
By: **Delegate Wood**

Introduced and read first time: February 10, 1999

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Land Acquisition - Approval by Board of Public Works - Corrective**
3 **Legislation**

4 FOR the purpose of modifying exemptions relating to land acquisitions by the State
5 and involving Board of Public Works approval and notice to local governments;
6 providing that the exemptions concerning certain units within the Department
7 of Transportation extend solely to certain notice and comment provisions and
8 not to Board of Public Works approval; providing for the effective date of this
9 Act; and generally relating to procedures concerning land acquisition by units of
10 State government.

11 BY repealing and reenacting, with amendments,
12 Article - State Finance and Procurement
13 Section 4-415
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1998 Supplement)

16 Preamble

17 WHEREAS, In 1995, the General Assembly enacted legislation requiring that
18 the Land Acquisition Division of the Department of General Services provide written
19 notice to the governing body of a county or municipal corporation when the State
20 sought to acquire real property within its jurisdiction, and provide an opportunity for
21 the local governing body to comment, before the Board of Public Works acted on the
22 land acquisition; and

23 WHEREAS, Prior to that enactment, the only exception to State land
24 acquisitions requiring Board of Public Works approval involved the Department of
25 Transportation and the Maryland Transportation Authority in connection with State
26 road, bridge, and highway projects; and

27 WHEREAS, In enacting the 1995 legislation, the General Assembly intended to
28 provide an exception pertaining to the Maryland Aviation Administration, the
29 Maryland Port Authority, and the Mass Transit Administration under the provision

1 governing notice by the Land Acquisition Division of the Department of General
2 Services; and

3 WHEREAS, In enacting the 1995 legislation, the General Assembly did not
4 intend to modify the role of the Board of Public Works; and

5 WHEREAS, In amending the 1995 legislation, a drafting error resulted in the
6 General Assembly inadvertently exempting land acquisitions by the Maryland
7 Aviation Administration, the Maryland Port Authority, and the Mass Transit
8 Administration from Board of Public Works approval; and

9 WHEREAS, Legislation is necessary to correct this error and to reflect actual
10 legislative intent; now, therefore,

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

13 **Article - State Finance and Procurement**

14 4-415.

15 (a) This section does not apply to any capital expenditures by[:

16 (1)] the Department of Transportation or the Maryland Transportation
17 Authority in connection with State roads, bridges, or highways[;

18 (2) the Maryland Port Administration;

19 (3) the Mass Transit Administration; or

20 (4) the Maryland Aviation Administration].

21 (b) Before execution, a contract for the acquisition of land shall be:

22 (1) reviewed by the Secretary of General Services; and

23 (2) except as provided in § 12-204 of this article, after that review,
24 approved by the Board of Public Works.

25 (c) (1) THIS SUBSECTION DOES NOT APPLY TO ANY CAPITAL EXPENDITURE
26 BY:

27 (I) THE MARYLAND AVIATION ADMINISTRATION;

28 (II) THE MARYLAND PORT ADMINISTRATION; OR

29 (III) THE MASS TRANSIT ADMINISTRATION.

30 (2) At least 40 days before the Board of Public Works may act on a land
31 acquisition, the Division shall give written notice of a potential acquisition of land:

1 (i) to the governing body of the county in which the land is located;

2 and

3 (ii) if the land is located within a municipal corporation, to the
4 governing body of the municipal corporation.

5 [(2)] (3) Within 30 days after receiving notice under this subsection, the
6 governing body may submit written comments to the Division.

7 (d) The Board of Public Works shall supervise the expenditure of any money
8 that the General Assembly appropriates for the acquisition of land.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 June 1, 1999.