



Legislative  
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# FINAL FISCAL NOTE

**Drafting Number:** LLS 19-0648  
**Prime Sponsors:** Rep. Snyder  
Sen. Ginal

**Date:** August 21, 2019  
**Bill Status:** Signed Into Law  
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**Bill Topic:** OFFICE OF PUBLIC GUARDIANSHIP OPERATION CONDITIONS

**Summary of Fiscal Impact:**

|   |  |
|---|--|
| <input type="checkbox"/> State Revenue                | <input type="checkbox"/> TABOR Refund            |
| <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> Local Government        |
| <input type="checkbox"/> State Transfer               | <input type="checkbox"/> Statutory Public Entity |

This bill removes the requirement that the Office of Public Guardianship (OPG) wait to carry out certain duties until they have received \$1,750,000 in gifts, grants, and donations. This bill requires the OPG to begin operating in the Second Judicial District when it receives sufficient funding to begin operations in that district alone. This bill increase state revenue and expenditures on an ongoing basis.

**Appropriation Summary:** For FY 2019-20, this bill requires an appropriation of \$835,386 to the Judicial Department.

**Fiscal Note Status:** The fiscal note reflects the enacted bill.

**Table 1  
State Fiscal Impacts Under HB 19-1045**

|                     |                        | FY 2019-20       | FY 2020-21       |
|---------------------|------------------------|------------------|------------------|
| <b>Revenue</b>      | Cash Funds             | \$454,293        | \$454,293        |
|                     | <b>Total</b>           | <b>\$454,293</b> | <b>\$454,293</b> |
| <b>Expenditures</b> | General Fund           | \$427,000        | \$263,411        |
|                     | Cash Funds             | \$408,386        | \$408,386        |
|                     | Centrally Appropriated | \$41,185         | \$33,120         |
|                     | <b>Total</b>           | <b>\$876,571</b> | <b>\$704,917</b> |
| <b>Total FTE</b>    |                        | <b>4.8 FTE</b>   | <b>6.3 FTE</b>   |
| <b>Transfers</b>    |                        | -                | -                |
| <b>TABOR Refund</b> |                        | -                | -                |

## Summary of Legislation

This bill removes the requirement that the Office of Public Guardianship (OPG) wait to carry out certain duties of the office until the public guardianship cash fund has received \$1,750,000 in gifts, grants, and donations. As a result, the OPG will begin operations once this bill goes into effect. In addition, this bill requires the Office of Public Guardianship to begin operating in the Second Judicial District (Denver) when it receives sufficient funding to begin operations in that district alone. Finally, the bill creates a partial funding source by increasing probate fees, as shown in Table 2, and depositing the proceeds in the Office of Public Guardianship Cash Fund.

## Background

The Office of Public Guardianship in the Judicial Department was created by HB17-1087 as a pilot program and is set to repeal June 30, 2021. The office was established to provide legal guardianship services for incapacitated and indigent adults in the 2nd, 7th, and 16th judicial districts, conditional upon the receipt of sufficient gifts, grants, and donations.

## State Revenue

Beginning in FY 2019-20, this bill increases state revenue by \$454,293 per year from increased probate fees. These fee changes are shown in Table 2 and the revenue impacts are shown in Table 3 below. Certain fees are not included in the revenue impact as they either do not have available data or are expected to have a minimal effect.

**Table 2**  
**Fees Under HB 19-1045**

| <b>Fee</b>                  | <b>Statute</b>   | <b>Current Fee</b> | <b>New Fee</b> | <b>Increase</b> |
|-----------------------------|------------------|--------------------|----------------|-----------------|
| Probate Docket First Filing | 13-32-102 (1)(a) | \$68               | \$83           | \$15            |
| Docket Fee                  | 13-32-102 (1)(b) | \$164              | \$199          | \$35            |
| Petitioner Filing Fee       | 13-32-102 (1)(c) | \$163              | \$198          | \$35            |
| Claimant Docket Fee         | 13-32-102 (1)(d) | \$163              | \$198          | \$35            |
| Trust Registration Fee      | 13-32-102 (1)(e) | \$163              | \$198          | \$35            |
| Trust Docket Fee            | 13-32-102 (1)(f) | \$164              | \$199          | \$35            |
| Demand for Notice           | 13-32-102 (1)(g) | \$30               | \$36           | \$6             |
| Depositing a Will           | 13-32-102 (1)(h) | \$15               | \$18           | \$3             |
| Foreign Judgement Fee       | 13-32-102 (1)(h) | \$166              | \$201          | \$35            |
| Public Administrator Fee    | 15-12-623        | \$89               | \$108          | \$19            |
| Jury fees                   | 13-71-144        | \$190              | \$231          | \$41            |

