
By: **Senator Astle**
Requested: July 28, 2005
Introduced and read first time: January 11, 2006
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Eminent Domain - Public Use**

3 FOR the purpose of establishing that private property may not be acquired by
4 condemnation unless it is necessary for public use; defining "public use"; and
5 generally relating to the acquisition of private property by condemnation.

6 BY renumbering
7 Article - Real Property
8 Section 12-101 and 12-102 through 12-112, respectively
9 to be Section 12-102 and 12-104 through 12-114, respectively
10 Annotated Code of Maryland
11 (2003 Replacement Volume and 2005 Supplement)

12 BY adding to
13 Article - Real Property
14 Section 12-101 and 12-103
15 Annotated Code of Maryland
16 (2003 Replacement Volume and 2005 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That Section(s) 12-101 and 12-102 through 12-112, respectively, of
19 Article - Real Property of the Annotated Code of Maryland be renumbered to be
20 Section(s) 12-102 and 12-104 through 12-114, respectively.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
22 read as follows:

23 **Article - Real Property**

24 12-101.

25 (A) IN THIS SUBTITLE, "PUBLIC USE" MEANS:

1 (1) THE POSSESSION, OCCUPATION, AND ENJOYMENT OF LAND BY THE
2 GENERAL PUBLIC OR A GOVERNMENTAL ENTITY;

3 (2) THE USE OF LAND FOR THE CREATION OR FUNCTIONING OF A
4 PUBLIC SERVICE COMPANY, AS DEFINED IN § 1-101 OF THE PUBLIC UTILITY
5 COMPANIES ARTICLE; OR

6 (3) THE ACQUISITION OF LAND TO CURE A CONCRETE HARMFUL
7 EFFECT OF THE CURRENT USE OF THE LAND, INCLUDING THE REMOVAL OF PUBLIC
8 NUISANCES, STRUCTURES THAT ARE BEYOND REPAIR, OR STRUCTURES THAT ARE
9 UNFIT FOR HUMAN HABITATION OR USE, AND THE ACQUISITION OF ABANDONED
10 PROPERTY.

11 (B) "PUBLIC USE" DOES NOT INCLUDE THE PUBLIC BENEFITS OF ECONOMIC
12 DEVELOPMENT, INCLUDING AN INCREASE IN TAX BASE, TAX REVENUE,
13 EMPLOYMENT, OR GENERAL ECONOMIC HEALTH.

14 12-103.

15 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, PRIVATE PROPERTY MAY
16 NOT BE ACQUIRED BY CONDEMNATION UNLESS IT IS NECESSARY FOR PUBLIC USE.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2006.