

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0648.01 Conrad Imel x2313

HOUSE BILL 19-1045

HOUSE SPONSORSHIP

Snyder and Soper, Becker, Bird, Buentello, Cutter, Duran, Exum, Galindo, Gonzales-Gutierrez, Hooton, Kennedy, Kipp, Kraft-Tharp, McCluskie, Michaelson Jenet, Singer, Tipper, Valdez A.

SENATE SPONSORSHIP

Ginal,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING FUNDING FOR CARRYING OUT DUTIES RELATED TO THE**
102 **OFFICE OF PUBLIC GUARDIANSHIP, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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

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.

SENATE
Amended 2nd Reading
May 2, 2019

HOUSE
3rd Reading Unamended
April 17, 2019

HOUSE
Amended 2nd Reading
April 16, 2019

office in 3 specified judicial districts within 5 months after the cash fund 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). NOTWITHSTANDING ANY OTHER PROVISION OF
3 THIS SECTION, UPON RECEIVING FUNDING SUFFICIENT TO BEGIN
4 OPERATIONS IN THE SECOND JUDICIAL DISTRICT, THE OFFICE MUST BEGIN
5 OPERATIONS IN THAT JUDICIAL DISTRICT PRIOR TO OPERATING IN ANY
6 OTHER DISTRICT.

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

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

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

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 Repeal - wind-up.** (1) This article 94 is repealed,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

25 (2) IF THE GENERAL ASSEMBLY HAS ADJOURNED THE LEGISLATIVE
26 SESSION BEGINNING IN JANUARY OF 2023 SINE DIE WITHOUT ENACTING
27 LEGISLATION TO CONTINUE OR EXPAND THE OFFICE, THE OFFICE SHALL

1 IMPLEMENT ITS DISCONTINUATION PLAN DEVELOPED PURSUANT TO
2 SECTION 13-94-105 AND WIND-UP ITS AFFAIRS PRIOR TO THE REPEAL OF
3 THIS ARTICLE 94.

4 **SECTION 4.** In Colorado Revised Statutes, 13-32-102, **amend**
5 (1), (6)(a) introductory portion, (6)(a)(II), (6)(b) introductory portion,
6 (6)(b)(II), (6)(c) introductory portion, (6)(c)(II), (6)(d) introductory
7 portion, (6)(d)(II), (6)(e) introductory portion, (6)(e)(II), (6)(f)
8 introductory portion, (6)(f)(II), (6)(g) introductory portion, (6)(g)(II),
9 (6)(h) introductory portion, and (6)(h)(II) as follows:

10 **13-32-102. Fees in probate proceedings.** (1) On and after July
11 1, ~~2008~~, 2019, for services rendered by judges and clerks of district or
12 probate courts in all counties of the state of Colorado in proceedings had
13 pursuant to articles 10 to 17 of title 15, the court shall charge the
14 following fees:

15 (a) Docket fee at the time of filing first papers in any decedent's
16 estate eligible for summary administrative procedures under section
17 15-12-1203, ~~C.R.S.~~, or in any small estate of a person under disability
18 qualifying under section 15-14-118, ~~C.R.S.~~, which estates involve no real
19 property. \$ ~~68.00~~ **83.00**

20 (b) Docket fee at time of filing first papers in any estate not
21 coming within the provisions of ~~paragraph (a) of this subsection (1)~~
22 **SUBSECTION (1)(a) OF THIS SECTION** ~~164.00~~ **199.00**

23 (c) Additional fee payable by petitioner at time of filing
24 petition for supervised administration of a decedent's estate pursuant
25 to sections 15-12-501 and 15-12-502, ~~C.R.S.~~, except for contested
26 claims ~~163.00~~ **198.00**

27 (d) Docket fee to be paid by the claimant prior to hearing on any

1 contested claim, which fee ~~shall be~~ IS taxed by the district or probate
2 court in the same manner as costs in civil actions ~~163.00~~ **198.00**

3 (e) Registration fee for registration of trust pursuant to article 5 of
4 title 15 ~~163.00~~ **198.00**

5 (f) Docket fee at time of filing first papers in each action relating
6 to a trust. ~~164.00~~ **199.00**

7 (g) Nonrefundable fee for any demand for notice filed pursuant to
8 section 15-12-204 ~~C.R.S.~~ ~~30.00~~ **36.00**

9 (h) A fee to be paid by the testator at the time of depositing a will
10 with the court during the testator's lifetime pursuant to section 15-11-515
11 ~~C.R.S.~~ ~~15.00~~ **18.00**

12 (6) (a) Each fee collected pursuant to ~~paragraph (a) of subsection~~
13 ~~(1)~~ SUBSECTION (1)(a) of this section shall be transmitted to the state
14 treasurer and divided as follows:

15 (II) On and after July 1, ~~2009~~, 2019, forty-eight dollars shall be
16 deposited in the judicial stabilization cash fund created in section
17 13-32-101 (6), five dollars shall be deposited in the court security cash
18 fund established pursuant to section 13-1-204, FIFTEEN DOLLARS SHALL
19 BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND
20 ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and fifteen dollars
21 shall be deposited in the justice center cash fund created in section
22 13-32-101 (7)(a).

