

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 306

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Teitelbaum” and substitute “Teitelbaum, and Middleton”; in line 4, strike “lease,”; in the same line, after “exchange,” insert “or”; strike beginning with “, or” in line 4 down through “disposition” in line 5; in line 5, strike “or State-designated”; in line 6, after “land;” insert “exempting from this Act certain transfers of property from the State to local governments for certain purposes; requiring the Department of Planning to notify certain persons by certain means concerning the identification of certain property as surplus property; requiring the Department to conduct a certain public hearing under certain circumstances; requiring the Department of Planning and the Department of Natural Resources to make certain recommendations relating to the designation of certain property as surplus property; requiring the Department of Planning to determine, in consultation with a certain local governing body, whether a certain disposition of certain property conforms to the local comprehensive plan; requiring the Department of General Services to have certain property appraised under certain circumstances; authorizing the Legislative Policy Committee to review and comment on certain proposed dispositions; authorizing the Legislative Policy Committee to approve or refer certain proposed dispositions to the full General Assembly for approval through legislation; requiring the Department of General Services to conduct certain auctions; requiring the Board of Public Works to make certain determinations regarding a certain auction price; requiring the Department of Planning to cause certain conservation easements to be placed on certain property before its disposition; requiring certain revenues to be deposited in a certain fund for a certain purpose; prohibiting certain funds from reverting to the General Fund; defining a certain term; requiring the Department of Natural Resources, in cooperation with the Department of Planning, the Department of General Services, and the Department of Budget and Management, to study certain matters and submit a report on or before a certain date;”; and strike beginning with “authorizing” in line 6 down through “change;” in line 21.

On page 2, in line 1, after “10-305” insert “(a)”; and after line 3, insert:

(Over)

“BY adding to

Article - State Finance and Procurement

Section 10-305.1

Annotated Code of Maryland

(2001 Replacement Volume and 2004 Supplement)”.

On page 3, in line 13, strike “PARAGRAPHS (2) AND (3)” and substitute “PARAGRAPH (2)”; and in the same line, after “SUBSECTION” insert “AND § 10-305.1 OF THIS SUBTITLE”.

AMENDMENT NO. 2

On page 3, after line 27, insert:

“10-305.1.

(A) (1) IN THIS SECTION, “DISPOSITION” MEANS THE SALE, TRANSFER, EXCHANGE, OR GRANT OF REAL PROPERTY.

(2) “DISPOSITION” DOES NOT INCLUDE A LEASE OR AN EASEMENT INTEREST IN REAL PROPERTY.”;

in line 28, strike “(3) (I)” and substitute “(B)”; in the same line, strike “PARAGRAPH” and substitute “SECTION”; in the same line, strike “TO” and substitute “ONLY TO THE FOLLOWING PROPERTY OWNED BY THE STATE IN FEE SIMPLE”; in lines 29, 31, and 33, strike “1.”, “2.”, and “3.”, respectively, and substitute “(1)”, “(2)”, and “(3)”, respectively.

On page 4, in lines 1, 3, 5, and 7, strike “4.”, “5.”, “6.”, and “7.”, respectively, and substitute “(4)”, “(5)”, “(6)”, and “(7)”, respectively; in line 8, after “ARTICLE;” insert “AND”; strike in their entirety lines 9 through 11, inclusive; in line 12, strike “9.” and substitute “(8)”; in line 15, strike “(II)” and substitute “(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,”; in line 17, strike “, LEASE”; in the same line, after “EXCHANGE,” insert “OR”; strike beginning with “, OR” in line 17 down through “DISPOSITION” in line 18; in line 18, strike “OR STATE-DESIGNATED”; in line 20, strike “, UNTIL:” and substitute “UNLESS THE REQUIREMENTS OF SUBSECTIONS (D) THROUGH (I) OF THIS SECTION ARE MET.”; and after line 20, insert:

“(2) THE REQUIREMENTS OF SUBSECTIONS (D) THROUGH (I) OF THIS SECTION DO NOT APPLY TO TRANSFERS OF PROPERTY FROM THE STATE TO A LOCAL GOVERNMENT FOR THE PURPOSE OF OUTDOOR RECREATION, OPEN SPACE, CONSERVATION, OR PRESERVATION.

