

*Highway Beautification*

236. For the purpose of promoting the public safety, convenience and enjoyment of travel on, and protection of the public investment in, the highways of the State and for the restoration, preservation and enhancement of scenic beauty within and adjacent to such highways; and in order that the State is entitled to receive and expend the three per centum non-matching funds from the Federal Government, pursuant to the provisions of Title 23, United States Code, "Highways," it is hereby declared to be in the public interest to acquire strips of land for the restoration, preservation and enhancement of scenic beauty within and adjacent to the Federal-aid highways of this State and to acquire land for and construct rest and recreation areas adjacent to the Interstate and Federal Aid Primary System of Highways.

237. The State Roads Commission is hereby authorized to acquire strips of land necessary, in the opinion of the Commission, for the restoration, preservation and enhancement of scenic beauty within and adjacent to Federal-aid highways of this State, including acquisition of land for the construction of publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to the highway right of way necessary to accommodate the traveling public.

238. The interest in any land authorized to be acquired and maintained under this subtitle may be the fee simple, or any lesser interest, as determined by the State Roads Commission to be necessary to accomplish the purposes of this subtitle. Such acquisition may be by purchase, gift or condemnation. ANY SUCH PROPERTY ACQUIRED BY CONDEMNATION PROCEEDINGS SHALL BE SO ACQUIRED UNDER THE PROVISIONS OF ARTICLE 33A AND ARTICLE 89B OF THE ANNOTATED CODE OF MARYLAND (1957 EDITION, AS AMENDED). IF SUCH PROPERTY IS ACQUIRED BY CONDEMNATION, THE QUESTION OF NECESSITY IS DEEMED TO BE A MATTER OF LAW AND SHALL BE DETERMINED BY THE COURT, AND THE COURT MAY TAKE AND HEAR TESTIMONY ON SUCH QUESTION. THE QUESTION OF JUST COMPENSATION SHALL BE DETERMINED BY THE COURT, WITH OR WITHOUT A JURY, AS PROVIDED BY STATUTE AND THE RULES OF COURT.

SEC. 2. *And be it further enacted*, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety, and having been passed by a yea and nay vote supported by three-fifths of the members elected to each of the two houses of the General Assembly, the same shall take effect from the date of its passage.

Approved May 6, 1966.

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CHAPTER 536

(Senate Bill 258)

AN ACT to repeal and re-enact, with amendments, Section 46 of Article 66½ of the Annotated Code of Maryland (1957 Edition),