

# SENATE BILL NO. 578

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR BERNSKOETTER.

2052S.011

KRISTINA MARTIN, Secretary

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### AN ACT

To repeal sections 59.319, 60.530, 60.560, 60.580, 60.590, 60.610, and 60.620, RSMo, and to enact in lieu thereof six new sections relating to land surveying.

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

Section A. Sections 59.319, 60.530, 60.560, 60.580,  
2 60.590, 60.610, and 60.620, RSMo, are repealed and six new  
3 sections enacted in lieu thereof, to be known as sections  
4 59.319, 60.530, 60.560, 60.580, 60.590, and 60.610, to read as  
5 follows:

59.319. 1. A user fee of four 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  
18 may be audited by the appropriate auditing agency, and any

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

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 dollar for each fee collected  
38 under subsection 1 of this section shall be paid to the  
39 state treasurer and credited to the "Missouri Land Survey  
40 Fund" which is hereby created to be utilized for the  
41 purposes of sections 60.510 to **[60.620] 60.610** and section  
42 60.670. The state treasurer shall be custodian of the fund  
43 and may approve disbursements from the fund in accordance  
44 with sections 30.170 and 30.180. Any funds previously  
45 collected by the state treasurer to be utilized for the  
46 purposes of sections 60.510 to **[60.620] 60.610** and section  
47 60.670 shall transfer to the Missouri land survey fund. Any  
48 portion of the fund not immediately needed for the purposes  
49 authorized shall be invested by the state treasurer as  
50 provided by the constitution and laws of this state. All

51 income, interest, and moneys earned from such investments  
52 shall be deposited in the Missouri land survey fund. Any  
53 unexpended balance in the fund at the end of the fiscal year  
54 is exempt from the provisions of section 33.080 relating to  
55 the transfer of unexpended balances to the general revenue  
56 fund;

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

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

60.530. The state land surveyor shall, under guidance  
2 of the department of agriculture [and with the  
3 recommendation of the land survey commission], carry out the  
4 routine functions and duties of the department of  
5 agriculture, as prescribed in sections 60.510 to [60.620]  
6 **60.610** and section 60.670. He or she shall, whenever  
7 practical, cause all land surveys, except geodetic surveys,  
8 to be executed, under his or her direction by the registered  
9 county surveyor or a local registered land surveyor when no  
10 registered county surveyor exists. He or she shall perform  
11 such other work and acts as shall, in the judgment of the  
12 department of agriculture [and with the recommendation of  
13 the land survey commission], be necessary and proper to  
14 carry out the objectives of sections 60.510 to [60.620]  
15 **60.610** and section 60.670 and, within the limits of  
16 appropriations made therefor and subject to the approval of  
17 the department of agriculture, employ and fix the  
18 compensation of such additional employees as may be

19 necessary to carry out the provisions of sections 60.510 to  
20 ~~[60.620]~~ **60.610** and section 60.670.

60.560. Upon their request, the state attorney general  
2 shall advise ~~[the land survey commission or]~~ the department  
3 of agriculture or the state land surveyor with respect to  
4 any legal matter, and shall represent the ~~[land survey~~  
5 ~~commission or]~~ department of agriculture in any proceeding  
6 in any court of the state in which the ~~[land survey~~  
7 ~~commission or]~~ land survey program shall be a party.

60.580. The state land surveyor or any and all  
2 employees of the department of agriculture have the right to  
3 enter upon private property for the purpose of making  
4 surveys, or for searching for, locating, relocating, or  
5 remonumenting land monuments, leveling stations, or section  
6 corners. Should any of these persons necessarily damage  
7 property of the owner in making the surveys or searches or  
8 remonumentations, the department of agriculture may make  
9 reasonable payment for the damage from funds available for  
10 that purpose. However, department of agriculture employees  
11 are personally liable for any damage caused by their  
12 wantonness, willfulness or negligence. All department of  
13 agriculture employees are immune from arrest for trespass in  
14 performing their legal duties as stated in sections 60.510  
15 to ~~[60.620]~~ **60.610** and section 60.670.

