

**REPORT OF THE  
MARINE PATROLS STUDY COMMISSION  
TO  
THE GOVERNOR  
AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 30**

**COMMONWEALTH OF VIRGINIA  
DIVISION OF PURCHASES AND SUPPLY  
RICHMOND  
1979**

## **MEMBERS OF COMMITTEE**

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Glenn B. McClanan (Chairman)

Robert S. Bloxom (Vice Chairman)

Elmo G. Cross

Walther B. Fidler

Elise B. Heinz

J. H. Johnson

Claude V. Swanson

Russell I. Townsend, Jr.

Robert E. Washington

O. Wendall White

Coleman B. Yeatts

## **COMMISSION STAFF**

William C. Dougherty, II

Alan B. Wambold

Division of Legislative Services

**Report of the  
Marine Patrols Study Commission**

**To  
The Governor and the General Assembly of Virginia**

**Richmond, Virginia**

**January, 1979**

To: Honorable John N. Dalton, Governor of Virginia

and

The General Assembly of Virginia

**I. Recommendations.**

On the basis of its study the Commission recommends:

1. That no new State agency charged with marine patrol responsibilities be created;
2. That a State subsidy, financed by marine motor fuel tax revenues, be provided for one half of local marine patrol budgets, not to exceed ten dollars per motorboat registered in the locality;
3. That concrete steps be taken by State agencies operating watercraft, the Department of State Police, local law-enforcement agencies, and the United States Coast Guard to improve interagency cooperation and coordination, especially concentrating on upgrading and inter-linking their radio communications systems; and
4. That the Congress be memorialized to adopt legislation which would return to the States for boating-related programs those funds derived from federal taxes on motorboat fuel.

**II. Background.**

The Marine Patrols Study Commission was created by the passage of House Joint Resolution No. 43 during the 1978 Session of the Virginia General Assembly, which stated:

WHEREAS, Virginians are increasingly turning to the sea and coastal areas for recreation of all kinds; and

WHEREAS, boats of all kinds are becoming more numerous as a consequence; and

WHEREAS, the increasing numbers of watercraft are beginning to cause marine traffic problems; and

WHEREAS, the more Virginians take to the water, the better the chance, statistically, of there being mishaps of various kinds; and

WHEREAS, the several police forces operating in the Commonwealth assist in protecting the safety of Virginia's motorists and regulating vehicular traffic; and

WHEREAS, there has been, however, a lack of commitment on the part of the Commonwealth in providing a similar service for the boating public; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That there is hereby created as a legislative study commission the Marine Patrols Study Commission. The Commission shall be composed of eleven members as follows: five shall be appointed by the Speaker of the House of Delegates from the membership of the House, three shall be appointed by the Committee on Privileges and Elections of the Senate from the membership of the Senate, and two shall be appointed by the Speaker of the House of Delegates and one by the Senate Committee on Privileges and Elections from the population of the Commonwealth at large.

Members shall be compensated at the rate of fifty dollars per day for each day spent on Commission business, and shall also be reimbursed for necessary and actual expenses incurred in connection therewith. For this and for such secretarial and other services as the Commission may require, there is hereby allocated to the Commission from the appropriation to the General Assembly a sum sufficient estimated at three thousand dollars.

The Commission shall investigate, but not necessarily confine its study to: (1) the feasibility of allocating a portion of the proceeds from the State motor fuel tax to localities for the purposes of marine patrols, watercraft inspections and safety patrols on the waterways and along the shoreline of the Commonwealth; and (2) the possibility and desirability of creating a State Marine Police Force for the enforcement of motor boat safety regulations and for general marine law-enforcement purposes.

The Commission shall complete its work and report to the Governor and the General Assembly on or before November one, nineteen hundred seventy-eight.

