

HOUSE BILL 219

Unofficial Copy
C8

2001 Regular Session
11r0679
CF 11r1185

By: **Delegates D'Amato, Clagett, Rosso, Love, Gordon, Eckardt, Mitchell,
Hill, Barve, Sophocleus, Boschert, Walkup, V. Jones, Hubers, Krysiak, W.
Baker, Leopold, Pendergrass, Klausmeier, J. Kelly, Turner, Kach,
Morhaim, Cadden, Brown, and Moe**

Introduced and read first time: January 22, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Water Trails Development Program**

3 FOR the purpose of establishing the Maryland Water Trails Development 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 the
11 Department of Business and Economic Development to plan, construct, and
12 maintain certain facilities for certain water trail activities on certain property;
13 authorizing the Department to develop certain partnership agreements;
14 authorizing the Department to coordinate with local governments on the
15 identification and implementation of certain water trail opportunities and
16 projects; authorizing the Department to enter into certain agreements;
17 authorizing the Department to develop and manage a certain sponsorship
18 program for certain water trail sites; authorizing the Department to establish
19 jointly with the Department of Natural Resources a certain strategy;
20 authorizing the Department to adopt certain regulations; requiring the State to
21 designate certain water trails for State support and certain county or municipal
22 tax incentives under certain circumstances; authorizing the Department to
23 adopt certain guidelines for certain tax credits; providing for immunity from
24 civil liability of certain owners of certain property or operators to certain users of
25 certain water trails for certain injuries except under certain circumstances;
26 clarifying that the immunity of a certain officer or employee is not affected by a
27 certain immunity from liability; authorizing a county or municipal corporation
28 to grant a certain property tax credit for a certain easement; authorizing a
29 county or a municipal corporation to provide for the amount, duration, criteria,
30 and qualifications of a certain real property tax credit; defining certain terms;
31 providing for the termination of certain provisions of this Act; and generally
32 relating to the Maryland Water Trails Development Program.

1 BY adding to
2 Article 83A - Department of Business and Economic Development
3 Section 4-701 through 4-709, inclusive, to be under the new subtitle "Subtitle 7.
4 Maryland Water Trails Development Program"
5 Annotated Code of Maryland
6 (1998 Replacement Volume and 2000 Supplement)

7 BY adding to
8 Article - Courts and Judicial Proceedings
9 Section 5-640
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 2000 Supplement)

12 BY adding to
13 Article - Tax - Property
14 Section 9-239
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 2000 Supplement)

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

19 **Article 83A - Department of Business and Economic Development**

20 **SUBTITLE 7. MARYLAND WATER TRAILS DEVELOPMENT PROGRAM.**

21 4-701.

22 IN THIS SUBTITLE, "PROGRAM" MEANS THE MARYLAND WATER TRAILS
23 DEVELOPMENT PROGRAM.

24 4-702.

25 (A) THE GENERAL ASSEMBLY RECOGNIZES THE INCREASE IN
26 WATER-ORIENTED RECREATION ON MARYLAND'S WATERWAYS AND THE DESIRE FOR
27 ACCESS TO WATERWAYS AND OVERNIGHT CAMPING FACILITIES ALONG
28 WATERWAYS.

29 (B) THE GENERAL ASSEMBLY AUTHORIZES THE CREATION OF THE
30 MARYLAND WATER TRAILS DEVELOPMENT PROGRAM, TO BE DEVELOPED BY A
31 STEERING COMMITTEE WHICH IS APPOINTED AND ADMINISTERED BY THE
32 DEPARTMENT, TO PROMOTE THE HISTORICAL, CULTURAL, AND NATURAL
33 RESOURCES OF MARYLAND'S WATERWAYS, AND TO ESTABLISH A COORDINATED,
34 ENVIRONMENTALLY SOUND SYSTEM OF WATER ROUTES AND CAMPSITES ALONG
35 EACH WATER ROUTE IN MARYLAND.

1 4-703.

2 THERE IS A MARYLAND WATER TRAILS DEVELOPMENT PROGRAM.

3 4-704.

