

HOUSE BILL 125

P1

(0lr1355)

ENROLLED BILL

— *Health and Government Operations/Education, Health, and Environmental Affairs*

Introduced by **Delegate Healey**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Board of Public Works – Land Acquisition – Requirements**

3 FOR the purpose of prohibiting the Board of Public Works from approving the acquisition
4 of certain real property except under certain circumstances; prohibiting the Board,
5 under certain circumstances, from approving the acquisition of certain real property
6 from the federal government until the Board provides certain notice and, on a certain
7 request made within a certain period of time, a certain study ~~has been completed~~;
8 providing that certain requirements related to the acquisition of real property do not
9 apply to certain property; making a conforming change; and generally relating to the
10 authority of the Board of Public Works regarding land acquisition.

11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 10–305

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 Annotated Code of Maryland
2 (2015 Replacement Volume and 2019 Supplement)

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

5 **Article – State Finance and Procurement**

6 10–305.

7 (a) Subject to [subsection] **SUBSECTIONS (b) AND (C)** of this section, any real or
8 personal property of the State or a unit of the State government may be sold, leased,
9 transferred, exchanged, granted, or otherwise disposed of:

10 (1) to any person, to the United States or any of its units, or to any unit of
11 the State government, for a consideration the Board decides is adequate; or

12 (2) to any county or municipal corporation in the State subject to any
13 conditions the Board imposes.

14 (b) (1) (i) Except as provided under subparagraph (ii) of this paragraph,
15 this subsection applies to the sale, transfer, grant, or exchange of:

16 1. real property identified under § 5–310(c)(1) of this article;
17 and

18 2. State-owned real or personal property, funded in
19 accordance with an appropriation act of the General Assembly, that has an appraised value
20 over \$100,000.

21 (ii) This subsection does not apply to the following dispositions of
22 property identified in subparagraph (i) of this paragraph:

23 1. leasing the property; or

24 2. the sale, transfer, grant, or exchange of a corrective or
25 access easement on the property.

26 (2) The Board may not approve the sale, transfer, exchange, or grant of
27 property until:

28 (i) the Department of General Services or the Department of
29 Natural Resources under Title 1, Subtitle 1 of the Natural Resources Article has submitted
30 to the Board two independent appraisals of the property that:

31 1. with regard to real property, consider the value of any
32 restrictive covenant that may be placed on the property; and

1 disposition may not be approved by the Board unless it is approved by the passage of
2 legislation during the next legislative session of the General Assembly.

3 2. In any legislation passed in accordance with
4 subsubparagraph 1 of this subparagraph, the General Assembly may approve the proposed
5 disposition with or without conditions.

6 (4) If the Board has declared the property surplus, the Board shall sell the
7 property to the federal government, a local government, or a unit of federal or local
8 government for \$1.00, if:

9 (i) the government or unit has indicated its interest in acquiring the
10 land; and

11 (ii) a restrictive covenant is placed on the deed of transfer, in
12 accordance with § 5-906(e)(7) and (8) of the Natural Resources Article, that requires the
13 property to be maintained in a use that is consistent with its use at the time of transfer.

14 (5) Any revenues derived from the sale, transfer, exchange, or grant of
15 property identified under paragraph (1)(i)1 of this subsection shall be deposited in the
16 Advance Option and Purchase Fund under § 5-904(b) of the Natural Resources Article.

