

**Ouray County
Resolution**

Re: Creation of Clerk and Recorder Electronic Filing Technology Fund

Whereas, pursuant to Colorado Revised Statutes, 30-10-421, beginning September 1, 2002, the County Clerk and Recorder shall collect a surcharge of one dollar for each document received for recording or filing in her office. The surcharge shall be in addition to any other fees permitted by statute, and

Whereas, the statutes provide that the County Clerk and Recorder may retain .50 cents out of each dollar collected to be utilized to defray the costs of implementing and providing electronic filing and recording capabilities, and

Whereas, such dollars must be used by January 1, 2006, for the purpose referenced above, or such funds or unused funds shall be transmitted to the State Treasurer.

Now, Therefore, Be It Resolved by the Board of County Commissioners of Ouray County, Colorado *authorizing the County Treasurer to establish a new fund entitled "Clerk and Recorder Electronic Filing Technology Fund" as provided for in C.R.S. 30-10-421.*

Adopted this 18th, day of November, 2002.

Board of Ouray County Commissioners
Ouray County, Colorado

Attest:

Michelle Olin
Michelle Olin, County Clerk and Recorder

Shelli Banks
By: Shelli Banks,
Deputy Clerk of the Board

Bill Ferguson
Bill Ferguson, Chairman

Alan Staehle
Alan Staehle, Vice Chairman

Don Batchelder
Don Batchelder, Member

30-10-420. Maintenance of trade name registration. Every county clerk and recorder shall maintain trade name registration records provided by the department of revenue.

Source: L. 83: Entire section added, p. 984, § 4, effective July 1, 1985.

Cross references: For the registration of trade names, see part 3 of article 35 of title 24.

30-10-421. Filing surcharge - repeal. (1) Beginning September 1, 2002, the county clerk and recorder shall collect a surcharge of one dollar for each document received for recording or filing in his or her office. The surcharge shall be in addition to any other fees permitted by statute.

(2) The county clerk and recorder shall transmit fifty cents out of each dollar collected to the state treasurer who shall credit the same to the clerk and recorder electronic filing technology fund created in section 30-10-422.

(3) The county clerk and recorder may retain the remaining fifty cents out of each dollar collected to be utilized to defray the costs of implementing and providing electronic filing and recording capabilities. If the clerk and recorder elects not to retain any portion of the fifty cents, he or she shall transmit such unused portion to the state treasurer who shall credit the same to the clerk and recorder electronic filing technology fund. If the clerk and recorder retains any portion of the fifty cents but does not use such moneys to defray the costs of implementing and providing electronic filing and recording capabilities by January 1, 2006, he or she shall immediately transmit the unused moneys to the state treasurer who shall credit the same to the fund.

(4) County governments shall be exempt from all fees authorized to be collected under the provisions of this section if the county or any agency thereof is the grantor or grantee of the document being recorded or if a delegate child support enforcement unit files or records documents for the purpose of collecting child support, child support arrears, maintenance, maintenance when combined with child support, retroactive support, or child support debt.

(5) This section is repealed, effective July 1, 2005.

Source: L. 2002: Entire section added, p. 791, § 5, effective August 7.

Editor's note: This section was contained in a 2002 act that was passed without a safety clause. For further explanation concerning the effective date, see page vii of this volume.

30-10-422. Clerk and recorder electronic filing technology fund. (1) There is hereby created a fund to be known as the clerk and recorder electronic filing technology fund, referred to in this section as the "fund". The fund shall be administered by the clerk and recorder electronic filing technology fund advisory panel created in section 30-10-423 and shall consist of all moneys received pursuant to section 30-10-421.

(2) The moneys in the fund shall be used by the clerk and recorder electronic filing technology fund advisory panel to make grants to counties that apply for such grants. It is the intent of the general assembly that the grants shall be given to counties that otherwise lack sufficient resources to purchase the technology necessary for the clerk and recorder to accept electronic filings.

(3) The moneys in the fund shall not be deposited in or transferred to the general fund of this state or any other fund. Any interest earned on the investment or deposit of moneys in the fund shall be credited to and used for the same purpose as other moneys in said fund.

Source: L. 2002: Entire section added, p. 792, § 5, effective August 7.

Editor's note: This section was contained in a 2002 act that was passed without a safety clause. For further explanation concerning the effective date, see page vii of this volume.

30-10-423. Clerk and recorder electronic filing technology fund advisory panel - creation - powers - repeal. (1) There is hereby created the clerk and recorder electronic filing technology fund advisory panel in the department of state, referred to in this section as the "panel".

(2) (a) The panel shall consist follows:

(i) Two members shall be clerk

(ii) One member shall be a cou

(iii) One member shall be a pe

department of state or the office of

(iv) One member shall be a rep

force.

(b) The terms for all members sh

(3) The panel shall meet at leas

ceedings. Members of the panel sha

reimbursement for actual and nece

duties.

(4) The panel shall recommend p

ings and recordings. Such recommend

(5) The panel shall have the powe

counties funded by the clerk and reco

in section 30-10-422. The panel shall

perform any other duties that are cons

state.

(6) The moneys in the clerk and re

ject to annual appropriation by the ge

providing grants to counties that othe

nology necessary for the clerk and re

amount equal to the direct and indire

provisions of this section and related r

used by the panel to cover such costs.

(7) The secretary of state shall pron

tion process and any other rules necess

(8) This section is repealed, effectiv

Source: L. 2002: Entire section added

Editor's note: This section was contained in

further explanation concerning the effective c

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Cross references: For sheriffs' fees, see § 30-

30-10-501. Sheriff - election - bond. A

term of four years, and, before he enters i

the people of the state of Colorado a bon

penal sum not less than five thousand nor i

of county commissioners, or, if it is not in s

the approval of such board at its next sess

bond when thus approved shall be filed in t

to person shall be received as surety who i

and above his just debts.

Source: G.L. § 489. G.S. § 593. R.S. 08: §

35-1. L. 56: p. 128, § 2. C.R.S. 1963: § 35-4

Cross references: For the election of county offi

to bonds executed by surety companies, see § 10-4

116 for bonds of county officers, see § 30-10-110.

Am. Jur.2d. See 70 Am. Jur.2d, Sheriffs,

Police and Constables, § 6, 8.