

SENATE BILL NO. 938

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

5423S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 59.319 and 60.590, RSMo, and to enact in lieu thereof two new sections relating to land surveying.

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

Section A. Sections 59.319 and 60.590, RSMo, are repealed
2 and two new sections enacted in lieu thereof, to be known as
3 sections 59.319 and 60.590, to read as follows:

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

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

18 may be audited by the appropriate auditing agency, and any
19 unexpended balance shall be left in the fund to accumulate
20 from year to year with interest.

21 2. An additional fee of three dollars shall be charged
22 and collected by every recorder in this state, over and
23 above any other fees required by law, as a condition
24 precedent to the recording of any instruments specified in
25 subdivisions (1) and (2) of **subsection 1 of** section 59.330.
26 The fees collected from this additional three dollars per
27 recorded instrument shall be forwarded monthly by each
28 recorder of deeds to the state director of revenue, and the
29 fees so forwarded shall be deposited by the director in the
30 state treasury.

31 3. The state treasurer and the commissioner of
32 administration shall establish an appropriate account within
33 the state treasury and in accordance with the state's
34 accounting methods. Any receipt required by this section to
35 be deposited in the state treasury shall be credited as
36 follows:

37 (1) The amount of **[one]** **two** dollar for each fee
38 collected under subsection 1 of this section shall be paid
39 to the state treasurer and credited to the "Missouri Land
40 Survey Fund" which is hereby created to be utilized for the
41 purposes of sections 60.510 to 60.620 and section 60.670.
42 The state treasurer shall be custodian of the fund and may
43 approve disbursements from the fund in accordance with
44 sections 30.170 and 30.180. Any funds previously collected
45 by the state treasurer to be utilized for the purposes of
46 sections 60.510 to 60.620 and section 60.670 shall transfer
47 to the Missouri land survey fund. Any portion of the fund
48 not immediately needed for the purposes authorized shall be
49 invested by the state treasurer as provided by the

constitution and laws of this state. All income, interest, and moneys earned from such investments shall be deposited in the Missouri land survey fund. Any unexpended balance in the fund at the end of the fiscal year is exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund;

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

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

60.590. 1. On request of the department of agriculture or the state land surveyor, all city and county recorders of deeds, together with all departments, boards or agencies of state government, county, or city government, shall furnish to the department of agriculture or the state land surveyor certified copies of desired records which are in their custody. This service shall be free of cost when possible; otherwise, it shall be at actual cost of reproduction of the records. On the same basis of cost, the department of agriculture shall furnish records within its custody to other agencies or departments of state, county or city, certifying them.

2. The department of agriculture may produce, reproduce and sell maps, plats, reports, studies, and records, and **shall establish by rule the fees necessary to reflect the costs associated with the production and reproduction under this section.** The commission shall recommend to the department of agriculture the charges therefor. All income received shall be promptly deposited

20 in the state treasury to the credit of the department of
21 agriculture land survey revolving services fund. **Any rule**
22 **or portion of a rule, as that term is defined in section**
23 **536.010, that is created under the authority delegated in**
24 **this section shall become effective only if it complies with**
25 **and is subject to all of the provisions of chapter 536 and,**
26 **if applicable, section 536.028. This section and chapter**
27 **536 are nonseverable and if any of the powers vested with**
28 **the general assembly pursuant to chapter 536 to review, to**
29 **delay the effective date, or to disapprove and annul a rule**
30 **are subsequently held unconstitutional, then the grant of**
31 **rulemaking authority and any rule proposed or adopted after**
32 **August 28, 2026, shall be invalid and void.**

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