

HOUSE BILL 1463

M1

(8lr0465)

ENROLLED BILL

—Environmental Matters/Education, Health, and Environmental Affairs—

Introduced by **Delegates Conway, Elmore, and Mathias**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Somers Cove Marina Commission**

3 FOR the purpose of establishing the Somers Cove Marina Commission; providing that
4 the Commission is a body politic and corporate and an instrumentality of the
5 State; ~~providing that the commission is not subject to State procurement law~~
6 ~~but is required to comply with the minority business enterprise requirements~~
7 ~~for certain purposes;~~ authorizing the Commission to take certain actions under
8 certain circumstances; providing for the membership and terms of members of
9 the Commission; prohibiting a member of the Commission from receiving
10 certain compensation; authorizing a member to receive certain reimbursement;
11 providing for the election of a chair, ~~vice chair, and secretary-treasurer~~ and
12 vice-chair of the Commission; providing for the appointment of a
13 secretary-treasurer; prohibiting a secretary-treasurer who is not a member of
14 the Commission from voting on matters before the Commission; requiring the
15 Commission to meet at certain intervals; requiring written notice to be given to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 each member of the Commission a certain period of time before each meeting;
2 establishing certain quorum and voting requirements; authorizing the Secretary
3 of Natural Resources to remove a member of the Commission upon a certain
4 vote of members; providing for the selection and evaluation of an Executive
5 Director; requiring the Secretary of Natural Resources to perform certain duties
6 under certain circumstances; requiring the Executive Director to perform
7 certain duties under certain circumstances; providing that the Marina Manager
8 is an employee of the State who has certain responsibilities; authorizing the
9 Executive Director to execute certain leases, ~~contracts, events, or concessions~~
10 and contracts under certain circumstances; providing that a lease entered into
11 before the creation of the Commission shall stay in effect for a certain period of
12 time; prohibiting the Executive Director from executing certain leases or
13 contracts under certain circumstances; providing that certain leases and
14 contracts executed by the Executive Director must be reviewed and approved by
15 the Commission and the Office of the Attorney General; authorizing the
16 Secretary of Natural Resources to approve certain matters; requiring the
17 Secretary to respond in a certain manner to a certain request within a certain
18 period of time; providing that certain staff are employees of the Commission;
19 providing that the Executive Director is an employee of the State and serves at
20 the pleasure of the Secretary; requiring the Executive Director to procure
21 certain goods and services in accordance with certain requirements; requiring
22 the Executive Director to adopt a certain procurement policy; requiring the
23 Commission to perform certain duties under certain circumstances; authorizing
24 the Commission to accept gifts, contributions, or loans of money, supplies,
25 goods, and services; authorizing the Commission to accept appropriations,
26 allotments, and loans of money from certain sources; altering provisions
27 relating to the administration of the Somers Cove Improvement Fund; providing
28 that any money obtained by the Commission from Somers Cove Marina shall be
29 credited to the Fund; providing that moneys in the Fund are not moneys of the
30 State; providing that moneys of the Fund are subject to certain audits;
31 providing that moneys pledged for use by the State for Somers Cove Marina
32 before the creation of the Commission shall be used for a certain purpose;
33 defining certain terms; requiring the Department and the Commission to begin
34 conducting a certain evaluation on a certain date; requiring the Department
35 and the Commission to report certain findings and recommendations on a
36 certain date; providing that certain State employees may remain employed at
37 Somers Cove as State employees under certain circumstances; requiring the
38 Commission to reimburse the Department for certain salaries under certain
39 circumstances; requiring the State to pay the Executive Director's salary
40 without reimbursement from the Commission until a certain determination is
41 made; providing for a delayed effective date; and generally relating to the
42 Somers Cove Marina Commission.

43 BY repealing and reenacting, with amendments,

44 Article – Natural Resources

45 Section 5–908.1

46 Annotated Code of Maryland

1 (2005 Replacement Volume and 2007 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 5–908.1.

6 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (2) “COMMISSION” MEANS THE SOMERS COVE MARINA
9 COMMISSION.

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

11 (4) “UNENCUMBERED” MEANS NOT PLEDGED FOR USE BY THE
12 STATE FOR SOMERS COVE MARINA BEFORE THE CREATION OF THE
13 COMMISSION.

14 (b) (1) (i) THERE IS A SOMERS COVE MARINA COMMISSION.

