

HOUSE BILL 356

P1, N1, M1

5lr2041
CF SB 254

By: **Delegate Beitzel**

Introduced and read first time: February 5, 2015

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2015

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 the proceeds received from
12 the sale of any property under the ~~program~~ Program be ~~disposed of in a certain~~
13 ~~manner~~ credited to the Deep Creek Lake Recreation Maintenance and Management
14 Fund; providing that revenue from the sale of certain property distributed to the
15 Deep Creek Lake Recreation Maintenance and Management Fund may be used only
16 by the Department for certain land purchases; providing for the termination of
17 certain provisions of this Act; and generally relating to the disposition of certain
18 properties around Deep Creek Lake.

19 BY repealing and reenacting, without amendments,

20 Article – Natural Resources

21 Section 5–215(a) and (b)

22 Annotated Code of Maryland

23 (2012 Replacement Volume and 2014 Supplement)

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.



1 BY repealing and reenacting, with amendments,
 2 Article – Natural Resources
 3 Section 5–215(c)
 4 Annotated Code of Maryland
 5 (2012 Replacement Volume and 2014 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 7 That:

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

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

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

20 (b) The parcels sold under the ~~program~~ Program shall be subject to the same
 21 covenants and restrictions, including the State's retention conservation easement, as the
 22 parcels sold under the program authorized by the Board of Public Works on February 9,
 23 2000, as Agenda Item 39–RP.

24 (c) The proceeds of any sales of property under this Act shall be ~~disposed of as~~
 25 ~~provided under § 10–306 of the State Finance and Procurement Article~~ credited to the Deep
 26 Creek Lake Recreation Maintenance and Management Fund established under § 5–215 of
 27 the Natural Resources Article.

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

30 **Article – Natural Resources**

31 5–215.

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

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

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

6 (2) At the end of each quarter of the fiscal year, the Department shall pay
7 25% of the total revenue collected during the quarter under paragraph (1) of this subsection
8 to the Board of County Commissioners of Garrett County.

9 (3) (i) The Fund is a special, nonlapsing fund that is not subject to §
10 7-302 of the State Finance and Procurement Article.

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

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

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

19 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June~~
20 ~~1, 2015. It shall remain effective for a period of 1 year and 5 months and, at the end of~~
21 ~~October 31, 2016, with no further action required by the General Assembly, this Act shall~~
22 ~~be abrogated and of no further force and effect.~~

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2015. Section 1 of this Act shall remain effective for a period of 2 years and 1
25 month and, at the end of October 31, 2017, with no further action required by the General
26 Assembly, Section 1 of this Act shall be abrogated and of no further force and effect. Section
27 2 of this Act shall remain effective for a period of 4 years and 1 month and, at the end of
28 October 31, 2019, with no further action required by the General Assembly, Section 2 of
29 this Act shall be abrogated and of no further force and effect.