Delegate Robert S. Bloxom of Mappsville, Mr. Walther B. Fidler of Warsaw, Delegate Elise B. Heinz of Arlington, Mr. J. H. Johnson of West Point, Delegate Glenn B. McClanan of Virginia Beach, Delegate Claude V. Swanson of Gretna, and Delegate Robert E. Washington of Norfolk were appointed to the Commission by the Speaker of the House of Delegates. Senator Elmo G. Cross of Hanover, Senator Russell I. Townsend, Jr. of Chesapeake, Mr. O. Wendall White of Hampton, and Senator Coleman B. Yeatts of Chatham were chosen for the Commission by the Committee on Privileges and Elections of the Senate. The Commission, at its first meeting, elected Delegate McClanan Chairman, and Delegate Bloxom Vice Chairman.

The Commission held two public hearings: one in Hampton and one in Richmond. Testimony was taken from private citizens, industry representatives, and spokesmen for federal, State, and local agencies. On the basis of information gathered at the Commission's public hearings, the Chairman and staff conducted three additional informal conferences with representatives of concerned State and local agencies: the Virginia Marine Resources Commission (VMRC), the Commission of Game and Inland Fisheries (CGIF), the Division of Justice and Crime Prevention (DJCP), the Department of State Police (DSP), the York County Sheriff's Department, and the police departments of the cities of Poquoson, Newport News, Hampton, Norfolk, Portsmouth, and Virginia Beach. Additional information was made available to the Commission through staff research.

### III. Findings.

#### A. IN GENERAL

AT PRESENT THERE IS NO STATE AGENCY CHARGED WITH THE FULL RANGE OF RESPONSIBILITIES WHICH HOUSE JOINT RESOLUTION NO. 43 CONTEMPLATED VESTING IN A STATE MARINE PATROL FORCE. Neither VMRC nor CGIF, much less the Virginia Institute of Marine Science (VIMS) conceives its role to be one of general law-enforcement on the water. VMRC places its first emphasis on enforcement of Virginia's commercial fishing laws; CGIF concentrates on enforcement of sport fishing and hunting laws. Boating safety, including search and rescue, is a secondary concern to these agencies. The DSP is involved in marine patrol work virtually not at all: they have no water-related vehicles, equipment, or personnel, except scuba divers, under their direct supervision. They rely primarily on CGIF, area rescue squads, and sometimes the military for aid on the water. At the local level, this situation is somewhat different.

THE MAJORITY OF VIRGINIA'S COASTAL CITIES HAVE ALREADY INITIATED SOME FORM OF MARINE PATROLS. Currently Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach each operate some form of water patrol. Only Chesapeake and Poquoson, of the cities of Tidewater, have failed to do so.

THESE FACTS INCLINED THE COMMISSION AWAY FROM THE CREATION OF A NEW STATE AGENCY WITH MARINE PATROL RESPONSIBILITIES. Testimony from representatives of those localities operating marine patrols persuaded the Commission both of the need for such patrols, and of the wisdom of placing such patrols in local hands.

THE COMMISSION CONCLUDED THAT SOME SORT OF STATE SUBSIDY OF LOCAL MARINE PATROLS IS DESIRABLE , since (1) local marine patrols often assist persons whose taxes contribute nothing to the support of such patrols and (2) the cost of local marine patrols has been growing increasingly difficult for localities to bear unassisted.

## **B. WITH RESPECT TO FINANCING.**

SUGGESTIONS THAT STATE REVENUES DERIVED FROM TAXES IMPOSED ON THE FUEL USED BY MOTORBOATS BE CHANNELED TO SUPPORTING THESE LOCAL MARINE PATROLS PROVED MORE DIFFICULT TO PUT INTO PRACTICE THAN WAS AT FIRST SUSPECTED. State law makes no distinction, in the collection of the motor fuel tax, between marine fuels and non-marine fuels. The same rate of nine cents per gallon is collected by the Division of Motor Vehicles (DMV) on all motor fuels. Any difference in treatment between fuels used for highway purposes and those used for non-highway purposes occurs after the tax has been collected.

