
By: **Senator Stone**

Introduced and read first time: January 30, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

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:

18 (a) There is a Task Force on Business Owner Compensation in Condemnation
19 Proceedings.

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

21 (1) three members of the Senate of Maryland, appointed by the President
22 of the Senate;

23 (2) three members of the House of Delegates, appointed by the Speaker
24 of the House;

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

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

1 (5) one representative of the Department of Transportation, designated
2 by the Secretary of Transportation;

3 (6) one representative of the Department of Planning, designated by the
4 Secretary of Planning;

5 (7) one representative of the Maryland Retailers Association, designated
6 by the Maryland Retailers Association; and

7 (8) the following members, appointed by the Governor:

8 (i) three representatives of local government;

9 (ii) two merchants or owners of businesses who have experience in
10 condemnation;

11 (iii) one attorney who is familiar with condemnation, recommended
12 by the Maryland State Bar Association; and

13 (iv) one developer who has developed a project that involved
14 condemnation.

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

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

17 (e) A member of the Task Force:

18 (1) may not receive compensation; but

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

21 (f) The Task Force shall study:

22 (1) the concept of small business goodwill and a method for determining
23 the value of business goodwill as compensation in condemnation proceedings;

24 (2) the feasibility of requiring a displacing public agency to conduct a
25 study of the impact of condemnation on small business in the proposed area where
26 eminent domain will be authorized;

27 (3) the establishment of a fund, similar to the fund administered by the
28 Baltimore Development Corporation, to provide financial assistance for small
29 businesses impacted by a condemnation or eminent domain proceeding; and

30 (4) the feasibility of shortening the eminent domain process to lessen the
31 uncertainty that the process creates for small businesses.

32 (g) The Task Force shall:

1 (1) report its preliminary findings to the Governor and, subject to §
2 2-1246 of the State Government Article, the General Assembly on or before January
3 31, 2005; and

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

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