

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1043
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Sophocleus” and substitute “, Sophocleus, Ali, Beidle, V. Clagett, Glenn, Healey, Holmes, Hucker, Lafferty, Lawton, Malone, Shewell, Stein, and Weir”; strike beginning with “eliminating” in line 3 down through “changes;” in line 16 and substitute “requiring the State, its instrumentality, or a political subdivision to file a condemnation action for certain property within a certain period of time after a certain administrative or legislative determination to take the property; requiring the State, its instrumentality, or a political subdivision to obtain a new authorization to condemn certain property if it does not file a condemnation action within a certain period of time; altering certain monetary limitations on payments made to certain displaced residential owners and renters to secure replacement dwellings in certain condemnation proceedings; altering certain monetary limitations for reestablishing certain farms, nonprofit organizations, or small businesses at new sites; altering certain monetary limitations on certain fixed fee payments paid to certain displaced farm or business owners in lieu of certain reestablishment expenses; requiring a representative of a displacing agency to contact the owner of a certain business or farm operation within a certain period of time before the filing of a condemnation action to negotiate regarding relocation plans for the business or farm operation; providing for the application of a certain provision of this Act; requiring the State or any of its instrumentalities or political subdivisions to file an action of condemnation within a certain time period under certain circumstances;” ; and strike in their entirety lines 18 through 22, inclusive.

On page 2, in line 1, strike “12-102.1” and substitute “12-105.1 and 12-205.1”; in line 4, strike “without” and substitute “with”; and in line 6, strike “12-201(a), (c), (f), and (g)” and substitute “12-202, 12-204, and 12-205”.

(Over)

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 12 on page 2 through line 11 on page 4, inclusive, and substitute:

“12-105.1.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE OR ANY OF ITS INSTRUMENTALITIES OR POLITICAL SUBDIVISIONS SHALL FILE AN ACTION TO ACQUIRE PRIVATE PROPERTY FOR PUBLIC USE BY CONDEMNATION WITHIN 4 YEARS OF THE DATE OF THE SPECIFIC ADMINISTRATIVE OR LEGISLATIVE AUTHORIZATION TO ACQUIRE THE PROPERTY.

(B) IF AN ACTION FOR CONDEMNATION IS NOT FILED WITHIN 4 YEARS OF THE DATE DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE STATE OR ANY OF ITS INSTRUMENTALITIES OR POLITICAL SUBDIVISIONS MAY NOT PROCEED WITH CONDEMNATION UNTIL IT FIRST OBTAINS A NEW AUTHORIZATION TO ACQUIRE THE PROPERTY.”.

On page 4, in line 14, strike the opening bracket; strike beginning with “\$22,500” in line 14 down through “AGENCY” in line 15 and substitute “**\$45,000**”; and in lines 18 and 21, in each instance, strike the bracket.

On page 5, in line 17, strike the opening bracket; in the same line, strike beginning with “\$5,250” through “AGENCY” and substitute “**\$10,500**”; and in lines 23 and 26, in each instance, strike the bracket.

On page 6, in line 21, strike the brackets; in line 24, strike the opening bracket; and in the same line, strike “\$10,000]” and substitute “**\$60,000**”.

On pages 6 and 7, strike in their entirety the lines beginning with line 25 on page 6 through line 6 on page 7, inclusive.

On page 7, in line 19, strike “\$50,000” and substitute “\$60,000”; after line 22, insert:

“12-205.1.

IN ANY PROCEEDING FOR THE ACQUISITION OF PRIVATE PROPERTY FOR PUBLIC USE BY CONDEMNATION IN WHICH LAND OR ANY PART OF IT IS BEING USED FOR A BUSINESS OR FARM OPERATION, A REPRESENTATIVE OF THE DISPLACING AGENCY SHALL CONTACT THE OWNER OF THE BUSINESS OR FARM OPERATION NOT LESS THAN 30 DAYS BEFORE THE FILING OF THE ACTION AND NEGOTIATE IN GOOD FAITH REGARDING A PLAN UNDER WHICH THE BUSINESS OR FARM OPERATION MAY BE RELOCATED.

SECTION 2. AND BE IT FURTHER ENACTED, That § 12-105.1 of the Real Property Article as enacted by Section 1 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any specific administrative or legislative authorization to acquire property granted by the State or any of its instrumentalities or political subdivisions before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That with regard to any specific administrative or legislative authorization to acquire property granted by the State or any of its instrumentalities or political subdivisions before the effective date of this Act, the State or any of its instrumentalities or political subdivisions shall file an action of condemnation within 4 years from the effective date of this Act, and if an action of condemnation is not filed within 4 years from the effective date of this Act, the State or any of its instrumentalities or political subdivisions shall obtain a new authorization to acquire property before proceeding with the condemnation.”;

(Over)

and in line 23, strike “2.” and substitute “4.”.