

Bill No.: _____
Requested: _____
Committee: _____

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By: **Prince George’s County Delegation and Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Eminent Domain – Elimination of**
3 **Quick Take Authority in Prince George’s County**

4 **PG/MC 101–16**

5 FOR the purpose of repealing the authority of the Washington Suburban Sanitary
6 Commission to acquire property under certain circumstances in Prince George’s
7 County by using a “quick take” condemnation process; repealing related procedures;
8 and generally relating to the Washington Suburban Sanitary Commission’s
9 condemnation authority for property within Prince George’s County.

10 BY repealing and reenacting, without amendments,
11 Article – Public Utilities
12 Section 21–101
13 Annotated Code of Maryland
14 (2010 Replacement Volume and 2015 Supplement)

15 BY repealing
16 Article – Public Utilities
17 Section 21–201 through 21–207 and the subtitle “Subtitle 2. Prince George’s County
18 Quick Take”
19 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2010 Replacement Volume and 2015 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
3 That the Laws of Maryland read as follows:

4 **Article – Public Utilities**

5 21–101.

6 (a) In this section, “property” includes:

7 (1) land;

8 (2) structures;

9 (3) buildings;

10 (4) streambeds;

11 (5) waterways;

12 (6) water rights;

13 (7) watersheds;

14 (8) water systems and parts of water systems; and

15 (9) wastewater systems and parts of wastewater systems.

16 (b) The Commission may acquire property for the construction, extension,
17 maintenance, or operation of a project the Commission considers:

18 (1) necessary to carry out this division; or

19 (2) in furtherance of this division.

1 (c) If the Commission decides to acquire property within or outside the sanitary
2 district in accordance with subsection (b) of this section, the Commission may acquire the
3 property:

- 4 (1) in fee; or
- 5 (2) as an easement.

6 (d) If the Commission fails to agree on the terms of acquisition with the owner of
7 any property, the Commission may condemn the property by filing a petition for
8 condemnation in the circuit court for the county in which the property is situated, as
9 provided for condemnation of land under the Real Property Article.

10 (e) The Commission may condemn the interest of any tenant, lessee, or other
11 person having an interest in property that the Commission decides to acquire.

12 [Subtitle 2. Prince George’s County Quick Take.]

13 [21–201.

14 In this subtitle, “water supply, sanitary sewer, or stormwater management project”
15 includes a:

- 16 (1) water main, sewer, or drain or appurtenance of a water main, sewer, or
17 drain;
- 18 (2) fire hydrant;
- 19 (3) reservoir;
- 20 (4) water purification plant;
- 21 (5) tank;
- 22 (6) pumping station; and
- 23 (7) sewage disposal plant.]

1 [21–202.

2 The purpose of this subtitle is to provide that in emergencies the Commission, in its
3 discretion, may condemn land or interest in land under the optional procedure provided by
4 this subtitle before or after construction of a water supply, sanitary sewer, or stormwater
5 management system, or part of a system, has begun.]

6 [21–203.

7 This subtitle applies only to land in Prince George’s County.]

8 [21–204.

9 (a) Subject to subsection (b) of this section and §§ 21–205 and 21–206(a) of this
10 subtitle, the Commission may enter on and take possession of remaining land or interest
11 in land described in item (2) of this subsection and proceed with the extension or
12 construction of a water supply, sanitary sewer, or stormwater management project if the
13 Commission:

14 (1) has acquired or is acquiring by purchase or other procedure, including
15 the condemnation procedures provided for in the Real Property Article and Subtitle 1 of
16 this title, at least one–half of the takings of land or interest in land required for the
17 extension or construction of the project; and

18 (2) determines that the remaining takings of land or interest in land are
19 needed for the extension or construction of the project.

20 (b) A building may not be taken under this subtitle.]

21 [21–205.

22 (a) (1) The Commission’s right to enter and take possession of land or an
23 interest in land under this subtitle takes effect immediately after the filing of a written
24 declaration of taking in the Circuit Court for Prince George’s County, accompanied by
25 payment of the estimated fair market value of the land or interest in land, as required
26 under § 21–206(a) of this subtitle.

27 (2) A declaration of taking may be:

1 (i) combined with a petition for condemnation, filed simultaneously
2 with or as part of the same pleading; or

3 (ii) filed after a petition for condemnation.

4 (b) A declaration of taking shall:

5 (1) include a statement as to the number of takings in land or interest in
6 land necessary for the extension or construction of the water supply, sanitary sewer, or
7 stormwater management project;

8 (2) include a statement that the Commission has acquired or is acquiring
9 by purchase or procedures other than the declaration of taking method at least one-half of
10 the takings needed for the extension or construction of the project;

11 (3) contain a description of the land or interest in land being taken;

12 (4) name the Commission as plaintiff and the owner of the land or interest
13 in land as defendant;

14 (5) be docketed by the clerk of the circuit court, unless the petition for
15 condemnation is on file or filed simultaneously with the declaration of taking; and

16 (6) identify the qualified appraiser and specify the estimated fair market
17 value of the land or interest in land being taken, as required by § 21–206(a) of this subtitle.

18 (c) Notice of and service on the property owner of a declaration of taking shall be
19 accomplished in the same manner as is required for petitions for condemnation.

20 (d) If the Commission files the declaration of taking accompanied by the payment
21 of the estimated fair market value required under § 21–206(a) of this subtitle, the date of
22 filing shall be the operative date of the taking to determine:

23 (1) the fair market value of the land or interest in land taken; and

24 (2) damages, if any, caused by the taking.]

1 [21–206.

2 (a) (1) With the declaration of taking, the Commission shall pay to the owner
3 of the land or interest in land, or to the Circuit Court for Prince George’s County for the
4 owner’s benefit, a sum that the Commission estimates to be the fair market value of the
5 land or interest in land being taken.

6 (2) The Commission’s estimate of the fair market value of the land or
7 interest in land being taken may not be less than its appraised value as evaluated by at
8 least one experienced and qualified appraiser, whose qualifications as an appraiser have
9 been accepted by a court of record of the State.

10 (b) Payment of the estimated fair market value of land or interest in land under
11 this section does not limit the amount that may be awarded with respect to the land or
12 interest in land.

13 (c) If the estimated fair market value of the land or interest in land is paid into
14 the court under subsection (a) of this section, the property owner, on written request to the
15 clerk of the court, may receive the sum paid without prejudice to any of the owner’s rights
16 if the property owner agrees to pay back to the Commission the amount by which the sum
17 paid exceeds the final award.]

18 [21–207.

19 (a) (1) If the Commission and the owner of the land or interest in land being
20 taken are unable to agree as to the compensation and damages, if any, caused by the taking,
21 the Commission shall institute condemnation proceedings in the manner required by the
22 Real Property Article and the Maryland Rules.

23 (2) The court shall hear and determine the condemnation proceedings as
24 soon as practicable after the application to the court.

25 (b) If the condemnation petition is not filed at the same time as the Commission
26 pays the estimated fair market value to the owner or to the court for the owner’s benefit,
27 the Commission shall file the condemnation petition not later than 30 days after receipt of
28 notice from the property owner that a disagreement exists as to the compensation and
29 damages, if any, caused by the taking.]

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2016.