

ENROLLED BILL

-- Education, Health, and Environmental Affairs and Budget and Taxation /Environmental Matters and Appropriations --

Introduced by **Senators Hollinger, Dyson, Astle, Britt, Brochin, Conway, Currie, DeGrange, Della, Exum, Forehand, Frosh, Garagiola, Gladden, Green, Grosfeld, Hogan, Hughes, Jimeno, Jones, Kelley, Klausmeier, Lawlah, McFadden, Miller, Pinsky, Ruben, Stone, and Teitelbaum Teitelbaum, and Middleton**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Board of Public Works – Disposition of Protected Lands**
3 **Land Preservation and State Asset Protection Act**

4 ~~FOR the purpose of prohibiting the Board of Public Works, subject to certain~~
5 ~~conditions, from approving the sale, lease, transfer, exchange, or grant, or other~~
6 ~~disposition of any certain State owned or State designated outdoor recreation,~~
7 ~~open space, conservation, preservation, forest, or other park land; exempting~~
8 ~~from this Act certain transfers of property from the State to local governments~~
9 ~~for certain purposes; requiring the Department of Planning to notify certain~~
10 ~~persons by certain means concerning the identification of certain property as~~
11 ~~surplus property; requiring the Department to conduct a certain public hearing~~

1 under certain circumstances; requiring the Department of Planning and the
2 Department of Natural Resources to make certain recommendations relating to
3 the designation of certain property as surplus property; requiring the
4 Department of Planning to determine, in consultation with a certain local
5 governing body, whether a certain disposition of certain property conforms to the
6 local comprehensive plan; requiring the Department of General Services to have
7 certain property appraised under certain circumstances; authorizing the
8 Legislative Policy Committee to review and comment on certain proposed
9 dispositions; authorizing the Legislative Policy Committee to approve or refer
10 certain proposed dispositions to the full General Assembly for approval through
11 legislation; requiring the Department of General Services to conduct certain
12 auctions; requiring the Board of Public Works to make certain determinations
13 regarding a certain auction price; requiring the Department of Planning to
14 cause certain conservation easements to be placed on certain property before its
15 disposition; requiring certain revenues to be deposited in a certain fund for a
16 certain purpose; prohibiting certain funds from reverting to the General Fund;
17 defining a certain term; requiring the Department of Natural Resources, in
18 cooperation with the Department of Planning, the Department of General
19 Services, and the Department of Budget and Management, to study certain
20 matters and submit a report on or before a certain date; authorizing the General
21 Assembly to take action by enacting legislation with regard to certain land
22 transactions; requiring the Board, within a specified period, to cause a notice of
23 the proposed sale of certain property to be published in certain newspapers;
24 requiring the Board to cause certain conservation easements to be placed on
25 certain property prior to its disposition and to prohibit certain development of
26 and adverse impact to certain environmental resources that are located on the
27 property; requiring the Board to ensure that, with regard to the disposition of
28 certain property to certain entities, the use of certain property conforms to the
29 local government comprehensive plan; requiring that the revenues derived from
30 certain transactions be used for the purposes of Program Open Space; requiring
31 the Department of Natural Resources and the Department of Agriculture to
32 adopt certain criteria for the assessment of certain property; requiring each
33 department to prepare a written analysis of findings and recommendations
34 regarding certain property subject to its jurisdiction and to maintain a public
35 record of each analysis; making a stylistic change; and generally relating to the
36 authority of the Board of Public Works with regard to the disposition of certain
37 park and similar lands.

38 FOR the purpose of requiring the Department of Planning to provide notice regarding
39 certain excess property to certain committees of the General Assembly, certain
40 members of the General Assembly, and certain adjacent property owners;
41 requiring units of State government to include certain information regarding
42 certain excess property in a certain notification; requiring the Department to hold
43 a public hearing under certain circumstances or accept and consider certain
44 public comments regarding certain excess property; requiring the Department to
45 determine, in conjunction with a certain local governing body, whether any
46 proposed disposition of certain excess property would conform to the local
47 comprehensive plan; requiring units and the Department to maintain public
48 records about determinations made about certain property; requiring the

1 Department to consolidate certain information and determinations into a public
 2 record and submit the record to a certain unit; authorizing certain units to
 3 rescind a certain notice of excess; requiring the Department to make a certain
 4 recommendation to a certain unit and the Board of Public Works and to notify
 5 certain persons of the recommendation; prohibiting the Board of Public Works
 6 from approving the sale, transfer, exchange, or grant of certain surplus property
 7 until it provides certain notices and, under certain circumstances, a certain
 8 justification to certain entities, it receives certain appraisals, certain time periods
 9 have elapsed, and, under a certain circumstance, the General Assembly or a
 10 certain committee of the General Assembly has approved, in accordance with
 11 certain procedures, the disposition of certain property; requiring the Department
 12 to maintain a current, updated list of certain real property; requiring the Board
 13 of Public Works to sell certain property for a certain price to a certain government
 14 or unit of government under certain circumstances; requiring the Governor under
 15 certain circumstances to include in the annual budget bill a certain general fund
 16 appropriation to a certain special fund; providing that a certain appropriation to
 17 a certain special fund is not required under certain circumstances; altering the
 18 amount of a certain required appropriation to a certain special fund under
 19 certain circumstances; requiring that certain transfer tax revenue in excess of a
 20 certain budget estimate be distributed in a certain manner for certain purposes in
 21 certain fiscal years; establishing a certain statutory minimum grant to Baltimore
 22 City, payable from the State's share of the proceeds of Program Open Space, for
 23 certain purposes related to Program Open Space; requiring the Department of
 24 Natural Resources, in cooperation with the Department of General Services, the
 25 Department of Budget and Management, and the Department of Planning, to
 26 study certain issues relating to lease, license, and easement interests and to
 27 report to certain persons on or before a certain date; making stylistic changes;
 28 providing for the application of this Act; and generally relating to the financing,
 29 management, and disposition of State-owned and financed property.

30 BY repealing and reenacting, ~~without~~ with amendments,
 31 Article - State Finance and Procurement
 32 Section 5-310, 5-504, ~~7-311(j)~~, and ~~5-505~~ 10-305
 33 Annotated Code of Maryland
 34 (2001 Replacement Volume and 2004 Supplement)

35 BY repealing and reenacting, ~~with~~ without amendments,
 36 Article - State Finance and Procurement
 37 Section ~~10-305(a)~~ 5-505
 38 Annotated Code of Maryland
 39 (2001 Replacement Volume and 2004 Supplement)

40 BY adding to
 41 ~~Article - State Finance and Procurement~~
 42 ~~Section 10-305.1~~
 43 ~~Annotated Code of Maryland~~

1 ~~(2001 Replacement Volume and 2004 Supplement)~~

2 BY repealing and reenacting, with amendments,

3 Article - Tax - Property

4 Section 13-209(f)(1)

5 Annotated Code of Maryland

6 (2001 Replacement Volume and 2004 Supplement)

7 BY adding to

8 Article - Tax - Property

9 Section 13-209(g)

10 Annotated Code of Maryland

11 (2001 Replacement Volume and 2004 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article - Natural Resources

14 Section 5-903(a)

15 Annotated Code of Maryland

16 (2000 Replacement Volume and 2004 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article - Natural Resources

19 Section 5-903(b)

20 Annotated Code of Maryland

21 (2000 Replacement Volume and 2004 Supplement)

22

Preamble

23 WHEREAS, It is the intent of the General Assembly that the State maintain
24 and build upon its efforts to acquire and preserve undeveloped, outdoor recreation,
25 park, and open lands of the State for the enjoyment of current citizens and future
26 generations of Marylanders; and

27 WHEREAS, It is the intent of the General Assembly that the State set as its
28 goal that, should it become necessary or in the State's interests to dispose of any of its
29 park and open lands, the State should replace that land with land of equal or greater
30 acreage that possesses equal or greater public and resource value; now, therefore,

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

Article - State Finance and Procurement

2 5-310.