17 **(C) (1) THIS SUBSECTION DOES NOT APPLY TO:**

18 **(I) PROPERTY THAT WILL BE ACQUIRED WITH PROGRAM OPEN**
19 **SPACE FUNDS UNDER TITLE 5, SUBTITLE 9 OF THE NATURAL RESOURCES ARTICLE;**

20 **(II) PROPERTY THAT WILL BE ACQUIRED WITH RURAL LEGACY**
21 **PROGRAM FUNDS UNDER TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES**
22 **ARTICLE;**

23 **(III) PROPERTY THAT WILL BE ACQUIRED WITH LOCAL LAND**
24 **PRESERVATION PROGRAM FUNDS UNDER TITLE 5, SUBTITLE 9B OF THE NATURAL**
25 **RESOURCES ARTICLE;**

26 **(IV) PROPERTY THAT WILL BE ACQUIRED WITH COMMUNITY**
27 **PARKS AND PLAYGROUNDS PROGRAM FUNDS UNDER TITLE 5, SUBTITLE 9C OF THE**
28 **NATURAL RESOURCES ARTICLE;**

29 **(V) PROPERTY THAT WILL BE ACQUIRED WITH FUNDS FROM**
30 **THE HERITAGE CONSERVATION FUND UNDER TITLE 5, SUBTITLE 15 OF THE**
31 **NATURAL RESOURCES ARTICLE;**

1 (VI) PROPERTY THAT WILL BE ACQUIRED WITH FUNDS FROM THE
 2 FOREST AND PARK RESERVE FUND ESTABLISHED UNDER § 5-212 OF THE NATURAL
 3 RESOURCES ARTICLE;

4 (VII) PROPERTY THAT WILL BE ACQUIRED WITH FEDERAL GRANT
 5 FUNDS MADE AVAILABLE TO THE DEPARTMENT OF NATURAL RESOURCES FOR OPEN
 6 SPACE, RECREATION, OR CONSERVATION PURPOSES;

7 (VIII) PROPERTY THAT WILL BE ACQUIRED BY THE MARYLAND
 8 ENVIRONMENTAL TRUST;

9 ~~(VI)~~ (IX) A MARYLAND AGRICULTURAL LAND PRESERVATION
 10 FOUNDATION EASEMENT ACQUIRED UNDER § 2-504 OF THE AGRICULTURE
 11 ARTICLE;

12 ~~(VII)~~ (X) FEDERALLY OWNED MILITARY PROPERTY;

13 ~~(VIII) PROPERTY AT BALTIMORE WASHINGTON INTERNATIONAL~~
 14 ~~THURGOOD MARSHALL AIRPORT; OR~~

15 ~~(IX) PROPERTY AT THE PORT OF BALTIMORE.~~

16 ~~(VIII)~~ (XI) PROPERTY THAT WILL BE ACQUIRED BY THE
 17 MARYLAND AVIATION ADMINISTRATION; OR

18 ~~(IX)~~ (XII) PROPERTY THAT WILL BE ACQUIRED BY THE
 19 MARYLAND PORT ADMINISTRATION.

20 (2) THE BOARD MAY NOT APPROVE THE ACQUISITION OF REAL
 21 PROPERTY WITH AN APPRAISED VALUE OF AT LEAST \$500,000 UNLESS THE BOARD
 22 HAS PROVIDED TO THE LEGISLATIVE POLICY COMMITTEE:

23 (I) A JUSTIFICATION FOR THE PLANNED ACQUISITION; AND

24 (II) ON REQUEST OF THE COCHAIRS OF THE LEGISLATIVE
 25 POLICY COMMITTEE MADE WITHIN 14 DAYS AFTER RECEIVING THE JUSTIFICATION
 26 UNDER ITEM (I) OF THIS PARAGRAPH;

27 ~~(H)~~ 1. A COST-BENEFIT ANALYSIS OF THE PLANNED
 28 ACQUISITION; AND

29 ~~(H)~~ 2. AT LEAST 45 DAYS FOR THE LEGISLATIVE POLICY
 30 COMMITTEE TO REVIEW THE INFORMATION PROVIDED UNDER ITEMS (I) AND (II) OF

