

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

Revised

House Bill 854

(Delegate Vallario)

Judiciary

Judicial Proceedings

Courts – Service of Process and Subpoenas - Governmental Entities

This bill requires each local government and State agency not represented by the Attorney General to file notice with the State Department of Assessments and Taxation designating a State citizen, a corporation, or an officer of the government or agency as a resident agent to receive service of process and other legal notices.

The bill also provides that if the custodian of public records is not known and cannot be ascertained after a reasonable effort, a party in a legal proceeding may request a court to issue a subpoena for the custodian to be served on:

- the resident agent of a local entity;
- the resident agent of a State agency not represented by the Attorney General; or
- the Attorney General or designee in the case of a State agency that is represented by the Attorney General.

Fiscal Summary

State Effect: The bill is not expected to have a significant impact on governmental operations or finances.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: Each local government and State agency not represented by the Attorney General may file notice with the State Department of Assessments and Taxation designating a State citizen, a corporation, or an officer of the government or agency as a resident agent to receive service of process and other legal notices.

State Fiscal Effect: Each year the State Department of Assessments and Taxation (SDAT) records over 25,000 business documents (excluding security interest filings). The anticipated number of filings from State agencies and local governments resulting from this bill would not add significantly to that number. Consequently, the bill would have little or no operational effect on SDAT.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Department of Assessments and Taxation, Department of Legislative Services

Fiscal Note History: First Reader – February 28, 2001
mld/jr Revised – Enrolled Bill – April 25, 2001

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