

**ENROLLED BILL**

-- Education, Health, and Environmental Affairs and Budget and Taxation/Appropriations --

Introduced by **Senator Gladden**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Surplus Personal Property - Transfer to Public Schools**

3 FOR the purpose of authorizing the Secretary of General Services to dispose of  
4 surplus personal property owned by the State by transferring it to ~~public schools~~  
5 ~~certain entities in a certain order of priority; authorizing the custodial unit of~~  
6 ~~State government for certain property to make a recommendation with regard to~~  
7 ~~the transfer of the property; requiring the Secretary of General Services to~~  
8 ~~consider a certain recommendation with regard to certain property and~~  
9 ~~authorizing the Secretary to charge a reasonable fee for the disposal and~~  
10 ~~transfer of certain property~~ *public schools*; and generally relating to the transfer  
11 of surplus personal property owned by the State.

12 BY repealing and reenacting, without amendments,  
13 Article - State Finance and Procurement  
14 Section 4-501  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume and 2004 Supplement)

1 BY repealing and reenacting, with amendments,  
 2 Article - State Finance and Procurement  
 3 Section ~~4-502 and~~ 4-504  
 4 Annotated Code of Maryland  
 5 (2001 Replacement Volume and 2004 Supplement)

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

8 **Article - State Finance and Procurement**

9 4-501.

10 (a) In this subtitle the following words have the meanings indicated.

11 (b) "Excess personal property" means an item of personal property that is  
 12 declared to be in excess of the needs of the custodial unit of the State government  
 13 because the item:

14 (1) is not necessary to the efficient operation of the unit; or

15 (2) has been replaced by a similar item.

16 (c) "Nonexpendable item" means an item of equipment or furnishing that has:

17 (1) an anticipated useful life of more than 1 year; and

18 (2) an original cost exceeding a minimum dollar amount established by  
 19 the Department by regulation.

20 (d) "Surplus personal property" means an item of excess personal property  
 21 that the Department declares is not needed by any unit of the State government.

22 ~~4-502.~~

23 ~~(a) (1) The head of a unit of the State government may declare an item of~~  
 24 ~~personal property in the possession of the unit to be excess personal property by~~  
 25 ~~submitting a declaration of excess personal property to the Department.~~

26 ~~(2) The declaration is effective on approval by the Department.~~

27 ~~(b) (1) The Department may declare excess personal property to be surplus~~  
 28 ~~personal property if the Department determines that the excess personal property~~  
 29 ~~cannot be used by any unit of the State government.~~

30 ~~(2) (1) ON THE DECLARATION BY THE DEPARTMENT OF AN ITEM OF~~  
 31 ~~PERSONAL PROPERTY AS SURPLUS PERSONAL PROPERTY, THE ORIGINAL CUSTODIAL~~  
 32 ~~UNIT OF THE STATE GOVERNMENT MAY RECOMMEND THAT THE ITEM BE~~  
 33 ~~TRANSFERRED TO:~~

1 ~~1. A LOCAL PUBLIC SCHOOL SYSTEM IN THE STATE;~~

2 ~~2. A POLITICAL SUBDIVISION OF THE STATE; OR~~

3 ~~3. A NONPROFIT ENTITY IN THE STATE.~~

4 ~~(H) THE SECRETARY SHALL CONSIDER THE RECOMMENDATION OF~~  
 5 ~~THE ORIGINAL CUSTODIAL UNIT WHEN MAKING A DECISION UNDER § 4-504 OF THIS~~  
 6 ~~SUBTITLE TO DISPOSE OF THE SURPLUS PERSONAL PROPERTY.~~

7 4-504.

8 (a) The Secretary may dispose of excess personal property and surplus  
 9 personal property as provided in this section.

10 ~~(B) THE SECRETARY MAY CHARGE A REASONABLE FEE FOR THE DISPOSAL~~  
 11 ~~AND TRANSFER OF EXCESS PERSONAL PROPERTY AND SURPLUS PERSONAL~~  
 12 ~~PROPERTY.~~

13 ~~(b)~~ ~~(c)~~ (b) (1) Whenever feasible, the Secretary shall dispose of excess  
 14 personal property by transferring it to another unit of the State government.

15 (2) The unit of the State government that receives the excess personal  
 16 property shall pay any cost of the transfer.

17 ~~(e)~~ ~~(d)~~ (c) The Secretary:

18 (1) may dispose of any surplus personal property; and

19 (2) shall seek to gain the maximum value for the State in the disposition.

20 ~~(f)~~ ~~(e)~~ (d) (1) The Secretary shall dispose of surplus personal property ~~IN~~  
 21 ~~THE FOLLOWING ORDER OF PRIORITY:~~

22 ~~(I) BY OFFERING THE PROPERTY TO THE PUBLIC SCHOOL SYSTEM~~  
 23 ~~IN THE LOCAL JURISDICTION IN WHICH THE PROPERTY ORIGINATED;~~

24 ~~(II) BY OFFERING THE PROPERTY TO THE LOCAL JURISDICTION IN~~  
 25 ~~WHICH THE PROPERTY ORIGINATED;~~

26 ~~(III) BY OFFERING THE PROPERTY TO NONPROFIT ENTITIES IN THE~~  
 27 ~~JURISDICTION IN WHICH THE PROPERTY ORIGINATED;~~

28 ~~(IV) BY OFFERING THE PROPERTY TO THE LOCAL JURISDICTION OR~~  
 29 ~~NONPROFIT ENTITY RECOMMENDED BY THE ORIGINAL CUSTODIAL UNIT OF THE~~  
 30 ~~PROPERTY;~~

31 ~~(V) BY OFFERING THE PROPERTY TO THE PUBLIC AT A~~  
 32 ~~CENTRALIZED WAREHOUSE LOCATION;~~

33 ~~(i)~~ ~~(VI)~~ (i) by dismantling it for recovery of valuable parts;

- 1                    (ii)     ~~(VII)~~   (ii)     by trading it in;
- 2                    (iii)    ~~(VIII)~~ (iii)    by transferring it to a local jurisdiction
- 3 JURISDICTION, PUBLIC SCHOOL SYSTEM, or nonprofit organization;
- 4                    (IV)    ~~BY TRANSFERRING IT TO A PUBLIC SCHOOL;~~
- 5                    {(iv)}   ~~(V)~~    ~~(IX)~~    by auctioning or selling it, including selling it for
- 6 scrap value; or
- 7                    {(v)}    ~~(VI)~~    ~~(X)~~     if no value can be realized from it, by destroying it.

8                    (2)     If surplus personal property is destroyed under this subsection, the

9 unit of the State government that declared the item to be excess personal property

10 shall pay any cost of destruction.

11                    ~~(e)~~    ~~(F)~~    (e)     The Secretary may delegate the authority to dispose of surplus

12 personal property to a designee of the Secretary or, by regulation, to another unit of

13 the State government.

14                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

15 October 1, 2005.