

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0667.01 Ed DeCecco x4216

HOUSE BILL 19-1018

HOUSE SPONSORSHIP

Bockenfeld,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Local Government
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF A LOCAL GOVERNMENT'S**
102 **AUTHORITY TO OPT OUT OF THE "UNCLAIMED PROPERTY ACT".**

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://leg.colorado.gov>.)

Currently, if a local government enacts a local law related to the disposition of abandoned intangible property it holds for an owner and the local law is inconsistent with the requirements of the "Unclaimed Property Act" (act), then the local law controls the disposition of the property. **Sections 2 and 4** of the bill eliminate this exception effective September 1, 2019, so that a local government is required to comply with

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

the act like any other holder of abandoned intangible property. **Section 3** requires a local government that holds intangible property that was previously exempt from the act to pay or deliver the property to the administrator on or before January 1, 2020. **Section 1** specifies that a county's discretionary power to dispose of abandoned personal property acquired by an elected official or county employee only applies to tangible personal property and does not apply to intangible property, which is subject to the act.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-11-101, **amend**
3 (1)(i) as follows:

4 **30-11-101. Powers of counties.** (1) Each organized county
5 within the state shall be a body corporate and politic and as such shall be
6 empowered for the following purposes:

7 (i) To dispose of abandoned TANGIBLE personal property acquired
8 by an elected county official or county employee in performing official
9 duties. ~~Said~~ THE TANGIBLE personal property may be disposed of only
10 after the exercise of due diligence to determine the owner of such
11 personal property. ~~Such~~ THE TANGIBLE personal property may be sold,
12 discarded, or used for county purposes as the board of county
13 commissioners deems to be in the best interests of the county. THE POWER
14 CONFERRED TO A COUNTY UNDER THIS SUBSECTION (1)(i) DOES NOT APPLY
15 TO INTANGIBLE PROPERTY, WHICH IS SUBJECT TO THE "UNCLAIMED
16 PROPERTY ACT", ARTICLE 13 OF TITLE 38.

17 **SECTION 2.** In Colorado Revised Statutes, 38-13-104, **amend**
18 (1) introductory portion as follows:

19 **38-13-104. General rules for taking custody of intangible**
20 **unclaimed property.** (1) Unless otherwise provided in this ~~article~~
21 ARTICLE 13 or by other statute, ~~or local law~~, intangible property is subject

1 to the custody of this state as unclaimed property if the conditions raising
2 a presumption of abandonment under section 38-13-103 or sections
3 38-13-105 to 38-13-109.7 are satisfied and:

4 **SECTION 3.** In Colorado Revised Statutes, 38-13-108.2, **add** (3)
5 as follows:

6 **38-13-108.2. Property held by courts and public agencies.**

7 (3) IF ON SEPTEMBER 1, 2019, A LOCAL GOVERNMENT HOLDS INTANGIBLE
8 PROPERTY FOR AN OWNER THAT IS PRESUMED ABANDONED IN
9 ACCORDANCE WITH THIS SECTION OR ANY OTHER PROVISION OF LAW, BUT
10 THE LOCAL GOVERNMENT HAD AN ORDINANCE OR RESOLUTION THAT PRIOR
11 TO SEPTEMBER 1, 2019, PERMITTED THE LOCAL GOVERNMENT TO DISPOSE
12 OF THE INTANGIBLE PROPERTY IN A MANNER THAT WAS INCONSISTENT
13 WITH THIS ARTICLE 13, THEN THE LOCAL GOVERNMENT SHALL PAY OR
14 DELIVER THE INTANGIBLE PROPERTY TO THE ADMINISTRATOR ON OR
15 BEFORE JANUARY 1, 2020.

16 **SECTION 4.** In Colorado Revised Statutes, **amend** 38-13-134 as
17 follows:

18 **38-13-134. Application of article to other sections.** This ~~article~~
19 ARTICLE 13 applies to any unclaimed or intangible property as provided
20 in this ~~article~~ ARTICLE 13; but, where there is a conflict between this
21 ~~article~~ ARTICLE 13 and a specific statutory provision ~~or local law~~ relating
22 to the disposition of tangible or intangible unclaimed property, such
23 specific statutory provision ~~or local law~~ shall control the disposition of
24 said property.

25 **SECTION 5. Act subject to petition - effective date.** This act
26 takes effect September 1, 2019; except that, if a referendum petition is
27 filed pursuant to section 1 (3) of article V of the state constitution against

1 this act or an item, section, or part of this act within the ninety-day period
2 after final adjournment of the general assembly, then the act, item,
3 section, or part will not take effect unless approved by the people at the
4 general election to be held in November 2020 and, in such case, will take
5 effect on the date of the official declaration of the vote thereon by the
6 governor.