

FIRST REGULAR SESSION

HOUSE BILL NO. 415

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SUTHERLAND (Sponsor),
SMITH (118) AND LIPKE (Co-sponsors).

Read 1st time February 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0383L.011

AN ACT

To repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to county recorders.

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

Section A. Section 59.319, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 59.319, to read as follows:

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

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

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.

16 collected from this additional three dollars per recorded instrument shall be forwarded monthly
17 by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be
18 deposited by the director in the state treasury.

19 3. The state treasurer and the commissioner of administration shall establish an
20 appropriate account within the state treasury and in accordance with the state's accounting
21 methods. Any receipt required by this section to be deposited in the general revenue fund shall
22 be credited as follows: the amount of one dollar for each fee collected under subsection 1 of this
23 section to an account to be utilized for the purposes of sections 60.500 to 60.610, RSMo; the
24 amount of one dollar for each fee collected under subsection 1 of this section to an account to
25 be utilized by the secretary of state for additional preservation of local records; and the amount
26 of three dollars collected under subsection 2 of this section into the Missouri housing trust fund
27 as designated in section 215.034, RSMo.

28 **4. (1) In addition to all other fees required by law, every recorder in this state shall**
29 **charge a fee of three dollars as a condition precedent to the recording of any instrument.**
30 **One dollar of the fees collected under this subsection shall be deposited in the general**
31 **revenue fund of the county in which the fee was collected, one dollar shall be transferred**
32 **to the regional planning commission designated to serve the county collecting the fees, and**
33 **the remaining one dollar shall be deposited in the planning activities fund created in this**
34 **section.**

35 **(2) The one dollar deposited in the county general revenue fund under subdivision**
36 **(1) of this subsection shall be used only to support planning and zoning operations, flood**
37 **plain management, transportation plans, geographic information systems development,**
38 **and other relevant planning activities in the county in which the fee was collected. Funds**
39 **may be appropriated to the recorder to offset collection costs of such fee.**

40 **(3) The one dollar transferred to the regional planning commission under**
41 **subdivision (1) of this subsection shall be used only to support regional planning efforts,**
42 **including but not limited to land use planning, community and economic development**
43 **planning, infrastructure planning, geographic information systems development, or other**
44 **planning activities.**

45 **(4) There is hereby created in the state treasury the "Planning Activities Fund",**
46 **which shall consist of money collected under this subsection. The state treasurer shall be**
47 **custodian of the fund and shall approve disbursements from the fund in accordance with**
48 **sections 30.170 and 30.180, RSMo. Notwithstanding the provisions of section 33.080,**
49 **RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall**
50 **not revert to the credit of the general revenue fund. The state treasurer shall invest**
51 **moneys in the fund in the same manner as other funds are invested. Any interest and**

52 moneys earned on such investments shall be credited to the fund. Upon appropriation,
53 revenue deposited in the fund shall be used only in the following manner:

54 (a) One-half shall be transferred to the office of administration, which shall use the
55 funds to coordinate the development of geographic information systems among the state
56 agencies; and

57 (b) One-half shall be transferred to the office of administration, to be distributed
58 equally to each regional planning commission to assist in the development of geographic
59 information systems.