

# HOUSE BILL 5

P2, P1

6lr0694

(PRE-FILED)

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By: ~~Delegate Shoemaker~~ Delegates Shoemaker, Hammen, Barron, Bromwell, Cullison, Hayes, Hill, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young

Requested: September 15, 2015

Introduced and read first time: January 13, 2016

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 2, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of General Services – Declaration and Disposal of Excess and**  
3 **Surplus Property – Government House Furnishings**

4 FOR the purpose of providing that furnishings used in the Government House may be  
5 deemed excess personal property or surplus personal property only on approval of  
6 the Government House Trust; prohibiting, except under certain circumstances, the  
7 Secretary of General Services and the Secretary's designee from selling, giving, or  
8 otherwise transferring ownership of certain furnishings directly to the Governor or  
9 a former Governor; providing for the application of a certain provision of this Act;  
10 and generally relating to the declaration and disposal of excess and surplus personal  
11 property.

12 BY repealing and reenacting, with amendments,  
13 Article – State Finance and Procurement  
14 Section 4-502 and 4-504  
15 Annotated Code of Maryland  
16 (2015 Replacement Volume)

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

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



**Article – State Finance and Procurement**

1 4–502.

2 (a) (1) The head of a unit of the State government may declare an item of  
3 personal property in the possession of the unit to be excess personal property by submitting  
4 a declaration of excess personal property to the Department.  
5

6 (2) **[The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE**  
7 declaration is effective on approval by the Department.

8 (b) **[The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE** Department  
9 may declare excess personal property to be surplus personal property if the Department  
10 determines that the excess personal property cannot be used by any unit of the State  
11 government.

12 **(C) AN ITEM OF FURNITURE OR ANY OTHER FURNISHING USED IN THE**  
13 **GOVERNMENT HOUSE MAY BE DEEMED EXCESS PERSONAL PROPERTY OR SURPLUS**  
14 **PERSONAL PROPERTY ONLY ON APPROVAL OF THE GOVERNMENT HOUSE TRUST.**

15 4–504.

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

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

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

22 (c) The Secretary:

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

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

25 (d) (1) The Secretary shall dispose of surplus personal property:

26 (i) by dismantling it for recovery of valuable parts;

27 (ii) by trading it in;

28 (iii) by transferring it to a local jurisdiction, public school system, or  
29 nonprofit organization;

30 (iv) by auctioning or selling it, including selling it for scrap value; or

1 (v) if no value can be realized from it, by destroying it.

2 (2) If surplus personal property is destroyed under this subsection, the unit  
3 of the State government that declared the item to be excess personal property shall pay any  
4 cost of destruction.

5 (e) The Secretary may delegate the authority to dispose of surplus personal  
6 property to a designee of the Secretary or, by regulation, to another unit of the State  
7 government.

8 **(F) (1) THE SECRETARY OR A DESIGNEE OF THE SECRETARY MAY NOT**  
9 **SELL, GIVE, OR OTHERWISE TRANSFER OWNERSHIP OF AN ITEM OF FURNITURE OR**  
10 **ANY OTHER FURNISHING USED IN THE GOVERNMENT HOUSE THAT HAS BEEN**  
11 **DEEMED EXCESS PERSONAL PROPERTY OR SURPLUS PERSONAL PROPERTY**  
12 **DIRECTLY TO THE GOVERNOR OR A FORMER GOVERNOR UNLESS THE GOVERNOR**  
13 **OR FORMER GOVERNOR PARTICIPATES IN AN AUCTION THAT IS OPEN TO THE**  
14 **PUBLIC AND IN WHICH THE FURNISHING IS BEING SOLD.**

15 **(2) PARAGRAPH (1) OF THIS SUBSECTION APPLIES WHETHER OR NOT**  
16 **THE EXCESS PERSONAL PROPERTY OR SURPLUS PERSONAL PROPERTY HAS BEEN**  
17 **DEEMED UNSERVICEABLE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.