

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 379 (Chairman, Economic Matters Committee)
(Departmental - Maryland State Archives)

Economic Matters

Real Property - Land Patents - Manner of Application and Expenses

This departmental bill authorizes the Commissioner of Land Patents to require a land patent applicant to pay reasonable expenses incurred if the applicant withdraws an application prior to the date of the hearing but after the Commissioner accepts specified documents for filing. Reasonable expenses include the expenses of the objectors to the application, such as attorney's fees and expert witness fees, and expenses of the Commissioner, such as administrative, research, and hearing expenses. The Commissioner may also charge an applicant for expenses if an applicant either acted in bad faith or without substantial justification. Under existing law, the applicant must have both acted in bad faith and without substantial justification in order for the Commissioner to require reimbursement.

Additionally, the bill requires that applications for land patents must include a chain of title or abstract of a chain of title on all land adjoining the vacant property.

Fiscal Summary

State Effect: General fund revenues could increase to the extent that land patent applicants reimburse the Archives for expenses associated with the application process. The Commissioner of Land Patents processes approximately one application per year. Historically, one application in every five years requires a hearing. Therefore, any increase in revenues is assumed to be minimal.

Local Effect: None.

Small Business Effect: The Maryland State Archives has determined that this bill has minimal or no impact on small businesses (attached). Legislative Services concurs with this assessment.

Information Source(s): Maryland State Archives, Department of Legislative Services

Fiscal Note History: First Reader - February 5, 1998

ncs

Analysis by: Jody J. Minnich

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710