

Chapter 243

(House Bill 356)

AN ACT concerning

Department of General Services – Deep Creek Lake Buy Down Area Program – Extension

FOR the purpose of ~~authorizing~~ requiring the Department of General Services to establish ~~a program~~ the Deep Creek Lake Buy Down Area Program to offer the owners of certain properties adjoining Deep Creek Lake the right to purchase certain land at a certain price not to exceed a certain amount; requiring the ~~program~~ Program to be administered in a certain manner; exempting certain property transactions made under the Program from certain property requirements; providing that the parcels sold under the ~~program~~ Program are subject to the same covenants and restrictions as parcels sold under a similar program; providing that a portion of the proceeds received from the sale of any property under the program Program be used in a certain manner; providing that all proceeds in excess of a certain reimbursement amount be disposed of in a certain manner credited to the Deep Creek Lake Recreation Maintenance and Management Fund; providing that revenue from the sale of certain property distributed to the Deep Creek Lake Recreation Maintenance and Management Fund may be used only by the Department for certain land purchases; providing for the termination of certain provisions of this Act; and generally relating to the disposition of certain properties around Deep Creek Lake.

BY repealing and reenacting, without amendments,

Article – Natural Resources
Section 5–215(a) and (b)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 5–215(c)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That:

(a) (1) The Department of General Services shall establish ~~a program~~ the Deep Creek Lake Buy Down Area Program to offer the owners of properties adjoining Deep Creek Lake the right to purchase the land contiguous to their land at an amount ~~not to exceed the per square foot price the State paid to purchase the lake in February 2000~~ equal to the State's cost of acquiring the land plus reasonable costs and expenses incurred by the State from the sale.

(2) The ~~program~~ Program required under paragraph (1) of this subsection shall be administered in a manner substantially similar to the program authorized by the Board of Public Works on February 9, 2000, as Agenda Item 39–RP.

(3) Property transactions made under the Program shall be exempt from the requirements under §§ 5–310 and 10–305(b) of the State Finance and Procurement Article.

(b) The parcels sold under the ~~program~~ Program shall be subject to the same covenants and restrictions, including the State’s retention conservation easement, as the parcels sold under the program authorized by the Board of Public Works on February 9, 2000, as Agenda Item 39–RP.

(c) ~~The (1)~~ A portion of the proceeds of any sales received from any sale of property under this Act shall be used to reimburse the State for reasonable costs and expenses incurred from the sale.

(2) All proceeds in excess of the reimbursement amount specified in paragraph (1) of this subsection shall be disposed of as provided under § 10–306 of the State Finance and Procurement Article credited to the Deep Creek Lake Recreation Maintenance and Management Fund established under § 5–215 of the Natural Resources Article.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Natural Resources

5–215.

(a) In this section, “Fund” means the Deep Creek Lake Recreation Maintenance and Management Fund.

(b) There is a Deep Creek Lake Recreation Maintenance and Management Fund in the Department for the maintenance and management of the land, recreational facilities, and services that are related to Deep Creek Lake in Garrett County.

(c) (1) Except as provided in paragraphs (2) [and], (4), AND (5) of this subsection, the Department shall pay all fees collected for boat launching at Deep Creek Lake State Park, all funds collected from lake and buffer use permits, contracts, grants, and gifts as a result of the Deep Creek Lake management program, and any investment earnings of the Fund, into the Fund.

(2) At the end of each quarter of the fiscal year, the Department shall pay 25% of the total revenue collected during the quarter under paragraph (1) of this subsection to the Board of County Commissioners of Garrett County.

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

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

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

(5) REVENUE DISTRIBUTED TO THE FUND FROM THE SALE OF STATE PROPERTY MADE IN ACCORDANCE WITH THE DEEP CREEK LAKE BUY DOWN AREA PROGRAM MAY BE USED BY THE DEPARTMENT ONLY FOR THE PURCHASE OF LAND THAT PROVIDES PUBLIC ACCESS TO DEEP CREEK LAKE.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 1 year and 5 months and, at the end of October 31, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. Section 1 of this Act shall remain effective for a period of 2 years and 1 month and, at the end of October 31, 2017, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect. Section 2 of this Act shall remain effective for a period of 4 years and 1 month and, at the end of October 31, 2019, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 12, 2015.