

HOUSE BILL 386

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2004 Regular Session
(4r0355)

ENROLLED BILL

-- Environmental Matters/Judicial Proceedings --

Introduced by **Delegates Rosenberg, Sossi, and Holmes**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Real Property - Task Force on Business Owner Compensation in**
3 **Condemnation Proceedings**

4 FOR the purpose of establishing a Task Force on Business Owner Compensation in
5 Condemnation Proceedings; providing for the membership of the Task Force;
6 providing for the designation of a chairman of the Task Force; providing for staff
7 for the Task Force; prohibiting a member of the Task Force from receiving
8 compensation; authorizing a member of the Task Force to receive
9 reimbursement for certain expenses; requiring the Task Force to study certain
10 issues; requiring the Task Force to report its preliminary findings to the
11 Governor and the General Assembly on or before a certain date; requiring the
12 Task Force to report its final findings to the Governor and the General Assembly
13 on or before a certain date; providing for the termination of this Act; and
14 generally relating to the establishment of a Task Force on Business Owner
15 Compensation in Condemnation Proceedings.

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That:

1 (a) There is a Task Force on Business Owner Compensation in Condemnation
2 Proceedings.

3 (b) The Task Force consists of the following members:

4 (1) ~~three two members~~ one member of the Senate of Maryland, appointed
5 by the President of the Senate;

6 (2) ~~three two~~ two members of the House of Delegates, appointed by the
7 Speaker of the House;

8 (3) one representative of the Department of Business and Economic
9 Development, designated by the Secretary of Business and Economic Development;

10 (4) one representative of the Department of Housing and Community
11 Development, designated by the Secretary of Housing and Community Development;

12 (5) one representative of the Department of Transportation, designated
13 by the Secretary of Transportation;

14 ~~(6)~~ (6) one representative of the Department of Planning, designated by the
15 Secretary of Planning;

16 ~~(6)~~ (7) one representative of the Department of ~~Planning~~ General
17 Services, designated by the Secretary of ~~Planning~~ General Services;

18 ~~(7)~~ (8) one representative of the Maryland Retailers Association,
19 designated by the Maryland Retailers Association; and

20 ~~(8)~~ (9) the following members, appointed by the Governor:

21 (i) three representatives of local government, including one
22 representative of the Maryland Municipal League and one representative of the
23 Maryland Association of Counties;

24 (ii) two merchants or owners of businesses who have experience in
25 condemnation;

26 (iii) one attorney who ~~is familiar~~ has experience with condemnation
27 in the private sector, recommended by the Maryland State Bar Association; ~~and~~

28 (iv) one attorney who has experience with condemnation in the
29 public sector;

30 ~~(iv)~~ (v) one developer who has developed a project that involved
31 condemnation; and

32 (vi) one commercial real estate broker or agent.

33 (c) The Governor shall designate the chairman of the Task Force.

1 (d) The Department of Transportation shall provide staff for the Task Force.

2 (e) A member of the Task Force:

3 (1) may not receive compensation; but

4 (2) is entitled to reimbursement for expenses under the Standard State
5 Travel Regulations, as provided in the State budget.

6 (f) The Task Force shall study:

7 (1) the concept of ~~small business goodwill, with a particular focus on~~
8 small business goodwill, and the appropriateness of developing a method for
9 determining the value of business goodwill as for purposes of calculating
10 compensation in condemnation proceedings;

11 (2) the feasibility of requiring a displacing public agency to conduct a
12 study of the impact of condemnation on ~~small business~~ businesses, including small
13 businesses, in the proposed area where ~~eminent domain~~ condemnation proceedings
14 will be authorized take place;

15 (3) ~~the establishment of~~ appropriateness of establishing a fund, similar
16 to the fund administered by the Baltimore Development Corporation, to provide
17 financial assistance for ~~small businesses, including small businesses,~~ impacted by a
18 condemnation ~~or eminent domain~~ proceeding; ~~and~~

19 (4) the feasibility of shortening the ~~eminent domain~~ condemnation
20 process to lessen the uncertainty that the process creates for small businesses; and

21 (5) the appropriateness of making a legislative proposal on business
22 owner compensation in condemnation proceedings applicable statewide or only in
23 Baltimore City; and

24 (6) the circumstances in which condemnation can be used in the State.

25 (g) The Task Force shall:

26 (1) report its preliminary findings to the Governor and, subject to §
27 2-1246 of the State Government Article, the General Assembly on or before January
28 31, 2005; and

29 (2) report its final findings to the Governor and, subject to § 2-1246 of
30 the State Government Article, the General Assembly on or before December 31, 2005.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 ~~October~~ July 1, 2004. It shall remain effective for a period of 1 year and ~~3 6~~ months
33 and, at the end of December 31, 2005, with no further action required by the General
34 Assembly, this Act shall be abrogated and of no further force and effect.

