

SENATE BILL 30

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2000 Regular Session  
0lr0812  
CF 0lr0327

(PRE-FILED)

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By: **Senator Astle**

Requested: November 4, 1999

Introduced and read first time: January 12, 2000

Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 15, 2000

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CHAPTER \_\_\_\_\_

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~~ sponsorship program for certain  
18 water trail sites; authorizing the Department to establish jointly with the  
19 Division of Tourism and Promotion of the Department of Business and Economic  
20 Development a certain strategy; authorizing the Department to adopt certain  
21 regulations; requiring the ~~Governor~~ State to designate certain water trails for  
22 State support and certain county or municipal tax incentives under certain  
23 circumstances; providing for immunity from civil liability of certain owners of  
24 certain property or operators to certain users of certain water trails for certain  
25 injuries except under certain circumstances; clarifying that the immunity of a  
26 certain officer or employee is not affected by a certain immunity from liability;  
27 authorizing a county or municipal corporation to grant a certain property tax

1 credit for a certain easement; authorizing a county or a municipal corporation to  
 2 provide for the amount, duration, criteria, and qualifications of a certain real  
 3 property tax credit; defining certain terms; providing for the termination of a  
 4 portion of this Act; and generally relating to the Maryland Millennium Water  
 5 Trails Program.

6 BY adding to  
 7 Article - Natural Resources  
 8 Section 8-2201 through 8-2208, inclusive, to be under the new subtitle "Subtitle  
 9 22. Maryland Millennium Water Trails Program"  
 10 Annotated Code of Maryland  
 11 (1990 Replacement Volume and 1999 Supplement)

12 BY adding to  
 13 Article - Courts and Judicial Proceedings  
 14 Section 5-640  
 15 Annotated Code of Maryland  
 16 (1998 Replacement Volume and 1999 Supplement)

17 BY adding to  
 18 Article - Tax - Property  
 19 Section 9-236  
 20 Annotated Code of Maryland  
 21 (1994 Replacement Volume and 1999 Supplement)

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

24 **Article - Natural Resources**

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

26 8-2201.

27 IN THIS SUBTITLE, "PROGRAM" MEANS THE MARYLAND MILLENNIUM WATER  
 28 TRAILS PROGRAM.

29 8-2202.

30 ~~THE GENERAL ASSEMBLY RECOGNIZES THE INCREASE IN WATER-ORIENTED~~  
 31 ~~RECREATION BY USERS OF MOTORIZED AND NONMOTORIZED WATERCRAFT ON~~  
 32 ~~MARYLAND'S WATERS. THESE RECREATIONISTS DESIRE ACCESS TO WATERWAYS~~  
 33 ~~AND OVERNIGHT CAMPING FACILITIES. THE GENERAL ASSEMBLY CREATES A~~  
 34 ~~MARYLAND MILLENNIUM WATER TRAILS PROGRAM, ADMINISTERED BY THE~~  
 35 ~~DEPARTMENT OF NATURAL RESOURCES, TO ESTABLISH CAMPING AND ACCESS~~  
 36 ~~AREAS IN THE MOST ENVIRONMENTALLY RESPONSIBLE MANNER, TO COORDINATE A~~

1 ~~SYSTEM OF MANAGEMENT FOR THE WATER TRAILS AND CAMP SITES, AND TO ASSIST~~  
 2 ~~IN ESTABLISHING THESE FACILITIES ON PUBLIC AND PRIVATE LANDS.~~

3 (A) THE GENERAL ASSEMBLY RECOGNIZES THE INCREASE IN  
 4 WATER-ORIENTED RECREATION ON MARYLAND'S WATERWAYS, AND THE DESIRE  
 5 FOR ACCESS TO WATERWAYS AND OVERNIGHT CAMPING FACILITIES ALONG  
 6 WATERWAYS.

