

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 771 (Anne Arundel County Senators)
Judicial Proceedings

Anne Arundel County Tipton Airport Authority - Local Government Tort Claims Act - Immunity

This bill expands the definition of “local government” for purposes of the Local Government Tort Claims Act to include the Anne Arundel County Tipton Airport Authority.

Fiscal Summary

State Effect: None. The bill would not directly affect State operations or finances.

Local Effect: Potential reduction in litigation/liability insurance expenditures for the Anne Arundel County Tipton Airport Authority.

Small Business Effect: Potential minimal. Law firms that represent plaintiffs in tort actions against the Anne Arundel County Tipton Airport Authority could receive lower litigation fees and damage awards as a result of the bill.

Analysis

Current Law: The Local Government Tort Claims Act provides that a local government is liable for tortious acts or omissions of its employees acting within the scope of employment; the Act prevents local governments from asserting a common law claim of governmental immunity from liability for such acts. The Act puts a cap on the liability of a local government at \$200,000 per individual claim and \$500,000 per total claims arising from the same occurrence for damages from tortious acts or omissions (including intentional and constitutional torts).

The Act defines local government to include counties, municipal corporations, and Baltimore City, as well as various agencies and authorities of local governments, such as community colleges, county public libraries, special taxing districts, nonprofit community service corporations, sanitary districts, housing authorities, and commercial district management authorities.

Background: The Tipton Airport Authority was authorized by the General Assembly in 1997 (Chapter 539) and subsequently created by the Anne Arundel County Council by local legislation. The authority is charged with acquiring, equipping, maintaining, and operating an airport or landing field and appurtenant facilities at Fort George C. Meade. The 1997 legislation required it to be established as “a body corporate and politic, which shall be deemed an instrumentality of the county and a public corporation.”

Additional Information

Prior Introductions: A similar bill was introduced in 2001 as SB 536. SB 536 passed the Senate with amendments and was set for a hearing in the House Judiciary Committee, but no further action was taken.

Cross File: HB 354 (Anne Arundel County Delegation) – Judiciary.

Information Source(s): Department of Legislative Services

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Analysis by: Debra A. Dickstein

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510