
By: **Delegate James**

Introduced and read first time: February 9, 2006

Assigned to: Appropriations and Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

CHAPTER_____

1 AN ACT concerning

2 **Transfer of State Real Property - Long-Term Lease of Protected Lands**

3 FOR the purpose of prohibiting the Secretary of General Services from approving a
4 lease of a certain duration for certain real property until certain information is
5 provided to certain committees, a certain delegation to the General Assembly,
6 and certain elected county officials for review and comment and a certain time
7 period has elapsed; and generally relating to the lease of State-owned real
8 property.

9 BY repealing and reenacting, with amendments,
10 Article - State Finance and Procurement
11 Section 10-305(d)
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2005 Supplement)

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

16 **Article - State Finance and Procurement**

17 10-305.

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

22 (i) executed by the unit; and

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

2 (2) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE lease
3 is not valid unless the Secretary of General Services approves it.

4 (3) (I) THIS PARAGRAPH APPLIES TO A LEASE OF REAL PROPERTY FOR
5 A DURATION OF AT LEAST 20 YEARS, INCLUDING ANY OPTIONS TO RENEW THE
6 LEASE, IF THE REAL PROPERTY IS:

7 1- IDENTIFIED UNDER § 5-310(C)(1) OF THIS ARTICLE; ~~OR~~

8 2- ~~OWNED BY THE UNIVERSITY SYSTEM OF MARYLAND.~~

9 (II) THE SECRETARY OF GENERAL SERVICES MAY NOT APPROVE
10 THE LEASE OF ANY REAL PROPERTY UNDER THIS PARAGRAPH UNTIL:

11 1. A DESCRIPTION OF THE REAL PROPERTY AND TERMS OF
12 THE LEASE HAVE BEEN PROVIDED BY ELECTRONIC MAIL OR FACSIMILE AND BY
13 FIRST-CLASS MAIL ~~TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE~~
14 ~~HOUSE APPROPRIATIONS COMMITTEE FOR REVIEW AND COMMENT FOR REVIEW AND~~
15 COMMENT TO:

16 A. THE SENATE BUDGET AND TAXATION COMMITTEE;

17 B. THE HOUSE APPROPRIATIONS COMMITTEE;

18 C. THE DELEGATION TO THE GENERAL ASSEMBLY FROM
19 THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED; AND

20 D. TO THE ELECTED OFFICIALS OF THE COUNTY IN WHICH
21 THE REAL PROPERTY IS LOCATED; AND

22 2. 45 DAYS HAVE ELAPSED SINCE THE DESCRIPTION AND
23 TERMS OF THE LEASE WERE PROVIDED TO THE COMMITTEES.

24 [(3)] (4) Whenever any unit of the State government leases any
25 State-owned property under its jurisdiction and control to any lessee, the lease shall
26 include a provision which prohibits the lessee from assigning or subleasing that
27 property without the prior approval of the Board of Public Works.

28 [(4)] (5) Whenever the State Highway Administration leases any
29 State-owned property under its jurisdiction and control to any person, the
30 Administrator of the State Highway Administration may execute the lease if:

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

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

33 [(5)] (6) At least twice each year, the Administrator of the State
34 Highway Administration shall submit a report of the leases executed under the

1 authority granted in paragraph [(4)] (5) of this subsection to the Board of Public
2 Works.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2006.