

# SENATE BILL 254

P1, N1, M1

5lr2078  
CF HB 356

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By: **Senator Edwards**

Introduced and read first time: February 4, 2015

Assigned to: Judicial Proceedings and Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 29, 2015

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

20 BY repealing and reenacting, without amendments,

21 Article – Natural Resources

22 Section 5–215(a) and (b)

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2014 Supplement)

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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.



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) (1) ~~The A portion of the proceeds of any sales received from any sale of~~  
 25 ~~property under this Act shall be disposed of as provided under § 10–306 of the State Finance~~  
 26 ~~and Procurement Article~~ used to reimburse the State for reasonable costs and expenses  
 27 incurred from the sale.

28 (2) All proceeds in excess of the reimbursement amount specified in  
 29 paragraph (1) of this subsection shall be credited to the Deep Creek Lake Recreation  
 30 Maintenance and Management Fund established under § 5–215 of the Natural Resources  
 31 Article.

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

34 Article – Natural Resources

35 5–215.

1 (a) In this section, "Fund" means the Deep Creek Lake Recreation Maintenance  
2 and Management Fund.

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

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

11 (2) At the end of each quarter of the fiscal year, the Department shall pay  
12 25% of the total revenue collected during the quarter under paragraph (1) of this subsection  
13 to the Board of County Commissioners of Garrett County.

14 (3) (i) The Fund is a special, nonlapsing fund that is not subject to §  
15 7-302 of the State Finance and Procurement Article.

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

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

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

24 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June~~  
25 ~~1, 2015. It shall remain effective for a period of 1 year and 5 months and, at the end of~~  
26 ~~October 31, 2016, with no further action required by the General Assembly, this Act shall~~  
27 ~~be abrogated and of no further force and effect.~~

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2015. Section 1 of this Act shall remain effective for a period of 2 years and 1  
30 month and, at the end of October 31, 2017, with no further action required by the General  
31 Assembly, Section 1 of this Act shall be abrogated and of no further force and effect. Section  
32 2 of this Act shall remain effective for a period of 4 years and 1 month and, at the end of  
33 October 31, 2019, with no further action required by the General Assembly, Section 2 of  
34 this Act shall be abrogated and of no further force and effect.