3 (a) Each unit of the State government shall notify the Department *IN*
4 WRITING of:

5 (1) any real property that is in excess of the needs of the unit; or

6 (2) any substantial change to any real property owned by the State.

7 (b) ~~For~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR any real property
8 identified under subsection (a) of this section, the Department shall:

9 (1) study the proper disposition of the property;

10 (2) determine whether any local government or unit of the State
11 government is interested in the property; and

12 (3) make an appropriate recommendation to the using unit of the State
13 government and to the Board of Public Works.

14 (C) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
15 PARAGRAPH, THIS SUBSECTION APPLIES TO THE FOLLOWING CATEGORIES OF REAL
16 PROPERTY OWNED BY THE STATE IN FEE SIMPLE:

17 1. PROPERTY ACQUIRED WITH PROGRAM OPEN SPACE
18 FUNDS UNDER TITLE 5, SUBTITLE 9 OF THE NATURAL RESOURCES ARTICLE;

19 2. PROPERTY ACQUIRED WITH RURAL LEGACY PROGRAM
20 FUNDS UNDER TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;

21 3. PUBLIC PARK LAND AND RECREATIONAL AREAS
22 ACQUIRED UNDER TITLE 5, SUBTITLE 10 OF THE NATURAL RESOURCES ARTICLE;

23 4. WILDLAND AND OPEN AREAS ACQUIRED UNDER TITLE 5,
24 SUBTITLE 12 OF THE NATURAL RESOURCES ARTICLE;

25 5. HERITAGE CONSERVATION AREAS ACQUIRED WITH
26 FUNDS UNDER TITLE 5, SUBTITLE 15 OF THE NATURAL RESOURCES ARTICLE;

27 6. FOREST CONSERVATION AREAS ACQUIRED UNDER TITLE
28 5, SUBTITLE 6 OF THE NATURAL RESOURCES ARTICLE;

29 7. GREENPRINT AREAS ACQUIRED UNDER TITLE 5,
30 SUBTITLE 15A OF THE NATURAL RESOURCES ARTICLE;

31 8. PROPERTY IDENTIFIED IN THE MOST CURRENT PUBLIC
32 LANDS ACREAGE REPORT PUBLISHED BY THE DEPARTMENT OF NATURAL
33 RESOURCES THAT IS CLASSIFIED UNDER DESIGNATED LAND UNITS OR UNDER
34 UNDESIGNATED LAND UNITS WITHIN AN AGENCY OR PROGRAM; AND

1 9. OUTDOOR RECREATION, OPEN SPACE, CONSERVATION,
2 PRESERVATION, PARK, OR FOREST LAND PROPERTY IDENTIFIED BY THE
3 DEPARTMENT OF NATURAL RESOURCES IN REGULATION.

4 (II) THIS SUBSECTION DOES NOT APPLY TO PROPERTY DECLARED
5 EXCESS FOR PURPOSES OF CORRECTIVE DISPOSAL, INCLUDING BOUNDARY OR
6 ACCESS CORRECTIONS AND MINOR ROAD IMPROVEMENTS FOR PUBLIC SAFETY.

7 (2) WHEN A UNIT NOTIFIES THE DEPARTMENT UNDER SUBSECTION (A)
8 OF THIS SECTION, THE UNIT SHALL INCLUDE WITH THE NOTIFICATION:

9 (I) THE HISTORY OF THE ACQUISITION OF THE PROPERTY;

10 (II) THE RATIONALE FOR THE ACQUISITION PROVIDED TO THE
11 BOARD OF PUBLIC WORKS AT THE TIME OF THE ACQUISITION;

12 (III) ANY FUTURE CONSERVATION PLANS FOR THE PROPERTY;

13 (IV) THE ENVIRONMENTAL AND ECOLOGICAL ATTRIBUTES OF THE
14 PROPERTY;

15 (V) THE CULTURAL AND HISTORICAL SIGNIFICANCE OF THE
16 PROPERTY;

17 (VI) THE RELATIONSHIP OF THE PROPERTY TO SURROUNDING AND
18 NEARBY REAL PROPERTIES;

19 (VII) THE ACTUAL COST SAVINGS, IF ANY, THAT THE UNIT
20 ANTICIPATES WILL RESULT FROM THE DISPOSAL OF THE PROPERTY;

21 (VIII) ANY EXPECTED REVENUES THAT WOULD BE GENERATED
22 FROM THE DISPOSAL OF THE PROPERTY; AND

23 (IX) ANY OTHER JUSTIFICATION OR BASIS THAT THE UNIT RELIED
24 ON IN ITS DETERMINATION THAT THE PROPERTY IS IN EXCESS OF ITS NEEDS.

25 (3) THE INFORMATION PROVIDED UNDER PARAGRAPH (2) OF THIS
26 SUBSECTION SHALL BE MADE AVAILABLE BY THE UNIT OR THE DEPARTMENT ON
27 REQUEST.

28 (4) AFTER THE DEPARTMENT RECEIVES NOTICE FROM A UNIT UNDER
29 SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL:

30 (I) NOTIFY:

31 1. THE SENATE BUDGET AND TAXATION COMMITTEE, THE
32 SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE
33 HOUSE ENVIRONMENTAL MATTERS COMMITTEE, AND THE HOUSE APPROPRIATIONS
34 COMMITTEE BY ELECTRONIC MAIL OR FACSIMILE AND BY FIRST-CLASS MAIL;

1 2. THE GENERAL ASSEMBLY MEMBERS WHO REPRESENT
2 THE LEGISLATIVE DISTRICT IN WHICH THE PROPERTY IS LOCATED BY ELECTRONIC
3 MAIL OR FACSIMILE AND BY CERTIFIED MAIL; AND

4 3. OWNERS OF PROPERTY ADJACENT TO THE PROPERTY
5 DECLARED EXCESS;

6 A. IN WRITING BY FIRST-CLASS MAIL; AND

7 B. IF PRACTICABLE, BY POSTING PUBLIC NOTIFICATION
8 SIGNS ON THE PROPERTY DECLARED EXCESS;

9 (II) 1. HOLD A PUBLIC HEARING IN THE COUNTY OR
10 LEGISLATIVE DISTRICT IN WHICH THE PROPERTY IS LOCATED WITHIN 14 DAYS
11 AFTER RECEIVING A REQUEST FOR A HEARING IF:

12 A. WITHIN 14 DAYS AFTER THE DEPARTMENT PROVIDES THE
13 NOTICE REQUIRED UNDER ITEM (I) OF THIS PARAGRAPH, THE DEPARTMENT
14 RECEIVES A REQUEST FOR A PUBLIC HEARING FROM A PERSON WHO RECEIVED
15 NOTICE UNDER ITEM (I) OF THIS PARAGRAPH OR WHO RESIDES IN THE COUNTY IN
16 WHICH THE PROPERTY IS LOCATED; AND

17 B. THE PROPERTY HAS AN ESTIMATED VALUE OF OVER
18 \$100,000; OR

19 2. IF A PUBLIC HEARING IS NOT REQUIRED UNDER ITEM 1
20 OF THIS ITEM, ACCEPT AND CONSIDER WRITTEN PUBLIC COMMENTS ON THE
21 DECLARATION OF THE PROPERTY AS EXCESS;

22 (III) IN CONJUNCTION WITH THE LOCAL GOVERNING BODY OF THE
23 JURISDICTION IN WHICH THE PROPERTY IS LOCATED, DETERMINE WHETHER ANY
24 PROPOSED DISPOSITION WOULD CONFORM TO THE LOCAL COMPREHENSIVE PLAN;
25 AND

26 (IV) 1. CONSOLIDATE ALL INFORMATION RECEIVED BY AND ALL
27 DETERMINATIONS MADE BY THE DEPARTMENT INTO A PUBLIC RECORD AVAILABLE
28 ON REQUEST; AND

29 2. SUBMIT THE RECORD TO THE USING UNIT.

