

# SENATE BILL 864

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CF HB 925

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By: **Senator Edwards**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of establishing that, for certain areas of water or land or easements that  
5 have been subdivided in Garrett County or Allegany County, the Department of  
6 Natural Resources may acquire the area only if the acquisition of the area will not,  
7 when added to the acreage of any other areas or easements the Department has  
8 acquired from that subdivision over a certain number of years, exceed a certain  
9 number of acres, subject to approval by the county; making stylistic and conforming  
10 changes; and generally relating to the acquisition of land, water, or easements by the  
11 Department of Natural Resources.

12 BY repealing and reenacting, with amendments,  
13 Article – Natural Resources  
14 Section 4–401, 5–207, and 5–910  
15 Annotated Code of Maryland  
16 (2018 Replacement Volume and 2019 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Natural Resources  
19 Section 10–801  
20 Annotated Code of Maryland  
21 (2012 Replacement Volume and 2019 Supplement)

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

24 **Article – Natural Resources**

25 4–401.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (A) The Department may acquire, by purchase, lease, condemnation, or gift, title  
2 or control of any area of water or land in the State suitable to protect, propagate, or manage  
3 fish.

4           (B) The area of water or land shall be known as a State fish refuge.

5           (C) Any area of water or land in Garrett County or Allegany County greater than  
6 100 acres may be acquired only [with]:

7                   (1) **WITH** the approval of [that] **THE** county[. This requirement does not  
8 apply to any areas which have previously been authorized for acquisition by the General  
9 Assembly] **IN WHICH THE AREA OF WATER OR LAND IS LOCATED; AND**

10                   (2) **FOR AN AREA OF WATER OR LAND THAT HAS BEEN SUBDIVIDED,**  
11 **IF THE ACQUISITION OF THE AREA WILL NOT, WHEN ADDED TO THE ACREAGE OF ANY**  
12 **OTHER AREAS THE DEPARTMENT HAS ACQUIRED FROM THAT SUBDIVISION OVER**  
13 **THE PREVIOUS 5 YEARS, EXCEED 100 ACRES.**

14           (D) The Department may purchase or erect any structure necessary for fish  
15 management, and may purchase or lease any area of water or land, excluding the  
16 ownership of and the right to drill any mineral, oil, or gas.

17 5-207.

18           (a) (1) The Department may purchase and manage lands in the name of the  
19 State, suitable for forest culture, reserves, watershed protection, State parks, scenic  
20 preserves, historic monuments, parkways, and State recreational reserves, using for these  
21 purposes any special appropriation or surplus money not otherwise appropriated, which is  
22 standing to the credit of the Forest Reserve or Park Reserve Fund. [However, an]

23                   (2) **AN** individual tract of land or easement in excess of 100 acres may not  
24 be purchased in Garrett County[, except with the approval of the] **UNLESS:**

25                           (I) **THE** County Commissioners of [that county] **GARRETT**  
26 **COUNTY HAVE APPROVED THE PURCHASE; AND**

27                           (II) **FOR A TRACT OF LAND OR EASEMENT THAT HAS BEEN**  
28 **SUBDIVIDED, IF THE ACQUISITION OF THE TRACT OF LAND OR EASEMENT WILL NOT,**  
29 **WHEN ADDED TO THE ACREAGE OF ANY OTHER TRACTS OF LAND OR EASEMENTS THE**  
30 **DEPARTMENT HAS ACQUIRED FROM THAT SUBDIVISION OVER THE PREVIOUS 5**  
31 **YEARS, EXCEED 100 ACRES.**

32                   (3) The Department may accept any gift of land in the name of the State to  
33 be held, protected, and administered by the Department as State parks, forests, or other  
34 reserves, and used to demonstrate the practical utility of the land for recreational areas,

1 State parks, scenic preserves, parkways, historic monuments, timber culture, water  
2 conservation, and as a breeding place for wildlife.

