SENATE DOCKET, NO. 1724 FILED ON: 1/21/2011

SENATE . . . . . No. 16

The Commonwealth of Massachusetts

PRESENTED BY:

Richard J. Ross

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

Proposal for a legislative amendment to the Constitution prohibiting eminent domain .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard J. Ross	*Norfolk, Bristol, and Middlesex*
Gale D. Candaras	*[District]*
Robert L. Hedlund	*[District]*
Bradley H. Jones, Jr.	*20th Middlesex*
Bruce E. Tarr	*[District]*
Citizens for Limited Taxation	*Post Office Box 1147* *Marblehead, MA 01945*

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SENATE . . . . . No. 16

By Mr. Ross, petition (accompanied by proposal, Senate, No. 16) of Richard Ross, Gale Candaras, Robert Hedlund and other members of the General Court for a legislative amendment to the Constitution to prohibit eminent domain. The Judiciary.

The Commonwealth of Massachusetts

Proposal for a legislative amendment to the Constitution prohibiting eminent domain .

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

The People of the Commonwealth of Massachusetts hereby declare it necessary and expedient to alter the Constitution by the adoption of the following Article of Amendment:-

With just compensation paid, private property may be taken only when necessary for the possession, occupation and enjoyment of land by the public at large, or by public agencies. Except for the privately owned public utilities or common carries, private property shall not be taken for private commercial enterprise, for economic development or for any other private use, except with the consent of the owner. Property shall not be taken from one owner and transferred to another, on the grounds that the public will benefit from a more profitable private use. Whenever an attempt is made to take property for a use alleged to be public, the question whether the contemplated use is truly public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.