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By: Delegate Healey

Introduced and read first time: January 15, 2020 Assigned to: Health and Government Operations

## A BILL ENTITLED

1 AN ACT concerning
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## Board of Public Works - Land Acquisition - Requirements

- FOR the purpose of prohibiting the Board of Public Works from approving the acquisition of certain real property except under certain circumstances; prohibiting the Board, under certain circumstances, from approving the acquisition of certain real property from the federal government until a certain study has been completed; providing that certain requirements related to the acquisition of real property do not apply to certain property; making a conforming change; and generally relating to the authority of the Board of Public Works regarding land acquisition.
- 10 BY repealing and reenacting, with amendments,
- 11 Article State Finance and Procurement
- 12 Section 10–305
- 13 Annotated Code of Maryland
- 14 (2015 Replacement Volume and 2019 Supplement)
- 15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 16 That the Laws of Maryland read as follows:

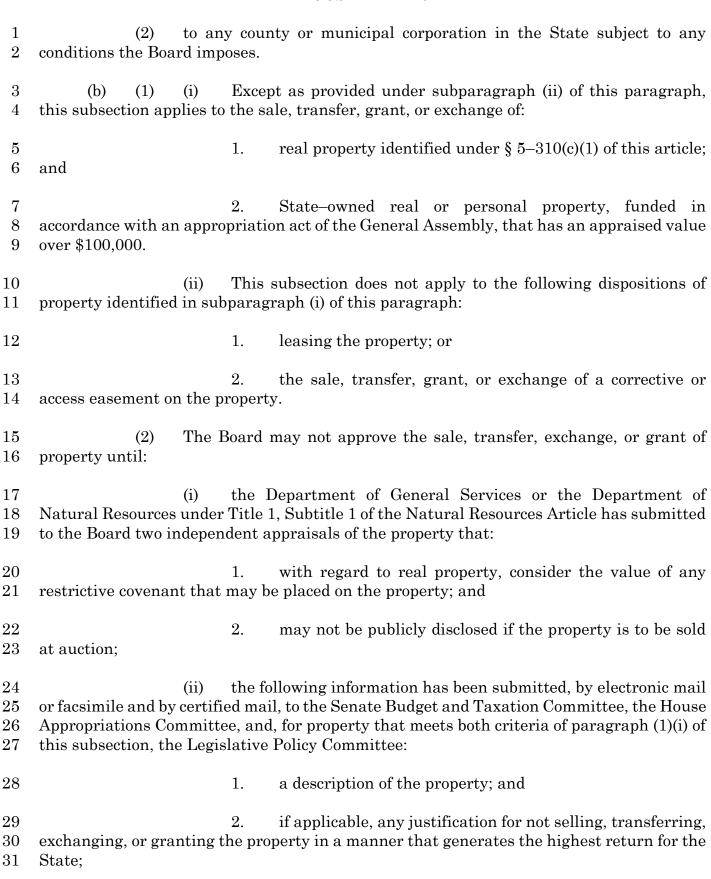
## 17 Article – State Finance and Procurement

- 18 10–305.
- 19 (a) Subject to [subsection] SUBSECTIONS (b) AND (C) of this section, any real or 20 personal property of the State or a unit of the State government may be sold, leased, 21 transferred, exchanged, granted, or otherwise disposed of:
- 22 (1) to any person, to the United States or any of its units, or to any unit of 23 the State government, for a consideration the Board decides is adequate; or



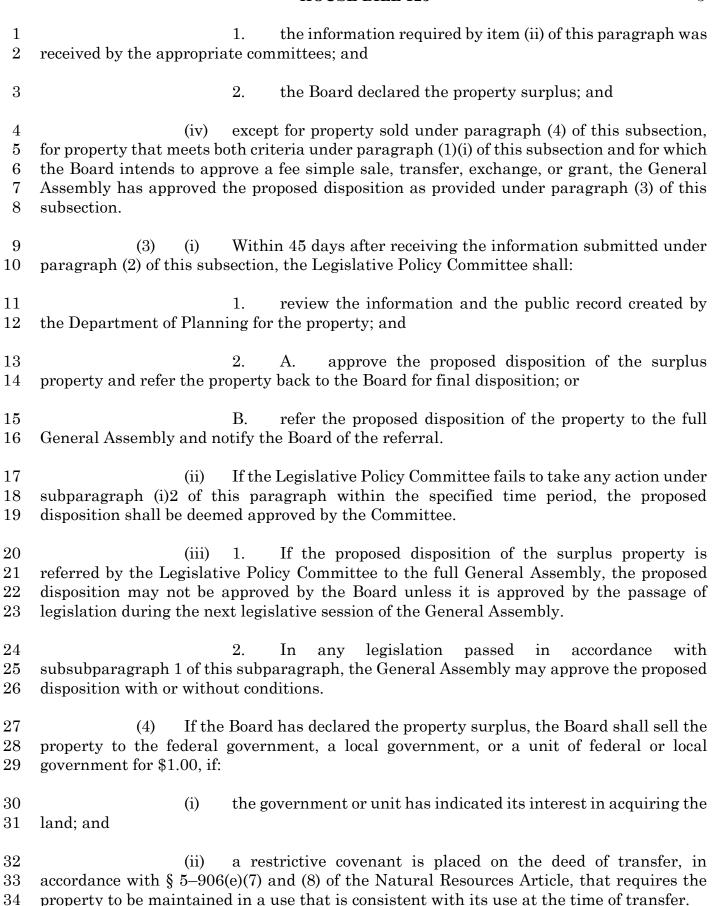
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45 days have elapsed since:

(iii)