15 (ii) THE COMMISSION IS A BODY POLITIC AND CORPORATE
16 AND AN INSTRUMENTALITY OF THE STATE.

17 ~~(iii) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,~~
18 ~~THE COMMISSION:~~

19 ~~1. IS NOT SUBJECT TO STATE PROCUREMENT LAW;~~
20 ~~AND~~

21 ~~2. MAY CONSTRUCT DEVELOPMENTS AND PROJECTS~~
22 ~~WITHOUT OBTAINING THE CONSENT OF ANY OTHER UNIT OF STATE~~
23 ~~GOVERNMENT AND WITHOUT ANY PROCEEDING, THE SATISFACTION OF ANY~~
24 ~~CONDITION, OR THE OCCURRENCE OF ANY EVENT.~~

25 ~~(2) IN CARRYING OUT ITS DUTIES RELATING TO DEVELOPMENTS~~
26 ~~AND PROJECTS, THE COMMISSION SHALL COMPLY WITH TITLE 14, SUBTITLE 3~~
27 ~~OF THE STATE FINANCE AND PROCUREMENT ARTICLE (MINORITY BUSINESS~~
28 ~~PARTICIPATION).~~

29 ~~(3)~~ (2) THE COMMISSION CONSISTS OF THE FOLLOWING
30 MEMBERS:

1 (I) TWO MEMBERS FROM SOMERSET COUNTY, APPOINTED
2 BY THE BOARD OF COUNTY COMMISSIONERS OF SOMERSET COUNTY, ONE OF
3 WHOM SHALL BE A MEMBER OF THE SOMERSET COUNTY BUSINESS COMMUNITY;

4 (II) TWO MEMBERS FROM THE CITY OF CRISFIELD,
5 APPOINTED BY THE MAYOR OF CRISFIELD, ONE OF WHOM SHALL BE A MEMBER
6 OF THE SOMERSET COUNTY BUSINESS COMMUNITY; AND

7 (III) THREE MEMBERS APPOINTED BY THE SECRETARY, ONE
8 OF WHOM SHALL BE A CURRENT SLIP HOLDER AT SOMERS COVE MARINA.

9 ~~(4)~~ (3) (I) THE TERM OF A MEMBER IS 4 YEARS.

10 (II) A MEMBER MAY NOT SERVE MORE THAN 2
11 CONSECUTIVE TERMS.

12 (III) AT THE END OF A TERM, A MEMBER CONTINUES TO
13 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

14 (IV) A MEMBER WHO IS APPOINTED AFTER A TERM HAS
15 BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
16 APPOINTED AND QUALIFIES.

17 ~~(5)~~ (4) A MEMBER IS NOT ENTITLED TO COMPENSATION
18 EXCEPT FOR REIMBURSEMENT FOR EXPENSES AS PROVIDED IN THE BUDGET OF
19 THE COMMISSION.

20 ~~(6)~~ (5) (I) THE COMMISSION SHALL ELECT A CHAIR AND A
21 VICE CHAIR OF THE COMMISSION FROM AMONG ITS MEMBERS.

22 (II) THE COMMISSION SHALL ~~ELECT~~ APPOINT A
23 SECRETARY-TREASURER WHO NEED NOT BE A MEMBER OF THE COMMISSION.

24 (III) A SECRETARY-TREASURER WHO IS NOT A MEMBER OF
25 THE COMMISSION MAY NOT VOTE ON MATTERS BEFORE THE COMMISSION.

26 ~~(7)~~ (6) (I) THE COMMISSION SHALL MEET AT LEAST EVERY 2
27 MONTHS, AS DETERMINED BY THE CHAIR.

28 (II) AT LEAST 10 DAYS BEFORE EACH MEETING, WRITTEN
29 NOTICE SHALL BE GIVEN TO EACH MEMBER OF THE COMMISSION.

30 ~~(8)~~ (7) FIVE MEMBERS OF THE COMMISSION ARE A QUORUM.

1 ~~(9)~~ **(8)** A MAJORITY VOTE OF THE MEMBERS PRESENT AT A
2 MEETING HAVING A QUORUM IS NEEDED FOR THE COMMISSION TO ACT.

3 ~~(10)~~ **(9)** **(I)** THE SECRETARY MAY REMOVE A MEMBER OF THE
4 COMMISSION FOR ANY REASON UPON A MAJORITY VOTE OF THE MEMBERS OF
5 THE COMMISSION.

