

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 128

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Natural Resources)

Judicial Proceedings

Environmental Matters

Abandoned Land - Certificates of Reservation for Public Use

This departmental bill repeals the September 30, 2012 termination date for Chapter 92 of 2007, which expanded the definition of “abandoned land” to include land within or contiguous to land owned and managed by the Department of Natural Resources (DNR) for which no property tax payment has been made within 20 years and which has not been actually possessed by a person for a continuous period of 20 years. Chapter 92 effectively authorizes DNR to apply for a certificate of reservation for public use of such land.

The bill takes effect July 1, 2012.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: DNR has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: A unit of State government may apply for a certificate of reservation for public use of vacant or abandoned land. “Abandoned land” is land that has boundaries that are located within or contiguous to land owned and managed by DNR. If the termination date takes effect, as of September 30, 2012, “abandoned land” is vacant land

that has boundaries that are located within or contiguous to Green Ridge State Forest (1) for which no property tax payment has been made within 20 years; and (2) which has not been actually possessed by a person for a continuous period of 20 years. A “certificate of reservation” is a certificate issued by the Commissioner of Land Patents (Maryland State Archives) at the request of a governmental body upon a determination that vacant land or abandoned land exists and the governmental body wishes to reserve the land for public use.

In order to reserve vacant or abandoned land for public use, a unit of State government must notify and obtain the approval of the Board of Public Works (BPW). If BPW approves, the unit must immediately apply for a certificate of reservation. A certificate of reservation remains in effect until (1) BPW or the appropriate local authority determines that the land is no longer needed for public use and provides notification; or (2) a unit of State government or a court of competent jurisdiction determines that a person who has claimed legal title to the land has established legal title to the land.

Background: There are several relatively small tracts of land that are not owned by the State and which are wholly within or immediately adjacent and contiguous to land owned and managed by DNR. Deed research frequently discovers tracts of land where the owners are unknown, the title is uncertain, no property tax payment has been made within the last 20 years, and no person has actually been in possession of the tracts of land for a continuous period of 20 years. The presence of small, isolated private tracts of land within and adjacent to DNR lands makes it difficult to manage the entire property as a whole for the benefit of the public.

DNR has identified approximately 34 properties totaling over 400 acres as abandoned or vacant within or contiguous to public lands. In 2005, with the original authority (under Chapter 334 of 2003) specific to Green Ridge State Forest, DNR secured certificates of reservation for multiple abandoned parcels totaling 1,866 acres. Since 2007, DNR has taken five parcels totaling 138 acres to BPW for approval of certificates of reservation. DNR has identified three additional parcels totaling 74 acres for which it would like to initiate the certificate of reservation process.

The provisions of Chapter 92 terminate September 30, 2012. The bill gives DNR permanent statutory authority to obtain certificates of reservation for these abandoned properties. DNR advises the bill is needed to protect natural resources on numerous State properties and provide expanded public access to natural areas.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Archives, Board of Public Works, Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2012
mlm/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Abandoned Land – Certificates of Reservation for Public Use

BILL NUMBER: SB 128

PREPARED BY: Maryland Department of Natural Resources

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.