

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 570 (Senator Madden)
Judicial Proceedings

Political Subdivisions - Airport Zoning Appeals

This bill provides that a political subdivision may not be held liable for failing to grant a construction permit in a noise zone predominantly because the Board of Airport Zoning Appeals chose not to approve the permit or grant a variance. The State will indemnify the political subdivision, and its officers, employees, or agents, that are sued for failing to issue a permit. The bill also provides that the Attorney General will advise and, on request, represent a political subdivision or its officers, employees, or agents in an action that relates to a decision of the Board of Airport Zoning Appeals.

Fiscal Summary

State Effect: Indeterminate effect on general fund expenditures as discussed below.

Local Effect: Indeterminate effect on local expenditures as discussed below.

Small Business Effect: None. The bill does not directly affect small businesses.

Fiscal Analysis

State Expenditures: The bill's provisions may cause an increase in general fund expenditures to the extent that judgements are filed against a political subdivision for failing to issue a construction permit mainly because the Board of Airport Zoning Appeals did not issue a permit. The bill provides that the State would indemnify the subdivision in such cases, and therefore would incur the cost of the judgement. This increase in expenditures is not quantifiable at this time as it is dependent upon the nature and quantity of cases and judgements that arise from airport zoning and permit issues.

Additionally, the Attorney General may be requested to represent the political subdivisions in

the aforementioned cases. This representation could be handled by the Office of the Attorney General with existing budgeted resources. However, the Maryland Department of Transportation believes that because the Attorney General must represent the Board of Airport Zoning Appeals under current law, there may be a conflict of interest to also represent a political subdivision as under the provisions of the bill. If this is the case, it may not be possible for the Office of the Attorney General to implement this provision of the bill.

Local Expenditures: A limited survey of the political subdivisions indicates that the provisions of the bill would have no impact on the finances of local governments. However, the Department of Fiscal Services notes that immunity from liability would protect the political subdivision from potential financial loss. The reduction in expenditures is not quantifiable at this time as it is dependent upon the nature and quantity of cases and judgements that arise from airport zoning and permit issues.

Information Source(s): Department of Transportation (Maryland Aviation Administration), Office of the Attorney General, Baltimore County, Anne Arundel County, Howard County, Department of Fiscal Services

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