
By: **Senators Hollinger, Dyson, Astle, Britt, Brochin, Conway, Currie, DeGrange, Della, Exum, Forehand, Frosh, Garagiola, Gladden, Green, Grosfeld, Hogan, Hughes, Jimeno, Jones, Kelley, Klausmeier, Lawlah, McFadden, Miller, Pinsky, Ruben, Stone, and ~~Teitelbaum~~ Teitelbaum, and Middleton**

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CHAPTER _____

1 AN ACT concerning

2 **Board of Public Works - Disposition of Protected Lands**

3 FOR the purpose of prohibiting the Board of Public Works, subject to certain
 4 conditions, from approving the sale, ~~lease~~, transfer, exchange, ~~or grant, or other~~
 5 ~~disposition of any certain~~ State-owned ~~or State-designated~~ outdoor recreation,
 6 open space, conservation, preservation, forest, or other park land; exempting
 7 from this Act certain transfers of property from the State to local governments
 8 for certain purposes; requiring the Department of Planning to notify certain
 9 persons by certain means concerning the identification of certain property as
 10 surplus property; requiring the Department to conduct a certain public hearing
 11 under certain circumstances; requiring the Department of Planning and the
 12 Department of Natural Resources to make certain recommendations relating to
 13 the designation of certain property as surplus property; requiring the
 14 Department of Planning to determine, in consultation with a certain local
 15 governing body, whether a certain disposition of certain property conforms to the
 16 local comprehensive plan; requiring the Department of General Services to have
 17 certain property appraised under certain circumstances; authorizing the
 18 Legislative Policy Committee to review and comment on certain proposed
 19 dispositions; authorizing the Legislative Policy Committee to approve or refer
 20 certain proposed dispositions to the full General Assembly for approval through
 21 legislation; requiring the Department of General Services to conduct certain
 22 auctions; requiring the Board of Public Works to make certain determinations
 23 regarding a certain auction price; requiring the Department of Planning to
 24 cause certain conservation easements to be placed on certain property before its

1 ~~disposition; requiring certain revenues to be deposited in a certain fund for a~~
 2 ~~certain purpose; prohibiting certain funds from reverting to the General Fund;~~
 3 ~~defining a certain term; requiring the Department of Natural Resources, in~~
 4 ~~cooperation with the Department of Planning, the Department of General~~
 5 ~~Services, and the Department of Budget and Management, to study certain~~
 6 ~~matters and submit a report on or before a certain date; authorizing the General~~
 7 ~~Assembly to take action by enacting legislation with regard to certain land~~
 8 ~~transactions; requiring the Board, within a specified period, to cause a notice of~~
 9 ~~the proposed sale of certain property to be published in certain newspapers;~~
 10 ~~requiring the Board to cause certain conservation easements to be placed on~~
 11 ~~certain property prior to its disposition and to prohibit certain development of~~
 12 ~~and adverse impact to certain environmental resources that are located on the~~
 13 ~~property; requiring the Board to ensure that, with regard to the disposition of~~
 14 ~~certain property to certain entities, the use of certain property conforms to the~~
 15 ~~local government comprehensive plan; requiring that the revenues derived from~~
 16 ~~certain transactions be used for the purposes of Program Open Space; requiring~~
 17 ~~the Department of Natural Resources and the Department of Agriculture to~~
 18 ~~adopt certain criteria for the assessment of certain property; requiring each~~
 19 ~~department to prepare a written analysis of findings and recommendations~~
 20 ~~regarding certain property subject to its jurisdiction and to maintain a public~~
 21 ~~record of each analysis; making a stylistic change; and generally relating to the~~
 22 ~~authority of the Board of Public Works with regard to the disposition of certain~~
 23 ~~park and similar lands.~~

24 BY repealing and reenacting, without amendments,
 25 Article - State Finance and Procurement
 26 Section 5-310, 5-504, and 5-505
 27 Annotated Code of Maryland
 28 (2001 Replacement Volume and 2004 Supplement)

29 BY repealing and reenacting, with amendments,
 30 Article - State Finance and Procurement
 31 Section 10-305(a)
 32 Annotated Code of Maryland
 33 (2001 Replacement Volume and 2004 Supplement)

34 BY adding to
 35 Article - State Finance and Procurement
 36 Section 10-305.1
 37 Annotated Code of Maryland
 38 (2001 Replacement Volume and 2004 Supplement)

39 Preamble

40 WHEREAS, It is the intent of the General Assembly that the State maintain
 41 and build upon its efforts to acquire and preserve undeveloped, outdoor recreation,

1 park, and open lands of the State for the enjoyment of current citizens and future
2 generations of Marylanders; and

3 WHEREAS, It is the intent of the General Assembly that the State set as its
4 goal that, should it become necessary or in the State's interests to dispose of any of its
5 park and open lands, the State should replace that land with land of equal or greater
6 acreage that possesses equal or greater public and resource value; now, therefore,

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

9 **Article - State Finance and Procurement**

10 5-310.