4 THE PURPOSE OF THE PROGRAM IS:

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

10 (2) TO DETERMINE THE MOST APPROPRIATE TYPES OF WATERCRAFT
11 FOR USE ON SPECIFIC WATER TRAILS BASED ON THE CHARACTERISTICS OF THE
12 WATERCRAFT AND THE CHARACTERISTICS OF THE WATER TRAIL;

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

16 (4) TO ENCOURAGE THE DEVELOPMENT OF THE STATE'S TOURISM
17 RESOURCES THROUGH THE PROMOTION OF STATE-DESIGNATED WATER TRAILS;
18 AND

19 (5) TO PROMOTE THE LONG-TERM STEWARDSHIP OF MARYLAND'S
20 MARINE ENVIRONMENT, ASSURING ITS CONSERVATION AND MAINTENANCE IN A
21 NATURAL STATE, WHILE PROVIDING EXCEPTIONAL EDUCATIONAL AND
22 RECREATIONAL BENEFITS OF THE PROGRAM TO THE GENERAL PUBLIC.

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

25 **Article 83A - Department of Business and Economic Development**

26 4-705.

27 (A) THE DEPARTMENT SHALL ESTABLISH A WATER TRAILS STEERING
28 COMMITTEE, COMPOSED OF:

29 (1) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT;

30 (2) THE SECRETARY OF NATURAL RESOURCES; AND

31 (3) REPRESENTATIVES FROM THE FOLLOWING, APPOINTED BY THE
32 SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT:

33 (I) RECREATIONAL USERS OF WATER TRAILS;

1 (II) MARINE-ORIENTED COUNTIES AND MUNICIPAL
2 CORPORATIONS;

3 (III) COMMERCIAL AND RECREATIONAL SECTORS HAVING AN
4 INTEREST IN THE PROGRAM, INCLUDING FISHING, HUNTING, AND PADDLER'S
5 ASSOCIATIONS;

6 (IV) THE TOURISM INDUSTRY;

7 (V) PRIVATE LAND CONSERVATION AND ENVIRONMENTAL
8 ORGANIZATIONS; AND

9 (VI) OTHER INTEREST GROUPS THE DEPARTMENT DEEMS
10 NECESSARY.

11 (B) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT SHALL
12 CHAIR THE WATER TRAILS STEERING COMMITTEE.

13 (C) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT FOR THE STEERING
14 COMMITTEE WITH THE ASSISTANCE FROM THE DEPARTMENT OF NATURAL
15 RESOURCES.

16 (D) THE WATER TRAILS STEERING COMMITTEE SHALL:

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

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

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

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

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

26 (II) BUDGETARY NEEDS;

27 (III) FUNDING SOURCES INCLUDING THE AVAILABILITY OF
28 FEDERAL, STATE, AND PRIVATE SOURCES;

29 (IV) THE CREATION OF GUIDEBOOKS; AND

30 (V) A STATE SYSTEM OF SPONSORSHIP OF WATER TRAIL SITES BY
31 PRIVATE, NONPROFIT, PUBLIC, AND FOR-PROFIT BUSINESSES;

32 (5) STUDY ACCESS NEEDS AND DEVELOP ACCESS PLANS FOR PROPOSED
33 AND EXISTING WATER TRAILS WITH A GOAL OF ACCESS POINTS FOR INGRESS,

1 EGRESS, AND OVERNIGHT CAMPING AT APPROPRIATE INTERVALS ALONG THE
2 COURSE OF A WATER TRAIL;

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

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

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

11 (E) (1) ON OR BEFORE DECEMBER 1, 2001, THE WATER TRAILS STEERING
12 COMMITTEE SHALL ISSUE A PRELIMINARY REPORT OF ITS FINDINGS, IN
13 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE
14 GENERAL ASSEMBLY AND GOVERNOR.

15 (2) ON OR BEFORE DECEMBER 1, 2002, THE WATER TRAILS STEERING
16 COMMITTEE SHALL ISSUE A FINAL REPORT OF ITS FINDINGS, IN ACCORDANCE WITH
17 § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY AND
18 GOVERNOR.

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

21 **Article 83A - Department of Business and Economic Development**

22 4-706.

