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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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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: February 24, 2004

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CHAPTER \_\_\_\_\_

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; providing for a delayed effective  
8 date; and generally relating to the 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)

1 Annotated Code of Maryland  
2 (2000 Replacement Volume and 2003 Supplement)

3 BY adding to  
4 Article - Natural Resources  
5 Section 8-709(c)  
6 Annotated Code of Maryland  
7 (2000 Replacement Volume and 2003 Supplement)

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

10 **Article - Natural Resources**

11 8-709.

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

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

23 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS  
24 SECTION, THE DEPARTMENT MAY PROPOSE AN APPROPRIATION FROM THE  
25 WATERWAY IMPROVEMENT FUND TO SUPPORT MARINE OPERATIONS OF THE  
26 NATURAL RESOURCES POLICE NOT EXCEEDING:

27 (1) ~~\$1,500,000~~ \$1,700,000 IN THE DEPARTMENT'S FISCAL YEAR 2006  
28 BUDGET; AND

29 (2) \$2,000,000 IN THE DEPARTMENT'S FISCAL YEAR 2007 BUDGET, AND  
30 EVERY YEAR THEREAFTER.

31 8-716.

32 [(h) Notwithstanding the provisions of § 8-723 of this subtitle, the Department  
33 shall deposit \$225,000 of funds from the excise tax levied under this section with the  
34 Comptroller of the Treasury in the General Fund, and the balance in excess of  
35 \$225,000 with the Comptroller of the Treasury in the Waterway Improvement Fund  
36 to be expended only for the purposes specified.]

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

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

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

12                   (i)     The maintenance or repair work is provided in exchange for  
13 compensation;

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

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

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

21 8-723.

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

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

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

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

36        SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 ~~October 1, 2004~~ July 1, 2005.