30 (5) AFTER REVIEW OF THE RECORD CREATED UNDER PARAGRAPH (4) OF
31 THIS SUBSECTION, THE USING UNIT MAY RESCIND THE NOTICE OF EXCESS
32 PROPERTY SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION.

33 (6) IF THE USING UNIT DOES NOT RESCIND THE NOTICE OF EXCESS
34 PROPERTY, THE DEPARTMENT SHALL:

35 (I) BASED ON ALL OF THE INFORMATION COLLECTED BY THE
36 DEPARTMENT, MAKE AN APPROPRIATE RECOMMENDATION TO THE USING UNIT AND
37 THE BOARD OF PUBLIC WORKS; AND

1 (II) NOTIFY THE PERSONS IDENTIFIED UNDER PARAGRAPH (4)(1)1
 2 AND 2 OF THIS SUBSECTION OF THE RECOMMENDATION.

3 5-504.

4 (a) The Department shall be a repository and clearinghouse for information
 5 about real property available for public use.

6 (b) The Department shall correlate information concerning real property
 7 owned by the State or any political subdivision of the State.

8 (c) (1) The Department shall maintain a CURRENT, UPDATED list of real
 9 property owned by the State or any political subdivision of the State.

10 (2) The list shall include pertinent details concerning size, facilities, and
 11 value.

12 (3) A copy of the list and any related information shall be provided to any
 13 State agency and the General Assembly upon request.

14 5-505.

15 (a) The Department shall prepare and periodically revise inventory lists of:

16 (1) the natural resources of the State; and

17 (2) major public works and private facilities that are important to the
 18 development of the State as a whole.

19 (b) A copy of the inventory list shall be provided to any State agency and the
 20 General Assembly upon request.

21 7-311.

22 (j) (1) Except as provided in paragraph (2) of this subsection [and], §
 23 3-216(g) of the Transportation Article, AND § 13-209(G) OF THE TAX - PROPERTY
 24 ARTICLE, for fiscal year [2006] 2007 and for each subsequent fiscal year, the Governor
 25 shall include in the budget bill an appropriation to the Account equal to the amount by
 26 which the unappropriated General Fund surplus as of June 30 of the second preceding
 27 fiscal year exceeds \$10,000,000.

28 (2) The appropriation required under this subsection for any fiscal year
 29 may be reduced by the amount of any appropriation to the Account required to be
 30 included for that fiscal year under subsection (e) of this section.

31 10-305.

32 (a) ~~(+) [Any] SUBJECT TO PARAGRAPHS (2) AND (3) PARAGRAPH (2) OF THIS~~
 33 ~~SUBSECTION AND § 10-305.1 OF THIS SUBTITLE SUBSECTION (B) OF THIS SECTION,~~
 34 ANY real or personal property of the State or a unit of the State government may be
 35 sold, leased, transferred, exchanged, granted, or otherwise disposed of:

1 (i) (1) to any person, to the United States or any of its units, or to
2 any unit of the State government, for a consideration the Board decides is adequate;
3 or

4 (ii) (2) to any county or municipal corporation in the State subject
5 to any conditions the Board imposes.

6 (2) ~~The Board may not approve the sale of any [State-owned]
7 STATE OWNED real or personal property funded pursuant to an appropriation act of
8 the Maryland General Assembly if the property has an appraised value over \$100,000
9 until:~~

10 (i) a description of the real or personal property has been
11 submitted to the Senate Budget and Taxation Committee and the House
12 Appropriations Committee for review and comment; and

13 (ii) 45 days have elapsed since the description was submitted.

14 ~~10-305.1.~~

15 (A) (1) ~~IN THIS SECTION, "DISPOSITION" MEANS THE SALE, TRANSFER,
16 EXCHANGE, OR GRANT OF REAL PROPERTY.~~

17 (2) ~~"DISPOSITION" DOES NOT INCLUDE A LEASE OR AN EASEMENT
18 INTEREST IN REAL PROPERTY.~~

19 (3) (1) (2) ~~THIS PARAGRAPH SECTION APPLIES TO ONLY TO THE
20 FOLLOWING PROPERTY OWNED BY THE STATE IN FEE SIMPLE:~~

21 1. (1) ~~PROPERTY UNDER PROGRAM OPEN SPACE UNDER
22 TITLE 5, SUBTITLE 9 OF THE NATURAL RESOURCES ARTICLE;~~

23 2. (2) ~~PROPERTY UNDER THE RURAL LEGACY PROGRAM
24 UNDER TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;~~

25 3. (3) ~~PUBLIC PARK LAND AND RECREATIONAL AREAS
26 UNDER TITLE 5, SUBTITLE 10 OF THE NATURAL RESOURCES ARTICLE;~~

27 4. (4) ~~WILDLAND AND OPEN AREAS UNDER TITLE 5,
28 SUBTITLE 12 OF THE NATURAL RESOURCES ARTICLE;~~

29 5. (5) ~~HERITAGE CONSERVATION AREAS UNDER TITLE 5,
30 SUBTITLE 15 OF THE NATURAL RESOURCES ARTICLE;~~

31 6. (6) ~~FOREST CONSERVATION AREAS UNDER TITLE 5,
32 SUBTITLE 16 OF THE NATURAL RESOURCES ARTICLE; AND~~

33 7. (7) ~~GREENPRINT AREAS UNDER TITLE 5, SUBTITLE 15A
34 OF THE NATURAL RESOURCES ARTICLE;.~~

1 8. MARYLAND AGRICULTURAL LAND PRESERVATION
2 FOUNDATION AREAS UNDER TITLE 2, SUBTITLE 5 OF THE AGRICULTURE ARTICLE;
3 AND

4 9. ENVIRONMENTALLY SENSITIVE FOREST, CONSERVATION,
5 OPEN SPACE, PARK, OR SIMILAR LAND SUBJECT TO THE CONTROL OF A STATE
6 INSTITUTION OF HIGHER EDUCATION.

7 ~~(H) (C) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
8 ~~SUBSECTION, IN ADDITION TO OTHER REQUIREMENTS OF THIS ARTICLE GOVERNING~~
9 ~~THE DISPOSITION OF STATE OWNED REAL PROPERTY, THE BOARD MAY NOT~~
10 ~~APPROVE THE SALE, LEASE, TRANSFER, EXCHANGE, OR GRANT, OR OTHER~~
11 ~~DISPOSITION OF ANY STATE OWNED OR STATE DESIGNATED OUTDOOR~~
12 ~~RECREATION, OPEN SPACE, CONSERVATION, PRESERVATION, FOREST, OR OTHER~~
13 ~~PARK LAND, UNTIL, UNLESS THE REQUIREMENTS OF SUBSECTIONS (D) THROUGH (I)~~
14 ~~OF THIS SECTION ARE MET.~~

15 ~~(2) THE REQUIREMENTS OF SUBSECTIONS (D) THROUGH (I) OF THIS~~
16 ~~SECTION DO NOT APPLY TO TRANSFERS OF PROPERTY FROM THE STATE TO A LOCAL~~
17 ~~GOVERNMENT FOR THE PURPOSE OF OUTDOOR RECREATION, OPEN SPACE,~~
18 ~~CONSERVATION, OR PRESERVATION.~~

