

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 998 (Allegany County Delegation)
Environmental Matters

Counties - Compilations of Local Laws - Copies to State Agencies

This bill authorizes charter, code home rule, and commission counties to notify a State agency that a digital copy of the code or compilation is available on the Internet, as an alternative to depositing printed copies of the code or compilation with specified State agencies, as required under current law.

Fiscal Summary

State Effect: Potential minimal increase in State expenditures for the State Archives and the Maryland State Law Library for verification and printing. State revenues are not affected.

Local Effect: Potential minimal decrease in local government expenditures. No effect on revenues.

Small Business Effect: None.

Analysis

Current Law: Each charter county must annually provide, without charge, a compilation of all laws enacted during the year under the Express Powers Act (annual compilation) to the State Archives, and the State Law Library. Also, no later than March 1 of the next succeeding year, each charter county must provide the Department of Legislative Services with four copies of this annual compilation. Similar requirements apply to code home rule and commission counties for adopted local laws.

Chapter 654 of 2010 authorized charter and code home rule counties to provide members of each county’s legislative delegation an annual notice stating that a digital copy of the compilation of local laws is available on the Internet, as an alternative to furnishing printed copies to each member of the county’s delegation. Chapter 654 also clarified that all counties must furnish printed copies of the compilations and enactments of local laws to State agencies, as required under current law.

Background: Currently, nine counties exercise charter home rule and six counties operate under code home rule. The other eight counties operate under the commission form of local government. **Exhibit 1** shows the form of government for each Maryland county and the year in which local home rule was granted.

Exhibit 1
Forms of County Governments in Maryland

<u>Charter Home Rule</u>		<u>Code Home Rule</u>		<u>Commission</u>
Anne Arundel	1964	Allegany	1974	Calvert
Baltimore	1956	Caroline	1984	Carroll
Dorchester	2002	Charles	2002	Cecil
Harford	1972	Kent	1970	Frederick
Howard	1968	Queen Anne’s	1990	Garrett
Montgomery	1948	Worcester	1976	St. Mary’s
Prince George’s	1970			Somerset
Talbot	1973			Washington
Wicomico	1964			

¹Cecil County will become a charter home rule county on December 3, 2012.
Source: Department of Legislative Services

State Fiscal Effect: The bill will have an operational and fiscal impact on the Maryland State Law Library and the State Archives.

The Maryland State Law Library indicates that the bill may have the effect of ending the print publication of county codes or compilation of laws, which will have a modest operational and fiscal effect on the library. The State Law Library advises that its current written collection policy requires the permanent retention of Maryland legal materials so that users are able to access the historical record. Under the bill, the library may have to (1) download each annual version of the code, which may be impermissible because of licensing and “terms of use” restrictions from the third-party codifier/publisher; (2) print

out each annual version of the code resulting in additional personnel and printing costs; or (3) seek assurances from third-party codifiers/publishers that print publications of county codes would remain available for purchase by libraries and other subscribers.

The State Archives advises that staff workload will increase in a similar manner. The archives reports that in order to view local codes online, most counties and municipalities post links to third-party commercial legal publishers. These sites typically include a disclaimer that the electronic copy is posted for informational purposes, and may contain licensing or copyright restrictions. The archives may incur additional cost to make sure that (1) documents accessed online are authenticated and equivalent to those in print; (2) superseded county and municipal codes and laws are properly archived and preserved, either in electronic or print form; and (3) material is accessible, available for use by the public on a permanent basis.

Local Fiscal Effect: Printing and postage expenditures for counties may decrease by a minimal amount for counties that choose to provide a digital copy online in lieu of sending printed copies to specified State agencies.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, Montgomery and Prince George's counties, Judiciary (Administrative Office of the Courts), State Archives, Department of Legislative Services

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