

CHAPTER 289

COURTS

HOUSE BILL 08-1253

BY REPRESENTATIVE(S) White, Buescher, Pommer, Green, and Rice;
also SENATOR(S) Morse, Keller, and Johnson.

AN ACT

CONCERNING THE CREATION OF THE JUDICIAL DEPARTMENT INFORMATION TECHNOLOGY CASH FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Article 32 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

13-32-114. Judicial department information technology cash fund - creation - uses - repeal. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE JUDICIAL DEPARTMENT INFORMATION TECHNOLOGY CASH FUND, WHICH SHALL BE REFERRED TO IN THIS SECTION AS THE "FUND". THE JUDICIAL DEPARTMENT SHALL TRANSMIT TO THE STATE TREASURER FOR DEPOSIT IN THE FUND ALL FEES AND COST RECOVERIES, WHICH ARE NOT OTHERWISE REQUIRED BY LAW TO BE DEPOSITED IN ANOTHER FUND, RELATED TO:

- (a) ELECTRONIC FILINGS;
- (b) NETWORK ACCESS AND SEARCHES OF COURT DATABASES;
- (c) ELECTRONIC SEARCHES OF COURT RECORDS; AND
- (d) ANY OTHER INFORMATION TECHNOLOGY SERVICES.

(2) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE JUDICIAL DEPARTMENT FOR ANY EXPENSES RELATED TO THE DEPARTMENT'S INFORMATION TECHNOLOGY NEEDS. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTION 24-36-113, C.R.S. ALL

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

INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(3) (a) ANY UNEXPENDED MONEYS FROM THE FEES AND COST RECOVERIES IDENTIFIED IN SUBSECTION (1) OF THIS SECTION THAT THE JUDICIAL DEPARTMENT TRANSMITTED TO THE STATE TREASURER DURING THE 2007-08 STATE FISCAL YEAR PRIOR TO THE EFFECTIVE DATE OF THIS SECTION SHALL BE CREDITED TO THE FUND UPON THE EFFECTIVE DATE OF THIS SECTION.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2009.

SECTION 2. 24-75-402 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions. (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(v) THE JUDICIAL DEPARTMENT INFORMATION TECHNOLOGY CASH FUND CREATED IN SECTION 13-32-114, C.R.S.

SECTION 3. Adjustments to the 2008 long bill. The appropriation to the judicial department, division of integrated information services, that is from various fees and other cost recoveries shall instead be out of any moneys not otherwise appropriated in the judicial department information technology cash fund created in section 13-32-114, C.R.S.

SECTION 4. 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 27, 2008