

(PRE-FILED)

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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

Requested: November 15, 2004
 Introduced and read first time: January 12, 2005
 Assigned to: Environmental Matters
 Reassigned: Environmental Matters and Appropriations, January 19, 2005

Committee Report: Favorable with amendments
 House action: Adopted
 Read second time: March 25, 2005

CHAPTER _____

1 AN ACT concerning

2 **Land Preservation and State Asset Protection Act**

3 FOR the purpose of requiring the Department of Planning to provide notice regarding
 4 certain excess real property to ~~the presiding officers, certain committees, and~~
 5 ~~delegations members~~ of the General Assembly, and adjacent property owners;
 6 requiring units of State government to ~~consider certain factors when~~
 7 determining how to classify certain property; include certain information
 8 regarding certain excess property in a certain notification; requiring the
 9 Department to accept and consider certain public comments regarding certain
 10 excess property; requiring the Department to determine, in conjunction with a
 11 certain local governing body, whether any proposed disposition of certain excess
 12 property would conform to the local comprehensive plan; requiring the
 13 Department to consolidate certain information and determinations regarding
 14 certain excess property into a public record; requiring units and the Department
 15 to maintain public records about determinations made about certain property
 16 and to prepare and submit a certain list to the General Assembly each year;

1 ~~requiring local governments or units of State government to submit an~~
2 ~~expression of interest in certain excess real property within a certain time~~
3 ~~period; requiring the Department of Planning to have a certain assessment and~~
4 ~~appraisal done for certain excess real property; requiring the Department to~~
5 ~~develop a certain written analysis and provide a copy of the analysis to certain~~
6 ~~entities; requiring the Department to consolidate certain information and~~
7 ~~determinations into a public record and submit the record to a certain unit;~~
8 ~~authorizing certain units to rescind a certain notice of excess; requiring the~~
9 ~~Department to make a certain recommendation to a certain unit and the Board~~
10 ~~of Public Works and to notify certain persons of the recommendation;~~
11 ~~prohibiting the Board of Public Works from declaring certain excess real~~
12 ~~property as approving the sale, transfer, exchange, grant, or other disposition of~~
13 ~~certain surplus property until it provides a certain notice notices and, under~~
14 ~~certain circumstances, a certain justification to certain entities, it receives~~
15 ~~certain appraisals, certain time periods have elapsed, and, under a certain~~
16 ~~circumstance, the General Assembly or a certain committee of the General~~
17 ~~Assembly has approved the sale of certain property; requiring the Department~~
18 ~~of Planning to maintain a current, updated list of certain real property;~~
19 ~~prohibiting the Board from selling, leasing, transferring, exchanging, granting,~~
20 ~~or otherwise disposing of certain surplus property until a certain time period~~
21 ~~has elapsed, or in the case of certain other property, until the General Assembly~~
22 ~~takes certain action; requiring the Board to comply with certain requirements~~
23 ~~under the State procurement law when disposing of certain surplus real~~
24 ~~property requiring the Board to sell certain property for a certain price to a~~
25 ~~certain local government under certain circumstances; requiring the Governor~~
26 ~~under certain circumstances to include in the annual budget bill a certain~~
27 ~~general fund appropriation to a certain special fund; providing that a certain~~
28 ~~appropriation to a certain special fund is not required under certain~~
29 ~~circumstances; altering the amount of a certain required appropriation to a~~
30 ~~certain special fund under certain circumstances; requiring that certain transfer~~
31 ~~tax revenue in excess of a certain budget estimate be distributed in a certain~~
32 ~~manner for certain purposes in certain fiscal years; establishing a certain~~
33 ~~statutory minimum grant to Baltimore City, payable from the State's share of~~
34 ~~the proceeds of Program Open Space, for certain purposes related to Program~~
35 ~~Open Space; requiring the Department of Natural Resources, in cooperation~~
36 ~~with the Department of General Services, the Department of Budget and~~
37 ~~Management, and the Department of Planning, to study certain issues relating~~
38 ~~to lease, license, and easement interests and to report to certain persons by a~~
39 ~~certain date; making a stylistic change changes; providing for the application of~~
40 ~~this Act; and generally relating to the authority and responsibilities of the~~
41 ~~Department of Planning and the Board of Public Works with regard to the~~
42 ~~disposition of certain State lands the financing, management, and disposition of~~
43 ~~State-owned and financed property.~~

