

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0344.01 Megan McCall x4215

SENATE BILL 23-057

SENATE SPONSORSHIP

Rich, Exum, Liston, Roberts

HOUSE SPONSORSHIP

Taggart,

Senate Committees

Local Government & Housing

House Committees

Transportation, Housing & Local Government

A BILL FOR AN ACT

101 **CONCERNING THE REMOVAL OF THE DUTY OF COUNTY TREASURERS TO**
102 **BE EX OFFICIO DISTRICT TREASURERS FOR SPECIAL PURPOSE**
103 **DISTRICTS PROVIDING DRAINAGE AND IRRIGATION SERVICES.**

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>.)

Under current law, county treasurers are ex officio district treasurers for drainage districts, irrigation districts, and internal improvement districts that provide services related to drainage and ditches (collectively, district). The bill removes the duty of the county treasurer to be ex officio district treasurer and provides that district

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

HOUSE
2nd Reading Unamended
March 14, 2023

SENATE
3rd Reading Unamended
February 22, 2023

SENATE
Amended 2nd Reading
February 21, 2023

treasurers are appointed by the board of directors of the district. The bill also clarifies that duties of the county treasurer as ex officio district treasurer are solely duties of the district treasurer. Additionally, the bill clarifies that irrigation district taxes and internal improvement district taxes are distributed in alignment with current law for the distribution of taxes collected by county treasurers.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-1-102, **amend**
3 (1)(o) and (1)(p) as follows:

4 **30-1-102. Fees of county treasurer - repeal.** (1) The county
5 treasurer shall charge and receive the following fees:

6 (o) (I) For services in collecting drainage district assessments ON
7 OR BEFORE DECEMBER 31, 2025, such amount as the board of directors of
8 the district may allow, but not less than twenty-five dollars nor more than
9 one hundred dollars per annum. THIS SUBSECTION (1)(o)(I) IS REPEALED,
10 EFFECTIVE JULY 1, 2026.

11 (II) FOR SERVICES IN COLLECTING DRAINAGE DISTRICT
12 ASSESSMENTS ON AND AFTER JANUARY 1, 2026, TWENTY-FIVE
13 HUNDREDTHS OF ONE PERCENT UPON ALL MONEY RECEIVED BY THE
14 COUNTY TREASURER FOR ASSESSMENTS LEVIED BY THE DRAINAGE
15 DISTRICT;

16 (p) (I) For services in collecting irrigation district assessments ON
17 OR BEFORE DECEMBER 31, 2025, such amount as the board of directors of
18 the district may allow, but not less than twenty-five dollars nor more than
19 one hundred dollars per annum. THIS SUBSECTION (1)(p)(I) IS REPEALED,
20 EFFECTIVE JULY 1, 2026.

21 (II) FOR SERVICES IN COLLECTING IRRIGATION DISTRICT
22 ASSESSMENTS ON AND AFTER JANUARY 1, 2026, TWENTY-FIVE

1 HUNDREDTHS OF ONE PERCENT UPON ALL MONEY RECEIVED BY THE
2 COUNTY TREASURER FOR ASSESSMENTS LEVIED BY THE IRRIGATION
3 DISTRICT;

4 **SECTION 2.** In Colorado Revised Statutes, **amend** 37-21-104 as
5 follows:

6 **37-21-104. President - secretary - district treasurer - seal.** The
7 board of directors shall elect a president from the members of the board
8 and shall appoint a secretary AND A DISTRICT TREASURER and adopt a
9 drainage district seal.

10 **SECTION 3.** In Colorado Revised Statutes, **amend** 37-22-101 as
11 follows:

12 **37-22-101. Treasurer of drainage district.** The county treasurer
13 ~~of the county in which the office of the drainage district is kept shall be~~
14 ~~ex officio~~ treasurer of the drainage district and shall be liable on his THE
15 DISTRICT TREASURER'S official bond for the safety and disbursement of
16 the funds of ~~said~~ THE drainage district which may come into his THE
17 DISTRICT TREASURER'S hands. ~~The county treasurer shall receive as his~~
18 ~~sole compensation for the collection of taxes levied for the benefit of such~~
19 ~~drainage district such an amount as the board of directors of said district~~
20 ~~may allow, as provided in section 30-1-102, C.R.S., which compensation~~
21 ~~shall be considered as a part of the regular fees of the office of the county~~
22 ~~treasurer to be accounted for by him to the county.~~

