

**BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS
RESOLUTION NO. 14- 01**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS URGING THE
KANSAS LEGISLATURE AND GOVERNOR SAM BROWNBACK TO RETAIN THE
MORTGAGE REGISTRATION FEE, AS PROVIDED IN K.S.A. 79-3102 AND REJECT ANY
OR ALL LEGISLATIVE PROPOSALS ABOLISHING SUCH FEE**

WHEREAS, in 1925 the Kansas Legislature enacted a law (K.S.A. 79-3102) providing that, before any mortgage of real property is filed with the County Register of Deeds, the individual or entity filing the mortgage pay a mortgage registration fee; and

WHEREAS, the Legislature has revisited the policy of the mortgage registration fee and enacted changes thereon on various occasions since 1925; and

WHEREAS, the current fee is a one-time payment of 0.26% of the principal debt securing the mortgage; and

WHEREAS, the process of recording mortgages with the Register of Deeds is an important county function to ensure free and clean transactions involving land deals, giving potential landowners assurance that a property is unencumbered by liens, and

WHEREAS, a mortgage is enforceable only upon payment of the mortgage registration fee; and

WHEREAS, the 25/26th of the mortgage registration fee is deposited in a county's general fund, where it is used to finance basic operations of county government, and 1/26th of the fee is remitted to the State Treasurer to finance the Heritage Trust Fund which helps preserve historic structures.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, KANSAS that the mortgage registration fee is an important revenue source for counties, and is one of a very few revenue streams counties have to finance essential county services; and

Be it further resolved that, in the budget years 2010, 2011, and 2012 Franklin County received and deposited \$232,108 (2011); \$216,171 (2012); and \$262,460 (2012) from the mortgage registration fee in the general fund, respectively; and that absent such fees and no change in county services, county property taxpayers would have experienced increased mill levies of 1.117, 1.104, and 1.235 respectively; and

Be it further resolved that it would be profoundly unfair to counties and most of all, county property taxpayers in general, for counties to lose the revenue generated by the mortgage registration fee without the Legislature identifying and authorizing a revenue measure of equal or greater significance; and

Be it further resolved that in the absence of an identified, authorized substitute revenue source, that we urge the Kansas Legislature and Governor Sam Brownback to retain the current mortgage

registration fee, as provided in K.S.A. 79-3102, and reject any or all legislative proposals abolishing such fee; and

Be it further resolved that a copy of this resolution shall be sent to members of the Kansas Senate and House of Representatives representing this county; to Governor Sam Brownback; to all newspapers, radio and television stations serving this county; and to the Kansas Association of Counties.

Adopted this 8th day of January, 2014 in an open meeting of the Board of Franklin County Commissioners.

Steven W. Harris – Chairman

Colton Waymire – Vice Chairperson

Richard Howard – Commissioner

Donald Stottlemire – Commissioner

Roy C. Dunn - Commissioner

Received and recorded this 8th day of January 2014.

Janet Paddock
County Clerk