44 BY repealing and reenacting, with amendments,
45 Article - State Finance and Procurement
46 Section 5-310, 5-504, 7-311(j), and 10-305
47 Annotated Code of Maryland

1 (2001 Replacement Volume and 2004 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article - State Finance and Procurement
4 Section 5-505
5 Annotated Code of Maryland
6 (2001 Replacement Volume and 2004 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article - Tax - Property
9 Section 13-209(f)(1)
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2004 Supplement)

12 BY adding to
13 Article - Tax - Property
14 Section 13-209(g)
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2004 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Natural Resources
19 Section 5-903(a)
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2004 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article - Natural Resources
24 Section 5-903(b)
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2004 Supplement)

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

29 **Article - State Finance and Procurement**

30 5-310.

31 (a) (1) Each unit of the State government shall notify the Department IN
32 WRITING of:

33 [(1)] (I) any real property that is in excess of the needs of the unit; or

34 [(2)] (II) any substantial change to any real property owned by the State.

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

3 (1) study the proper disposition of the property;

4 (2) determine whether any local government or unit of the State
5 government is interested in the property; and

6 (3) make an appropriate recommendation to the using unit of the State
7 government and to the Board of Public Works.

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

11 (2) ~~WHEN IT CONSIDERS WHETHER ANY REAL PROPERTY IS IN EXCESS~~
12 ~~OF THE NEEDS OF THE UNIT, THE UNIT SHALL INCLUDE IN ITS ASSESSMENT THE~~
13 ~~SOCIAL, COMMUNITY, AND ENVIRONMENTAL VALUE OF THE REAL PROPERTY.~~

14 (3) ~~EACH UNIT SHALL MAINTAIN A PUBLIC RECORD TO SUPPORT ITS~~
15 ~~DETERMINATION WHETHER OR NOT ANY REAL PROPERTY IS IN EXCESS OF THE~~
16 ~~NEEDS OF THE UNIT.~~

17 (B) (1) ~~EACH YEAR, NO LATER THAN 60 DAYS BEFORE THE GENERAL~~
18 ~~ASSEMBLY CONVENES FOR ITS REGULAR SESSION, EACH UNIT SHALL SUBMIT A~~
19 ~~REPORT TO THE DEPARTMENT THAT INCLUDES A LIST OF ANY REAL PROPERTY~~
20 ~~THAT, SINCE THE DATE OF THE UNIT'S LAST REPORT, THE UNIT CONSIDERED BUT~~
21 ~~DID NOT NOTIFY THE DEPARTMENT AS PROPERTY IN EXCESS OF THE NEEDS OF THE~~
22 ~~UNIT WHEN A UNIT NOTIFIES THE DEPARTMENT UNDER SUBSECTION (A) OF THIS~~
23 ~~SECTION, THE UNIT SHALL INCLUDE WITH THE NOTIFICATION:~~

24 (I) THE HISTORY OF THE ACQUISITION OF THE PROPERTY;

25 (II) THE RATIONALE FOR THE ACQUISITION PROVIDED TO THE
26 BOARD OF PUBLIC WORKS AT THE TIME OF THE ACQUISITION;

27 (III) ANY FUTURE CONSERVATION PLANS FOR THE PROPERTY;

28 (IV) THE ENVIRONMENTAL AND ECOLOGICAL ATTRIBUTES OF THE
29 PROPERTY;

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

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

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

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

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

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

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

11 (I) NOTIFY:

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

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

18 3. OWNERS OF PROPERTY ADJACENT TO THE PROPERTY
19 DECLARED EXCESS;

20 A. IN WRITING BY FIRST-CLASS MAIL; AND

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

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

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

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

32 2. SUBMIT THE RECORD TO THE USING UNIT.

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

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

3 (I) BASED ON ALL OF THE INFORMATION COLLECTED BY THE
 4 DEPARTMENT, MAKE AN APPROPRIATE RECOMMENDATION TO THE USING UNIT AND
 5 THE BOARD; AND

6 (II) NOTIFY THE PERSONS IDENTIFIED UNDER PARAGRAPH (4)(I)1
 7 AND 2 OF THIS SUBSECTION OF THE RECOMMENDATION.

