

SB0524/624330/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 524
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike the first “wetlands”; in line 10, after the semicolon insert “authorizing the Board of Public Works to consider certain factors when determining a certain percentage for the calculation of the annual compensation rate for certain nonwater-dependent projects;”; in line 15, after “projects” insert “that were”; and in the same line, after “existence” insert “and did not have an application pending before the Board of Public Works or the Department”.

AMENDMENT NO. 2

On page 2, in lines 5, 10, and 22, in each instance, strike “tidal”.

AMENDMENT NO. 3

On page 4, in line 11, strike “TIDAL”; and after line 27, insert:

“(3) “NONWATER-DEPENDENT PROJECT” DOES NOT INCLUDE:

(I) A FUEL PUMP OR OTHER FUEL-DISPENSING EQUIPMENT ON A PIER;

(II) A SANITARY SEWAGE PUMP OR OTHER WASTEWATER REMOVAL EQUIPMENT ON A PIER; OR

(III) AN OFFICE ON A PIER FOR MANAGING MARINA OPERATIONS, INCLUDING MONITORING VESSEL TRAFFIC, REGISTERING VESSELS, PROVIDING DOCKING SERVICES, AND HOUSING ELECTRICAL OR EMERGENCY EQUIPMENT RELATED TO MARINA OPERATIONS.”

(Over)

AMENDMENT NO. 4

On page 7 in line 31 and on page 9 in line 14, in each instance, after “STATE” insert “OR PRIVATE”.

AMENDMENT NO. 5

On page 13, strike beginning with the colon in line 14 down through “SHALL” in line 15 and substitute “SHALL”; in line 15, strike “A MINIMUM” and substitute “AN”; in lines 17 and 21, strike “A.” and “B.”, respectively, and substitute “(I)” and “(II)”, respectively; in line 21, strike “MULTIPLYING” and substitute “:

1. MULTIPLYING”;

in line 28, after “2.” insert “MULTIPLYING THE RATE CALCULATED UNDER ITEM 1 OF THIS ITEM BY A PERCENTAGE CONSIDERED APPROPRIATE BY THE BOARD NOT TO EXCEED 100%.”

(3) IN DETERMINING THE APPROPRIATE PERCENTAGE UNDER PARAGRAPH (2)(II)2 OF THIS SUBSECTION, THE BOARD MAY CONSIDER:

(I) THE EXTENT TO WHICH THE NONWATER-DEPENDENT PROJECT IS USED ON A SEASONAL OR YEAR-ROUND BASIS;

(II) THE EXTENT OF THE ECONOMIC IMPACT OF THE NONWATER-DEPENDENT PROJECT ON THE LOCAL JURISDICTION;

(III) THE NATURE AND EXTENT OF THE ENVIRONMENTAL IMPACT OF THE NONWATER-DEPENDENT PROJECT;

(IV) THE EXTENT TO WHICH THE NONWATER-DEPENDENT PROJECT AND, IF APPLICABLE, ITS ROOF OR COVERING, ARE PERMANENT OR TEMPORARY;

(V) ANY HISTORY OF VIOLATION OF THIS TITLE BY THE LICENSEE;

(VI) ANY REAL PROPERTY LEASE RATES FOR THE AREA FOR A COMMERCIAL ACTIVITY SIMILAR TO THE LICENSEE'S OR ANY REAL PROPERTY APPRAISALS OBTAINED BY THE LICENSEE; AND

(VII) ANY OTHER FACTOR THAT THE BOARD CONSIDERS RELEVANT.

(4)”;

in line 28, strike “MAY” and substitute “THE BOARD MAY”; in the same line, strike “MINIMUM”; in line 29, strike “ANY” and substitute “:

(I) ANY”;

and in line 31, strike “ITEM 1 OF THIS ITEM; OR” and substitute “PARAGRAPH (2)(I) OF THIS SUBSECTION; OR

(II) A CHANGE IN ANY FACTOR THE BOARD CONSIDERS UNDER PARAGRAPH (3) OF THIS SUBSECTION”.

