

CHAPTER 57

**GOVERNMENT - COUNTY**

HOUSE BILL 98-1253

BY REPRESENTATIVES Adkins, Kaufman, and Reeser;  
also SENATORS Schroeder and Rupert.

**AN ACT**

CONCERNING THE PAYMENT OF CLAIMS AGAINST ANY COUNTY.

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

**SECTION 1.** 30-10-710, Colorado Revised Statutes, is amended to read:

**30-10-710. Apportionment and separation of funds.** It is the duty of the county treasurer to apportion and keep all taxes collected by him OR HER in the several funds for which the taxes were levied, and it shall not be lawful to use the moneys belonging to any fund for the purpose of paying warrants drawn ~~or which properly should have been drawn~~ upon some other fund OR FOR THE PURPOSE OF PAYING WARRANTS ISSUED BEFORE THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, WHICH PROPERLY SHOULD HAVE BEEN DRAWN UPON SOME OTHER FUND; but the amount of interest gained through the investment of county funds, regardless of the origin of such funds, may be credited to the general fund of the county by the county treasurer, unless such investment is made from specific funds allocated for a definite purpose and so maintained. The treasurer, and the sureties on his OR HER official bond, are liable at the action of any taxpayer of the county for any violation of this section.

**SECTION 2.** 30-10-711, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**30-10-711. Payment of warrants - call published.** (3) THE TREASURER SHALL PAY BY ELECTRONIC TRANSFER ANY WRITTEN AUTHORIZATION ISSUED BY THE BOARD OF COUNTY COMMISSIONERS DIRECTING THE TREASURER TO MAKE PAYMENT OF CLAIMS AGAINST THE COUNTY ELECTRONICALLY.

(4) PAYMENT OF COUNTY WARRANTS AND ORDERS BY ELECTRONIC TRANSFER SHALL BE MADE ONLY AFTER THE TREASURER APPROVES THE RELEASE OF FUNDS FOR

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

SUCH ELECTRONIC TRANSFER.

(5) FOR PURPOSES OF THIS PART 7, "ORDER" MEANS ALL ORDERS AND AUTHORIZATIONS ISSUED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE PAYMENT OF CLAIMS AGAINST THE COUNTY. "ORDER" INCLUDES ANY WARRANT ISSUED BY THE BOARD OF COUNTY COMMISSIONERS AND ANY WRITTEN AUTHORIZATION ISSUED BY THE BOARD OF COUNTY COMMISSIONERS DIRECTING THE TREASURER TO MAKE PAYMENT OF CLAIMS AGAINST THE COUNTY BY ELECTRONIC TRANSFER.

**SECTION 3.** 30-10-718, Colorado Revised Statutes, is amended to read:

**30-10-718. Registry of orders - open to inspection.** Every county treasurer shall keep in his OR HER office a ~~book~~ RECORD to be called the registry of county orders wherein shall be entered at the date of the presentation thereof and without any interval or blank line between any such entry and the one preceding it every county order or other certificate or evidence of county indebtedness ~~at any time~~ presented to such county treasurer for payment AT ANY TIME THAT THE COUNTY HAS INSUFFICIENT FUNDS TO PAY THE INDEBTEDNESS EVIDENCED ON SUCH ORDER OR OTHER CERTIFICATE OR EVIDENCE OF COUNTY INDEBTEDNESS, ~~whether the same is paid at the time of presentation or not~~, the date and number of such order, the amount for which the same is payable, the date of the presentation thereof, the name of the person to whom such order is by the terms thereof payable, and the name of the person presenting the same. Every such registry of county orders, at all reasonable hours, shall be open to inspection and examination of any person desiring to inspect or examine the same.

**SECTION 4.** 30-10-726, Colorado Revised Statutes, is amended to read:

**30-10-726. Failure of treasurer to perform duties - penalty.** Every county treasurer who fails, neglects, or refuses to have and keep in his OR HER office such cash book as required by section 30-10-717 or to set down therein at the time of the receipt thereof any moneys by him OR HER received or collected as such treasurer; or makes any false or deficient entry thereof; or fails, neglects, or refuses to have and keep the said cash book at his OR HER office at all reasonable hours of the day; or fails, neglects, or refuses to permit any person to inspect and examine the same at any reasonable hour of the day; or fails, neglects, or refuses to issue his OR HER receipt for any moneys received by him OR HER as such county treasurer as required by section 30-10-715; or fails, neglects, or refuses to set down in such receipt the kind of funds, whether money, or state or county scrip, or evidence of state or county indebtedness; or fails, neglects, or refuses to have and keep in his OR HER office such register of county orders as required by section 30-10-718; or fails, neglects, or refuses to enter at the time of the presentation every county order ~~which~~ THAT may be presented to him OR HER for payment AT A TIME IN WHICH THE COUNTY HAS INSUFFICIENT FUNDS TO PAY THE INDEBTEDNESS EVIDENCED ON SUCH ORDER; or makes any false entry thereof; or fails, neglects, or refuses to pay any order presented to him OR HER for payment, there being then money in the treasury appropriated for the payment thereof; ~~or wherefrom by law the same ought to be paid~~; or pays any such order, there not being then remaining in the treasury money sufficient wherefrom all orders drawn upon the same fund and previously presented may lawfully be paid, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine

of not less than fifty dollars nor more than five hundred dollars, and the court may adjudge that such treasurer be removed from his office. This section shall extend to the deputies of every such county treasurer.

**SECTION 5.** 30-25-110 (1) and (3), Colorado Revised Statutes, are amended to read:

**30-25-110. Claims presented to board, when - how paid.** (1) Any claim or demand held by any person against a county shall be presented for audit and allowance to the board of county commissioners of the proper county, in due form of law, before an action in any court shall be maintainable thereon, and all claims, when allowed, shall be paid by a county warrant or order, drawn by said board on the county treasury, upon the proper fund in the treasury, for the amount of such claim. IT IS THE DUTY OF THE BOARD OF COUNTY COMMISSIONERS TO ENSURE THAT ALL WARRANTS AND ORDERS ISSUED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, ARE DRAWN UPON THE PROPER FUND IN THE TREASURY AND THAT THERE ARE SUFFICIENT MONEYS IN SAID FUND. Such warrant or order shall be signed by the ~~chairman~~ CHAIRPERSON of the board, permanent or temporary, attested by the county clerk and recorder, ~~and, when presented to the county treasurer for registry, countersigned by him~~ said warrant or order shall specify the amount and value of the claim or service for which it is issued and be numbered and dated in the order in which it is issued.

(3) County warrants and orders may be in such form as the board of county commissioners may provide and may be made payable to the order of the payee or to the bearer. THE BOARD OF COUNTY COMMISSIONERS MAY DIRECT THE TREASURER TO PAY BY ELECTRONIC TRANSFER ANY WRITTEN AUTHORIZATION ISSUED BY THE BOARD FOR ELECTRONIC PAYMENT OF CLAIMS AGAINST THE COUNTY. FOR PURPOSES OF THIS SECTION, "ORDER" MEANS ALL ORDERS AND AUTHORIZATIONS ISSUED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE PAYMENT OF CLAIMS AGAINST THE COUNTY. "ORDER" INCLUDES ANY CHECK ISSUED BY THE BOARD OF COUNTY COMMISSIONERS AND ANY WRITTEN AUTHORIZATION ISSUED BY THE BOARD OF COUNTY COMMISSIONERS DIRECTING THE TREASURER TO MAKE PAYMENT OF CLAIMS AGAINST THE COUNTY BY ELECTRONIC TRANSFER.

**SECTION 6. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 2, 1998