7 (B) THE GENERAL ASSEMBLY AUTHORIZES THE CREATION OF THE  
 8 MARYLAND MILLENNIUM WATER TRAILS PROGRAM, TO BE DEVELOPED BY A  
 9 DEPARTMENT-APPOINTED STEERING COMMITTEE AND ADMINISTERED BY THE  
 10 DEPARTMENT, TO PROMOTE THE HISTORICAL, CULTURAL, AND NATURAL  
 11 RESOURCES OF MARYLAND'S WATERWAYS, AND TO ESTABLISH A COORDINATED,  
 12 ENVIRONMENTALLY SOUND SYSTEM OF WATER ROUTES AND CAMPSITES ALONG  
 13 EACH WATER ROUTE IN MARYLAND.

14 8-2203.

15 THERE IS A MARYLAND MILLENNIUM WATER TRAILS PROGRAM.

16 8-2204.

17 THE PURPOSE OF THE PROGRAM IS:

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

23 ~~(2) TO INCLUDE THE WIDEST VARIETY OF WATERCRAFT IN THE~~  
 24 ~~PROGRAM, DEPENDING ON THE FEASIBILITY AND CHARACTERISTICS OF EACH~~  
 25 ~~SPECIFIC WATER TRAIL; AND~~

26 (2) TO DETERMINE THE MOST APPROPRIATE TYPES OF WATERCRAFT  
 27 FOR USE ON SPECIFIC WATER TRAILS BASED ON THE CHARACTERISTICS OF THE  
 28 WATERCRAFT AND THE CHARACTERISTICS OF THE WATER TRAIL;

29 (3) TO WORK WITH PUBLIC AND PRIVATE LANDHOLDERS TO ESTABLISH  
 30 CAMPSITES AND WATER ACCESS IN APPROPRIATE AREAS AND TO COORDINATE A  
 31 SYSTEM OF MANAGEMENT FOR THE WATER TRAILS AND CAMPSITES; AND

32 ~~(3)~~ (4) TO PROMOTE THE LONG-TERM STEWARDSHIP OF MARYLAND'S  
 33 MARINE ENVIRONMENT, ASSURING ITS CONSERVATION AND MAINTENANCE IN A  
 34 NATURAL STATE, WHILE PROVIDING EXCEPTIONAL EDUCATIONAL AND  
 35 RECREATIONAL BENEFITS OF THE PROGRAM TO THE GENERAL PUBLIC.

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

**Article - Natural Resources**

1 8-2205.

2 (A) THE DEPARTMENT SHALL ESTABLISH A WATER TRAILS STEERING  
3 COMMITTEE, COMPOSED OF:

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

5 (2) THE SECRETARY OF THE DEPARTMENT OF BUSINESS AND  
6 ECONOMIC DEVELOPMENT; AND

7 (3) REPRESENTATIVES FROM THE FOLLOWING, APPOINTED BY THE  
8 SECRETARY OF NATURAL RESOURCES:

9 (I) RECREATIONAL USERS OF WATER TRAILS;

10 (II) MARINE-ORIENTED COUNTIES AND MUNICIPAL  
11 CORPORATIONS;

12 (III) COMMERCIAL AND RECREATIONAL SECTORS HAVING AN  
13 INTEREST IN THE PROGRAM, INCLUDING FISHING, HUNTING, AND PADDLER'S  
14 ASSOCIATIONS;

15 (IV) THE TOURISM INDUSTRY;

16 (V) COUNTY PARK AND RECREATION AGENCIES;

17 (~~VI~~) (VI) PRIVATE LAND CONSERVATION AND ENVIRONMENTAL  
18 ORGANIZATIONS; AND

19 (~~VII~~) (VII) OTHER INTEREST GROUPS THE DEPARTMENT DEEMS  
20 NECESSARY.

21 (B) THE SECRETARY OF NATURAL RESOURCES SHALL CHAIR THE STEERING  
22 COMMITTEE.

23 (C) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT FOR THE STEERING  
24 COMMITTEE WITH THE ASSISTANCE FROM THE DEPARTMENT OF BUSINESS AND  
25 ECONOMIC DEVELOPMENT.

