

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

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.**

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.

HOUSE
3rd Reading Unamended
February 7, 2013

HOUSE
Amended 2nd Reading
February 6, 2013

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.

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 and~~
7 ~~second classes~~ CLASS, such public trustee shall be appointed as provided
8 in section 38-37-102, and, in counties of all other classes, the county
9 treasurer of the county shall be such public trustee; except that, in the city
10 and county of DENVER AND THE CITY AND COUNTY OF Broomfield, the
11 public trustee shall be such equivalent officer as shall be provided by its
12 charter or code.

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

15 ■ ■

16 **38-37-102. Appointment - bond - office.** (1) The governor shall
17 appoint a public trustee in and for each of the counties of the ~~first and~~
18 ~~second classes for the term of two years. However, the term of any public~~
19 ~~trustee in and for a county of the first or second class appointed on or~~
20 ~~after February 1, 1989, but before February 1, 1991, shall expire on~~
21 ~~February 1, 1991~~ CLASS. All appointments of public trustees in and for
22 counties of the ~~first and second classes on or after February 1, 1991,~~
23 CLASS shall be for terms of four years, with the first such term beginning

1 on February 1, 1991. If the office of public trustee in and for any county
2 of the ~~first or~~ second class should become vacant on or after February 1,
3 1991, the governor shall appoint a successor to complete the four-year
4 term. The governor shall appoint as public trustees only those persons
5 who have at least a four-year college degree and five years' administrative
6 or business experience or, in the alternative, ten years' administrative or
7 business experience. Any person so appointed public trustee shall serve
8 at the pleasure of the governor. Every person so appointed public trustee
9 in counties of the ~~first and second classes~~ CLASS shall, before entering
10 upon the duties of such office, execute a surety bond issued by a company
11 authorized to issue such bonds in the state of Colorado, in the sum of
12 twenty-five thousand dollars, conditioned ~~in both classes of counties~~, that
13 the person so appointed as public trustee will well and faithfully execute
14 the duties of such office; and such public trustee shall promptly account
15 for and pay over to such persons as are entitled thereto all moneys and
16 other valuables that come into such person's hands as public trustee.

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

19 **38-37-104. Duties of public trustees - fees, expenses, and**
20 **salaries - reports.** (2) (a) The salary of the public trustee in the different
21 counties of the state shall be fixed at the following amounts, to wit: In
22 counties of the ~~first class and~~ second class, twenty-six thousand dollars
23 per annum for full-time public trustees and, in counties of the third class,
24 six thousand five hundred dollars per annum.

25 (b) For public trustees whose terms begin on or after July 1, 1998,
26 but prior to January 1, 2003, the salary of the public trustee in the
27 different counties of the state shall be fixed at the following amounts, to

1 wit: In counties of the ~~first and~~ second class, thirty-two thousand dollars
2 per annum for full-time public trustees and, in counties of the third class,
3 eight thousand dollars per annum; except that, in the city and county of
4 Broomfield, such salary shall be as set forth in its annual budget.

5 (b.3) (I) For public trustees whose terms begin on or after January
6 1, 2003, except as otherwise provided in subparagraph (II), (III), or (IV)
7 of this paragraph (b.3), the salary of the public trustee in the different
8 counties of the state shall be fixed at the following amounts, to wit: In
9 counties of the ~~first and~~ second class, forty-eight thousand five hundred
10 dollars per annum, and in counties of the third class, twelve thousand five
11 hundred dollars per annum.

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

19 **SECTION 4. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

- 1 November 2014 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.