

FIRST REGULAR SESSION

HOUSE BILL NO. 957

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RHOADS.

1979H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 59.800, RSMo, and to enact in lieu thereof one new section relating to county recorders of deeds.

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

Section A. Section 59.800, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 59.800, to read as follows:

59.800. 1. Beginning on July 1, 2001, notwithstanding any other condition precedent required by law to the recording of any instrument specified in subdivisions (1) and (2) of **subsection 1** of section 59.330, an additional fee of [~~five~~] **six** dollars shall be charged and collected by every recorder of deeds in this state on each instrument recorded. The additional fee shall be distributed as follows:

(1) One dollar and twenty-five cents to the recorder's fund established pursuant to subsection 1 of section 59.319, provided, however, that all funds received pursuant to this section shall be used exclusively for the purchase, installation, upgrade and maintenance of modern technology necessary to operate the recorder's office in an efficient manner;

(2) One dollar and seventy-five cents to the county general revenue fund; and

(3) Two dollars to the fund established in subsection 2 of this section.

2. **(1)** There is hereby established a revolving fund known as the "Statutory County Recorder's Fund", which shall receive funds paid to the recorders of deeds of the counties of this state pursuant to subdivision (3) of subsection 1 of this section. The director of the department of revenue shall be custodian of the fund and shall make disbursements from the fund for the purpose of subsidizing the fees collected by counties that hereafter elect or have heretofore elected to separate the offices of clerk of the circuit court and recorder. The subsidy shall consist

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.

18 of the total amount of moneys collected pursuant to subdivisions (1) and (2) of subsection 1 of
19 this section subtracted from fifty-five thousand dollars, **except if the annual average of funds**
20 **collected under subsection 1 over the previous three-year period is insufficient to meet all**
21 **obligations calculated in this subdivision and in which case the provisions of subdivision**
22 **(2) of this subsection shall apply.** The moneys paid to qualifying counties pursuant to this
23 subsection shall be deposited in the county general revenue fund. For purposes of this section
24 a "qualified county" is a county that hereafter elects or has heretofore elected to separate the
25 offices of clerk of the circuit court and recorder and in which the office of the recorder of deeds
26 collects less than fifty-five thousand dollars in fees pursuant to subdivisions (1) and (2) of
27 subsection 1 of this section, on an annual basis. Moneys in the statutory county recorder's fund
28 shall not be considered state funds and shall be deemed nonstate funds.

29 **(2) If funds collected under subdivision (3) of subsection 1 of this section are**
30 **insufficient to meet obligations set out in subsection 1 of this section, the department of**
31 **revenue shall calculate the projected shortfall that would otherwise be incurred using the**
32 **formula set out above. If the fund balance is greater than the annual average disbursement**
33 **of the previous three years, then up to thirty-three percent of such excess may be used to**
34 **meet the obligation. If this amount is insufficient or unavailable, the director of the**
35 **department of revenue shall set a new requisite amount to determine a qualified county**
36 **under subdivision (1) of this subsection other than fifty-five thousand dollars, which**
37 **reflects the revenue collected under subdivision (3) of subsection 1 of this section plus an**
38 **additional thirty-three percent should the balance exist in the statutory recorder's fund.**

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