

SENATE BILL No. 605

By Committee on Ways and Means

2-12

9 AN ACT concerning the housing trust fund; relating to the collection of
10 fees; amending K.S.A. 2007 Supp. 28-115 and repealing the existing
11 section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) All moneys remitted to the state housing trust
15 fund pursuant to subsection (c) of K.S.A. 28-115, and amendments
16 thereto, prior to July 1, 2010, shall be used for the purpose of funding
17 workforce housing activities, senior housing activities and other housing
18 activities as determined by the president of the Kansas housing resources
19 corporation within the boundaries of a county designated by the United
20 States federal emergency management agency under major disaster dec-
21 laration FEMA-1711-DR or FEMA-1699. On and after July 1, 2010, all
22 moneys remitted to the state housing trust fund pursuant to subsection
23 (c) of K.S.A. 28-115, and amendments thereto, may be used for the pur-
24 pose of funding workforce housing activities, senior housing activities and
25 other housing activities as determined by the president of the Kansas
26 housing resources corporation anywhere in the state of Kansas.

27 (b) For purposes of this section, “workforce housing activities” means
28 any housing program or service assisting persons at or below 120% of the
29 state median income.

30 (c) Annually, on or before September 1, the president of the Kansas
31 housing resources corporation shall report to the legislature on the re-
32 mittances and expenditures from the state housing trust fund for the
33 previous fiscal year concerning the housing activities established in sub-
34 section (a).

35 Sec. 2. K.S.A. 2007 Supp. 28-115 is hereby amended to read as fol-
36 lows: 28-115. (a) The register of deeds of each county shall charge and
37 collect the following fees:

38 For recording deeds, mortgages or other instruments of writing, for first	
39 page, not to exceed legal size page—8½" x 14".....	\$6.00
40 For second page and each additional page or fraction thereof.....	2.00
41 Recording town plats, for each page.....	20.00
42 Recording release or assignment of real estate mortgage.....	5.00
43 Certificate, certifying any instrument on record.....	1.00

1 Acknowledgment of a signature50

2 For filing notices of tax liens under the internal revenue laws of the United

3 States..... 5.00

4 For filing releases of tax liens, certificates of discharge, under the internal

5 revenue laws of the United States or the revenue laws of the state

6 of Kansas..... 5.00

7 For filing liens for materials and services under K.S.A. 58-201, and

8 amendments thereto 5.00

9 (b) In addition to the fees required to be charged and collected pur-

10 suant to subsection (a), the register of deeds shall charge and collect an

11 additional fee of \$2 per page for recording:

12 (1) The first page of any deeds, mortgages or other instruments of

13 writing, not to exceed legal size—8½" x 14";

14 (2) the second page and each additional page or fraction of any deeds,

15 mortgages or instruments of writing; and

16 (3) a release or assignment of real estate mortgage.

17 Any fees collected pursuant to this subsection shall be paid by the

18 register of deeds to the county treasurer. The county treasurer shall de-

19 posit such funds in the register of deeds technology fund as provided by

20 K.S.A. 2007 Supp. 28-115a, and amendments thereto.

21 (c) *In addition to the fees required to be charged pursuant to subsec-*

22 *tions (a) and (b), the register of deeds shall charge and collect an addi-*

23 *tional fee of \$1 per page for recording:*

24 (1) *The first page of any deeds, mortgages or other instruments of*

25 *writing, not to exceed legal size-8½" x 14";*

26 (2) *the second page and each additional page or fraction of any deeds,*

27 *mortgages or instruments of writing; and*

28 (3) *the release or assignment of real estate mortgage.*

29 *If a document is recorded in multiple counties, the recording fee*

30 *charged pursuant to this subsection shall only be charged by the county*

31 *where it is first presented for record. The register of deeds shall remit all*

32 *fees received pursuant to this subsection to the state treasurer in accord-*

33 *ance with the provisions of K.S.A. 75-4215, and amendments thereto.*

34 *Upon receipt of each such remittance, the state treasurer shall deposit the*

35 *entire amount in the state treasury to the credit of the state housing trust*

36 *fund, established in K.S.A. 2007 Supp. 74-8959, and amendments thereto.*

37 ~~(d)~~ (d) For any filing or service provided for in the uniform commer-

38 cial code, the amount therein provided, shall be charged and collected.

39 No fee shall be charged or collected for any filing made by the department

40 of revenue as required under the provisions of the Kansas inheritance tax

41 act, and amendments thereto.

42 ~~(e)~~ (e) If the name or names of the signer or signers or any notary

43 public to any instrument to be recorded are not plainly typed or printed

1 under the signatures affixed to the instrument, the register of deeds shall
2 charge and collect a fee of \$1 in addition to all other fees provided in this
3 section.

4 ~~(e)~~ (f) If sufficient space is not provided for the necessary recording
5 information and certification on a document, such recording information
6 shall be placed on an added sheet and such sheet shall be counted as a
7 page. The document shall be of sufficient legibility so as to produce a
8 clear and legible reproduction thereof. If a document is judged not to be
9 of sufficient legibility so as to produce a clear and legible reproduction,
10 such document shall be accompanied by an exact copy thereof which shall
11 be of sufficient legibility so as to produce a clear and legible reproduction
12 thereof and which shall be recorded contemporaneously with the docu-
13 ment and shall be counted as additional pages. The register of deeds may
14 reject any document which is not of sufficient legibility so as to produce
15 a clear and legible reproduction thereof.

16 ~~(f)~~ (g) Any document which was filed on or after January 1, 1989,
17 which was of a size print or type smaller than 8-point type but which
18 otherwise was properly filed shall be deemed to be validly filed.

19 ~~(g)~~ (h) All fees required to be collected pursuant to this section, ex-
20 cept those charged for the filing of liens and releases of tax liens under
21 the internal revenue laws of the United States, shall be due and payable
22 before the register of deeds shall be required to do the work. If the
23 register of deeds fails to collect any of the fees provided in this section,
24 the amount of the fees at the end of each quarter shall be deducted from
25 the register's salary.

26 ~~(h)~~ (i) Except as otherwise provided by ~~subsection~~ *subsections (b) and*
27 *(c)*, all fees required to be collected pursuant to this section shall be paid
28 by the register of deeds to the county treasurer and deposited into the
29 general fund of the county.

30 Sec. 3. K.S.A. 2007 Supp. 28-115 is hereby repealed.

31 Sec. 4. This act shall take effect and be in force from and after its
32 publication in the statute book.