

RESOLUTION NO. 4 - 2014

*A resolution of the Board of Cherokee 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 thereto on various occasions since 1925;

**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 clear 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 25/26<sup>th</sup> 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 1/26<sup>th</sup> of the fee is remitted to the State Treasurer to finance the Heritage Trust Fund which helps preserve historic structures.

**Now, therefore, be it resolved, by the Board of County Commissioners (Supervisors) of Cherokee 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, Cherokee County received and deposited \$\_144,332.23 \$\_111,878.73 and \$\_\_157,250.65 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 1.0mill(s); .77(mill(s); and 1.13 mill(s), in 2010, 2011 and 2012, 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 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 21<sup>st</sup> day of January, 2014 in an open meeting of the Board of Cherokee County Commissioners, on a vote of 3 ayes and 0 nays.

Approved:

Richard Hellerbrand

(Name)

Chair, Board of County Commissioners

Charles J. Joplin

(Name)

Commissioner

Patrick W. Pollock

(Name)

Commissioner

Attest:

Richard D. Edwards

(Name)

Cherokee County Clerk