

FIRST REGULAR SESSION

HOUSE BILL NO. 1091

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHOELLER.

2431L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to recorder's fees.

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

Section A. Section 59.319, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 59.319, to read as follows:

59.319. 1. A user fee of four dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instrument. The state portion of the fee shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury. Two dollars of such fee shall be retained by the recorder and deposited in a recorder's fund and not in county general revenue for record storage, microfilming, and preservation, including anything necessarily pertaining thereto. The recorder's funds shall be kept in a special fund by the treasurer and shall be budgeted and expended at the direction of the recorder and shall not be used to substitute for or subsidize any allocation of general revenue for the operation of the recorder's office without the express consent of the recorder. The recorder's fund may be audited by the appropriate auditing agency, and any unexpended balance shall be left in the fund to accumulate from year to year with interest.

2. An additional fee of three dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instruments specified in subdivisions (1) and (2) of section 59.330. The fees collected from this additional three dollars per recorded instrument shall be forwarded monthly

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be
18 deposited by the director in the state treasury.

19 3. The state treasurer and the commissioner of administration shall establish an
20 appropriate account within the state treasury and in accordance with the state's accounting
21 methods. Any receipt required by this section to be deposited in the general revenue fund shall
22 be credited as follows: the amount of one dollar for each fee collected under subsection 1 of this
23 section to an account to be utilized for the purposes of sections [60.500] **60.510** to 60.610,
24 RSMo; the amount of one dollar for each fee collected under subsection 1 of this section to an
25 account to be utilized by the secretary of state for additional preservation of local records; and
26 the amount of three dollars collected under subsection 2 of this section into the Missouri housing
27 trust fund as designated in section 215.034, RSMo.

28 **4. (1) In addition to all other fees charged and collected under this section, two**
29 **dollars shall be charged and collected by every recorder in this state, over and above any**
30 **other fees required by law, as a condition precedent to the recording of any instrument.**
31 **One dollar of the additional fee collected under this subsection shall be retained by the**
32 **recorder and deposited in a recorder's fund and not in county general revenue for record**
33 **storage, microfilming, and preservation, including anything necessarily pertaining to such**
34 **purposes, and one dollar shall be deposited in the state general revenue fund and credited**
35 **to an account used by the secretary of state for additional preservation of local records.**

36 **(2) Under section 23.253, RSMo, of the Missouri sunset act:**

37 **(a) The additional fee of two dollars authorized under this subsection shall**
38 **automatically sunset on December thirty-first six years after the effective date of this**
39 **subsection, unless reauthorized by an act of the general assembly; and**

40 **(b) If such additional fee is reauthorized, the additional fee authorized under this**
41 **subsection shall automatically sunset on December thirty-first six years after the effective**
42 **date of the reauthorization of this subsection; and**

43 **(c) This subsection shall terminate on September first of the calendar year**
44 **immediately following the calendar year in which the additional fee authorized under this**
45 **subsection is sunset.**

46 **5. All requests for records dated after December 31, 1969, shall be made to the**
47 **office in which the record was originally filed.**

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