

of Appeals over the Judiciary.

8-328. PERFORMANCE OF DUTIES OF BOARD.

(A) POWER AND DUTIES OF BOARD.

EACH BOARD OF PROPERTY REVIEW:

(1) SHALL HEAR PROMPTLY ALL CASES CERTIFIED TO IT BY THE COMMISSION;

(2) SHALL DETERMINE THE TOTAL AMOUNT OF THE AWARD TO BE PAID BY THE COMMISSION; AND

(3) MAY DETERMINE THE PORTION OF AN AWARD TO BE PAID TO PERSONS, OTHER THAN THE FEE OWNER, WHO HAVE AN INTEREST IN THE PROPERTY.

(B) HEARING OF CASES.

UNLESS ALL PARTIES IN A CASE CERTIFIED TO A BOARD AGREE OTHERWISE, THE FULL BOARD SHALL HEAR AND DECIDE THE CASE. IF A MEMBER OF THE BOARD IS ABSENT OR DISQUALIFIED FROM HEARING OR DECIDING ANY CASE, THE JUDGES OF THE JUDICIAL CIRCUIT SHALL DESIGNATE ANOTHER PERSON WITH QUALIFICATIONS SIMILAR TO THOSE OF THE ABSENT OR DISQUALIFIED MEMBER TO SERVE IN HIS PLACE.

(C) DATE FAIR VALUE DETERMINED.

THE BOARD SHALL DETERMINE THE FAIR VALUE OF THE PROPERTY TO BE ACQUIRED AS OF THE DATE PAYMENT IS MADE UNDER §8-323 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived from Art. 89B, §17(c), (d), and (f).

In subsection (c) of this section, the present requirement that the value of the property be determined as of the date "of the filing of the plats" is revised to refer to the date payment is made under §8-323 of this subtitle. This formula conforms with that of present Art. 89B, §15, now §8-325 of this subtitle, and promotes consistency and clarity. Although, theoretically, the plats could be filed before the payment is made, in practice they are filed simultaneously; therefore, practically speaking, no substantive change is made by this revision.

8-329. APPEALS FROM BOARD.

IF ANY PARTY IS DISSATISFIED WITH THE FINDINGS OR AWARD OF A BOARD OF PROPERTY REVIEW, THE CASE MAY BE APPEALED TO THE COURT. ON APPEAL, THE COURT SHALL HEAR AND DETERMINE THE CASE DE NOVO, AS PROVIDED BY LAW AND THE MARYLAND RULES.