

HOUSE BILL 867

M1, C5

7lr0505

By: **Delegates Barve, Davis, Fraser–Hidalgo, Frick, Gilchrist, Hixson, Jalisi, Robinson, and Stein**

Introduced and read first time: February 3, 2017

Assigned to: Environment and Transportation and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – State–Owned Land – Wind Facilities**

3 FOR the purpose of authorizing the Department of Natural Resources to use land that is
4 owned and managed by the Department for the generation of electricity from a
5 facility utilizing wind energy, subject to a specified exception; and generally relating
6 to the use of land that is owned and managed by the Department.

7 BY repealing and reenacting, with amendments,

8 Article – Natural Resources

9 Section 1–109

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2016 Supplement)

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

14 **Article – Natural Resources**

15 1–109.

16 (a) (1) The Department shall negotiate the acquisition of real property for open
17 space, recreation, conservation, and other purposes under this article.

18 (2) The Department shall make each acquisition under this subsection in
19 the name of the State to the use of the Department.

20 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
21 **THE DEPARTMENT MAY USE LAND THAT IS OWNED AND MANAGED BY THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **DEPARTMENT FOR THE GENERATION OF ELECTRICITY FROM A FACILITY UTILIZING**
2 **WIND ENERGY.**

3 **(2) THE DEPARTMENT MAY NOT USE THE LAND UNDER SUBSECTION**
4 **(1) OF THIS SECTION FOR THE GENERATION OF ELECTRICITY FROM A FACILITY**
5 **UTILIZING WIND ENERGY IF THE FACILITY IS WITHIN 1 MILE OF A PRIVATE**
6 **RESIDENCE THAT IS IN EXISTENCE ON OR BEFORE JANUARY 1, 2017.**

7 **[(b)] (C)** Except for real property that is acquired by gift, before any real
8 property is acquired from a private owner, the Department shall obtain two independent
9 appraisals of the property.

10 **[(c)] (D)** (1) A contract for the acquisition of land under this section shall be
11 approved and executed by the Board of Public Works.

12 (2) At least 40 days before the Board of Public Works may act on a land
13 acquisition under this section, the Department shall give written notice of a potential
14 acquisition of land:

15 (i) To the governing body of the county in which the land is located;
16 and

17 (ii) If the land is located within a municipal corporation, to the
18 governing body of the municipal corporation.

19 (3) Within 30 days after receiving notice under this subsection, the
20 governing body may submit written comments to the Department.

21 **[(d)] (E)** The Board of Public Works shall supervise the expenditure of any
22 money that the General Assembly appropriates for the acquisition of land under this
23 section.

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

27 (2) In implementing this subsection, the Department shall comply with the
28 procedures established under Title 5, Subtitle 3 and Title 10, Subtitle 3 of the State Finance
29 and Procurement Article.

30 **[(f)] (G)** The Board of Public Works may exempt projects under this section from
31 the provisions of this section.

32 **[(g)] (H)** (1) The Department shall adopt regulations to implement this
33 section.

1 (2) The regulations adopted under paragraph (1) of this subsection shall
2 include a system for appraisal review developed by the Department in consultation with
3 the Department of General Services.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2017.