

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

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Nicholson,

House Committees
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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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 38-37-104, **add**
3 (6), (7), and (8) as follows:

4 **38-37-104. Duties of public trustees - fees, expenses, and**
5 **salaries - reports.** (6) THE PUBLIC TRUSTEE OF EACH COUNTY SHALL
6 ADOPT A BUDGET PURSUANT TO THE REQUIREMENTS OF PART 1 OF ARTICLE
7 1 OF TITLE 29, C.R.S., AND SHALL SUBMIT THE BUDGET TO THE BOARD OF
8 COUNTY COMMISSIONERS OF THE COUNTY IN WHICH HE OR SHE SERVES FOR
9 REVIEW BY THE BOARD.

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

16 (8) EACH PUBLIC TRUSTEE WHO IS APPOINTED BY THE GOVERNOR
17 SHALL BE SUBJECT TO THE STATE "PROCUREMENT CODE", ARTICLES 101
18 TO 112 OF TITLE 24, C.R.S., FOR ANY PURCHASE OF TWENTY THOUSAND
19 DOLLARS OR MORE AND FOR ANY MULTIPLE YEAR PURCHASE AGREEMENT;
20 EXCEPT THAT, IF THE PROCUREMENT RULES ESTABLISHED FOR THE COUNTY
21 IN WHICH THE PUBLIC TRUSTEE SERVES REQUIRE AN OPEN AND
22 COMPETITIVE BIDDING PROCESS, THE PUBLIC TRUSTEE MAY APPLY THE

1 COUNTY PROCUREMENT RULES.

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

4 **29-1-603. Audits required.** (1.5) NOTWITHSTANDING THE
5 PROVISIONS OF THIS PART 6, BEGINNING JANUARY 1, 2013, THE OFFICE OF
6 THE COUNTY PUBLIC TRUSTEE OF ANY TRUSTEE WHO IS APPOINTED BY THE
7 GOVERNOR PURSUANT TO SECTION 38-37-102 (1), C.R.S., SHALL CAUSE TO
8 BE MADE AN ANNUAL AUDIT OF THE FINANCIAL ACTIVITIES OF THE OFFICE
9 OF THE PUBLIC TRUSTEE THAT IS SEPARATE FROM THE AUDIT MADE
10 PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND SUCH OFFICES OF THE
11 PUBLIC TRUSTEE NEED NOT BE INCLUDED IN THE COUNTY AUDIT MADE
12 PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE OFFICE OF THE
13 COUNTY PUBLIC TRUSTEE OF ANY TRUSTEE WHO IS THE COUNTY
14 TREASURER PURSUANT TO SECTION 38-37-102 (2), C.R.S., SHALL
15 CONTINUE TO BE INCLUDED IN THE COUNTY AUDIT MADE PURSUANT TO
16 SUBSECTION (1) OF THIS SECTION.

17 **SECTION 3. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2012 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.