

HOUSE BILL 655
CONSTITUTIONAL AMENDMENT

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1998 Regular Session
8lr0380

By: **Prince George's County Delegation**

Introduced and read first time: February 9, 1998

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Immediate Eminent Domain - Redevelopment of**
3 **Schools and Related Facilities**
4 **PG 409-98**

5 FOR the purpose of proposing an amendment to the Constitution of Maryland
6 authorizing the County Council of Prince George's County to provide for the
7 immediate taking of certain property situated in the County, subject to certain
8 conditions, when there is a need for the property for redevelopment or schools
9 and related facilities; and submitting this amendment to the qualified voters of
10 the State of Maryland for their adoption or rejection.

11 BY proposing an amendment to the Constitution of Maryland
12 Article III - Legislative Department
13 Section 40A

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
16 concurring), That it be proposed that the Constitution of Maryland read as follows:

17 **Article III - Legislative Department**

18 40A.

19 The General Assembly shall enact no law authorizing private property to be
20 taken for public use without just compensation, to be agreed upon between the
21 parties, or awarded by a jury, being first paid or tendered to the party entitled to such
22 compensation, but where such property is situated in Baltimore City and is desired by
23 this State or by the Mayor and City Council of Baltimore, the General Assembly may
24 provide that such property may be taken immediately upon payment therefor to the
25 owner or owners thereof by the State or by the Mayor and City Council of Baltimore,
26 or into court, such amount as the State or the Mayor and City Council of Baltimore, as
27 the case may be, shall estimate to be the fair value of said property, provided such
28 legislation also requires the payment of any further sum that may subsequently be
29 added by a jury; and further provided that the authority and procedure for the
30 immediate taking of property as it applies to the Mayor and City Council of Baltimore

1 on June 1, 1961, shall remain in force and effect to and including June 1, 1963, and
2 where such property is situated in Baltimore County and is desired by Baltimore
3 County, Maryland, the County Council of Baltimore County, Maryland, may provide
4 for the appointment of an appraiser or appraisers by a Court of Record to value such
5 property and that upon payment of the amount of such evaluation, to the party
6 entitled to compensation, or into Court, and securing the payment of any further sum
7 that may be awarded by a jury, such property may be taken; and where such property
8 is situated in Montgomery County and in the judgment of and upon a finding by the
9 County Council of said County that there is immediate need therefor for right of way
10 for County roads or streets, the County Council may provide that such property may
11 be taken immediately upon payment therefor to the owner or owners thereof, or into
12 court, such amount as a licensed real estate broker appointed by the County Council
13 shall estimate to be the fair market value of such property, provided that the Council
14 shall secure the payment of any further sum that may subsequently be awarded by a
15 jury. IF THE PROPERTY IS SITUATED IN PRINCE GEORGE'S COUNTY, THE COUNTY
16 COUNCIL OF PRINCE GEORGE'S COUNTY MAY PROVIDE THAT, WHEN THERE IS A
17 NEED FOR THE PROPERTY FOR REDEVELOPMENT OR SCHOOLS AND RELATED
18 FACILITIES, THE PROPERTY MAY BE TAKEN IMMEDIATELY BY THE COUNTY, AFTER
19 THE COUNTY APPOINTS A PROPERLY DESIGNATED REAL ESTATE APPRAISER
20 LICENSED BY THE STATE TO APPRAISE THE PROPERTY, PAYS TO THE OWNER OR INTO
21 COURT THE FAIR MARKET VALUE OF THE PROPERTY, AS DETERMINED BY THE
22 APPRAISER, AND ASSURES PAYMENT OF ANY ADDITIONAL AMOUNT THAT MAY
23 SUBSEQUENTLY BE AWARDED BY A JURY. In the various municipal corporations
24 within Cecil County, where in the judgment of and upon a finding by the governing
25 body of said municipal corporation that there is immediate need therefor for right of
26 way for municipal roads, streets and extension of municipal water and sewage
27 facilities, the governing body may provide that such property may be taken
28 immediately upon payment therefor to the owner or owners thereof, or into court,
29 such amount as a licensed real estate broker appointed by the particular governing
30 body shall estimate to be a fair market value of such property, provided that the
31 municipal corporation shall secure the payment of any further sum that subsequently
32 may be awarded by a jury. This Section 40A shall not apply in Montgomery County or
33 any of the various municipal corporations within Cecil County, if the property
34 actually to be taken includes a building or buildings.

35 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
36 determines that the amendment to the Constitution of Maryland proposed by this Act
37 affects only one county and that the provisions of Article XIV, Section 1 of the
38 Constitution concerning local approval of constitutional amendments apply.

39 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
40 proposed as an amendment to the Constitution of Maryland shall be submitted to the
41 legal and qualified voters of this State at the next general election to be held in
42 November, 1998 for their adoption or rejection in pursuance of directions contained in
43 Article XIV of the Constitution of this State. At that general election, the vote on this
44 proposed amendment to the Constitution shall be by ballot, and upon each ballot
45 there shall be printed the words "For the Constitutional Amendments" and "Against
46 the Constitutional Amendments," as now provided by law. Immediately after the
47 election, all returns shall be made to the Governor of the vote for and against the

- 1 proposed amendment, as directed by Article XIV of the Constitution, and further
- 2 proceedings had in accordance with Article XIV.