

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 13-0173.01 Nicole Myers x4326

**HOUSE BILL 13-1051**

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**A BILL FOR AN ACT**

101 **CONCERNING THE PUBLIC TRUSTEE FOR THE CITY AND COUNTY OF**  
102 **DENVER.**

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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>.)*

The city and county of Denver is the only local government that is classified as a county of the first class for purposes of the public trustee law. Pursuant to current law, the governor appoints the public trustee for a county of the first class, but pursuant to the city and county of Denver's charter, the elected clerk and recorder 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.*

The bill modifies the public trustee law to state that the public trustee for a county of the first class is an officer as specified in its charter or code. The officer is required to be equivalent in qualifications or office to the public trustee for a county of either the second or third class.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 38-37-101 as  
3 follows:

4 **38-37-101. Creation of the office of public trustee.** There is  
5 hereby created the office of public trustee in each county in this state,  
6 whose duties are as prescribed by law. IN ALL COUNTIES OF THE FIRST  
7 CLASS, THE PUBLIC TRUSTEE IS AN OFFICER AS SPECIFIED IN THE COUNTY'S  
8 CHARTER OR CODE AND AS PROVIDED IN SECTION 38-37-102 (1) (a). In all  
9 counties of the ~~first and second classes, such~~ SECOND CLASS, THE public  
10 trustee shall be appointed as provided in section ~~38-37-102, and,~~  
11 38-37-102 (1) (b). In counties of ~~all other classes~~ THE THIRD CLASS, the  
12 county treasurer of the county shall be ~~such~~ THE public trustee; except  
13 that, in the city and county of Broomfield, the public trustee shall be such  
14 equivalent officer as ~~shall be~~ IS provided by its charter or code.

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

17 **38-37-102. Appointment - bond - office.** (1) (a) THE PUBLIC  
18 TRUSTEE FOR EACH COUNTY OF THE FIRST CLASS IS AN OFFICER AS  
19 PROVIDED BY THE COUNTY'S CHARTER OR CODE. THE OFFICER MUST BE  
20 EQUIVALENT IN QUALIFICATIONS OR OFFICE TO THE PUBLIC TRUSTEE FOR  
21 A COUNTY OF EITHER THE SECOND OR THIRD CLASS. ANY PERSON WHO  
22 WILL SERVE AS THE PUBLIC TRUSTEE IN A COUNTY OF THE FIRST CLASS  
23 SHALL, BEFORE ENTERING UPON THE DUTIES OF THE OFFICE, EXECUTE A

1 SURETY BOND ISSUED BY A COMPANY AUTHORIZED TO ISSUE SUCH BONDS  
2 IN THE STATE OF COLORADO IN THE SUM OF TWENTY-FIVE THOUSAND  
3 DOLLARS, CONDITIONED THAT THE PERSON WILL WELL AND FAITHFULLY  
4 EXECUTE THE DUTIES OF THE OFFICE OF PUBLIC TRUSTEE AND PROMPTLY  
5 ACCOUNT FOR AND PAY OVER TO SUCH PERSONS AS ARE ENTITLED  
6 THERETO ALL MONEYS AND OTHER VALUABLES THAT COME INTO SUCH  
7 PERSON'S HANDS AS PUBLIC TRUSTEE.

8 (b) The governor shall appoint a public trustee in and for each of  
9 the counties of the ~~first and second classes for the term of two years.~~  
10 ~~However, the term of any public trustee in and for a county of the first or~~  
11 ~~second class appointed on or after February 1, 1989, but before February~~  
12 ~~1, 1991, shall expire on February 1, 1991~~ CLASS. All appointments of  
13 public trustees in and for counties of the ~~first and second classes on or~~  
14 ~~after February 1, 1991,~~ CLASS shall be for terms of four years, with the  
15 first such term beginning on February 1, 1991. If the office of public  
16 trustee in and for any county of the ~~first or second class~~ should become  
17 vacant on or after February 1, 1991, the governor shall appoint a  
18 successor to complete the four-year term. The governor shall appoint as  
19 public trustees only those persons who have at least a four-year college  
20 degree and five years' administrative or business experience or, in the  
21 alternative, ten years' administrative or business experience. Any person  
22 so appointed public trustee shall serve at the pleasure of the governor.  
23 Every person so appointed public trustee in counties of the ~~first and~~  
24 ~~second classes~~ CLASS shall, before entering upon the duties of such office,  
25 execute a surety bond issued by a company authorized to issue such bonds  
26 in the state of Colorado, in the sum of twenty-five thousand dollars,  
27 conditioned ~~in both classes of counties,~~ that the person so appointed as

1 public trustee will well and faithfully execute the duties of such office;  
2 and such public trustee shall promptly account for and pay over to such  
3 persons as are entitled thereto all moneys and other valuables that come  
4 into such person's hands as public trustee.

5 **SECTION 3. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly (August  
8 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
9 referendum petition is filed pursuant to section 1 (3) of article V of the  
10 state constitution against this act or an item, section, or part of this act  
11 within such period, then the act, item, section, or part will not take effect  
12 unless approved by the people at the general election to be held in  
13 November 2014 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor.