

SENATE BILL 86

M1, P2

2lr1017

(PRE-FILED)

By: **Senator Hester**

Requested: October 28, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources – Lease Agreements – Trail Access Provision**

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

8 BY repealing and reenacting, with amendments,
9 Article – State Finance and Procurement
10 Section 10–305(e)
11 Annotated Code of Maryland
12 (2021 Replacement Volume)

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

15 **Article – State Finance and Procurement**

16 10–305.

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

21 (i) executed by the unit; and

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

10 [(i)] 1. the lease is entered into on a 30-day renewable basis; and

11 [(ii)] 2. the duration of the tenancy does not exceed 1 year.

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

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

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

23 2. **ENSURE THAT THE BORDER REQUIRED UNDER ITEM 1**
24 **OF THIS SUBPARAGRAPH REMAINS FREE OF OBSTRUCTIONS AT ALL TIMES.**

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

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