

HOUSE BILL 720

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By: **Chair, Environment and Transportation Committee (By Request –
Departmental – Natural Resources)**

Introduced and read first time: January 27, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Repeal of Somers Cove Marina Commission and**
3 **Improvement Fund and Alteration of Operations**

4 FOR the purpose of repealing provisions of law relating to the Somers Cove Marina
5 Commission, the Somers Cove Marina Improvement Fund, and the operation of
6 Somers Cove Marina; authorizing the Secretary of Natural Resources to execute
7 certain leases, procure and execute certain contracts, and employ certain staff;
8 requiring the Secretary to set the compensation for certain employees under certain
9 circumstances; and generally relating to Somers Cove Marina.

10 BY repealing

11 Article – Natural Resources
12 Section 5–908.1
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2024 Supplement)

15 BY adding to

16 Article – Natural Resources
17 Section 5–908.1
18 Annotated Code of Maryland
19 (2023 Replacement Volume and 2024 Supplement)

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

22 **Article – Natural Resources**

23 [5–908.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section the following words have the meanings indicated.

2 (2) “Commission” means the Somers Cove Marina Commission.

3 (3) “Fund” means the Somers Cove Marina Improvement Fund.

4 (4) “Unencumbered” means not pledged for use by the State for Somers
5 Cove Marina before the creation of the Commission.

6 (b) (1) (i) There is a Somers Cove Marina Commission.

7 (ii) The Commission is a body politic and corporate and an
8 instrumentality of the State.

9 (2) The Commission consists of the following members:

10 (i) Two members from Somerset County, appointed by the Board of
11 County Commissioners of Somerset County, one of whom shall be a member of the Somerset
12 County business community;

13 (ii) Two members from the City of Crisfield, appointed by the Mayor
14 of Crisfield, one of whom shall be a member of the Somerset County business community;
15 and

16 (iii) Three members appointed by the Secretary, one of whom shall
17 be a current slip holder at Somers Cove Marina.

18 (3) (i) The term of a member is 4 years.

19 (ii) A member may not serve more than 2 consecutive terms.

20 (iii) At the end of a term, a member continues to serve until a
21 successor is appointed and qualifies.

22 (iv) A member who is appointed after a term has begun serves only
23 for the rest of the term and until a successor is appointed and qualifies.

24 (4) A member is not entitled to compensation except for reimbursement for
25 expenses as provided in the budget of the Commission.

26 (5) (i) The Commission shall elect a chair and a vice chair of the
27 Commission from among its members.

28 (ii) The Commission shall appoint a secretary–treasurer who need
29 not be a member of the Commission.

1 (iii) A secretary–treasurer who is not a member of the Commission
2 may not vote on matters before the Commission.

3 (6) (i) The Commission shall meet at least every 2 months, as
4 determined by the chair.

5 (ii) At least 10 days before each meeting, written notice shall be
6 given to each member of the Commission.

7 (7) Five members of the Commission are a quorum.

8 (8) A majority vote of the members present at a meeting having a quorum
9 is needed for the Commission to act.

10 (9) (i) The Secretary may remove a member of the Commission for any
11 reason upon a majority vote of the members of the Commission.

12 (ii) If a member is removed, a new member shall promptly be
13 appointed by the individual or body that appointed the removed member.

14 (c) (1) The Secretary shall:

15 (i) Appoint an Executive Director;

16 (ii) Consult with the Commission in conducting the annual
17 performance evaluation of the Executive Director; and

18 (iii) Review and make determinations on requests for approval of
19 leases and contracts submitted to the Secretary by the Executive Director in accordance
20 with subsection (d) of this section.

21 (2) The Executive Director:

22 (i) Shall administer the Fund;

23 (ii) On or before May 1 of each year, and after consulting with the
24 Commission, shall prepare operating and capital budgets for the subsequent fiscal year and
25 submit the budgets to the Commission for review and approval;

26 (iii) Shall supervise the marina manager;

27 (iv) May execute leases of land, buildings, or facilities at Somers Cove
28 Marina and execute contracts for events or concessions at Somers Cove Marina in
29 accordance with subsection (c) of this section;

30 (v) Subject to the approval of the Secretary, and in cooperation with
31 the Commission, shall develop an annual master plan for the operations, maintenance,

1 development, and improvement of Somers Cove Marina that improves services to the
2 general boating public;

3 (vi) Shall administer, in cooperation with the Commission, all
4 unencumbered grants;

5 (vii) 1. Shall employ a staff to operate and maintain Somers Cove
6 Marina, and set the staff's compensation; and

7 2. Shall, except for the marina manager, employ staff as
8 employees of the Commission; and

9 (viii) Shall be an employee of the State and serve at the pleasure of the
10 Secretary.