6 **(II)** IF A MEMBER IS REMOVED, A NEW MEMBER SHALL
7 PROMPTLY BE APPOINTED BY THE INDIVIDUAL OR BODY THAT APPOINTED THE
8 REMOVED MEMBER.

9 ~~(11)~~ ~~(1)~~ **(C)** **(1)** THE SECRETARY SHALL:

10 ~~1.~~ ~~NOMINATE~~ **(I)** **APPOINT** AN EXECUTIVE
11 **DIRECTOR TO THE COMMISSION FOR APPROVAL; AND**

12 ~~2.~~;

13 **(II)** CONSULT WITH THE COMMISSION IN CONDUCTING THE
14 ANNUAL PERFORMANCE EVALUATION OF THE EXECUTIVE DIRECTOR; AND

15 **(III)** REVIEW AND MAKE DETERMINATIONS ON REQUESTS
16 FOR APPROVAL OF LEASES AND CONTRACTS SUBMITTED TO THE SECRETARY BY
17 THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH SUBSECTION (D) OF THIS
18 SECTION.

19 ~~(11)~~ **(2)** THE EXECUTIVE DIRECTOR:

20 ~~1.~~ **(I)** SHALL ADMINISTER THE FUND;

21 ~~2.~~ **(II)** ON OR BEFORE MAY 1 OF EACH YEAR, AND AFTER
22 CONSULTING WITH THE COMMISSION, SHALL PREPARE OPERATING AND
23 CAPITAL BUDGETS FOR THE SUBSEQUENT FISCAL YEAR AND SUBMIT THE
24 BUDGETS TO THE COMMISSION FOR REVIEW AND APPROVAL;

25 ~~3.~~ **(III)** SHALL SUPERVISE THE MARINA MANAGER,
26 **WHO SHALL:**

27 ~~A.~~ ~~BE AN EMPLOYEE OF THE STATE; AND~~

28 ~~B.~~ ~~WILL BE RESPONSIBLE FOR DAY TO DAY~~
29 ~~OPERATIONS OF THE MARINA;~~

1 ~~4. MUST BE FAMILIAR WITH AND FOLLOW~~
2 ~~STANDARD PROCUREMENT PROCEDURES FOR STATE AGENCIES;~~

3 ~~5. (IV) MAY EXECUTE LEASES, CONTRACTS,~~
4 ~~EVENTS, OR CONCESSIONS FOR LAND, BUILDINGS, OR FACILITIES OF LAND,~~
5 ~~BUILDINGS, OR FACILITIES AT SOMERS COVE MARINA AND EXECUTE~~
6 ~~CONTRACTS FOR EVENTS OR CONCESSIONS AT SOMERS COVE MARINA,~~
7 ~~PROVIDED THAT:~~

8 ~~A. A LEASE OR CONTRACT EXECUTED BY THE~~
9 ~~EXECUTIVE DIRECTOR MAY NOT EXTEND LONGER THAN 5 YEARS AFTER THE~~
10 ~~CREATION OF THE COMMISSION;~~

11 ~~B. THE LEASE OR CONTRACT EXECUTED BY THE~~
12 ~~EXECUTIVE DIRECTOR IS REVIEWED AND APPROVED BY THE COMMISSION,~~
13 ~~WITH AN ATTORNEY GENERAL FOR THE DEPARTMENT AVAILABLE FOR~~
14 ~~CONSULTATION; AND~~

15 ~~C. A LEASE ENTERED INTO BEFORE THE CREATION~~
16 ~~OF THE COMMISSION SHALL STAY IN EFFECT;~~

17 ~~6. MAY NOT EXECUTE A LEASE OR CONTRACT FOR~~
18 ~~IMPROVEMENTS AT THE MARINA FOR NONBOATING RELATED SERVICES OR~~
19 ~~GOODS WITHOUT THE APPROVAL OF THE SECRETARY, PROVIDED THAT THE~~
20 ~~SECRETARY SHALL RESPOND TO A REQUEST FOR APPROVAL WITHIN 30 DAYS~~
21 ~~AFTER RECEIPT IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION;~~

22 ~~7. (V) SUBJECT TO THE APPROVAL OF THE SECRETARY,~~
23 ~~AND IN COOPERATION WITH THE COMMISSION, SHALL DEVELOP AN ANNUAL~~
24 ~~MASTER PLAN FOR THE OPERATIONS, MAINTENANCE, DEVELOPMENT, AND~~
25 ~~IMPROVEMENT OF SOMERS COVE MARINA THAT IMPROVES SERVICES TO THE~~
26 ~~GENERAL BOATING PUBLIC;~~

