

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 786 (Baltimore County Delegation)
Judiciary

**Local Government Tort Claims - Baltimore County Revenue Authority -
Immunity**

This bill expands the definition of “local government” for purposes of the Local Government Tort Claims Act to include the Baltimore County Revenue Authority.

Fiscal Summary

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

Local Effect: Potential reduction in litigation/liability insurance expenditures for the Baltimore County Revenue Authority.

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

Analysis

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

The LGTCA 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 Baltimore County Revenue Authority is a five-member public corporation appointed by the Baltimore County Executive, with the advice and consent of the Baltimore County Council. The Baltimore County Revenue Authority was created for the purpose of constructing, improving, equipping, furnishing, maintaining, acquiring, and operating various public facilities in Baltimore County.

Additional Information

Prior Introductions: SB 536 of 2001 (which would have added the Baltimore County Revenue Authority and Anne Arundel Tipton Airport Authority to the definition of local government) passed the Senate with amendments and was scheduled for a hearing in the House Judiciary Committee, but no further action was taken.

Cross File: SB 463 (Senator Collins) (Baltimore County Administration) – Judicial Proceedings.

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

Fiscal Note History: First Reader - February 15, 2002
ncs/cer

Analysis by: Debra A. Dickstein

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