

HOUSE BILL 864

D4

7lr1756

By: **Delegate West**

Introduced and read first time: February 3, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Distribution of Marriage Ceremony Fees**

3 FOR the purpose of making the fee for the performance of a marriage ceremony by a clerk
4 or deputy clerk of the circuit court for a county nonrefundable and payable before a
5 certain license is issued; reducing, in a certain county, the fee for the performance of
6 a marriage ceremony; altering a requirement that the clerks retain and distribute
7 certain fees in a certain manner; requiring that the clerks pay certain fees to the
8 State Comptroller; requiring the State Comptroller to distribute certain fees in a
9 certain manner; requiring the recipient of certain fees to use the fees in a certain
10 manner and report annually on the use of the fees; authorizing the State Comptroller
11 and the Maryland Historical Trust to request certain financial statements or an
12 audit of certain financial records; repealing certain reporting requirements;
13 requiring the State Comptroller, under certain circumstances, to withhold the
14 payment of certain fees; making technical corrections; and generally relating to the
15 distribution of fees for the performance of a marriage ceremony.

16 BY repealing and reenacting, with amendments,
17 Article – Family Law
18 Section 2–410
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2016 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Family Law**

24 2–410.

25 (a) (1) Except as provided in this subsection, a judge, clerk, or deputy clerk
26 may not receive any fee, remuneration, or gift for performing a marriage ceremony.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) (i) **[1.]** A Maryland judge's, **CLERK'S, OR DEPUTY CLERK'S** fee
2 for performing a marriage ceremony is a nonrefundable fee, payable to the clerk before a
3 marriage license is issued, in the amount of **[\$30 in Cecil County and \$25 in any other**
4 **county] \$25.**

5 **[2.** The clerk's or deputy clerk's fee for performing a marriage
6 ceremony is \$30 in Cecil County and \$25 in any other county.]

7 (ii) **1.** Except as provided in [paragraph (10) of this subsection,]
8 **SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH,** each month the clerk shall pay \$10 of
9 each fee collected under this section into the general fund of the county.

10 **2. IN HARFORD COUNTY, EACH MONTH THE CLERK**
11 **SHALL PAY \$5 OF EACH FEE COLLECTED UNDER THIS SECTION INTO THE GENERAL**
12 **FUND OF THE COUNTY.**

13 (iii) **[Except as otherwise provided in this subsection, the] THE** clerk
14 shall [retain] **PAY** the remainder of each fee [and deposit and disburse it in the same
15 manner as other fees collected by the clerk] **TO THE STATE COMPTROLLER.**

16 (iv) **1. SUBJECT TO SUBSUBPARAGRAPH 4 OF THIS**
17 **SUBPARAGRAPH, AFTER MAKING ANY PAYMENT REQUIRED UNDER SUBSECTION (B)**
18 **OF THIS SECTION, THE STATE COMPTROLLER SHALL PAY THE AMOUNT RECEIVED**
19 **UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH TO PRESERVATION MARYLAND,**
20 **INC. FOR THE PROMOTION OF HISTORICAL PRESERVATION PROJECTS IN THE**
21 **COUNTY WHERE THE MARRIAGE CEREMONY FEE IS COLLECTED.**

22 **2. PRESERVATION MARYLAND, INC. SHALL REPORT**
23 **ANNUALLY TO THE STATE COMPTROLLER AND THE MARYLAND HISTORICAL TRUST**
24 **ON THE USE OF THE FUNDS RECEIVED UNDER THIS SUBPARAGRAPH.**

25 **3. ON REQUEST OF THE STATE COMPTROLLER OR THE**
26 **MARYLAND HISTORICAL TRUST, PRESERVATION MARYLAND, INC. SHALL PROVIDE**
27 **A COPY OF THE MOST RECENT COMPILED FINANCIAL STATEMENTS OR AN AUDIT OF**
28 **THE FINANCIAL RECORDS OF PRESERVATION MARYLAND, INC.**

