

J.B. JENNINGS
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Baltimore and Harford Counties

Budget and Taxation Committee

Subcommittees

Capital Budget

Health and Human Services

Legislative Policy Committee



The Senate of Maryland
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Dear Concerned Constituent,

I want to provide you with an important update regarding the controversial new fee imposed by the Maryland State Archives (MSA) for accessing land records online.

As you may recall, back in February, I raised serious concerns when the State Archivist testified before my Senate Budget & Taxation Subcommittee, proposing a \$0.20 per-record viewing fee. I questioned the justification for such a high rate, emphasizing that it was unreasonable and unsustainable for individuals and businesses that rely on this information. The Maryland General Assembly ultimately did not authorize this fee, yet the Maryland State Archives moved forward with implementing it anyway, sidestepping the regulatory process required by the state's Administrative Procedure Act (APA).

On May 1, I formally requested an opinion from the Attorney General to determine whether the State Archives had the legal authority to impose this fee without proper procedure. After repeated follow-ups, I received the Attorney General's response on June 13, 2025.

The Attorney General's Office made it clear: when a state agency sets or changes a fee in a way that amounts to a new regulation, it must follow the APA's rulemaking process. This includes public notice, an opportunity for public comment, and legislative oversight. Agencies cannot bypass this process simply by labeling the fee differently or moving forward without transparency.

The opinion also notes a few narrow exceptions, such as fees clearly outlined in statute or those set by agencies acting as market participants. Importantly, the fee for accessing public land records online does **not** fall into either category.

I continue to believe this fee is excessive, unsustainable, and was implemented without proper input from the legislature or stakeholders. I plan to oppose this \$.20 per page fee if it is brought back during the next legislative session and will work to ensure that any changes affecting public access to records are handled with the transparency and accountability Marylanders deserve.

Let me be clear: public records should be publicly accessible. The Archives' decision to impose this charge without proper process undermines public trust. I am committed to addressing this issue in the upcoming session.

Thank you, as always, for the honor of serving you in the Maryland Senate. Should you like to voice your opinion or share additional concerns, don't hesitate to reach out to my office: jb.jennings@senate.state.md.us or via phone: (410) 841-3706.

Sincerely,

J.B. Sen.
Senator J.B. Jennings