

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1078
91ST GENERAL ASSEMBLY

Reported from the Committee on Local Government and Related Matters, April 11, 2002, with recommendation that the House Committee Substitute for Senate Bill No. 1078 Do Pass.

TED WEDEL, Chief Clerk

4413L.02C

AN ACT

To repeal sections 59.800 and 400.9-525, RSMo, and to enact in lieu thereof two new sections relating to the recording fees.

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

Section A. Sections 59.800 and 400.9-525, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 59.800 and 400.9-525, to read as follows:

59.800. 1. Beginning on July 1, 2001, notwithstanding any other condition precedent
2 required by law to the recording of any instrument specified in subdivisions (1) and (2) of section
3 59.330, an additional fee of five dollars shall be charged and collected by every recorder of deeds
4 in this state on each instrument recorded. The additional fee shall be distributed as follows:

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

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

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

11 2. There is hereby established [in the state treasury] a revolving fund known as the
12 "Statutory County Recorder's Fund", which shall receive funds paid to the recorders of deeds of
13 the counties of this state pursuant to subdivision (3) of subsection 1 of this section. The [state
14 treasurer] **director of the department of revenue** shall be custodian of the fund and shall make
15 disbursements from the fund for the purpose of subsidizing the fees collected by counties that

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 hereafter elect or have heretofore elected to separate the offices of clerk of the circuit court and
17 recorder. The subsidy shall consist of the total amount of moneys collected pursuant to
18 subdivisions (1) and (2) of subsection 1 of this section subtracted from fifty-five thousand
19 dollars. The moneys paid to qualifying counties pursuant to this subsection shall be deposited
20 in the county general revenue fund. For purposes of this section a "qualified county" is a county
21 that hereafter elects or has heretofore elected to separate the offices of clerk of the circuit court
22 and recorder and in which the office of the recorder of deeds collects less than fifty-five thousand
23 dollars in fees pursuant to subdivisions (1) and (2) of subsection 1 of this section, on an annual
24 basis. **Monies in the statutory county recorder's fund shall be deemed non-state funds.**

25 [3. Any unexpended balance in the fund at the end of any biennium is exempt from the
26 provisions of section 33.080, RSMo, relating to transfer of unexpended balances to the general
27 revenue fund.]

400.9-525. (a) Except as otherwise provided in subsection (e), the fee for filing and
2 indexing a record under this part, other than an initial financing statement of the kind described
3 in section 400.9-502(c), is [the amount specified in subsection (c), if applicable, plus]:

4 (1) If the filing office is the secretary of state's office, then twelve dollars for the first
5 page and one dollar for each subsequent page if the record is communicated in writing or by
6 another medium authorized by filing-office rule, of which fee seven dollars is received and
7 collected by the secretary of state on behalf of the [county employees' retirement fund established
8 pursuant to section 50.1010, RSMo, provided, however, that in any charter county or city not
9 within a county whose employees are not members of the county employees' retirement fund, the
10 fee collected for the county employees' retirement fund established pursuant to section 50.1010,
11 RSMo, shall go to the general revenue fund of that charter county or city not within a county]
12 **counties of this state for deposit in the uniform commercial code transition fee trust fund;**
13 or

14 (2) If the filing office is other than the secretary of state's office, then the fee otherwise
15 allowed by law.

(b) Except as otherwise provided in subsection (e), the fee for filing and indexing an
16 initial financing statement of the kind described in section 400.9-502(c) is [the amount specified
17 in subsection (c), if applicable, plus]:

18 (1) If the filing office is the secretary of state's office, then twelve dollars for the first
19 page and one dollar for each subsequent page if the record is communicated in writing or by
20 another medium authorized by filing-office rule, of which fee seven dollars is received and
21 collected by the secretary of state on behalf of the [county employees' retirement fund established
22 pursuant to section 50.1010, RSMo, provided, however, that in any charter county or city not
23 within a county whose employees are not members of the county employees' retirement fund, the
24

25 fee collected for the county employees' retirement fund established pursuant to section 50.1010,
26 RSMo, shall go to the general revenue fund of that charter county or city not within a county]
27 **counties of this state for deposit in the uniform commercial code transition fee trust fund;**
28 or

29 (2) If the filing office is other than the secretary of state's office, then the fee otherwise
30 allowed by law.

31 (c) The number of names required to be indexed does not affect the amount of the fee
32 in subsections (a) and (b).

33 (d) The fee for responding to a request for information from the filing office, including
34 for communicating whether there is on file any financing statement naming a particular debtor,
35 is:

36 (1) If the filing office is the secretary of state's office, then twenty-two dollars for the first
37 page and one dollar for each subsequent page if the record is communicated in writing or by
38 another medium authorized by filing-office rule, of which fee seven dollars is received and
39 collected by the secretary of state on behalf of the [county employees' retirement fund established
40 pursuant to section 50.1010, RSMo, provided, however, that in any charter county or city not
41 within a county whose employees are not members of the county employees' retirement fund, the
42 fee collected for the county employees' retirement fund established pursuant to section 50.1010,
43 RSMo, shall go to the general revenue fund of that charter county or city not within a county]
44 **counties of this state for deposit in the uniform commercial code transition fee trust fund;**
45 or

46 (2) If the filing office is other than the secretary of state's office, then the fee otherwise
47 allowed by law.

48 (e) This section does not require a fee with respect to a record of a mortgage which is
49 effective as a financing statement filed as a fixture filing or as a financing statement covering
50 as-extracted collateral or timber to be cut under section 400.9-502(c). However, the recording
51 and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

52 (f) The [secretary of state] **department of revenue** shall administer a special trust fund,
53 which is hereby established, to be known as the "Uniform Commercial Code Transition Fee
54 Trust Fund", and which shall be funded by seven dollars of each of the fees received and
55 collected pursuant to subdivisions (a), (b) and [(c)] **(d)** of this section on behalf of the [county
56 employees' retirement fund established pursuant to section 50.1010, RSMo, or the general
57 revenue fund of any charter county or city not within a county whose employees are not members
58 of the county employees' retirement fund] **counties of this state for deposit in the uniform**
59 **commercial code transition fee trust fund.**

60 (1) The secretary of state shall keep **and provide to the department of revenue and**

61 **the county employees' retirement fund** an accurate record of the moneys **to be deposited** in
62 the uniform commercial code transition fee trust fund allocated to each county and city not
63 within a county on the basis of where such record, financing statement or other document would
64 have been filed prior to July 1, 2001, and **the department of revenue** shall distribute the moneys
65 pursuant to subdivision (2) of this subsection on that basis.

66 (2) The moneys in the uniform commercial code transition fee trust fund shall be
67 distributed to the county employees' retirement fund established pursuant to section 50.1010,
68 RSMo, or the general revenue fund of any charter county or city not within a county whose
69 employees are not members of the county employees' retirement fund

70 (3) The moneys in the uniform commercial code transition fee trust fund shall [not] be
71 deemed to be [state funds] **nonstate funds, as defined in section 15 of article IV of the**
72 **Missouri Constitution, to be administered by the department of revenue**, provided, however
73 that interest, if any, earned by the money in the trust fund shall be deposited into the general
74 revenue fund in the state treasury.