23 **SECTION 4.** In Colorado Revised Statutes, 37-25-103, **amend**
24 (4) as follows:

25 **37-25-103. Bonds - issuance - interest.** (4) The ~~said~~ bonds shall
26 bear interest at ~~the~~ A rate of not to exceed eight percent per annum
27 payable semiannually on June 1 and December 1 of each year. The

1 principal and interest shall be payable at the office of the county treasurer
2 of the county in which the organization of the district was effected and at
3 such other place as LOCATION the board of directors may designate
4 DESIGNATES in such THE bond.

5 SECTION 5. In Colorado Revised Statutes, amend 37-41-109 as
6 follows:

7 37-41-109. District treasurer - duties - county treasurer to
8 collect district assessments. (1) (a) The county treasurer of the county
9 in which is located the office of an irrigation district shall be and is
10 hereby constituted ex officio district treasurer of said district. The county
11 DISTRICT treasurer, WHO SHALL BE APPOINTED BY THE BOARD OF shall
12 be liable upon his official bond and to indictment and criminal
13 prosecution for malfeasance, misfeasance, or failure to perform any duty
14 prescribed as that of the county treasurer or district treasurer, as is
15 provided by law in other cases as that of the county treasurer. The
16 treasurer shall DIRECTORS, MAY collect, receive, and receipt for all
17 moneys MONEY belonging to said THE district; EXCEPT THAT DISTRICT
18 ASSESSMENTS SHALL BE COLLECTED BY THE COUNTY TREASURER
19 PURSUANT TO SECTION 39-10-101 AND DISTRIBUTED TO THE DISTRICT
20 TREASURER PURSUANT TO SECTION 39-10-107.

21 (b) It is the duty of the county treasurer of each county in which
22 any irrigation THE district is located in whole or in part to collect and
23 receipt for all taxes ASSESSMENTS levied as provided in section 37-41-123
24 in the same manner and at the same time and on the same receipt as is
25 required in the collection of taxes upon real estate for county purposes.
26 except that such county treasurer shall receive in payment of the general
27 fund tax, for the year in which said taxes are payable, warrants drawn

1 ~~against said general fund, the same as so much lawful money of the~~
2 ~~United States, if such warrant does not exceed the amount of the general~~
3 ~~fund tax which the person tendering the same owes; further except that~~
4 ~~such county treasurer shall receive in payment of the district bond fund~~
5 ~~taxes, for the year in which said taxes are payable, interest coupons or~~
6 ~~bonds of said irrigation district maturing within the year said taxes are~~
7 ~~payable the same as so much lawful money of the United States, if such~~
8 ~~interest coupons or bonds do not exceed the amount of district bonds~~
9 ~~funds tax which the person tendering the same owes~~ THE DISTRICT
10 TREASURER SHALL BE RESPONSIBLE FOR MAKING PAYMENTS TOWARD
11 WARRANTS DRAWN AGAINST THE GENERAL FUND AND FOR MAKING
12 PAYMENTS TOWARD INTEREST COUPONS OR BONDS MATURING WITHIN THE
13 TAX YEAR.

14 (2) The county treasurer ~~of each county comprising a portion only~~
15 ~~of the irrigation district, excepting the county treasurer of the county in~~
16 ~~which the office of said district is located, on the first Monday of every~~
17 ~~month, shall remit to the district treasurer all moneys, warrants, coupons,~~
18 ~~or bonds theretofore~~ MONEY collected or received by ~~him~~ THE COUNTY
19 TREASURER on account of ~~said~~ THE district IN ACCORDANCE WITH SECTION
20 39-10-107. Every ~~county~~ DISTRICT treasurer shall keep a bond fund
21 account and a general fund account. The bond fund account shall consist
22 of all ~~moneys~~ MONEY received on account of interest and principal of
23 bonds issued by ~~said~~ THE district. ~~Said~~ THE accounts for interest and
24 principal ~~shall~~ MUST be kept separate. The general fund ~~shall consist~~
25 CONSISTS of all ~~moneys~~ MONEY or general fund warrants received by the
26 collection of ~~taxes~~ ASSESSMENTS or otherwise. The district treasurer shall
27 pay out of ~~said~~ THE bond fund, when due, the interest and principal of the

