

CHAPTER 190

**PROPERTY**

**HOUSE BILL 12-1329**

BY REPRESENTATIVE(S) Scott and Pabon, Sonnenberg, Looper, Barker, Nikkel, Liston, Kerr J., Stephens, Vaad, Fields, Gardner B., Labuda, Miklosi, Murray, Pace, Waller, Williams A., Vigil, Wilson; also SENATOR(S) Nicholson, Harvey, King S.

**AN ACT**

**CONCERNING THE COUNTY TREASURER BECOMING THE PUBLIC TRUSTEE IN CERTAIN COUNTIES WHERE THE PUBLIC TRUSTEE IS CURRENTLY 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) THE PUBLIC TRUSTEE OF EACH COUNTY SHALL ADOPT A BUDGET PURSUANT TO THE REQUIREMENTS OF PART 1 OF ARTICLE 1 OF TITLE 29, C.R.S., AND SHALL SUBMIT THE BUDGET TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH HE OR SHE SERVES FOR REVIEW BY THE BOARD.

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

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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.*

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

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

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

Approved: May 21, 2012