

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 864 (Senator Edwards)
Education, Health, and Environmental Affairs

**Department of Natural Resources - Acquisition of Land, Water, or Easements in
Garrett and Allegany Counties - Subdivision of Property**

This bill – under statutory provisions authorizing the Department of Natural Resources (DNR) to acquire areas of land or water for various purposes (*e.g.*, State fish refuges, State parks, wildlife management areas) – expands specified limitations on acquisitions of greater than 100 acres in Garrett and/or Allegany counties (certain provisions are specific to one county or the other).

Fiscal Summary

State Effect: The bill is not expected to affect State spending for acquisition of the specified areas of land or water; however, DNR indicates the bill may delay spending if acquisitions that otherwise would have occurred do not go forward as a result of the bill.

Local Effect: The bill is not expected to have a direct, material impact on Garrett County or Allegany County finances.

Small Business Effect: None.

Analysis

Bill Summary: Under statutory provisions authorizing DNR to acquire areas of land or water for various purposes, the bill establishes that, in Garrett and/or Allegany counties (certain provisions are specific to one county or the other), for an acquisition of greater than 100 acres, if the area (or tract) of land or water has been subdivided, the acquisition of the area (or tract) must not, when added to the acreage of any other areas (or tract) the department has acquired from the subdivision over the previous five years, exceed 100 acres.

Under the same statutory provisions, the bill removes exceptions – from certain existing requirements of county approval of acquisitions in Garrett or Allegany counties greater than 100 acres – for acquisitions previously authorized by the General Assembly.

Current Law:

State Fish Refuges

DNR is authorized to acquire, by purchase, lease, condemnation, or gift, title or control of any area of water or land in the State suitable to protect, propagate, or manage fish. The area of water or land must be known as a State fish refuge. Any area of water or land in Garrett or Allegany counties greater than 100 acres may be acquired only with the approval of that county. That requirement, however, does not apply to any areas which have previously been authorized for acquisition by the General Assembly.

State Parks and Other Purposes

DNR is authorized to purchase and manage lands in the name of the State, suitable for forest culture, reserves, watershed protection, State parks, scenic preserves, historic monuments, parkways, and State recreational reserves, using specified funds. However, an individual tract of land or easement in excess of 100 acres may not be purchased in Garrett County, except with the approval of the county commissioners.

Open Space in Allegany County

The State may not purchase a tract of land in Allegany County of over 100 acres for preservation of open spaces unless the county commissioners approve the purchase. That requirement, however, does not apply to open space and outdoor recreation areas, which have previously been authorized for acquisition by the legislature.

Wildlife Management Areas

DNR may acquire, by purchase, lease, condemnation, or gift, title or control of any area of land or water in the State suitable to protect, propagate, or manage wildlife or for hunting purposes. The area of land or water must be known as a wildlife management area. Any area of land or water greater than 100 acres may be acquired in Garrett or Allegany counties only with the approval of that county. That requirement, however, does not apply to any areas which have previously been authorized for acquisition by the General Assembly.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 925 (Delegate Buckel, *et al.*) - Environment and Transportation.

Information Source(s): Department of Natural Resources; Judiciary (Administrative Office of the Courts); Garrett County; Department of Legislative Services

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mm/lgc

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510