1 bonds of ~~said~~ THE district at the time and place specified in ~~said~~ THE
2 bonds and shall pay out of ~~said~~ THE general fund only upon the order of
3 the district, signed by the president and countersigned by the secretary of
4 ~~said~~ THE district. The district treasurer, on the fifteenth day of each
5 month, shall report to the secretary of the district the amount of money ~~in~~
6 ~~his hands~~ POSSESSED BY THE DISTRICT to the credit of ~~said~~ ~~respective~~
7 ~~funds~~ THE BOND FUND AND THE GENERAL FUND, the amount of warrants
8 paid during the previous month, and the amount of registered warrants if
9 any. ~~All such~~ District ~~taxes~~ ASSESSMENTS collected and paid to the county
10 treasurers shall be received by ~~said~~ ~~treasurers~~ in ~~their~~ THE official capacity
11 OF THE COUNTY TREASURERS, and ~~they~~ THE COUNTY TREASURERS shall be
12 responsible for the safekeeping, disbursement, and payment ~~thereof~~ OF
13 THE DISTRICT ASSESSMENTS IN the same MANNER as for other ~~moneys~~
14 MONEY collected by ~~them as such~~ THE COUNTY treasurers.

15 **SECTION 6.** In Colorado Revised Statutes, 37-42-128, **amend**
16 (7) as follows:

17 **37-42-128. Collection of assessments.** (7) The county treasurer
18 shall receive in the county treasurer's official capacity all district
19 assessments collected and paid to the county treasurer, and the county
20 treasurer is responsible for the safekeeping, disbursement, and payment
21 of such assessments as well as other money collected by the county
22 treasurer. The county treasurer shall receive for the collection of such
23 assessments such amount as the board of directors may allow, as provided
24 in section 30-1-102; except that the treasurer shall receive five dollars per
25 tract assessed pursuant to section 37-42-125 (3) for loans issued to
26 landowners pursuant to section 37-42-113 (5), and this five dollars shall
27 be assessed against each participating tract. Any assessment collected and

1 paid to the county treasurer for districts that are defunct or have not been
2 in operation for five or more years shall be transferred by the county
3 treasurer to the county general fund.

4 **SECTION 7.** In Colorado Revised Statutes, **amend** 37-43-135 as
5 follows:

6 **37-43-135. Resolution of board of directors.** If the result so
7 certified shows that votes representing eighty percent of the acres of
8 taxable land in the district have been cast in favor of the proposed bonds,
9 the board of directors, by resolution, may authorize the issuance of
10 negotiable coupon general obligation bonds of the district. ~~Such~~ THE
11 resolution ~~shall~~ MUST specify the purpose for which the bonds are to be
12 issued, the date ~~thereof~~ OF ISSUANCE, the rate of interest not exceeding six
13 percent per annum payable semiannually, and the maturities ~~thereof~~. ~~Such~~
14 OF THE BONDS. THE bonds shall mature serially commencing not later than
15 five years after the date ~~thereof~~ OF ISSUANCE and extending to a time not
16 exceeding twenty-five years after the date ~~thereof~~ OF ISSUANCE. The
17 amounts ~~which shall~~ THAT mature in each of the years ~~shall be~~ IS
18 determined by the board of directors of the district and specified in ~~said~~
19 THE resolution. The bonds shall be in the denomination of one hundred
20 dollars or some multiple thereof. The ~~said~~ bonds and the coupons attached
21 thereto ~~shall be~~ ARE payable at ~~such places~~, A LOCATION within or without
22 the state of Colorado, as ~~shall be~~ designated in ~~such~~ THE resolution. The
23 bonds shall be signed by the president of the board of directors,
24 countersigned by the ~~county treasurer~~, ~~ex officio~~ treasurer of the district,
25 sealed with the seal of the district, and attested by the secretary of the
26 board. The semiannual interest coupons attached to ~~said~~ THE bonds ~~shall~~
27 MUST be executed with the facsimile signature of the president of the

