

FIRST REGULAR SESSION

# SENATE BILL NO. 453

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time February 22, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1970S.02I

## AN ACT

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

*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Section A. Section 59.800, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 59.800, to read as follows: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 condition precedent required by law to the recording of any instrument specified in subdivisions (1) and (2) of **subsection 1 of** section 59.330, an additional fee of **[five] six** dollars shall be charged and collected by every recorder of deeds in this state on each instrument recorded. The additional fee shall be distributed as follows:

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

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

(3) **[Two] Three** dollars to the fund established in subsection 2 of this section.

2. (1) There is hereby established a revolving fund known as the "Statutory County Recorder's Fund", which shall receive funds paid to the recorders of deeds of the counties of this state pursuant to subdivision (3) of subsection 1 of this section. The director of the department of revenue shall be

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

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

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

✓