Several classes of taxpayers, having been charged and having paid the motor fuel tax, may apply to the DMV Commissioner for a refund of that tax. One class of taxpayers who may apply for such a refund are those "... who shall buy, in quantities of five gallons or more at any one time, any motor fuel for the purpose of operating or propelling...boats [or] ships..." (§ 58-715). Persons seeking a refund of the motor fuel tax are required to submit to the DMV Commissioner a written application, accompanied by a ticket or invoice showing the amount of fuel purchased and the amount of fuel tax paid (§ 58-716).

In the event that a refund application includes a statement that the fuel "...was used for propelling a boat or boats, or a ship or ships, including commercial boats or ships..." seven and one-half cents of the nine cents collected as tax on each gallon of such fuel is refunded to the applicant. The DMV does not refund the remaining one and one-half cents per gallon. This latter residuum is credited to the "game protection fund," which fund is disbursed by the Commission of Game and Inland Fisheries to help cover the cost of "...activities and purposes of direct benefit and interest to the boating public..." In the case of refunds made to persons using their fuels in "...commercial fishing, oystering, clamming, and crabbing boats..." this one and one-half cents per gallon is paid to the Department of Highways and Transportation "...to be used for the construction, repair, improvement and maintenance of the public docks of the State..." (§ 58-730.3). If any applicant eligible for a motor fuel tax refund so requests, DMV will pay the entire nine cents per gallon paid by the applicant into the game protection fund.

Section 58-730.3 further provides that "...a sum not to exceed fifty thousand dollars annually..." is to be paid into the Treasury for use by the VMRC from the tax on sales of motor fuels used in propelling water-craft for which no refund is requested. However, since DMV cannot, except where specific refunds are requested, segregate marine motor fuel taxes from other motor fuel taxes, this amount has always been collected "off the top" for the VMRC in the full fifty thousand dollar amount.

Statistically, in calendar year 1977, there were 3,281 claims for motor fuel tax refunds made by pleasure boat operators. These claims were based on purchases of 1,295,499 gallons of fuel and resulted in refunds of approximately \$97,170. Commercial boat operators presented 1,058 claims based on purchases of 1,223,774 gallons of fuel, and were paid approximately \$91,786 in refunds. The cent and one-half per gallon of pleasure boat fuel generated \$19,409 for the game protection fund, and the same share of commercially-paid tax generated \$18,356 for dock maintenance by the Department of Highways and Transportation. Thus, non-refunded marine motor fuel taxes totaled \$37,765 in calendar year 1977. Total 1977 taxes levied on motor fuels for use in boats (for which

refunds were awarded) amounted to \$226,721.

The use of even this entire latter amount for the subsidy of local marine patrols would be inadequate. The Newport News patrol, to cite but one example, cost the city approximately \$70,000 for 1977. A broad consensus of local government witnesses favored a mechanism which could subsidize at least half the cost of a locality's marine patrol.

A FUNDING MECHANISM WAS DEVELOPED BY THE COMMISSION AND ITS STAFF BASED ON STATISTICAL STUDIES CONDUCTED BY THE BOATING INDUSTRY ASSOCIATION (BIA) AND OUTBOARD BOATING CLUB OF AMERICA (OBC). In so doing, the Commission was more guided by the system of State reimbursement of localities for marine patrols (presently employed by New York) than by the system of direct State involvement in such patrols (as is the case in Maryland). The BIA/OBC study established a national per-motorboat per-year gasoline consumption average of 156 gallons. Given the fact that some 150,000 motorboats are presently registered in the Commonwealth, one can estimate that these Virginia-registered motorboats consume 23,400,000 gallons of fuel annually. This consumption of fuel, at the present tax rate of nine cents per gallon, generates \$2,106,000 in State taxes per year. If one subtracts from this figure the \$97,170 in fuel tax refunds paid to private motorboat operators in 1977 pursuant to Code § 58-715, the \$91,786 in fuel tax refunds paid in 1977 to commercial motorboat operators pursuant to the same Code section, the \$19,409 credited in 1977 to the game protection fund pursuant to Code § 58-730.3, the \$18,356 credited to the Department of Highways and Transportation for dock maintenance pursuant to Code § 58-730.3, and the \$50,000 contributed annually to VMRC pursuant to Code § 58-730.3, there still remains approximately \$1,829,279 in motor fuel tax revenues which, though generated by motorboat operations, are presently not being used to support boating activities in Virginia. This figure represents approximately .7936 percent of the total amount of gasoline tax revenues collected in calendar year 1977.

