

HB1463/700014/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1463
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 5 down through “purposes;” in line 7; in line 11, strike “, vice chair, and secretary-treasurer” and substitute “and vice-chair”; in line 12, after “Commission;” insert “providing for the appointment of a secretary-treasurer;”; in line 19, after “Director;” insert “requiring the Secretary of Natural Resources to perform certain duties under certain circumstances;”; in line 22, strike “, contracts, events, or concessions” and substitute “and contracts”; in line 24, after “effect” insert “for a certain period of time”; in line 25, after “circumstances;” insert “providing that certain leases and contracts executed by the Executive Director must be reviewed and approved by the Commission and the Office of the Attorney General;”; in line 27, after “respond” insert “in a certain manner”; in line 30, after “Secretary;” insert “requiring the Executive Director to procure certain goods and services in accordance with certain requirements; requiring the Executive Director to adopt a certain procurement policy;”.

On page 2, in line 15, after “circumstances;” insert “requiring the State to pay the Executive Director’s salary without reimbursement from the Commission until a certain determination is made;”; and in line 16, after “to” insert “the”; in the same line, after “Marina” insert “Commission”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 1 through 12, inclusive; and in lines 13 and 22, strike “**(3)**” and “**(4)**”, respectively, and substitute “**(2)**” and “**(3)**”, respectively.

On page 4, in lines 1, 4, 10, 14, 15, and 17, strike “**(5)**”, “**(6)**”, “**(7)**”, “**(8)**”, “**(9)**”, and “**(10)**”, respectively, and substitute “**(4)**”, “**(5)**”, “**(6)**”, “**(7)**”, “**(8)**”, and “**(9)**”,

(Over)

respectively; in line 6, strike “ELECT” and substitute “APPOINT”; in line 23, strike “(11) (I)” and substitute “(C) (1)”; in line 24, strike “1. NOMINATE” and substitute “(I) APPOINT”; strike beginning with “TO” in line 24 down through “2.” in line 26 and substitute “;

(II)”;

in line 28, after “DIRECTOR” insert “; 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”;

and in lines 29 and 30, strike “(II)” and “1.”, respectively, and substitute “(2)” and “(I)”, respectively.

On page 5, strike beginning with “, WHO” in line 5 down through “AGENCIES” in line 11; strike beginning with the first comma in line 12 down through “FACILITIES” in line 13 and substitute “OF LAND, BUILDINGS, OR FACILITIES AT SOMERS COVE MARINA AND EXECUTE CONTRACTS FOR EVENTS OR CONCESSIONS”; strike beginning with “, PROVIDED THAT:” in line 14 down through “RECEIPT” in line 28 and substitute “IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION”; and in lines 1, 5, 12, and 29, strike “2.”, “3.”, “5.”, and “7.”, respectively, and substitute “(II)”, “(III)”, “(IV)”, and “(V)”, respectively.

On page 6, in lines 1, 3, 5, 7, and 9, strike “8.”, “9. A.”, “B.”, “10.”, and “(C)”, respectively, and substitute “(VI)”, “(VII) 1.”, “2.”, “(VIII)”, and “(F)”, respectively.

AMENDMENT NO. 3

On page 6, in line 7, strike “**BE**” and substitute “**SHALL BE**”; and after line 8, insert:

“(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.

(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.

(Over)

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

(2) FOR GOODS AND SERVICES 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 AND SERVICES WITH AN EXPECTED VALUE OF MORE THAN \$5,000, 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 ADOPT A PROCUREMENT POLICY THAT INCLUDES PROVISIONS FOR MINORITY BUSINESS PARTICIPATION.

AMENDMENT NO. 4

On page 7, in line 13, strike “OR CONVENIENT”; and in lines 15, 18, and 26, strike “(D)”, “(E)”, and “(F)”, respectively, and substitute “(G)”, “(H)”, and “(I)”, respectively.

On page 8, in lines 11 and 14, strike “(G)” and “(H)”, respectively, and substitute “(J)” and “(K)”, respectively; and in line 20, strike “AND” and substitute “OR”.

AMENDMENT NO. 5

On page 9, in line 10, after “employee” insert “, other than the Executive Director, who is”; in the same line, strike “position” and substitute “or full-time contractual position, and”; strike beginning with “If” in line 15 down through “the” in line 16 and substitute “The”; in lines 17 and 18, strike “the Executive Director and any other” and substitute “a”; in line 18, strike “at the Marina” and substitute “who remains employed in accordance with subsection (b)(1) of this section”; and after line 18, insert:

“(3) The State shall pay the Executive Director’s salary without reimbursement from the Somers Cove Marina Commission until the Secretary of Natural Resources and the Somers Cove Marina Commission determine that the Commission is financially able to reimburse the State for the cost of the Executive Director’s salary.”.