

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 7, 1973.

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CHAPTER 258

(Senate Bill 918)

AN ACT to propose an amendment to Article III of the Constitution of Maryland, title "Legislative Department", (by repealing and re-enacting, with amendments, Section 40A thereof), to add Anne Arundel County to the provisions relating to the immediate taking of property by the State which presently apply to Baltimore City, Baltimore County, Montgomery County, and Cecil County, and providing for the submission of this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three-fifths of all members elected to each of the two Houses concurring), That the following be and the same is hereby proposed as an amendment to Section 40A of Article III of the Constitution of Maryland, title "Legislative Department", the same, if adopted by the legally qualified voters of the State, as herein provided, to become a part of the Constitution of Maryland:

40A.

The General Assembly shall enact no law authorizing private property to be taken for public use without just compensation, to be agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation, but where such property is situated in Baltimore City and is desired by this State or by the Mayor and City Council of Baltimore, the General Assembly may provide that such property may be taken immediately upon payment therefor to the owner or owners thereof by the State or by the Mayor and City Council of Baltimore, or into court, such amount as the State or the Mayor and City Council of Baltimore, as the case may be, shall estimate to be the fair value of said property, provided such legislation also requires the payment of any further sum that may subsequently be added by a jury; and further provided that the authority and procedure for the immediate taking of property as it applies to the Mayor and City Council of Baltimore on June 1, 1961, shall remain in force and effect to and including June 1, 1963, and where such property is situated in ANNE ARUNDEL COUNTY OR IN Baltimore County and is desired by ANNE ARUNDEL COUNTY OR BY Baltimore County, Maryland, the County [Council of Baltimore County, Maryland,] COUNCILS OF THOSE COUNTIES may provide for the appointment of an appraiser or appraisers by a Court of Record to value such property and that upon payment of the amount of such evaluation, to the party entitled to compensation, or into Court, and securing the payment of any further sum that may be awarded by a jury, such property may be taken; and where such property is situated in Montgomery County and in the judgment of and upon a finding by the County Council of said County that there is immediate need therefor for right of way for County roads or streets, the County Council may provide that such property may be taken immediately upon payment therefor to the owner or owners thereof, or into court, such amount as a licensed real estate broker appointed by the County Council shall estimate to be the fair market value of such property, provided that the Council shall secure the payment