

HOUSE BILL 641

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2000 Regular Session
0lr2795
CF SB 214

By: **Chairman, Appropriations Committee (Maryland Judicial Conference)**

Introduced and read first time: February 9, 2000

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Circuit Court Real Property Records Improvement Fund**

3 FOR the purpose of extending the termination date of provisions of law establishing
4 and governing the Circuit Court Real Property Records Improvement Fund.

5 BY repealing and reenacting, without amendments,
6 Article - Courts and Judicial Proceedings
7 Section 13-601 through 13-606
8 Annotated Code of Maryland
9 (1998 Replacement Volume and 1999 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 13-607
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 1999 Supplement)

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

17 **Article - Courts and Judicial Proceedings**

18 13-601.

19 (a) In this subtitle the following words have the meanings indicated.

20 (b) "Administrator" means the State Court Administrator.

21 (c) "Fund" means the Circuit Court Real Property Records Improvement
22 Fund.

23 (d) "Recordable instrument" means:

24 (1) A deed, as defined in § 1-101 of the Real Property Article; and

1 (2) Any other instrument affecting property that may be recorded under
2 § 3-102 of the Real Property Article.

3 13-602.

4 (a) (1) There is a Circuit Court Real Property Records Improvement Fund.

5 (2) There is an oversight committee composed of one representative from
6 each of the following:

7 (i) The Administrative Office of the Courts;

8 (ii) The Maryland State Archives;

9 (iii) The Circuit Court Clerks' Association;

10 (iv) The Maryland Land Title Association; and

11 (v) The Maryland State Bar Association.

12 (3) The Fund shall be managed and supervised by the State Court
13 Administrator, with advice from the oversight committee.

14 (4) The State Treasurer shall hold, and the State Comptroller shall
15 account for, the Fund.

16 (b) (1) The Fund shall be invested and reinvested in the same manner as
17 other State funds.

18 (2) Investment earnings of the Fund shall be paid into the Fund.

19 13-603.

20 (a) The Fund consists of:

21 (1) Surcharges collected under § 13-604 of this subtitle; and

22 (2) Revenues from copies made on equipment bought through the Fund.

23 (b) The Fund is a nonlapsing revolving fund which is not subject to § 7-302 of
24 the State Finance and Procurement Article.

25 (c) The Fund shall be used to repair, replace, improve, modernize, and update
26 office equipment and equipment related services in the land records office of the clerk
27 of the circuit court for each county, as the Administrator considers appropriate, with
28 advice from the oversight committee.

29 (d) Expenditures under this section shall only be made pursuant to an
30 appropriation approved by the General Assembly in the annual State budget prior to
31 the expenditure or obligation of funds.

1 (e) The Fund shall be subject to an audit by the Office of Legislative Audits as
2 provided for in § 2-1220 of the State Government Article.

3 (f) Disbursements from the Fund shall supplement and may not be a
4 substitute for any funds designated in the State budget for office equipment and
5 services in the land records office of the clerk of the circuit court for each county.

6 13-604.

7 (a) The Administrator may establish a surcharge not to exceed \$5 for each
8 type of recordable instrument to be recorded among the land records and the
9 financing statement records.

10 (b) The surcharge shall be collected by the office of the clerk of the circuit
11 court for each county.

12 (c) The surcharge may not be charged to an entity that is exempt from the
13 payment of fees under § 3-603 of the Real Property Article.

14 (d) Receipts from the surcharge shall be placed in the Fund and used by the
15 Administrator for the purposes of the Fund.

16 13-605.

17 The State Treasurer shall report to the Administrator annually:

18 (1) The status of the money invested under this subtitle; and

19 (2) The interest received from investments for the Fund during the
20 period covered by the report.

21 13-606.

22 The Administrator shall adopt rules necessary to carry out the purposes of this
23 subtitle.

24 13-607.

25 This subtitle shall terminate and be of no effect after June 30, [2001] 2006.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect October 1, 2000.