19 ~~(D) THE DEPARTMENT OF PLANNING SHALL:~~

20 ~~(1) NOTIFY THE SENATE BUDGET AND TAXATION COMMITTEE AND THE~~
21 ~~HOUSE APPROPRIATIONS COMMITTEE IN WRITING BY FIRST CLASS MAIL~~
22 ~~REGARDING THE IDENTIFICATION OF THE PROPERTY AS SURPLUS PROPERTY, THE~~
23 ~~REASON FOR CONSIDERING THE PROPERTY TO BE SURPLUS PROPERTY, AND ANY~~
24 ~~OTHER RELEVANT INFORMATION;~~

25 ~~(2) PROVIDE PERSONAL NOTICE BY CERTIFIED MAIL TO THE MEMBERS~~
26 ~~OF THE GENERAL ASSEMBLY WHO REPRESENT THE DISTRICT WITHIN WHICH THE~~
27 ~~PROPERTY IS LOCATED REGARDING THE IDENTIFICATION OF THE PROPERTY AS~~
28 ~~SURPLUS PROPERTY, THE REASON FOR CONSIDERING THE PROPERTY TO BE~~
29 ~~SURPLUS PROPERTY, AND ANY OTHER RELEVANT INFORMATION;~~

30 ~~(3) NOTIFY ADJACENT PROPERTY OWNERS IN WRITING BY FIRST CLASS~~
31 ~~MAIL REGARDING THE IDENTIFICATION OF THE PROPERTY AS SURPLUS PROPERTY,~~
32 ~~THE REASON FOR CONSIDERING THE PROPERTY TO BE SURPLUS PROPERTY, AND~~
33 ~~ANY OTHER RELEVANT INFORMATION;~~

34 ~~(4) CREATE AND MAINTAIN A COMPLETE PUBLIC RECORD ON THE~~
35 ~~PROPERTY;~~

36 ~~(5) PUBLISH NOTICE OF THE IDENTIFICATION OF THE PROPERTY AS~~
37 ~~SURPLUS PROPERTY AT LEAST 14 DAYS BEFORE THE DATE SET FOR THE HEARING~~
38 ~~UNDER PARAGRAPH (6) OF THIS SUBSECTION IN AT LEAST;~~

39 ~~(I) ONE LOCAL NEWSPAPER OF GENERAL CIRCULATION IN THE~~
40 ~~COUNTY OR THE LEGISLATIVE DISTRICT IN WHICH THE PROPERTY IS LOCATED; AND~~

1 ~~(H) ONE NEWSPAPER OF STATEWIDE CIRCULATION; AND~~

2 ~~(6) CONDUCT A PUBLIC HEARING ON THE IDENTIFICATION OF THE~~
3 ~~PROPERTY AS SURPLUS PROPERTY IN THE COUNTY OR LEGISLATIVE DISTRICT IN~~
4 ~~WHICH THE PROPERTY IS LOCATED.~~

5 ~~(E) (1) BASED ON THE PUBLIC RECORD OF THE PROPERTY CREATED UNDER~~
6 ~~SUBSECTION (D)(4) OF THIS SECTION AND THE RESULTS OF THE PUBLIC HEARING~~
7 ~~CONDUCTED UNDER SUBSECTION (D)(6) OF THIS SECTION, THE DEPARTMENT OF~~
8 ~~PLANNING, IN CONJUNCTION WITH THE DEPARTMENT OF NATURAL RESOURCES,~~
9 ~~SHALL RECOMMEND WHETHER OR NOT THE PROPERTY IS TO BE DECLARED AS~~
10 ~~SURPLUS PROPERTY.~~

11 ~~(2) IF THE PROPERTY IS DECLARED SURPLUS PROPERTY:~~

12 ~~(1) THE DEPARTMENT OF PLANNING SHALL DETERMINE, IN~~
13 ~~CONSULTATION WITH THE LOCAL GOVERNING BODY OF THE JURISDICTION IN~~
14 ~~WHICH THE PROPERTY IS LOCATED, THAT THE PROPOSED DISPOSITION CONFORMS~~
15 ~~TO THE LOCAL COMPREHENSIVE PLAN; AND~~

16 ~~(H) THE DEPARTMENT OF GENERAL SERVICES:~~

17 ~~1. SHALL HAVE THE PROPERTY APPRAISED BY AT LEAST~~
18 ~~ONE INDEPENDENT APPRAISER, WHO SHALL CONSIDER THE VALUE OF ANY~~
19 ~~CONSERVATION EASEMENT IN THE APPRAISAL OF THE FAIR MARKET VALUE OF THE~~
20 ~~PROPERTY; AND~~

21 ~~2. MAY NOT PUBLICLY DISCLOSE THE APPRAISED VALUE.~~

22 ~~(F) (1) WITHIN 60 DAYS AFTER THE DATE THAT PROPERTY HAS BEEN~~
23 ~~DECLARED SURPLUS PROPERTY UNDER SUBSECTION (E) OF THIS SECTION, A UNIT~~
24 ~~OF FEDERAL, STATE, OR LOCAL GOVERNMENT THAT IS INTERESTED IN ACQUIRING~~
25 ~~THE PROPERTY SHALL NOTIFY THE LEGISLATIVE POLICY COMMITTEE OF THE~~
26 ~~GENERAL ASSEMBLY, THE BOARD, AND THE DEPARTMENT OF PLANNING OF ITS~~
27 ~~INTEREST.~~

28 ~~(2) THE DEPARTMENT OF PLANNING SHALL NOTIFY THE BOARD AND~~
29 ~~PROMPTLY SUBMIT THE PUBLIC RECORD OF THE PROPERTY TO THE LEGISLATIVE~~
30 ~~POLICY COMMITTEE IF:~~

31 ~~(1) THERE IS INTEREST IN ACQUIRING THE PROPERTY UNDER~~
32 ~~PARAGRAPH (1) OF THIS SUBSECTION; OR~~

33 ~~(H) IT HAS BEEN DETERMINED THAT THERE IS NO UNIT OF~~
34 ~~FEDERAL, STATE, OR LOCAL GOVERNMENT THAT IS INTERESTED IN ACQUIRING THE~~
35 ~~PROPERTY.~~

36 ~~(G) (1) (1) EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS~~
37 ~~PARAGRAPH, IF THE LEGISLATIVE POLICY COMMITTEE RECEIVES NOTIFICATION~~
38 ~~UNDER SUBSECTION (F)(1) OF THIS SECTION, THE LEGISLATIVE POLICY COMMITTEE~~

1 ~~SHALL REVIEW THE PUBLIC RECORD AND PROVIDE COMMENTS TO THE~~
2 ~~DEPARTMENT OF PLANNING WITHIN 45 DAYS AFTER RECEIPT OF NOTIFICATION.~~

3 ~~(H) IF THE LEGISLATIVE POLICY COMMITTEE REQUIRES~~
4 ~~ADDITIONAL INFORMATION TO COMPLETE ITS REVIEW, THE LEGISLATIVE POLICY~~
5 ~~COMMITTEE SHALL PROVIDE COMMENTS TO THE DEPARTMENT OF PLANNING~~
6 ~~WITHIN 105 DAYS AFTER RECEIPT OF NOTIFICATION.~~

7 ~~(2) THE LEGISLATIVE POLICY COMMITTEE MAY:~~

8 ~~(1) APPROVE THE PROPOSED DISPOSITION OF THE SURPLUS~~
9 ~~PROPERTY; OR~~

10 ~~(H) REFER THE PROPOSED DISPOSITION OF THE SURPLUS~~
11 ~~PROPERTY TO THE FULL GENERAL ASSEMBLY.~~

12 ~~(3) IF THE PROPOSED DISPOSITION OF THE SURPLUS PROPERTY IS~~
13 ~~REFERRED BY THE LEGISLATIVE POLICY COMMITTEE TO THE FULL GENERAL~~
14 ~~ASSEMBLY, THE PROPOSED DISPOSITION IS SUBJECT TO APPROVAL BY LEGISLATION~~
15 ~~DURING THE NEXT LEGISLATIVE SESSION OF THE GENERAL ASSEMBLY.~~