27 ~~8. (VI) SHALL ADMINISTER, IN COOPERATION WITH~~
28 ~~THE COMMISSION, ALL UNENCUMBERED GRANTS;~~

29 ~~9. A. (VII) 1. SHALL EMPLOY A STAFF TO OPERATE~~
30 ~~AND MAINTAIN SOMERS COVE MARINA, AND SET THE STAFF'S COMPENSATION;~~
31 ~~AND~~

32 ~~B. 2. SHALL, EXCEPT FOR THE MARINA MANAGER,~~
33 ~~EMPLOY STAFF AS EMPLOYEES OF THE COMMISSION; AND~~

1 ~~10.~~ (VIII) ~~BE~~ SHALL BE AN EMPLOYEE OF THE STATE
2 AND SERVE AT THE PLEASURE OF THE SECRETARY.

3 (3) (I) THE MARINA MANAGER SHALL BE AN EMPLOYEE OF THE
4 STATE.

5 (II) THE MARINA MANAGER IS RESPONSIBLE FOR THE
6 DAY-TO-DAY OPERATIONS OF THE MARINA.

7 (D) (1) A LEASE OF LAND, A BUILDING, OR OTHER FACILITY AT THE
8 SOMERS COVE MARINA OR A CONTRACT FOR AN EVENT OR CONCESSION AT THE
9 SOMERS COVE MARINA SHALL CONFORM TO THE ANNUAL MASTER PLAN
10 APPROVED UNDER SUBSECTION (C)(2)(V) OF THIS SECTION.

11 (2) A LEASE OF LAND, A BUILDING, OR A FACILITY OR A
12 CONTRACT FOR AN EVENT OR CONCESSION THAT IS EXECUTED BY THE
13 EXECUTIVE DIRECTOR:

14 (I) MAY NOT BE FOR A TERM OF MORE THAN 5 YEARS OR BE
15 RENEWED FOR MORE THAN AN ADDITIONAL 5 YEARS; AND

16 (II) SHALL BE REVIEWED AND APPROVED BY THE
17 COMMISSION AND OFFICE OF THE ATTORNEY GENERAL.

18 (3) A LEASE ENTERED INTO BEFORE THE CREATION OF THE
19 COMMISSION SHALL REMAIN IN EFFECT FOR THE DURATION OF THE TERM OF
20 THE LEASE.

21 (4) (I) THE EXECUTIVE DIRECTOR MAY NOT EXECUTE A LEASE
22 OR CONTRACT FOR NONBOATING RELATED IMPROVEMENTS OR GOODS AT THE
23 MARINA WITHOUT THE APPROVAL OF THE SECRETARY.

24 (II) WITHIN 30 DAYS AFTER RECEIVING A REQUEST FOR
25 APPROVAL OF A LEASE OR CONTRACT, THE SECRETARY SHALL PROVIDE THE
26 EXECUTIVE DIRECTOR WITH AN INITIAL RESPONSE THAT MAY INCLUDE A
27 PROCESS OR PLAN OF ACTION FOR ADDRESSING THE MERITS OF THE REQUEST.

28 (E) (1) THE EXECUTIVE DIRECTOR SHALL PROCURE GOODS AND
29 SERVICES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION.

30 (2) FOR GOODS AND SERVICES WITH AN EXPECTED VALUE OF
31 \$1,000 TO \$5,000, THE EXECUTIVE DIRECTOR SHALL:

32 (I) MAKE A WRITTEN OR TELEPHONE REQUEST FOR BIDS;

1 (II) EVALUATE THE BIDS; AND

2 (III) AWARD THE CONTRACT TO THE RESPONSIBLE BIDDER
3 THAT SUBMITS THE RESPONSIVE BID THAT IS THE LOWEST BID PRICE.