8 (2) ~~THE DEPARTMENT SHALL CONSOLIDATE THE REPORTS SUBMITTED~~
 9 ~~BY THE UNITS AND DISTRIBUTE A COPY OF THE CONSOLIDATED REPORT:~~

10 (+) ~~SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO~~
 11 ~~THE GENERAL ASSEMBLY; AND~~

12 (II) ~~ON REQUEST, TO THE PUBLIC.~~

13 ~~{(b)}~~ (C) ~~For any real property identified under subsection (a) of this section,~~
 14 ~~the Department shall:~~

15 (+) NOTIFY:

16 (+) ~~THE SENATE BUDGET AND TAXATION COMMITTEE AND THE~~
 17 ~~HOUSE APPROPRIATIONS COMMITTEE; AND~~

18 (II) ~~THE GENERAL ASSEMBLY SENATE AND HOUSE DELEGATIONS~~
 19 ~~FOR THE JURISDICTION IN WHICH THE PROPERTY IS LOCATED;~~

20 (2) ~~NOTIFY THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY AND~~
 21 ~~THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND~~
 22 ~~THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, IN THE CASE OF THE~~
 23 ~~FOLLOWING PROPERTY THAT THE STATE OWNS OR IN WHICH IT HAS AN INTEREST:~~

24 (+) ~~PROPERTY UNDER PROGRAM OPEN SPACE UNDER TITLE 5,~~
 25 ~~SUBTITLE 9 OF THE NATURAL RESOURCES ARTICLE;~~

26 (II) ~~PROPERTY UNDER THE RURAL LEGACY PROGRAM UNDER~~
 27 ~~TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;~~

28 (III) ~~PUBLIC PARK LAND AND RECREATIONAL AREAS UNDER TITLE~~
 29 ~~5, SUBTITLE 10 OF THE NATURAL RESOURCES ARTICLE;~~

30 (IV) ~~WILDLAND AND OPEN AREAS UNDER TITLE 5, SUBTITLE 12 OF~~
 31 ~~THE NATURAL RESOURCES ARTICLE;~~

32 (V) ~~HERITAGE CONSERVATION AREAS UNDER TITLE 5, SUBTITLE 15~~
 33 ~~OF THE NATURAL RESOURCES ARTICLE; AND~~

34 (VI) ~~FOREST CONSERVATION AREAS UNDER TITLE 5, SUBTITLE 16~~
 35 ~~OF THE NATURAL RESOURCES ARTICLE;~~

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1 ~~[(1)]~~ (3) study the proper disposition of the property;

2 ~~[(2)]~~ (4) determine whether any local government or unit of the State
3 government is interested in the property; ~~[and]~~

4 (5) ~~IN THE CASE OF PROPERTY SPECIFIED UNDER PARAGRAPH (2) OF
5 THIS SUBSECTION, HAVE THE DEPARTMENT OF NATURAL RESOURCES OR AN
6 INDEPENDENT ENTITY ACTING ON THE DEPARTMENT'S BEHALF CONDUCT AN
7 ASSESSMENT OF THE ENVIRONMENTAL, ECOLOGICAL, AND OTHER SIGNIFICANT
8 FEATURES OF THE PROPERTY;~~

9 (6) ~~HAVE THE DEPARTMENT OF GENERAL SERVICES ENGAGE AT LEAST
10 TWO INDEPENDENT ENTITIES TO APPRAISE THE PROPERTY; AND~~

11 ~~[(3)]~~ (7) (1) ~~DEVELOP A WRITTEN ANALYSIS OF ITS FINDINGS AND
12 DETERMINATIONS UNDER THIS SECTION;~~

13 (II) ~~make an appropriate recommendation to the using unit of the
14 State government and to the Board of Public Works; AND~~

15 (III) ~~PROVIDE A COPY OF THE ANALYSIS AND RECOMMENDATION TO
16 THE USING UNIT OF STATE GOVERNMENT, THE BOARD OF PUBLIC WORKS, AND THE
17 ENTITIES SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.~~

18 (4) ~~WITHIN 60 DAYS OF THE DATE THE DEPARTMENT MAKES ITS
19 RECOMMENDATION UNDER SUBSECTION (C)(7) OF THIS SECTION, A LOCAL
20 GOVERNMENT OR UNIT OF THE STATE GOVERNMENT SHALL SUBMIT TO THE BOARD
21 OF PUBLIC WORKS ITS INDICATIONS OF INTEREST IN ACQUIRING ANY REAL
22 PROPERTY THAT IS THE SUBJECT OF A RECOMMENDATION.~~

23 5-504.

24 (a) The Department shall be a repository and clearinghouse for information
25 about real property available for public use.

26 (b) The Department shall correlate information concerning real property
27 owned by the State or any political subdivision of the State.

