

SENATE BILL 684

F3, L2

4lr1474

By: **Senator Zirkin**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Wireless Telecommunications Towers – Prohibition on**
3 **Public School Grounds**

4 FOR the purpose of prohibiting the siting of wireless telecommunications towers on
5 certain public school property in Baltimore County; providing for the application
6 of this Act; and generally relating to wireless telecommunications towers and
7 the use of public property in Baltimore County.

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 4–114
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2013 Supplement)

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

15 **Article – Education**

16 4–114.

17 (a) All property granted, conveyed, devised, or bequeathed for the use of a
18 particular public school or school system:

19 (1) Except as provided in subsection (c) of this section, shall be held in
20 trust for the benefit of the school or school system by the appropriate county board or,
21 for real property in Baltimore City, by the Mayor and City Council of Baltimore; and

22 (2) Is exempt from all State and local taxes.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Money invested in trust for the benefit of the public schools for any
2 county or city is exempt from all State and local taxes.

3 (c) (1) A private entity may hold title to property used for a particular
4 public school or local school system if the private entity is contractually obligated to
5 transfer title to the appropriate county board on a specified date.

6 (2) The conveyance of title of school property to a private entity for a
7 specified term under this subsection may not be construed to prohibit the allocation of
8 construction funds to an approved school construction project under the Public School
9 Construction Program.

10 (3) A county or county board may convey or dispose of surplus land
11 under the jurisdiction of the county or county board in exchange for public school
12 construction or development services.

13 **(D) (1) THIS SUBSECTION APPLIES TO PROPERTY GRANTED,
14 CONVEYED, DEvised, OR BEQUEATHED FOR THE USE OF THE BALTIMORE
15 COUNTY PUBLIC SCHOOL SYSTEM.**

16 **(2) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION, THE
17 GROUNDS OF AN ELEMENTARY SCHOOL, A MIDDLE SCHOOL, OR A HIGH SCHOOL
18 IN BALTIMORE COUNTY MAY NOT BE USED AS A SITE FOR A WIRELESS
19 TELECOMMUNICATIONS TOWER.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
21 construed to apply only prospectively and may not be applied or interpreted to have
22 any effect on or application to any wireless telecommunications tower in Baltimore
23 County in existence or for which all necessary permits for construction have been
24 issued before the effective date of this Act. If the use of a wireless telecommunications
25 tower is allowed to continue in accordance with this section:

26 (1) the use may not be expanded; and

27 (2) if abandoned, the use may not be resumed.

28 SECTION 3. AND BE IT FURTHER ENACTED, That a presently existing
29 obligation or contract right may not be impaired in any way by this Act.

30 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2014.