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 [the commission shall recommend to the  
16 department of agriculture the charges therefor] **may**  
17 **establish by rule the fees necessary to reflect the costs**  
18 **associated with the production or reproduction under this**  
19 **subsection.** 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, 2025, shall be invalid and void.**

60.610. Whenever the department of agriculture deems  
2 it expedient, and when funds appropriated permit, the  
3 department of agriculture may enter into any contract with  
4 agencies of the United States, with agencies of other  
5 states, or with private persons, registered land surveyors  
6 or professional engineers, in order to plan and execute  
7 desired land surveys or geodetic surveys, or to plan and  
8 execute other projects which are within the scope and

9 purpose of sections 60.510 to [60.620] **60.610** and section  
10 60.670.

2 [60.620. 1. There is hereby created the  
3 "Land Survey Commission", within the department  
4 of agriculture. The commission shall consist of  
5 seven members, six of whom shall be appointed by  
6 the governor. Members shall reside in this  
7 state. Members of the commission shall hold  
8 office for terms of three years, but of the  
9 original appointments, two members shall serve  
10 for one year, two members shall serve for two  
11 years, and two members shall serve for three  
12 years. Members may serve only three consecutive  
13 terms on the commission.

14 2. The land survey commission shall  
15 consist of the following persons:

16 (1) Four members who shall be registered  
17 land surveyors, one of which shall be a county  
18 surveyor;

19 (2) One member who shall represent the  
20 real estate or land title industry;

21 (3) One member who shall represent the  
22 public and have an interest in and knowledge of  
23 land surveying; and

24 (4) The director of the department of  
25 agriculture or his or her designee.

26 The members in subdivisions (1) to (3) of this  
27 subsection shall be appointed by the governor  
28 with advice and consent of the senate and each  
29 shall serve until his or her successor is duly  
30 appointed.

31 3. The land survey commission shall elect  
32 a chairman annually. The commission shall meet  
33 semiannually and at other such times as called  
34 by the chairman of the commission and shall have  
35 a quorum when at least four members are present.

36 4. The land survey commission members  
37 shall serve without compensation but shall be  
38 reimbursed for actual and necessary expenses  
39 incurred in the performance of their official  
40 duties.

41 5. The land survey commission shall  
provide the director of the department of

42 agriculture and the state land surveyor with  
43 recommendations on the operation and the  
44 planning and prioritization of the land survey  
45 program and the design of regulations needed to  
46 carry out the functions, duties, and  
47 responsibilities of the department of  
48 agriculture in sections 60.510 to 60.620 and  
49 section 60.670.

50 6. The land survey commission shall  
51 recommend to the department of agriculture:

52 (1) A person to be selected and appointed  
53 state land surveyor, who shall be the chief  
54 administrative officer of the land survey  
55 program. The state land surveyor shall be  
56 selected on the basis of professional experience  
57 and registration;

58 (2) Prioritization and execution of  
59 projects which are within the scope and purpose  
60 of sections 60.510 to 60.620 and section 60.670;

61 (3) Prioritization and selection of public  
62 land survey corner monuments to be reestablished  
63 through the county cooperative contracts in  
64 accordance with sections 8.285 to 8.291; and

65 (4) Approval of all other contracts for  
66 the planning and execution of projects which are  
67 within the scope and purpose of sections 60.510  
68 to 60.620 and section 60.670 and in accordance  
69 with sections 8.285 to 8.291.

70 7. The commission shall, at least  
71 annually, prepare a report, which shall be  
72 available to the general public, of the review  
73 by the commission of the land survey program,  
74 stating its findings, conclusions, and  
75 recommendations to the director.

76 8. By December 1, 2013, the commission  
77 shall provide a report to the department of  
78 agriculture and general assembly that recommends  
79 the appropriate administrative or overhead cost  
80 rate that will be charged to the program, where  
81 such cost rate shall include all indirect  
82 services provided by the department of  
83 agriculture and office of administration.]

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