29 **4. IF THE STATE COMPTROLLER DETERMINES THAT**
30 **PRESERVATION MARYLAND, INC. HAS NOT SATISFIED THE REQUIREMENTS OF THIS**
31 **SUBPARAGRAPH, THE STATE COMPTROLLER MAY NOT PAY THE AMOUNT REQUIRED**
32 **UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH UNTIL PRESERVATION**
33 **MARYLAND, INC. SATISFIES THE REQUIREMENTS.**

1 **(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FROM EACH FEE**
2 **COLLECTED IN:**

3 [(3) In Allegany County, from the remaining \$15, the clerk shall pay,
4 quarterly, \$2 of each fee to the Allegany County Historical Society.]

5 **(1) ALLEGANY COUNTY, THE STATE COMPTROLLER SHALL PAY,**
6 **QUARTERLY, \$2 TO THE ALLEGANY COUNTY HISTORICAL SOCIETY;**

7 [(4) (i) In Anne Arundel County, from the remaining \$15, the clerk shall
8 pay \$4 of each fee to the Annarrundel County Trust for Preservation, Inc.]

9 **(2) ANNE ARUNDEL COUNTY, THE STATE COMPTROLLER SHALL PAY**
10 **\$4 TO THE ANNE ARUNDEL COUNTY TRUST FOR PRESERVATION, INC.;**

11 [(ii) The Annarrundel County Trust for Preservation, Inc. shall
12 report annually to the Anne Arundel County Executive and the Maryland Historical Trust
13 on the use of all funds received under this section, including a detailed record of the
14 expenditures and receipts of all funds transferred from the Anne Arundel County
15 Committee of the Historical Trust.

16 [(iii) The Anne Arundel County Executive or the Maryland Historical
17 Trust may request at any time an audit of the financial records of the Annarrundel County
18 Trust for Preservation, Inc.

19 (5) (i) In Baltimore County, the clerk shall pay the remaining \$15 to
20 the Baltimore County Historical Trust, Inc.]

21 **(3) BALTIMORE COUNTY, THE STATE COMPTROLLER SHALL PAY \$10**
22 **TO THE BALTIMORE COUNTY HISTORICAL TRUST, INC.;**

23 [(ii) The Baltimore County Historical Trust, Inc. shall report
24 annually to the Baltimore County Executive and the Maryland Historical Trust on the use
25 of all funds received under this section, including a detailed record of the expenditures and
26 receipts of all funds collected before July 1, 1987.

27 [(iii) The Baltimore County Executive or the Maryland Historical
28 Trust may request at any time an audit of the financial records of the Baltimore County
29 Historical Trust, Inc.

30 (6) In Cecil County:

31 (i) of the funds remaining after the payment into the general fund
32 of the county under paragraph (2)(ii) of this subsection, the clerk shall pay:

1 1. \$5 of each fee to the Cecil Historical Trust, Incorporated;
2 and

3 2. \$5 of each fee to the Historical Society of Cecil County;]

4 **(4) CECIL COUNTY, THE STATE COMPTROLLER SHALL PAY:**

5 **(I) \$5 TO THE CECIL HISTORICAL TRUST, INC.; AND**

6 **(II) \$5 TO THE HISTORICAL SOCIETY OF CECIL COUNTY;**

7 [(ii) the Historical Society of Cecil County shall report annually to the
8 Cecil County Commissioners on the use of the funds received under this section;

9 (iii) the Cecil Historical Trust, Incorporated shall report annually to
10 the Cecil County Commissioners and the Maryland Historical Trust on the use of all funds
11 received under this section, including a detailed record of the expenditures and receipts of
12 all funds transferred from the Cecil County Committee of the Maryland Historical Trust;
13 and

14 (iv) the Cecil County Commissioners or the Maryland Historical
15 Trust may request at any time an audit of the financial records of the Cecil Historical Trust,
16 Incorporated.