28 (c) (1) The Department shall maintain a CURRENT, UPDATED list of real
29 property owned by the State or any political subdivision of the State.

30 (2) The list shall include pertinent details concerning size, facilities, and
31 value.

32 (3) A copy of the list and any related information shall be provided to any
33 State agency and the General Assembly upon request.

34 5-505.

35 (a) The Department shall prepare and periodically revise inventory lists of:

1 (1) the natural resources of the State; and

2 (2) major public works and private facilities that are important to the
3 development of the State as a whole.

4 (b) A copy of the inventory list shall be provided to any State agency and the
5 General Assembly upon request.

6 7-311.

7 (j) (1) Except as provided in paragraph (2) of this subsection [and], §
8 3-216(g) of the Transportation Article, AND § 13-209(G) OF THE TAX - PROPERTY
9 ARTICLE, for fiscal year [2006] 2007 and for each subsequent fiscal year, the
10 Governor shall include in the budget bill an appropriation to the Account equal to the
11 amount by which the unappropriated General Fund surplus as of June 30 of the
12 second preceding fiscal year exceeds \$10,000,000.

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

16 10-305.

17 (a) (1) ~~[Any] SUBJECT TO PARAGRAPHS (2), (3), AND (4) OF THIS~~
18 ~~SUBSECTION SUBSECTION (B) OF THIS SECTION,~~ ANY real or personal property of the
19 State or a unit of the State government may be DECLARED AS SURPLUS AND sold,
20 leased, transferred, exchanged, granted, or otherwise disposed of:

21 (i) to any person, to the United States or any of its units, or to any
22 unit of the State government, for a consideration the Board decides is adequate; or

23 (ii) to any county or municipal corporation in the State subject to
24 any conditions the Board imposes.

25 ~~(2) THE BOARD MAY NOT DECLARE AS SURPLUS ANY REAL PROPERTY~~
26 ~~OF THE STATE OR A UNIT OF THE STATE GOVERNMENT UNTIL IT PROVIDES NOTICE~~
27 ~~TO:~~

28 ~~(I) 1. THE SENATE BUDGET AND TAXATION COMMITTEE AND~~
29 ~~THE HOUSE APPROPRIATIONS COMMITTEE; AND~~

30 ~~2. THE GENERAL ASSEMBLY SENATE AND HOUSE~~
31 ~~DELEGATIONS FOR THE JURISDICTION IN WHICH THE PROPERTY IS LOCATED; AND~~

32 ~~(II) THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY AND~~
33 ~~THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND~~
34 ~~THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, IN THE CASE OF THE~~
35 ~~FOLLOWING PROPERTY THAT THE STATE OWNS OR IN WHICH IT HAS AN INTEREST:~~

1 ~~1. PROPERTY UNDER PROGRAM OPEN SPACE UNDER TITLE 5,~~
2 ~~SUBTITLE 9 OF THE NATURAL RESOURCES ARTICLE;~~

3 ~~2. PROPERTY UNDER THE RURAL LEGACY PROGRAM UNDER~~
4 ~~TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;~~

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

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

9 ~~5. HERITAGE CONSERVATION AREAS UNDER TITLE 5,~~
10 ~~SUBTITLE 15 OF THE NATURAL RESOURCES ARTICLE; AND~~

11 ~~6. FOREST CONSERVATION AREAS UNDER TITLE 5, SUBTITLE~~
12 ~~16 OF THE NATURAL RESOURCES ARTICLE.~~

13 (B) (1) THIS SUBSECTION APPLIES TO:

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

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

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

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

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

28 1. A DESCRIPTION OF THE PROPERTY; AND

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

32 (III) 45 DAYS HAVE ELAPSED SINCE:

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

35 2. THE BOARD DECLARED THE PROPERTY SURPLUS; AND

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

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

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

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

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

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

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

25 ~~{(2)}~~ (3) ~~The Board may not approve the sale, LEASE, TRANSFER,~~
 26 ~~EXCHANGE, GRANT, OR OTHER DISPOSITION of any [State-owned] STATE OWNED~~
 27 ~~real or personal property funded pursuant to an appropriation act of the Maryland~~
 28 ~~General Assembly if the property has an appraised value over \$100,000 until:~~

29 (i) ~~a description of the real or personal property has been~~
 30 ~~submitted to the Senate Budget and Taxation Committee and the House~~
 31 ~~Appropriations Committee for review and comment; [and]~~

