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Environment and Transportation
Committee

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House Bill 125

Madam Chair and Members of the Committee,

In an effort to require fiscal prudence in the Board of Public Works (“BPW”) land acquisition process, House Bill 125 brings greater scrutiny to the expenditures of state funds or disposal of state property to acquire real property worth \$500,000 or more. The BPW would be required to provide the Legislative Policy Committee (“LPC”) with (1) a justification for the planned acquisition and (2) a cost-benefit analysis of the planned acquisition. The LPC would then have 45 days to review the transaction and either approve it or refer it to the full General Assembly.

The Bill expressly excludes (1) property for land preservation and conservation purposes, (2) property at the Port of Baltimore or at Baltimore/Washington International Thurgood Marshall Airport; or (3) federally owned military property. It also exempts certain land transactions for land preservation and conservation primarily by the Department of Natural Resources (“DNR”).

Ongoing efforts by the state to work with the federal government in evaluating transfers and land swaps of real property continue to raise concern. Hazardous conditions on the Baltimore Washington Parkway last year led the administration to consider acquiring the Parkway from the National Parks Service.

Last year, Gov. Hogan also explored a land swap with the federal government whereby the federal government would trade Oxon Cove National Park (a 289-acre federal property located near the Potomac River in Prince George’s County) in exchange for about 2,400 acres of state-owned property along the Appalachian Trail in Frederick and Washington counties. This proposed exchange is now being pursued for economic development purposes. It also appears that a portion of the Oxon Cove National Park is within the protected critical areas of the state.

Under Maryland law, any real or personal property owned by the state or a unit of state government may be sold, leased, transferred, exchanged, granted or otherwise disposed of to any person, the federal government or to any county or municipal corporation in the state, for consideration and conditions deemed adequate by the BPW.

It is critical that we enhance the role of the LPC to assure the BPW treads cautiously and thoughtfully in situations like these. House Bill 125 addresses the authority of the BPW and provides needed guidelines to protect the people of Maryland.