

SECOND REGULAR SESSION

HOUSE BILL NO. 1395

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KORMAN (Sponsor), NETH, CAUTHORN, HOUGH, HINSON, CIERPIOT, FUNDERBURK, GATSCHENBERGER, MCGHEE, SCHARNHORST, HUMMEL, DIEHL, TALBOY, ELMER, WRIGHT, HAMPTON, HOUGHTON, MEADOWS, AULL, COOKSON, SWINGER AND RICHARDSON (Co-sponsors).

4644L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.595, 60.610, and 60.620, RSMo, and to enact in lieu thereof ten new sections relating to the land survey program.

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

Section A. Sections 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.595, 2 60.610, and 60.620, RSMo, are repealed and ten new sections enacted in lieu thereof, to be 3 known as sections 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.595, 60.610, and 4 60.620, to read as follows:

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

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.

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

23 **(1) The amount of one dollar for each fee collected under subsection 1 of this section [to**
24 **an account to be utilized for the purposes of sections 60.500 to 60.610] shall be paid to the state**
25 **treasurer and credited to the "Missouri Land Survey Fund" which is hereby created to be**
26 **utilized for the purposes of sections 60.510 to 60.620 and section 60.670. The state**
27 **treasurer shall be custodian of the fund and shall approve disbursements from the fund**
28 **in accordance with sections 30.170 and 30.180, RSMo. Any funds previously collected by**
29 **the state treasurer to be utilized for the purposes of sections 60.510 to 60.610 shall transfer**
30 **to the Missouri land survey fund. Any portion of the fund not immediately needed for the**
31 **purposes authorized shall be invested by the state treasurer as provided by the constitution**
32 **and laws of this state. All income from such investments shall be deposited in the Missouri**
33 **land survey fund. Any unexpended balance in the fund at the end of the fiscal year is**
34 **exempt from the provisions of section 33.080 relating to the transfer of unexpected**
35 **balances to the ordinary revenue funds. Any interest and moneys earned on such**
36 **investments shall be credited to the fund;**

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

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

 60.510. The functions, duties and responsibilities of the department of natural resources
2 shall be as follows:

3 (1) To restore, maintain, and preserve the land survey monuments, section corners, and
4 quarter section corners established by the United States public land survey within Missouri,
5 together with all pertinent field notes, plats and documents; and also to restore, establish,
6 maintain, and preserve **Missouri state and county boundary markers** and other boundary
7 markers considered by the department of natural resources to be of importance, or otherwise
8 established by law;

9 (2) To design and cause to be placed at established public land survey corner sites, where
10 practical, substantial monuments permanently indicating, with words and figures, the exact
11 location involved, but if such monuments cannot be placed at the exact corner point, then witness
12 corners of similar design shall be placed as near by as possible, with words and figures indicating
13 the bearing and distance to the true corner;

14 (3) To establish, maintain, and provide safe storage facilities for a comprehensive system
15 of recordation of information respecting all monuments established by the United States public
16 land survey within this state, and such records as may be pertinent to the department of natural
17 resources' establishment or maintenance of other land corners, Missouri state coordinate system
18 stations and accessories, and **survey** monuments in general;

19 (4) To [extend throughout this state a triangulation and leveling net of precision,
20 whereby] **provide the framework for all geodetic positioning activities in the state. The**
21 **foundational elements include latitude, longitude, and elevation which contribute to**
22 **informed decision making and impact on a wide range of important activities including**
23 **mapping and geographic information systems, flood risk determination, transportation,**
24 **land use and ecosystem management and use of the Missouri state coordinate system, as**
25 established by section [60.400, may be made to cover to the necessary extent those areas of the
26 state which do not now have enough geodetic control stations to permit the general use of the
27 system by land surveyors and others] **60.401 to 60.491;**

28 (5) To collect and preserve information obtained from surveys made by those authorized
29 to establish land monuments or land boundaries, and to assist in the proper recording of the same
30 by the duly constituted county officials, or otherwise;

31 (6) To furnish, upon reasonable request and tender of the required fees therefor, certified
32 copies of records created or maintained by the department of natural resources which, when
33 certified by the state land surveyor or a designated assistant, shall be admissible in evidence in
34 any court in this state, as the original record;

35 (7) To prescribe, and disseminate to those engaged in the business of land surveying,
36 [advisory] regulations designed to assist in uniform and professional surveying methods and
37 standards in this state; and

38 (8) To select and appoint a state land surveyor, **on the recommendation of the land**
39 **survey commission** who shall be the chief administrative officer of the [authority] **land survey**
40 **program and deputy director of the division**, and who shall hold office at the pleasure of the
41 [authority] **director of the department of natural resources. The state land surveyor shall**
42 **be selected under the state merit system on the basis of professional experience and**
43 **registration.**

60.530. The state land surveyor shall, under guidance of the department of natural
2 resources **and with the recommendation of the land survey commission**, carry out the routine
3 functions and duties of the department of natural resources, as prescribed in sections [60.500 to
4 60.610] **60.510 to 60.620 and section 60.670**. He **or she** shall, whenever practical, cause all
5 land surveys, except geodetic surveys, to be executed, under his **or her** direction by the
6 registered county surveyor or a local registered land surveyor when no registered county surveyor
7 exists. He **or she** shall perform such other work and acts as shall, in the judgment of the
8 department of natural resources **and with the recommendation of the land survey**
9 **commission**, be necessary and proper to carry out the objectives of sections [60.500 to 60.610]
10 **60.510 to 60.620 and section 60.670** and, within the limits of appropriations made therefor and
11 subject to the approval of the department of natural resources **and the state merit system**,
12 employ and fix the compensation of such additional employees as may be necessary to carry out
13 the provisions of sections [60.500 to 60.610] **60.510 to 60.620 and section 60.670**.

