

Chapter 444

(House Bill 720)

AN ACT concerning

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

FOR the purpose of repealing provisions of law relating to the Somers Cove Marina Commission, the Somers Cove Marina Improvement Fund, and the operation of Somers Cove Marina; authorizing the Secretary of Natural Resources to execute certain leases, procure and execute certain contracts, ~~and~~ employ certain staff, and assess certain fees; requiring the Secretary to set the compensation for certain employees under certain circumstances; establishing the Somers Cove Marina Advisory Commission to advise the Secretary on certain matters relating to the Somers Cove Marina; requiring certain revenue received by the Department of Natural Resources to be deposited into the Natural Resources Property Maintenance Fund; altering the uses of the Natural Resources Property Maintenance Fund; requiring interest earnings of the Natural Resources Property Maintenance Fund to be credited to that Fund; and generally relating to Somers Cove Marina.

BY repealing

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

BY adding to

Article – Natural Resources
Section 5–908.1 and 5–908.2
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 5–909
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)204. and 205.
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY adding to

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)206.
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

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

Article – Natural Resources

[5–908.1.

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

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

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

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

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

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

(2) The Commission consists of the following members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) (1) The Secretary shall:

(i) Appoint an Executive Director;

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

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

(2) The Executive Director:

(i) Shall administer the Fund;

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

(iii) Shall supervise the marina manager;

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

(v) Subject to the approval of the Secretary, and in cooperation with the Commission, shall develop an annual master plan for the operations, maintenance, development, and improvement of Somers Cove Marina that improves services to the general boating public;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Evaluate the bids; and

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

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

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

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

(iii) Tabulate and evaluate the bids;

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

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

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

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

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

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

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

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

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

(g) (1) The Commission shall:

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

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

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

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

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

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

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

(2) The Commission may:

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

1. The State or federal government;

2. A federal corporation;

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

4. A political subdivision or instrumentality of the State;

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

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

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

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

(j) (1) The Commission shall:

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

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

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

(2) Money of the Fund is:

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

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

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

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

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

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

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

1. The Executive Director; and

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

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

5-908.1.

(A) THE SECRETARY:

(1) MAY:

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

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

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

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

(V) ASSESS SLIP AND OTHER FEES AND CHARGES AS NECESSARY TO OPERATE, MAINTAIN, MANAGE, AND IMPROVE SOMERS COVE MARINA; AND

(2) SHALL:

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

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

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

(B) ALL REVENUE RECEIVED BY THE DEPARTMENT FROM MANAGING, OPERATING, MAINTAINING, IMPROVING, AND DEVELOPING SOMERS COVE MARINA SHALL BE DEPOSITED INTO THE NATURAL RESOURCES PROPERTY MAINTENANCE FUND ESTABLISHED UNDER § 5-909 OF THIS SUBTITLE.

5-908.2.

(A) IN THIS SECTION, "COMMISSION" MEANS THE SOMERS COVE MARINA ADVISORY COMMISSION.

(B) (1) THERE IS A SOMERS COVE MARINA ADVISORY COMMISSION IN THE DEPARTMENT.

(2) (I) THE COMMISSION SHALL CONSIST OF THE FOLLOWING MEMBERS:

1. ONE REPRESENTATIVE FROM SOMERSET COUNTY, APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS OF SOMERSET COUNTY;

2. ONE REPRESENTATIVE FROM THE CITY OF CRISFIELD, APPOINTED BY THE MAYOR OF CRISFIELD;

3. THE SECRETARY, OR THE SECRETARY'S DESIGNEE;

4. ONE REPRESENTATIVE FROM THE COMMERCIAL FISHING INDUSTRY;

5. ONE REPRESENTATIVE FROM THE ECONOMIC DEVELOPMENT OR TOURISM INDUSTRY;

6. ONE REPRESENTATIVE OF SAILBOAT OWNERS, WHO MAY BE A CURRENT SLIP HOLDER AT SOMERS COVE MARINA; AND

7. ONE REPRESENTATIVE OF POWER BOAT OWNERS, WHO MAY BE A CURRENT SLIP HOLDER AT SOMERS COVE MARINA.

(II) THE COMPOSITION OF THE COMMISSION SHALL CONSTITUTE A DIVERSE CROSS-SECTION OF STAKEHOLDERS BROADLY REPRESENTATIVE OF MULTIPLE INTERESTS INCLUDING TOURISM, ECONOMIC DEVELOPMENT, BUSINESS COMMUNITIES, FISHING, AND BOATING.

(3) FROM AMONG ITS MEMBERS, THE COMMISSION SHALL ELECT A CHAIR AND A VICE CHAIR.

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

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

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

(5) THE COMMISSION SHALL MEET AT LEAST BIANNUALLY.

(C) THE COMMISSION SHALL ADVISE THE SECRETARY ON MATTERS RELATED TO THE MANAGEMENT, OPERATION, MAINTENANCE, AND DEVELOPMENT OF SOMERS COVE MARINA.

5-909.

(a) In this section, "Fund" means the Natural Resources Property Maintenance Fund.

[(b) The Natural Resources Property Maintenance Fund is created within the Department to be used for the maintenance, repair, and management of property owned by the Department.

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

(2) Any investment earnings of the Fund shall be credited to the General Fund of the State.

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

(B) THERE IS A NATURAL RESOURCES PROPERTY MAINTENANCE FUND IN THE DEPARTMENT.

(C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) REVENUE DEPOSITED INTO THE FUND IN ACCORDANCE WITH § 5-908.1(B) OF THIS SUBTITLE;

(3) INTEREST EARNINGS; AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR:

(1) MAINTAINING, REPAIRING, AND MANAGING PROPERTY OWNED BY THE DEPARTMENT;

(2) MANAGING, OPERATING, MAINTAINING, AND DEVELOPING SOMERS COVE MARINA; AND

(3) ADMINISTRATIVE EXPENSES CALCULATED IN ACCORDANCE WITH § 1-103(B)(2) OF THIS ARTICLE.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

Article – State Finance and Procurement

6-226.

(a) (2) (i) 1. This subparagraph does not apply in fiscal years 2024 through 2028.

2. Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

204. the Victims of Domestic Violence Program Grant Fund;
[and]

205. the Proposed Programs Collaborative Grant Fund; AND

206. THE NATURAL RESOURCES PROPERTY MAINTENANCE FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall strive to ensure that current members of the Somers Cove Marina Commission are appointed to the Somers Cove Marina Advisory Commission.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Natural Resources and the Somers Cove Marina Commission shall work cooperatively to ensure the continuity of operations at the marina as management responsibilities are transferred from the Commission to the Department, including any necessary assignments of contracts and negotiation or renegotiation of agreements related to the facility, property, management, maintenance, service, and staffing.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before October 1, 2025, the Somers Cove Marina Commission shall transfer the remaining balance from the Somers Cove Marina Improvement Fund to the Natural Resources Property Maintenance Fund established under § 5-909 of the Natural Resources Article, including any unencumbered funds, accounts receivable, and cancelled encumbrances.

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

Approved by the Governor, May 13, 2025.