3 (4) Any gift shall be absolute except for the reservation of mineral and  
4 mining rights over and under the land, and a stipulation that it shall be administered for  
5 State forest, park, or recreation purposes.

6 [(2)] (5) The Department shall meet its needs for land in Garrett County  
7 by acquiring the land only from willing sellers, provided that the Department may acquire  
8 by condemnation easements of the minimal extent necessary for access or utility service to  
9 lands of the Department if there is no alternative location or means of providing the access  
10 or service.

11 [(3)] (6) The Department may apply for a certificate of reservation for  
12 public use of abandoned land under Title 13 of the Real Property Article.

13 (b) (1) The Department may accept gifts, donations, or contributions of land  
14 from the federal government or any of its agencies, enter into agreements with the federal  
15 government or any of its agencies, and acquire by lease, purchase, or otherwise, lands the  
16 Department deems suitable for State forests or parks.

17 (2) The Department may make expenditures from any funds not otherwise  
18 obligated for the management, development, and utilization of the lands. [It]

19 (3) THE DEPARTMENT may sell or dispose of products from the lands, and  
20 make rules and regulations necessary to carry out the provisions of this subsection. [Any]

21 (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (I) OF THIS  
22 PARAGRAPH, ANY revenue received from the lands shall be paid into the State Treasury  
23 to the credit of the Forest or Park Reserve Fund in accordance with the provisions of §  
24 5-212 of this subtitle. [However, at]

25 (II) AT least [50 percent] 50% of the gross revenues derived from the  
26 lands may be devoted to the payment of any obligations for the purchase incurred under  
27 the provisions of this subsection, until the obligations are fully paid.

28 (c) Notwithstanding any other provision of law, a lease into which the  
29 Department enters after July 1, 1979 for any land acquired under this title is not subject  
30 to redemption of the tenant, unless the lease expressly provides otherwise.

31 5-910.

32 The State may not acquire a tract of land in Allegany County of over 100 acres for  
33 preservation of open spaces unless [the]:

34 (1) THE County Commissioners of Allegany County approve the

1 purchase[. This requirement does not apply to open space and outdoor recreation areas  
2 which have previously been authorized for acquisition by the legislature]; AND

3 **(2) FOR A TRACT OF LAND THAT HAS BEEN SUBDIVIDED, THE**  
4 **ACQUISITION OF THE TRACT OF LAND WILL NOT, WHEN ADDED TO THE ACREAGE OF**  
5 **ANY OTHER TRACT OF LAND THE DEPARTMENT HAS ACQUIRED FROM THAT**  
6 **SUBDIVISION OVER THE PREVIOUS 5 YEARS, EXCEED 100 ACRES.**

7 10-801.

8 (a) **(1)** The Department may acquire, by purchase, lease, condemnation, or  
9 gift, title or control of any area of land or water in the State suitable to protect, propagate,  
10 or manage wildlife or for hunting purposes.

11 **(2)** The area of land or water shall be known as a wildlife management  
12 area.

13 **(3)** Any area of land or water greater than 100 acres may be acquired in  
14 Garrett County or Allegany County only [with]:

15 **(I) WITH** the approval of [that] THE county[. This requirement does  
16 not apply to any areas which have previously been authorized for acquisition by the General  
17 Assembly] **WITHIN WHICH THE AREA OF LAND OR WATER IS LOCATED; AND**

18 **(II) FOR AN AREA OF LAND OR WATER THAT HAS BEEN**  
19 **SUBDIVIDED, THE ACQUISITION OF THE AREA WILL NOT, WHEN ADDED TO THE**  
20 **ACREAGE OF ANY OTHER AREAS THE DEPARTMENT HAS ACQUIRED FROM THAT**  
21 **SUBDIVISION OVER THE PREVIOUS 5 YEARS, EXCEED 100 ACRES.**

22 (b) The Department may purchase or erect any structure necessary for wildlife  
23 management and may purchase or lease any area of land or water excluding the ownership  
24 of and the right to drill any mineral, oil, or gas.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2020.