THE COMMISSION FINDS IT DESIRABLE, ON THE BASIS OF THESE FIGURES AND ON THE BASIS OF DEMONSTRATED NEED FOR MARINE PATROL SERVICES, TO RECOMMEND THE SEGREGATION IN A SPECIAL FUND OF ONE-HALF OF ONE PERCENT OF ANNUAL GASOLINE TAX COLLECTIONS. From this fund, localities operating marine patrols would be reimbursed for half of the cost of their patrols, but no more in any one year than ten dollars per motorboat registered in the locality being reimbursed. This latter device will serve to keep reimbursement in line with motorboat "populations."

### C. WITH RESPECT TO COMMUNICATIONS.

THE COMMISSION ALSO FOUND THAT RADIO COMMUNICATIONS AMONG VESSELS OF LOCAL AND STATE AGENCIES ALREADY PATROLING STATE WATERS WERE, AT BEST, CHAOTIC. Radio frequencies – even radio systems – were found to be totally incompatible. In emergencies, these vessels cannot assist one another. At a minimum, the Commission felt, the safety of the boating public and the efficient use of State-owned vessels militate in favor of the admission of VMRC and CGIF to the newly developed Statewide Interagency Radio System (SIRS). Beyond this step, the agencies concerned have developed, and the Commission endorses, a series of projects which will take enormous strides toward rationalizing these radio communications systems.

OPTIMAL IMPROVEMENT OF THE COMMUNICATIONS SYSTEMS OF STATE AND LOCAL AGENCIES OPERATING MARINE PATROLS INVOLVES AS MANY AS NINE DISTINCT PROJECTS. None of the agencies concerned are planning to undertake any of these projects without additional financial support from the State. Below are sketched, in a tabular form, the projects discussed at staff's November 29 meeting with representatives of the concerned agencies.

1. Provide VMRC with a 24-hour dispatch capability.

Agencies involved: VMRC only.

Equipment needed: furniture and modification to physical plant [sic.].

Unit costs: \$4,000 [VMRC estimate].

Time required for completion: Dependent upon schedule for relocation of present base station [sic.].

Justification of project: Would provide all-day-round capacity to respond to emergency calls telephoned or otherwise relayed to base stations; could provide nucleus for marine emergency "hot-line" service.

Total cost: \$4,000 plus cost of dispatchers' salaries (about \$37,968 per year for four dispatchers).

2. Combine Tidewater area CGIF dispatch center with 24-hour VMRC dispatch center.

Agencies involved: VMRC, CGIF.

Equipment needed: miscellaneous.

Unit cost: approximately \$6,000 (beyond that required for 24-hour VMRC dispatch facility).

Time required: 30 days or less (following establishment of VMRC dispatch facility).

Justification of project: Would both afford CGIF 24-hour dispatch capability and also allow closest possible collaboration of VMRC and CGIF; would make more efficient use of facilities required for 24-hour VMRC dispatch; would be a very logical nexus around which to build a Tidewater marine emergency "hot-line" service.

Total cost (beyond that required for VMRC dispatch enhancement): \$6,000.

3. Equip CGIF officers operating in the Tidewater area with VHF marine-band radios.

Agencies involved: CGIF only.

Equipment needed: Approximately ten five-or-six-channel VHF marine-band portable radio sets; up to ten vehicular chargers.