11 (3) (i) The marina manager shall be an employee of the State.

12 (ii) The marina manager is responsible for the day-to-day
13 operations of the marina.

14 (4) On approval of and subject to the conditions that the Department may
15 require, Commission staff who are not employees of the Department may use vehicles or
16 equipment of the Department.

17 (d) (1) A lease of land, a building, or other facility at the Somers Cove Marina
18 or a contract for an event or concession at the Somers Cove Marina shall conform to the
19 annual master plan approved under subsection (c)(2)(v) of this section.

20 (2) A lease of land, a building, or a facility or a contract for an event or
21 concession that is executed by the Executive Director:

22 (i) May not be for a term of more than 5 years or be renewed for
23 more than an additional 5 years; and

24 (ii) Shall be reviewed and approved by the Commission and Office of
25 the Attorney General.

26 (3) A lease entered into before the creation of the Commission shall remain
27 in effect for the duration of the term of the lease.

28 (4) (i) The Executive Director may not execute a lease or contract for
29 nonboating related improvements or goods at the marina without the approval of the
30 Secretary.

31 (ii) Within 30 days after receiving a request for approval of a lease
32 or contract, the Secretary shall provide the Executive Director with an initial response that
33 may include a process or plan of action for addressing the merits of the request.

1 (e) On approval of and subject to the conditions that the Secretary may require,
2 the Department may transfer any vehicle, equipment, or other inventory to the
3 Commission.

4 (f) (1) Except as provided in paragraph (6) of this subsection, the Executive
5 Director shall procure goods, services, and capital improvement, design, and maintenance
6 projects in accordance with the requirements of this subsection.

7 (2) For goods, services, and capital improvement, design, and maintenance
8 projects with an expected value of \$1,000 to \$5,000, the Executive Director shall:

9 (i) Make a written or telephone request for bids;

10 (ii) Evaluate the bids; and

11 (iii) Award the contract to the responsible bidder that submits the
12 responsive bid that is the lowest bid price.

13 (3) For goods, services, and capital improvement, design, and maintenance
14 projects with an expected value of \$5,000 to \$200,000, the Executive Director shall:

15 (i) Advertise the solicitation in a local newspaper and on the
16 Somerset County website;

17 (ii) Issue invitations for bids to all known prospective vendors;

18 (iii) Tabulate and evaluate the bids;

19 (iv) Select for award the responsible bidder who submits the
20 responsive bid that is the lowest bid price; and

21 (v) Submit the proposed award to the Commission for review and
22 approval.

23 (4) The Executive Director shall procure goods, services, and capital
24 improvement, design, and maintenance projects with an expected value exceeding \$200,000
25 in accordance with Division II of the State Finance and Procurement Article.

26 (5) For goods, services, and capital improvement, design, and maintenance
27 projects funded by the proceeds from State bonds, the Executive Director shall submit the
28 proposed award to the Board of Public Works for approval.

29 (6) For an emergency procurement that the Executive Director determines
30 to be necessary to avoid or mitigate serious damage to public health, safety, or welfare, the
31 Executive Director shall:

1 (i) Obtain as much competition as possible under the circumstances;
2 and

3 (ii) After awarding the procurement contract, submit to the
4 Commission and the Secretary a written report that gives the justification for the use of
5 the emergency procurement procedure.

6 (7) The Executive Director shall adopt a procurement policy that includes
7 provisions for minority- and women-owned business participation.

8 (8) This subsection does not apply to procurement in support of enterprise
9 activities for the purpose of direct resale or remanufacture and subsequent resale.

10 (g) (1) The Commission shall:

11 (i) Adopt an operating budget to use the Fund to implement the
12 master plan;

13 (ii) Adopt a capital budget that may use funds from Somerset
14 County, the City of Crisfield, the State, and other sources to implement the master plan;

15 (iii) 1. Apply for grants from the Waterway Improvement Fund
16 in accordance with Title 8, Subtitle 7 of this article; and

17 2. Subject to the Secretary's approval, receive approved
18 grant amounts at the time of acceptance of a bid or bids for waterway improvement work;

19 (iv) Assess slip and other fees and charges at Somers Cove Marina as
20 necessary in order to implement the master plan;

21 (v) Set policy and provide general oversight of marina operations;
22 and

23 (vi) Adopt rules and regulations necessary for the conduct of its own
24 affairs.

