

**JBC STAFF FISCAL ANALYSIS  
HOUSE APPROPRIATIONS COMMITTEE**

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

Prime Sponsors: Reps. Snyder and Soper  
Senator Ginal

JBC Analyst: Steve Allen  
Phone: 303-866-4961  
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**Fiscal Impact of Bill as Amended to Date**

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 01/29/19.

	<b>No Change:</b> Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
XXX	<b>Update:</b> Fiscal impact has changed due to <i>new information or technical issues</i>
	<b>Update:</b> Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	<b>Non-Concurrence:</b> JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

Existing statute requires that the Office of Public Guardianship (OPG) begin operating a pilot guardianship program in three judicial districts shortly after receiving \$1.75 million of gifts, grants and donations, an amount it has been unable to collect. This bill removes the fund-raising prerequisite, which means that the OPG Commission must appoint a director and the OPG must begin operations shortly after this bill becomes effective in August 2019. Thus, this bill requires a General Fund appropriation that is not indicated in the 01/29/19 Legislative Council Staff Fiscal Note. An analysis by JBC staff indicates that the OPG needs an appropriation of \$1,517,829 for operations in three judicial districts during FY 2019-20, an appropriation that must be from the General Fund since there are no other funding sources. Legislative Council Staff agrees with this analysis and will revise the fiscal note to reflect Appropriations Committee decisions.

The Judiciary Committee Report (02/14/19) includes amendments to the bill, however, Legislative Council Staff and JBC Staff agree that the committee amendments do not change the fiscal impact of the bill.

**Amendments in This Packet for Consideration by Appropriations Committee**

Amendment	Description
J.001	Staff-prepared appropriation amendment
L.008/J.002	Bill Sponsor amendment - changes fiscal impact <i>and</i> appropriation

**Current Appropriations Clause in Bill**

The bill requires but does not contain an appropriation clause.

**Description of Amendments in This Packet**

**J.001** Staff has prepared amendment **J.001** (attached) to add a provision appropriating \$1,517,829 General Fund to the Judicial Branch for the Office of Public Guardianship (OPG) for FY 2019-20, an amount sufficient to operate the pilot program in three judicial districts. This provision also states that the appropriation is based on the assumption that the OPG will require an additional 8.4 FTE.

**L.008 and J.002**

Bill Sponsor amendment **L.008** (attached) requires the Office of Public Guardianship (OPG) to begin operating in the Second Judicial District (Denver) when it receives sufficient funding to begin operations in that district alone. The amendment also creates a partial funding source by increasing probate fees by an average of 21 percent and depositing the proceeds in the Office of Public Guardianship Cash Fund. Amendment J.002 adds an appropriation to L.008 that provides the OPG with \$427,000 General Fund and \$408,386 cash funds from the OPG cash fund, for a total FY 2019-20 appropriation of \$835,386, an amount sufficient to begin operations in Denver. The appropriation is based on the assumption that the OPG will require 4.5 FTE for operations during FY 2019-20. For FY 2020-21, the OPG would require appropriations totaling \$673,697 for a full year of operation, including \$265,311 General Fund and \$408,386 cash funds. Amendment L.008 also attaches a safety clause to the bill and changes the effective date to July 1, 2019. The following table summarizes the fee increases in L.008.

Fee	C.R.S. Cite	Current Fee	New Fee	Increase
<b>Probate Docket First Filing</b>	13-32-102 (1)(a)	\$68	\$83	\$15
<b>Docket Fee</b>	13-32-102 (1)(b)	\$164	\$199	\$35
<b>Petitioner Filing Fee</b>	13-32-102 (1)(c)	\$163	\$198	\$35
<b>Claimant Docket Fee</b>	13-32-102 (1)(d)	\$163	\$198	\$35
<b>Trust Registration Fee</b>	13-32-102 (1)(e)	\$163	\$198	\$35
<b>Trust Docket Fee</b>	13-32-102 (1)(f)	\$164	\$199	\$35
<b>Demand for Notice</b>	13-32-102 (1)(g)	\$30	\$36	\$6
<b>Depositing a Will</b>	13-32-102 (1)(h)	\$15	\$18	\$3
<b>Foreign Judgement Fee</b>	13-53-106 (1)(a)	\$166	\$201	\$35
<b>Public Administrator Fee</b>	15-12-623	\$89	\$108	\$19
<b>Jury fees</b>	13-71-144	\$190	\$231	\$41

**If the Committee adopts L.008, it should adopt J.002 and should not adopt J.001.**

**Points to Consider***General Fund Impact if J.001 is adopted*

The Joint Budget Committee has proposed a budget package for FY 2019-20 based on the March 2019 Legislative Council Staff revenue forecast. The budget package leaves approximately \$65.2 million General Fund unallocated. Thus, the General Assembly could appropriate up to \$60.8 million General Fund to fund 2019 legislation and maintain a 7.25 percent General Fund reserve. This bill requires a General Fund appropriation of \$1,517,829 for FY 2019-20, reducing the excess General Fund reserve by \$1,627,872.

*General Fund Impact if L.008 and J.002 are adopted*

The Joint Budget Committee has proposed a budget package for FY 2019-20 based on the March 2019 Legislative Council Staff revenue forecast. The budget package leaves approximately \$65.2 million General Fund unallocated. Thus, the General Assembly could appropriate up to \$60.8 million General Fund to fund 2019 legislation and maintain a 7.25 percent General Fund reserve. This bill requires a General Fund appropriation of \$427,000 for FY 2019-20, reducing the excess General Fund reserve by \$457,958.