

NOTE: The governor signed this measure on 3/8/2013.

An Act

HOUSE BILL 13-1051

BY REPRESENTATIVE(S) Pabon, Court, Duran, Ferrandino, Labuda, McCann, Rosenthal, Williams, Fields, Vigil, Young;
also SENATOR(S) Guzman, Steadman, Aguilar, Lambert, Nicholson.

CONCERNING THE PUBLIC TRUSTEE FOR THE CITY AND COUNTY OF DENVER.

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

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

38-37-101. Creation of the office of public trustee. There is hereby created the office of public trustee in each county in this state, whose duties are as prescribed by law. In all counties of the ~~first and second classes~~ CLASS, such public trustee shall be appointed as provided in section 38-37-102, and, in counties of all other classes, the county treasurer of the county shall be such public trustee; except that, in the city and county of DENVER AND THE CITY AND COUNTY OF Broomfield, the public trustee shall be such equivalent officer as shall be provided by its charter or code.

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

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

38-37-102. Appointment - bond - office. (1) The governor shall appoint a public trustee in and for each of the counties of the ~~first and second classes for the term of two years. However, the term of any public trustee in and for a county of the first or second class appointed on or after February 1, 1989, but before February 1, 1991, shall expire on February 1, 1991~~ CLASS. All appointments of public trustees in and for counties of the ~~first and second classes on or after February 1, 1991~~, CLASS shall be for terms of four years, with the first such term beginning on February 1, 1991. If the office of public trustee in and for any county of the ~~first or second class~~ should become vacant on or after February 1, 1991, the governor shall appoint a successor to complete the four-year term. The governor shall appoint as public trustees only those persons who have at least a four-year college degree and five years' administrative or business experience or, in the alternative, ten years' administrative or business experience. Any person so appointed public trustee shall serve at the pleasure of the governor. Every person so appointed public trustee in counties of the ~~first and second classes~~ CLASS shall, before entering upon the duties of such office, execute a surety bond issued by a company authorized to issue such bonds in the state of Colorado, in the sum of twenty-five thousand dollars, conditioned ~~in both classes of counties~~, that the person so appointed as public trustee will well and faithfully execute the duties of such office; and such public trustee shall promptly account for and pay over to such persons as are entitled thereto all moneys and other valuables that come into such person's hands as public trustee.

SECTION 3. In Colorado Revised Statutes, 38-37-104, **amend** (2) (a), (2) (b), (2) (b.3) (I), and (2) (b.3) (II) as follows:

38-37-104. Duties of public trustees - fees, expenses, and salaries - reports. (2) (a) The salary of the public trustee in the different counties of the state shall be fixed at the following amounts, to wit: In counties of the ~~first class and~~ second class, twenty-six thousand dollars per annum for full-time public trustees and, in counties of the third class, six thousand five hundred dollars per annum.

(b) For public trustees whose terms begin on or after July 1, 1998, but prior to January 1, 2003, the salary of the public trustee in the different counties of the state shall be fixed at the following amounts, to wit: In counties of the ~~first and~~ second class, thirty-two thousand dollars per annum for full-time public trustees and, in counties of the third class, eight

thousand dollars per annum; except that, in the city and county of Broomfield, such salary shall be as set forth in its annual budget.

(b.3) (I) For public trustees whose terms begin on or after January 1, 2003, except as otherwise provided in subparagraph (II), (III), or (IV) of this paragraph (b.3), the salary of the public trustee in the different counties of the state shall be fixed at the following amounts, to wit: In counties of the ~~first and~~ second class, forty-eight thousand five hundred dollars per annum, and in counties of the third class, twelve thousand five hundred dollars per annum.

(II) For public trustees who are serving in office on or after March 13, 2008, the salary of the public trustee in the different counties of the state shall be fixed at the following amounts, to wit: In ~~counties of the first class, forty-eight thousand five hundred dollars per annum;~~ in counties of the second class, fifty-six thousand five hundred dollars per annum; and in counties of the third class, twelve thousand five hundred dollars per annum.

SECTION 4. 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 7, 2013, if adjournment sine die is on May 8, 2013); 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 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

John P. Morse
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO