

SENATE BILL 694

P2, N1, M1

(3lr2167)

ENROLLED BILL

— Budget and Taxation/Environment and Transportation —

Introduced by **Senator Jennings**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



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

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

8 **Article – Natural Resources**

9 1–109.

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

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

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

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

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

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

30 ~~2.~~ 4. THE OWNER OF THE PRIVATELY OWNED REAL
 31 PROPERTY REQUESTING THE EXCHANGE PAYS ALL COSTS ASSOCIATED WITH THE
 32 EXCHANGE OF THE REAL PROPERTY, INCLUDING LEGAL FEES AND BOUNDARY
 33 RELOCATION, SURVEYING, ENGINEERING, AND RECORDATION COSTS.

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

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

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

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

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

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

14 **Article – State Finance and Procurement**

15 5–310.

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

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

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

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

25 4. wildland and open areas acquired under Title 5, Subtitle
26 12 of the Natural Resources Article;

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

29 6. forest conservation areas acquired under Title 5, Subtitle
30 6 of the Natural Resources Article;

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

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

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

9 (ii) This subsection does not apply to:

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

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

16 10-305.

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

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

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

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

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

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

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

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