

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

January 21, 2010
Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

HB10-1062 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. 30-10-101 (1) (a), Colorado Revised Statutes, is
3 amended to read:

4 **30-10-101. Offices - inspection of records - failure to comply**
5 **- penalty.** (1) (a) Every sheriff, county clerk and recorder, AND county
6 treasurer ~~and clerk of the district and county courts~~ shall keep his or her
7 respective office at the county seat of the county and in the office
8 provided by the county, if any such has been provided, or, if there is none
9 provided, then at such place as the board of county commissioners shall
10 direct. Subject to the provisions of part 2 of article 72 of title 24, C.R.S.,
11 and any judicially recognized right of privacy, all books and papers
12 required to be in such offices shall be open to the examination of any
13 person, but no person, except parties in interest, or their attorneys, shall
14 have the right to examine pleadings or other papers filed in any cause
15 pending in such court.

16 **SECTION 2.** 30-10-102 (1), Colorado Revised Statutes, is
17 amended to read:

18 **30-10-102. All money delivered to treasurer - penalty for**
19 **failure.** (1) Except as provided in subsection (2) of this section, every
20 county clerk and recorder, ~~clerk of the district court, clerk of the county~~

1 court, district attorney, sheriff, or other state or county officer appointed
2 by law, required or permitted to receive and pay over to the county
3 treasurer any taxes, fines, fees, or other moneys whatsoever, within thirty
4 days after the receipt of such moneys, shall pay the same over to the
5 county treasurer, and together therewith such officer so paying over the
6 same shall deliver to the county treasurer a statement of the amount of
7 such moneys so collected by him and paid over, which statement shall be
8 signed by the person paying the same, sworn to before the county
9 treasurer, and then filed and preserved in the office of such treasurer.
10 Every person falsely swearing in any such statement is guilty of perjury
11 in the second degree. The county treasurer shall not demand or receive
12 any fee for administering the oath required by this section."

13 Renumber succeeding sections accordingly.

14 Page 15, strike lines 19 and 20 and substitute "allocated for a definite
15 purpose and so maintained. The treasurer and the sureties on his or her
16 official bond ~~are~~ OR THE INSURER ON THE CRIME INSURANCE POLICY, AS
17 APPLICABLE, SHALL BE liable at the action of".

18 Page 18, after line 6 insert:

19 "SECTION 31. 38-36-110, Colorado Revised Statutes, is
20 amended to read:

21 **38-36-110. Bond of registrar.** (1) EXCEPT AS PROVIDED IN
22 SUBSECTION (2) OF THIS SECTION, every county clerk and recorder shall,
23 before entering upon ~~his~~ THE duties as registrar of titles, give a bond with
24 sufficient sureties, to be approved by a judge of the district court of ~~his~~
25 THE county, payable to the people of the state of Colorado in such sum as
26 is fixed by the said judge of the district court, conditioned for the faithful
27 discharge of ~~his~~ duties and to deliver up all papers, books, records, and
28 other property belonging to the county or appertaining to ~~his~~ THE office
29 as registrar of titles, whole, safe, and undefaced, when lawfully required
30 to do so. The bond shall be filed in the office of the secretary of state and
31 a copy thereof shall be filed and entered upon the records of the district
32 court in the county wherein the county clerk and recorder holds ~~his~~ office.

33 (2) IN LIEU OF THE BOND REQUIRED BY SUBSECTION (1) OF THIS
34 SECTION, A COUNTY MAY PURCHASE CRIME INSURANCE COVERAGE ON
35 BEHALF OF THE COUNTY CLERK AND RECORDER TO PROTECT THE PEOPLE

1 OF THE COUNTY FROM ANY MALFEASANCE ON THE PART OF THE COUNTY
2 CLERK AND RECORDER WHILE IN OFFICE AND TO ENSURE THE COUNTY
3 CLERK AND RECORDER'S FAITHFUL PERFORMANCE OF DUTY."

4 Renumber succeeding section accordingly.

** ** ** ** **