1 THIS PARAGRAPH AND COMMENT ON THE PLANNED ACQUISITION BEFORE THE
2 ACQUISITION IS APPROVED.

3 (3) IF THE ACQUISITION OF REAL PROPERTY WITH AN APPRAISED
4 VALUE OF AT LEAST \$500,000 FROM THE FEDERAL GOVERNMENT WOULD REQUIRE
5 THE STATE TO PROVIDE ONGOING MAINTENANCE OF THE PROPERTY, THE BOARD
6 MAY NOT APPROVE THE ACQUISITION UNTIL THE BOARD HAS PROVIDED TO THE
7 LEGISLATIVE POLICY COMMITTEE:

8 (I) NOTICE THAT THE ACQUISITION WOULD REQUIRE THE
9 STATE TO PROVIDE ONGOING MAINTENANCE OF THE PROPERTY; AND

10 (II) ON REQUEST OF THE COCHAIRS OF THE LEGISLATIVE
11 POLICY COMMITTEE WITHIN 14 DAYS AFTER RECEIVING THE NOTICE PROVIDED
12 UNDER ITEM (I) OF THIS PARAGRAPH, A STUDY ~~HAS BEEN COMPLETED~~ REGARDING
13 THE ONGOING FISCAL IMPACT THE ACQUISITION WOULD HAVE ON THE STATE,
14 INCLUDING ANY ENVIRONMENTAL MITIGATION THAT MAY BE REQUIRED.

15 [(c)] (D) Except as otherwise provided in this section:

16 (1) if any real or personal property disposed of under this section is not
17 under the jurisdiction or control of any particular unit of the State government, the deed,
18 lease, or other evidence of conveyance of the real or personal property shall be executed by
19 the Board; and

20 (2) if any real or personal property disposed of under this section is under
21 the jurisdiction or control of a unit of the State government, the deed, lease, or other
22 evidence of conveyance of the real or personal property shall be executed by the highest
23 official of the unit and by the Board.

24 [(d)] (E) (1) Whenever any unit of the State government leases any
25 State-owned property under its jurisdiction and control to any State employee, agent, or
26 servant, or to any other individual in State service, for the purpose of permitting the
27 individual to maintain a residence on or in the property, the lease shall be:

28 (i) executed by the unit; and

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

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

32 (3) Whenever any unit of the State government leases any State-owned
33 property under its jurisdiction and control to any lessee, the lease shall include a provision

1 which prohibits the lessee from assigning or subleasing that property without the prior
2 approval of the Board of Public Works.

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

6 (i) the lease is entered into on a 30-day renewable basis; and

7 (ii) the duration of the tenancy does not exceed 1 year.

8 (5) At least twice each year, the Administrator of the State Highway
9 Administration shall submit a report of the leases executed under the authority granted in
10 paragraph (4) of this subsection to the Board of Public Works.

11 **[(e)] (F)** (1) On the sale, lease, transfer, exchange, or other disposition of any
12 real or personal property owned or controlled by the State Retirement and Pension System
13 or the State of Maryland for the use of the Board of Trustees of the State Retirement and
14 Pension System, any conveyancing document shall be executed in the manner provided in
15 Division II of the State Personnel and Pensions Article.

16 (2) Any sale, lease, transfer, exchange or other disposition of any real or
17 personal property owned or controlled by the State Retirement and Pension System or the
18 State of Maryland for the use of the Board of Trustees of the State Retirement and Pension
19 System by a conveyancing document executed by or for the Board of Trustees of the State
20 Retirement and Pension System before October 1, 1994 in the manner provided under
21 former Article 73B is ratified and confirmed.

22 **[(f)] (G)** All conveyances under this section shall be made in the name of the
23 State of Maryland, acting through the executing authority provided for in this section.

24 **[(g)] (H)** This section does not apply to any lease or other temporary transfer,
25 grant, or disposition of State real or personal property in connection with a procurement
26 made subject to § 11-202(3) of this article.

27 **[(h)] (I)** The Department of Budget and Management and Department of
28 General Services, with the approval of the Board, shall adopt regulations in accordance
29 with Title 10, Subtitle 1 of the State Government Article to implement the provisions of
30 this section.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
32 1, 2020.