

CHAPTER 64

PROPERTY

SENATE BILL 09-140

BY SENATOR(S) Bacon, Boyd, Hodge;
also REPRESENTATIVE(S) Fischer, Schafer S.

AN ACT

CONCERNING A REQUIREMENT THAT PUBLIC TRUSTEES SERVE AT THE PLEASURE OF THE GOVERNOR.

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

SECTION 1. 38-37-102 (1), Colorado Revised Statutes, is amended to read:

38-37-102. Appointment - bond - office. (1) 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. 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 ~~may be removed from office by the governor upon good cause shown therefor~~ 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 authorized to issue such bonds in the state of Colorado, in the sum of twenty-five thousand dollars, conditioned, in both classes of counties, 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 and other valuables that come into such person's hands as public trustee.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. 38-37-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

38-37-104. Duties of public trustees - fees, expenses, and salaries - reports.

(5) ANY PERSON 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.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act shall take effect September 1, 2009.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to public trustees serving in office on or after the applicable effective date of this act.

Approved: March 25, 2009