This bill prohibits any county or municipality from removing or requiring the removal of an "off-premises outdoor advertising sign" unless it pays the "fair market value" of the sign in accordance with a schedule of the State Department of Transportation used in conjunction with its highway beautification program. The effect of the bill would be to eliminate the phasing out or "amortization" of certain signs by a local jurisdiction without monetary payment as a sign regulation and removal strategy.

The amortization approach has been employed by local government in Maryland for at least 25 years to promote traffic safety and the economic well being, natural beauty, and esthetic features of the particular jurisdiction. Within certain constitutional limitations, the Maryland courts have recognized amortization as a valid exercise of the governmental police power which does not amount to an unconstitutional "taking" for which the owner of the sign is entitled to compensation. Grant v. City of Baltimore, 212 Md. 301 (1957); Donnelly Adv. Corp. v. City of Baltimore, 279 Md. 660 (1977).

I believe it is desirable to compensate owners of signs required to be removed by government. However, the regulation of the removal of these signs and their attendant compensation should be undertaken at the same level of government, the local level, responsible for the regulation of the erection of the signs. Because of the complex diversities among the subdivisions and municipalities in Maryland the ability to address issues such as sign location at the local level through zoning powers is a valuable tool that should not be eroded with State interference in any but extraordinary cases necessary to protect the safety or well being of the public. Senate Bill 702 does not provide any flexibility to accommodate the wide range of circumstances facing local jurisdictions.

That this bill fundamentally changes that which has traditionally been a matter of local concern in Maryland is highlighted by the requests of the Mayor of the City of Baltimore and the County Executives of Montgomery and Baltimore Counties for a veto of Senate Bill 702. In addition, other local elected officials, the Maryland Association of Counties and the Maryland Municipal League have requested a veto.

These public officials and organizations representing local government in Maryland have each noted the bill's substantial fiscal impact on them. Indeed, the requirement for payment under Senate Bill 702 is absolute. By contrast, under the State highway beautification program compensation is not required to be paid for signs not eligible for federal matching funds and the State is not required to spend any funds for those purposes until appropriate