

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 4

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “real”; in the same line, after “committees” insert “of the General Assembly”; in line 5, before “members” insert “certain”; in the same line, after “, and” insert “certain”; in line 9, after “to” insert “hold a public hearing under certain circumstances or”; and strike beginning with “requiring” in line 12 down through “record;” in line 14.

On page 2, in line 12, after “exchange,” insert “or”; in the same line, strike “, or other disposition”; in line 17, after “approved” insert “, in accordance with certain procedures,”; in the same line, strike “sale” and substitute “disposition”; in line 18, strike “of Planning”; in line 24, after “Board” insert “of Public Works”; in line 25, strike “local”; in the same line, after “government” insert “or unit of government”; strike beginning with “requiring” in line 25 down through “Space;” in line 35; in line 38, strike “by” and substitute “on or before”; in line 42, strike “financing, management,” and substitute “management”; and in line 46, strike “7-311(j),”.

On page 3, strike in their entirety lines 7 through 26, inclusive.

AMENDMENT NO. 2

On page 3, after line 26, insert:

“Preamble

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

WHEREAS, It is the intent of the General Assembly that the State set as its goal that, should it become necessary or in the State’s interests to dispose of any of its park and open lands, the State

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should replace that land with land of equal or greater acreage that possesses equal or greater public and resource value; now, therefore,”; in line 31, strike “(1)”; and in lines 33 and 34, strike “(I)” and “(II)”, respectively, and substitute “(1)” and “(2)”, respectively.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 8 through 10, inclusive, and substitute:

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

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

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

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

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

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

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

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

8. PROPERTY IDENTIFIED IN THE MOST CURRENT

PUBLIC LANDS ACREAGE REPORT PUBLISHED BY THE DEPARTMENT OF NATURAL RESOURCES THAT IS CLASSIFIED UNDER DESIGNATED LAND UNITS OR UNDER UNDESIGNATED LAND UNITS WITHIN AN AGENCY OR PROGRAM; AND

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

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

AMENDMENT NO. 4

On page 5, in line 8, strike “HAS RECEIVED” and substitute “RECEIVES”; in the same line, strike “THE USING” and substitute “A”; in line 9, strike “OF STATE GOVERNMENT”; in line 15, after “COMMITTEE” insert “BY ELECTRONIC MAIL OR FACSIMILE AND BY FIRST-CLASS MAIL”; in line 17, after “LOCATED” insert “BY ELECTRONIC MAIL OR FACSIMILE AND BY CERTIFIED MAIL”; and strike in their entirety lines 23 and 24 and substitute:

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

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

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

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

On page 6, in line 5, after “BOARD” insert “OF PUBLIC WORKS”.

AMENDMENT NO. 5

On page 8, in line 17, strike “(1)”; in line 19, strike “DECLARED AS SURPLUS AND”; and in lines 21 and 23, strike “(i)” and “(ii)”, respectively, and substitute “(1)” and “(2)”, respectively.

On page 9, in line 13, after “(1)” insert “(I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH,”; in the same line, after “TO” insert “THE SALE, TRANSFER, GRANT, OR EXCHANGE OF”; in lines 14 and 17, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; strike beginning with “THAT” in line 14 down through “SIMPLE” in line 16 and substitute “IDENTIFIED UNDER § 5-310(C)(1) OF THIS ARTICLE”; in line 18, strike “PURSUANT TO” and substitute “IN ACCORDANCE WITH”; after line 19, insert:

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

1. LEASING THE PROPERTY; OR

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

in line 20, after “EXCHANGE,” insert “OR”; in line 21, strike “, OR OTHER DISPOSITION”; in line 23, after “PROPERTY” insert “THAT:

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

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

in line 24, strike “BY” and substitute “, BY ELECTRONIC MAIL OR FACSIMILE AND BY”; in line 25, after “MAIL” insert a comma; in line 27, after “(1)” insert “(I)”; in line 30, after “EXCHANGING,” insert “OR”; in the same line, strike “, OR OTHERWISE DISPOSING OF”; in line 33, strike “SUBPARAGRAPH” and substitute “ITEM”.

On page 10, in line 2, after “(1)” insert “(I)”; in line 4, after the first “SALE” insert “, TRANSFER, EXCHANGE, OR GRANT”; in the same line, strike the second “SALE” and substitute “PROPOSED DISPOSITION”; in line 20, after “(III)” insert “1.”; in line 22, strike “FOR SALE”; in line 23, after “UNLESS” insert “IT IS”; and in the same line, after “BY” insert “THE PASSAGE OF”.

On page 11, strike in their entirety lines 4 through 11, inclusive, and substitute:

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

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

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

(II) A RESTRICTIVE COVENANT IS PLACED ON THE DEED OF TRANSFER, IN ACCORDANCE WITH § 5-906(E)(7) AND (8) OF THE NATURAL RESOURCES ARTICLE, THAT REQUIRES THE PROPERTY TO BE MAINTAINED IN A USE THAT IS CONSISTENT WITH ITS USE AT THE TIME OF TRANSFER.

(5) ANY REVENUES DERIVED FROM THE SALE, TRANSFER,

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EXCHANGE, OR GRANT OF PROPERTY IDENTIFIED UNDER PARAGRAPH (1)(D)1 OF THIS SUBSECTION SHALL BE DEPOSITED IN THE ADVANCE OPTION AND PURCHASE FUND UNDER § 5-904(B) OF THE NATURAL RESOURCES ARTICLE.”.

AMENDMENT NO. 6

On page 8, strike in their entirety lines 6 through 15, inclusive.

On pages 12 through 15, strike in their entirety the lines beginning with line 29 on page 12 through line 26 on page 15, inclusive.

AMENDMENT NO. 7

On page 16, strike in their entirety lines 19 through 23, inclusive, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act may not be interpreted to apply to outdoor recreation, open space, conservation, preservation, park, or forest real property located in Garrett County and owned by the State in fee simple that, on or before July 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 25, strike “June” and substitute “July”.