUE A PRELIMINARY REPORT OF ITS FINDINGS, IN ACCORDANCE WITH §
3 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY AND
4 GOVERNOR.

5 (2) ON OR BEFORE DECEMBER 1, 2001, THE STEERING COMMITTEE
6 SHALL ISSUE A FINAL REPORT OF ITS FINDINGS, IN ACCORDANCE WITH § 2-1246 OF
7 THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY AND GOVERNOR.

8 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
9 read as follows:

10 **Article - Natural Resources**

11 8-2206.

12 THE DEPARTMENT MAY:

13 (1) PLAN, CONSTRUCT, AND MAINTAIN SUITABLE FACILITIES FOR
14 WATER TRAIL ACTIVITIES ON PROPERTY ADMINISTERED OR ACQUIRED BY THE
15 DEPARTMENT;

16 (2) DEVELOP PARTNERSHIP AGREEMENTS WITH FEDERAL, STATE, OR
17 LOCAL GOVERNMENT UNITS, VOLUNTEER ORGANIZATIONS, NONPROFIT
18 ORGANIZATIONS, FOR-PROFIT BUSINESS ORGANIZATIONS, AND PRIVATE
19 LANDOWNERS FOR THE DEVELOPMENT AND SUPPORT OF WATER TRAILS;

20 (3) COORDINATE ACTIVITIES WITH LOCAL GOVERNMENTS TO IDENTIFY
21 AND IMPLEMENT WATER TRAIL OPPORTUNITIES AND PROJECTS;

22 (4) ENTER INTO ACCESS AGREEMENTS WITH PRIVATE LANDOWNERS;

23 (5) DEVELOP ACCESS AGREEMENTS OR LIMITATION CRITERIA TO TAKE
24 INTO ACCOUNT THE CARRYING CAPACITY OF SPECIFIC WATER TRAILS;

25 (6) DEVELOP AND MANAGE AN ADOPTION PROGRAM OF WATER TRAIL
26 SITES BY NONPROFIT, FOR-PROFIT, INDIVIDUAL, GOVERNMENT, AND OTHER
27 ORGANIZATIONS;

28 (7) JOINTLY DEVELOP A MARYLAND WATER TRAILS INFORMATION
29 DISSEMINATION AND MARKETING STRATEGY WITH THE DIVISION OF TOURISM AND
30 PROMOTION OF THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT;
31 AND

32 (8) ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SUBTITLE.

1 8-2207.

2 UPON THE RECOMMENDATION OF THE SECRETARY, THE GOVERNOR SHALL
3 OFFICIALLY DESIGNATE AND NAME PARTICULAR WATER TRAILS ELIGIBLE FOR
4 STATE SUPPORT AND COUNTY OR MUNICIPAL TAX INCENTIVES.

5 8-2208.

6 AN OWNER OF PROPERTY ASSOCIATED WITH A WATER TRAIL OR AN OPERATOR
7 OF A WATER TRAIL UNDER THE PROGRAM IS IMMUNE FROM CIVIL LIABILITY UNDER
8 § 5-640 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

9 **Article - Courts and Judicial Proceedings**

10 5-640.

11 (A) UNLESS THE ACT OR OMISSION AMOUNTS TO GROSS NEGLIGENCE OR
12 WILLFUL MISCONDUCT, AN OWNER OF PROPERTY ASSOCIATED WITH A WATER TRAIL
13 OR AN OPERATOR OF A WATER TRAIL IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT
14 OR OMISSION OCCURRING TO A USER OF A FACILITY ADMINISTERED UNDER THE
15 MARYLAND MILLENNIUM WATER TRAILS PROGRAM UNDER TITLE 8, SUBTITLE 22 OF
16 THE NATURAL RESOURCES ARTICLE.

17 (B) THIS SECTION DOES NOT AFFECT THE IMMUNITY OF AN OFFICER OR
18 EMPLOYEE OF A STATE OR LOCAL UNIT.

19 **Article - Tax - Property**

20 9-236.

21 (A) THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY
22 GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE
23 COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON REAL PROPERTY
24 FOR AN EASEMENT ALLOWING ACCESS TO A WATER TRAIL UNDER TITLE 8, SUBTITLE
25 22 OF THE NATURAL RESOURCES ARTICLE.

26 (B) A COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

27 (1) THE AMOUNT OF A PROPERTY TAX CREDIT UNDER THIS SECTION;

28 (2) THE DURATION OF A PROPERTY TAX CREDIT UNDER THIS SECTION;

29 (3) THE CRITERIA AND QUALIFICATIONS NECESSARY TO RECEIVE THE
30 CREDIT; AND

31 (4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THIS SECTION.

32 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2000. Section 2 of this Act shall remain effective for a period of 2 years and, at

- 1 the end of June 30, 2002, with no further action required by the General Assembly,
- 2 Section 2 of this Act shall be abrogated and of no further force and effect.