

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE
Revised

Senate Bill 108 (Chairman, Judicial Proceedings Committee)
 (Departmental – Archives, Maryland State)

Judicial Proceedings

Judiciary

State Highway Plats - Filing and Recordation

This departmental bill repeals the requirement that the clerks of the circuit courts must receive, index, and file plats showing property or rights-of-way acquired or conveyed by the State Highway Administration (SHA) or the State Roads Commission. The bill directs the plats to be filed and electronically recorded by the Maryland State Archives (Archives), and authorizes the Archives to charge a reasonable fee to the SHA and the courts to recover posting and maintenance costs. The Archives may charge the public a fee of up to \$3 for the cost of reproducing a copy of a property plat. It also requires the Archives to post an image of each plat on its website for the county in which the property is located and requires that the image be linked to a certification by the State Archivist that it is an authentic representation.

Fiscal Summary

State Effect: Minimal annual net decrease in Transportation Trust Fund (TTF) expenditures of approximately \$4,000 (\$3,000 in FY 2003 because of the bill’s October 1, 2002 effective date) due to the change in procedures for recording plats.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	(3,000)	(4,000)	(4,000)	(4,000)	(4,000)
Net Effect	\$3,000	\$4,000	\$4,000	\$4,000	\$4,000

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Minimal decrease in administrative costs for clerks of the court. Increase in administrative efficiency for local jurisdictions by allowing electronic access to State records.

Small Business Effect: The Maryland State Archives has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: Plats showing property or rights-of-way acquired or conveyed by the State Highway Administration (SHA) or the State Roads Commission must be received, indexed, and filed by the clerk of the circuit court in the county where the property is located. A set of plats and its signed cover sheet must be filed for record with the Secretary of the State Roads Commission and the clerk of the court. The Archives is the central depository for and custodian of every deed, title insurance policy, and other record that relates to real property acquired by the State.

State Fiscal Effect: TTF expenditures would decrease annually by approximately \$4,237, according to the SHA, because the agency will no longer have to produce an aperture card (used for microfilm) and additional copies of the plat. SHA will also save on mailing and storage costs. The Archives advises that it will charge SHA 75 cents per plat for an estimated 300 plats per year. Therefore, the net decrease in TTF expenditures is approximately \$4,000 per year and \$3,000 in fiscal 2003 due to the October 1, 2002 effective date.

According to the Archives, the plat recording required under the bill is a nominal addition to the agency's workload and it would not incur expenses beyond those recovered by the fees authorized by the bill.

Local Expenditures: The Administrative Office of the Courts advises that filing fees currently are not charged by the clerks of the court to the State Roads Commission or SHA for the recordation of plats. However, the clerks' offices do incur administrative costs relating to the filing of these plats, which would be eliminated by the bill. In addition, the Archives advises that under the bill, it will be easier for local governments to determine the impact of State rights-of-way on local roads. Agencies of local government such as planning and zoning departments and departments of public works would be able to view plats over the Internet rather than having to use the facilities of the courts or SHA to do so.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Archives, Judiciary (Administrative Office of the Courts), Department of Transportation, Department of Legislative Services

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