

HB0117/280314/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 117

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weldon” and substitute “Weldon, Beidle, Bobo, Cane, Carr, V. Clagett, Frush, Glenn, Healey, Holmes, Lafferty, Niemann, Shewell, Stein, and Montgomery”; in line 2, strike “Installation of”; in the same line, strike “Panels” and substitute “Collector Systems”; in the same line, strike “Clarification” and substitute “Restriction on Use”; strike beginning with “defining” in line 4 down through the semicolon in line 5; strike beginning with “condominium” in line 6 down through “impose” in line 7 and substitute “restriction on use from imposing”; in line 7, after “of” insert “a”; in the same line, strike “collection panels in” and substitute “collector system under”; strike beginning with “locations;” in line 8 down through “easement” in line 12 and substitute “circumstances; authorizing a property owner who has installed or intends to install a solar collector system to negotiate to obtain a solar easement in writing; requiring any written instrument creating a solar easement to include certain provisions; requiring a written instrument creating a solar easement to be recorded under certain circumstances; exempting a restriction on use on certain historic properties from the applicability of this Act”; strike beginning with “enabling” in line 12 down through “of” in line 13; in line 13, strike “energy” and substitute “collector”; in line 16, strike “, 11-104(c), and 11-125(f)”; and strike in their entirety lines 19 through 25, inclusive.

On page 2, strike in their entirety lines 1 through 3, inclusive.

AMENDMENT NO. 2

On page 2, in line 8, after “(a)” insert “**(1)**”; in the same line, strike beginning with the comma through “**INCLUDES**” and substitute “**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**”

(Over)

(2) “RESTRICTION ON USE” INCLUDES;

in lines 10, 11, 12, 13, 15, and 16, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively; in lines 17 and 18, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; after line 18, insert:

“(3) “SOLAR COLLECTOR SYSTEM” MEANS A SOLAR COLLECTOR OR OTHER SOLAR ENERGY DEVICE, THE PRIMARY PURPOSE OF WHICH IS TO PROVIDE FOR THE COLLECTION, STORAGE, AND DISTRIBUTION OF SOLAR ENERGY FOR ELECTRICITY GENERATION, SPACE HEATING, SPACE COOLING, OR WATER HEATING.

(4) “SOLAR EASEMENT” MEANS AN INTEREST IN LAND THAT:

(I) IS CONVEYED OR ASSIGNED IN PERPETUITY; AND

(II) LIMITS THE USE OF THE LAND TO PRESERVE THE RECEIPT OF SUNLIGHT ACROSS THE LAND FOR THE USE OF A PROPERTY OWNER’S SOLAR COLLECTOR SYSTEM.”;

in line 19, strike “restrictive covenant” and substitute “**RESTRICTION ON USE**”; in lines 19 and 20, strike “, which becomes effective after July 1, 1980,”; in line 21, strike “solar collection panels” and substitute “**A SOLAR COLLECTOR SYSTEM**”; in line 22, strike “AN” and substitute “**FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, AN**”; in lines 24 and 26, in each instance, before “SYSTEM” insert “**SOLAR COLLECTOR**”; in line 24, after the semicolon insert “**OR**”; and strike beginning with the semicolon in line 26 down through “OR” in line 28 and substitute a period.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 and 2, and substitute:

“(C) (1) A PROPERTY OWNER WHO HAS INSTALLED OR INTENDS TO INSTALL A SOLAR COLLECTOR SYSTEM MAY NEGOTIATE TO OBTAIN A SOLAR EASEMENT IN WRITING.

(2) ANY WRITTEN INSTRUMENT CREATING A SOLAR EASEMENT SHALL INCLUDE:

(I) A DESCRIPTION OF THE DIMENSIONS OF THE SOLAR EASEMENT EXPRESSED IN MEASURABLE TERMS, INCLUDING VERTICAL OR HORIZONTAL ANGLES MEASURED IN DEGREES OR THE HOURS OF THE DAY ON SPECIFIED DATES WHEN DIRECT SUNLIGHT TO A SPECIFIED SURFACE OF A SOLAR COLLECTOR SYSTEM MAY NOT BE OBSTRUCTED;

(II) THE RESTRICTIONS PLACED ON VEGETATION, STRUCTURES, AND OTHER OBJECTS THAT WOULD IMPAIR THE PASSAGE OF SUNLIGHT THROUGH THE SOLAR EASEMENT; AND

(III) THE TERMS UNDER WHICH THE SOLAR EASEMENT MAY BE REVISED OR TERMINATED.

(3) A WRITTEN INSTRUMENT CREATING A SOLAR EASEMENT SHALL BE RECORDED IN THE LAND RECORDS OF THE COUNTY WHERE THE PROPERTY IS LOCATED.”.

AMENDMENT NO. 4

On page 3, in line 3, strike “(C)” and substitute “(D)”; in the same line, strike “restrictive covenant” and substitute “RESTRICTION ON USE”; and strike beginning with “by” in line 4 down through “The” in line 6 and substitute “IN, OR DETERMINED BY THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST TO BE ELIGIBLE FOR INCLUSION IN, THE”.

(Over)

On pages 3 through 8, strike in their entirety the lines beginning with line 7 on page 3 through line 12 on page 8, inclusive.