

FIRST REGULAR SESSION

SENATE BILL NO. 362

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time February 11, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1846S.011

AN ACT

To repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to recording user fees.

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Section A. Section 59.319, RSMo, is repealed and one new section enacted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

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

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

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

20 per recorded instrument shall be forwarded monthly by each recorder of deeds to
21 the state director of revenue, and the fees so forwarded shall be deposited by the
22 director in the state treasury.

23 3. The state treasurer and the commissioner of administration shall
24 establish an appropriate account within the state treasury and in accordance with
25 the state's accounting methods. Any receipt required by this section to be
26 deposited in the general revenue fund shall be credited as follows: the amount
27 of one dollar for each fee collected under subsection 1 of this section to an account
28 to be utilized for the purposes of sections [60.500] **60.510** to 60.610, RSMo; the
29 amount of [one dollar] **two dollars** for each fee collected under subsection 1 of
30 this section to an account to be utilized by the secretary of state for additional
31 preservation of local records; and the amount of three dollars collected under
32 subsection 2 of this section into the Missouri housing trust fund as designated in
33 section 215.034, RSMo.

34 **4. All requests for records dated after December 31, 1969, shall**
35 **be made to the office in which the record was originally filed.**

Bill ✓

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