16 ~~(H) (1) IF THE LEGISLATIVE POLICY COMMITTEE APPROVES THE PROPOSED~~
17 ~~DISPOSITION OF THE SURPLUS PROPERTY UNDER SUBSECTION (G)(2)(I) OF THIS~~
18 ~~SECTION OR THE FULL GENERAL ASSEMBLY APPROVES THE PROPOSED DISPOSITION~~
19 ~~BY LEGISLATION UNDER SUBSECTION (G)(3) OF THIS SECTION, THE DEPARTMENT OF~~
20 ~~GENERAL SERVICES SHALL CONDUCT A PUBLIC AUCTION OF THE PROPERTY.~~

21 ~~(2) THE BOARD SHALL DETERMINE WHETHER THE AUCTION PRICE~~
22 ~~OFFERED IS:~~

23 ~~(1) THE PRICE MOST FAVORABLE TO THE STATE; OR~~

24 ~~(H) NOT LESS THAN THE APPRAISED VALUE OF THE PROPERTY,~~
25 ~~UNLESS OTHERWISE JUSTIFIED BY AN AGREEMENT FOR THE PURPOSE OF~~
26 ~~CONSERVATION, PRESERVATION, OR PUBLIC USE.~~

27 ~~(1) (1) BEFORE THE DISPOSITION OF ANY PROPERTY SUBJECT TO THIS~~
28 ~~SECTION, THE DEPARTMENT OF PLANNING SHALL CAUSE TO BE PLACED ON THE~~
29 ~~PROPERTY CONSERVATION EASEMENTS THAT:~~

30 ~~(1) ARE RETAINED BY THE STATE; AND~~

31 ~~(H) PROHIBIT THE DEVELOPMENT OF AND ANY ADVERSE IMPACT~~
32 ~~TO SENSITIVE ENVIRONMENTAL RESOURCES THAT ARE LOCATED ON THE PROPERTY.~~

33 ~~(2) ANY REVENUES DERIVED FROM THE DISPOSITION OF PROPERTY~~
34 ~~SUBJECT TO THIS SECTION:~~

1 ~~(I) SHALL BE DEPOSITED INTO THE STATE SHARE OF THE~~
 2 ~~ADVANCE OPTION AND PURCHASE FUND UNDER § 5-904(B) OF THE NATURAL~~
 3 ~~RESOURCES ARTICLE FOR THE ACQUISITION OF PROPERTY; AND~~

4 ~~(II) MAY NOT REVERT TO THE GENERAL FUND.~~

5 (B) (1) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS
 6 PARAGRAPH, THIS SUBSECTION APPLIES TO THE SALE, TRANSFER, GRANT, OR
 7 EXCHANGE OF:

8 1. REAL PROPERTY IDENTIFIED UNDER § 5-310(C)(1) OF THIS
 9 ARTICLE; AND

10 2. STATE-OWNED REAL OR PERSONAL PROPERTY, FUNDED
 11 IN ACCORDANCE WITH AN APPROPRIATION ACT OF THE GENERAL ASSEMBLY, THAT
 12 HAS AN APPRAISED VALUE OVER \$100,000.

13 (II) THIS SUBSECTION DOES NOT APPLY TO THE FOLLOWING
 14 DISPOSITIONS OF PROPERTY IDENTIFIED IN SUBPARAGRAPH (I) OF THIS
 15 PARAGRAPH:

16 1. LEASING THE PROPERTY; OR

17 2. THE SALE, TRANSFER, GRANT, OR EXCHANGE OF A
 18 CORRECTIVE OR ACCESS EASEMENT ON THE PROPERTY.

19 (2) THE BOARD MAY NOT APPROVE THE SALE, TRANSFER, EXCHANGE,
 20 OR GRANT OF PROPERTY UNTIL:

21 (I) THE DEPARTMENT OF GENERAL SERVICES HAS SUBMITTED TO
 22 THE BOARD TWO INDEPENDENT APPRAISALS OF THE PROPERTY THAT:

23 1. WITH REGARD TO REAL PROPERTY, CONSIDER THE VALUE
 24 OF ANY RESTRICTIVE COVENANT THAT MAY BE PLACED ON THE PROPERTY; AND

25 2. MAY NOT BE PUBLICLY DISCLOSED IF THE PROPERTY IS
 26 TO BE SOLD AT AUCTION;

27 (II) THE FOLLOWING INFORMATION HAS BEEN SUBMITTED, BY
 28 ELECTRONIC MAIL OR FACSIMILE AND BY CERTIFIED MAIL, TO THE SENATE BUDGET
 29 AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND, FOR
 30 PROPERTY THAT MEETS BOTH CRITERIA OF PARAGRAPH (1)(I) OF THIS SUBSECTION,
 31 THE LEGISLATIVE POLICY COMMITTEE:

32 1. A DESCRIPTION OF THE PROPERTY; AND

33 2. IF APPLICABLE, ANY JUSTIFICATION FOR NOT SELLING,
 34 TRANSFERRING, EXCHANGING, OR GRANTING THE PROPERTY IN A MANNER THAT
 35 GENERATES THE HIGHEST RETURN FOR THE STATE;

36 (III) 45 DAYS HAVE ELAPSED SINCE:

1 1. THE INFORMATION REQUIRED BY ITEM (II) OF THIS
2 PARAGRAPH WAS RECEIVED BY THE APPROPRIATE COMMITTEES; AND

3 2. THE BOARD DECLARED THE PROPERTY SURPLUS; AND

4 (IV) EXCEPT FOR PROPERTY SOLD UNDER PARAGRAPH (4) OF THIS
5 SUBSECTION, FOR PROPERTY THAT MEETS BOTH CRITERIA UNDER PARAGRAPH (1)(I)
6 OF THIS SUBSECTION AND FOR WHICH THE BOARD INTENDS TO APPROVE A FEE
7 SIMPLE SALE, TRANSFER, EXCHANGE, OR GRANT, THE GENERAL ASSEMBLY HAS
8 APPROVED THE PROPOSED DISPOSITION AS PROVIDED UNDER PARAGRAPH (3) OF
9 THIS SUBSECTION.

10 (3) (I) WITHIN 45 DAYS AFTER RECEIVING THE INFORMATION
11 SUBMITTED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE LEGISLATIVE POLICY
12 COMMITTEE SHALL:

13 1. REVIEW THE INFORMATION AND THE PUBLIC RECORD
14 CREATED BY THE DEPARTMENT OF PLANNING FOR THE PROPERTY; AND

15 2. A. APPROVE THE PROPOSED DISPOSITION OF THE
16 SURPLUS PROPERTY AND REFER THE PROPERTY BACK TO THE BOARD FOR FINAL
17 DISPOSITION; OR

18 B. REFER THE PROPOSED DISPOSITION OF THE PROPERTY
19 TO THE FULL GENERAL ASSEMBLY AND NOTIFY THE BOARD OF THE REFERRAL.

20 (II) IF THE LEGISLATIVE POLICY COMMITTEE FAILS TO TAKE ANY
21 ACTION UNDER SUBPARAGRAPH (1)2 OF THIS PARAGRAPH WITHIN THE SPECIFIED
22 TIME PERIOD, THE PROPOSED DISPOSITION SHALL BE DEEMED APPROVED BY THE
23 COMMITTEE.

24 (III) 1. IF THE PROPOSED DISPOSITION OF THE SURPLUS
25 PROPERTY IS REFERRED BY THE LEGISLATIVE POLICY COMMITTEE TO THE FULL
26 GENERAL ASSEMBLY, THE PROPOSED DISPOSITION MAY NOT BE APPROVED BY THE
27 BOARD UNLESS IT IS APPROVED BY THE PASSAGE OF LEGISLATION DURING THE
28 NEXT LEGISLATIVE SESSION OF THE GENERAL ASSEMBLY.

