
By: Delegates James, Aumann, Barkley, Bobo, Bohanan, Bozman, Bronrott,
Cadden, Cane, Cardin, G. Clagett, V. Clagett, DeBoy, Eckardt, Edwards,
Franchot, Frush, Glassman, Holmes, Hubbard, Jennings, Kohl,
Montgomery, Niemann, Parrott, Rudolph, Sossi, Stern, Stocksdale,
F. Turner, and Weir

Introduced and read first time: February 8, 2006

Assigned to: Appropriations and Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education - Land Preservation**

3 FOR the purpose of requiring the Department of Planning to provide notice regarding
4 certain excess property subject to the control of certain higher education
5 institutions to certain committees of the General Assembly, certain members of
6 the General Assembly, and certain adjacent property owners; requiring certain
7 higher education institutions to include certain information regarding certain
8 excess property in a certain notification; requiring the Department to hold a
9 public hearing under certain circumstances; authorizing certain higher
10 education institutions to rescind a certain notice of excess; requiring the
11 Department to make a certain recommendation to certain higher education
12 institutions and the Board of Public Works and to notify certain persons of the
13 recommendation; and generally relating to the preservation of land subject to
14 the control of certain higher education institutions.

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 2005 Supplement)

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

22 **Article - State Finance and Procurement**

23 5-310.

24 (a) Each unit of the State government shall notify the Department in writing
25 of:

- 1 (1) any real property that is in excess of the needs of the unit; or
2 (2) any substantial change to any real property owned by the State.

3 (b) Subject to subsection (c) of this section, for any real property identified
4 under subsection (a) of this section, the Department shall:

- 5 (1) study the proper disposition of the property;
6 (2) determine whether any local government or unit of the State
7 government is interested in the property; and
8 (3) make an appropriate recommendation to the using unit of the State
9 government and to the Board of Public Works.

10 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, this
11 subsection applies to the following categories of real property owned by the State in
12 fee simple:

13 1. property acquired with Program Open Space funds under
14 Title 5, Subtitle 9 of the Natural Resources Article;

15 2. property acquired with Rural Legacy Program funds
16 under Title 5, Subtitle 9A of the Natural Resources Article;

17 3. public park land and recreational areas acquired under
18 Title 5, Subtitle 10 of the Natural Resources Article;

19 4. wildland and open areas acquired under Title 5, Subtitle
20 12 of the Natural Resources Article;

21 5. heritage conservation areas acquired with funds under
22 Title 5, Subtitle 15 of the Natural Resources Article;

23 6. forest conservation areas acquired under Title 5, Subtitle
24 6 of the Natural Resources Article;

25 7. GreenPrint areas acquired under Title 5, Subtitle 15A of
26 the Natural Resources Article;

27 8. property identified in the most current public lands
28 acreage report published by the Department of Natural Resources that is classified
29 under designated land units or under undesignated land units within an agency or
30 program; [and]

31 9. outdoor recreation, open space, conservation,
32 preservation, park, or forest land property identified by the Department of Natural
33 Resources in regulation; AND

34 10. PROPERTY THAT IS SUBJECT TO THE CONTROL OF A
35 STATE INSTITUTION OF HIGHER EDUCATION.

1 (ii) This subsection does not apply to property declared excess for
2 purposes of corrective disposal, including boundary or access corrections and minor
3 road improvements for public safety.

4 (2) When a unit notifies the Department under subsection (a) of this
5 section, the unit shall include with the notification:

6 (i) the history of the acquisition of the property;

7 (ii) the rationale for the acquisition provided to the Board of Public
8 Works at the time of the acquisition;

9 (iii) any future conservation plans for the property;

10 (iv) the environmental and ecological attributes of the property;

11 (v) the cultural and historical significance of the property;

12 (vi) the relationship of the property to surrounding and nearby real
13 properties;

14 (vii) the actual cost savings, if any, that the unit anticipates will
15 result from the disposal of the property;

16 (viii) any expected revenues that would be generated from the
17 disposal of the property; and

18 (ix) any other justification or basis that the unit relied on in its
19 determination that the property is in excess of its needs.

20 (3) The information provided under paragraph (2) of this subsection
21 shall be made available by the unit or the Department on request.

22 (4) After the Department receives notice from a unit under subsection
23 (a) of this section, the Department shall:

24 (i) notify:

25 1. the Senate Budget and Taxation Committee, the Senate
26 Education, Health, and Environmental Affairs Committee, the House Environmental
27 Matters Committee, and the House Appropriations Committee by electronic mail or
28 facsimile and by first-class mail;

29 2. the General Assembly members who represent the
30 legislative district in which the property is located by electronic mail or facsimile and
31 by certified mail; and

32 3. owners of property adjacent to the property declared
33 excess:

34 A. in writing by first-class mail; and

1 B. if practicable, by posting public notification signs on the
2 property declared excess;

3 (ii) 1. hold a public hearing in the county or legislative district in
4 which the property is located within 14 days after receiving a request for a hearing if:

5 A. within 14 days after the Department provides the notice
6 required under item (i) of this paragraph, the Department receives a request for a
7 public hearing from a person who received notice under item (i) of this paragraph or
8 who resides in the county in which the property is located; and

9 B. the property has an estimated value of over \$100,000; or

10 2. if a public hearing is not required under item 1 of this
11 item, accept and consider written public comments on the declaration of the property
12 as excess;

13 (iii) in conjunction with the local governing body of the jurisdiction
14 in which the property is located, determine whether any proposed disposition would
15 conform to the local comprehensive plan; and

16 (iv) 1. consolidate all information received by and all
17 determinations made by the Department into a public record available on request;
18 and

19 2. submit the record to the using unit.

20 (5) After review of the record created under paragraph (4) of this
21 subsection, the using unit may rescind the notice of excess property submitted under
22 subsection (a) of this section.

23 (6) If the using unit does not rescind the notice of excess property, the
24 Department shall:

25 (i) based on all of the information collected by the Department,
26 make an appropriate recommendation to the using unit and the Board of Public
27 Works; and

28 (ii) notify the persons identified under paragraph (4)(i)1 and 2 of
29 this subsection of the recommendation.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect July 1, 2006.