
By: **Senators Dyson and Frosh**

Introduced and read first time: January 19, 2005

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Board of Public Works - Disposition of State Lands - Legislative Approval**

3 FOR the purpose of prohibiting the Board of Public Works, without the approval of
4 the General Assembly through legislation, from selling, leasing, transferring,
5 exchanging, granting, or otherwise disposing of any State designated open
6 space, recreation, conservation, preservation, or other park or forest land; and
7 generally relating to the authority of the Board of Public Works with regard to
8 the disposition of certain State park and similar lands.

9 BY repealing and reenacting, with amendments,
10 Article - State Finance and Procurement
11 Section 10-305
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2004 Supplement)

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

16 **Article - State Finance and Procurement**

17 10-305.

18 (a) (1) [Any] SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,
19 ANY real or personal property of the State or a unit of the State government may be
20 sold, leased, transferred, exchanged, granted, or otherwise disposed of:

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

23 (ii) to any county or municipal corporation in the State subject to
24 any conditions the Board imposes.

25 (2) The Board may not approve the sale of any State owned real or
26 personal property funded pursuant to an appropriation act of the Maryland General
27 Assembly if the property has an appraised value over \$100,000 until:

1 (i) a description of the real or personal property has been
2 submitted to the Senate Budget and Taxation Committee and the House
3 Appropriations Committee for review and comment; and

4 (ii) 45 days have elapsed since the description was submitted.

5 (3) THE BOARD MAY NOT APPROVE, WITHOUT THE APPROVAL OF THE
6 GENERAL ASSEMBLY THROUGH LEGISLATION, THE SALE, LEASE, TRANSFER,
7 EXCHANGE, GRANT, OR OTHER DISPOSITION OF ANY STATE DESIGNATED OPEN
8 SPACE, RECREATION, CONSERVATION, PRESERVATION, OR OTHER PARK OR FOREST
9 LAND, INCLUDING:

10 (I) LAND UNDER PROGRAM OPEN SPACE UNDER TITLE 5, SUBTITLE
11 9 OF THE NATURAL RESOURCES ARTICLE;

12 (II) LAND UNDER THE RURAL LEGACY PROGRAM UNDER TITLE 5,
13 SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;

14 (III) PUBLIC PARK LAND AND RECREATIONAL AREAS UNDER TITLE
15 5, SUBTITLE 10 OF THE NATURAL RESOURCES ARTICLE;

16 (IV) WILDLAND AND OPEN AREAS UNDER TITLE 5, SUBTITLE 12 OF
17 THE NATURAL RESOURCES ARTICLE;

18 (V) HERITAGE CONSERVATION AREAS UNDER TITLE 5, SUBTITLE 15
19 OF THE NATURAL RESOURCES ARTICLE; AND

20 (VI) FOREST CONSERVATION AREAS UNDER TITLE 5, SUBTITLE 16
21 OF THE NATURAL RESOURCES ARTICLE.

22 (b) Except as otherwise provided in this section:

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

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

31 (c) (1) Whenever any unit of the State government leases any State-owned
32 property under its jurisdiction and control to any State employee, agent, or servant,
33 or to any other individual in State service, for the purpose of permitting the
34 individual to maintain a residence on or in the property, the lease shall be:

35 (i) executed by the unit; and

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

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

3 (3) Whenever any unit of the State government leases any State-owned
4 property under its jurisdiction and control to any lessee, the lease shall include a
5 provision which prohibits the lessee from assigning or subleasing that property
6 without the prior approval of the Board of Public Works.

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

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

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

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

15 (d) (1) On the sale, lease, transfer, exchange, or other disposition of any real
16 or personal property owned or controlled by the State Retirement and Pension System
17 or the State of Maryland for the use of the Board of Trustees of the State Retirement
18 and Pension System, any conveyancing document shall be executed in the manner
19 provided in Division II of the State Personnel and Pensions Article.

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

26 (e) All conveyances under this section shall be made in the name of the State
27 of Maryland, acting through the executing authority provided for in this section.

28 (f) This section does not apply to any lease or other temporary transfer, grant,
29 or disposition of State real or personal property in connection with a procurement
30 made subject to § 11-202(3) of this article.

31 (g) The Department of Budget and Management and Department of General
32 Services, with the approval of the Board, shall adopt regulations in accordance with
33 Title 10, Subtitle 1 of the State Government Article to implement the provisions of
34 this section.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2005.