11 (a) Each unit of the State government shall notify the Department of:

12 (1) any real property that is in excess of the needs of the unit; or

13 (2) any substantial change to any real property owned by the State.

14 (b) For any real property identified under subsection (a) of this section, the
15 Department shall:

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

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

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

21 5-504.

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

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

26 (c) (1) The Department shall maintain a list of real property owned by the
27 State or any political subdivision of the State.

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

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

1 5-505.

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

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

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

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

8 10-305.

9 (a) (1) ~~[Any] SUBJECT TO PARAGRAPHS (2) AND (3) PARAGRAPH (2) OF THIS~~
10 ~~SUBSECTION AND § 10-305.1 OF THIS SUBTITLE, ANY~~ real or personal property of the
11 State or a unit of the State government may be sold, leased, transferred, exchanged,
12 granted, or otherwise disposed of:

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

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

17 (2) The Board may not approve the sale of any [State owned]
18 STATE-OWNED real or personal property funded pursuant to an appropriation act of
19 the Maryland General Assembly if the property has an appraised value over \$100,000
20 until:

21 (i) a description of the real or personal property has been
22 submitted to the Senate Budget and Taxation Committee and the House
23 Appropriations Committee for review and comment; and

24 (ii) 45 days have elapsed since the description was submitted.

25 10-305.1.

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

28 (2) "DISPOSITION" DOES NOT INCLUDE A LEASE OR AN EASEMENT
29 INTEREST IN REAL PROPERTY.

30 ~~(3)~~ ~~(4)~~ (B) THIS PARAGRAPH SECTION APPLIES TO ONLY TO THE
31 FOLLOWING PROPERTY OWNED BY THE STATE IN FEE SIMPLE:

32 ~~1-~~ (1) PROPERTY UNDER PROGRAM OPEN SPACE UNDER
33 TITLE 5, SUBTITLE 9 OF THE NATURAL RESOURCES ARTICLE;

1 ~~2-~~ (2) PROPERTY UNDER THE RURAL LEGACY PROGRAM
2 UNDER TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;

3 ~~3-~~ (3) PUBLIC PARK LAND AND RECREATIONAL AREAS
4 UNDER TITLE 5, SUBTITLE 10 OF THE NATURAL RESOURCES ARTICLE;

5 ~~4-~~ (4) WILDLAND AND OPEN AREAS UNDER TITLE 5,
6 SUBTITLE 12 OF THE NATURAL RESOURCES ARTICLE;

7 ~~5-~~ (5) HERITAGE CONSERVATION AREAS UNDER TITLE 5,
8 SUBTITLE 15 OF THE NATURAL RESOURCES ARTICLE;

9 ~~6-~~ (6) FOREST CONSERVATION AREAS UNDER TITLE 5,
10 SUBTITLE 16 OF THE NATURAL RESOURCES ARTICLE; AND

11 ~~7-~~ (7) GREENPRINT AREAS UNDER TITLE 5, SUBTITLE 15A
12 OF THE NATURAL RESOURCES ARTICLE;

13 ~~8-~~ ~~MARYLAND AGRICULTURAL LAND PRESERVATION~~
14 ~~FOUNDATION AREAS UNDER TITLE 2, SUBTITLE 5 OF THE AGRICULTURE ARTICLE;~~
15 ~~AND~~

16 ~~9-~~ ~~ENVIRONMENTALLY SENSITIVE FOREST, CONSERVATION,~~
17 ~~OPEN SPACE, PARK, OR SIMILAR LAND SUBJECT TO THE CONTROL OF A STATE~~
18 ~~INSTITUTION OF HIGHER EDUCATION.~~

19 ~~(H)~~ (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
20 SUBSECTION, IN ADDITION TO OTHER REQUIREMENTS OF THIS ARTICLE GOVERNING
21 THE DISPOSITION OF STATE-OWNED REAL PROPERTY, THE BOARD MAY NOT
22 APPROVE THE SALE, LEASE, TRANSFER, EXCHANGE, OR GRANT, OR OTHER
23 DISPOSITION OF ANY STATE-OWNED OR STATE-DESIGNATED OUTDOOR
24 RECREATION, OPEN SPACE, CONSERVATION, PRESERVATION, FOREST, OR OTHER
25 PARK LAND, UNTIL: UNLESS THE REQUIREMENTS OF SUBSECTIONS (D) THROUGH (I)
26 OF THIS SECTION ARE MET.

