

SENATE BILL 511

Unofficial Copy
D1

2002 Regular Session
2lr0992
CF 2lr0993

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

Introduced and read first time: February 1, 2002
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 19, 2002

CHAPTER _____

1 AN ACT concerning

2 **Circuit Court Real Property Records Improvement Fund - Use, Funding,**
3 **and Duration**

4 FOR the purpose of altering the maximum surcharge that the State Court
5 Administrator may establish on certain recordable instruments for the Circuit
6 Court Real Property Records Improvement Fund; making it a misdemeanor to
7 make certain disbursements from the Fund; establishing certain penalties;
8 repealing the termination date of provisions of law relating to the Fund; and
9 generally relating to the Circuit Court Real Property Records Improvement
10 Fund.

11 BY repealing and reenacting, with amendments,
12 Article - Courts and Judicial Proceedings
13 Section 13-603 and 13-604
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 2001 Supplement)

16 BY repealing
17 Article - Courts and Judicial Proceedings
18 Section 13-607
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 2001 Supplement)

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

1 **Article - Courts and Judicial Proceedings**2 13-603.3 (a) The Fund consists of:4 (1) Surcharges collected under § 13-604 of this subtitle; and5 (2) Revenues from copies made on equipment bought through the Fund.6 (b) The Fund is a nonlapsing revolving fund which is not subject to § 7-302 of
7 the State Finance and Procurement Article.8 (c) The Fund shall be used EXCLUSIVELY to repair, replace, improve,
9 modernize, and update office equipment and equipment related services in the land
10 records office of the clerk of the circuit court for each county, as the Administrator
11 considers appropriate, with advice from the oversight committee.12 (d) Expenditures under this section shall only be made pursuant to an
13 appropriation approved by the General Assembly in the annual State budget prior to
14 the expenditure or obligation of funds.15 (e) The Fund shall be subject to an audit by the Office of Legislative Audits as
16 provided for in § 2-1220 of the State Government Article.17 (f) Disbursements from the Fund shall supplement and may not be a
18 substitute for any funds designated in the State budget for office equipment and
19 services in the land records office of the clerk of the circuit court for each county.20 (G) A PERSON WHO MAKES A DISBURSEMENT FROM THE FUND FOR ANY
21 PURPOSE NOT SPECIFIED IN SUBSECTION (C) OF THIS SECTION IS GUILTY OF A
22 MISDEMEANOR AND ON CONVICTION:23 (1) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A
24 FINE NOT EXCEEDING \$1,000 OR BOTH; AND25 (2) SHALL BE REMOVED IMMEDIATELY FROM OFFICE AND FORFEIT ALL
26 ACCRUED BENEFITS.27 13-604.28 (a) The Administrator may establish a surcharge not to exceed [\$5] \$10 for
29 each type of recordable instrument to be recorded among the land records and the
30 financing statement records.31 (b) The surcharge shall be collected by the office of the clerk of the circuit
32 court for each county.33 (c) The surcharge may not be charged to an entity that is exempt from the
34 payment of fees under § 3-603 of the Real Property Article.

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

3 [13-607.

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 2002.