SENATE BILL 86

M1, P2

ENROLLED BILL
— Education, Health, and Environmental Affairs/Environment and Transportation —

Introduced by Senator Hester

Read and Examined by Proofreaders:

_______________________________________________
Proofreader.

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Proofreader.

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

______ day of _____________ at ________________________ o’clock, ______M.

_______________________________________________
President.

CHAPTER _____

AN ACT concerning

Department of Natural Resources – Lease Agreements – Trail Access Provision

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

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 10–305(e)
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – State Finance and Procurement

10–305.

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

(i) executed by the unit; and

(ii) approved by the Secretary of General Services.

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

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

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

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

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

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

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

1. MAINTAIN A BORDER AROUND THE PROPERTY SUFFICIENT TO ALLOW UNOBSTRUCTED ACCESS TO TRAIL HEADS BY TRAIL USERS AND FIRST RESPONDERS; AND
2. Ensure that the border required under item 1 of this subparagraph remains trail heads remain free of obstructions at all times.

(ii) At least once each year, the Secretary of Natural Resources shall submit a report of all leases executed by the Department of Natural Resources to the Department of General Services.

Section 2. And be it further enacted, That this Act shall take effect 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.