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

31 (D) THE DEPARTMENT OF PLANNING SHALL:

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

37 (2) PROVIDE PERSONAL NOTICE BY CERTIFIED MAIL TO THE MEMBERS
38 OF THE GENERAL ASSEMBLY WHO REPRESENT THE DISTRICT WITHIN WHICH THE

1 PROPERTY IS LOCATED REGARDING THE IDENTIFICATION OF THE PROPERTY AS
2 SURPLUS PROPERTY, THE REASON FOR CONSIDERING THE PROPERTY TO BE
3 SURPLUS PROPERTY, AND ANY OTHER RELEVANT INFORMATION;

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

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

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

13 (I) ONE LOCAL NEWSPAPER OF GENERAL CIRCULATION IN THE
14 COUNTY OR THE LEGISLATIVE DISTRICT IN WHICH THE PROPERTY IS LOCATED; AND

15 (II) ONE NEWSPAPER OF STATEWIDE CIRCULATION; AND

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

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

25 (2) IF THE PROPERTY IS DECLARED SURPLUS PROPERTY:

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

30 (II) THE DEPARTMENT OF GENERAL SERVICES:

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

35 2. MAY NOT PUBLICLY DISCLOSE THE APPRAISED VALUE.

36 (F) (1) WITHIN 60 DAYS AFTER THE DATE THAT PROPERTY HAS BEEN
37 DECLARED SURPLUS PROPERTY UNDER SUBSECTION (E) OF THIS SECTION, A UNIT

1 OF FEDERAL, STATE, OR LOCAL GOVERNMENT THAT IS INTERESTED IN ACQUIRING
2 THE PROPERTY SHALL NOTIFY THE LEGISLATIVE POLICY COMMITTEE OF THE
3 GENERAL ASSEMBLY, THE BOARD, AND THE DEPARTMENT OF PLANNING OF ITS
4 INTEREST.

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

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

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

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

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

22 (2) THE LEGISLATIVE POLICY COMMITTEE MAY:

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

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

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

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

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

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

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

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

7 (I) ARE RETAINED BY THE STATE; AND

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

10 (2) ANY REVENUES DERIVED FROM THE DISPOSITION OF PROPERTY
 11 SUBJECT TO THIS SECTION:

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

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

16 ~~1. IT HOLDS A PUBLIC HEARING ON THE PROPOSED SALE IN~~
 17 ~~THE COUNTY OR THE LEGISLATIVE DISTRICT IN WHICH THE PROPERTY IS LOCATED;~~

18 ~~2. IT DETERMINES THAT ANOTHER ENTITY OF STATE OR~~
 19 ~~LOCAL GOVERNMENT DOES NOT DESIRE TO ACQUIRE THE PROPERTY;~~

20 ~~3. IT HAS THE PROPERTY APPRAISED BY AT LEAST TWO~~
 21 ~~INDEPENDENT APPRAISERS;~~

22 ~~4. IT CONDUCTS A PUBLIC AUCTION OF THE PROPERTY;~~

23 ~~5. IT DETERMINES THAT THE AUCTION PRICE OFFERED IS~~
 24 ~~NOT LESS THAN THE APPRAISED VALUE OF THE PROPERTY; AND~~

25 ~~6. THE GENERAL ASSEMBLY BY LEGISLATION APPROVES~~
 26 ~~THE TRANSACTION AT ITS NEXT SESSION.~~

27 (III) NOT LATER THAN 14 DAYS BEFORE THE DATE SET FOR THE
 28 HEARING UNDER SUBPARAGRAPH (II)1 OF THIS PARAGRAPH, THE BOARD SHALL
 29 CAUSE A NOTICE OF THE PROPOSED DISPOSITION OF THE PROPERTY TO BE
 30 PUBLISHED IN AT LEAST:

