

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 373

(Senator Kagan)

Education, Health, and Environmental Affairs

Health and Government Operations

Department of Transportation - Notice of Entry Onto Private Property

This emergency bill specifies that when the State Highway Administration (SHA), the Maryland Transit Administration (MTA), or an agent, employee, or consultant thereof gives or posts specified notice of entry onto private property to conduct environmental and engineering studies, SHA or MTA must send a copy of the notice to the General Assembly members who represent the legislative district in which the property is located.

Fiscal Summary

State Effect: The bill's requirement can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Under § 12-111 of the Real Property Article, SHA, MTA, and the agents, employees, and consultants of SHA and MTA may enter private property under the State's eminent domain statute to conduct environmental and engineering studies necessary to determine the suitability of the property for use by the administration entering the property. Entry onto private property for such purposes may not be undertaken without prior consent of the property owner. If, after real and *bona fide* effort, the consent of the property owner cannot be secured, the administration seeking entry may apply to a law or equity court for an order directing that entry be permitted. The *bona fide* effort, however, must include either 30 days advance written notice or posting notice on the property at least 30 days in

advance. *Under the bill*, a copy of such notice must be provided to the members of the General Assembly who represent the legislative district in which the property is located.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 163 (Delegate Carr) - Health and Government Operations.

Information Source(s): Department of Commerce; Anne Arundel and Montgomery counties; Washington Suburban Sanitary Commission; Office of the Attorney General; Secretary of State; Judiciary (Administrative Office of the Courts); Maryland Department of Agriculture; Maryland Department of the Environment; Department of General Services; Department of Housing and Community Development; Maryland Department of Labor; Department of Natural Resources; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Veterans Affairs; Maryland State Archives; State Department of Assessments and Taxation; Maryland Insurance Administration; Public Service Commission; State Retirement Agency; Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2022
js/mcr Third Reader - March 24, 2022
Revised - Amendment(s) - March 24, 2022

Analysis by: Elizabeth J. Allison

Direct Inquiries to:
(410) 946-5510
(301) 970-5510