

SECOND REGULAR SESSION

HOUSE BILL NO. 2422

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HALEY.

5449H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 59.319 and 60.590, RSMo, and to enact in lieu thereof two new sections relating to user fees for recording instruments.

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

Section A. Sections 59.319 and 60.590, RSMo, are repealed and two new sections 2 enacted in lieu thereof, to be known as sections 59.319 and 60.590, to read as follows:

59.319. 1. A user fee of [four] **five** dollars shall be charged and collected by every 2 recorder in this state, over and above any other fees required by law, as a condition precedent 3 to the recording of any instrument. The state portion of the fee shall be forwarded monthly by 4 each recorder of deeds to the state director of revenue, and the fees so forwarded shall be 5 deposited by the director in the state treasury. Two dollars of such fee shall be retained by the 6 recorder and deposited in a recorder's fund and not in county general revenue for record 7 storage, microfilming, and preservation, including anything necessarily pertaining thereto. 8 The recorder's funds shall be kept in a special fund by the treasurer and shall be budgeted and 9 expended at the direction of the recorder and shall not be used to substitute for or subsidize 10 any allocation of general revenue for the operation of the recorder's office without the express 11 consent of the recorder. The recorder's fund may be audited by the appropriate auditing 12 agency, and any unexpended balance shall be left in the fund to accumulate from year to year 13 with interest.

14 2. An additional fee of three dollars shall be charged and collected by every recorder 15 in this state, over and above any other fees required by law, as a condition precedent to the 16 recording of any instruments specified in subdivisions (1) and (2) of **subsection 1 of** section 17 59.330. The fees collected from this additional three dollars per recorded instrument shall be

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

20 3. The state treasurer and the commissioner of administration shall establish an
21 appropriate account within the state treasury and in accordance with the state's accounting
22 methods. Any receipt required by this section to be deposited in the state treasury shall be
23 credited as follows:

24 (1) The amount of ~~one dollar~~ **two dollars** for each fee collected under subsection 1
25 of this section shall be paid to the state treasurer and credited to the "Missouri Land Survey
26 Fund" which is hereby created to be utilized for the purposes of sections 60.510 to 60.620 and
27 section 60.670. The state treasurer shall be custodian of the fund and may approve
28 disbursements from the fund in accordance with sections 30.170 and 30.180. Any funds
29 previously collected by the state treasurer to be utilized for the purposes of sections 60.510 to
30 60.620 and section 60.670 shall transfer to the Missouri land survey fund. Any portion of the
31 fund not immediately needed for the purposes authorized shall be invested by the state
32 treasurer as provided by the constitution and laws of this state. All income, interest, and
33 moneys earned from such investments shall be deposited in the Missouri land survey fund.
34 Any unexpended balance in the fund at the end of the fiscal year is exempt from the
35 provisions of section 33.080 relating to the transfer of unexpended balances to the general
36 revenue fund;

37 (2) The amount of one dollar for each fee collected under subsection 1 of this section
38 to an account to be utilized by the secretary of state for additional preservation of local
39 records; and

40 (3) The amount of three dollars collected under subsection 2 of this section into the
41 Missouri housing trust fund as designated in section 215.034.

60.590. 1. On request of the department of agriculture or the state land surveyor, all
2 city and county recorders of deeds, together with all departments, boards or agencies of state
3 government, county, or city government, shall furnish to the department of agriculture or the
4 state land surveyor certified copies of desired records which are in their custody. This service
5 shall be free of cost when possible; otherwise, it shall be at actual cost of reproduction of the
6 records. On the same basis of cost, the department of agriculture shall furnish records within
7 its custody to other agencies or departments of state, county or city, certifying them.

8 2. The department of agriculture may produce, reproduce and sell maps, plats,
9 reports, studies, and records, and **shall establish by rule the fees necessary to reflect the**
10 **costs associated with the production and reproduction of the requested instruments or**
11 **records under this section.** The commission shall recommend to the department of
12 agriculture the charges therefor. All income received shall be promptly deposited in the state
13 treasury to the credit of the department of agriculture land survey revolving services fund.

14 3. The department of agriculture may promulgate all necessary rules and
15 regulations for the administration of this section. Any rule or portion of a rule, as that
16 term is defined in section 536.010, that is created under the authority delegated in this
17 section shall become effective only if it complies with and is subject to all of the
18 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
19 536 are nonseverable and if any of the powers vested with the general assembly
20 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
21 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
22 and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

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