

SECOND REGULAR SESSION

HOUSE BILL NO. 2243

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOUGHTON.

5943H.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 recording fees.

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Section A. Section 59.800, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 59.800, to read as follows: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 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]~~ **under** subsection 1 of section 59.319, provided, however, that all funds received ~~[pursuant to]~~ **under** 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]~~ **under** 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

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

31 **(2) In the event funds collected under subdivision (3) of subsection 1 of this section**
32 **are insufficient to meet the obligations under subdivision (1) of this subsection, the director**
33 **of revenue shall calculate the projected shortfall that would otherwise be incurred based**
34 **on the formula outlined under subdivision (1) of this subsection. If the fund balance is**
35 **greater than the annual average disbursement from the fund during the previous three**
36 **years, up to thirty-three percent of the amount that exceeds the annual three-year average**
37 **to meet the obligation may be used to meet the obligations. Should this amount be**
38 **insufficient or unavailable to meet the shortfall, the director of revenue shall set a new**
39 **requisite amount to determine a qualified county under subdivision (1) of this subsection**
40 **other than fifty-five thousand dollars, which reflects the revenue collected under**
41 **subdivision (3) of subsection 1 of this section in addition to thirty-three percent of the**
42 **excess fund balance.**

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