

## CHAPTER 338

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**GOVERNMENT - COUNTY**

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## HOUSE BILL 19-1295

BY REPRESENTATIVE(S) Rich and Becker, Bird, Buckner, Cutter, Duran, Hooton, Humphrey, Jaquez Lewis, Lewis, Liston, Lontine, Michaelson Jenet, Ransom, Roberts, Sandridge, Singer, Snyder, Soper, Tipper, Titone;  
also SENATOR(S) Scott and Story, Crowder, Gonzales, Hisey, Moreno, Rankin, Tate, Woodward.

**AN ACT**

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

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

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

**38-37-102. Appointment - bond - office.** (1) (a) **PRIOR TO JULY 1, 2020**, the governor shall appoint a public trustee in and for each of the counties of the second class. All appointments of public trustees **BY THE GOVERNOR in and for counties of the second class shall be for terms of four years; with the first such term beginning on February 1, 1991** EXCEPT THAT THE TERM OF A PUBLIC TRUSTEE IN AND FOR ANY COUNTY OF THE SECOND CLASS APPOINTED ON OR AFTER JANUARY 1, 2019, SHALL BE FOR A TERM THAT TERMINATES ON JUNE 30, 2020. **If the office of public trustee in and for any county of the second class should become vacant on or after February 1, 1991** PRIOR TO JULY 1, 2020, the governor shall appoint a successor to complete the **four-year** term. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE GOVERNOR MAY APPOINT THE TREASURER OF A COUNTY IN WHICH A VACANCY OCCURS AS A SUCCESSOR TO COMPLETE THE TERM OF A PUBLIC TRUSTEE APPOINTED BY THE GOVERNOR. **WHEN APPOINTING A PERSON OTHER THAN A COUNTY TREASURER, 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** OTHER THAN A COUNTY TREASURER appointed AS public trustee in counties of the second 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

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

state of Colorado, in the sum of twenty-five thousand dollars, conditioned 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 MONEY and other valuables that come into such person's hands as public trustee.

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

(2) (a) PRIOR TO JULY 1, 2020, the county treasurer shall be the public trustee in each of the counties ~~other than those of the first and second classes, and~~ OF THE THIRD CLASS. ON AND AFTER JULY 1, 2020, THE COUNTY TREASURER SHALL BE THE PUBLIC TRUSTEE IN EACH OF THE COUNTIES OF THE SECOND AND THIRD CLASS. PRIOR TO COMMENCING SERVICE AS A PUBLIC TRUSTEE IN JULY 2020, EACH TREASURER IN A COUNTY OF THE SECOND CLASS SHALL CREATE A WRITTEN TRANSITION PLAN FOR ASSUMING THE NEW DUTIES OF THE OFFICE. THE TRANSITION PLAN MUST DESCRIBE THE ANTICIPATED STAFFING NEEDS AND BUDGET IMPACTS ON THE OFFICE AND SPECIFY HOW THE OFFICE WILL ADDRESS THOSE NEEDS AND IMPACTS. IN CREATING THE TRANSITION PLAN, THE TREASURER MAY CONSIDER ANY PERTINENT STUDIES OR REPORTS ON THE CONDUCT OF THE PUBLIC TRUSTEE'S OFFICE IN ORDER TO BETTER UNDERSTAND THE SCOPE AND DETAIL OF THE WORK. IN CREATING THE TRANSITION PLAN, THE TREASURER MAY ALSO CONSULT WITH THE CURRENT PUBLIC TRUSTEE AND THE PUBLIC TRUSTEE'S STAFF ON ISSUES RELATED TO THE TRUSTEE'S FUNCTIONS AND HOW TO BEST TRANSITION THE POWERS AND DUTIES OF THE TRUSTEE TO THE TREASURER'S OFFICE. THE TREASURER SHALL POST THE TRANSITION PLAN ON THE COUNTY'S WEBSITE NOT LESS THAN SIXTY DAYS PRIOR TO ASSUMING THE DUTIES OF THE PUBLIC TRUSTEE. UPON COMMENCING SERVICE AS A PUBLIC TRUSTEE IN JULY 2020, EACH TREASURER OF A COUNTY OF THE SECOND CLASS SHALL CONSIDER ANY STAFFING NEEDS ASSOCIATED WITH ASSUMING THE DUTIES OF PUBLIC TRUSTEE AND MAY CONSIDER HIRING EXISTING STAFF FROM THE PREVIOUS APPOINTED PUBLIC TRUSTEE'S OFFICE, INCLUDING THE PRIOR PUBLIC TRUSTEE, TO THE EXTENT IT IS PRACTICABLE AND THE TREASURER FINDS IT NECESSARY TO AUGMENT STAFF IN THE TREASURER'S OFFICE TO MEET THE OBLIGATIONS OF SERVING AS PUBLIC TRUSTEE. THE COUNTY TREASURER OF A COUNTY OF THE SECOND CLASS SHALL CONFER WITH THE BOARD OF COUNTY COMMISSIONERS AS PART OF THE ANNUAL BUDGET DEVELOPMENT PROCESS BY THE COUNTY ON ANY ADDITIONAL STAFFING NEEDS THAT ARE REQUIRED TO ACCOMMODATE ANY ADDITIONAL PUBLIC TRUSTEE FUNCTIONS PERFORMED BY THE OFFICE OF THE TREASURER.

(b) ~~Each such county treasurer as public trustee shall execute a surety bond issued by a company authorized to issue such bonds in the state of Colorado in the sum of ten thousand dollars, to be approved by the county commissioners of the county, conditioned that such person will well and faithfully perform the duties of public trustee and properly 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.~~ In counties wherein the county treasurer is the public trustee, as provided in this subsection (2), such person shall conduct the duties of public trustee at the office of

the county treasurer; and, in counties ~~of the first and second classes~~ WHEREIN THE COUNTY TREASURER IS NOT THE PUBLIC TRUSTEE, the public trustee shall maintain an office and regular place of business for the performance of the public trustee's official duties. ~~and~~, In all cases, the office of the public trustee shall be kept open for the transaction of business during ~~ordinary~~ COUNTY business hours each day, except Saturdays, Sundays, and legal holidays.

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

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

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

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

(5) (a) Any person OTHER THAN A COUNTY TREASURER serving as a public trustee who has been appointed by the governor shall report to the governor at such times and on such matters as the governor may require.

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

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

Approved: May 29, 2019