

CHAPTER 223

GOVERNMENT - COUNTY

HOUSE BILL 04-1413

BY REPRESENTATIVE(S) Plant, Witwer, Young, and Vigil;
also SENATOR(S) Teck, Owen, Reeves, and Kester.

AN ACT

CONCERNING THE SURCHARGE COLLECTED ON DOCUMENTS RECEIVED BY A COUNTY CLERK AND RECORDER THAT IS USED FOR THE PURPOSE OF DEFRAYING THE COSTS OF PROVIDING ELECTRONIC FILING CAPABILITIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 30-10-421 (1), (2), (3), and (5), Colorado Revised Statutes, are amended to read:

30-10-421. Filing surcharge. (1) (a) Beginning September 1, 2002, AND THROUGH JUNE 30, 2004, the county clerk and recorder shall collect a surcharge of one dollar for each document received for recording or filing in his or her office. The surcharge shall be in addition to any other fees permitted by statute.

(b) ON AND AFTER JULY 1, 2004, AND THROUGH JUNE 30, 2005, THE COUNTY CLERK AND RECORDER SHALL COLLECT A SURCHARGE OF UP TO FIFTY CENTS FOR EACH DOCUMENT RECEIVED FOR RECORDING OR FILING IN HIS OR HER OFFICE. EACH CLERK AND RECORDER SHALL ESTABLISH THE AMOUNT OF THE SURCHARGE TO BE COLLECTED BY HIS OR HER COUNTY, BUT IN NO CIRCUMSTANCE SHALL THE SURCHARGE EXCEED FIFTY CENTS PER DOCUMENT. THE SURCHARGE SHALL BE IN ADDITION TO ANY OTHER FEES PERMITTED BY STATUTE.

(2) The county clerk and recorder shall transmit fifty cents out of each dollar collected PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION to the state treasurer who shall credit the same to the clerk and recorder electronic filing technology fund created in section 30-10-422.

(3) (a) The county clerk and recorder may retain the remaining fifty cents out of each dollar collected PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION to be utilized to defray the costs of implementing and providing electronic filing and recording capabilities. If the clerk and recorder elects not to retain any portion of the fifty cents, he or she shall transmit such unused portion to the state treasurer who shall credit the same to the clerk and recorder electronic filing technology fund. ~~If the clerk and recorder retains any portion of the fifty cents but does not use such moneys to defray the costs of implementing and providing electronic filing and recording capabilities by January 1, 2006, he or she shall immediately transmit the unused moneys to the state treasurer who shall credit the same to the fund.~~

(b) THE COUNTY CLERK AND RECORDER SHALL USE THE PROCEEDS OF THE FEE COLLECTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION TO DEFRAY THE COSTS OF IMPLEMENTING AND PROVIDING ELECTRONIC FILING AND RECORDING CAPABILITIES.

~~(5) This section is repealed, effective July 1, 2005.~~

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 12, 2004