26 (D) THE STEERING COMMITTEE SHALL:

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

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

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

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

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

5 (II) BUDGETARY NEEDS;

6 (III) FUNDING SOURCES INCLUDING THE AVAILABILITY OF  
7 FEDERAL, STATE, AND PRIVATE SOURCES;

8 (IV) THE CREATION OF GUIDEBOOKS; AND

9 (V) A STATE-~~SPONSORED~~ SYSTEM OF ADOPTION SPONSORSHIP OF  
10 WATER TRAIL SITES BY PRIVATE, NONPROFIT, PUBLIC, AND FOR-PROFIT  
11 BUSINESSES;

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

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

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

21 (8) RECOMMEND LEGISLATION AND REGULATIONS NEEDED TO  
22 ADMINISTER THE WATER TRAILS PROGRAM, INCLUDING FUTURE MANAGEMENT  
23 OPTIONS.

24 (E) (1) ON OR BEFORE DECEMBER 1, 2000, THE STEERING COMMITTEE  
25 SHALL ISSUE A PRELIMINARY REPORT OF ITS FINDINGS, IN ACCORDANCE WITH §  
26 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY AND  
27 GOVERNOR.

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

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

## Article - Natural Resources

1  
2 8-2206.

3 THE DEPARTMENT MAY:

4 (1) PLAN, CONSTRUCT, AND MAINTAIN SUITABLE FACILITIES FOR  
5 WATER TRAIL ACTIVITIES ON PROPERTY ADMINISTERED OR ACQUIRED BY THE  
6 DEPARTMENT;

7 (2) DEVELOP PARTNERSHIP AGREEMENTS WITH FEDERAL, STATE, OR  
8 LOCAL GOVERNMENT UNITS, VOLUNTEER ORGANIZATIONS, NONPROFIT  
9 ORGANIZATIONS, FOR-PROFIT BUSINESS ORGANIZATIONS, AND PRIVATE  
10 LANDOWNERS FOR THE DEVELOPMENT AND SUPPORT OF WATER TRAILS;

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

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

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

16 (6) DEVELOP AND MANAGE ~~AN ADOPTION~~ A SPONSORSHIP PROGRAM OF  
17 WATER TRAIL SITES BY NONPROFIT, FOR-PROFIT, INDIVIDUAL, GOVERNMENT, AND  
18 OTHER ORGANIZATIONS;

19 (7) JOINTLY DEVELOP A MARYLAND WATER TRAILS INFORMATION  
20 DISSEMINATION AND MARKETING STRATEGY WITH THE DIVISION OF TOURISM AND  
21 PROMOTION OF THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT;  
22 AND

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

24 8-2207.

25 UPON THE RECOMMENDATION OF THE SECRETARY, THE ~~GOVERNOR~~ STATE  
26 SHALL OFFICIALLY DESIGNATE AND NAME PARTICULAR WATER TRAILS ELIGIBLE  
27 FOR STATE SUPPORT AND COUNTY OR MUNICIPAL TAX INCENTIVES.

28 8-2208.

29 AN OWNER OF PROPERTY ASSOCIATED WITH A WATER TRAIL OR AN OPERATOR  
30 OF A WATER TRAIL UNDER THE PROGRAM IS IMMUNE FROM CIVIL LIABILITY UNDER  
31 § 5-640 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

1 **Article - Courts and Judicial Proceedings**

2 5-640.

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

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

11 **Article - Tax - Property**

12 9-236.

13 (A) THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY  
14 GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE  
15 COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON REAL PROPERTY  
16 FOR AN EASEMENT ALLOWING ACCESS TO A WATER TRAIL UNDER TITLE 8, SUBTITLE  
17 22 OF THE NATURAL RESOURCES ARTICLE.

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

- 19 (1) THE AMOUNT OF A PROPERTY TAX CREDIT UNDER THIS SECTION;  
20 (2) THE DURATION OF A PROPERTY TAX CREDIT UNDER THIS SECTION;  
21 (3) THE CRITERIA AND QUALIFICATIONS NECESSARY TO RECEIVE THE  
22 CREDIT; AND  
23 (4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THIS SECTION.

24 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 July 1, 2000. Section 2 of this Act shall remain effective for a period of 2 years and, at  
26 the end of June 30, 2002, with no further action required by the General Assembly,  
27 Section 2 of this Act shall be abrogated and of no further force and effect.