

HOUSE BILL 403
CONSTITUTIONAL AMENDMENT

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2002 Regular Session
2lr0272

By: **Montgomery County Delegation**

Introduced and read first time: January 28, 2002

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Eminent Domain - Licensed and Certified Real Estate**
3 **Appraisers**
4 **MC 202-02**

5 FOR the purpose of proposing an amendment to the Constitution to authorize the
6 Montgomery County Council to appoint a licensed and certified real estate
7 appraiser to estimate the fair market value of property situated in the county
8 subject to immediate taking under existing law; and submitting this
9 amendment to the qualified voters of the State of Maryland for their adoption or
10 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 OR A LICENSED AND CERTIFIED
13 REAL ESTATE APPRAISER appointed by the County Council shall estimate to be the
14 fair market value of such property, provided that the Council shall secure the
15 payment of any further sum that may subsequently be awarded by a jury. In the
16 various municipal corporations within Cecil County, where in the judgment of and
17 upon a finding by the governing body of said municipal corporation that there is
18 immediate need therefor for right of way for municipal roads, streets and extension of
19 municipal water and sewage facilities, the governing body may provide that such
20 property may be taken immediately upon payment therefor to the owner or owners
21 thereof, or into court, such amount as a licensed real estate broker appointed by the
22 particular governing body shall estimate to be a fair market value of such property,
23 provided that the municipal corporation shall secure the payment of any further sum
24 that subsequently may be awarded by a jury. This Section 40A shall not apply in
25 Montgomery County or any of the various municipal corporations within Cecil
26 County, if the property actually to be taken includes a building or buildings.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
28 determines that the amendment to the Constitution of Maryland proposed by this Act
29 affects only Montgomery County and that the provisions of Article XIV, Section 1 of
30 the Constitution concerning local approval of constitutional amendments apply.

31 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
32 proposed as an amendment to the Constitution of Maryland shall be submitted to the
33 legal and qualified voters of this State at the next general election to be held in
34 November, 2002 for their adoption or rejection in pursuance of directions contained in
35 Article XIV of the Constitution of this State. At that general election, the vote on this
36 proposed amendment to the Constitution shall be by ballot, and upon each ballot
37 there shall be printed the words "For the Constitutional Amendment" and "Against
38 the Constitutional Amendment," as now provided by law. Immediately after the
39 election, all returns shall be made to the Governor of the vote for and against the
40 proposed amendment, as directed by Article XIV of the Constitution, and further
41 proceedings had in accordance with Article XIV.