

SENATE BILL 718

R1, N1

6lr0783

By: **Senator Young**

Introduced and read first time: February 5, 2016

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Acquisition of Property – Real Estate**
3 **Appraisers**

4 FOR the purpose of requiring that a real estate appraiser engaged by the State Highway
5 Administration to assist in determining the fair value of certain property to be
6 acquired under certain procedures and certain compensation be licensed and
7 certified in accordance with State law and a resident of the State, with preference
8 being given to an appraiser who resides in the area; and generally relating to
9 appraisals of property to be acquired and determinations of compensation to be paid
10 by the State Highway Administration.

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 8–320
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Transportation
18 Section 8–323, 8–326(a), 8–328, and 8–329
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2015 Supplement)

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

23 **Article – Transportation**

24 8–320.

25 (a) Before any property is condemned under this part, the Administration shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) Complete appropriate engineering and other studies; and
- 2 (2) Prepare a construction plan that shows:
- 3 (i) The location of the highway to be constructed, improved, or
4 reconstructed;
- 5 (ii) The length of the construction; and
- 6 (iii) The width of the right-of-way necessary for the construction.
- 7 (b) After preparing the construction plan, the Administration shall prepare plats
8 that include:
- 9 (1) The construction plan;
- 10 (2) The fee simple and easement area to be acquired, by showing:
- 11 (i) The centerline of the construction;
- 12 (ii) The length and termini of the construction; and
- 13 (iii) The width of the necessary right-of-way on either side of the
14 centerline; and
- 15 (3) According to information obtained by the Administration, the property
16 lines of the property owners whose property will be affected by the acquisition.
- 17 (c) After the plats are prepared, the Administration shall:
- 18 (1) Make the engineering and real estate studies, evaluations, and
19 investigations necessary to determine, in its opinion:
- 20 (i) The fair value of the property to be acquired; and
- 21 (ii) The fair compensation for any resulting damages to the
22 remaining property of the owner;
- 23 (2) Prepare an estimate of this fair value and fair compensation; and
- 24 (3) Provide for payment of these estimated amounts as required by § 8–323
25 of this subtitle.

26 **(D) A REAL ESTATE APPRAISER ENGAGED BY THE ADMINISTRATION TO**
27 **ASSIST IN MAKING THE DETERMINATIONS REQUIRED UNDER SUBSECTION (C)(1) OF**
28 **THIS SECTION SHALL BE:**

1 **(1) LICENSED AND CERTIFIED IN ACCORDANCE WITH TITLE 16 OF**
2 **THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND**

3 **(2) A RESIDENT OF THE STATE, WITH PREFERENCE BEING GIVEN TO**
4 **AN APPRAISER WHO RESIDES IN THE AREA WHERE THE PROPERTY BEING**
5 **APPRAISED IS LOCATED.**

6 8-323.

7 (a) After the plats are filed for record, the Commission immediately shall:

8 (1) File, in the court for the county in which the property to be acquired is
9 located, a petition for condemnation that includes:

10 (i) The name and address of the property owner;

11 (ii) The location of the property to be acquired; and

12 (iii) The estimated fair value of the property to be acquired and
13 estimated fair compensation for any damage resulting to the remaining property of the
14 owner; and

15 (2) Pay to the owner of the property or into the court for the owner's benefit,
16 the estimated fair value and fair compensation specified in the petition.

17 (b) On written request to the clerk of the court, the property owner is entitled to
18 receive any amount paid into the court for the property owner's benefit, within 10 business
19 days of the request, without prejudice to any of the property owner's rights, if the property
20 owner agrees to repay to the Commission any excess of that amount over the final award
21 that is allowed in the subsequent condemnation proceedings.

22 (c) A payment made under this section does not limit in any way the amount of
23 the final award that may be allowed in the subsequent condemnation proceedings.

24 8-326.

25 (a) Except as provided in subsection (b) of this section, if the Commission is
26 unable to acquire the property by negotiation, it shall certify the case to the board of
27 property review for the county in which the property is located, as provided in the Maryland
28 Rules.

29 8-328.

30 (a) Each board of property review:

1 (1) Shall hear promptly all cases certified to it by the Commission;

2 (2) Shall determine the total amount of the award to be paid by the
3 Commission; and

4 (3) May determine the portion of an award to be paid to persons, other than
5 the fee owner, who have an interest in the property.

6 (b) Unless all parties in a case certified to a board agree otherwise, the full board
7 shall hear and decide the case. If a member of the board is absent or disqualified from
8 hearing or deciding any case, the judges of the court that appointed the board shall
9 designate another individual with qualifications similar to those of the absent or
10 disqualified member to serve instead.

11 (c) The board shall determine the fair value of the property to be acquired as of
12 the date payment is made under § 8–323 of this subtitle.

13 8–329.

14 If any party is dissatisfied with the findings or award of a board of property review,
15 the case may be appealed to the court. On appeal, the court shall hear and determine the
16 case de novo, as provided by law and the Maryland Rules.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2016.