

UNOFFICIAL COPY OF SENATE BILL 505  
CONSTITUTIONAL AMENDMENT

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6lr0577

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By: **Senator Kittleman**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Howard County - Eminent Domain - Limitation on Condemnation Authority**  
3 **Ho. Co. 05-06**

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

8 BY proposing an amendment to the Maryland Constitution  
9 Article III - Legislative Department  
10 Section 40 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, to  
17 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 HOWARD COUNTY, "PUBLIC USE"  
21 DOES NOT INCLUDE USE FOR ECONOMIC DEVELOPMENT PURPOSES, INCLUDING:

22 (1) URBAN RENEWAL;

23 (2) COMMUNITY REVITALIZATION OR REDEVELOPMENT;

24 (3) COMMERCIAL OR INDUSTRIAL DEVELOPMENT;

25 (4) JOB CREATION; OR

1 (5) GENERATION OF TAX REVENUE.

2 61.

3 (a) (1) The General Assembly may authorize and empower any county or  
4 any municipal corporation, by public local law:

5 [(1)] (I) [To] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS  
6 SUBSECTION, TO carry out urban renewal projects which shall be limited to slum  
7 clearance in slum or blighted areas and redevelopment or the rehabilitation of slum  
8 or blighted areas, and to include the acquisition, within the boundary lines of such  
9 county or municipal corporation, of land and property of every kind and any right,  
10 interest, franchise, easement or privilege therein, by purchase, lease, gift,  
11 condemnation or any other legal means. The term "slum area" shall mean any area  
12 where dwellings predominate which, by reason of depreciation, overcrowding, faulty  
13 arrangement or design, lack of ventilation, light or sanitary facilities, or any  
14 combination of these factors, are detrimental to the public safety, health or morals.  
15 The term "blighted area" shall mean an area in which a majority of buildings have  
16 declined in productivity by reason of obsolescence, depreciation or other causes to an  
17 extent they no longer justify fundamental repairs and adequate maintenance[.]; AND

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

23 (2) No land or property taken by any county or any municipal  
24 corporation for any of the aforementioned purposes or in connection with the exercise  
25 of any of the powers which may be granted to such county or municipal corporation  
26 pursuant to this section by exercising the power of eminent domain shall be taken  
27 without just compensation, as agreed upon between the parties, or awarded by a jury,  
28 being first paid or tendered to the party entitled to such compensation.

29 (3) All land or property needed, or taken by the exercise of the power of  
30 eminent domain, by any county or any municipal corporation for any of the  
31 aforementioned purposes or in connection with the exercise of any of the powers  
32 which may be granted pursuant to this section is hereby declared to be needed or  
33 taken for public uses and purposes. Any or all of the activities authorized pursuant to  
34 this section shall constitute governmental functions undertaken for public uses and  
35 purposes and the power of taxation may be exercised, public funds expended and  
36 public credit extended in furtherance thereof.

37 (4) IN HOWARD COUNTY, PRIVATE PROPERTY MAY NOT BE CONDEMNED  
38 TO CARRY OUT AN URBAN RENEWAL PROJECT.

39 (b) The General Assembly may grant to any county or any municipal  
40 corporation, by public local law, any and all additional power and authority necessary  
41 or proper to carry into full force and effect any and all of the specific powers  
42 authorized by this section and to fully accomplish any and all of the purposes and

1 objects contemplated by the provisions of this section, provided such additional power  
2 or authority is not inconsistent with the terms and provisions of this section or with  
3 any other provision or provisions of the Constitution of Maryland.

4 (c) The General Assembly of Maryland, by public local law, may establish or  
5 authorize the establishment of a public body or agency to undertake in a county or  
6 municipal corporation (other than Baltimore City) the activities authorized by this  
7 section, and may provide that any or all of the powers, except the power of taxation,  
8 herein authorized to be granted to such county or municipal corporation shall be  
9 vested in such public body or agency or in any existing public body or agency.

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

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

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

24 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
25 proposed as an amendment to the Maryland Constitution shall be submitted to the  
26 legal and qualified voters of this State at the next general election to be held in  
27 November, 2006 for their adoption or rejection in pursuance of directions contained in  
28 Article XIV of the Maryland Constitution. At that general election, the vote on this  
29 proposed amendment to the Constitution shall be by ballot, and upon each ballot  
30 there shall be printed the words "For the Constitutional Amendment" and "Against  
31 the Constitutional Amendment," as now provided by law. Immediately after the  
32 election, all returns shall be made to the Governor of the vote for and against the  
33 proposed amendment, as directed by Article XIV of the Maryland Constitution, and  
34 further proceedings had in accordance with Article XIV.