

Letter from State Law Department Supporting Veto of Senate Bill  
No. 481

May 12, 1971.

The Honorable Marvin Mandel  
Governor of Maryland  
State House  
Annapolis, Maryland 21404

Re: House Bill 772

Dear Governor Mandel:

At your request we have reviewed House Bill 772 which amends Section 2(24) of Article 23A of the Annotated Code of Maryland with regard to the content of jury instructions in certain cases involving condemnation of water supply and sewerage systems.

By amendments to the section above cited, it is provided that where a municipality has the legislative power to purchase or condemn privately owned water supply and sewerage systems within that municipality, the inquisition jury shall be entitled to take into consideration as part of the compensation to the owner (and presumably discount therefrom) any contribution or tax paid by private lot owners toward the construction of said systems. While we are unable to state that this aspect of the bill is unconstitutional, this conclusion is reached by reason of the presumption of constitutionality which we accord bills enacted by the General Assembly and not because the issue is entirely free from doubt.

On the other hand, we are unable to come to the same conclusion of constitutionality with regard to the second aspect of this bill which provides that where any such privately owned water supply and sewerage system has been built in connection with, and for the purpose of, developing home sites by private persons, the inquisition jury is entitled to take from the value of the system such sum or sums as it may reasonably determine was added to the purchase price of lots, the sale of which was in part induced by the development of such systems. In our judgment, this aspect of the bill would deprive the owner of such systems of compensation commensurate with the fair market value of such property in contravention of Article III, Section 40 of the Maryland Constitution.

We would be glad to respond to any further questions that you may have with regard to this bill.

Very truly yours,

/s/ FRANCIS B. BURCH,  
*Attorney General.*

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**Senate Bill No. 521—Smoke Emissions from Motor Vehicles**

AN ACT to repeal Section 12.402 (c) of Article 66½ of the Annotated Code of Maryland (1970 Replacement Volume), title "Vehicle Laws," subtitle "Equipment of Vehicles," subheading "Part IV. Other Equipment," and to add new Section 12.402.2 to said Article to follow