4 (3) FOR GOODS AND SERVICES WITH AN EXPECTED VALUE OF
5 MORE THAN \$5,000, THE EXECUTIVE DIRECTOR SHALL:

6 (I) ADVERTISE THE SOLICITATION IN A LOCAL NEWSPAPER
7 AND ON THE SOMERSET COUNTY WEBSITE;

8 (II) ISSUE INVITATIONS FOR BIDS TO ALL KNOWN
9 PROSPECTIVE VENDORS;

10 (III) TABULATE AND EVALUATE THE BIDS;

11 (IV) SELECT FOR AWARD THE RESPONSIBLE BIDDER WHO
12 SUBMITS THE RESPONSIVE BID THAT IS THE LOWEST BID PRICE; AND

13 (V) SUBMIT THE PROPOSED AWARD TO THE COMMISSION
14 FOR REVIEW AND APPROVAL.

15 (4) THE EXECUTIVE DIRECTOR SHALL ADOPT A PROCUREMENT
16 POLICY THAT INCLUDES PROVISIONS FOR MINORITY AND WOMEN-OWNED
17 BUSINESS PARTICIPATION.

18 ~~(e)~~ (F) (1) THE COMMISSION SHALL:

19 (I) ADOPT AN OPERATING BUDGET TO USE THE FUND TO
20 IMPLEMENT THE MASTER PLAN;

21 (II) ADOPT A CAPITAL BUDGET THAT MAY USE FUNDS FROM
22 SOMERSET COUNTY, THE CITY OF CRISFIELD, THE STATE, AND OTHER
23 SOURCES TO IMPLEMENT THE MASTER PLAN;

24 (III) 1. APPLY FOR GRANTS FROM THE WATERWAY
25 IMPROVEMENT FUND IN ACCORDANCE WITH TITLE 8, SUBTITLE 7 OF THIS
26 ARTICLE; AND

27 2. SUBJECT TO THE SECRETARY'S APPROVAL,
28 RECEIVE APPROVED GRANT AMOUNTS AT THE TIME OF ACCEPTANCE OF A BID
29 OR BIDS FOR WATERWAY IMPROVEMENT WORK;

1 (IV) ASSESS SLIP AND OTHER FEES AND CHARGES AT
 2 SOMERS COVE MARINA AS NECESSARY IN ORDER TO IMPLEMENT THE MASTER
 3 PLAN;

4 (V) SET POLICY AND PROVIDE GENERAL OVERSIGHT OF
 5 MARINA OPERATIONS; AND

6 (VI) ADOPT RULES AND REGULATION NECESSARY FOR THE
 7 CONDUCT OF ITS OWN AFFAIRS.

8 (2) THE COMMISSION MAY:

9 (I) ACCEPT GIFTS, CONTRIBUTIONS, OR LOANS OF MONEY,
 10 SUPPLIES, GOODS, AND SERVICES, AND ACCEPT APPROPRIATIONS,
 11 ALLOTMENTS, AND LOANS OF MONEY FROM:

- 12 1. THE STATE OR FEDERAL GOVERNMENT;
- 13 2. A FEDERAL CORPORATION;
- 14 3. A UNIT OR INSTRUMENTALITY OF THE FEDERAL
 15 GOVERNMENT; OR
- 16 4. A POLITICAL SUBDIVISION OR INSTRUMENTALITY
 17 OF THE STATE;

18 (II) EXERCISE A POWER USUALLY POSSESSED BY A PRIVATE
 19 CORPORATION IN PERFORMING SIMILAR FUNCTIONS UNLESS TO DO SO WOULD
 20 CONFLICT WITH STATE LAW; AND

21 (III) DO ALL THINGS NECESSARY ~~OR CONVENIENT~~ TO CARRY
 22 OUT THE MANDATES AND POWERS EXPRESSLY PROVIDED BY THIS SECTION.

23 [(b)] ~~(D)~~ (G) There is a Somers Cove Marina Improvement Fund in the
 24 [Department] COMMISSION, to be used for the operation, maintenance, development,
 25 and improvement of the Somers Cove Marina facilities in Crisfield, Maryland.

26 [(c)] ~~(E)~~ (H) Any money obtained by the [Department] COMMISSION
 27 from Somers Cove Marina shall be credited to the Fund.

28 [(d) (1)] (1) The Fund is a special, nonlapsing fund that is not subject to §
 29 7-302 of the State Finance and Procurement Article.

30 (2) Any investment earnings of the Fund may not be transferred or
 31 revert to the General Fund of the State, but shall remain in the Fund.

1 (3) Moneys in the Fund may be used for administrative costs
2 calculated in accordance with § 1-103(b)(2) of this article.]

