

FIRST REGULAR SESSION

HOUSE BILL NO. 621

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MUNZLINGER, HOBBS, MAY, BEAN, SHOEMAKER (8), MYERS (Co-sponsors), RECTOR, MILLER, MAYER, DUSENBERG, BIVINS, AVERY, ROARK, LEMBKE, LIPKE, COOPER (120), ICET, TOWNLEY, NIEVES, WALLACE, WILSON (119), STEVENSON, SUTHERLAND, HUNTER, LUETKEMEYER, YATES, ST. ONGE, MARSH, SMITH (118), MOORE AND JETTON.

Read 1st time March 6, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2090L.011

AN ACT

To repeal section 59.041, RSMo, and to enact in lieu thereof one new section relating to recorders of deeds.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 59.041, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 59.041, to read as follows:

59.041. 1. Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any other provision of law in conflict with the provisions of this section, in any county which becomes a county of the second class after September 28, 1987, and wherein the offices of circuit clerk and recorder of deeds are combined, such combination shall continue until the governing body of the county authorizes the separation of the offices as provided in section 59.042.

2. Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any other provision of law in conflict with the provisions of this section, in any county of the third classification without a township form of government and having a population of more than twenty-seven thousand six hundred but less than twenty-eight thousand six hundred and wherein the offices of the district I circuit clerk and recorder of deeds are combined, the circuit court shall appoint such circuit clerk ex officio recorder of deeds. The circuit court may recommend to the governing body of such county whether the combined offices of the district I circuit clerk and recorder of deeds should be separated pursuant to subsection 1 of section 59.042; provided however, that if the governing body of such county authorizes the separation of offices and notwithstanding the provisions of subsection 2 of section 59.042, the office of district I clerk of the circuit court shall remain appointed by the circuit court.

17 **3. The provisions of subsection 2 of this section shall expire on August 28, 2003.**
18 **However, the most recently appointed circuit clerk ex officio recorder of deeds serving such**
19 **county shall continue to discharge the duties of the office until a successor is elected,**
20 **commissioned, and qualified unless sooner removed. The office of circuit clerk ex officio**
21 **recorder of deeds in such county shall be placed on the ballot for the next general election,**
22 **at which time a circuit clerk ex officio recorder of deeds shall be chosen for the remainder**
23 **of the term, who shall hold office until a successor is duly elected and qualified. Should the**
24 **governing body of such county before August 28, 2003, authorize the separation of the**
25 **offices of circuit clerk and recorder of deeds, pursuant to subsection 2 of this section, the**
26 **most recently appointed district I clerk of the circuit court shall continue to discharge the**
27 **duties of the office until a successor is elected, commissioned, and qualified unless sooner**
28 **removed. In such case, such office shall be placed on the ballot for the next general**
29 **election, at which time the district I circuit clerk shall be chosen for the remainder of the**
30 **term, who shall hold office until a successor is duly elected and qualified. Notwithstanding**
31 **the provisions of this chapter or chapter 478, RSMo, or any other provision of law in**
32 **conflict with this section, any county which has separated the offices of circuit clerk and**
33 **recorder of deeds, pursuant to this section, shall continue until the governing body of the**
34 **county authorizes the separation of the offices as provided in section 59.042.**