

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0473.01 Gregg Fraser x4325

HOUSE BILL 19-1295

HOUSE SPONSORSHIP

Rich and Becker,

SENATE SPONSORSHIP

Scott and Story,

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE COUNTY TREASURER IN**
102 **SPECIFIED COUNTIES SERVE AS THE PUBLIC TRUSTEE FOR THE**
103 **COUNTY.**

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://leg.colorado.gov>.)

Public trustees for Class 2 counties (Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, Mesa, Pueblo, and Weld) are currently appointed by the governor. Commencing July 1, 2020, the bill specifies that the county treasurer for each Class 2 county will serve as the public trustee for the county. The county treasurer is required to create

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

a transition plan for assuming the new duties of the public trustee. The county treasurer is authorized to consider incorporating staff of the appointed trustee's office into the treasurer's office.

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

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

4 **38-37-102. Appointment - bond - office.** (1) (a) PRIOR TO JULY
5 1, 2020, the governor shall appoint a public trustee in and for each of the
6 counties of the second class. All appointments of public trustees BY THE
7 GOVERNOR in and for counties of the second class shall be for terms of
8 four years; ~~with the first such term beginning on February 1, 1991~~ EXCEPT
9 THAT THE TERM OF A PUBLIC TRUSTEE IN AND FOR ANY COUNTY OF THE
10 SECOND CLASS APPOINTED ON OR AFTER JANUARY 1, 2019, SHALL BE FOR
11 A TERM THAT TERMINATES ON JUNE 30, 2020. If the office of public
12 trustee in and for any county of the second class should become vacant ~~on~~
13 ~~or after February 1, 1991~~ PRIOR TO JULY 1, 2020, the governor shall
14 appoint a successor to complete the ~~four-year~~ term. NOTWITHSTANDING
15 ANY OTHER PROVISION OF THIS SECTION, THE GOVERNOR MAY APPOINT
16 THE TREASURER OF A COUNTY IN WHICH A VACANCY OCCURS AS A
17 SUCCESSOR TO COMPLETE THE TERM OF A PUBLIC TRUSTEE APPOINTED BY
18 THE GOVERNOR. WHEN APPOINTING A PERSON OTHER THAN A COUNTY
19 TREASURER, the governor shall appoint ~~as public trustees~~ only those
20 persons who have at least a four-year college degree and five years'
21 administrative or business experience or, in the alternative, ten years'
22 administrative or business experience. Any person so appointed public
23 trustee shall serve at the pleasure of the governor. Every person ~~so~~ OTHER
24 THAN A COUNTY TREASURER appointed AS public trustee in counties of the

1 second class shall, before entering upon the duties of such office, execute
2 a surety bond issued by a company authorized to issue such bonds in the
3 state of Colorado, in the sum of twenty-five thousand dollars, conditioned
4 that the person so appointed as public trustee will well and faithfully
5 execute the duties of such office; and such public trustee shall promptly
6 account for and pay over to such persons as are entitled thereto all
7 ~~moneys~~ MONEY and other valuables that come into such person's hands
8 as public trustee.

9 (b) IN NOVEMBER OF 2021, EACH COUNTY OF THE SECOND CLASS
10 SHALL PROVIDE A COPY OF THE MOST RECENT REPORT PREPARED
11 PURSUANT TO SECTION 38-37-104 (3) TO THE DEPARTMENT OF LOCAL
12 AFFAIRS. THE DEPARTMENT OF LOCAL AFFAIRS SHALL COMPILE THE
13 REPORTS OF THE COUNTIES AND PRESENT THEM TO THE HOUSE
14 TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE AND THE SENATE
15 LOCAL GOVERNMENT COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, BY
16 JANUARY 1, 2022.

17 (2) (a) PRIOR TO JULY 1, 2020, the county treasurer shall be the
18 public trustee in each of the counties ~~other than those of the first and~~
19 ~~second classes, and~~ OF THE THIRD CLASS. ON AND AFTER JULY 1, 2020,
20 THE COUNTY TREASURER SHALL BE THE PUBLIC TRUSTEE IN EACH OF THE
21 COUNTIES OF THE SECOND AND THIRD CLASS. PRIOR TO COMMENCING
22 SERVICE AS A PUBLIC TRUSTEE IN JULY 2020, EACH TREASURER IN A
23 COUNTY OF THE SECOND CLASS SHALL CREATE A WRITTEN TRANSITION
24 PLAN FOR ASSUMING THE NEW DUTIES OF THE OFFICE. THE TRANSITION
25 PLAN MUST DESCRIBE THE ANTICIPATED STAFFING NEEDS AND BUDGET
26 IMPACTS ON THE OFFICE AND SPECIFY HOW THE OFFICE WILL ADDRESS
27 THOSE NEEDS AND IMPACTS. IN CREATING THE TRANSITION PLAN, THE

