

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0855.02 Nicole Myers x4326

HOUSE BILL 12-1329

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HOUSE SPONSORSHIP

Scott, Sonnenberg, Looper, Barker, Nikkel, Liston, Kerr J., Stephens, Vaad

SENATE SPONSORSHIP

(None),

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House Committees  
Local Government

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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.

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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.

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

2           **SECTION 1.** In Colorado Revised Statutes, 38-37-102, **amend**  
3 (1) as follows:

4           **38-37-102. Appointment - bond - office.** (1) (a) The governor  
5 shall appoint a public trustee in and for each of the counties of the first  
6 and second classes for the term of two years. However, the term of any  
7 public trustee in and for a county of the first or second class appointed on  
8 or after February 1, 1989, but before February 1, 1991, shall expire on  
9 February 1, 1991. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF  
10 THIS SUBSECTION (1), all appointments of public trustees in and for  
11 counties of the first and second classes on or after February 1, 1991, shall  
12 be for terms of four years, with the first such term beginning on February  
13 1, 1991. If the office of public trustee in and for any county of the first or  
14 second class should become vacant on or after February 1, 1991, the  
15 governor shall appoint a successor to complete the four-year term. The  
16 governor shall appoint as public trustees only those persons who have at  
17 least a four-year college degree and five years' administrative or business  
18 experience or, in the alternative, ten years' administrative or business  
19 experience. Any person so appointed public trustee shall serve at the  
20 pleasure of the governor. Every person so appointed public trustee in  
21 counties of the first and second classes shall, before entering upon the  
22 duties of such office, execute a surety bond issued by a company

1 authorized to issue such bonds in the state of Colorado, in the sum of  
2 twenty-five thousand dollars, conditioned, in both classes of counties, that  
3 the person so appointed as public trustee will well and faithfully execute  
4 the duties of such office; and such public trustee shall promptly account  
5 for and pay over to such persons as are entitled thereto all moneys and  
6 other valuables that come into such person's hands as public trustee.

7 (b) THE TERM OF THE PUBLIC TRUSTEE IN EACH OF THE COUNTIES  
8 OF EL PASO, MESA, AND WELD, APPOINTED ON FEBRUARY 1, 2011, SHALL  
9 EXPIRE ON DECEMBER 31, 2012. ON JANUARY 1, 2013, EACH SUCH  
10 COUNTY SHALL BECOME A COUNTY OF THE THIRD CLASS AND THE COUNTY  
11 TREASURER OF THE APPLICABLE COUNTY SHALL BE THE PUBLIC TRUSTEE.

12 **SECTION 2.** In Colorado Revised Statutes, **amend** 38-37-105 as  
13 follows:

14 **38-37-105. Division of counties for purposes of regulating fees**  
15 **and salaries of public trustees.** (1) For the purpose of providing for and  
16 regulating the fees and salaries of public trustees, AND FOR NO OTHER  
17 PURPOSE, the said several counties of this state are ~~classified with~~  
18 ~~reference to population and~~ divided into three classes, as follows:

19 (a) Class 1: City and county of Denver;

20 (b) Class 2: Adams, Arapahoe, Boulder, Douglas, ~~El Paso,~~  
21 Jefferson, Larimer, ~~Mesa,~~ AND Pueblo; ~~and Weld;~~

22 (c) Class 3: Alamosa, Archuleta, Baca, Bent, city and county of  
23 Broomfield, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley,  
24 Custer, Delta, Dolores, Eagle, Elbert, EL PASO, Fremont, Garfield, Gilpin,  
25 Grand, Gunnison, Hinsdale, Huerfano, Jackson, Kiowa, Kit Carson, Lake,  
26 La Plata, Las Animas, Lincoln, Logan, MESA, Mineral, Moffat,  
27 Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin,

1 Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San  
2 Miguel, Sedgwick, Summit, Teller, Washington, WELD, and Yuma.

3 **SECTION 3. Act subject to petition - effective date.** Section 2  
4 of this act takes effect January 1, 2013, and the remainder of this act takes  
5 effect at 12:01 a.m. on the day following the expiration of the ninety-day  
6 period after final adjournment of the general assembly (August 8, 2012,  
7 if adjournment sine die is on May 9, 2012); except that, if a referendum  
8 petition is filed pursuant to section 1 (3) of article V of the state  
9 constitution against this act or an item, section, or part of this act within  
10 such period, then the act, item, section, or part will not take effect unless  
11 approved by the people at the general election to be held in November  
12 2012 and, in such case, will take effect on the date of the official  
13 declaration of the vote thereon by the governor.