

Chapter 590

(Senate Bill 86)

AN ACT concerning

Department of Natural Resources – Lease Agreements – Trail Access Provision

FOR the purpose of requiring certain leases executed by the Department of Natural Resources to include a provision relating to ~~the~~ to access of trail heads by certain users; requiring the Secretary of Natural Resources to submit a certain annual report to the Department of General Services; and generally relating to leases executed by the Department of Natural Resources.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 10–305(e)
 Annotated Code of Maryland
 (2021 Replacement Volume)

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

Article – State Finance and Procurement

10–305.

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

- (i) executed by the unit; and
- (ii) approved by the Secretary of General Services.

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

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

(4) **(I)** Whenever the State Highway Administration leases any State–owned property under its jurisdiction and control to any person, the Administrator of the State Highway Administration may execute the lease if:

- [(i)] 1. the lease is entered into on a 30-day renewable basis; and
- [(ii)] 2. the duration of the tenancy does not exceed 1 year.

[(5)] (II) At least twice each year, the Administrator of the State Highway Administration shall submit a report of the leases executed under the authority granted in **SUBPARAGRAPH (I) OF THIS** paragraph [(4) of this subsection] to the Board of Public Works.

(5) (I) WHENEVER THE DEPARTMENT OF NATURAL RESOURCES LEASES ANY STATE-OWNED PROPERTY UNDER ITS JURISDICTION AND CONTROL TO ANY LESSEE, THE LEASE SHALL INCLUDE A PROVISION THAT REQUIRES THE LESSEE TO:

1. MAINTAIN ~~A BORDER AROUND THE PROPERTY SUFFICIENT TO ALLOW~~ UNOBSTRUCTED ACCESS TO TRAIL HEADS BY TRAIL USERS AND FIRST RESPONDERS; AND

2. ENSURE THAT THE ~~BORDER REQUIRED UNDER ITEM 1 OF THIS SUBPARAGRAPH REMAINS~~ TRAIL HEADS REMAIN FREE OF OBSTRUCTIONS AT ALL TIMES.

(II) AT LEAST ONCE EACH YEAR, THE SECRETARY OF NATURAL RESOURCES SHALL SUBMIT A REPORT OF ALL LEASES EXECUTED BY THE DEPARTMENT OF NATURAL RESOURCES TO THE DEPARTMENT OF GENERAL SERVICES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.