1 TREASURER MAY CONSIDER ANY PERTINENT STUDIES OR REPORTS ON THE
2 CONDUCT OF THE PUBLIC TRUSTEE'S OFFICE IN ORDER TO BETTER
3 UNDERSTAND THE SCOPE AND DETAIL OF THE WORK. IN CREATING THE
4 TRANSITION PLAN, THE TREASURER MAY ALSO CONSULT WITH THE
5 CURRENT PUBLIC TRUSTEE AND THE PUBLIC TRUSTEE'S STAFF ON ISSUES
6 RELATED TO THE TRUSTEE'S FUNCTIONS AND HOW TO BEST TRANSITION
7 THE POWERS AND DUTIES OF THE TRUSTEE TO THE TREASURER'S OFFICE.
8 THE TREASURER SHALL POST THE TRANSITION PLAN ON THE COUNTY'S
9 WEBSITE NOT LESS THAN SIXTY DAYS PRIOR TO ASSUMING THE DUTIES OF
10 THE PUBLIC TRUSTEE. UPON COMMENCING SERVICE AS A PUBLIC TRUSTEE
11 IN JULY 2020, EACH TREASURER OF A COUNTY OF THE SECOND CLASS
12 SHALL CONSIDER ANY STAFFING NEEDS ASSOCIATED WITH ASSUMING THE
13 DUTIES OF PUBLIC TRUSTEE AND MAY CONSIDER HIRING EXISTING STAFF
14 FROM THE PREVIOUS APPOINTED PUBLIC TRUSTEE'S OFFICE, INCLUDING THE
15 PRIOR PUBLIC TRUSTEE, TO THE EXTENT IT IS PRACTICABLE AND THE
16 TREASURER FINDS IT NECESSARY TO AUGMENT STAFF IN THE TREASURER'S
17 OFFICE TO MEET THE OBLIGATIONS OF SERVING AS PUBLIC TRUSTEE. THE
18 COUNTY TREASURER OF A COUNTY OF THE SECOND CLASS SHALL CONFER
19 WITH THE BOARD OF COUNTY COMMISSIONERS AS PART OF THE ANNUAL
20 BUDGET DEVELOPMENT PROCESS BY THE COUNTY ON ANY ADDITIONAL
21 STAFFING NEEDS THAT ARE REQUIRED TO ACCOMMODATE ANY
22 ADDITIONAL PUBLIC TRUSTEE FUNCTIONS PERFORMED BY THE OFFICE OF
23 THE TREASURER.

24 ~~(b) Each such county treasurer as public trustee shall execute a~~
25 ~~surety bond issued by a company authorized to issue such bonds in the~~
26 ~~state of Colorado in the sum of ten thousand dollars, to be approved by~~
27 ~~the county commissioners of the county, conditioned that such person will~~

1 ~~well and faithfully perform the duties of public trustee and properly~~
2 ~~account for and pay over to such persons as are entitled thereto all~~
3 ~~moneys and other valuables that come into such person's hands as public~~
4 ~~trustee.~~ In counties wherein the county treasurer is the public trustee, as
5 provided in this subsection (2), such person shall conduct the duties of
6 public trustee at the office of the county treasurer; and, in counties ~~of the~~
7 ~~first and second classes~~ WHEREIN THE COUNTY TREASURER IS NOT THE
8 PUBLIC TRUSTEE, the public trustee shall maintain an office and regular
9 place of business for the performance of the public trustee's official
10 duties. ~~and,~~ In all cases, the office of the public trustee shall be kept open
11 for the transaction of business during ~~ordinary~~ COUNTY business hours
12 each day, except Saturdays, Sundays, and legal holidays.

13 **SECTION 2.** In Colorado Revised Statutes, 38-37-104, **amend**
14 (2)(b.5) and (5); and **add** (2)(b.3)(V) as follows:

15 **38-37-104. Duties of public trustees - fees, expenses, and**
16 **salaries - reports - repeal.** (2) (b.3) (V) FOR PUBLIC TRUSTEES IN
17 COUNTIES OF THE SECOND CLASS WHEREIN THE COUNTY TREASURER
18 SERVES AS THE PUBLIC TRUSTEE, THE SALARY SHALL BE FIXED AT TWELVE
19 THOUSAND FIVE HUNDRED DOLLARS PER ANNUM.

20 (b.5) (a) PRIOR TO JULY 1, 2020, public trustees in counties of the
21 second class ~~whose terms begin on or after January 1, 2003,~~ APPOINTED
22 BY THE GOVERNOR may collect benefits in addition to their salary that do
23 not exceed benefits received by other elected county officers within their
24 county.

25 (b) THIS SUBSECTION (2)(b.5) IS REPEALED, EFFECTIVE JULY 1,
26 2020.

27 (5) (a) Any person OTHER THAN A COUNTY TREASURER serving as

1 a public trustee who has been appointed by the governor shall report to
2 the governor at such times and on such matters as the governor may
3 require.

4 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2020.

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 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.