

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

SENATE SPONSORSHIP

(None),

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.

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) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
6 ARTICLE, THE POWER OF THE BOARD OF COUNTY COMMISSIONERS OF EACH
7 COUNTY TO ADOPT AN ANNUAL BUDGET FOR THE OPERATION OF THE
8 COUNTY GOVERNMENT PURSUANT TO SECTION 30-11-107 (2) (a), C.R.S.,
9 SHALL INCLUDE THE BUDGET OF THE OFFICE OF THE PUBLIC TRUSTEE.
10 EACH PUBLIC TRUSTEE SHALL MAKE APPROPRIATE BUDGET
11 RECOMMENDATIONS FOR THE OPERATION OF THE OFFICE OF THE PUBLIC
12 TRUSTEE EACH YEAR TO THE BOARD OF COUNTY COMMISSIONERS IN THE
13 COUNTY IN WHICH HE OR SHE SERVES AND SHALL BE SUBJECT TO ALL
14 OTHER PROVISIONS OF SECTION 30-11-107 (2) (a), C.R.S.

15 (7) EACH PUBLIC TRUSTEE WHO IS APPOINTED BY THE GOVERNOR
16 SHALL BE SUBJECT TO BIENNIAL AUDIT BY THE STATE AUDITOR. THE
17 STATE AUDITOR'S REPORT REGARDING SUCH PUBLIC TRUSTEE SHALL BE A
18 PUBLIC RECORD FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT",
19 PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

20 (8) EACH PUBLIC TRUSTEE WHO IS APPOINTED BY THE GOVERNOR
21 SHALL BE SUBJECT TO THE STATE "PROCUREMENT CODE", ARTICLES 101
22 TO 112 OF TITLE 24, C.R.S., FOR ANY PURCHASE OF TWENTY THOUSAND

1 DOLLARS OR MORE AND FOR ANY MULTIPLE YEAR PURCHASE AGREEMENT;
2 EXCEPT THAT, IF THE PROCUREMENT RULES ESTABLISHED FOR THE COUNTY
3 IN WHICH THE PUBLIC TRUSTEE SERVES REQUIRE AN OPEN AND
4 COMPETITIVE BIDDING PROCESS, THE PUBLIC TRUSTEE MAY APPLY THE
5 COUNTY PROCUREMENT RULES.

6 **SECTION 2. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2012 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.