

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 365 (Delegate Minnick) (Baltimore County Administration)
Commerce and Government Matters

Baltimore County - Evaluation of Private Property for Public Use - Right of Entry

This bill authorizes agents, employees, and consultants of Baltimore County to enter upon private property to conduct environmental and engineering studies to determine the suitability of the property for public use. These individuals need the prior consent of the property owners before entry onto the property. If consent cannot be secured after a “bona fide effort,” the county may petition the circuit court for entry onto the property. The county must replace any topsoil that was removed as part of its studies. In addition, the county must reimburse a landowner or lessee who is farming the property for any agricultural products destroyed or damaged by its agents, employees, or consultants. The county is also responsible for any other damage that may be incurred as a result of the entry.

Fiscal Summary

State Effect: None.

Local Effect: Indeterminate. Allowing Baltimore County to conduct environmental and engineering studies on private property in order to determine the suitability of the property for public use may expedite county projects. As a result, there could be a time and cost savings. However, at this time, the impact cannot be determined. The circuit court could handle any additional cases with existing resources.

Small Business Effect: Potential minimal effect on small businesses as discussed below.

Fiscal Summary

Small Business Effect: To the extent that agents, consultants, or employees enter upon the property of small businesses in Baltimore County to conduct environmental and engineering studies, their operations could be disrupted. The impact would depend upon the number of studies and the amount of soil boring and excavation. In addition, the bill requires the county to reimburse farmers whose agricultural products were destroyed or damaged by its agents, consultants, or employees. Although the impact cannot be determined beforehand, it is likely to be minimal.

Information Source(s): Baltimore County, Department of Fiscal Services

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Analysis by: Thomas Himler

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710