

## Chapter 453

**(Senate Bill 694)**

AN ACT concerning

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

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

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

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

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

**Article – Natural Resources**

1–109.

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

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

**(3) (1) THE DEPARTMENT MAY DISPOSE OF REAL PROPERTY OWNED BY THE STATE FOR THE USE AND BENEFIT OF THE DEPARTMENT IN EXCHANGE FOR PRIVATELY OWNED REAL PROPERTY WITHOUT COMPLYING WITH**

THE PROCEDURES ESTABLISHED UNDER §§ 5-301 THROUGH 5-311 OR §§ 10-301 THROUGH 10-309 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, IF:

1. THE PRIVATELY OWNED REAL PROPERTY SUBJECT TO THE EXCHANGE IS ADJACENT TO THE REAL PROPERTY OWNED BY THE STATE FOR THE USE AND BENEFIT OF THE DEPARTMENT;

2. THE REAL PROPERTY OWNED BY THE STATE FOR THE USE AND BENEFIT OF THE DEPARTMENT SUBJECT TO THE EXCHANGE IS ADJACENT TO THE PRIVATELY OWNED REAL PROPERTY;

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

~~2.~~ 4. THE OWNER OF THE PRIVATELY OWNED REAL PROPERTY REQUESTING THE EXCHANGE PAYS ALL COSTS ASSOCIATED WITH THE EXCHANGE OF THE REAL PROPERTY, INCLUDING LEGAL FEES AND BOUNDARY RELOCATION, SURVEYING, ENGINEERING, AND RECORDATION COSTS.

(II) PRIOR TO A PROPERTY EXCHANGE UNDER THIS PARAGRAPH, THE DEPARTMENT ~~SHALL REFER~~ SHALL:

1. NOTIFY IN WRITING BY ELECTRONIC MAIL OR FIRST-CLASS MAIL:

A. OWNERS OF PROPERTY ADJACENT TO THE PRIVATELY OWNED REAL PROPERTY SUBJECT TO THE EXCHANGE;

B. THE GENERAL ASSEMBLY MEMBERS WHO REPRESENT THE LEGISLATIVE DISTRICT IN WHICH THE REAL PROPERTY EXCHANGE IS LOCATED; AND

C. THE GOVERNING BODY OF THE COUNTY IN WHICH THE REAL PROPERTY EXCHANGE IS LOCATED; AND

2. REFER THE PROPOSED EXCHANGE TO THE BOARD OF PUBLIC WORKS FOR FINAL DISPOSITION.

Article – State Finance and Procurement

5-310.

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

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

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

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

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

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

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

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

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

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

(ii) This subsection does not apply to:

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

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

10-305.

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

and

1. real property identified under § 5–310(c)(1) of this article;

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

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

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

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

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

**Approved by the Governor, May 8, 2023.**