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Fiscal Note

Drafting Number: LLS 24-0886 Date: February 29, 2024
Prime Sponsors: Rep. Mauro Bill Status: House Trans., Hous. & Local Govt
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Bill Topic: MODIFICATION OF RECORDING FEES

Summary of Fiscal Impact: [X] State Revenue [] State Transfer [X] Local Government
[X] State Expenditure [] TABOR Refund [] Statutory Public Entity

The bill modifies the fee amounts that a county clerk and recorder may collect and delays the repeal of the Electronic Recording Technology Board. It continues state revenue and expenditures starting in FY 2026-27 and impacts local revenue and workload starting in FY 2024-25.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 24-1269

Table with 4 columns: Category, Budget Year FY 2024-25, Out Year FY 2025-26, Out Year FY 2026-27. Rows include Revenue, Expenditures, Transfers, and Other Budget Impacts.

Summary of Legislation

Current law permits county clerk and recorders to collect fees for filing or recording certain documents. The bill changes recording fees to a flat \$40 fee for most recorded documents and prohibits fee collection for a certificate of death, verification of death document, or certified copy of either. The statutory fee structure for county clerk and recorders is repealed on December 31, 2029.

Additionally, the bill delays the repeal date and sunset review for the Electronic Recording Technology Board (ERTB) and associated grant program from September 1, 2026 to September 1, 2029.

Background

The ERTB is an enterprise in the Department of State that is authorized to impose an electronic filing charge and surcharge on all documents received by a county clerk and recorder. This fee revenue is used to award grants to counties to improve their electronic filing systems.

State Revenue and Expenditures

The bill continues about \$3.1 million in annual revenue and expenditures associated with the ERTB for three years, from FY 2026-27 through FY 2028-29, by delaying the Board's repeal date to September 1, 2029. Revenue is deposited and spent from the Electronic Recording Technology Cash Fund. As an enterprise, ERTB revenue is not subject to the state's revenue limit under TABOR. The ERTB will continue to use enterprise fee revenue to provide grants to counties, and for program administration. Expenditures are assumed to match available revenue.

Additionally, workload in the Department of Regulatory Agencies related to the sunset review of the ERTB will shift from FY 2025-26 to FY 2027-28. No change in appropriations is required.

Local Government

Starting in FY 2024-25, revenue and workload in the county clerk and recorder's office will change as a result of modified fee structures and collection. The fiscal note assumes that local revenue will increase and workload will decrease due to streamlined processes and administrative cost savings. At this time, data to estimate the potential change in county filing fee revenue are not available.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to documents filed or recorded on or after the bill's effective date.

State and Local Government Contacts

Counties	County Clerks	Information Technology
Municipalities	Public Health and Environment	Regulatory Agencies

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).