23 (b) Each fee collected pursuant to ~~paragraph (b) of subsection (1)~~
24 SUBSECTION (1)(b) of this section shall be transmitted to the state
25 treasurer and divided as follows:

26 (II) On and after July 1, ~~2009~~, 2019, one hundred forty-three
27 dollars shall be deposited in the judicial stabilization cash fund created in

1 section 13-32-101 (6), five dollars shall be deposited in the court security
2 cash fund established pursuant to section 13-1-204, fifteen dollars shall
3 be deposited in the justice center cash fund created in section 13-32-101
4 (7)(a), THIRTY-FIVE DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF
5 PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION
6 13-94-108 (1), and one dollar shall be deposited in the general fund
7 pursuant to section 2-5-119. ~~C.R.S.~~

8 (c) Each fee collected pursuant to ~~paragraph (c) of subsection (1)~~
9 ~~SUBSECTION (1)(c)~~ of this section shall be transmitted to the state treasurer
10 and divided as follows:

11 (II) On and after July 1, ~~2009~~, 2019, one hundred forty-three
12 dollars shall be deposited in the judicial stabilization cash fund created in
13 section 13-32-101 (6), five dollars shall be deposited in the court security
14 cash fund established pursuant to section 13-1-204, THIRTY-FIVE DOLLARS
15 SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND
16 ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and fifteen dollars
17 shall be deposited in the justice center cash fund created in section
18 13-32-101 (7)(a).

19 (d) Each fee collected pursuant to ~~paragraph (d) of subsection (1)~~
20 ~~SUBSECTION (1)(d)~~ of this section shall be transmitted to the state
21 treasurer and divided as follows:

22 (II) On and after July 1, ~~2009~~, 2019, one hundred forty-three
23 dollars shall be deposited in the judicial stabilization cash fund created in
24 section 13-32-101 (6), five dollars shall be deposited in the court security
25 cash fund established pursuant to section 13-1-204, THIRTY-FIVE DOLLARS
26 SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND
27 ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and fifteen dollars

1 shall be deposited in the justice center cash fund created in section
2 13-32-101 (7)(a).

3 (e) Each fee collected pursuant to ~~paragraph (e) of subsection (1)~~
4 SUBSECTION (1)(e) of this section shall be transmitted to the state treasurer
5 and divided as follows:

6 (II) On and after July 1, ~~2009~~, 2019, one hundred forty-three
7 dollars shall be deposited in the judicial stabilization cash fund created in
8 section 13-32-101 (6), five dollars shall be deposited in the court security
9 cash fund established pursuant to section 13-1-204, THIRTY-FIVE DOLLARS
10 SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND
11 ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and fifteen dollars
12 shall be deposited in the justice center cash fund created in section
13 13-32-101 (7)(a).

14 (f) Each fee collected pursuant to ~~paragraph (f) of subsection (1)~~
15 SUBSECTION (1)(f) of this section shall be transmitted to the state treasurer
16 and divided as follows:

17 (II) On and after July 1, ~~2009~~, 2019, one hundred forty-three
18 dollars shall be deposited in the judicial stabilization cash fund created in
19 section 13-32-101 (6), five dollars shall be deposited in the court security
20 cash fund established pursuant to section 13-1-204, fifteen dollars shall
21 be deposited in the justice center cash fund created in section 13-32-101
22 (7)(a), THIRTY-FIVE DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF
23 PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION
24 13-94-108 (1), and one dollar shall be deposited in the general fund
25 pursuant to section 2-5-119. ~~C.R.S.~~

26 (g) Each fee collected pursuant to ~~paragraph (g) of subsection (1)~~
27 SUBSECTION (1)(g) of this section shall be transmitted to the state

1 treasurer and divided as follows:

2 (II) On and after July 1, ~~2009~~, 2019, twenty-five dollars shall be
3 deposited in the judicial stabilization cash fund created in section
4 13-32-101 (6), SIX DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC
5 GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION
6 13-94-108 (1), and five dollars shall be deposited in the court security
7 cash fund established pursuant to section 13-1-204.

