

SENATE BILL 694

P2, N1, M1
SB 974/22 – B&T

3lr2167

By: **Senator Jennings**

Introduced and read first time: February 6, 2023

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources' Real Property – Exchange With Private Real**
3 **Property**

4 FOR the purpose of authorizing the State to exchange real property owned by the State for
5 the use and benefit of the Department of Natural Resources with private real
6 property under certain circumstances; and generally relating to the exchange of real
7 property owned by the State for the use and benefit of the Department of Natural
8 Resources.

9 BY repealing and reenacting, with amendments,
10 Article – Natural Resources
11 Section 1–109(e)
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 5–310(c)(1) and 10–305(b)(1)
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2022 Supplement)

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

21 **Article – Natural Resources**

22 1–109.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) (1) Subject to [paragraph] PARAGRAPHS (2) AND (3) of this subsection,
 2 the Department may dispose of land owned and managed by the Department as
 3 consideration for the acquisition of land not owned by the Department.

4 (2) [In] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
 5 SUBSECTION, IN implementing this subsection, the Department shall comply with the
 6 procedures established under Title 5, Subtitle 3 and Title 10, Subtitle 3 of the State Finance
 7 and Procurement Article.

8 (3) (I) THE DEPARTMENT MAY DISPOSE OF REAL PROPERTY
 9 OWNED BY THE STATE FOR THE USE AND BENEFIT OF THE DEPARTMENT IN
 10 EXCHANGE FOR PRIVATELY OWNED REAL PROPERTY WITHOUT COMPLYING WITH
 11 THE PROCEDURES ESTABLISHED UNDER §§ 5–301 THROUGH 5–311 OR §§ 10–301
 12 THROUGH 10–309 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, IF:

13 1. THE REAL PROPERTY OWNED BY THE STATE DOES
 14 NOT EXCEED 5 ACRES IN SIZE; AND

15 2. THE OWNER OF THE PRIVATELY OWNED REAL
 16 PROPERTY REQUESTING THE EXCHANGE PAYS ALL COSTS ASSOCIATED WITH THE
 17 EXCHANGE OF THE REAL PROPERTY, INCLUDING LEGAL FEES AND BOUNDARY
 18 RELOCATION, SURVEYING, ENGINEERING, AND RECORDATION COSTS.

19 (II) PRIOR TO A PROPERTY EXCHANGE UNDER THIS
 20 PARAGRAPH, THE DEPARTMENT SHALL REFER THE PROPOSED EXCHANGE TO THE
 21 BOARD OF PUBLIC WORKS FOR FINAL DISPOSITION.

22 Article – State Finance and Procurement

23 5–310.

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

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

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

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

1 4. wildland and open areas acquired under Title 5, Subtitle
2 12 of the Natural Resources Article;

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

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

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

9 8. property identified in the most current public lands
10 acreage report published by the Department of Natural Resources that is classified under
11 designated land units or under undesignated land units within an agency or program; and

12 9. outdoor recreation, open space, conservation,
13 preservation, park, or forest land property identified by the Department of Natural
14 Resources in regulation.

15 (ii) This subsection does not apply to:

16 1. property declared excess for purposes of corrective
17 disposal, including boundary or access corrections and minor road improvements for public
18 safety; **OR**

19 2. **PROPERTY EXCHANGED BY THE DEPARTMENT OF**
20 **NATURAL RESOURCES IN ACCORDANCE WITH § 1-109(E)(3) OF THE NATURAL**
21 **RESOURCES ARTICLE.**

22 10-305.

23 (b) (1) (i) Except as provided under subparagraph (ii) of this paragraph,
24 this subsection applies to the sale, transfer, grant, or exchange of:

25 1. real property identified under § 5-310(c)(1) of this article;
26 and

27 2. State-owned real or personal property, funded in
28 accordance with an appropriation act of the General Assembly, that has an appraised value
29 over \$100,000.

30 (ii) This subsection does not apply to the following dispositions of
31 property identified in subparagraph (i) of this paragraph:

32 1. leasing the property; **[or]**

1 2. the sale, transfer, grant, or exchange of a corrective or
2 access easement on the property; **OR**

3 **3. AN EXCHANGE BY THE DEPARTMENT OF NATURAL**
4 **RESOURCES UNDER § 1-109(E)(3) OF THE NATURAL RESOURCES ARTICLE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2023.