31 ~~1. ONE LOCAL NEWSPAPER OF GENERAL CIRCULATION IN~~
 32 ~~THE COUNTY OR THE LEGISLATIVE DISTRICT IN WHICH THE PROPERTY IS LOCATED;~~
 33 ~~AND~~

34 ~~2. ONE NEWSPAPER OF STATEWIDE CIRCULATION.~~

1 (IV) PRIOR TO THE DISPOSITION OF PROPERTY SUBJECT TO THIS
2 PARAGRAPH, THE BOARD SHALL CAUSE TO BE PLACED ON THE PROPERTY
3 CONSERVATION EASEMENTS THAT:

4 1. ARE RETAINED BY THE STATE; AND

5 2. PROHIBIT THE DEVELOPMENT OF AND ANY ADVERSE
6 IMPACT TO SENSITIVE ENVIRONMENTAL RESOURCES THAT ARE LOCATED ON THE
7 PROPERTY.

8 (V) THE BOARD MAY NOT COMPLETE A TRANSACTION FOR THE
9 DISPOSITION OF PROPERTY SUBJECT TO THIS PARAGRAPH TO A
10 NONGOVERNMENTAL ENTITY UNLESS IT DETERMINES THAT THE PROPOSED USE OF
11 THE PROPERTY CONFORMS TO THE LOCAL GOVERNMENT COMPREHENSIVE PLAN IN
12 THE JURISDICTION WHERE THE PROPERTY IS LOCATED.

13 (VI) ANY REVENUES DERIVED FROM THE SALE, LEASE, TRANSFER,
14 EXCHANGE, GRANT, OR OTHER DISPOSITION OF PROPERTY SUBJECT TO THIS
15 PARAGRAPH SHALL BE DEPOSITED IN THE ADVANCE OPTION AND PURCHASE FUND
16 UNDER § 5-904(B) OF THE NATURAL RESOURCES ARTICLE.

17 (VII) WITH REGARD TO EACH CATEGORY OF PROPERTY SUBJECT TO
18 THIS PARAGRAPH, THE DEPARTMENT OF NATURAL RESOURCES OR THE
19 DEPARTMENT OF AGRICULTURE, AS APPROPRIATE, SHALL:

20 1. ADOPT OBJECTIVE, MEASURABLE CRITERIA TO ASSESS
21 THE ENVIRONMENTAL, AGRICULTURAL, AND OTHER SIGNIFICANT PUBLIC
22 FEATURES OF THE PROPERTY;

23 2. EVALUATE EACH PROPERTY THAT IS CONSIDERED OR
24 PROPOSED FOR DISPOSITION UNDER THIS SECTION AGAINST THOSE CRITERIA;

25 3. PREPARE A WRITTEN ANALYSIS OF ITS FINDINGS AND
26 DETERMINATIONS; AND

27 4. MAINTAIN A COMPLETE AND PUBLIC RECORD OF THE
28 ANALYSIS.

29 (b) Except as otherwise provided in this section:

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

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

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

5 (i) executed by the unit; and

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

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

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

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

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

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

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

21 (d) (1) On the sale, lease, transfer, exchange, or other disposition of any real
22 or personal property owned or controlled by the State Retirement and Pension System
23 or the State of Maryland for the use of the Board of Trustees of the State Retirement
24 and Pension System, any conveyancing document shall be executed in the manner
25 provided in Division II of the State Personnel and Pensions Article.

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

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

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

1 (g) ~~The Department of Budget and Management and Department of General~~
2 ~~Services, with the approval of the Board, shall adopt regulations in accordance with~~
3 ~~Title 10, Subtitle 1 of the State Government Article to implement the provisions of~~
4 ~~this section.~~

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

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

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

16 (1) The number, terms, and nature of each type of property interest;

17 (2) The types and use of capital improvements authorized, the
18 environmental impacts associated with these uses and capital improvements, and the
19 consistency of these uses and improvements with federal, State, and local law;

20 (3) Policies and procedures related to each type of use;

21 (4) Restrictions on the use or disposition of these lands;

22 (5) The nature of any governmental or nongovernmental activities, other
23 than those of the Department of Natural Resources, their associated revenues, and
24 the disposition of these revenues;

25 (6) The nature of any commercial or for profit activities, their associated
26 revenues, and the disposition of these revenues;

27 (7) The nature of any not for profit activities, their associated revenues,
28 and the disposition of those revenues;

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

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

34 ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
35 effect October 1, 2005.

