

**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. 19-0648.01 Conrad Imel x2313

HOUSE BILL 19-1045

HOUSE SPONSORSHIP

Snyder,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING FUNDING FOR CARRYING OUT DUTIES RELATED TO THE**
102 **OFFICE OF PUBLIC GUARDIANSHIP.**

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>.)

Current law requires the public guardianship commission (commission) to appoint a director for the office of public guardianship (office) to establish and administer the office within one month after the public guardianship cash fund (cash fund) has received \$1,700,000 in gifts, grants, and donations. The director is required to administer the office in 3 specified judicial districts within 5 months after the cash fund

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.

reaches the same threshold.

The bill removes the condition that the commission and director wait to carry out certain duties until the cash fund has received the specified amount of gifts, grants, and donations.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-94-104, **amend**
3 (3) as follows:

4 **13-94-104. Public guardianship commission created - office of**
5 **public guardianship created - appointment of director -**
6 **memorandum of understanding.** (3) ~~Not more than one month after~~
7 ~~receiving at least one million seven hundred thousand dollars in gifts,~~
8 ~~grants, and donations to the office of public guardianship cash fund~~
9 ~~created in section 13-94-108;~~ The commission shall appoint a director to
10 establish, develop, and administer the office of public guardianship,
11 which office is hereby created within the judicial department. The
12 director serves at the pleasure of the commission.

13 **SECTION 2.** In Colorado Revised Statutes, 13-94-105, **amend**
14 (1), (4) introductory portion, and (5) as follows:

15 **13-94-105. Office of public guardianship - duties - report.**
16 (1) The director shall establish, develop, and administer the office to
17 serve indigent and incapacitated adults in need of guardianship in the
18 second, seventh, and sixteenth judicial districts and shall coordinate its
19 efforts with county departments of human services and county
20 departments of social services within those districts. ~~Not more than five~~
21 ~~months after receiving at least one million seven hundred thousand~~
22 ~~dollars in gifts, grants, and donations to the office of public guardianship~~
23 ~~cash fund created in section 13-94-108;~~ The director shall administer the

1 office in accordance with the memorandum of understanding described
2 in section 13-94-104 (4).

3 (4) On or before January 1, ~~2021~~ 2023, the director shall submit
4 to the judiciary committees of the senate and the house of representatives,
5 or to any successor committees, a report concerning the activities of the
6 office. The report, at a minimum, must:

7 (5) In addition to performing the duties described in this section,
8 the director, in consultation with the commission, shall develop a strategy
9 for the discontinuation of the office in the event that the general assembly
10 declines to continue or expand the office after ~~2021~~ 2023. The strategy
11 must include consideration of how to meet the guardianship needs of
12 adults who will no longer be able to receive guardianship services from
13 the office.

14 **SECTION 3.** In Colorado Revised Statutes, **amend** 13-94-111 as
15 follows:

16 **13-94-111. Repeal - wind-up.** (1) This article 94 is repealed,
17 effective ~~June 30, 2021~~ DECEMBER 31, 2023. Prior to such repeal, the
18 general assembly, after reviewing the report submitted by the director
19 pursuant to section 13-94-105 (4), shall consider whether to enact
20 legislation to continue, discontinue, or expand the office.

21 (2) IF THE GENERAL ASSEMBLY HAS ADJOURNED THE LEGISLATIVE
22 SESSION BEGINNING IN JANUARY OF 2023 SINE DIE WITHOUT ENACTING
23 LEGISLATION TO CONTINUE OR EXPAND THE OFFICE, THE OFFICE SHALL
24 IMPLEMENT ITS DISCONTINUATION PLAN DEVELOPED PURSUANT TO
25 SECTION 13-94-105 AND WIND-UP ITS AFFAIRS PRIOR TO THE REPEAL OF
26 THIS ARTICLE 94.

27 **SECTION 4. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2020 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.