Unit Cost: \$600 - \$800 for each radio set, approximately \$400 for each vehicular charger.

Time required for completion: 30 - 60 days from availability of funds.

Justification of project: Would permit direct communication between CGIF officers and agencies already equipped with VHF marine-band radios (Coast Guard [USCG], VMRC base station and larger vessels; marine patrol vessels of Hampton, Newport News, Norfolk, Portsmouth, and Virginia Beach. Use of vehicular chargers would permit a portable unit to operate with the power and range of a nonportable unit when connected with the charger.

Total cost: \$10,000 - \$12,000.

4. Equip VMRC 40 small vessels with VHF marine-band radio and vehicular chargers (as project 3 would do for CGIF).

Agencies involved: VMRC only.

Equipment needed: 40 five-or-six-channel VHF marine-band portable radio sets and vehicular chargers.

Unit cost: \$600 - \$800 for each radio set, approximately \$400 for each vehicular charger.

Time required for completion: 30-60 days from availability of funds.

Justification of project: Would link all 40 small vessels of the VMRC with all other agencies and units equipped with VHF marine-band radios (USCG, VMRC large vessels and base stations, marine patrol vessels of Hampton, Newport News, Norfolk, Portsmouth, and Virginia Beach.

Total cost: \$40,000 - \$48,000.

5. Equip CGIF officers in Tidewater area with means of communication sufficient to reach them even in smaller boats.

Agencies involved: CGIF only.

Equipment needed: Approximately 10 portable radio units capable of sending and receiving on CGIF's internal police frequency.

Unit cost: \$1,000 - \$1,200 per unit (including vehicular chargers).

Justification of project: Would eliminate present inability of CGIF officers to be contracted – even outside business hours – when patrolling in small, trailered boats.

Total cost of project: \$10,000 - \$12,000.

6. Equip VMRC small vessels and large vessels with equipment necessary to tie small vessels with large vessels or base stations either on the Commission's internal police-band radio system or on the VHF marine-band system.

Agencies involved: VMRC only.

Equipment needed: Approximately 40 two-frequency, hand-held, five-watt radio sets, antennas, and carrying cases; same number of vehicular chargers, VHF antennas, two-way voice-activated repeater interface sets.

Unit cost: \$1,220 for each "package" of five-watt portable radio, channel guard, antennas and case; \$253 for each vehicular charger; \$65 for each VHF fiberglass antenna; \$500 for each repeater interface package; \$150 to install each of these items.

Time required for completion: 4-6 months from availability of funds.

Justification of project: Would provide radio link for small vessels of the VMRC by equipping 20 small vessels with hand-held portable radios and equipping 20 larger vessels with equipment to let them operate as relay bases for signals from the small vessels. The system could be designed to tie-in the small vessels either with the Commission's internal radio system, or with the VHF marine-band system. The latter option would tie the small vessels also with the USCG and local police boats. BUT: This project would still leave half the Commission's small boats without radio communications.

Total cost: \$68,160 (for 20 small vessels and 20 large vessels [transportation charges not included].

7. Give VMRC and local police departments capability of using VHF marine-band channel 17 as a common working channel.

Agencies involved: At least VMRC and some local police departments (some are already equipped to use channel 17, others are not).

Equipment needed: two crystals per VHF marine-band radio set (but none for agencies already using "programmable" units), VHF marine-band radio sets for units not presently equipped with such radios.

Unit cost: \$12 - \$18 for each crystal; \$1,000 - \$1,200 for each radio set and vehicular charger.

Time required for completion: Uncertain, because of need for FCC approval of channel use: although channel 17 is set aside for State and municipal use, no Virginia entities have ever used it.

Justification of project: Would provide local police and VMRC with a common working frequency not requiring a VMRC dispatcher.

Total cost: \$700 - \$48,000 (depending on the extent of VMRC refit of its small boats).

8. Provide tone-accessed cross-monitoring between VMRC and local police dispatchers.

Agencies involved: VMRC and local police departments.



