

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 4

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Busch,” insert “James, McIntosh, Griffith, Barve,”; in the same line, strike “and Zirkin” and substitute “Zirkin, Arnick, Bronrott, Hogan, McConkey, Parker, Sossi, Weir, Nathan-Pulliam, F. Turner, Branch, Cadden, DeBoy, Franchot, Paige, Proctor, Ramirez, Sophocleus, Trueschler, Cardin, Kullen, Lee, Hixson, Moe, Stocksdale, Aumann, Gaines, Eckardt, Bates, Leopold, and Edwards”; in line 4, strike “the presiding officers,”; in the same line, strike “and”; in line 5, strike “delegations” and substitute “members”; in the same line, after “Assembly” insert “, and adjacent property owners”; strike line 6 in its entirety and substitute “include certain information regarding certain excess property in a certain notification; requiring the Department to accept and consider certain public comments regarding certain excess property; requiring the Department to determine, in conjunction with a certain local governing body, whether any proposed disposition of certain excess property would conform to the local comprehensive plan; requiring the Department to consolidate certain information and determinations regarding certain excess property into a public record;”; in line 7, after “units” insert “and the Department”; strike beginning with “and” in line 8 down through “entities;” in line 14 and substitute “; requiring the Department to consolidate certain information and determinations into a public record and submit the record to a certain unit; authorizing certain units to rescind a certain notice of excess; requiring the Department to make a certain recommendation to a certain unit and the Board of Public Works and to notify certain persons of the recommendation;”; in line 15, strike “declaring certain excess real property as” and substitute “approving the sale, transfer, exchange, grant, or other disposition of certain”; in the same line, after “surplus” insert “property”; in the same line, strike “a”; in line 16, strike “notice” and substitute “notices and, under certain circumstances, a certain justification”; in the same line, after “entities” insert “, it receives certain appraisals, certain time periods have elapsed, and, under a certain circumstance, the General Assembly or a certain committee of the General Assembly has approved the sale of certain property”; strike beginning with “prohibiting” in line 17 down through “property” in line 22 and substitute “requiring the Board to sell certain property for a certain price to a certain local government under certain circumstances; requiring the”

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Governor under certain circumstances to include in the annual budget bill a certain general fund appropriation to a certain special fund; providing that a certain appropriation to a certain special fund is not required under certain circumstances; altering the amount of a certain required appropriation to a certain special fund under certain circumstances; requiring that certain transfer tax revenue in excess of a certain budget estimate be distributed in a certain manner for certain purposes in certain fiscal years; establishing a certain statutory minimum grant to Baltimore City, payable from the State's share of the proceeds of Program Open Space, for certain purposes related to Program Open Space; requiring the Department of Natural Resources, in cooperation with the Department of General Services, the Department of Budget and Management, and the Department of Planning, to study certain issues relating to lease, license, and easement interests and to report to certain persons by a certain date"; in line 22, strike "a"; in the same line, strike "change" and substitute "changes"; providing for the application of this Act"; strike beginning with the first "the" in line 23 down through "lands" in line 25 and substitute "the financing, management, and disposition of State-owned and financed property"; and in line 28, after "5-504," insert "7-311(j)".

On page 2, after line 7, insert:

"BY repealing and reenacting, with amendments,

Article - Tax - Property

Section 13-209(f)(1)

Annotated Code of Maryland

(2001 Replacement Volume and 2004 Supplement)

BY adding to

Article - Tax - Property

Section 13-209(g)

Annotated Code of Maryland

(2001 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Natural Resources

Section 5-903(a)

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,
Article - Natural Resources
Section 5-903(b)
Annotated Code of Maryland
(2000 Replacement Volume and 2004 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 15, insert:

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

- (1) study the proper disposition of the property;
- (2) determine whether any local government or unit of the State government is interested in the property; and
- (3) make an appropriate recommendation to the using unit of the State government and to the Board of Public Works.