29 2. IN ANY LEGISLATION PASSED IN ACCORDANCE WITH
30 SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE GENERAL ASSEMBLY MAY
31 APPROVE THE PROPOSED DISPOSITION WITH OR WITHOUT CONDITIONS.

32 (4) IF THE BOARD HAS DECLARED THE PROPERTY SURPLUS, THE BOARD
33 SHALL SELL THE PROPERTY TO THE FEDERAL GOVERNMENT, A LOCAL
34 GOVERNMENT, OR A UNIT OF FEDERAL OR LOCAL GOVERNMENT FOR \$1.00, IF:

35 (I) THE GOVERNMENT OR UNIT HAS INDICATED ITS INTEREST IN
36 ACQUIRING THE LAND; AND

37 (II) A RESTRICTIVE COVENANT IS PLACED ON THE DEED OF
38 TRANSFER, IN ACCORDANCE WITH § 5-906(E)(7) AND (8) OF THE NATURAL RESOURCES

1 ARTICLE, THAT REQUIRES THE PROPERTY TO BE MAINTAINED IN A USE THAT IS
2 CONSISTENT WITH ITS USE AT THE TIME OF TRANSFER.

3 (5) ANY REVENUES DERIVED FROM THE SALE, TRANSFER, EXCHANGE,
4 OR GRANT OF PROPERTY IDENTIFIED UNDER PARAGRAPH (1)(D) OF THIS
5 SUBSECTION SHALL BE DEPOSITED IN THE ADVANCE OPTION AND PURCHASE FUND
6 UNDER § 5-904(B) OF THE NATURAL RESOURCES ARTICLE.

7 [(b)] (C) Except as otherwise provided in this section:

8 (1) if any real or personal property disposed of under this section is not
9 under the jurisdiction or control of any particular unit of the State government, the
10 deed, lease, or other evidence of conveyance of the real or personal property shall be
11 executed by the Board; and

12 (2) if any real or personal property disposed of under this section is under
13 the jurisdiction or control of a unit of the State government, the deed, lease, or other
14 evidence of conveyance of the real or personal property shall be executed by the highest
15 official of the unit and by the Board.

16 [(c)] (D) (1) Whenever any unit of the State government leases any
17 State-owned property under its jurisdiction and control to any State employee, agent,
18 or servant, or to any other individual in State service, for the purpose of permitting the
19 individual to maintain a residence on or in the property, the lease shall be:

20 (i) executed by the unit; and

21 (ii) approved by the Secretary of General Services.

22 (2) The lease is not valid unless the Secretary of General Services
23 approves it.

24 (3) Whenever any unit of the State government leases any State-owned
25 property under its jurisdiction and control to any lessee, the lease shall include a
26 provision which prohibits the lessee from assigning or subleasing that property
27 without the prior approval of the Board of Public Works.

28 (4) Whenever the State Highway Administration leases any State-owned
29 property under its jurisdiction and control to any person, the Administrator of the
30 State Highway Administration may execute the lease if:

31 (i) the lease is entered into on a 30-day renewable basis; and

32 (ii) the duration of the tenancy does not exceed 1 year.

33 (5) At least twice each year, the Administrator of the State Highway
34 Administration shall submit a report of the leases executed under the authority
35 granted in paragraph (4) of this subsection to the Board of Public Works.

1 [(d)] (E) (1) On the sale, lease, transfer, exchange, or other disposition of any
 2 real or personal property owned or controlled by the State Retirement and Pension
 3 System or the State of Maryland for the use of the Board of Trustees of the State
 4 Retirement and Pension System, any conveyancing document shall be executed in the
 5 manner provided in Division II of the State Personnel and Pensions Article.

6 (2) Any sale, lease, transfer, exchange or other disposition of any real or
 7 personal property owned or controlled by the State Retirement and Pension System or
 8 the State of Maryland for the use of the Board of Trustees of the State Retirement and
 9 Pension System by a conveyancing document executed by or for the Board of Trustees of
 10 the State Retirement and Pension System before October 1, 1994 in the manner
 11 provided under former Article 73B is ratified and confirmed.

12 [(e)] (F) All conveyances under this section shall be made in the name of the
 13 State of Maryland, acting through the executing authority provided for in this section.

14 [(f)] (G) This section does not apply to any lease or other temporary transfer,
 15 grant, or disposition of State real or personal property in connection with a
 16 procurement made subject to § 11-202(3) of this article.

17 [(g)] (H) The Department of Budget and Management and Department of
 18 General Services, with the approval of the Board, shall adopt regulations in
 19 accordance with Title 10, Subtitle 1 of the State Government Article to implement the
 20 provisions of this section.

21 **Article - Tax - Property**

22 13-209.

23 (f) (1) (I) [For] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
 24 PARAGRAPH, FOR any fiscal year in which the actual transfer tax revenue collections
 25 are greater than the revenue estimates used as the basis for the appropriations
 26 required under this section for the fiscal year, the amount of the excess shall be
 27 allocated to the special fund under subsection (a) of this section as provided under
 28 subsections (c) and (d) of this section for the second fiscal year following the fiscal year
 29 in which there is an excess.

30 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH
 31 OR ANY OTHER PROVISION OF LAW, IN ANY FISCAL YEAR IN WHICH AN
 32 APPROPRIATION OR TRANSFER IS MADE FROM THE SPECIAL FUND TO THE GENERAL
 33 FUND, IF THE ACTUAL TRANSFER TAX REVENUE COLLECTIONS FOR THE PRIOR
 34 FISCAL YEAR EXCEED THE BUDGET ESTIMATE FOR THE PRIOR FISCAL YEAR, THE
 35 EXCESS SHALL BE ALLOCATED IN THE CURRENT FISCAL YEAR FOR PROGRAM OPEN
 36 SPACE, THE AGRICULTURAL LAND PRESERVATION FUND, THE RURAL LEGACY
 37 PROGRAM, AND THE HERITAGE CONSERVATION FUND. FUNDS MADE AVAILABLE
 38 UNDER THIS SUBPARAGRAPH SHALL BE ALLOCATED AS PROVIDED UNDER
 39 SUBSECTION (D) OF THIS SECTION.

1 (G) (1) NOTWITHSTANDING § 7-311(J) OF THE STATE FINANCE AND
2 PROCUREMENT ARTICLE, SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR
3 FISCAL YEAR 2012 AND FOR EACH SUBSEQUENT FISCAL YEAR, IF THE
4 UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND
5 PRECEDING YEAR EXCEEDS \$10,000,000, THE GOVERNOR SHALL INCLUDE IN THE
6 BUDGET BILL A GENERAL FUND APPROPRIATION TO THE SPECIAL FUND UNDER
7 SUBSECTION (A) OF THIS SECTION IN AN AMOUNT EQUAL TO AT LEAST THE LESSER
8 OF \$50,000,000 OR THE EXCESS SURPLUS OVER \$10,000,000.

9 (2) FOR ANY FISCAL YEAR TO WHICH THIS SUBSECTION APPLIES:

10 (I) UNLESS THE UNAPPROPRIATED GENERAL FUND SURPLUS AS
11 OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF
12 \$10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE SPECIAL
13 FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION TO THE
14 REVENUE STABILIZATION ACCOUNT UNDER § 7-311(J) OF THE STATE FINANCE AND
15 PROCUREMENT ARTICLE IS NOT REQUIRED; AND

16 (II) IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF
17 JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF \$10,000,000
18 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE SPECIAL FUND UNDER
19 PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION REQUIRED TO THE
20 REVENUE STABILIZATION ACCOUNT UNDER § 7-311(J) OF THE STATE FINANCE AND
21 PROCUREMENT ARTICLE SHALL EQUAL THE AMOUNT BY WHICH THAT SURPLUS
22 EXCEEDS THE SUM OF \$10,000,000 AND THE AMOUNT APPROPRIATED TO THE
23 SPECIAL FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION.

