

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0886.01 Rebecca Bayetti x4348

HOUSE BILL 24-1269

HOUSE SPONSORSHIP

Mauro,

SENATE SPONSORSHIP

Kolker,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING RECORDING FEES, AND, IN CONNECTION THEREWITH,
102 MODIFYING FEES COLLECTED BY COUNTY CLERK AND
103 RECORDERS AND DELAYING THE ELECTRONIC RECORDING
104 TECHNOLOGY BOARD'S REPEAL AND SUNSET REVIEW.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill modifies the fees collected by county clerk and recorders to be a flat \$40.00 fee instead of a fee per page, unless otherwise specified. The fees specified in current statute for the following services

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

are repealed so that the fee for each service is the flat \$40.00 fee:

- Filing bonds and licenses;
- Recording plats;
- Entering subsequent taxes paid in tax sale record;
- Entering certificate of redemption in tax sale record; and
- Recording all certificates, affidavits, deeds, or other documents containing the name of one or more mining claims and for indexing these under the name of each mining claim.

The bill further clarifies that no fee is allowed for the filing or recording of a certificate of death, a verification of death document, or a certified copy thereof, and makes conforming amendments.

The bill also delays the repeal and sunset review of the electronic recording technology board by 3 years so that it will take place 13 years after the board's creation in 2016.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-1-103, **amend** (1)
3 and (2) introductory portion; **repeal** (2)(c), (2)(f), (2)(g), (2)(h), and
4 (2)(m); and **add** (6) as follows:

5 **30-1-103. Fees of county clerk and recorders - report - repeal.**

6 (1) Fees collected by county clerk and recorders ~~shall be~~ ARE as follows:
7 For filing or recording each document for which a fee is not specifically
8 provided, except tax schedules and claims against the county, for which
9 no fee ~~shall be~~ IS allowed, in cities and counties and in counties of every
10 class, the ~~clerk shall receive ten~~ FEE IS FORTY dollars for ~~the first page and~~
11 ~~five dollars for each additional page~~ DOCUMENT; EXCEPT THAT NO FEE IS
12 ALLOWED FOR FILING OR RECORDING A CERTIFICATE OF DEATH, A
13 VERIFICATION OF DEATH DOCUMENT, OR A CERTIFIED COPY THEREOF.

14 (2) In cities and counties and in every county, the following fees
15 ~~shall~~ apply:

16 (c) ~~For filing each bond and license, five dollars;~~

17 (f) ~~For recording town plats, subdivision plats, and all other plats,~~

1 and for recording all documents in excess of eight and one-half inches in
2 width or fourteen inches in length, ten dollars per sheet;

3 (g) For entering subsequent taxes paid in tax sale record, five
4 dollars for each certificate;

5 (h) For entering certificate of redemption in tax sale record, five
6 dollars for each certificate;

7 (m) For recording all certificates, affidavits, deeds, or other
8 documents containing the name of one or more mining claims and for
9 indexing the same under the name of each such mining claim, five dollars
10 per page, plus twenty-five cents for each mining claim named therein.

11 (6) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2029.

12 **SECTION 2.** In Colorado Revised Statutes, 34-43-114, **repeal** (3)
13 as follows:

14 **34-43-114. Affidavit of annual labor, improvements, or**
15 **payment of federal claim rental fee - effect of filing.** (3) The fee for
16 recording the affidavit described in subsection (1) of this section is set
17 forth in section 30-1-103 (2)(m), C.R.S.

18 **SECTION 3.** In Colorado Revised Statutes, 38-25-105, **amend**
19 (1)(b) as follows:

20 **38-25-105. Fees.** (1) (b) The fee charged by a county clerk and
21 recorder for filing and indexing each notice of lien or certificate or notice
22 affecting the lien ~~shall be five dollars~~ IS THE FEE SPECIFIED IN SECTION
23 30-1-103 (1).

24 **SECTION 4.** In Colorado Revised Statutes, 38-50-101, **amend**
25 (4)(a) and (4)(b) as follows:

26 **38-50-101. Survey plat - records file and index system -**
27 **informational purpose.** (4) (a) The fee for depositing plats shall not

1 exceed the amount of the fee collected for the recording of subdivision
2 plats established in ~~section 30-1-103 (2)(f), C.R.S.~~ SECTION 30-1-103 (1).

3 (b) The fee for the county surveyor or, if a county surveyor has not
4 been elected or appointed or if the office is vacant, another county official
5 to index and maintain the plats as designated by the county
6 commissioners shall not exceed the amount of the fee collected for the
7 recording of subdivision plats established in ~~section 30-1-103 (2)(f),~~
8 ~~C.R.S.~~ SECTION 30-1-103 (1).

9 **SECTION 5.** In Colorado Revised Statutes, 2-3-1203, **repeal**
10 (17)(a)(V); and **add** (20)(a)(V) as follows:

11 **2-3-1203. Sunset review of advisory committees - legislative**
12 **declaration - definition - repeal.** (17) (a) The following statutory
13 authorizations for the designated advisory committees will repeal on
14 September 1, 2026:

15 (V) ~~The electronic recording technology board created in part 4~~
16 ~~of article 21 of title 24;~~

17 (20) (a) The following statutory authorizations for the designated
18 advisory committees will repeal on September 1, 2029:

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

21 **SECTION 6.** In Colorado Revised Statutes, **amend** 24-21-407 as
22 follows:

23 **24-21-407. Repeal of part.** NOTWITHSTANDING SECTION 2-3-1203
24 (1)(a), this part 4 is repealed, effective ~~September 1, 2026~~ SEPTEMBER 1,
25 2029. Prior to such repeal, the board shall be reviewed as provided in
26 section 2-3-1203.

27 **SECTION 7. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect January 1, 2025; except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within the ninety-day period after final adjournment of the general
5 assembly, then the act, item, section, or part will not take effect unless
6 approved by the people at the general election to be held in November
7 2024 and, in such case, will take effect January 1, 2025, or on the date of
8 the official declaration of the vote thereon by the governor, whichever is
9 later.

10 (2) This act applies to documents filed or recorded on or after the
11 applicable effective date of this act.