

# SENATE BILL 86

M1, P2

(2lr1017)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environment and Transportation* —

Introduced by **Senator Hester**

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.

\_\_\_\_\_  
President.

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

1 AN ACT concerning

2 **Department of Natural Resources – Lease Agreements – Trail Access Provision**

3 FOR the purpose of requiring certain leases executed by the Department of Natural  
4 Resources to include a provision relating to ~~the~~ access ~~of~~ to trail heads by certain  
5 users; requiring the Secretary of Natural Resources to submit a certain annual  
6 report to the Department of General Services; and generally relating to leases  
7 executed by the Department of Natural Resources.

8 BY repealing and reenacting, with amendments,

9 Article – State Finance and Procurement

10 Section 10–305(e)

11 Annotated Code of Maryland

12 (2021 Replacement Volume)

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

3 **Article – State Finance and Procurement**

4 10–305.

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

9 (i) executed by the unit; and

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

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

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

17 (4) **(I)** Whenever the State Highway Administration leases any  
18 State–owned property under its jurisdiction and control to any person, the Administrator  
19 of the State Highway Administration may execute the lease if:

20 [(i)] **1.** the lease is entered into on a 30–day renewable basis; and

21 [(ii)] **2.** the duration of the tenancy does not exceed 1 year.

22 [(5)] **(II)** At least twice each year, the Administrator of the State Highway  
23 Administration shall submit a report of the leases executed under the authority granted in  
24 **SUBPARAGRAPH (I) OF THIS** paragraph [(4) of this subsection] to the Board of Public  
25 Works.

26 **(5) (I) WHENEVER THE DEPARTMENT OF NATURAL RESOURCES**  
27 **LEASES ANY STATE–OWNED PROPERTY UNDER ITS JURISDICTION AND CONTROL TO**  
28 **ANY LESSEE, THE LEASE SHALL INCLUDE A PROVISION THAT REQUIRES THE LESSEE**  
29 **TO:**

30 **1. MAINTAIN ~~A BORDER AROUND THE PROPERTY~~**  
31 **~~SUFFICIENT TO ALLOW~~ UNOBSTRUCTED ACCESS TO TRAIL HEADS BY TRAIL USERS**  
32 **AND FIRST RESPONDERS; AND**

1                                            **2. ENSURE THAT THE ~~BORDER REQUIRED UNDER ITEM 1~~**  
2 **~~OF THIS SUBPARAGRAPH REMAINS~~ TRAIL HEADS REMAIN FREE OF OBSTRUCTIONS**  
3 **AT ALL TIMES.**

4                                            **(II) AT LEAST ONCE EACH YEAR, THE SECRETARY OF NATURAL**  
5 **RESOURCES SHALL SUBMIT A REPORT OF ALL LEASES EXECUTED BY THE**  
6 **DEPARTMENT OF NATURAL RESOURCES TO THE DEPARTMENT OF GENERAL**  
7 **SERVICES.**

8                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.