

HOUSE BILL 1395

M1, P2

2lr3154
CF SB 86

By: **Delegate Fraser–Hidalgo**

Introduced and read first time: February 17, 2022

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

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 trail heads by certain users;
5 requiring the Secretary of Natural Resources to submit a certain annual report to
6 the Department of General Services; and generally relating to leases executed by the
7 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)

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

15 **Article – State Finance and Procurement**

16 10–305.

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

21 (i) executed by the unit; and

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 it.

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

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

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

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

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

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

19 1. **MAINTAIN A BORDER AROUND THE PROPERTY**
20 **SUFFICIENT TO ALLOW UNOBSTRUCTED ACCESS TO TRAIL HEADS BY TRAIL USERS**
21 **AND FIRST RESPONDERS; AND**

22 2. **ENSURE THAT THE BORDER REQUIRED UNDER ITEM 1**
23 **OF THIS SUBPARAGRAPH REMAINS FREE OF OBSTRUCTIONS AT ALL TIMES.**

24 (II) **AT LEAST ONCE EACH YEAR, THE SECRETARY OF NATURAL**
25 **RESOURCES SHALL SUBMIT A REPORT OF ALL LEASES EXECUTED BY THE**
26 **DEPARTMENT OF NATURAL RESOURCES TO THE DEPARTMENT OF GENERAL**
27 **SERVICES.**

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