32 (ii) ~~IN THE CASE OF PERSONAL PROPERTY, 45 days have elapsed~~
 33 ~~since the description was [submitted] RECEIVED BY THE COMMITTEES; AND~~

34 (iii) ~~IN THE CASE OF REAL PROPERTY, 75 DAYS HAVE ELAPSED~~
 35 ~~SINCE THE DESCRIPTION WAS RECEIVED BY THE COMMITTEES.~~

36 (4) ~~NOTWITHSTANDING OTHER PROVISIONS OF THIS TITLE, THE BOARD~~
 37 ~~MAY NOT APPROVE THE SALE, LEASE, TRANSFER, EXCHANGE, GRANT, OR OTHER~~
 38 ~~DISPOSITION OF PROPERTY UNDER PROGRAM OPEN SPACE UNDER TITLE 5,~~
 39 ~~SUBTITLE 9 OF THE NATURAL RESOURCES ARTICLE, OR PUBLIC PARK LAND AND~~

~~1 RECREATIONAL AREAS UNDER TITLE 5, SUBTITLE 10 OF THE NATURAL RESOURCES
2 ARTICLE, UNTIL THE GENERAL ASSEMBLY BY LEGISLATION APPROVES THE
3 TRANSACTION AT ITS NEXT SESSION.~~

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

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

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

12 (b) (C) Except as otherwise provided in this section:

13 (1) if any real or personal property disposed of under this section is not
14 under the jurisdiction or control of any particular unit of the State government, the
15 deed, lease, or other evidence of conveyance of the real or personal property shall be
16 executed by the Board; and

17 (2) if any real or personal property disposed of under this section is
18 under the jurisdiction or control of a unit of the State government, the deed, lease, or
19 other evidence of conveyance of the real or personal property shall be executed by the
20 highest official of the unit and by the Board.

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

25 (i) executed by the unit; and

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

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

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

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

36 (i) the lease is entered into on a 30-day renewable basis; and

1 (ii) the duration of the tenancy does not exceed 1 year.

2 (5) At least twice each year, the Administrator of the State Highway
3 Administration shall submit a report of the leases executed under the authority
4 granted in paragraph (4) of this subsection to the Board of Public Works.

5 ~~(4)~~ (E) (1) On the sale, lease, transfer, exchange, or other disposition of
6 any real or personal property owned or controlled by the State Retirement and
7 Pension System or the State of Maryland for the use of the Board of Trustees of the
8 State Retirement and Pension System, any conveyancing document shall be executed
9 in the manner provided in Division II of the State Personnel and Pensions Article.

10 (2) Any sale, lease, transfer, exchange or other disposition of any real or
11 personal property owned or controlled by the State Retirement and Pension System or
12 the State of Maryland for the use of the Board of Trustees of the State Retirement and
13 Pension System by a conveyancing document executed by or for the Board of Trustees
14 of the State Retirement and Pension System before October 1, 1994 in the manner
15 provided under former Article 73B is ratified and confirmed.

16 ~~(e)~~ (F) All conveyances under this section shall be made in the name of the
17 State of Maryland, acting through the executing authority provided for in this section.

18 ~~(f)~~ (G) This section does not apply to any lease or other temporary transfer,
19 grant, or disposition of State real or personal property in connection with a
20 procurement made subject to § 11-202(3) of this article.

21 ~~(G) EXCEPT IN ACCORDANCE WITH ITS REGULATIONS, THE BOARD MAY SELL,
22 LEASE, TRANSFER, EXCHANGE, OR OTHERWISE DISPOSE OF SURPLUS REAL
23 PROPERTY UNDER THIS SECTION ONLY IN ACCORDANCE WITH THE REQUIREMENTS
24 OF THE COMPETITIVE SEALED BIDS PROCESS UNDER § 13-103 OF THIS ARTICLE.~~

25 [(g)] (H) The Department of Budget and Management and Department of
26 General Services, with the approval of the Board, shall adopt regulations in
27 accordance with Title 10, Subtitle 1 of the State Government Article to implement the
28 provisions of this section.

29 **Article - Tax - Property**

30 13-209.