24 (3) (I) THE CUMULATIVE AMOUNT REQUIRED TO BE APPROPRIATED
25 TO THE SPECIAL FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR ALL FISCAL
26 YEARS SHALL EQUAL THE CUMULATIVE AMOUNT OF ANY APPROPRIATION OR
27 TRANSFER FROM THE SPECIAL FUND TO THE GENERAL FUND FOR FISCAL YEAR 2006
28 AND FOR EACH SUBSEQUENT FISCAL YEAR, REDUCED BY:

29 1. THE AMOUNT OF ANY APPROPRIATION OR TRANSFER
30 FROM THE GENERAL FUND TO THE SPECIAL FUND FOR ANY FISCAL YEAR IN EXCESS
31 OF THE AMOUNT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THAT
32 FISCAL YEAR; AND

33 2. THE AMOUNT OF ANY APPROPRIATION OR TRANSFER
34 FROM THE GENERAL FUND TO THE SPECIAL FUND FOR ANY FISCAL YEAR IN WHICH
35 THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT
36 REQUIRED.

37 (II) THIS SUBSECTION DOES NOT APPLY TO ANY FISCAL YEAR IF A
38 CUMULATIVE AMOUNT HAS BEEN APPROPRIATED TO THE SPECIAL FUND FOR PRIOR
39 FISCAL YEARS UNDER THIS SUBSECTION EQUAL TO THE CUMULATIVE AMOUNT OF
40 ANY APPROPRIATION OR TRANSFER FROM THE SPECIAL FUND TO THE GENERAL
41 FUND FOR FISCAL YEAR 2006 AND FOR EACH SUBSEQUENT FISCAL YEAR, REDUCED
42 BY:

1 1. THE AMOUNT OF ANY APPROPRIATION OR TRANSFER
 2 FROM THE GENERAL FUND TO THE SPECIAL FUND FOR ANY FISCAL YEAR IN EXCESS
 3 OF THE AMOUNT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THAT
 4 FISCAL YEAR; AND

5 2. THE AMOUNT OF ANY APPROPRIATION OR TRANSFER
 6 FROM THE GENERAL FUND TO THE SPECIAL FUND FOR ANY FISCAL YEAR IN WHICH
 7 THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT
 8 REQUIRED.

9 (III) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS
 10 SUBPARAGRAPH, THIS SUBSECTION DOES NOT APPLY TO ANY FISCAL YEAR FOR
 11 WHICH THE GOVERNOR IS REQUIRED UNDER § 3-216(G) OF THE TRANSPORTATION
 12 ARTICLE TO INCLUDE AN APPROPRIATION TO THE TRANSPORTATION TRUST FUND.

13 2. THIS SUBSECTION APPLIES IN ANY FISCAL YEAR IN
 14 WHICH THE CUMULATIVE AMOUNT REQUIRED TO BE APPROPRIATED UNDER §
 15 3-216(G) OF THE TRANSPORTATION ARTICLE HAS BEEN PAID AND THERE IS EXCESS
 16 SURPLUS UNDER SUBSECTION (G)(1) OF THIS SECTION.

17 Article - Natural Resources

18 5-903.

19 (a) (1) Of the funds distributed to Program Open Space under § 13-209 of
 20 the Tax - Property Article, \$1,000,000 may be transferred by an appropriation in the
 21 State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the
 22 State Finance and Procurement Article, to the Maryland Heritage Areas Authority
 23 Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions
 24 Article to be used for the purposes provided in that subtitle.

25 (2) (i) Of the remaining funds not appropriated under paragraph (1) of
 26 this subsection, one half of the funds shall be used for recreation and open space
 27 purposes by the Department and the Historic St. Mary's City Commission. Except as
 28 otherwise provided in this section, any funds the General Assembly appropriates to the
 29 State under this subsection shall be used only for land acquisition projects.

30 (ii) [A portion] AT LEAST \$1,500,000 of the State's share of funds
 31 available under this program shall be utilized to make grants to Baltimore City for
 32 projects which meet park purposes. The grants shall be in addition to any funds
 33 Baltimore City is eligible to receive under subsection (b) of this section, and may be
 34 used for acquisition or development. In order for Baltimore City to be eligible for a
 35 State grant, the Department shall review projects or land to be acquired within
 36 Baltimore City, and upon the Department's recommendation, the Board of Public
 37 Works may approve projects and land including the cost. Title to the land shall be in
 38 the name of the Mayor and City Council of Baltimore City. The State is not responsible
 39 for costs involved in the development or maintenance of the land.

1 (iii) 1. A portion of the State's share of funds available under this
 2 Program not to exceed the amounts specified below may be transferred by an
 3 appropriation in the State budget to the Rural Legacy Program under Title 5, Subtitle
 4 9A of this article:

5 A. In fiscal year 1998, \$4 million;

6 B. In fiscal year 1999, \$5 million;

7 C. In fiscal year 2000, \$6 million;

8 D. In fiscal year 2001, \$7 million; and

9 E. In fiscal year 2002 and each fiscal year thereafter, \$8
 10 million.

11 2. In each fiscal year, up to \$2 million of the funds transferred
 12 under this subparagraph to the Rural Legacy Program may be used to purchase zero
 13 coupon bonds for easements.

14 3. Sums allocated to the Rural Legacy Program may not
 15 revert to the General Fund of the State.

16 (b) Of the remaining funds not appropriated under subsection (a)(1) of this
 17 section, the General Assembly shall appropriate the other half of the funds to assist
 18 local governing bodies in acquisition and development of land for recreation and open
 19 space purposes.

20 ~~1. IT HOLDS A PUBLIC HEARING ON THE PROPOSED SALE IN~~
 21 ~~THE COUNTY OR THE LEGISLATIVE DISTRICT IN WHICH THE PROPERTY IS LOCATED;~~

22 ~~2. IT DETERMINES THAT ANOTHER ENTITY OF STATE OR~~
 23 ~~LOCAL GOVERNMENT DOES NOT DESIRE TO ACQUIRE THE PROPERTY;~~

24 ~~3. IT HAS THE PROPERTY APPRAISED BY AT LEAST TWO~~
 25 ~~INDEPENDENT APPRAISERS;~~

26 ~~4. IT CONDUCTS A PUBLIC AUCTION OF THE PROPERTY;~~

27 ~~5. IT DETERMINES THAT THE AUCTION PRICE OFFERED IS~~
 28 ~~NOT LESS THAN THE APPRAISED VALUE OF THE PROPERTY; AND~~

29 ~~6. THE GENERAL ASSEMBLY BY LEGISLATION APPROVES~~
 30 ~~THE TRANSACTION AT ITS NEXT SESSION.~~

31 ~~(III) NOT LATER THAN 14 DAYS BEFORE THE DATE SET FOR THE~~
 32 ~~HEARING UNDER SUBPARAGRAPH (II)1 OF THIS PARAGRAPH, THE BOARD SHALL~~
 33 ~~CAUSE A NOTICE OF THE PROPOSED DISPOSITION OF THE PROPERTY TO BE~~
 34 ~~PUBLISHED IN AT LEAST:~~

1 1. ~~ONE LOCAL NEWSPAPER OF GENERAL CIRCULATION IN~~
 2 ~~THE COUNTY OR THE LEGISLATIVE DISTRICT IN WHICH THE PROPERTY IS LOCATED;~~
 3 ~~AND~~

4 2. ~~ONE NEWSPAPER OF STATEWIDE CIRCULATION.~~

5 (IV) ~~PRIOR TO THE DISPOSITION OF PROPERTY SUBJECT TO THIS~~
 6 ~~PARAGRAPH, THE BOARD SHALL CAUSE TO BE PLACED ON THE PROPERTY~~
 7 ~~CONSERVATION EASEMENTS THAT:~~

