

Department of Legislative Services
 Maryland General Assembly
 2017 Session

FISCAL AND POLICY NOTE
 First Reader - Revised

House Bill 864
 Judiciary

(Delegate West)

Distribution of Marriage Ceremony Fees

This bill alters the distribution of fees for performing marriage ceremonies. It also reduces, from \$30 to \$25, the fee for performing a marriage ceremony in Cecil County.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: General fund revenues decrease by \$205,700 annually, which reflects the portion of marriage ceremony fees that are no longer deposited into the general fund. General fund expenditures increase by \$4,800 in FY 2018 only for programming changes. The Comptroller can handle the bill’s requirements with existing resources.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
GF Revenue	(\$205,700)	(\$205,700)	(\$205,700)	(\$205,700)	(\$205,700)
GF Expenditure	\$4,800	\$0	\$0	\$0	\$0
Net Effect	(\$210,500)	(\$205,700)	(\$205,700)	(\$205,700)	(\$205,700)

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

Local Effect: Harford County revenues increase by \$2,900 annually. Otherwise, the bill does not impact the portion of marriage ceremony fees that are distributed to the counties.

Small Business Effect: None. While the redistribution of marriage ceremony fees affects two nonprofit organizations, as discussed below, these entities are not considered small businesses.

Analysis

Bill Summary: From the \$25 marriage fee, a circuit court clerk must pay \$10 of each fee collected into the general fund for each county. In Harford County only, the clerk must pay \$5 of each fee into the general fund of the county, instead of to the State general fund.

Under the bill, the clerk must pay the remainder of the fee to the State Comptroller. The bill repeals provisions regarding the payment of marriage ceremony fees by court clerks to historical societies in specified counties and instead establishes that the Comptroller must make the distributions to the historical societies. The distributions required by the bill are identical to those shown in **Exhibit 1**, which reflects current law, except that the fee distributed to the Baltimore County Historical Trust is reduced from \$15 to \$10.

After making the required distributions, the Comptroller must pay the amount it receives from marriage ceremony fees to Preservation Maryland for the promotion of historical preservation projects in the county where the marriage ceremony fee is collected.

A recipient of the funds as specified above must report annually to the Comptroller on the use of the funds received pursuant to these provisions; Preservation Maryland must also report annually to the Maryland Historical Trust. On request of the Comptroller, a recipient must provide its most recent compiled financial statements or an audit of the financial records; Preservation Maryland must also provide the information on request of the Maryland Historical Trust. If the Comptroller determines that a recipient has not satisfied these requirements, it must withhold payments until the requirements are satisfied.

The bill also establishes that the fee for the performance of a marriage ceremony by a clerk or deputy clerk of the circuit court is nonrefundable and payable before a marriage license is issued.

Current Law: With the exception of Cecil County, the statewide fee for a judge, clerk, or deputy clerk to perform a marriage ceremony is \$25. From the \$25 fee, \$10 is paid into each county's general fund, except in Harford County where no money is paid into the county's general fund. The remainder of the fee in most counties is retained by the clerk (and disbursed to the State general fund); however, in some counties, a portion of the remaining fee is paid to a historical society, as shown in Exhibit 1.

Exhibit 1
Disposition of Fees from Marriage Ceremonies
Current Law

<u>County</u>	<u>Remaining Fee Disposition</u>	<u>Recipient</u>
Allegany	\$2 quarterly	Allegany County Historical Society
Anne Arundel	4	Annarrundel (Anne Arundel) County Trust for Preservation
Baltimore	15	Baltimore County Historical Trust
Cecil	5	Cecil Historical Trust
	5	Historical Society of Cecil County
Garrett	5	Garrett County Historical Society
Harford	20	Historical Society of Harford County
Montgomery	2	Montgomery County Historical Society
	3	Montgomery County Courthouse and Facilities
Prince George's	3	Prince George's County Heritage

Source: Department of Legislative Services

State Fiscal Effect: General fund revenues decrease by \$205,686 annually, which assumes that the number of ceremonies performed remains constant. This estimate reflects the amount that is no longer retained by circuit court clerks and disbursed to the State general fund.

Exhibit 2 shows the amounts collected and distributed for marriage ceremony fees under current law provisions and as required by the bill, based on the number of marriage ceremonies performed in fiscal 2015 (and fiscal 2016 for Prince George's County), for those counties in which a historical society receives a designated portion of marriage fee revenues. Instead, these counties, after retaining specified amounts for deposit into their county general funds, pay the remainder of fees collected to the Comptroller. The Comptroller then pays a portion of each fee to local historical societies, as specified, and pays the remainder to Preservation Maryland. As shown in the exhibit, general fund revenues decrease by \$123,801 from the distribution of marriage fees in these select counties.

In the remaining 16 counties, after retaining \$10 for the county general fund, the remainder (\$15 per fee) is likewise paid to the Comptroller and disbursed to Preservation Maryland. In fiscal 2015, a total of 5,459 marriage ceremonies were performed in these counties. Accordingly, the above estimate also reflects the loss of \$81,885 in general fund revenues that is redirected to Preservation Maryland under the bill.

The Comptroller can use existing resources to implement the bill. However, general fund expenditures for the Judiciary increase by \$4,800 in fiscal 2018 only for programming changes.

Exhibit 2
Distribution of Marriage Fees – Select Counties

<u>County</u>	<u>Ceremonies</u>	Current Law Distribution			Distribution Under This Bill		
		<u>County General Fund</u>	<u>Local Historical Society</u>	<u>State General Fund</u>	<u>County General Fund</u>	<u>Local Historical Society</u>	<u>Preservation Maryland</u>
Allegany	220	\$2,200	\$440	\$2,860	\$2,200	\$440	\$2,860
Anne Arundel	1,665	16,650	6,660	18,315	16,650	6,660	18,315
Baltimore	2,316	23,160	34,740	0	23,160	23,160	11,580
Cecil	591	5,910	5,910	5,910	5,910	5,910	2,955
Garrett	103	1,030	515	1,030	1,030	515	1,030
Harford	574		11,480	2,870	2,870	11,480	0
Montgomery	5,774	57,740	28,870	57,740	57,740	28,870	57,740
Prince George's	2,923	29,230	8,769	<u>35,076</u>	29,230	8,769	<u>35,076</u>
			State General Fund:	\$123,801	Preservation Maryland:		\$129,556

Sources: Judiciary; Department of Legislative Services

Local Revenues: Due to the new distribution of marriage ceremony fees established by the bill, Harford County revenues increase by \$2,870 annually. Otherwise, the bill's provisions do not impact county revenues.

Additional Comments: Preservation Maryland, a nonprofit organization, receives funding of \$211,441 annually, which it must use to promote historical preservation projects, as specified. Revenues to the Baltimore County Historical Trust decrease by \$11,580 annually. Otherwise, the bill does not alter funding for historical societies in specified counties.

Additional Information

Prior Introductions: None.

Cross File: SB 1047 (Senator Young) - Judicial Proceedings.

Information Source(s): Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland Department of Planning; Department of Legislative Services

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