(D) THE DEPARTMENT OF PLANNING SHALL:

(1) NOTIFY THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE IN WRITING BY FIRST-CLASS MAIL REGARDING THE IDENTIFICATION OF THE PROPERTY AS SURPLUS PROPERTY, THE REASON FOR CONSIDERING THE PROPERTY TO BE SURPLUS PROPERTY, AND ANY OTHER RELEVANT INFORMATION;

(2) PROVIDE PERSONAL NOTICE BY CERTIFIED MAIL TO THE MEMBERS OF THE GENERAL ASSEMBLY WHO REPRESENT THE DISTRICT WITHIN WHICH THE PROPERTY IS LOCATED REGARDING THE IDENTIFICATION OF THE PROPERTY AS SURPLUS PROPERTY, THE REASON FOR CONSIDERING THE PROPERTY TO BE SURPLUS PROPERTY, AND ANY OTHER RELEVANT INFORMATION;

(3) NOTIFY ADJACENT PROPERTY OWNERS IN WRITING BY FIRST-CLASS MAIL REGARDING THE IDENTIFICATION OF THE PROPERTY AS SURPLUS PROPERTY, THE REASON FOR CONSIDERING THE PROPERTY TO BE SURPLUS PROPERTY, AND ANY OTHER RELEVANT INFORMATION;

(4) CREATE AND MAINTAIN A COMPLETE PUBLIC RECORD ON THE PROPERTY;

(5) PUBLISH NOTICE OF THE IDENTIFICATION OF THE PROPERTY AS SURPLUS PROPERTY AT LEAST 14 DAYS BEFORE THE DATE SET FOR THE HEARING UNDER PARAGRAPH (6) OF THIS SUBSECTION IN AT LEAST:

(I) ONE LOCAL NEWSPAPER OF GENERAL CIRCULATION IN

(Over)

THE COUNTY OR THE LEGISLATIVE DISTRICT IN WHICH THE PROPERTY IS LOCATED;
AND

(II) ONE NEWSPAPER OF STATEWIDE CIRCULATION; AND

(6) CONDUCT A PUBLIC HEARING ON THE IDENTIFICATION OF THE PROPERTY AS SURPLUS PROPERTY IN THE COUNTY OR LEGISLATIVE DISTRICT IN WHICH THE PROPERTY IS LOCATED.

(E) (1) BASED ON THE PUBLIC RECORD OF THE PROPERTY CREATED UNDER SUBSECTION (D)(4) OF THIS SECTION AND THE RESULTS OF THE PUBLIC HEARING CONDUCTED UNDER SUBSECTION (D)(6) OF THIS SECTION, THE DEPARTMENT OF PLANNING, IN CONJUNCTION WITH THE DEPARTMENT OF NATURAL RESOURCES, SHALL RECOMMEND WHETHER OR NOT THE PROPERTY IS TO BE DECLARED AS SURPLUS PROPERTY.

(2) IF THE PROPERTY IS DECLARED SURPLUS PROPERTY:

(I) THE DEPARTMENT OF PLANNING SHALL DETERMINE, IN CONSULTATION WITH THE LOCAL GOVERNING BODY OF THE JURISDICTION IN WHICH THE PROPERTY IS LOCATED, THAT THE PROPOSED DISPOSITION CONFORMS TO THE LOCAL COMPREHENSIVE PLAN; AND

(II) THE DEPARTMENT OF GENERAL SERVICES:

1. SHALL HAVE THE PROPERTY APPRAISED BY AT LEAST ONE INDEPENDENT APPRAISER, WHO SHALL CONSIDER THE VALUE OF ANY CONSERVATION EASEMENT IN THE APPRAISAL OF THE FAIR MARKET VALUE OF THE PROPERTY; AND

2. MAY NOT PUBLICLY DISCLOSE THE APPRAISED VALUE.

(F) (1) WITHIN 60 DAYS AFTER THE DATE THAT PROPERTY HAS BEEN

DECLARED SURPLUS PROPERTY UNDER SUBSECTION (E) OF THIS SECTION, A UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT THAT IS INTERESTED IN ACQUIRING THE PROPERTY SHALL NOTIFY THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY, THE BOARD, AND THE DEPARTMENT OF PLANNING OF ITS INTEREST.

