

UPDATED SUMMARY
SENATE BILL 16-115

Second Regular Session - Seventieth Colorado General Assembly

This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.

The bill creates the electronic recording technology board (board) in the department of state. The board, which is authorized to issue revenue bonds, is established as an enterprise. So long as it constitutes an enterprise, the board is not subject to any provisions of section 20 of article X of the state constitution. The board sunsets in 6 years, but prior to that sunset, it is subject to a sunset review.

The board is authorized to impose a surcharge of up to \$2 on all documents that a clerk and recorder receives for recording or filing. If imposed, counties are required to collect the surcharge on behalf of the board and transmit it to the state treasurer for deposit in the newly created electronic recording technology fund (fund).

The board is required to:

- ! Develop a strategic plan incorporating the core goals of security, accuracy, sequencing, online public access, standardization, and preservation of public records;
- ! Determine functionality standards for an electronic filing system that support the core goals;
- ! Issue a request for proposal for electronic filing system equipment and software that will be available to counties on an optional basis;
- ! Develop best practices for an electronic filing system;
- ! Provide training to clerk and recorders related to electronic filing systems; and
- ! Make grants to counties to establish, maintain, improve, or replace electronic filing systems for documents that are recorded with a clerk and recorder. In awarding grants, the board is required to give priority for grants to counties that do not have sufficient revenue from the surcharge proceeds to maintain their existing electronic filing systems.

The money in the fund is continuously appropriated to the board to be used for these purposes.

The bill repeals the secretary of state's powers to ensure uniformity related to electronic filing systems, which powers become the board's responsibility, and requires the ~~department of state~~ board to prepare an annual report that is published online about the grants that the board made in the prior fiscal year.

The bill also extends the one-dollar surcharge that a county clerk and recorder is currently required to collect and use for the county's core or electronic filing system for 9.5 years. The definition of "electronic filing system" is expanded to include elements of the "core filing system", which term is repealed.

Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.
Prepared by the Office of Legislative Legal Services.