



**Colorado
Legislative
Council
Staff**

HB17-1280

**REVISED
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-1094 **Date:** April 7, 2017
Prime Sponsor(s): Rep. Michaelson Jenet; Young **Bill Status:** Senate Health and Human Services
 Sen. Gardner **Fiscal Analyst:** Kerry White (303-866-3469)

BILL TOPIC: DISABILITY TRUSTS 21ST CENTURY CURES ACT LANGUAGE

Fiscal Impact Summary	FY 2016-2017 (Current year)	FY 2017-2018	FY 2018-2019
State Revenue Cash Funds	Minimal increase.		
State Expenditures	Minimal workload increase.		
TABOR Impact	Minimal increase.		
Appropriation Required: None.			
Future Year Impacts: Ongoing minimal revenue and workload increase.			

NOTE: This revised fiscal note is provided to include amendments incorporated by the House of Representatives and to include impacts identified by the Judicial Department.

Summary of Legislation

This **rengrossed** bill updates current law concerning disability trusts in order to conform with federal law. Under current law, a disability trust is funded by the assets of an individual under the age of 65 who is disabled, and is established for the benefit of the individual by his or her parent, grandparent, guardian, or the court. This bill amends the definition of a disability trust to include one that is established by the disabled individual.

State Revenue

Beginning in the current fiscal year FY 2016-17, the bill may increase state cash fund revenue credited to the Judicial Department. To the extent that the bill results in more individuals establishing disability trusts, a filing fee of \$164 will be collected for each case. This analysis assumes any revenue increase is minimal.

TABOR Impact

This bill increases state cash fund revenue from filing fees, which will increase the amount of money required to be refunded under TABOR for FY 2017-18 and FY 2018-19. TABOR refunds are paid out of the General Fund. Since the bill increases the TABOR refund obligation without a

corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount. TABOR refund obligations are not expected for FY 2016-17.

State Expenditures

This bill may increase workload by a minimal amount in the Judicial Department to conduct any additional probate hearings as a result of the bill. For context, there were a total of 332 district court probate filings in FY 2015-16, of which disability trusts are assumed to represent only a small portion of trust cases. As a judicial officer can process about 1,750 cases per year, no change in appropriations is required for the Judicial Department.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Health Care Policy and Financing
Information Technology

Human Services
Judicial

Research Note Available

An LCS Research Note for HB17-1280 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.