

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 12-0855.02 Nicole Myers x4326

HOUSE BILL 12-1329

HOUSE SPONSORSHIP

Scott and Pabon, Sonnenberg, Looper, Barker, Nikkel, Liston, Kerr J., Stephens, Vaad

SENATE SPONSORSHIP

Nicholson,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE COUNTY TREASURER BECOMING THE PUBLIC**
102 **TRUSTEE IN CERTAIN COUNTIES WHERE THE PUBLIC TRUSTEE IS**
103 **CURRENTLY APPOINTED BY THE GOVERNOR.**

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://www.leg.state.co.us/billsummaries>.)

Currently, the 11 counties designated as counties of the first or second class for purposes of the public trustee law have a public trustee who is appointed by the governor. In counties of the third class, the county treasurer serves as the public trustee.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 26, 2012

HOUSE
Amended 2nd Reading
April 25, 2012

On January 1, 2013, certain counties of the second class change to counties of the third class. In such counties, the term of the public trustee appointed by the governor expires on December 31, 2012, and the county treasurer of the county becomes the public trustee on January 1, 2013. Such counties shall no longer have a separate office of the public trustee with the trustee appointed by the governor.

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

SECTION 1. In Colorado Revised Statutes, 38-37-104, add (6), (7), and (8) as follows:

38-37-104. Duties of public trustees - fees, expenses, and salaries - reports. (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE POWER OF THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY TO ADOPT AN ANNUAL BUDGET FOR THE OPERATION OF THE COUNTY GOVERNMENT PURSUANT TO SECTION 30-11-107 (2) (a), C.R.S., SHALL INCLUDE THE BUDGET OF THE OFFICE OF THE PUBLIC TRUSTEE. EACH PUBLIC TRUSTEE SHALL MAKE APPROPRIATE BUDGET RECOMMENDATIONS FOR THE OPERATION OF THE OFFICE OF THE PUBLIC TRUSTEE EACH YEAR TO THE BOARD OF COUNTY COMMISSIONERS IN THE COUNTY IN WHICH HE OR SHE SERVES AND SHALL BE SUBJECT TO ALL OTHER PROVISIONS OF SECTION 30-11-107 (2) (a), C.R.S.

(7) THE OFFICE OF THE PUBLIC TRUSTEE IS SUBJECT TO ANNUAL AUDIT PURSUANT TO THE "COLORADO LOCAL GOVERNMENT AUDIT LAW", PART 6 OF ARTICLE 1 OF TITLE 29, C.R.S.; EXCEPT THAT THE OFFICE OF THE PUBLIC TRUSTEE OF ANY TRUSTEE WHO IS APPOINTED BY THE GOVERNOR SHALL INSTEAD BE SUBJECT TO AN INDIVIDUAL ANNUAL AUDIT PURSUANT TO SECTION 29-1-603 (1.5), C.R.S.

(8) EACH PUBLIC TRUSTEE WHO IS APPOINTED BY THE GOVERNOR SHALL BE SUBJECT TO THE STATE "PROCUREMENT CODE", ARTICLES 101

1 TO 112 OF TITLE 24, C.R.S., FOR ANY PURCHASE OF TWENTY THOUSAND
2 DOLLARS OR MORE AND FOR ANY MULTIPLE YEAR PURCHASE AGREEMENT;
3 EXCEPT THAT, IF THE PROCUREMENT RULES ESTABLISHED FOR THE COUNTY
4 IN WHICH THE PUBLIC TRUSTEE SERVES REQUIRE AN OPEN AND
5 COMPETITIVE BIDDING PROCESS, THE PUBLIC TRUSTEE MAY APPLY THE
6 COUNTY PROCUREMENT RULES.

7 **SECTION 2.** In Colorado Revised Statutes, 29-1-603, **add** (1.5)
8 as follows:

9 **29-1-603. Audits required.** (1.5) NOTWITHSTANDING THE
10 PROVISIONS OF THIS PART 6, BEGINNING JANUARY 1, 2013, THE OFFICE OF
11 THE COUNTY PUBLIC TRUSTEE OF ANY TRUSTEE WHO IS APPOINTED BY THE
12 GOVERNOR PURSUANT TO SECTION 38-37-102 (1), C.R.S., SHALL CAUSE TO
13 BE MADE AN ANNUAL AUDIT OF THE FINANCIAL ACTIVITIES OF THE OFFICE
14 OF THE PUBLIC TRUSTEE THAT IS SEPARATE FROM THE AUDIT MADE
15 PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND SUCH OFFICES OF THE
16 PUBLIC TRUSTEE NEED NOT BE INCLUDED IN THE COUNTY AUDIT MADE
17 PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE OFFICE OF THE
18 COUNTY PUBLIC TRUSTEE OF ANY TRUSTEE WHO IS THE COUNTY
19 TREASURER PURSUANT TO SECTION 38-37-102 (2), C.R.S., SHALL
20 CONTINUE TO BE INCLUDED IN THE COUNTY AUDIT MADE PURSUANT TO
21 SUBSECTION (1) OF THIS SECTION.

22 **SECTION 3. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2012 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.