1 board of directors. The ~~county treasurer, ex officio~~ treasurer of the district
2 shall make a record of all bonds issued pursuant to sections 37-43-132 to
3 37-43-138 in a book to be kept in ~~his~~ THE office OF THE DISTRICT
4 TREASURER for that purpose. Bonds issued pursuant to ~~said~~ sections
5 37-43-132 to 37-43-138 ~~shall~~ MUST be sold at not less than the par value
6 ~~thereof~~ OF THE BONDS.

7 **SECTION 8.** In Colorado Revised Statutes, **amend** 37-43-148 as
8 follows:

9 **37-43-148. District treasurer to register bonds.** At the time of
10 the issue by exchange or sale of refunding bonds authorized under the
11 provisions of sections 37-43-144 to 37-43-151, each bond shall be
12 registered by the ~~county treasurer, who is ex officio~~ district treasurer in
13 a book to be kept by ~~him~~ THE DISTRICT TREASURER for ~~such~~ THIS purpose.
14 Coupons evidencing unearned interest ~~shall~~ MUST be detached and
15 canceled. Each ~~bond so registered shall~~ REGISTERED BOND MUST have
16 endorsed ~~thereon~~ ON THE BOND the treasurer's certificates of ~~such~~ THE
17 registration; and only ~~such~~ bonds so certified ~~shall be~~ IN THIS MANNER
18 ARE valid; ~~but such~~ AND THE certificate ~~shall be~~ IS conclusive evidence
19 that the bond ~~so certified~~ has been duly issued in full conformity with the
20 provisions of sections 37-43-144 to 37-43-151. Immediately upon the
21 registration of any refunding bond, the treasurer shall certify the fact to
22 the board of county commissioners of the county in which the office of
23 the district is located, in order that the requisite tax levies may be made
24 in due course to meet the maturing interest upon and principal of ~~such~~
25 THE bond.

26 **SECTION 9.** In Colorado Revised Statutes, 37-44-112, **amend**
27 (4) and (6) as follows:

1 **37-44-112. Bonds.** (4) The interest on ~~said~~ THE bonds ~~shall be~~
2 ~~made~~ IS payable semiannually on June 1 and December 1 of each year.
3 The principal and interest ~~shall be~~ IS payable at the ~~office of the county~~
4 ~~treasurer of the county in which the organization of the district was~~
5 ~~effected and at such other place as~~ LOCATION the board of directors ~~may~~
6 ~~designate~~ DESIGNATES in ~~such~~ THE bond.

7 (6) ~~Such~~ THE bonds ~~shall~~ MUST be numbered consecutively as
8 issued and bear the date of their issue. Coupons for the interest shall be
9 attached to each bond bearing the lithographed signatures of the president
10 and secretary. ~~Said~~ THE bonds shall express on their faces that they are
11 issued by the authority of this article, stating its title and date of approval.
12 At the time of the issue of ~~said~~ THE bonds, each bond shall be registered
13 by the ~~county treasurer, who is ex officio~~ treasurer of the internal
14 improvement district, in a book to be kept by ~~him~~ THE DISTRICT
15 TREASURER for ~~such~~ THIS purpose, and the interest ~~thereon~~ ON THE BOND
16 shall begin to run only from the date of ~~such~~ THE registry. Coupons
17 evidencing unearned interest ~~shall~~ MUST be detached and canceled. Each
18 ~~bond so registered shall~~ REGISTERED BOND MUST have endorsed thereon
19 the treasurer's certificate of ~~such~~ THE registration, and only ~~such~~ bonds ~~so~~
20 certified ~~shall be~~ IN THIS MANNER ARE valid; ~~but such~~ AND THE certificate
21 ~~shall be~~ IS conclusive evidence that the bond ~~so certified~~ has been duly
22 issued in full conformity with the provisions of this ~~article~~ ARTICLE 44.

