

SENATE BILL 400
CONSTITUTIONAL AMENDMENT

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2000 Regular Session
0lr1606

By: **Senators Currie, Lawlah, Dorman, and Exum**
Introduced and read first time: February 3, 2000
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

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:

15 **Article III - Legislative Department**

16 40A.

17 The General Assembly shall enact no law authorizing private property to be
18 taken for public use without just compensation, to be agreed upon between the
19 parties, or awarded by a jury, being first paid or tendered to the party entitled to such
20 compensation, but where such property is situated in Baltimore City and is desired by
21 this State or by the Mayor and City Council of Baltimore, the General Assembly may
22 provide that such property may be taken immediately upon payment therefor to the
23 owner or owners thereof by the State or by the Mayor and City Council of Baltimore,
24 or into court, such amount as the State or the Mayor and City Council of Baltimore, as
25 the case may be, shall estimate to be the fair value of said property, provided such
26 legislation also requires the payment of any further sum that may subsequently be
27 added by a jury; and further provided that the authority and procedure for the
28 immediate taking of property as it applies to the Mayor and City Council of Baltimore
29 on June 1, 1961, shall remain in force and effect to and including June 1, 1963, and
30 where such property is situated in Baltimore County and is desired by Baltimore
31 County, Maryland, the County Council of Baltimore County, Maryland, may provide

1 for the appointment of an appraiser or appraisers by a Court of Record to value such
2 property and that upon payment of the amount of such evaluation, to the party
3 entitled to compensation, or into Court, and securing the payment of any further sum
4 that may be awarded by a jury, such property may be taken; and where such property
5 is situated in Montgomery County and in the judgment of and upon a finding by the
6 County Council of said County that there is immediate need therefor for right of way
7 for County roads or streets, the County Council may provide that such property may
8 be taken immediately upon payment therefor to the owner or owners thereof, or into
9 court, such amount as a licensed real estate broker appointed by the County Council
10 shall estimate to be the fair market value of such property, provided that the Council
11 shall secure the payment of any further sum that may subsequently be awarded by a
12 jury; AND WHERE THE PROPERTY IS SITUATED IN PRINCE GEORGE'S COUNTY
13 BETWEEN THE SUITLAND FEDERAL CENTER AND SILVER HILL ROAD, AND WITHIN
14 TWO OF THE FOLLOWING AREAS: A REVITALIZATION TAX DISTRICT, AN ENTERPRISE
15 ZONE, OR A PRIORITY FUNDING AREA, AS THOSE AREAS ARE DEFINED BY THE
16 GENERAL ASSEMBLY, AND IN THE JUDGMENT OF AND UPON A FINDING BY THE
17 COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY THAT THERE IS AN IMMEDIATE
18 NEED FOR THE PROPERTY FOR REDEVELOPMENT, THE COUNTY COUNCIL MAY
19 PROVIDE THAT THE PROPERTY MAY BE TAKEN IMMEDIATELY AFTER THE COUNTY
20 COUNCIL APPOINTS A REAL ESTATE APPRAISER LICENSED BY THE STATE TO
21 APPRAISE THE PROPERTY TO DETERMINE THE FAIR MARKET VALUE OF THE
22 PROPERTY, PAYS TO THE OWNER OR INTO COURT THE FAIR MARKET VALUE OF THE
23 PROPERTY AS DETERMINED BY THE APPRAISER, AND ASSURES PAYMENT OF ANY
24 ADDITIONAL AMOUNT THAT MAY BE SUBSEQUENTLY AWARDED BY A JURY. In the
25 various municipal corporations within Cecil County, where in the judgment of and
26 upon a finding by the governing body of said municipal corporation that there is
27 immediate need therefor for right of way for municipal roads, streets and extension of
28 municipal water and sewage facilities, the governing body may provide that such
29 property may be taken immediately upon payment therefor to the owner or owners
30 thereof, or into court, such amount as a licensed real estate broker appointed by the
31 particular governing body shall estimate to be a fair market value of such property,
32 provided that the municipal corporation shall secure the payment of any further sum
33 that subsequently may be awarded by a jury. This Section 40A shall not apply in
34 Montgomery County or any of the various municipal corporations within Cecil
35 County, if the property actually to be taken includes a building or buildings.

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

40 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
41 proposed as an amendment to the Constitution of Maryland shall be submitted to the
42 legal and qualified voters of this State at the next general election to be held in
43 November, 2000 for their adoption or rejection in pursuance of directions contained in
44 Article XIV of the Constitution of this State. At that general election, the vote on this
45 proposed amendment to the Constitution shall be by ballot, and upon each ballot
46 there shall be printed the words "For the Constitutional Amendments" and "Against
47 the Constitutional Amendments," as now provided by law. Immediately after the

1 election, all returns shall be made to the Governor of the vote for and against the
2 proposed amendment, as directed by Article XIV of the Constitution, and further
3 proceedings had in accordance with Article XIV.