23 THE DEPARTMENT MAY:

24 (1) PLAN, CONSTRUCT, AND MAINTAIN SUITABLE FACILITIES FOR
25 WATER TRAIL ACTIVITIES ON PROPERTY ADMINISTERED OR ACQUIRED BY THE
26 DEPARTMENTS;

27 (2) DEVELOP PARTNERSHIP AGREEMENTS WITH FEDERAL, STATE, OR
28 LOCAL GOVERNMENT UNITS, VOLUNTEER ORGANIZATIONS, NONPROFIT
29 ORGANIZATIONS, FOR-PROFIT BUSINESS ORGANIZATIONS, AND PRIVATE
30 LANDOWNERS FOR THE DEVELOPMENT AND SUPPORT OF WATER TRAILS;

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

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

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

1 (6) DEVELOP AND MANAGE A SPONSORSHIP PROGRAM OF WATER TRAIL
2 SITES BY NONPROFIT, FOR-PROFIT, INDIVIDUAL, GOVERNMENT, AND OTHER
3 ORGANIZATIONS;

4 (7) JOINTLY DEVELOP A MARYLAND WATER TRAILS INFORMATION
5 DISSEMINATION AND MARKETING STRATEGY WITH THE DEPARTMENT OF NATURAL
6 RESOURCES; AND

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

8 4-707.

9 UPON THE RECOMMENDATION OF THE SECRETARY, THE STATE SHALL
10 OFFICIALLY DESIGNATE AND NAME PARTICULAR WATER TRAILS ELIGIBLE FOR
11 STATE SUPPORT AND COUNTY OR MUNICIPAL TAX INCENTIVES.

12 4-708.

13 THE DEPARTMENT SHALL DETERMINE UNIFORM GUIDELINES FOR REAL
14 PROPERTY THAT MAY BE ELIGIBLE FOR A PROPERTY TAX CREDIT TO BE GRANTED BY
15 A COUNTY OR MUNICIPAL CORPORATION UNDER § 9-239(A) OF THE TAX - PROPERTY
16 ARTICLE.

17 4-709.

18 AN OWNER OF PROPERTY ASSOCIATED WITH A WATER TRAIL OR AN OPERATOR
19 OF A WATER TRAIL UNDER THE PROGRAM IS IMMUNE FROM CIVIL LIABILITY UNDER
20 § 5-640 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

21 **Article - Courts and Judicial Proceedings**

22 5-640.

23 (A) UNLESS THE ACT OR OMISSION AMOUNTS TO GROSS NEGLIGENCE OR
24 WILLFUL MISCONDUCT, AN OWNER OF PROPERTY ASSOCIATED WITH A WATER TRAIL
25 OR AN OPERATOR OF A WATER TRAIL IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT
26 OR OMISSION OCCURRING TO A USER OF A FACILITY ADMINISTERED UNDER THE
27 MARYLAND WATER TRAILS DEVELOPMENT PROGRAM UNDER ARTICLE 83A, TITLE 4,
28 SUBTITLE 7 OF THE CODE.

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

31 **Article - Tax - Property**

32 9-239.

33 (A) THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY
34 GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE
35 COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON REAL PROPERTY

1 FOR AN EASEMENT ALLOWING ACCESS TO A WATER TRAIL UNDER ARTICLE 83A,
2 TITLE 4, SUBTITLE 7 OF THE CODE.

3 (B) EXCEPT AS PROVIDED IN ARTICLE 83A, § 4-708 OF THE CODE, A COUNTY OR
4 MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

- 5 (1) THE AMOUNT OF A PROPERTY TAX CREDIT UNDER THIS SECTION;
- 6 (2) THE DURATION OF A PROPERTY TAX CREDIT UNDER THIS SECTION;
- 7 (3) THE CRITERIA AND QUALIFICATIONS NECESSARY TO RECEIVE THE
8 CREDIT; AND
- 9 (4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THIS SECTION.

10 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
11 take effect July 1, 2001. It shall remain effective for a period of 2 years and, at the end
12 of June 30, 2003, with no further action required by the General Assembly, Section 2
13 of this Act shall be abrogated and of no further force and effect.

14 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
15 Section 4 of this Act, this Act shall take effect July 1, 2001.