17 (7) In Garrett County, from the remaining \$15, the clerk shall pay \$5 of
18 each fee to the Garrett County Historical Society.]

19 **(5) GARRETT COUNTY, THE STATE COMPTROLLER SHALL PAY \$5 TO**
20 **THE GARRETT COUNTY HISTORICAL SOCIETY;**

21 [(8) In Montgomery County, from the remaining \$15, the clerk shall pay:

22 (i) \$2 of each fee to the Montgomery County Historical Society,
23 Incorporated; and

24 (ii) \$3 of each fee into the fund for the enhancement and
25 beautification of the Montgomery County Courthouse and facilities.]

26 **(6) HARFORD COUNTY, THE STATE COMPTROLLER SHALL PAY \$20**
27 **TO THE HISTORICAL SOCIETY OF HARFORD COUNTY;**

28 **(7) MONTGOMERY COUNTY, THE STATE COMPTROLLER SHALL PAY:**

29 **(I) \$2 TO THE MONTGOMERY COUNTY HISTORICAL SOCIETY,**
30 **INC.; AND**

1 **(II) \$3 TO THE FUND FOR THE ENHANCEMENT AND**
2 **BEAUTIFICATION OF THE MONTGOMERY COUNTY COURTHOUSE AND FACILITIES;**
3 **AND**

4 **[(9) (i) In Prince George's County, from the remaining \$15, the clerk**
5 **shall pay \$3 of each fee to Prince George's Heritage, Inc.]**

6 **(8) PRINCE GEORGE'S COUNTY, THE STATE COMPTROLLER SHALL**
7 **PAY \$3 TO PRINCE GEORGE'S HERITAGE, INC.**

8 **[(ii) Prince George's Heritage, Inc. shall report annually to the Prince**
9 **George's County Executive and the Maryland Historical Trust on the use of all funds**
10 **received under this section, including a detailed record of the expenditures and receipts of**
11 **all funds collected before July 1, 1987.**

12 **(iii) The Prince George's County Executive or the Maryland**
13 **Historical Trust may request at any time an audit of the financial records of Prince George's**
14 **Heritage, Inc.**

15 **(10) In Harford County, from the \$25 fee for performing a marriage**
16 **ceremony, the clerk shall pay \$20 of each fee to the Historical Society of Harford County,**
17 **Inc.]**

18 **(C) (1) A RECIPIENT OF A DISTRIBUTION UNDER SUBSECTION (B) OF THIS**
19 **SECTION SHALL REPORT ANNUALLY TO THE STATE COMPTROLLER ON THE USE OF**
20 **THE FUNDS RECEIVED UNDER SUBSECTION (B) OF THIS SECTION.**

21 **(2) ON REQUEST OF THE STATE COMPTROLLER, A RECIPIENT OF A**
22 **DISTRIBUTION UNDER SUBSECTION (B) OF THIS SECTION SHALL PROVIDE THE MOST**
23 **RECENT COMPILED FINANCIAL STATEMENTS OR AN AUDIT OF THE FINANCIAL**
24 **RECORDS OF THE RECIPIENT.**

25 **(3) IF THE STATE COMPTROLLER DETERMINES THAT A RECIPIENT OF**
26 **A DISTRIBUTION UNDER SUBSECTION (B) OF THIS SECTION HAS NOT SATISFIED THE**
27 **REQUIREMENTS OF THIS SECTION, THE STATE COMPTROLLER MAY NOT PAY THE**
28 **AMOUNT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION UNTIL THE**
29 **RECIPIENT SATISFIES THE REQUIREMENTS.**

30 **[(b)] (D) (1) A clerk or deputy clerk may not violate any provision of this**
31 **section.**

32 **(2) A clerk or deputy clerk who violates the provisions of this section is**
33 **guilty of neglect of duty and on conviction is subject to removal from office.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2017.