
By: **Senator Middleton**

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 Public Lands - Review by Legislative**
3 **Policy Committee**

4 FOR the purpose of requiring units of State government to consider certain factors
5 when determining how to classify certain property; requiring units to maintain
6 public records about determinations made about certain property and to prepare
7 and submit a certain list to the General Assembly each year; prohibiting the
8 Board of Public Works, subject to conditions, from approving the sale, lease,
9 transfer, exchange, grant, or other disposition of certain property owned by the
10 State or in which the State has an interest; authorizing the Legislative Policy
11 Committee to review and comment on certain transactions presented to the
12 Board of Public Works that involve certain property; and generally relating to
13 proposed dispositions of certain public lands and review of the proposals by the
14 Legislative Policy Committee.

15 BY repealing and reenacting, with amendments,
16 Article - State Finance and Procurement
17 Section 5-310
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2004 Supplement)

20 BY adding to
21 Article - State Finance and Procurement
22 Section 10-310
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2004 Supplement)

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

1 **Article - State Finance and Procurement**

2 5-310.

3 (a) (1) Each unit of the State government shall notify the Department of:

4 [(1)] (I) any real property that is in excess of the needs of the unit; or

5 [(2)] (II) any substantial change to any real property owned by the State.

6 (2) WHEN IT CONSIDERS WHETHER ANY REAL PROPERTY IS IN EXCESS
7 OF THE NEEDS OF THE UNIT, THE UNIT SHALL INCLUDE IN ITS ASSESSMENT THE
8 SOCIAL, COMMUNITY, AND ENVIRONMENTAL VALUE OF THE REAL PROPERTY.9 (3) EACH UNIT SHALL MAINTAIN A PUBLIC RECORD TO SUPPORT ITS
10 DETERMINATION WHETHER OR NOT ANY REAL PROPERTY IS IN EXCESS OF THE
11 NEEDS OF THE UNIT.12 (B) (1) EACH YEAR, NO LATER THAN 60 DAYS BEFORE THE GENERAL
13 ASSEMBLY CONVENES FOR ITS REGULAR SESSION, EACH UNIT SHALL SUBMIT A
14 REPORT TO THE DEPARTMENT THAT INCLUDES A LIST OF ANY REAL PROPERTY
15 THAT, SINCE THE DATE OF THE UNIT'S LAST REPORT, THE UNIT CONSIDERED BUT
16 DID NOT NOTIFY THE DEPARTMENT AS PROPERTY IN EXCESS OF THE NEEDS OF THE
17 UNIT.18 (2) THE DEPARTMENT SHALL CONSOLIDATE THE REPORTS SUBMITTED
19 BY THE UNITS AND DISTRIBUTE A COPY OF THE CONSOLIDATED REPORT:20 (I) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO
21 THE GENERAL ASSEMBLY; AND

22 (II) ON REQUEST, TO THE PUBLIC.

23 [(b)] (C) For any real property identified under subsection (a) of this section,
24 the Department shall:

25 (1) study the proper disposition of the property;

26 (2) determine whether any local government or unit of the State
27 government is interested in the property; and28 (3) make an appropriate recommendation to the using unit of the State
29 government and to the Board of Public Works.

30 10-310.

31 (A) THIS SECTION APPLIES TO PROPERTY THAT THE STATE OWNS OR IN
32 WHICH IT HAS AN INTEREST, INCLUDING:33 (1) PROPERTY UNDER PROGRAM OPEN SPACE UNDER TITLE 5, SUBTITLE
34 9 OF THE NATURAL RESOURCES ARTICLE;

1 (2) PROPERTY UNDER THE RURAL LEGACY PROGRAM UNDER TITLE 5,
2 SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;

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

5 (4) WILDLAND AND OPEN AREAS UNDER TITLE 5, SUBTITLE 12 OF THE
6 NATURAL RESOURCES ARTICLE;

7 (5) HERITAGE CONSERVATION AREAS UNDER TITLE 5, SUBTITLE 15 OF
8 THE NATURAL RESOURCES ARTICLE; AND

9 (6) FOREST CONSERVATION AREAS UNDER TITLE 5, SUBTITLE 16 OF THE
10 NATURAL RESOURCES ARTICLE.

11 (B) (1) IF A PERSON MAKES A PROPOSAL TO THE BOARD ASKING THAT THE
12 STATE SELL, LEASE, TRANSFER, EXCHANGE, GRANT, OR OTHERWISE DISPOSE OF
13 PROPERTY SUBJECT TO THIS SECTION, THE BOARD SHALL:

14 (I) WITHIN 30 DAYS OF THE RECEIPT OF THE PROPOSAL, SUBMIT IT
15 TO THE LEGISLATIVE POLICY COMMITTEE; AND

16 (II) ALLOW THE LEGISLATIVE POLICY COMMITTEE AT LEAST 45
17 DAYS AFTER IT RECEIVES THE PROPOSAL TO REVIEW AND COMMENT ON IT.

18 (2) ON REQUEST, THE BOARD, IN CONSULTATION WITH ANY
19 APPLICABLE UNIT OF STATE GOVERNMENT, SHALL:

20 (I) PROVIDE ADDITIONAL INFORMATION REGARDING THE
21 PROPOSAL AS REQUESTED BY THE LEGISLATIVE POLICY COMMITTEE; AND

22 (II) ALLOW THE LEGISLATIVE POLICY COMMITTEE AN ADDITIONAL
23 60 DAYS TO REVIEW AND COMMENT ON THE PROPOSAL.

24 (C) THE BOARD MAY NOT APPROVE THE SALE, LEASE, TRANSFER, EXCHANGE,
25 GRANT, OR OTHER DISPOSITION OF PROPERTY UNDER THIS SECTION UNLESS THE
26 BOARD DETERMINES THAT THE MONETARY VALUE OR OTHER BENEFIT THAT THE
27 STATE WILL RECEIVE FOR THE PROPERTY EQUALS OR EXCEEDS THE ECONOMIC,
28 SOCIAL, COMMUNITY, AND ENVIRONMENTAL VALUE OF THE PROPERTY.

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