

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

Committee Report: Favorable

House action: Adopted

Read second time: March 5, 2002

CHAPTER _____

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

1 this State or by the Mayor and City Council of Baltimore, the General Assembly may
2 provide that such property may be taken immediately upon payment therefor to the
3 owner or owners thereof by the State or by the Mayor and City Council of Baltimore,
4 or into court, such amount as the State or the Mayor and City Council of Baltimore, as
5 the case may be, shall estimate to be the fair value of said property, provided such
6 legislation also requires the payment of any further sum that may subsequently be
7 added by a jury; and further provided that the authority and procedure for the
8 immediate taking of property as it applies to the Mayor and City Council of Baltimore
9 on June 1, 1961, shall remain in force and effect to and including June 1, 1963, and
10 where such property is situated in Baltimore County and is desired by Baltimore
11 County, Maryland, the County Council of Baltimore County, Maryland, may provide
12 for the appointment of an appraiser or appraisers by a Court of Record to value such
13 property and that upon payment of the amount of such evaluation, to the party
14 entitled to compensation, or into Court, and securing the payment of any further sum
15 that may be awarded by a jury, such property may be taken; and where such property
16 is situated in Montgomery County and in the judgment of and upon a finding by the
17 County Council of said County that there is immediate need therefor for right of way
18 for County roads or streets, the County Council may provide that such property may
19 be taken immediately upon payment therefor to the owner or owners thereof, or into
20 court, such amount as a licensed real estate broker OR A LICENSED AND CERTIFIED
21 REAL ESTATE APPRAISER appointed by the County Council shall estimate to be the
22 fair market value of such property, provided that the Council shall secure the
23 payment of any further sum that may subsequently be awarded by a jury. In the
24 various municipal corporations within Cecil County, where in the judgment of and
25 upon a finding by the governing body of said municipal corporation that there is
26 immediate need therefor for right of way for municipal roads, streets and extension of
27 municipal water and sewage facilities, the governing body may provide that such
28 property may be taken immediately upon payment therefor to the owner or owners
29 thereof, or into court, such amount as a licensed real estate broker appointed by the
30 particular governing body shall estimate to be a fair market value of such property,
31 provided that the municipal corporation shall secure the payment of any further sum
32 that subsequently may be awarded by a jury. This Section 40A shall not apply in
33 Montgomery County or any of the various municipal corporations within Cecil
34 County, if the property 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 Montgomery County and that the provisions of Article XIV, Section 1 of
38 the 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, 2002 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 Amendment" and "Against
46 the Constitutional Amendment," 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.