8 1. ~~ARE RETAINED BY THE STATE; AND~~

9 2. ~~PROHIBIT THE DEVELOPMENT OF AND ANY ADVERSE~~
 10 ~~IMPACT TO SENSITIVE ENVIRONMENTAL RESOURCES THAT ARE LOCATED ON THE~~
 11 ~~PROPERTY.~~

12 (V) ~~THE BOARD MAY NOT COMPLETE A TRANSACTION FOR THE~~
 13 ~~DISPOSITION OF PROPERTY SUBJECT TO THIS PARAGRAPH TO A~~
 14 ~~NONGOVERNMENTAL ENTITY UNLESS IT DETERMINES THAT THE PROPOSED USE OF~~
 15 ~~THE PROPERTY CONFORMS TO THE LOCAL GOVERNMENT COMPREHENSIVE PLAN IN~~
 16 ~~THE JURISDICTION WHERE THE PROPERTY IS LOCATED.~~

17 (VI) ~~ANY REVENUES DERIVED FROM THE SALE, LEASE, TRANSFER,~~
 18 ~~EXCHANGE, GRANT, OR OTHER DISPOSITION OF PROPERTY SUBJECT TO THIS~~
 19 ~~PARAGRAPH SHALL BE DEPOSITED IN THE ADVANCE OPTION AND PURCHASE FUND~~
 20 ~~UNDER § 5-904(B) OF THE NATURAL RESOURCES ARTICLE.~~

21 (VII) ~~WITH REGARD TO EACH CATEGORY OF PROPERTY SUBJECT TO~~
 22 ~~THIS PARAGRAPH, THE DEPARTMENT OF NATURAL RESOURCES OR THE~~
 23 ~~DEPARTMENT OF AGRICULTURE, AS APPROPRIATE, SHALL:~~

24 1. ~~ADOPT OBJECTIVE, MEASURABLE CRITERIA TO ASSESS~~
 25 ~~THE ENVIRONMENTAL, AGRICULTURAL, AND OTHER SIGNIFICANT PUBLIC~~
 26 ~~FEATURES OF THE PROPERTY;~~

27 2. ~~EVALUATE EACH PROPERTY THAT IS CONSIDERED OR~~
 28 ~~PROPOSED FOR DISPOSITION UNDER THIS SECTION AGAINST THOSE CRITERIA;~~

29 3. ~~PREPARE A WRITTEN ANALYSIS OF ITS FINDINGS AND~~
 30 ~~DETERMINATIONS; AND~~

31 4. ~~MAINTAIN A COMPLETE AND PUBLIC RECORD OF THE~~
 32 ~~ANALYSIS.~~

33 (b) ~~Except as otherwise provided in this section:~~

34 (1) ~~if any real or personal property disposed of under this section is not~~
 35 ~~under the jurisdiction or control of any particular unit of the State government, the~~
 36 ~~deed, lease, or other evidence of conveyance of the real or personal property shall be~~
 37 ~~executed by the Board; and~~

1 (2) if any real or personal property disposed of under this section is
2 under the jurisdiction or control of a unit of the State government, the deed, lease, or
3 other evidence of conveyance of the real or personal property shall be executed by the
4 highest official of the unit and by the Board.

5 (e) (1) Whenever any unit of the State government leases any State-owned
6 property under its jurisdiction and control to any State employee, agent, or servant,
7 or to any other individual in State service, for the purpose of permitting the
8 individual to maintain a residence on or in the property, the lease shall be:

9 (i) executed by the unit; and

10 (ii) approved by the Secretary of General Services.

11 (2) The lease is not valid unless the Secretary of General Services
12 approves it.

13 (3) Whenever any unit of the State government leases any State-owned
14 property under its jurisdiction and control to any lessee, the lease shall include a
15 provision which prohibits the lessee from assigning or subleasing that property
16 without the prior approval of the Board of Public Works.

17 (4) Whenever the State Highway Administration leases any
18 State-owned property under its jurisdiction and control to any person, the
19 Administrator of the State Highway Administration may execute the lease if:

20 (i) the lease is entered into on a 30-day renewable basis; and

21 (ii) the duration of the tenancy does not exceed 1 year.

22 (5) At least twice each year, the Administrator of the State Highway
23 Administration shall submit a report of the leases executed under the authority
24 granted in paragraph (4) of this subsection to the Board of Public Works.

25 (d) (1) On the sale, lease, transfer, exchange, or other disposition of any real
26 or personal property owned or controlled by the State Retirement and Pension System
27 or the State of Maryland for the use of the Board of Trustees of the State Retirement
28 and Pension System, any conveyancing document shall be executed in the manner
29 provided in Division II of the State Personnel and Pensions Article.

30 (2) Any sale, lease, transfer, exchange or other disposition of any real or
31 personal property owned or controlled by the State Retirement and Pension System or
32 the State of Maryland for the use of the Board of Trustees of the State Retirement and
33 Pension System by a conveyancing document executed by or for the Board of Trustees
34 of the State Retirement and Pension System before October 1, 1994 in the manner
35 provided under former Article 73B is ratified and confirmed.

36 (e) All conveyances under this section shall be made in the name of the State
37 of Maryland, acting through the executing authority provided for in this section.

1 (f) ~~This section does not apply to any lease or other temporary transfer, grant,~~
2 ~~or disposition of State real or personal property in connection with a procurement~~
3 ~~made subject to § 11-202(3) of this article.~~

4 (g) ~~The Department of Budget and Management and Department of General~~
5 ~~Services, with the approval of the Board, shall adopt regulations in accordance with~~
6 ~~Title 10, Subtitle 1 of the State Government Article to implement the provisions of~~
7 ~~this section.~~

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

9 (a) On or before December 1, 2005, the Department of Natural Resources, in
10 cooperation with the Department of Planning, the Department of General Services,
11 and the Department of Budget and Management, shall study and report to the
12 Governor and, in accordance with § 2-1246 of the State Government Article, the
13 Senate Education, Health, and Environmental Affairs and Budget and Taxation
14 Committees and the House Environmental Matters and Appropriations Committees
15 with a summary of the lease, license, and easement interests related to the use of
16 State-owned land that is managed by the Department of Natural Resources, but used
17 by entities other than the Department of Natural Resources.

18 (b) The summary required under subsection (a) of this section shall include:

19 (1) The number, terms, and nature of each type of property interest;

20 (2) The types and use of capital improvements authorized, the
21 environmental impacts associated with these uses and capital improvements, and the
22 consistency of these uses and improvements with federal, State, and local law;

23 (3) Policies and procedures related to each type of use;

24 (4) Restrictions on the use or disposition of these lands;

25 (5) The nature of any governmental or nongovernmental activities, other
26 than those of the Department of Natural Resources, their associated revenues, and
27 the disposition of these revenues;

28 (6) The nature of any commercial or for profit activities, their associated
29 revenues, and the disposition of these revenues;

30 (7) The nature of any not for profit activities, their associated revenues,
31 and the disposition of those revenues;

32 (8) The public benefit derived from these property interests; and

33 (9) Opportunities for future property interests that would protect or
34 enhance the ability of the State to maintain the natural, environmental, and historic
35 resources of these lands while increasing public education, use, enjoyment, and
36 economic value of the State's managed land resources.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act
2 may not be interpreted to apply to outdoor recreation, open space, conservation,
3 preservation, park, or forest real property located in Garrett County and owned by the
4 State in fee simple that, on or before July 1, 2005, was subject to a pending or active
5 sale, transfer, or disposal agreement between a county or counties and the State.

6 SECTION ~~2, 3, 4~~ AND BE IT FURTHER ENACTED, That this Act shall take
7 effect ~~October~~ July 1, 2005.