

# HOUSE BILL 715

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By: **Delegates Kipke, Dwyer, George, and Schuh**  
Introduced and read first time: February 4, 2010  
Assigned to: Appropriations and Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of Planning – Disposition of Real Property**

3 FOR the purpose of requiring the Department of Planning to give certain notice to the  
4 governing body of a certain jurisdiction regarding certain real property owned  
5 by the State if a unit of State government expresses interest in the property  
6 under certain circumstances; requiring the Department to include the response  
7 of a certain jurisdiction to a proposed use of certain property by a unit of State  
8 government under certain circumstances; and generally relating to the  
9 disposition of real property owned by the State.

10 BY repealing and reenacting, with amendments,  
11 Article – State Finance and Procurement  
12 Section 5–310  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume)

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

17 **Article – State Finance and Procurement**

18 5–310.

19 (a) Each unit of the State government shall notify the Department in writing  
20 of:

21 (1) any real property that is in excess of the needs of the unit; or

22 (2) any substantial change to any real property owned by the State.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 (2) determine whether any local government or unit of the State  
5 government is interested in the property; [and]

6 **(3) IF A UNIT OF STATE GOVERNMENT EXPRESSES INTEREST IN**  
7 **THE PROPERTY, NOTIFY THE GOVERNING BODY OF THE JURISDICTION IN WHICH**  
8 **THE PROPERTY IS LOCATED OF THE INTEREST IN, AND PROPOSED USE OF, THE**  
9 **PROPERTY BY THE UNIT OF STATE GOVERNMENT; AND**

10 **[(3)] (4) make an appropriate recommendation to the using unit of**  
11 **the State government and to the Board of Public Works, INCLUDING THE RESPONSE**  
12 **OF THE GOVERNING BODY OF THE JURISDICTION IN WHICH THE PROPERTY IS**  
13 **LOCATED TO A PROPOSED USE OF THE PROPERTY BY A UNIT OF STATE**  
14 **GOVERNMENT.**

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

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

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

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

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

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

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

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

32 8. property identified in the most current public lands  
33 acreage report published by the Department of Natural Resources that is classified

1 under designated land units or under undesignated land units within an agency or  
2 program; and

3 9. outdoor recreation, open space, conservation,  
4 preservation, park, or forest land property identified by the Department of Natural  
5 Resources in regulation.

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

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

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

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

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

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

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

17 (vi) the relationship of the property to surrounding and nearby  
18 real properties;

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

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

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

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

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

29 (i) notify:

30 1. the Senate Budget and Taxation Committee, the  
31 Senate Education, Health, and Environmental Affairs Committee, the House

1 Environmental Matters Committee, and the House Appropriations Committee by  
2 electronic mail or facsimile and by first-class mail;

3                   2.     the General Assembly members who represent the  
4 legislative district in which the property is located by electronic mail or facsimile and  
5 by certified mail; and

6                   3.     owners of property adjacent to the property declared  
7 excess:

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

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

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

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

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

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

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

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

28                   2.     submit the record to the using unit.

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

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

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

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

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2010.