60.540. The department of natural resources may acquire, in the name of the state of
2 Missouri, lands or interests therein, where necessary, to establish permanent control stations; and
3 may lease or purchase or acquire by negotiation or condemnation, where necessary, land for the
4 establishment of an office of **the land surveyor program** of the department of natural resources.
5 If condemnation is necessary, the attorney general shall bring the suit in the name of the state in
6 the same manner as authorized by law for the acquisition of lands by the state transportation
7 department.

60.560. Upon **their** request, the state attorney general shall advise the **land survey**
2 **commission or the** department of natural resources or the state land surveyor with respect to any
3 legal matter, and shall represent the **land survey commission or** department of natural resources
4 in any proceeding in any court of the state in which the [authority] **land survey commission or**
5 **land survey program** shall be a party.

60.570. The permanent headquarters of the [state land survey authority] **land survey**
2 **program** shall be at or near to the principal office of the Missouri state geological survey. Until
3 such time as other headquarters can be obtained by the [authority] **land survey program**, the
4 state geologist shall assign such space in the state geological survey building as may be available.
5 The [authority] **land survey program** may also establish and maintain regional offices in the
6 metropolitan areas of the state for the storage and distribution of local survey record information.

60.580. The state land surveyor or any and all employees of the department of natural
2 resources have the right to enter upon private property for the purpose of making surveys, or for
3 searching for, locating, relocating, or remonumenting land monuments, leveling stations, or
4 section corners. Should any of these persons necessarily damage property of the owner in
5 making the surveys or searches or remonumentations, the department of natural resources may

6 make reasonable payment for the damage from funds available for that purpose. However,
7 department of natural resources employees are personally liable for any damage caused by their
8 wantonness, willfulness or negligence. All department of natural resources employees are
9 immune from arrest for trespass in performing their legal duties as stated in sections [60.500 to
10 60.610] **60.510 to 60.620 and section 60.670.**

60.595. 1. The "Department of Natural Resources Revolving Services Fund" is hereby
2 created. All funds received by the department of natural resources from the delivery of services
3 and the sale or resale of maps, plats, reports, studies, records and other publications and
4 documents **and surveying information, on paper or in electronic format** by the department
5 shall be credited to the fund. The director of the department shall administer the fund. The state
6 treasurer is the custodian of the fund and shall approve disbursements from the fund requested
7 by the director of the department. When appropriated, moneys in the fund shall be used to
8 purchase goods [or] , **equipment, hardware and software, maintenance and licenses,**
9 **software and database development and maintenance, and personal** services that will
10 ultimately be used to **provide copies of information maintained or provided by the land**
11 **survey program**, reprint maps, publications or other documents requested by governmental
12 agencies or members of the general public; to publish the maps, publications or other documents
13 or to purchase maps, publications or other documents for resale; and to pay shipping charges,
14 laboratory services, core library fees, workshops, conferences, interdivisional cooperative
15 agreements, but for no other purpose.

16 2. An unencumbered balance in the fund at the end of the fiscal year not exceeding one
17 million dollars is exempt from the provisions of section 33.080 relating to the transfer of
18 unexpended balances to the general revenue fund.

19 3. The department of natural resources shall report all income to and expenditures from
20 such fund on a quarterly basis to the house budget committee and the senate appropriations
21 committee.

60.610. Whenever the department of natural resources deems it expedient, and when
2 funds appropriated permit, the department of natural resources may enter into any contract with
3 agencies of the United States, with agencies of other states, or with private persons, registered
4 land surveyors or professional engineers, in order to plan and execute desired land surveys or
5 geodetic surveys, or to plan and execute other projects which are within the scope and purpose
6 of sections [60.500 to 60.610] **60.510 to 60.620 and section 60.670.**

60.620. 1. There is hereby created the "Land Survey [Advisory Committee]
2 **Commission**", within the department of natural resources. The [committee] **commission** shall
3 consist of [five] **seven** members appointed by the director of the department of natural resources.
4 Members of the [committee] **commission** shall hold office for terms of three years, but of the

5 original appointments, [two] **three** members shall serve for one year, two members shall serve
6 for two years, and [one member] **two members** shall serve for three years. **Members may serve**
7 **only three full terms on the commission.**

8 2. The [advisory committee] **land survey commission** shall consist of persons who
9 reside in this state and are not employed by the department of natural resources. [Three] **Four**
10 members shall be registered land surveyors, one of which shall be a county surveyor. One
11 member shall represent the real estate or land title industry. **Two members shall be public**
12 **members.**

13 3. The [advisory committee] **land survey commission** shall elect a chairman annually.
14 The [committee] **commission** shall meet semiannually and at other such times as called by the
15 chairman of the [committee] **commission** and shall have a quorum when at least [three] **four**
16 members are present.

17 4. The [advisory committee] **land survey commission** members shall serve without
18 compensation but shall be reimbursed for actual and necessary expenses incurred in the
19 performance of their official duties.

20 5. The [advisory committee] **land survey commission** shall provide the director of the
21 department of natural resources [with advice and counsel on] **and the state surveyor with**
22 **recommendations on the operation and the planning and prioritization of the land survey**
23 **program** of the program and the design of regulations needed to carry out the functions, duties,
24 and responsibilities of the department of natural resources **in sections 60.510 to 60.620 and**
25 **section 60.670.**

26 6. The [committee] **commission** shall, at least annually, prepare a report, which shall be
27 available to the general public, of the review by the [committee] **commission** of the land survey
28 program, stating its findings, conclusions, and recommendations to the director.

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