

Roll call.

*(Whereupon, the roll was called.)*

THE PRESIDENT: Has every delegate answered roll call?

The Clerk will record the roll call.

Prior to the luncheon recess, we were about to consider amendments to section 1.16. Delegate James, I called for your amendment among the group of those with more than fifteen sponsors. I find, however, that there is another amendment with respect to the same section and although it has only one sponsor it ought to be considered first.

Delegate Della, do you desire to offer your amendment B?

DELEGATE DELLA: I do.

THE PRESIDENT: Pages, please distribute amendment B, section 1.16.

Delegate Marion.

DELEGATE MARION: Mr. President, I rise on a point of personal privilege. I would like to ask the delegates to join me in welcoming to the Convention today my wife Patsy and my two sons, David age 6, and Michael age 4 and a half.

I recognize them at this time because for the past several weeks it has been entirely unclear to them whether I was still capable of recognizing them. They are in the balcony behind the rostrum to the right.

*(Applause).*

THE PRESIDENT: This will be Amendment No. 3. The Clerk will read the amendment.

READING CLERK: Amendment No. 3 to Committee Recommendations R&P-1 and R&P-2 as amended by Report No. S&D-9 by Delegate Della:

On page 4, section 1.16, Eminent Domain, in lines 32 and 33 strike out the words "or damaged".

THE PRESIDENT: The amendment is submitted by Delegate Della.

Is there a second?

*(The motion was duly seconded.)*

THE PRESIDENT: The amendment having been seconded, the Chair recognizes Delegate Della to speak to it.

DELEGATE DELLA: Mr. President and fellow delegates, unfortunately I was

not here the other day when this particular section of the constitution was adopted.

In offering the amendment to strike from section 1.16 on line 32 the word "damaged", Mr. President, I have heard many reasons why it should be in there. I have heard that airports have been constructed and planes have been flying over homes and therefore that property has been damaged.

There have been other reasons for some of the delegates to have voted for it. In my way of thinking, you are opening Pandora's Box of all kind of litigation and Lord knows how much it will cost the State of Maryland and the other political subdivisions.

That is the reason why, Mr. President, this amendment has been offered. I think the subject matter needs a lot of study. I think it needs a study to tell us how much in dollars and cents it would cost the State of Maryland.

With all the reasons I have heard I can estimate that the cost could range from fifty million to one hundred million dollars in damages. Now, whether that is true or not, I do not know and I do not think any delegate in this chamber can actually state exactly how much it would cost the State of Maryland or any of the political subdivisions.

I do know this, that some of the public utilities are also involved in this particular section of the constitution. They themselves would be involved and certainly, therefore, the consumer. The public utility would have to be paying or footing the bill and what that cost will be, Heaven knows. I think a proper study should be made before we ever adopt any section like this in the constitution, and I hope that this amendment is adopted.

THE PRESIDENT: Delegate Kiefer.

DELEGATE KIEFER: I rise to oppose the amendment. We discussed this thing pretty carefully before. I believe it is desirable perhaps just to call your attention basically to what this Committee did because I am not quite sure that some people may not feel that we have gone off half cocked. We have not.

First of all, we received ten proposals that dealt with eminent domain. They covered a wide range from a specific spelling out of procedure that was obviously statutory, to two or three which included this business of damages other than just from a taking.