3 ~~(F)~~ (I)(1) **THE COMMISSION SHALL:**

4 (I) **MAINTAIN THE FUND IN A BANK ACCOUNT SEPARATE**
5 **FROM STATE FUNDS;**

6 (II) **TRANSFER ANY UNENCUMBERED MONEYS IN THE FUND**
7 **RUN BY THE DEPARTMENT TO THE COMMISSION'S FUND; AND**

8 (III) **REIMBURSE THE STATE FOR THE SALARY OF THE**
9 **MARINA MANAGER.**

10 (2) **MONEYS OF THE FUND ARE:**

11 (I) **NOT MONEYS OF THE STATE WITHIN THE MEANING OF**
12 **ARTICLE VI OF THE STATE CONSTITUTION; AND**

13 (II) **SUBJECT TO AUDIT BY THE STATE, INCLUDING THE**
14 **DEPARTMENT AND THE LEGISLATIVE AUDITOR.**

15 (3) **MONEYS PLEDGED FOR USE BY THE STATE FOR SOMERS**
16 **COVE MARINA BEFORE THE CREATION OF THE COMMISSION SHALL BE USED**
17 **FOR THE SAME PURPOSE AS ORIGINALLY PLEDGED.**

18 ~~(G)~~ (J) **ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE COMMISSION**
19 **SHALL PROVIDE TO THE DEPARTMENT AN ACCOUNTING OF REVENUES AND**
20 **EXPENSES FROM SOMERS COVE MARINA FOR THE PREVIOUS FISCAL YEAR.**

21 ~~(H)~~ (K) (1) **ON NOVEMBER 1, 2011, THE DEPARTMENT AND THE**
22 **COMMISSION SHALL BEGIN TO EVALUATE THE COMMISSION'S WORK SO THAT**
23 **THE DEPARTMENT AND THE COMMISSION MAY MAKE FINDINGS AND**
24 **RECOMMENDATIONS CONCERNING THE COMMISSION'S ABILITY TO:**

25 (I) **OPERATE, MAINTAIN, DEVELOP, AND IMPROVE SOMERS**
26 **COVE MARINA IN AN EFFECTIVE MANNER; AND**

27 (II) **AFFORD ~~AND~~ OR ASSUME THE COSTS OF OPERATING,**
28 **MAINTAINING, DEVELOPING, AND IMPROVING SOMERS COVE MARINA,**
29 **INCLUDING THE SALARIES OF:**

30 1. **THE EXECUTIVE DIRECTOR; AND**

1 **2. EMPLOYEES OF THE STATE WHO REMAIN**
2 **WORKING AT SOMERS COVE MARINA.**

3 **(2) ON NOVEMBER 1, 2013, BASED ON THE EVALUATION**
4 **UNDERTAKEN IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE**
5 **DEPARTMENT AND THE COMMISSION SHALL REPORT THEIR FINDINGS AND**
6 **RECOMMENDATIONS, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
7 **GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That:

9 (a) The terms of the initial members of the Somers Cove Commission shall
10 begin on January 1, 2009, and shall expire as follows:

11 (1) of the two members appointed by the Board of County
12 Commissioners of Somerset County, one member on December 31, 2010, and one
13 member on December 31, 2012;

14 (2) of the two members appointed by the Mayor of Crisfield, one
15 member on December 31, 2010, and one member on December 31, 2012; and

16 (3) of the three members appointed by the Secretary, one member in
17 2010, one member in 2011, and one member in 2012.

18 (b) (1) A State employee, other than the Executive Director, who is in an
19 appointed or full-time equivalent position or full-time contractual position, and who is
20 employed at Somers Cove Marina on June 1, 2008, may remain employed as a State
21 employee at the Marina subject to the authority of the Secretary under Title 1,
22 Subtitle 1 of the Natural Resources Article and the provisions of the State Personnel
23 Management System.

24 (2) ~~If the Department and the Commission determine that the~~
25 ~~Commission is financially able, the~~ The Somers Cove Marina Commission shall
26 reimburse the Department of Natural Resources for the salary of the Executive
27 Director and any other a State employee at the Marina who remains employed in
28 accordance with subsection (b)(1) of this section.

29 (3) The State shall pay the Executive Director's salary without
30 reimbursement from the Somers Cove Marina Commission until the Secretary of
31 Natural Resources and the Somers Cove Marina Commission determine that the
32 Commission is financially able to reimburse the State for the cost of the Executive
33 Director's salary.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 November 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.