

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 916
91ST GENERAL ASSEMBLY

Reported from the Committee on Civil & Administrative Law, May 13, 2002, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 916 Do Pass.

TED WEDEL, Chief Clerk

3797L.03C

AN ACT

To repeal sections 488.005, 488.445, 488.2250 and 488.2253, RSMo, and to enact in lieu thereof four new sections relating to surcharges on civil cases/marriages.

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

Section A. Sections 488.005, 488.445, 488.2250, and 488.2253, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 488.005, 488.445, 488.2250, and 488.2253, to read as follows:

488.005. Notwithstanding any other provision of law to the contrary, whether enacted before, on or after August 28, 1996, no clerk of any court shall collect any surcharge authorized by or pursuant to any ordinance, order or resolution which provides that the effective date to commence imposition of such surcharge is on or after January 1, 1997, **unless such ordinance, order or resolution is authorized by statute.**

488.445. 1. The governing body of any county, or of any city not within a county, by order or ordinance [to be effective prior to January 1, 2001], may impose a fee upon the issuance of a marriage license and may impose a surcharge upon any civil case filed in the circuit court. The surcharge shall not be charged when costs are waived or are to be paid by the state, county or municipality.

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for the license and shall be collected by the recorder of deeds at the time the license

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

is issued. The surcharge imposed upon the filing of a civil action shall be two dollars, shall be paid by the party who filed the petition and shall be collected and disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020. Such amounts shall be payable to the treasuries of the counties from which such surcharges were paid.

3. At the end of each month, the recorder of deeds shall file a verified report with the county commission of the fees collected pursuant to the provisions of subsection 2 of this section. The report may be consolidated with the monthly report of other fees collected by such officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the county treasurer all fees collected pursuant to subsection 2 of this section. The county treasurer shall deposit all such fees upon receipt in a special fund to be expended only to provide financial assistance to shelters for victims of domestic violence as provided in sections 455.200 to 455.230, RSMo.

488.2250. **1.** For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of [one dollar and fifty cents] **two dollars and twenty-five cents** per twenty-five line page for the original of the transcript, and the sum of [thirty-five] **fifty** cents per twenty-five line page for each [carbon] copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his **or her** discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for [the original of] which he **or she** shall receive [one dollar and fifty] **two dollars and twenty-five** cents per [legal] **twenty-five line** page and for [the] **additional** copies [twenty] **fifty** cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court.

2. Beginning January 1, 2004, the amounts a court reporter shall receive for transcripts described in subsection 1 of this section shall be increased or decreased on an annual basis, effective January first of each year, in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register each year, as soon after the first day of January as practical, but shall be otherwise exempt from the provisions of section 536.021, RSMo.

488.2253. In every contested case, or case in which the evidence is to be preserved, except for the collection of delinquent or back taxes, before any circuit judge when an official court reporter is

appointed, the clerk of said court shall tax up the sum of [fifteen] **twenty-five** dollars, to be collected as other costs, and paid by said clerk to the director of revenue of the state.

Unofficial

Bill

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