

SB0172/233926/2

BY: Delegate Frick

AMENDMENTS TO SENATE BILL 172
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 5, after “project;” insert “requiring the Department of Business and Economic Development, under certain circumstances, to exercise certain powers of eminent domain to acquire by purchase or condemnation certain property of certain film production entities that cease film production activity in the State; requiring that certain proceedings be conducted in a certain manner; authorizing, under certain circumstances, that certain property may be taken immediately on payment for the property in a certain manner;”.

On page 5, after line 26, insert:

“BY adding to

Article - Tax - General

Section 10-730(h)

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)”.

AMENDMENT NO. 2

On page 27, after line 7, insert:

“Article – Tax – General

10-730.

(H) (1) THE DEPARTMENT, IN ACCORDANCE WITH THE SOVEREIGN POWER OF THE STATE AND THE PROVISIONS OF ARTICLE III, §§ 40 AND 40A OF THE MARYLAND CONSTITUTION, SHALL EXERCISE ITS POWER OF EMINENT

(Over)

DOMAIN TO ACQUIRE BY PURCHASE OR CONDEMNATION FOR PUBLIC USE WITH JUST COMPENSATION REAL, TANGIBLE, AND INTANGIBLE PRIVATE PROPERTY IN THE STATE OWNED BY A QUALIFIED FILM PRODUCTION ENTITY, INCLUDING CONTRACTUAL INTERESTS OR INTELLECTUAL PROPERTY, IF:

(I) THE QUALIFIED FILM PRODUCTION ENTITY HAS CLAIMED MORE THAN \$10,000,000 IN CREDITS AGAINST THE STATE INCOME TAX FOR FILM PRODUCTION ACTIVITIES UNDER THIS SECTION; AND

(II) THE QUALIFIED FILM PRODUCTION ENTITY CEASES FILM PRODUCTION ACTIVITY IN THE STATE.

(2) ALL PROCEEDINGS FOR THE CONDEMNATION FOR PUBLIC USE OF THE PRIVATE PROPERTY DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 12 OF THE REAL PROPERTY ARTICLE AND TITLE 12, CHAPTER 200 OF THE MARYLAND RULES.

(3) IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE III, § 40A OF THE MARYLAND CONSTITUTION, AS APPLICABLE, THE PROPERTY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE TAKEN IMMEDIATELY ON PAYMENT FOR THE PROPERTY CONSISTENT WITH THE PROCEDURES OF §§ 8-334 THROUGH 8-339 OF THE TRANSPORTATION ARTICLE.”