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AND

1 2 3	(5) Any revenues derived from the sale, transfer, exchange, or grant of property identified under paragraph (1)(i)1 of this subsection shall be deposited in the Advance Option and Purchase Fund under § 5–904(b) of the Natural Resources Article.
4	(C) (1) THIS SUBSECTION DOES NOT APPLY TO:
5 6	(I) PROPERTY THAT WILL BE ACQUIRED WITH PROGRAM OPEN SPACE FUNDS UNDER TITLE 5, SUBTITLE 9 OF THE NATURAL RESOURCES ARTICLE;
7 8 9	(II) PROPERTY THAT WILL BE ACQUIRED WITH RURAL LEGACY PROGRAM FUNDS UNDER TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;
10 11 12	(III) PROPERTY THAT WILL BE ACQUIRED WITH LOCAL LAND PRESERVATION PROGRAM FUNDS UNDER TITLE 5, SUBTITLE 9B OF THE NATURAL RESOURCES ARTICLE;
13 14 15	(IV) PROPERTY THAT WILL BE ACQUIRED WITH COMMUNITY PARKS AND PLAYGROUNDS PROGRAM FUNDS UNDER TITLE 5, SUBTITLE 9C OF THE NATURAL RESOURCES ARTICLE;
16 17 18	(V) PROPERTY THAT WILL BE ACQUIRED WITH FUNDS FROM THE HERITAGE CONSERVATION FUND UNDER TITLE 5, SUBTITLE 15 OF THE NATURAL RESOURCES ARTICLE;
19 20 21	(VI) A MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION EASEMENT ACQUIRED UNDER § 2–504 OF THE AGRICULTURE ARTICLE;
22	(VII) FEDERALLY OWNED MILITARY PROPERTY;
23 24	(VIII) PROPERTY AT BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT; OR
25	(IX) PROPERTY AT THE PORT OF BALTIMORE.
26 27 28	(2) THE BOARD MAY NOT APPROVE THE ACQUISITION OF REAL PROPERTY WITH AN APPRAISED VALUE OF AT LEAST \$500,000 UNLESS THE BOARD HAS PROVIDED TO THE LEGISLATIVE POLICY COMMITTEE:
29	(I) A JUSTIFICATION FOR THE PLANNED ACQUISITION;

(II) A COST-BENEFIT ANALYSIS OF THE PLANNED ACQUISITION;

- 1 (III) AT LEAST 45 DAYS FOR THE LEGISLATIVE POLICY COMMITTEE TO REVIEW THE INFORMATION PROVIDED UNDER ITEMS (I) AND (II) OF THIS PARAGRAPH AND COMMENT ON THE PLANNED ACQUISITION.
- 4 (3) IF THE ACQUISITION OF REAL PROPERTY WITH AN APPRAISED VALUE OF AT LEAST \$500,000 FROM THE FEDERAL GOVERNMENT WOULD REQUIRE THE STATE TO PROVIDE ONGOING MAINTENANCE OF THE PROPERTY, THE BOARD MAY NOT APPROVE THE ACQUISITION UNTIL A STUDY HAS BEEN COMPLETED REGARDING THE ONGOING FISCAL IMPACT THE ACQUISITION WOULD HAVE ON THE STATE.
- 10 **[(c)] (D)** Except as otherwise provided in this section:
- 11 (1) if any real or personal property disposed of under this section is not 12 under the jurisdiction or control of any particular unit of the State government, the deed, 13 lease, or other evidence of conveyance of the real or personal property shall be executed by 14 the Board; and
- 15 (2) if any real or personal property disposed of under this section is under 16 the jurisdiction or control of a unit of the State government, the deed, lease, or other 17 evidence of conveyance of the real or personal property shall be executed by the highest 18 official of the unit and by the Board.
- [(d)] (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:
- 23 (i) executed by the unit; and

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- 24 (ii) approved by the Secretary of General Services.
- 25 (2) The lease is not valid unless the Secretary of General Services approves 26 it.
- 27 (3) Whenever any unit of the State government leases any State—owned 28 property under its jurisdiction and control to any lessee, the lease shall include a provision 29 which prohibits the lessee from assigning or subleasing that property without the prior 30 approval of the Board of Public Works.
- 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) the lease is entered into on a 30-day renewable basis; and

- 1 (ii) the duration of the tenancy does not exceed 1 year.
- 2 (5) At least twice each year, the Administrator of the State Highway 3 Administration shall submit a report of the leases executed under the authority granted in paragraph (4) of this subsection to the Board of Public Works.
- [(e)] (F) (1) On the sale, lease, transfer, exchange, or other disposition of any real or personal property owned or controlled by the State Retirement and Pension System or the State of Maryland for the use of the Board of Trustees of the State Retirement and Pension System, any conveyancing document shall be executed in the manner provided in Division II of the State Personnel and Pensions Article.
- 10 (2) Any sale, lease, transfer, exchange or other disposition of any real or personal property owned or controlled by the State Retirement and Pension System or the State of Maryland for the use of the Board of Trustees of the State Retirement and Pension System by a conveyancing document executed by or for the Board of Trustees of the State Retirement and Pension System before October 1, 1994 in the manner provided under former Article 73B is ratified and confirmed.
- 16 **[**(f)**] (G)** All conveyances under this section shall be made in the name of the State of Maryland, acting through the executing authority provided for in this section.
- [(g)] (H) This section does not apply to any lease or other temporary transfer, grant, or disposition of State real or personal property in connection with a procurement made subject to § 11–202(3) of this article.
- [(h)] (I) The Department of Budget and Management and Department of General Services, with the approval of the Board, shall adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article to implement the provisions of this section.
- 25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 26 1, 2020.