**Equipment needed:**

- a. in VMRC vessels: ten-channel scanners (specially modified) antennas, tone encoder, installation service.
- b. at police dispatch points: monitor receivers, antennas, tone-encoder, installation service.

Unit cost: \$915 for each VMRC vessel (aready VHF marine-band equipped); \$345 for each police dispatch point.

Time required for completion: 90 days from availability of funds.

Justification of project: Would allow VMRC and local police to reach each other in emergencies, but not require constant monitoring otherwise.

Total cost: \$18,700 - \$25,200.

9. Improve general effectiveness of VMRC internal radio system on Eastern Shore, along Potomac, and in Virginia Beach area.

**A. Reedville Repeater.**

Purpose: To improve communications on upper area of Potomac River, the upper area of the Rappahannock River, and on the Eastern Shore, especially the northern end.

Planned Change: Increase height of transmitting and receiving antennas approximately 150 feet.

- 1. Supply and install 300' tower complete with painting and lights

18,200.00

Allowance for salvage of old tower and hardware

-300.00

17,900.00

- 2. New transmission line, new DB212-4 receive antenna (re-use existing DB268 antenna and both 72mc Yagis) Complete and installed on new tower

2,920.00

20,820.00

**B. Gloucester Repeater.**

Purpose: To provide useful coverage down to the North Carolina line and improve the coverage throughout the Southern end of the system.

Planned Change: Relocate to the vicinity of Driver, Va., and install transmit and receive antennas at approximately the 400-foot level.

- 1. New material

3,250.00

DB212-4 receive antenna, 4 transmission. lines DB238 Yagi antenna (72 MC)

- 2. Labor (antenna work) estimated

1,175.00

Move VHF and two-bay Yagi antennas from Gloucester Point and install at new repeater location, install new antennas, install all transmission lines.

3. Labor, estimated

550.00

Move stations from Gloucester Point and install at new location.

4,975.00

C. Gloucester Point.

Purpose: To provide bi-directional link between the Reedville and Driver equipment. This mid-point will be required due to the increased distance that will exist between the north and south locations of the system.

Planned Change: Install 72 mc mid-point repeaters and associated antennas.

1. Material

6,390.00

3 each DB 238 Yagi antennas

2 each new transmission line and connector kit

1 each DB 254 antenna

2 each 72 MC Repeater Stations

2. Labor, estimated

600.00

Install antennas, transmission lines and stations.

6,990.00

32,785.00

Transportation charges not included in these prices.

**D. WITH RESPECT TO THE FEDERAL GOVERNMENT.**

FINALLY, THE COMMISSION RECOMMENDS THAT VIRGINIA SUPPORT, IN PRINCIPLE, EFFORTS BEING MADE IN CONGRESS TO ENSURE THE DIRECTION TO THE SUPPORT OF BOATING ACTIVITIES OF FEDERAL FUEL TAX REVENUES ATTRIBUTABLE TO MOTORBOAT OPERATION.

Draft legislation based upon findings is attached.

Respectfully submitted:

Glenn B. McClanan (Chairman)

Elmo G. Cross

Walther B. Fidler

Elise B. Heinz

J. H. Johnson

Russell I. Townsend, Jr.

Robert E. Washington

O. Wendall White

Coleman B. Yeatts

We, the undersigned are in agreement with the recommendations of the report, but would like to dissent from recommendation number two, relating to the State subsidy which would remove \$1,200,000 from the State highway fund. Though these funds originate from marine revenues, this State would have difficulty replacing these funds for road construction which is critical State need at this time.

Respectfully submitted:

Robert S. Bloxom (Vice Chairman)

Claude V. Swanson

## APPENDIX I

A BILL to amend and reenact § 58-730 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 58-729.1, relating to distribution of motor fuel tax revenues to counties and cities operating marine patrols.

