

SENATE BILL 400
CONSTITUTIONAL AMENDMENT

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2000 Regular Session
(01r1606)

ENROLLED BILL
-- Economic and Environmental Affairs/Commerce and Government Matters --

Introduced by **Senators Currie, Lawlah, Dorman, and Exum**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County - Eminent Domain - Immediate Taking of Private**
3 **Property for Redevelopment**

4 FOR the purpose of proposing an amendment to the Constitution of Maryland to
5 authorize the County Council of Prince George's County to provide for the
6 immediate taking of certain property situated in the County under certain
7 circumstances; and submitting this amendment to the qualified voters of the
8 State of Maryland for their adoption or rejection.

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

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

1

Article III - Legislative Department

2 40A.

3 The General Assembly shall enact no law authorizing private property to be
4 taken for public use without just compensation, to be agreed upon between the
5 parties, or awarded by a jury, being first paid or tendered to the party entitled to such
6 compensation, but where such property is situated in Baltimore City and is desired by
7 this State or by the Mayor and City Council of Baltimore, the General Assembly may
8 provide that such property may be taken immediately upon payment therefor to the
9 owner or owners thereof by the State or by the Mayor and City Council of Baltimore,
10 or into court, such amount as the State or the Mayor and City Council of Baltimore, as
11 the case may be, shall estimate to be the fair value of said property, provided such
12 legislation also requires the payment of any further sum that may subsequently be
13 added by a jury; and further provided that the authority and procedure for the
14 immediate taking of property as it applies to the Mayor and City Council of Baltimore
15 on June 1, 1961, shall remain in force and effect to and including June 1, 1963, and
16 where such property is situated in Baltimore County and is desired by Baltimore
17 County, Maryland, the County Council of Baltimore County, Maryland, may provide
18 for the appointment of an appraiser or appraisers by a Court of Record to value such
19 property and that upon payment of the amount of such evaluation, to the party
20 entitled to compensation, or into Court, and securing the payment of any further sum
21 that may be awarded by a jury, such property may be taken; and where such property
22 is situated in Montgomery County and in the judgment of and upon a finding by the
23 County Council of said County that there is immediate need therefor for right of way
24 for County roads or streets, the County Council may provide that such property may
25 be taken immediately upon payment therefor to the owner or owners thereof, or into
26 court, such amount as a licensed real estate broker appointed by the County Council
27 shall estimate to be the fair market value of such property, provided that the Council
28 shall secure the payment of any further sum that may subsequently be awarded by a
29 jury; AND WHERE THE PROPERTY IS SITUATED IN PRINCE GEORGE'S COUNTY
30 BETWEEN THE SUITLAND FEDERAL CENTER AND SILVER HILL ROAD, AND WITHIN
31 TWO OF THE FOLLOWING AREAS: A REVITALIZATION TAX DISTRICT, AN ENTERPRISE
32 ZONE, OR A PRIORITY FUNDING AREA, AS THOSE AREAS ARE DEFINED BY THE
33 GENERAL ASSEMBLY, AND IN THE JUDGMENT OF AND UPON A FINDING BY THE
34 COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY THAT THERE IS AN IMMEDIATE
35 NEED FOR THE PROPERTY FOR REDEVELOPMENT, THE COUNTY COUNCIL MAY
36 PROVIDE THAT THE PROPERTY MAY BE TAKEN IMMEDIATELY AFTER THE COUNTY
37 COUNCIL APPOINTS A REAL ESTATE APPRAISER LICENSED BY THE STATE TO
38 APPRAISE THE PROPERTY TO DETERMINE THE FAIR MARKET VALUE OF THE
39 PROPERTY, PAYS TO THE OWNER OR INTO COURT THE FAIR MARKET VALUE OF THE
40 PROPERTY AS DETERMINED BY THE APPRAISER, AND ASSURES PAYMENT OF ANY
41 ADDITIONAL AMOUNT THAT MAY BE SUBSEQUENTLY AWARDED BY A JURY, AND IF
42 AN OWNER OCCUPANT OR TENANT IS DISPLACED BECAUSE OF THE EXERCISE OF
43 EMINENT DOMAIN, REGARDLESS OF WHETHER THE DISPLACEMENT INVOLVES THE
44 USE OF FEDERAL FINANCIAL ASSISTANCE, THE COUNTY SHALL ASSURE THAT THE
45 OWNER OCCUPANT OR TENANT IS OFFERED, AT A MINIMUM, ASSISTANCE AND
46 PAYMENTS TO THE EXTENT THAT THE OWNER OCCUPANT OR TENANT WOULD
47 QUALIFY FOR ASSISTANCE AND PAYMENTS AS A DISPLACED PERSON UNDER THE

1 FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION
2 POLICIES ACT OF 1970. In the various municipal corporations within Cecil County,
3 where in the judgment of and upon a finding by the governing body of said municipal
4 corporation that there is immediate need therefor for right of way for municipal
5 roads, streets and extension of municipal water and sewage facilities, the governing
6 body may provide that such property may be taken immediately upon payment
7 therefor to the owner or owners thereof, or into court, such amount as a licensed real
8 estate broker appointed by the particular governing body shall estimate to be a fair
9 market value of such property, provided that the municipal corporation shall secure
10 the payment of any further sum that subsequently may be awarded by a jury. This
11 Section 40A shall not apply in Montgomery County or any of the various municipal
12 corporations within Cecil County, if the property actually to be taken includes a
13 building or buildings.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
15 determines that the amendment to the Constitution of Maryland proposed by this Act
16 affects only Prince George's County and that the provisions of Article XIV, Section 1 of
17 the Constitution concerning local approval of constitutional amendments apply.

18 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
19 proposed as an amendment to the Constitution of Maryland shall be submitted to the
20 legal and qualified voters of this State at the next general election to be held in
21 November, 2000 for their adoption or rejection in pursuance of directions contained in
22 Article XIV of the Constitution of this State. At that general election, the vote on this
23 proposed amendment to the Constitution shall be by ballot, and upon each ballot
24 there shall be printed the words "For the Constitutional Amendments" and "Against
25 the Constitutional Amendments," as now provided by law. Immediately after the
26 election, all returns shall be made to the Governor of the vote for and against the
27 proposed amendment, as directed by Article XIV of the Constitution, and further
28 proceedings had in accordance with Article XIV.