(C) (1) THIS SUBSECTION APPLIES TO ANY OUTDOOR RECREATION, OPEN SPACE, CONSERVATION, PRESERVATION, PARK, OR FOREST REAL PROPERTY OWNED BY THE STATE IN FEE SIMPLE.”;

strike beginning with “WHEN” in line 16 down through “UNIT” in line 27 and substitute “WHEN A UNIT NOTIFIES THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION, THE UNIT SHALL INCLUDE WITH THE NOTIFICATION:

- (I) THE HISTORY OF THE ACQUISITION OF THE PROPERTY;
- (II) THE RATIONALE FOR THE ACQUISITION PROVIDED TO THE BOARD OF PUBLIC WORKS AT THE TIME OF THE ACQUISITION;

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(III) ANY FUTURE CONSERVATION PLANS FOR THE PROPERTY;
(IV) THE ENVIRONMENTAL AND ECOLOGICAL ATTRIBUTES OF
THE PROPERTY;

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

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

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

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

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

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

(4) AFTER THE DEPARTMENT HAS RECEIVED NOTICE FROM THE
USING UNIT OF STATE GOVERNMENT UNDER SUBSECTION (A) OF THIS SECTION, THE
DEPARTMENT SHALL:

(I) NOTIFY:

1. THE SENATE BUDGET AND TAXATION COMMITTEE,
THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE,
THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, AND THE HOUSE
APPROPRIATIONS COMMITTEE;

2. THE GENERAL ASSEMBLY MEMBERS WHO REPRESENT THE JURISDICTION IN WHICH THE PROPERTY IS LOCATED; AND

3. OWNERS OF PROPERTY ADJACENT TO THE PROPERTY DECLARED EXCESS:

A. IN WRITING BY FIRST-CLASS MAIL; AND

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

(II) ACCEPT AND CONSIDER PUBLIC COMMENTS ON THE DECLARATION OF THE PROPERTY AS EXCESS;

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

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

2. SUBMIT THE RECORD TO THE USING UNIT.

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

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

(I) BASED ON ALL OF THE INFORMATION COLLECTED BY THE

DEPARTMENT, MAKE AN APPROPRIATE RECOMMENDATION TO THE USING UNIT AND THE BOARD; AND

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

and strike in their entirety lines 28 through 32, inclusive.

On pages 2 through 4, strike in their entirety the lines beginning with line 33 on page 2 through line 8 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, after line 26, insert:

“7-311.

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

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

and in lines 28 and 29, strike “PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION” and substitute “SUBSECTION (B) OF THIS SECTION”.

AMENDMENT NO. 4

On page 5, strike in their entirety lines 1 through 23, inclusive, and substitute:

“(B) (1) THIS SUBSECTION APPLIES TO:

(I) REAL PROPERTY THAT IS OUTDOOR RECREATION, OPEN SPACE, CONSERVATION, PRESERVATION, PARK, OR FOREST LAND REAL PROPERTY OWNED BY THE STATE IN FEE SIMPLE; AND

(II) STATE-OWNED REAL OR PERSONAL PROPERTY, FUNDED PURSUANT TO AN APPROPRIATION ACT OF THE GENERAL ASSEMBLY, THAT HAS AN APPRAISED VALUE OVER \$100,000.

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

(I) THE DEPARTMENT OF GENERAL SERVICES HAS SUBMITTED TO THE BOARD TWO INDEPENDENT APPRAISALS OF THE PROPERTY;

(II) THE FOLLOWING INFORMATION HAS BEEN SUBMITTED BY CERTIFIED MAIL TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND, FOR PROPERTY THAT MEETS BOTH CRITERIA OF PARAGRAPH (1) OF THIS SUBSECTION, THE LEGISLATIVE POLICY COMMITTEE:

1. A DESCRIPTION OF THE PROPERTY; AND

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

(III) 45 DAYS HAVE ELAPSED SINCE:

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

2. THE BOARD DECLARED THE PROPERTY SURPLUS;

AND

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(IV) EXCEPT FOR PROPERTY SOLD UNDER PARAGRAPH (4) OF THIS SUBSECTION, FOR PROPERTY THAT MEETS BOTH CRITERIA UNDER PARAGRAPH (1) OF THIS SUBSECTION AND FOR WHICH THE BOARD INTENDS TO APPROVE A FEE SIMPLE SALE, THE GENERAL ASSEMBLY HAS APPROVED THE SALE AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

