

SENATE BILL 275

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2004 Regular Session
4r1910
CF 4r0355

By: **Senator Stone**
Introduced and read first time: January 30, 2004
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 24, 2004

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:

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~~ one member of the Senate of Maryland, appointed by
22 the President of the Senate;

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

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

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

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

7 (6) one representative of the Department of Planning, designated by the
8 Secretary of Planning;

9 (7) one representative of the Department of General Services, designated
10 by the Secretary of General Services;

11 ~~(7)~~ (8) one representative of the Maryland Retailers Association,
12 designated by the Maryland Retailers Association; and

13 ~~(8)~~ (9) the following members, appointed by the Governor:

14 (i) three representatives of local government, including one
15 representative of the Maryland Municipal League and one representative of the
16 Maryland Association of Counties;

17 (ii) two merchants or owners of businesses who have experience in
18 condemnation;

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

21 (iv) one attorney who has experience with condemnation in the
22 public sector;

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

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

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

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

28 (e) A member of the Task Force:

29 (1) may not receive compensation; but

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

32 (f) The Task Force shall study:

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

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

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

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

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

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

19 (g) The Task Force shall:

20 (1) report its preliminary findings to the Governor and, subject to §
21 2-1246 of the State Government Article, the General Assembly on or before January
22 31, 2005; and

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

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