
By: **Delegates Morhaim, Cardin, and Zirkin**
Introduced and read first time: February 4, 2004
Assigned to: Health and Government Operations and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene - Sale or Transfer of Facilities**

3 FOR the purpose of providing that the Board of Public Works may sell or transfer
4 certain facilities only if the Board executes a certain covenant or provision in the
5 deed mandating that the facility be used for certain purposes or if the facility is
6 to be used for certain other purposes; providing for certain notice and hearing on
7 the sale or transfer of certain property within a certain time period; defining a
8 certain term; providing for the application of this Act; and generally relating to
9 the sale or transfer of certain facilities operated by the Department of Health
10 and Mental Hygiene.

11 BY adding to
12 Article - State Finance and Procurement
13 Section 10-309
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2003 Supplement)

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

18 **Article - State Finance and Procurement**

19 10-309.

20 (A) (1) IN THIS SECTION, "FACILITY" MEANS A MEDICAL OR MENTAL
21 HEALTH FACILITY OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL
22 HYGIENE.

23 (2) "FACILITY" INCLUDES ANY LAND ON WHICH THE MEDICAL OR
24 MENTAL HEALTH FACILITY IS LOCATED.

25 (B) THE BOARD MAY SELL OR TRANSFER A FACILITY ONLY:

26 (1) IF THE BOARD EXECUTES A RESTRICTIVE COVENANT OR IF THE
27 DEED CONTAINS A PROVISION THAT MANDATES THAT THE FACILITY BE USED ONLY

1 FOR A SIMILAR PURPOSE AS THAT WHICH THE FACILITY WAS USED FOR WHEN
2 OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

3 (2) THE FACILITY SHALL BE USED AS A PARK OR OPEN SPACE; OR

4 (3) THE FACILITY SHALL BE USED AS A PUBLIC PRIMARY OR
5 SECONDARY SCHOOL.

6 (C) IN ADDITION TO ANY OTHER NOTICE AND HEARING REQUIREMENTS FOR
7 THE SALE OR TRANSFER OF STATE-OWNED REAL OR PERSONAL PROPERTY, AT LEAST
8 60 DAYS BEFORE SELLING OR TRANSFERRING A FACILITY THE BOARD SHALL HOLD A
9 PUBLIC HEARING IN THE COUNTY IN WHICH THE FACILITY IS LOCATED AFTER
10 GIVING PUBLIC NOTICE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not apply to
12 the sale or transfer of a facility if the sale or transfer of the facility is the subject of
13 negotiations between the Department of Health and Mental Hygiene and the Board of
14 Public Works and the negotiations began prior to January 1, 2004.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2004.