8 (h) Each fee collected pursuant to ~~paragraph (h) of subsection (1)~~
9 SUBSECTION (1)(h) of this section shall be transmitted to the state
10 treasurer and divided as follows:

11 (II) On and after July 1, ~~2010~~, 2019, ten dollars shall be deposited
12 in the judicial stabilization cash fund created in section 13-32-101 (6),
13 THREE DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC
14 GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION
15 13-94-108 (1), and five dollars shall be deposited in the court security
16 cash fund established pursuant to section 13-1-204.

17 **SECTION 5.** In Colorado Revised Statutes, 13-53-106, **amend**
18 (1)(a), (1)(c) introductory portion, (1)(c)(III), (1)(c)(IV); and **add**
19 (1)(c)(V) as follows:

20 **13-53-106. Fees.** (1) (a) On and after July 1, 2008, any person
21 filing a foreign judgment shall pay to the clerk of the court ~~one hundred~~
22 ~~sixty-six~~ TWO HUNDRED ONE dollars.

23 (c) Each fee collected pursuant to ~~paragraph (a) of this subsection~~
24 ~~(1)~~ SUBSECTION (1)(a) OF THIS SECTION shall be transmitted to the state
25 treasurer and divided as follows:

26 (III) Fifteen dollars shall be deposited in the justice center cash
27 fund created in section 13-32-101 (7)(a); ~~and~~

1 (IV) One dollar shall be deposited in the general fund pursuant to
2 section 2-5-119; ~~C.R.S.~~ AND

3 (V) THIRTY-FIVE DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF
4 PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION
5 13-94-108 (1).

6 **SECTION 6.** In Colorado Revised Statutes, 15-12-623, **amend**
7 (1)(a)(III); and **add** (1)(c) as follows:

8 **15-12-623. Public administrator - administration - reports -**
9 **fees.** (1) The following court docket fees shall be charged:

10 (a) Public administrator statements of account in small estates, as
11 "small estates" is defined in section 15-12-1201, having gross assets:

	Fee	Tax	Total
13 (III) \$2,000.00 or more	\$ 89.00 108.00	1.00	90.00 109.00

14 (c) NINETEEN DOLLARS OF EACH FEE COLLECTED PURSUANT TO
15 SUBSECTION (1)(a)(III) OF THIS SECTION SHALL BE TRANSMITTED TO THE
16 STATE TREASURER, WHO SHALL DEPOSIT IT IN THE OFFICE OF PUBLIC
17 GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION
18 13-94-108 (1).

19 **SECTION 7.** In Colorado Revised Statutes, 13-71-144, **amend**
20 (1)(a), (2)(a) introductory portion, and (2)(a)(II) as follows:

21 **13-71-144. Jury fees to be assessed in civil cases.** (1) (a) On and
22 after July 1, ~~2008~~, 2019, any party demanding a trial by jury as provided
23 by statute shall pay to the clerk of the court a fee of ~~one hundred ninety~~
24 ~~TWO HUNDRED THIRTY-ONE~~ dollars in district court cases at the time the
25 demand is made pursuant to the Colorado rules of civil procedure.

26 (2) (a) Each fee collected pursuant to ~~paragraph (a) of subsection~~
27 ~~(1)~~ SUBSECTION (1)(a) of this section shall be transmitted to the state

1 treasurer and divided as follows:

2 (II) On and after July 1, ~~2009~~, 2019, one hundred sixty-five
3 dollars shall be deposited in the judicial stabilization cash fund created in
4 section 13-32-101 (6), five dollars shall be deposited in the court security
5 cash fund established pursuant to section 13-1-204, FORTY-ONE DOLLARS
6 SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND
7 ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and twenty dollars
8 shall be deposited in the justice center cash fund created in section
9 13-32-101 (7)(a).

10 **SECTION 8. Appropriation.** (1) For the 2019-20 state fiscal
11 year, \$835,386 is appropriated to the judicial department for use by the
12 office of public guardianship. Of this appropriation, \$427,000 is from the
13 general fund and \$408,386 is from the office of public guardianship cash
14 fund created in section 13-94-108 (1), C.R.S. The appropriation is based
15 on an assumption that the office will require an additional 4.5 FTE. The
16 office may use this appropriation for operation of a pilot implementation
17 of article 94 of title 13, C.R.S., in the second judicial district.

18 (2) For the 2019-20 state fiscal year, \$50,000 is appropriated to
19 the department of law. This appropriation is from reappropriated funds
20 received from the office of public guardianship from the appropriation in
21 subsection (1) of this section and is based on an assumption that the
22 department of law will require an additional 0.3 FTE. To implement this
23 act, the department of law may use this appropriation to provide legal
24 services for the office of public guardianship.

25 **SECTION 9. Effective date - applicability.** This act takes effect
26 July 1, 2019, and applies to fees assessed on or after said date.

27 **SECTION 10. Safety clause.** The general assembly hereby finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, and safety.
3 