

**SENATE BILL 400**  
CONSTITUTIONAL AMENDMENT

Unofficial Copy  
L2

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

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2000

---

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:

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,

1 or into court, such amount as the State or the Mayor and City Council of Baltimore, as  
2 the case may be, shall estimate to be the fair value of said property, provided such  
3 legislation also requires the payment of any further sum that may subsequently be  
4 added by a jury; and further provided that the authority and procedure for the  
5 immediate taking of property as it applies to the Mayor and City Council of Baltimore  
6 on June 1, 1961, shall remain in force and effect to and including June 1, 1963, and  
7 where such property is situated in Baltimore County and is desired by Baltimore  
8 County, Maryland, the County Council of Baltimore County, Maryland, may provide  
9 for the appointment of an appraiser or appraisers by a Court of Record to value such  
10 property and that upon payment of the amount of such evaluation, to the party  
11 entitled to compensation, or into Court, and securing the payment of any further sum  
12 that may be awarded by a jury, such property may be taken; and where such property  
13 is situated in Montgomery County and in the judgment of and upon a finding by the  
14 County Council of said County that there is immediate need therefor for right of way  
15 for County roads or streets, the County Council may provide that such property may  
16 be taken immediately upon payment therefor to the owner or owners thereof, or into  
17 court, such amount as a licensed real estate broker appointed by the County Council  
18 shall estimate to be the fair market value of such property, provided that the Council  
19 shall secure the payment of any further sum that may subsequently be awarded by a  
20 jury; AND WHERE THE PROPERTY IS SITUATED IN PRINCE GEORGE'S COUNTY  
21 BETWEEN THE SUITLAND FEDERAL CENTER AND SILVER HILL ROAD, AND WITHIN  
22 TWO OF THE FOLLOWING AREAS: A REVITALIZATION TAX DISTRICT, AN ENTERPRISE  
23 ZONE, OR A PRIORITY FUNDING AREA, AS THOSE AREAS ARE DEFINED BY THE  
24 GENERAL ASSEMBLY, AND IN THE JUDGMENT OF AND UPON A FINDING BY THE  
25 COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY THAT THERE IS AN IMMEDIATE  
26 NEED FOR THE PROPERTY FOR REDEVELOPMENT, THE COUNTY COUNCIL MAY  
27 PROVIDE THAT THE PROPERTY MAY BE TAKEN IMMEDIATELY AFTER THE COUNTY  
28 COUNCIL APPOINTS A REAL ESTATE APPRAISER LICENSED BY THE STATE TO  
29 APPRAISE THE PROPERTY TO DETERMINE THE FAIR MARKET VALUE OF THE  
30 PROPERTY, PAYS TO THE OWNER OR INTO COURT THE FAIR MARKET VALUE OF THE  
31 PROPERTY AS DETERMINED BY THE APPRAISER, AND ASSURES PAYMENT OF ANY  
32 ADDITIONAL AMOUNT THAT MAY BE SUBSEQUENTLY AWARDED BY A JURY, AND IF  
33 AN OWNER OCCUPANT OR TENANT IS DISPLACED BECAUSE OF THE EXERCISE OF  
34 EMINENT DOMAIN, REGARDLESS OF WHETHER THE DISPLACEMENT INVOLVES THE  
35 USE OF FEDERAL FINANCIAL ASSISTANCE, THE COUNTY SHALL ASSURE THAT THE  
36 OWNER OCCUPANT OR TENANT IS OFFERED, AT A MINIMUM, ASSISTANCE AND  
37 PAYMENTS TO THE EXTENT THAT THE OWNER OCCUPANT OR TENANT WOULD  
38 QUALIFY FOR ASSISTANCE AND PAYMENTS AS A DISPLACED PERSON UNDER THE  
39 FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION  
40 POLICIES OF 1970. In the various municipal corporations within Cecil County, where  
41 in the judgment of and upon a finding by the governing body of said municipal  
42 corporation that there is immediate need therefor for right of way for municipal  
43 roads, streets and extension of municipal water and sewage facilities, the governing  
44 body may provide that such property may be taken immediately upon payment  
45 therefor to the owner or owners thereof, or into court, such amount as a licensed real  
46 estate broker appointed by the particular governing body shall estimate to be a fair  
47 market value of such property, provided that the municipal corporation shall secure  
48 the payment of any further sum that subsequently may be awarded by a jury. This

1 Section 40A shall not apply in Montgomery County or any of the various municipal  
2 corporations within Cecil County, if the property actually to be taken includes a  
3 building or buildings.

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

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