

SECOND REGULAR SESSION

# HOUSE BILL NO. 2422

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HALEY.

5449H.011

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Section A. Sections 59.319 and 60.590, RSMo, are repealed and two new sections  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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