

CHAPTER 289

GOVERNMENT - STATE

HOUSE BILL 21-1225

BY REPRESENTATIVE(S) Bird and Will, Bennett, Cutter, Exum, Gray, Kipp, Lontine, Ricks, Snyder;
also SENATOR(S) Bridges and Kirkmeyer, Moreno.

AN ACT

CONCERNING THE ELECTRONIC RECORDING TECHNOLOGY BOARD, AND, IN CONNECTION THEREWITH, DELAYING THE BOARD'S REPEAL AND SUNSET REVIEW SO THAT THE BOARD MAY CONTINUE MAKING GRANTS TO COUNTIES, EXTENDING THE FILING SURCHARGE COLLECTED BY COUNTY CLERK AND RECORDERS ON BEHALF OF THE BOARD, EXPANDING THE SCOPE OF ALLOWABLE GRANTS, AND EXTENDING REPORTING REQUIREMENTS.

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

SECTION 1. In Colorado Revised Statutes, 2-3-1203, **repeal** (13)(a)(III); and **add** (17)(a)(V) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (13) (a) The following statutory authorizations for the designated advisory committees are scheduled for repeal on September 1, 2022:

(III) ~~The electronic recording technology board created in part 4 of article 21 of title 24, C.R.S.;~~

(17) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2026:

(V) THE ELECTRONIC RECORDING TECHNOLOGY BOARD CREATED IN PART 4 OF ARTICLE 21 OF TITLE 24.

SECTION 2. In Colorado Revised Statutes, 24-21-403, **amend** (2) as follows:

24-21-403. Core goals - powers and duties - rules. (2) In order to accomplish its business purpose, the board may impose an electronic filing surcharge of up to two dollars that is uniformly collected on all documents received by a county clerk

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

and recorder for recording or filing on or after January 1, 2017, through ~~December 31, 2021~~ APRIL 30, 2026.

SECTION 3. In Colorado Revised Statutes, 24-21-404, **amend** (2) as follows:

24-21-404. Electronic recording technology fund - electronic filing - grants.

(2) (a) The board shall use money in the fund to award grants to counties to:

(I) Establish, maintain, improve, or replace their electronic filing systems; AND

(II) IMPROVE THE SECURITY OF A COUNTY'S GENERAL INFORMATION TECHNOLOGY SYSTEMS, IF THE IMPROVEMENT IS NECESSARY TO IMPROVE THE SECURITY OF THE COUNTY'S ELECTRONIC FILING SYSTEM.

(b) (I) The board shall award grants, whenever possible, in a manner that is designed to achieve the core goals specified in section 24-21-403 (1) over a reasonable period. In making grants to maintain existing electronic filing systems, the board shall give priority to rural counties and to counties that do not have sufficient revenue from the surcharge proceeds retained in accordance with section 30-10-421 (3)(b) ~~C.R.S.~~, to maintain their electronic filing systems. The board shall develop a grant application process and award grants based on a scoring system that incorporates the core goals.

(II) THE BOARD MAY APPROVE A GRANT APPLICATION TO ESTABLISH, MAINTAIN, IMPROVE, OR REPLACE AN ELECTRONIC FILING SYSTEM NOTWITHSTANDING THAT A PORTION OF THE GRANT WILL BE USED TO ENABLE THE SYSTEM TO RECEIVE, STORE, MANAGE, AND PROVIDE ONLINE ACCESS TO PUBLIC DOCUMENTS THAT ARE MAINTAINED BY THE COUNTY CLERK AND RECORDER BUT THAT ARE NOT RELATED TO REAL PROPERTY.

SECTION 4. In Colorado Revised Statutes, 24-21-406, **amend** (1) introductory portion and (3) as follows:

24-21-406. Reporting - annual - five-year report. (1) Notwithstanding section 24-1-136 (11), on or before September 1, 2017, and each September 1 thereafter until ~~September 1, 2022~~ SEPTEMBER 1, 2025, the board shall prepare a report that, for each grant made during the prior fiscal year, describes the:

(3) On or before January 1, 2021, AND BEFORE JANUARY 1, 2026, the board shall report to the general assembly about the overall success of the grant program established by this part 4.

SECTION 5. In Colorado Revised Statutes, **amend** 24-21-407 as follows:

24-21-407. Repeal of part. This part 4 is repealed, effective ~~September 1, 2022~~ SEPTEMBER 1, 2026. Prior to such repeal, the board shall be reviewed as provided in section 2-3-1203. ~~C.R.S.~~

SECTION 6. In Colorado Revised Statutes, 30-10-421, **amend** (1)(c) as follows:

30-10-421. Filing surcharge - definitions. (1) (c) Beginning January 1, 2017,

and through ~~December 31, 2021~~ APRIL 30, 2026, the county clerk and recorder shall collect the surcharge imposed by the electronic recording technology board under section 24-21-403 (2) C.R.S., for each document received for recording or filing in his or her office. The surcharge is in addition to any other fees permitted by statute.

SECTION 7. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 22, 2021