Be it enacted by the General Assembly of Virginia:

1. That § 58-730 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58-729.1 as follows:

*§ 58-729.1. Distribution of funds to localities operating marine patrols.—A. After providing for refunds under this chapter, but before making the deposits in the State Treasury provided for in § 58-730, the Commissioner shall place into a special fund one-half of one per centum of the revenue realized in any calendar year from the tax on motor fuel imposed by § 58-711. From this special fund there shall be distributed, no later than February one of each year, by the Comptroller, who shall draw warrants on the basis of certification by the Commissioner, to each county or city operating a marine patrol or providing marine patrol services, an amount equal to fifty per centum of the immediately preceding year's cost to such locality of such marine patrol; provided, however, that the total amount provided to any county or city under this section shall not exceed ten dollars per motorboat registered in such locality on January one of that year, as determined by the records of the Commission of Game and Inland Fisheries.*

*B. In the event that total distributions allowable under subsection A. of this section exceed the amount of revenues credited to the special fund created by subsection A., each county or city shall receive an amount which bears the same proportion to the total amount available for distribution as the number of motorboats registered in that county or city on the immediately preceding January one bears to the total number of motorboats so registered in all counties and cities seeking funds under this section.*

*C. The Commissioner is hereby authorized to obtain from any county or city seeking funds under this section such information as he may require in order that he may determine the amount of funds to which such county or city may be entitled hereunder.*

*D. For the purposes of this section the terms "marine patrol" and "marine patrol services" shall be deemed to include water-borne law-enforcement, safety, and rescue activities.*

*E. Nothing in this section shall affect the provisions of § 58-730.3.*

*F. Any funds remaining in the special fund created by this section after all distributions to qualifying counties and cities have been made shall be deposited in the State Treasury and shall be appropriated for the construction, reconstruction, or maintenance of the State Highway System, Interstate System, and secondary system of State highways, as provided in § 58-730.*

**§ 58-730. Disposition of remaining funds collected.—**After providing for the refunds under this chapter, and the distribution to counties and cities as provided in § 58-729.1, the Commissioner shall promptly pay all taxes and fees collected by him under this chapter into the State Treasury ; provided, however, that one-half of one per centum of such taxes and fees shall be deposited in a special fund and distributed as provided in § 58-729.1 . The revenue derived from the tax levied as aforesaid is hereby appropriated for the construction, reconstruction or maintenance of the roads and projects comprising the State Highway System, Interstate System and secondary system of State highways and shall be applied to no other purpose, except that:

(1) There may be paid out of this fund as a contribution towards the construction, reconstruction or maintenance of streets in cities and towns such sums as may be provided by law,

(2) Such sums out of such funds may be expended for the operation and maintenance of the State Highway and Transportation Department and the Division of Motor Vehicles as may be provided by law,

(3) The Governor is hereby authorized to transfer out of such fund an amount necessary for the

purpose of inspection of gasoline and motor grease measuring and distributing equipment, and for inspection and analysis of gasoline for purity,

(4) The Commissioner of the Division of Motor Vehicles shall also pay, at the rate of four cents a gallon for each and every gallon of aviation fuel sold and delivered or used in this State into the treasury, as a special fund, to be disbursed upon order of the State Corporation Commission, on warrants of the Comptroller to defray the cost of the administration of the laws of this State relating to aviation and for the construction, maintenance and improvement of airports and landing fields to which the public now, or which it is proposed shall, have access, and for the promotion of aviation in the interest of operators and the public generally,

(5) [Repealed.]

(6) The Commissioner of the Division of Motor Vehicles shall also pay at the rate of one-half cent per gallon for each and every gallon of motor fuel on which the refund has been paid at the rate of eight and one-half cents per gallon in accordance with the provisions of § 58-715 or § 58-719 relating to refunds for fuel consumed in tractors and unlicensed equipment used for agricultural purposes into the State treasury as a special fund known as the Virginia Agricultural Foundation Fund to be disbursed as provided by law to make certain refunds and defray the costs of the research and educational phases of the agricultural program, including supplemental salary payments to certain employees at the Virginia Polytechnic Institute and State University, the State Department of Agriculture and the Virginia Truck Experiment Station including reasonable expenses of the Virginia Agricultural Foundation.

