

# SENATE BILL 256

D1, N1

0lr2062  
CF HB 529

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By: **Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: January 20, 2020

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Circuit Court Real Property Records Improvement Fund – ~~Surcharge on~~**  
3 **~~Recordable Instruments~~ Report**

4 FOR the purpose of ~~altering the amount of the surcharge on certain recordable instruments~~  
5 ~~that the State Court Administrator is required to establish for the Circuit Court Real~~  
6 ~~Property Records Improvement Fund~~ requiring the oversight committee of the  
7 Circuit Court Real Property Records Improvement Fund, in consultation with the  
8 Comptroller and the State Court Administrator, to report on certain matters and  
9 make certain recommendations to certain committees of the General Assembly on or  
10 before a certain date; providing for the appointment of a replacement member for the  
11 oversight committee; and generally relating to the Circuit Court Real Property  
12 Records Improvement Fund.

13 ~~BY repealing and reenacting, with amendments,~~  
14 ~~Article – Courts and Judicial Proceedings~~  
15 ~~Section 13-604~~  
16 ~~Annotated Code of Maryland~~  
17 ~~(2013 Replacement Volume and 2019 Supplement)~~

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

20 ~~**Article – Courts and Judicial Proceedings**~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~13-604.~~

2 (a) ~~[(1) Except as provided in paragraph (2) of this subsection, the] THE~~  
 3 ~~Administrator shall establish a surcharge of [\$20] \$40 for each type of recordable~~  
 4 ~~instrument to be recorded among the land records and the financing statement records.~~

5 ~~[(2) For recordable instruments executed on or after July 1, 2011, but before~~  
 6 ~~July 1, 2020, the surcharge established under this subsection shall be \$40 for each type of~~  
 7 ~~recordable instrument to be recorded among the land records and the financing statement~~  
 8 ~~records.]~~

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

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

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

15 (a) On or before December 1, 2020, the oversight committee of the Circuit Court  
 16 Real Property Records Improvement Fund, in consultation with the Comptroller and the  
 17 State Court Administrator, shall, in accordance with § 2-1257 of the State Government  
 18 Article, report to the Senate Budget and Taxation Committee, the Senate Judicial  
 19 Proceedings Committee, the House Appropriations Committee, and the House Judiciary  
 20 Committee on the fiscal viability of bifurcating the Circuit Court Real Property Records  
 21 Improvement Fund to provide funding for:

22 (1) operating expenses of the land records offices of the clerks of the circuit  
 23 courts and to repair, replace, improve, modernize, and update office equipment and  
 24 equipment-related services in the land records office of the clerk of the circuit court for  
 25 each county, including electronic recording; and

26 (2) other information technology development projects of the Judiciary  
 27 Department.

28 (b) The report under this section shall contain recommendations for  
 29 appropriate uses of the Fund and alternative funding sources, and any additional  
 30 recommendations relating to the Fund.

31 (c) If an oversight committee member is unavailable to perform the  
 32 member's duties under this section, the entity that the member represents under §  
 33 13-602(a)(2) of the Courts Article may appoint a replacement member to fulfill the  
 34 member's duties under this section.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 36 ~~October~~ July 1, 2020.