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

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

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

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

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

(III) IF THE PROPOSED DISPOSITION OF THE SURPLUS PROPERTY IS REFERRED BY THE LEGISLATIVE POLICY COMMITTEE TO THE FULL GENERAL ASSEMBLY, THE PROPOSED DISPOSITION MAY NOT BE APPROVED FOR SALE BY THE BOARD UNLESS APPROVED BY LEGISLATION DURING THE NEXT LEGISLATIVE SESSION OF THE GENERAL ASSEMBLY.”.

On pages 5 and 6, strike in their entirety the lines beginning with line 24 on page 5 through

line 5 on page 6 and substitute:

“(4) IF THE PROPERTY IS OUTDOOR RECREATION, OPEN SPACE, CONSERVATION, PRESERVATION, PARK, OR FOREST LAND OWNED BY THE STATE IN FEE SIMPLE AND THE BOARD HAS DECLARED THE PROPERTY SURPLUS, THE BOARD SHALL SELL THE PROPERTY TO A LOCAL GOVERNMENT FOR \$1.00, IF:

(I) THE LOCAL GOVERNMENT HAS INDICATED ITS INTEREST IN ACQUIRING THE LAND; AND

(II) AN EASEMENT, HELD BY THE STATE, IS PLACED ON THE PROPERTY THAT REQUIRES THE PROPERTY TO BE MAINTAINED IN ITS CURRENT USE.”.

On page 6, in lines 6, 15, and 35, strike “(b)”, “(c)”, and “(d)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively.

AMENDMENT NO. 5

On page 7, in lines 9 and 11, strike “(e)” and “(f)”, respectively, and substitute “(F)” and “(G)”, respectively; and strike in their entirety lines 14 through 17, inclusive.

AMENDMENT NO. 6

On page 7, after line 21, insert:

“Article - Tax - Property

13-209.

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

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the fiscal year in which there is an excess.

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

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

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

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

(II) IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF \$10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE SPECIAL FUND UNDER

PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION REQUIRED TO THE REVENUE STABILIZATION ACCOUNT UNDER § 7-311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE SHALL EQUAL THE AMOUNT BY WHICH THAT SURPLUS EXCEEDS THE SUM OF \$10,000,000 AND THE AMOUNT APPROPRIATED TO THE SPECIAL FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

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

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

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

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

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

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

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

Article - Natural Resources

5-903.

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

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

(ii) [A portion] AT LEAST \$1,500,000 of the State's share of funds

available under this program shall be utilized to make grants to Baltimore City for projects which meet park purposes. The grants shall be in addition to any funds Baltimore City is eligible to receive under subsection (b) of this section, and may be used for acquisition or development. In order for Baltimore City to be eligible for a State grant, the Department shall review projects or land to be acquired within Baltimore City, and upon the Department's recommendation, the Board of Public Works may approve projects and land including the cost. Title to the land shall be in the name of the Mayor and City Council of Baltimore City. The State is not responsible for costs involved in the development or maintenance of the land.

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

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

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

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

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

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

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

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

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

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SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

- (1) the number, terms, and nature of each type of property interest;
- (2) the types and use of capital improvements authorized, the environmental impacts associated with these uses and capital improvements, and the consistency of these uses and improvements with federal, State, and local law;
- (3) policies and procedures related to each type of use;
- (4) restrictions on the use or disposition of these lands;
- (5) the nature of any governmental or nongovernmental activities, other than those of the Department of Natural Resources, their associated revenues, and the disposition of these revenues;
- (6) the nature of any commercial or for-profit activities, their associated revenues, and the disposition of these revenues;
- (7) the nature of any not-for-profit activities, their associated revenues, and the disposition of these revenues;

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act are prospective and may not apply to outdoor recreation, open space, conservation, preservation, park, or forest real property owned by the State in fee simple that, on or before June 1, 2005, was subject to a pending or active sale, transfer, or disposal agreement between a county or counties and the State.”;

and in line 22, strike “2.” and substitute “4.”.