(7) [Repealed.]

## APPENDIX II

### HOUSE JOINT RESOLUTION NO.....

On the necessity of improving intergovernmental and intraagency communications and cooperation in the interest of marine safety.

WHEREAS, the 1978 Session of the Virginia General Assembly adopted House Joint Resolution No. 43, establishing the Marine Patrols Study Commission; and

WHEREAS, that Commission determined that the citizens of Virginia are in need of marine patrol protection; and

WHEREAS, such protection can most efficiently and cost-effectively be provided by achieving maximum utilization of the personnel and watercraft of Virginia's county and city governments, our State agencies, and the United States Coast Guard; and

WHEREAS, the present systems of coordination, cooperation, and systems used for marine patrol purposes between Virginia's localities, the United States Coast Guard, our State agencies, and within certain State agencies themselves, is inadequate; and

WHEREAS, it is in the public interest that effective and efficient means of communications, coordination, and cooperation be developed for marine patrol purposes between Virginia's localities, our State agencies, and the United States Coast Guard, including the upgrading and inter-linking of radio systems; and

WHEREAS, the Virginia Marine Resources Commission, the Commission of Game and Inland Fisheries, the Department of State Police, and the law-enforcement agencies of several localities have worked closely with the Marine Patrols Study Commission and its staff in developing an awareness both of the marine patrol needs of the Commonwealth and also of the potential of existing State and local agencies to meet those needs through mutual cooperation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Marine Resources Commission, the Commission of Game and Inland Fisheries, the Department of State Police, the United States Coast Guard and the police and sheriff's departments of the localities of the Commonwealth are commended for their cooperation, through the Marine Patrols Study Commission, in working out plans for the improvement of interagency cooperation, coordination, and communications; and, be it

RESOLVED FURTHER, That the Virginia Marine Resources Commission, the Commission of Game and Inland Fisheries, the Department of State Police, the United States Coast Guard, and the police and sheriff's departments of the localities of the Commonwealth are hereby requested to continue and intensify their efforts to develop and maintain radio and other communications systems while enhancing mutual cooperation and coordination of programs and activities relating to marine safety; and, be it

RESOLVED FURTHER, That the efforts of the Virginia Marine Resources Commission and the Commission of Game and Inland Fisheries to gain admission to the Statewide Interagency Radio System (SIRS), for the purpose of permitting these two agencies to cooperate with other law-enforcement agencies in emergency situations are endorsed; and, be it

RESOLVED FINALLY, That the Department of Highways and Transportation is urged to extend to the Virginia Marine Resources Commission its fullest cooperation in arranging for the expeditious relocation of the Commission's Newport News Offices.

### **APPENDIX III**

#### **HOUSE JOINT RESOLUTION NO.....**

Memorializing Congress to enact legislation to return to the states revenues generated by the federal tax imposed on fuels used to power motorboats.

WHEREAS, a bill was introduced in the Second Session of the Ninety-Fifth Congress by the Honorable Mario Biaggi which would serve to return to the states revenues derived from the federal tax of fuel used to power motorboats; and

WHEREAS, these revenues, once returned to the states, would be dedicated to the improvement of boating facilities and safety programs; and

WHEREAS, the enactment of this or similar legislation would serve to redress the inequity resulting from the use of revenues generated by taxes on boaters for the support of programs unrelated to boating; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Congress of the United States of America is hereby memorialized to enact legislation which would return to the several states for their use in supporting boating-related programs the federal tax on fuel used to power motorboats; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates is hereby instructed to transmit copies of this resolution to the Speaker of the House of Representatives, the President of the Senate of the United States, the Honorable Mario Biaggi, and the members of the Virginia delegation to the Congress in order that they may be apprised of the sense of this body.

