

HOUSE BILL 538

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2004 Regular Session  
4r1272  
CF 4r1273

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By: **Delegate Conway (Department of Natural Resources Special Funds Workgroup) and Delegates Bohanan, Bozman, Cadden, Cane, Eckardt, Mitchell, Owings, Rudolph, and Wood**

Introduced and read first time: February 2, 2004

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **State Boat Act - Waterway Improvement Fund - Authorized Uses**

3 FOR the purpose of altering the amount of certain funds that may be proposed to be  
4 used by the Natural Resources Police for marine operations for certain fiscal  
5 years; repealing a provision that requires a certain payment to the Comptroller;  
6 repealing the authority of the Department of Natural Resources to use certain  
7 funds for enforcement of the State Boat Act; and generally relating to the  
8 enforcement of the State Boat Act.

9 BY repealing and reenacting, without amendments,  
10 Article - Natural Resources  
11 Section 8-709(a) and 8-723  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume and 2003 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Natural Resources  
16 Section 8-716(i) and (k)  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume and 2003 Supplement)

19 BY repealing  
20 Article - Natural Resources  
21 Section 8-709(c) and 8-716(h) and (j)  
22 Annotated Code of Maryland  
23 (2000 Replacement Volume and 2003 Supplement)

24 BY adding to  
25 Article - Natural Resources  
26 Section 8-709(c)  
27 Annotated Code of Maryland

1 (2000 Replacement Volume and 2003 Supplement)

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

4 **Article - Natural Resources**

5 8-709.

6 (a) The Department shall include in its annual budget request an itemized list  
7 of requests for the use of any available money from the Waterway Improvement Fund  
8 for the projects under § 8-707 of this subtitle. The Department's list shall include a  
9 brief description of each project, an estimate of its cost, and the benefits to be derived  
10 from it. The list shall designate which projects are financed solely by the Waterway  
11 Improvement Fund, which are matching fund projects, and which are interest-free  
12 loan projects.

13 [(c) Notwithstanding the provisions of subsection (a) of this section, the  
14 Department may propose in its annual budget, beginning with the fiscal year 1994  
15 budget, an appropriation of not more than \$1,000,000 from the Waterway  
16 Improvement Fund to support marine operations in the Natural Resources Police.]

17 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS  
18 SECTION, THE DEPARTMENT MAY PROPOSE AN APPROPRIATION FROM THE  
19 WATERWAY IMPROVEMENT FUND TO SUPPORT MARINE OPERATIONS OF THE  
20 NATURAL RESOURCES POLICE NOT EXCEEDING:

21 (1) \$1,500,000 IN THE DEPARTMENT'S FISCAL YEAR 2006 BUDGET; AND

22 (2) \$2,000,000 IN THE DEPARTMENT'S FISCAL YEAR 2007 BUDGET, AND  
23 EVERY YEAR THEREAFTER.

24 8-716.

25 [(h) Notwithstanding the provisions of § 8-723 of this subtitle, the Department  
26 shall deposit \$225,000 of funds from the excise tax levied under this section with the  
27 Comptroller of the Treasury in the General Fund, and the balance in excess of  
28 \$225,000 with the Comptroller of the Treasury in the Waterway Improvement Fund  
29 to be expended only for the purposes specified.]

30 [(i)] (H) If the Department determines there has been an overpayment of the  
31 tax on a vessel, or an overpayment has resulted for any other reason, the Department  
32 may submit the overpayment and supporting data whether accompanied by a written  
33 claim or not to the State Comptroller for refund to the appropriate person.

34 [(j) Notwithstanding any other provision of this section, the Department shall  
35 deposit, in accordance with the provisions of § 8-723 of this subtitle, up to \$350,000 of  
36 funds from the excise tax levied under this section and as appropriated in the State  
37 budget, to be used for enforcement of the State Boat Act, including collection of the  
38 excise tax levied under this section.]

1 [(k)] (I) (1) For purposes of subsection (a)(3) of this section, a vessel is  
2 deemed to be held for maintenance or repair if:

3 (i) The maintenance or repair work is provided in exchange for  
4 compensation;

5 (ii) The maintenance or repair work is performed pursuant to a  
6 schedule preestablished with one or more marine contractors; and

7 (iii) The total cost of the maintenance or repair work is at least two  
8 times the reasonable current market cost of docking or storing the vessel.

9 (2) Time spent conducting sea trials shall be included when calculating  
10 the period of time a vessel is held for maintenance or repair under subsection (a)(3) of  
11 this section.

12 8-723.

13 (a) Any fee and other revenue the Department collects under authority of this  
14 subtitle, and any other available income, shall be deposited in the State Treasury and  
15 used exclusively for the administration, functions, and objectives of this subtitle.  
16 These funds are credited to the Department.

17 (b) The Department may use the funds credited to its accounts to purchase,  
18 rent, and operate any equipment necessary to accomplish the purposes of this  
19 subtitle, within budgetary limitations.

20 (c) Subject to available income, the Department may employ necessary  
21 personnel subject to the provisions of the State Personnel and Pensions Article.

22 (d) Within the limits of funds available, the Department may enter into any  
23 agreement with the federal government, any municipality or other political  
24 subdivision of the State, or any private agency to share the cost of any development,  
25 construction, or improvement of waterways or of facilities determined to have  
26 beneficial value to the boating public.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2004.