25 (2) The Commission may:

26 (i) Accept gifts, contributions, or loans of money, supplies, goods,
27 and services, and accept appropriations, allotments, and loans of money from:

28 1. The State or federal government;

29 2. A federal corporation;

30 3. A unit or instrumentality of the federal government; or

1 4. A political subdivision or instrumentality of the State;

2 (ii) Exercise a power usually possessed by a private corporation in
3 performing similar functions unless to do so would conflict with State law; and

4 (iii) Do all things necessary to carry out the mandates and powers
5 expressly provided by this section.

6 (h) There is a Somers Cove Marina Improvement Fund in the Commission, to be
7 used for the operation, maintenance, development, and improvement of the Somers Cove
8 Marina facilities in Crisfield, Maryland.

9 (i) Any money obtained by the Commission from Somers Cove Marina shall be
10 credited to the Fund.

11 (j) (1) The Commission shall:

12 (i) Maintain the Fund in a bank account separate from State funds;

13 (ii) Transfer any unencumbered money in the Fund run by the
14 Department to the Commission's Fund; and

15 (iii) Reimburse the State for the salary of the marina manager.

16 (2) Money of the Fund is:

17 (i) Not money of the State within the meaning of Article VI of the
18 Maryland Constitution; and

19 (ii) Subject to audit by the State, including the Department and the
20 Legislative Auditor.

21 (3) Money pledged for use by the State for Somers Cove Marina before the
22 creation of the Commission shall be used for the same purpose as originally pledged.

23 (k) On or before October 1 of each year, the Commission shall provide to the
24 Department an accounting of revenues and expenses from Somers Cove Marina for the
25 previous fiscal year.

26 (l) (1) On November 1, 2011, the Department and the Commission shall begin
27 to evaluate the Commission's work so that the Department and the Commission may make
28 findings and recommendations concerning the Commission's ability to:

29 (i) Operate, maintain, develop, and improve Somers Cove Marina in
30 an effective manner; and

1 (ii) Afford or assume the costs of operating, maintaining, developing,
2 and improving Somers Cove Marina, including the salaries of:

3 1. The Executive Director; and

4 2. Employees of the State who remain working at Somers
5 Cove Marina.

6 (2) On November 1, 2013, based on the evaluation undertaken in
7 accordance with paragraph (1) of this subsection, the Department and the Commission
8 shall report their findings and recommendations, in accordance with § 2-1257 of the State
9 Government Article, to the General Assembly.]

10 **5-908.1.**

11 **THE SECRETARY:**

12 **(1) MAY:**

13 **(I) EXECUTE LEASES OF LAND, BUILDINGS, OR FACILITIES AT**
14 **SOMERS COVE MARINA;**

15 **(II) PROCURE AND EXECUTE CONTRACTS FOR OPERATIONS,**
16 **MAINTENANCE, MANAGEMENT, IMPROVEMENTS, EVENTS, OR CONCESSIONS AT**
17 **SOMERS COVE MARINA IN ACCORDANCE WITH DIVISION II OF THE STATE FINANCE**
18 **AND PROCUREMENT ARTICLE;**

19 **(III) EMPLOY A MARINA MANAGER WHO IS RESPONSIBLE FOR**
20 **THE DAY-TO-DAY OPERATIONS OF SOMERS COVE MARINA; AND**

21 **(IV) EMPLOY ADDITIONAL STAFF TO OPERATE AND MAINTAIN**
22 **SOMERS COVE MARINA; AND**

23 **(2) SHALL:**

24 **(I) IF APPLICABLE, SET THE COMPENSATION FOR A MANAGER**
25 **AND STAFF EMPLOYED UNDER ITEM (1)(III) AND (IV) OF THIS SECTION;**

26 **(II) ON OR BEFORE OCTOBER 1, 2027, DEVELOP A MASTER**
27 **PLAN FOR THE OPERATIONS, MAINTENANCE, DEVELOPMENT, AND IMPROVEMENT**
28 **OF SOMERS COVE MARINA THAT IMPROVES SERVICES TO THE GENERAL BOATING**
29 **PUBLIC; AND**

1 **(III) ON OR BEFORE OCTOBER 1, 2032, AND OCTOBER 1 EVERY**
2 **5 YEARS THEREAFTER, UPDATE THE MASTER PLAN DEVELOPED UNDER ITEM (II) OF**
3 **THIS ITEM.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2025.