

SECOND REGULAR SESSION

# SENATE BILL NO. 756

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5002S.011

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## AN ACT

To repeal section 59.800, RSMo, and to enact in lieu thereof one new section relating to county recording fees.

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

Section A. Section 59.800, RSMo, is repealed and one new section enacted  
2 in lieu thereof, to be known as section 59.800, to read as follows:

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

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

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

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

15 2. **(1)** There is hereby established a revolving fund known as the  
16 "Statutory County Recorder's Fund", which shall receive funds paid to the  
17 recorders of deeds of the counties of this state **[pursuant to] under** subdivision  
18 (3) of subsection 1 of this section. The director of the department of revenue shall  
19 be custodian of the fund and shall make disbursements from the fund for the

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

20 purpose of subsidizing the fees collected by counties that hereafter elect or have  
21 heretofore elected to separate the offices of clerk of the circuit court and  
22 recorder. The subsidy shall consist of the total amount of moneys collected  
23 [pursuant to] **under** subdivisions (1) and (2) of subsection 1 of this section  
24 subtracted from fifty-five thousand dollars, **except under such circumstances**  
25 **where the annual average of funds collected under subsection 1 of this**  
26 **section during the previous three calendar years are insufficient to**  
27 **meet all obligations calculated in this subdivision. In such cases the**  
28 **provisions of subdivision (2) of this subsection shall apply.** The moneys  
29 paid to qualifying counties [pursuant to] **under** this subsection shall be deposited  
30 in the county general revenue fund. For purposes of this section a "qualified  
31 county" is a county that hereafter elects or has heretofore elected to separate the  
32 offices of clerk of the circuit court and recorder and in which the office of the  
33 recorder of deeds collects less than fifty-five thousand dollars in fees [pursuant  
34 to] **under** subdivisions (1) and (2) of subsection 1 of this section, on an annual  
35 basis. Moneys in the statutory county recorder's fund shall not be considered  
36 state funds and shall be deemed nonstate funds.

37 **(2) In the event funds collected under subdivision (3) of**  
38 **subsection 1 of this section are insufficient to meet the obligations set**  
39 **out in subdivision (1) of this subsection, the director of the department**  
40 **of revenue shall calculate the projected shortfall that would otherwise**  
41 **be incurred based on the formula outlined in subdivision (1) of this**  
42 **subsection. If the fund balance is greater than the annual average**  
43 **disbursement from the fund during the previous three years, up to**  
44 **thirty-three percent of the amount that exceeds the annual three-year**  
45 **average to meet the obligation may be used to meet the**  
46 **obligations. Should this amount be insufficient or unavailable to meet**  
47 **the shortfall, the director of the department of revenue shall set a new**  
48 **requisite amount to determine a qualified county under subdivision (1)**  
49 **of this subsection other than fifty-five thousand dollars, which reflects**  
50 **the revenue collected under subdivision (3) of subsection 1 of this**  
51 **section in addition to thirty-three percent of the excess fund balance.**

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