

# HOUSE BILL 256

N1

CONSTITUTIONAL AMENDMENT

7lr1349

HB 619/06 – ENV

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By: **Delegates Impallaria, Boteler, and McDonough**

Introduced and read first time: January 29, 2007

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Harford County – Eminent Domain – Limitation on Condemnation Authority**

3 FOR the purpose of proposing amendments to the Maryland Constitution to limit the  
4 condemnation of private property in Harford County under certain  
5 circumstances; defining a certain term; making stylistic changes; and  
6 submitting this amendment to the qualified voters of the State of Maryland for  
7 their adoption or rejection.

8 BY proposing an amendment to the Maryland Constitution

9 Article III – Legislative Department

10 Section 40, 40A, and 61

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, (Three-fifths of all the members elected to each of the two Houses  
13 concurring), That it be proposed that the Maryland Constitution read as follows:

14 **Article III – Legislative Department**

15 40.

16 (A) The General Assembly shall enact no Law authorizing private property,  
17 to be taken for public use, without just compensation, as agreed upon between the  
18 parties, or awarded by a Jury, being first paid or tendered to the party entitled to such  
19 compensation.

20 (B) **FOR PURPOSES OF THIS SECTION, IN HARFORD COUNTY:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**(1) "PUBLIC USE" MEANS:**

**(I) PUBLIC OWNERSHIP OR CONTROL; OR**

**(II) PHYSICAL USE OR ACCESS BY THE GENERAL PUBLIC;**

AND

**(2) "PUBLIC USE" DOES NOT INCLUDE USE FOR ECONOMIC DEVELOPMENT PURPOSES, INCLUDING:**

**(I) URBAN RENEWAL;**

**(II) COMMUNITY REVITALIZATION OR REDEVELOPMENT;**

**(III) COMMERCIAL OR INDUSTRIAL DEVELOPMENT:**

#### **(IV) JOB CREATION; OR**

## (V) GENERATION OF TAX REVENUE.

12 40A.

(A) (1) 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:

**29 (B) FOR PURPOSES OF THIS SECTION, IN HARFORD COUNTY:**

30 (1) "PUBLIC USE" MEANS:

31 (I) PUBLIC OWNERSHIP OR CONTROL: OR

32 (II) PHYSICAL USE OR ACCESS BY THE GENERAL PUBLIC;  
33 AND

3 (I) URBAN RENEWAL;

4 (III) **COMMUNITY REVITALIZATION OR REDEVELOPMENT;**

## 6 (IV) JOB CREATION; OR

7 (v) **GENERATION OF TAX REVENUE.**

8 61.

24                           [(2)] (II) To sell, lease, convey, transfer or otherwise dispose of any of  
25 said land or property, regardless of whether or not it has been developed, redeveloped,  
26 altered or improved and irrespective of the manner or means in or by which it may  
27 have been acquired, to any private, public or quasi public corporation, partnership,  
28 association, person or other legal entity.

1 pursuant to this section by exercising the power of eminent domain shall be taken  
2 without just compensation, as agreed upon between the parties, or awarded by a jury,  
3 being first paid or tendered to the party entitled to such compensation.

27 (d) The General Assembly may place such other and further restrictions or  
28 limitations on the exercise of any of the powers provided for in this section, as it may  
29 deem proper and expedient.

30       (e) The provisions of this section are independent of, and shall in no way  
31 affect, the powers granted under Article XIB of the Constitution of Maryland, title  
32 "City of Baltimore — Land Development and Redevelopment." Also, the power  
33 provided in this section for the General Assembly to enact public local laws  
34 authorizing any municipal corporation or any county to carry out urban renewal  
35 projects prevails over the restrictions contained in Article 11A "Local Legislation" and  
36 in Article 11E "Municipal Corporations" of this Constitution.

1        **SECTION 2. AND BE IT FURTHER ENACTED**, That the General Assembly  
2 determines that the amendment to the Maryland Constitution proposed by this Act  
3 affects only one county and that the provisions of Article XIV, § 1 of the Maryland  
4 Constitution concerning local approval of constitutional amendments apply.

5        **SECTION 3. AND BE IT FURTHER ENACTED**, That the aforesaid section  
6 proposed as an amendment to the Maryland Constitution shall be submitted to the  
7 legal and qualified voters of this State at the next general election to be held in  
8 November, 2008 for their adoption or rejection pursuant to Article XIV of the  
9 Maryland Constitution. At that general election, the vote on this proposed amendment  
10 to the Constitution shall be by ballot, and upon each ballot there shall be printed the  
11 words "For the Constitutional Amendment" and "Against the Constitutional  
12 Amendment," as now provided by law. Immediately after the election, all returns shall  
13 be made to the Governor of the vote for and against the proposed amendment, as  
14 directed by Article XIV of the Maryland Constitution, and further proceedings had in  
15 accordance with Article XIV.