23 **SECTION 10.** In Colorado Revised Statutes, 37-44-108, **amend**
24 (1) as follows:

25 **37-44-108. Directors - powers and duties.** (1) The directors,
26 having duly qualified, shall organize as a board, elect a president from
27 their number, and appoint a secretary AND A DISTRICT TREASURER. The

1 board has power, and it is its duty, to adopt a seal, manage and conduct
2 the affairs and business of the district, make and execute all necessary
3 contracts, employ such agents, attorneys, officers, and employees as may
4 be required, and prescribe their duties, and generally perform all ~~such~~ acts
5 as shall be necessary to fully carry out the purposes of this ~~article~~ ARTICLE
6 44. The board of directors has power to construct, acquire, purchase, or
7 condemn any drainage canals, reservoir sites, and such inlet and outlet
8 works as may be necessary, or to acquire, by condemnation or otherwise,
9 the right to enlarge any reservoir already constructed or partly constructed
10 and to enlarge the inlet and outlet works thereof, or to purchase or
11 acquire, by proceedings in eminent domain or otherwise, any reservoir,
12 drainage system, or irrigation system already constructed or partially
13 constructed and to enlarge and complete the same adequate to the needs
14 of the district.

15 **SECTION 11.** In Colorado Revised Statutes, 37-44-124, **amend**
16 (1) as follows:

17 **37-44-124. District treasurer.** (1) (a) ~~The county treasurer of the~~
18 ~~county in which is located the office of any internal improvement district~~
19 ~~shall be and is hereby constituted ex officio district treasurer of said~~
20 ~~district, and said county treasurer shall be liable upon his~~ THE DISTRICT
21 TREASURER'S official bond and to indictment and criminal prosecution for
22 malfeasance, misfeasance, or failure to perform any duty prescribed in
23 this ~~article~~ ARTICLE 44 as ~~county treasurer or,~~ district treasurer. ~~as is~~
24 ~~provided by law in other cases as county treasurer.~~ Said county THE
25 DISTRICT treasurer ~~shall~~ MAY collect, receive, and receipt for all ~~moneys~~
26 MONEY belonging to ~~said~~ THE district; EXCEPT THAT DISTRICT
27 ASSESSMENTS SHALL BE COLLECTED BY THE COUNTY TREASURER

1 PURSUANT TO SECTION 39-10-101 AND DISTRIBUTED TO THE DISTRICT
2 TREASURER PURSUANT TO SECTION 39-10-107.

3 (b) It is the duty of the county treasurer of each county in which
4 ~~any internal improvement~~ THE district is located, in whole or in part, to
5 collect and receipt for all assessments levied in the same manner and at
6 the same time and on the same receipt as is required in the collection of
7 taxes upon real estate for county purposes. The county treasurer of each
8 county comprising a portion only of ~~such internal improvement~~ THE
9 district ~~excepting the county treasurer of the county in which the office~~
10 ~~of said district is located, on the first Monday of every month~~ shall remit
11 to the district treasurer all ~~moneys~~ MONEY theretofore collected or
12 received by ~~him~~ THE COUNTY TREASURER on account of ~~said~~ THE district
13 IN ACCORDANCE WITH SECTION 39-10-107. Every ~~county~~ DISTRICT
14 treasurer shall keep a bond fund account and a general fund account. The
15 bond fund account shall consist of all ~~moneys~~ MONEY received on account
16 of interest and principal of bonds issued by ~~said~~ THE district, and ~~said~~
17 accounts for interest and principal shall be kept separate. The general
18 fund shall consist of all other ~~moneys~~ MONEY received by the collection
19 of assessments or otherwise.

20 **SECTION 12. Act subject to petition - effective date.** This act
21 takes effect January 1, 2024; except that, if a referendum petition is filed
22 pursuant to section 1 (3) of article V of the state constitution against this
23 act or an item, section, or part of this act within the ninety-day period
24 after final adjournment of the general assembly, then the act, item,
25 section, or part will not take effect unless approved by the people at the
26 general election to be held in November 2024 and, in such case, will take

1 effect on the date of the official declaration of the vote thereon by the
2 governor.