

**House Bill No. 772—Jury Instructions in Certain Condemnation Cases**

AN ACT to repeal and re-enact, with amendments, Section 2(24) of Article 23A of the Annotated Code of Maryland (1966 Replacement Volume, 1970 Supplement), title "Corporations—Municipal," subtitle "In General," to provide jury instructions in certain cases involving condemnation of water supply and sewage systems.

May 28, 1971.

Honorable Thomas Hunter Lowe  
Speaker of the House of Delegates  
State House  
Annapolis, Maryland 21404

Dear Mr. Speaker:

In accordance with Article II, Section 17, of the Maryland Constitution, I have today vetoed House Bill 772.

This bill provides for a certain type of jury instruction in cases involving the condemnation of water supply and sewage systems.

The Attorney General has advised me that House Bill 772 is constitutionally defective. For the reasons given in the attached copy of the Attorney General's opinion, which is to be considered a part of this message, I believe that this measure must be vetoed.

Sincerely,

/s/ MARVIN MANDEL,  
*Governor.*

Letter from State Law Department on House Bill No. 772

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.