

SECOND REGULAR SESSION

[PERFECTED]

SENATE BILL NO. 938

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

5423S.01P

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Section A. Sections 59.319 and 60.590, RSMo, are repealed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]** **six** 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]** **Three** dollars of such fee shall be
9 retained by the recorder and deposited in a recorder's fund
10 and not in county general revenue for record storage,
11 microfilming, and preservation, including anything
12 necessarily pertaining thereto. The recorder's funds shall
13 be kept in a special fund by the treasurer and shall be
14 budgeted and expended at the direction of the recorder and
15 shall not be used to substitute for or subsidize any
16 allocation of general revenue for the operation of the

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

17 recorder's office without the express consent of the
18 recorder. The recorder's fund may be audited by the
19 appropriate auditing agency, and any unexpended balance
20 shall be left in the fund to accumulate from year to year
21 with interest.

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

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

38 (1) The amount of **[one dollar] two dollars** for each
39 fee collected under subsection 1 of this section shall be
40 paid to the state treasurer and credited to the "Missouri
41 Land Survey Fund" which is hereby created to be utilized for
42 the purposes of sections 60.510 to 60.620 and section
43 60.670. The state treasurer shall be custodian of the fund
44 and may approve disbursements from the fund in accordance
45 with sections 30.170 and 30.180. Any funds previously
46 collected by the state treasurer to be utilized for the
47 purposes of sections 60.510 to 60.620 and section 60.670
48 shall transfer to the Missouri land survey fund. Any

49 portion of the fund not immediately needed for the purposes
50 authorized shall be invested by the state treasurer as
51 provided by the constitution and laws of this state. All
52 income, interest, and moneys earned from such investments
53 shall be deposited in the Missouri land survey fund. Any
54 unexpended balance in the fund at the end of the fiscal year
55 is exempt from the provisions of section 33.080 relating to
56 the transfer of unexpended balances to the general revenue
57 fund;

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

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

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

13 2. The department of agriculture may produce,
14 reproduce and sell maps, plats, reports, studies, and
15 records, and **shall establish by rule the fees necessary to**
16 **reflect the costs associated with the production and**

17 **reproduction under this section.** The commission shall
18 recommend to the department of agriculture the charges
19 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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