

# HOUSE BILL 356

P1, N1, M1

(5lr2041)

## ENROLLED BILL

— *Environment and Transportation/Judicial Proceedings and Budget and Taxation* —

Introduced by **Delegate Beitzel**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of General Services – Deep Creek Lake Buy Down Area Program –**  
3 **Extension**

4 FOR the purpose of ~~authorizing~~ requiring the Department of General Services to establish  
5 ~~a program~~ the Deep Creek Lake Buy Down Area Program to offer the owners of  
6 certain properties adjoining Deep Creek Lake the right to purchase certain land at  
7 a certain price not to exceed a certain amount; requiring the ~~program~~ Program to be  
8 administered in a certain manner; exempting certain property transactions made  
9 under the Program from certain property requirements; providing that the parcels  
10 sold under the ~~program~~ Program are subject to the same covenants and restrictions  
11 as parcels sold under a similar program; providing that *a portion of* the proceeds  
12 received from the sale of any property under the ~~program~~ Program be *used in a*  
13 *certain manner*; providing that all proceeds in excess of a certain reimbursement  
14 amount be disposed of in a certain manner credited to the Deep Creek Lake  
15 Recreation Maintenance and Management Fund; providing that revenue from the

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 sale of certain property distributed to the Deep Creek Lake Recreation Maintenance  
 2 and Management Fund may be used only by the Department for certain land  
 3 purchases; providing for the termination of certain provisions of this Act; and  
 4 generally relating to the disposition of certain properties around Deep Creek Lake.

5 BY repealing and reenacting, without amendments,

6 Article – Natural Resources  
 7 Section 5–215(a) and (b)  
 8 Annotated Code of Maryland  
 9 (2012 Replacement Volume and 2014 Supplement)

10 BY repealing and reenacting, with amendments,

11 Article – Natural Resources  
 12 Section 5–215(c)  
 13 Annotated Code of Maryland  
 14 (2012 Replacement Volume and 2014 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

16 That:

17 (a) (1) The Department of General Services shall establish ~~a program~~ the Deep  
 18 Creek Lake Buy Down Area Program to offer the owners of properties adjoining Deep Creek  
 19 Lake the right to purchase the land contiguous to their land at an amount ~~not to exceed the~~  
 20 ~~per square foot price the State paid to purchase the lake in February 2000~~ equal to the  
 21 State's cost of acquiring the land plus reasonable costs and expenses incurred by the State  
 22 from the sale.

23 (2) The ~~program~~ Program required under paragraph (1) of this subsection  
 24 shall be administered in a manner substantially similar to the program authorized by the  
 25 Board of Public Works on February 9, 2000, as Agenda Item 39–RP.

26 (3) Property transactions made under the Program shall be exempt from  
 27 the requirements under §§ 5–310 and 10–305(b) of the State Finance and Procurement  
 28 Article.

29 (b) The parcels sold under the ~~program~~ Program shall be subject to the same  
 30 covenants and restrictions, including the State's retention conservation easement, as the  
 31 parcels sold under the program authorized by the Board of Public Works on February 9,  
 32 2000, as Agenda Item 39–RP.

33 (c) ~~The (1)~~ A portion of the proceeds of any sales received from any sale of  
 34 property under this Act shall be used to reimburse the State for reasonable costs and  
 35 expenses incurred from the sale.

36 (2) All proceeds in excess of the reimbursement amount specified in  
 37 paragraph (1) of this subsection shall be disposed of as provided under § 10–306 of the State

1 ~~Finance and Procurement Article~~ credited to the Deep Creek Lake Recreation Maintenance  
2 and Management Fund established under § 5–215 of the Natural Resources Article.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
4 as follows:

5 Article – Natural Resources

6 5–215.

7 (a) In this section, “Fund” means the Deep Creek Lake Recreation Maintenance  
8 and Management Fund.

9 (b) There is a Deep Creek Lake Recreation Maintenance and Management Fund  
10 in the Department for the maintenance and management of the land, recreational facilities,  
11 and services that are related to Deep Creek Lake in Garrett County.

12 (c) (1) Except as provided in paragraphs (2) [and], (4), AND (5) of this  
13 subsection, the Department shall pay all fees collected for boat launching at Deep Creek  
14 Lake State Park, all funds collected from lake and buffer use permits, contracts, grants,  
15 and gifts as a result of the Deep Creek Lake management program, and any investment  
16 earnings of the Fund, into the Fund.

17 (2) At the end of each quarter of the fiscal year, the Department shall pay  
18 25% of the total revenue collected during the quarter under paragraph (1) of this subsection  
19 to the Board of County Commissioners of Garrett County.

20 (3) (i) The Fund is a special, nonlapsing fund that is not subject to §  
21 7–302 of the State Finance and Procurement Article.

22 (ii) Any investment earnings of the Fund may not be transferred or  
23 revert to the General Fund of the State, but shall remain in the Fund.

24 (4) Moneys in the Fund may be used for administrative costs calculated in  
25 accordance with § 1–103(b)(2) of this article.

26 **(5) REVENUE DISTRIBUTED TO THE FUND FROM THE SALE OF STATE**  
27 **PROPERTY MADE IN ACCORDANCE WITH THE DEEP CREEK LAKE BUY DOWN AREA**  
28 **PROGRAM MAY BE USED BY THE DEPARTMENT ONLY FOR THE PURCHASE OF LAND**  
29 **THAT PROVIDES PUBLIC ACCESS TO DEEP CREEK LAKE.**

30 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June~~  
31 ~~1, 2015. It shall remain effective for a period of 1 year and 5 months and, at the end of~~  
32 ~~October 31, 2016, with no further action required by the General Assembly, this Act shall~~  
33 ~~be abrogated and of no further force and effect.~~

**HOUSE BILL 356**

1        SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2015. Section 1 of this Act shall remain effective for a period of 2 years and 1  
3 month and, at the end of October 31, 2017, with no further action required by the General  
4 Assembly, Section 1 of this Act shall be abrogated and of no further force and effect. Section  
5 2 of this Act shall remain effective for a period of 4 years and 1 month and, at the end of  
6 October 31, 2019, with no further action required by the General Assembly, Section 2 of  
7 this Act shall be abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.