(2) THE DEPARTMENT OF PLANNING SHALL NOTIFY THE BOARD AND PROMPTLY SUBMIT THE PUBLIC RECORD OF THE PROPERTY TO THE LEGISLATIVE POLICY COMMITTEE IF:

(I) THERE IS INTEREST IN ACQUIRING THE PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR

(II) IT HAS BEEN DETERMINED THAT THERE IS NO UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT THAT IS INTERESTED IN ACQUIRING THE PROPERTY.

(G) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE LEGISLATIVE POLICY COMMITTEE RECEIVES NOTIFICATION UNDER SUBSECTION (F)(1) OF THIS SECTION, THE LEGISLATIVE POLICY COMMITTEE SHALL REVIEW THE PUBLIC RECORD AND PROVIDE COMMENTS TO THE DEPARTMENT OF PLANNING WITHIN 45 DAYS AFTER RECEIPT OF NOTIFICATION.

(II) IF THE LEGISLATIVE POLICY COMMITTEE REQUIRES ADDITIONAL INFORMATION TO COMPLETE ITS REVIEW, THE LEGISLATIVE POLICY COMMITTEE SHALL PROVIDE COMMENTS TO THE DEPARTMENT OF PLANNING WITHIN 105 DAYS AFTER RECEIPT OF NOTIFICATION.

(2) THE LEGISLATIVE POLICY COMMITTEE MAY:

(I) APPROVE THE PROPOSED DISPOSITION OF THE SURPLUS PROPERTY; OR

(Over)

(II) REFER THE PROPOSED DISPOSITION OF THE SURPLUS PROPERTY TO THE FULL GENERAL ASSEMBLY.

(3) IF THE PROPOSED DISPOSITION OF THE SURPLUS PROPERTY IS REFERRED BY THE LEGISLATIVE POLICY COMMITTEE TO THE FULL GENERAL ASSEMBLY, THE PROPOSED DISPOSITION IS SUBJECT TO APPROVAL BY LEGISLATION DURING THE NEXT LEGISLATIVE SESSION OF THE GENERAL ASSEMBLY.

(H) (1) IF THE LEGISLATIVE POLICY COMMITTEE APPROVES THE PROPOSED DISPOSITION OF THE SURPLUS PROPERTY UNDER SUBSECTION (G)(2)(I) OF THIS SECTION OR THE FULL GENERAL ASSEMBLY APPROVES THE PROPOSED DISPOSITION BY LEGISLATION UNDER SUBSECTION (G)(3) OF THIS SECTION, THE DEPARTMENT OF GENERAL SERVICES SHALL CONDUCT A PUBLIC AUCTION OF THE PROPERTY.

(2) THE BOARD SHALL DETERMINE WHETHER THE AUCTION PRICE OFFERED IS:

(I) THE PRICE MOST FAVORABLE TO THE STATE; OR

(II) NOT LESS THAN THE APPRAISED VALUE OF THE PROPERTY, UNLESS OTHERWISE JUSTIFIED BY AN AGREEMENT FOR THE PURPOSE OF CONSERVATION, PRESERVATION, OR PUBLIC USE.

(I) (1) BEFORE THE DISPOSITION OF ANY PROPERTY SUBJECT TO THIS SECTION, THE DEPARTMENT OF PLANNING SHALL CAUSE TO BE PLACED ON THE PROPERTY CONSERVATION EASEMENTS THAT:

(I) ARE RETAINED BY THE STATE; AND

(II) PROHIBIT THE DEVELOPMENT OF AND ANY ADVERSE IMPACT TO SENSITIVE ENVIRONMENTAL RESOURCES THAT ARE LOCATED ON THE PROPERTY.

(2) ANY REVENUES DERIVED FROM THE DISPOSITION OF PROPERTY

SUBJECT TO THIS SECTION:

(I) SHALL BE DEPOSITED INTO THE STATE SHARE OF THE ADVANCE OPTION AND PURCHASE FUND UNDER § 5-904(B) OF THE NATURAL RESOURCES ARTICLE FOR THE ACQUISITION OF PROPERTY; AND

(II) MAY NOT REVERT TO THE GENERAL FUND.”.

On pages 4 through 6, strike in their entirety the lines beginning with line 21 on page 4 through line 37 on page 6, inclusive.

AMENDMENT NO. 3

On page 7, strike in their entirety lines 1 through 7, inclusive, and substitute:

“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 and Budget and Taxation Committees and the House Environmental Matters and Appropriations Committees 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;

(Over)

- (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 those 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."

On page 7, in line 8, strike "2." and substitute "3.".