AMENDMENT NO. 6

On page 14, strike beginning with “(II)” in line 1 down through “PARAGRAPH” in line 3.

(Over)

AMENDMENT NO. 7

On page 15, in line 11, after “(2)” insert “(I) “NONWATER-DEPENDENT PROJECT” MEANS A TEMPORARY OR PERMANENT STRUCTURE THAT, BY REASON OF ITS INTRINSIC NATURE, USE, OR OPERATION, DOES NOT REQUIRE LOCATION IN, ON, OR OVER STATE OR PRIVATE WETLANDS.

(II)”;

in lines 12, 13, 15, 17, and 19, strike “(I)”, “(II)”, “(III)”, “(IV)”, and “(V)”, respectively, and substitute “1.”, “2.”, “3.”, “4.”, and “5.”, respectively; in lines 21, 23, and 25, strike “1.”, “2.”, and “3.”, respectively, and substitute “A.”, “B.”, and “C.”, respectively; and after line 26, insert:

“(III) “NONWATER-DEPENDENT PROJECT” DOES NOT INCLUDE:

1. A FUEL PUMP OR OTHER FUEL-DISPENSING EQUIPMENT ON A PIER;

2. A SANITARY SEWAGE PUMP OR OTHER WASTEWATER REMOVAL EQUIPMENT ON A PIER; OR

3. AN OFFICE ON A PIER FOR MANAGING MARINA OPERATIONS, INCLUDING MONITORING VESSEL TRAFFIC, REGISTERING VESSELS, PROVIDING DOCKING SERVICES, AND HOUSING ELECTRICAL OR EMERGENCY EQUIPMENT RELATED TO MARINA OPERATIONS.”.

AMENDMENT NO. 8

On page 21, in line 2, after “that” insert “expires on or before July 1, 2013, or”; in line 3, strike “as of” and substitute “on or before”; after line 15, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Except as provided in subsection (b) of this section, Section 1 of this Act may not be construed to apply to:

(1) A State wetlands license application or a private wetlands permit application that was pending before the Board of Public Works or the Department of the Environment on or before December 31, 2012;

(2) A State wetlands license application or a private wetlands permit application submitted to the Department of the Environment between July 1, 2013 and June 30, 2016, inclusive, if the application is for authorization of a nonwater-dependent project that is the same or substantially similar to a proposed nonwater-dependent project that:

(i) Is the subject of an application pending before the Board of Public Works or the Department of the Environment on or before December 31, 2012; and

(ii) 1. The Board of Public Works or the Department of the Environment denied; or

2. The applicant withdrew; or

(3) A pier or a nonwater-dependent structure on a pier that was in existence on or before June 30, 1989.

(b) Section 1 of this Act shall apply if, on or after July 1, 1989:

(Over)

(1) A nonwater-dependent structure was added on a pier without the appropriate State wetlands license or private wetlands permit; or

(2) The length, width, or channelward encroachment of a pier or a nonwater-dependent structure on a pier was increased without the appropriate State wetlands license or private wetlands permit.”;

in line 16, strike “3.” and substitute “4.”; and in line 18, after “license” insert “application was not pending before the Board of Public Works or the Department of the Environment on or before December 31, 2012, and for which a State wetlands license”.

On page 21 in lines 2, 6, 9, 13, 18, 20, 31, 35, and 37 and on page 22 in lines 5, 7, 18, and 20, in each instance, strike “tidal”.

On page 21 in lines 20 and 35 and on page 22 in lines 7 and 19, in each instance, strike “July” and substitute “January”.

On page 22, in lines 3 and 23, strike “4.” and “5.”, respectively, and substitute “5.” and “6.”, respectively; in line 5, after “permit” insert “application was not pending before the Department of the Environment on or before December 31, 2012, and for which a private wetlands permit”.