**Table 3  
Annual Probate Fee Impact**

| <b>Type of Fee</b>       | <b>Change in Fee</b> | <b>Number Affected</b> | <b>Total Fee Impact</b> |
|--------------------------|----------------------|------------------------|-------------------------|
| Probate Docket Fee       | \$35                 | 11,054                 | \$386,873               |
| Trust Registration Fee   | \$35                 | 1,540                  | 53,900                  |
| Trust Docket Fee         | \$35                 | 319                    | 11,165                  |
| Foreign Judgement Fee    | \$35                 | 13                     | 455                     |
| Public Administrator Fee | \$19                 | 100                    | 1,900                   |
|                          |                      |                        | <b>\$454,293</b>        |

**State Expenditures**

This bill will increase costs in the Judicial Department by \$876,572 and 4.8 FTE in FY 2019-20 and \$704,917 and 6.3 FTE in FY 2020-21 and future years to implement the OPG in the Second Judicial District as shown in Table 4 and discussed below.

**Table 4  
Expenditures Under HB 19-1045**

|   | <b>FY 2019-20</b> | <b>FY 2020-21</b> |
|---|-------------------|-------------------|
| <b>Judicial Department</b>                  |                   |                   |
| Personal Services                           | \$349,002         | \$450,147         |
| Operating Expenses and Capital Outlay Costs | \$33,918          | \$5,700           |
| Case Management Software                    | \$300,000         | -                 |
| Evaluation Data                             | \$25,000          | \$50,000          |
| Training and Travel                         | \$10,000          | \$25,000          |
| Legal Services                              | \$50,000          | \$50,000          |
| Employee Benefits and Insurance             | \$67,467          | \$90,950          |
| Centrally Appropriated Costs*               | \$41,185          | \$33,120          |
| FTE – Personal Services                     | 4.5 FTE           | 6.0 FTE           |
| FTE – Legal Services                        | 0.3 FTE           | 0.3 FTE           |
| <b>Total Cost</b>                           | <b>\$876,572</b>  | <b>\$704,917</b>  |
| <b>Total FTE</b>                            | <b>4.8 FTE</b>    | <b>6.3 FTE</b>    |

\* Centrally appropriated costs are not included in the bill's appropriation.

**Personal Services and Operating Expenses.** The Judicial Department requires 4.5 FTE in FY 2019-20 and 6.0 FTE in FY 2020-21 to operate in the Second Judicial District, including an executive director, staff assistant and four public guardians. It is assumed that the executive director and staff assistant will start three months before the public guardians to get the office ready for operations. First year costs are prorated to reflect the General Fund payday shift.

**Legal Services.** The Judicial Department will require legal services from the Department of Law for rule making and ongoing counsel and support. These costs are estimated to be \$50,000 in FY 2019-20, representing 482 hours respectively. To provide legal services, the Department of Law requires reappropriated funds and 0.3 FTE.

**Centrally appropriated costs.** Pursuant to Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$108,652 in FY 2019-20 and \$124,070 in FY 2020-21. Of these costs, the fiscal note assumes that \$67,467 in FY 2019-20 and \$90,950 in FY 2020-21 will be appropriated in this bill, rather than centrally appropriated as the OPG will be a freestanding office and will not have the ability to cover these costs initially and align later. Indirect costs however will be addressed through the annual budget process.

## Effective Date

The bill was signed into law by the Governor on May 30, 2019 and took effect on July 1, 2019.

## State Appropriations

For FY 2019-20, this bill requires and includes a General Fund appropriation of \$427,000 and a cash fund appropriation of \$408,386 to the Judicial Department and 4.5 FTE. Of this amount, \$50,000 is reappropriated to the Department of Law for legal services and an allocation of 0.3 FTE.

## State and Local Government Contacts

Judicial