

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

INTRODUCED

LLS NO. 13-0437.02 Nicole Myers x4326

SENATE BILL 13-022

SENATE SPONSORSHIP

Lambert,

HOUSE SPONSORSHIP

Scott,

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE COUNTY TREASURER BECOMING THE PUBLIC**
102 **TRUSTEE IN THE COUNTIES WHERE THE PUBLIC TRUSTEE IS**
103 **CURRENTLY APPOINTED BY THE GOVERNOR.**

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, 10 counties designated as counties of the second class in the public trustee law have a public trustee who is appointed by the governor. According to current law, the city and county of Denver is a county of the first class and should also have an appointed 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.

but the public trustee in the city and county of Denver is specified in its charter. In the remainder of the counties the county treasurer serves as the public trustee; except that, in the city and county of Broomfield, the public trustee is specified in its charter.

On or before February 1, 2015, in all counties of the second class, the county treasurer of the county shall become the public trustee. The board of county commissioners of each such county shall determine the date on which the county treasurer of the county will become the public trustee.

On and after February 1, 2015, the county treasurer will be the public trustee in all counties in the state; except that in the city and county of Broomfield and the city and county of Denver, the public trustee will be such equivalent officer as is specified in the city and county's charter or code.

Beginning February 1, 2015, the governor's authority to appoint the public trustee in counties of the first and second classes and to fill vacancies in the office of the public trustee in such counties is eliminated.

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.** (1) There
5 is hereby created the office of public trustee in each county in this state,
6 whose duties are as prescribed by law. EXCEPT AS OTHERWISE PROVIDED
7 IN SUBSECTIONS (2) AND (3) OF THIS SECTION, in all counties of the first
8 and second classes, such public trustee shall be appointed as provided in
9 section 38-37-102, and, in counties of all other classes, the county
10 treasurer of the county shall be such public trustee; except that, in the city
11 and county of Broomfield, the public trustee shall be such equivalent
12 officer as shall be provided by its charter or code.

13 (2) ON OR BEFORE FEBRUARY 1, 2015, IN ALL COUNTIES OF THE
14 SECOND CLASS AS SUCH COUNTIES WERE CLASSIFIED PRIOR TO FEBRUARY
15 1, 2015, THE COUNTY TREASURER OF THE COUNTY SHALL BECOME THE
16 PUBLIC TRUSTEE AND SUCH COUNTIES SHALL NO LONGER HAVE A

1 SEPARATE OFFICE OF THE PUBLIC TRUSTEE WITH THE TRUSTEE APPOINTED
2 BY THE GOVERNOR. THE BOARD OF COUNTY COMMISSIONERS OF EACH
3 COUNTY OF THE SECOND CLASS SHALL DETERMINE THE DATE ON WHICH
4 THE COUNTY TREASURER OF THE COUNTY WILL BECOME THE PUBLIC
5 TRUSTEE, SO LONG AS THE TREASURER OF THE COUNTY IS THE PUBLIC
6 TRUSTEE BY FEBRUARY 1, 2015.

7 (3) ON AND AFTER FEBRUARY 1, 2015, IN ALL COUNTIES, THE
8 COUNTY TREASURER OF THE COUNTY SHALL BE THE PUBLIC TRUSTEE;
9 EXCEPT THAT, IN THE CITY AND COUNTY OF BROOMFIELD AND IN THE CITY
10 AND COUNTY OF DENVER, THE PUBLIC TRUSTEE SHALL BE SUCH
11 EQUIVALENT OFFICER AS PROVIDED BY ITS CHARTER OR CODE. ALL OF THE
12 DUTIES REQUIRED OF THE COUNTY TREASURER IN HIS OR HER CAPACITY AS
13 THE PUBLIC TRUSTEE AS SPECIFIED IN THIS ARTICLE APPLY TO THE
14 EQUIVALENT OFFICER SERVING AS THE PUBLIC TRUSTEE IN THE CITY AND
15 COUNTY OF BROOMFIELD AND THE CITY AND COUNTY OF DENVER.

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

18 **38-37-102. Appointment - bond - office.** (2) The county
19 treasurer ~~shall be the public trustee in each of the counties other than~~
20 ~~those of the first and second classes, and each such county treasurer~~ IN
21 EACH COUNTY, IN HIS OR HER CAPACITY as public trustee, shall execute a
22 surety bond issued by a company authorized to issue such bonds in the
23 state of Colorado in the sum of ten thousand dollars, to be approved by
24 the county commissioners of the county, conditioned that such person will
25 well and faithfully perform the duties of public trustee and properly
26 account for and pay over to such persons as are entitled thereto all
27 moneys and other valuables that come into such person's hands as public

1 trustee. ~~In counties wherein~~ The county treasurer is the public trustee, as
2 provided in this subsection (2), such person shall conduct the duties of
3 public trustee at the office of the county treasurer, and ~~in counties of the~~
4 ~~first and second classes, the public trustee shall maintain an office and~~
5 ~~regular place of business for the performance of the public trustee's~~
6 ~~official duties; and, in all cases, the~~ SUCH office of the public trustee shall
7 be kept open for the transaction of business during ordinary business
8 hours each day, except Saturdays, Sundays, and legal holidays.

9 **SECTION 3.** In Colorado Revised Statutes, 38-37-104, **amend**
10 (7); and **add** (2.5) as follows:

11 **38-37-104. Duties of public trustees - fees, expenses, and**
12 **salaries - reports.** (2.5) BEGINNING FEBRUARY 1, 2015, THE SALARY OF
13 THE PUBLIC TRUSTEE IN EACH COUNTY IN THE STATE IS TWELVE THOUSAND
14 FIVE HUNDRED DOLLARS PER YEAR. SUCH SALARIES SHALL BE PAID FROM
15 THE FEES COLLECTED BY THE PUBLIC TRUSTEE AS PROVIDED IN THIS
16 SECTION AND NOT OTHERWISE.

17 (7) The office of the public trustee is subject to annual audit
18 pursuant to the "Colorado Local Government Audit Law", part 6 of article
19 1 of title 29, C.R.S. ~~except that the office of the public trustee of any~~
20 ~~trustee who is appointed by the governor shall instead be subject to an~~
21 ~~individual annual audit pursuant to section 29-1-603 (1.5), C.R.S.~~

22 **SECTION 4.** In Colorado Revised Statutes, **amend** 38-37-109 as
23 follows:

24 **38-37-109. Suits against public trustee.** When ~~public trustees,~~
25 ~~or~~ county treasurers, acting as PUBLIC trustees, are sued in their official
26 capacity, the district attorney shall provide legal representation for the
27 public trustees serving in such district attorney's district, unless such legal

1 representation is provided for otherwise.

2 **SECTION 5.** In Colorado Revised Statutes, **repeal** 29-1-603
3 (1.5), 38-37-102 (1), 38-37-104 (2), (5), and (8), and 38-37-105.

4 **SECTION 6. Act subject to petition - effective date.** Sections
5 2 through 5 of this act take effect February 1, 2015, and the remainder of
6 this act takes effect at 12:01 a.m. on the day following the expiration of
7 the ninety-day period after final adjournment of the general assembly
8 (August 7, 2013, if adjournment sine die is on May 8, 2013); except that,
9 if a referendum petition is filed pursuant to section 1 (3) of article V of
10 the 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; except that
15 sections 2 through 5 of this act take effect February 1, 2015.