

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 936 (Delegate Gettv)

Commerce and Government Matters

Public Records - Reasonable Fee Guarantee

This bill limits the copying fees that State and local governments may charge for the reproduction of a public record to the actual cost of reproduction, except for (1) services and products credited to a continuing, nonlapsing fund that is not subject to the requirement of reverting unspent appropriations to the general fund at the end of each fiscal year; (2) reproduction of documents, data, or any other information protected by copyright; and (3) automated mapping services provided by the Geographic Information Systems.

Fiscal Summary

State Effect: Decrease in general fund revenues to the extent State agencies charge more than their cost of copying public records. General fund revenues paid to the Department of Assessments and Taxation (SDAT), for example, could decrease by \$170,600 in FY 2001. Expenditures would not be affected.

Local Effect: Minimal revenue loss. Most local governments already charge copying fees that comply with the proposed legislation.

Small Business Effect: Potential minimal.

Analysis

Current Law: Unless another provision of law sets a fee, the official custodian of a public record may charge a reasonable fee for its search, preparation, and reproduction. The custodian may also charge a reasonable fee for making a copy, printout, or photograph of a public record. SDAT is required to charge \$1 per page for a copy of any paper recorded or filed with SDAT.

Background: Most State agencies already charge copying fees that comply with the proposed legislation.

State Expenditures: SDAT advises that it copies approximately 350,000 pages annually from its records and charges \$1 per page for copying. If covered by this bill because the reproductions are made within the first two hours of a record's search, SDAT would charge approximately 35 cents per page to account for photocopying the records and postage for the copies it produces. General fund revenues could decrease by \$170,600 in fiscal 2001 and \$227,500 annually thereafter.

Additional Information

Prior Introductions: A substantially similar bill was introduced in the 1997 session as SB 221 and received an unfavorable report from the House Commerce and Government Matters Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); State Department of Assessments and Taxation; Department of Health and Mental Hygiene; Department of Human Resources, Department of Public Safety and Correctional Services (Division of Correction); Department of Transportation (State Highway Administration); Maryland Health Care Commission; Montgomery, Prince George's, and Washington counties; Department of Legislative Services

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