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

38 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH
39 OR ANY OTHER PROVISION OF LAW, IN ANY FISCAL YEAR IN WHICH AN

1 APPROPRIATION OR TRANSFER IS MADE FROM THE SPECIAL FUND TO THE GENERAL
2 FUND, IF THE ACTUAL TRANSFER TAX REVENUE COLLECTIONS FOR THE PRIOR
3 FISCAL YEAR EXCEED THE BUDGET ESTIMATE FOR THE PRIOR FISCAL YEAR THE
4 EXCESS SHALL BE ALLOCATED IN THE CURRENT FISCAL YEAR FOR PROGRAM OPEN
5 SPACE, THE AGRICULTURAL LAND PRESERVATION FUND, THE RURAL LEGACY
6 PROGRAM, AND THE HERITAGE CONSERVATION FUND. FUNDS MADE AVAILABLE
7 UNDER THIS SUBPARAGRAPH SHALL BE ALLOCATED AS PROVIDED UNDER
8 SUBSECTION (D) OF THIS SECTION.

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

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

18 (I) UNLESS THE UNAPPROPRIATED GENERAL FUND SURPLUS AS
19 OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF
20 \$10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE SPECIAL
21 FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION TO THE
22 REVENUE STABILIZATION ACCOUNT UNDER § 7-311(J) OF THE STATE FINANCE AND
23 PROCUREMENT ARTICLE IS NOT REQUIRED; AND

24 (II) IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF
25 JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF \$10,000,000
26 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE SPECIAL FUND UNDER
27 PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION REQUIRED TO THE
28 REVENUE STABILIZATION ACCOUNT UNDER § 7-311(J) OF THE STATE FINANCE AND
29 PROCUREMENT ARTICLE SHALL EQUAL THE AMOUNT BY WHICH THAT SURPLUS
30 EXCEEDS THE SUM OF \$10,000,000 AND THE AMOUNT APPROPRIATED TO THE SPECIAL
31 FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

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

41 2. THE AMOUNT OF ANY APPROPRIATION OR TRANSFER
42 FROM THE GENERAL FUND TO THE SPECIAL FUND FOR ANY FISCAL YEAR IN WHICH

1 THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT
2 REQUIRED.

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

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

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

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

21 2. THIS SUBSECTION APPLIES IN ANY FISCAL YEAR IN
22 WHICH THE CUMULATIVE AMOUNT REQUIRED TO BE APPROPRIATED UNDER §
23 3-216(G) OF THE TRANSPORTATION ARTICLE HAS BEEN PAID AND THERE IS EXCESS
24 SURPLUS UNDER SUBSECTION (G)(1) OF THIS SECTION.

25 **Article - Natural Resources**

26 5-903.

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

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

38 (ii) [A portion] AT LEAST \$1,500,000 of the State's share of funds
39 available under this program shall be utilized to make grants to Baltimore City for
40 projects which meet park purposes. The grants shall be in addition to any funds

1 Baltimore City is eligible to receive under subsection (b) of this section, and may be
2 used for acquisition or development. In order for Baltimore City to be eligible for a
3 State grant, the Department shall review projects or land to be acquired within
4 Baltimore City, and upon the Department's recommendation, the Board of Public
5 Works may approve projects and land including the cost. Title to the land shall be in
6 the name of the Mayor and City Council of Baltimore City. The State is not
7 responsible for costs involved in the development or maintenance of the land.

8 (iii) 1. A portion of the State's share of funds available under this
9 Program not to exceed the amounts specified below may be transferred by an
10 appropriation in the State budget to the Rural Legacy Program under Title 5, Subtitle
11 9A of this article:

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

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

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

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

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

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

- 1 (1) the number, terms, and nature of each type of property interest;
- 2 (2) the types and use of capital improvements authorized, the
3 environmental impacts associated with these uses and capital improvements, and the
4 consistency of these uses and improvements with federal, State, and local law;
- 5 (3) policies and procedures related to each type of use;
- 6 (4) restrictions on the use or disposition of these lands;
- 7 (5) the nature of any governmental or nongovernmental activities, other
8 than those of the Department of Natural Resources, their associated revenues, and
9 the disposition of these revenues;
- 10 (6) the nature of any commercial or for-profit activities, their associated
11 revenues, and the disposition of these revenues;
- 12 (7) the nature of any not-for-profit activities, their associated revenues,
13 and the disposition of these revenues;
- 14 (8) the public benefit derived from these property interests; and
- 15 (9) opportunities for future property interests that would protect or
16 enhance the ability of the State to maintain the natural, environmental, and historic
17 resources of these lands while increasing public education, use, enjoyment, and
18 economic value of the State's managed land resources.

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

24 ~~SECTION 4.~~ AND BE IT FURTHER ENACTED, That this Act shall take
25 effect June 1, 2005.