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

## **INTRODUCED**

LLS NO. 13-0026.01 Nicole Myers x4326

**HOUSE BILL 13-1049** 

#### **HOUSE SPONSORSHIP**

Scott,

### SENATE SPONSORSHIP

Lambert,

### **House Committees**

**Senate Committees** 

Local Government Appropriations

#### A BILL FOR AN ACT

101	CONCERNING THE CHANGE IN CLASSIFICATION OF CERTAIN CLASS TWO
102	COUNTIES TO CLASS THREE COUNTIES FOR PURPOSES OF THE
103	OFFICE OF THE PUBLIC TRUSTEE.

#### **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.)

Current law requires the governor to appoint the public trustee for each of the 11 counties designated as a county of the first or second class for purposes of the public trustee law. In counties of the third class, the county treasurer is the public trustee.

On January 1, 2014, certain counties of the second class will change to counties of the third class. In such counties, the term of the public trustee appointed by the governor expires on December 31, 2013, and the county treasurer of the county becomes the public trustee on January 1, 2014. Such counties will no longer have a separate office of the public trustee with the trustee appointed by the governor.

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

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

**38-37-102.** Appointment - bond - office. (1) (a) 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. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), all appointments of public trustees in and for counties of the first and second classes on or after February 1, 1991, 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 shall, before entering upon the duties of such office, execute a surety bond issued by a company

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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 AND MESA THAT BEGAN ON OR AFTER FEBRUARY 1, 2011, 9 EXPIRES ON DECEMBER 31, 2013. ON JANUARY 1, 2014, EACH SUCH 10 COUNTY WILL 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, 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, ELPASO, 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,

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Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San
Miguel, Sedgwick, Summit, Teller, Washington, and Yuma.
SECTION 3. Act subject to petition - effective date. Section 2

of this act takes effect January 1, 2014, and the remainder of 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.

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