

HOUSE BILL 918

F3, L2

8lr0696

By: **Montgomery County Delegation**

Introduced and read first time: February 6, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Wireless Telecommunications Towers - Prohibition on**
3 **Public Elementary and Middle School Grounds**

4 **MC 811-08**

5 FOR the purpose of prohibiting the siting of wireless telecommunications towers on
6 certain public school property in Montgomery County; providing for the
7 application of this Act; providing that existing obligations or contract rights may
8 not be impaired by this Act; and generally relating to wireless
9 telecommunications towers and the use of public school property in Montgomery
10 County.

11 BY repealing and reenacting, with amendments,
12 Article - Education
13 Section 4-114
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2007 Supplement)

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

18 **Article - Education**

19 4-114.

20 (a) All property granted, conveyed, devised, or bequeathed for the use of a
21 particular public school or school system:

22 (1) Except as provided in subsection (c) of this section, shall be held in
23 trust for the benefit of the school or school system by the appropriate county board or,
24 for real property in Baltimore City, by the Mayor and City Council of Baltimore; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Is exempt from all State and local taxes.

2 (b) Money invested in trust for the benefit of the public schools for any
3 county or city is exempt from all State and local taxes.

4 (c) (1) A private entity may hold title to property used for a particular
5 public school or local school system if the private entity is contractually obligated to
6 transfer title to the appropriate county board on a specified date.

7 (2) The conveyance of title of school property to a private entity for a
8 specified term under this subsection may not be construed to prohibit the allocation of
9 construction funds to an approved school construction project under the Public School
10 Construction Program.

11 (3) A county or county board may convey or dispose of surplus land
12 under the jurisdiction of the county or county board in exchange for public school
13 construction or development services.

14 **(D) (1) THIS SUBSECTION APPLIES TO PROPERTY GRANTED,**
15 **CONVEYED, DEvised, OR BEQUEATHED FOR THE USE OF THE MONTGOMERY**
16 **COUNTY PUBLIC SCHOOL SYSTEM.**

17 **(2) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION, THE**
18 **GROUNDS OF AN ELEMENTARY OR MIDDLE SCHOOL IN MONTGOMERY COUNTY**
19 **MAY NOT BE USED AS A SITE FOR A WIRELESS TELECOMMUNICATIONS TOWER.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
21 construed to apply only prospectively and may not be applied or interpreted to have
22 any effect on or application to any wireless telecommunications tower in Montgomery
23 County in existence or for which all necessary permits for construction have been
24 issued before the effective date of this Act. If the use of a wireless telecommunications
25 tower is allowed to continue in accordance with this section:

26 (1) the use may not be expanded; and

27 (2) if abandoned, the use may not be resumed.

28 SECTION 3. AND BE IT FURTHER ENACTED, That a presently existing
29 obligation or contract right may not be impaired in any way by this Act.

30 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 June 1, 2008.