

Colorado Legislative Council Staff Fiscal Note

**STATE
FISCAL IMPACT**

Drafting Number: LLS 15-0668
Prime Sponsor(s): Sen. Steadman

Date: February 24, 2015
Bill Status: Senate Judiciary
Fiscal Analyst: Clare Pramuk (303-866-2677)

BILL TOPIC: UNIFORM SUBSTITUTE DECISION-MAKING DOCS ACT

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures	Minimal workload increase. See State Expenditures section.	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

This bill, **recommended by the Colorado Commission on Uniform State Laws**, enacts the "Colorado Uniform Recognition of Substitute Decision-making Documents Act". A substitute decision-making document, such as a power of attorney or a proxy delegation, authorizes a decision-maker to act on behalf of an individual with respect to property, health care, or personal care regardless of whether the document was created within or outside of the jurisdiction where the substitute decision is needed.

The bill clarifies that a substitute decision-making document executed outside of the state is valid in Colorado if it complied with the law of the jurisdiction where it was executed, or, if no jurisdiction is indicated, if it complied with Colorado law.

A person who accepts a substitute decision-making document in good faith without actual knowledge of the validity of the document and that the authority of the decision-maker is still in force, may assume without inquiry that the document and decision-maker's authority are genuine, valid, and still in effect. The bill includes circumstances under which a person can refuse to accept a substitute decision-making document. If a person refuses to accept a substitute decision-making document in violation of the bill, that person is subject to legal action and liability for reasonable attorney's fees and costs.

Background

The Colorado Commission on Uniform State Laws is charged with working with the national Uniform Law Commission (ULC) to promote uniformity in state laws where uniformity may be deemed desirable and practicable. This is achieved by developing proposed uniform legislation through the ULC that can be adopted by the various state legislatures. Colorado's commissioners are required to be attorneys admitted to practice law in Colorado. Members include six attorneys appointed or reappointed by joint resolution of the General Assembly; any Colorado citizen who is

elected as a life member of the ULC (after twenty years of membership); and the Director of the Office of Legislative Legal Services, or the Director's designee. The Office of Legislative Legal Services provides assistance to the legislative members of the Colorado Commission in their efforts to enact legislation regarding uniform acts.

State Expenditures

This bill may result in a minimal increase in workload for trial courts in the Judicial Department. A decision-maker or other aggrieved party has a legal remedy if an acceptable substitute decision-making document is denied improperly, which will increase trial court workload. Such requests are expected to be infrequent and can be addressed within existing resources. In addition, the bill causes an offsetting, minimal decrease in trial court workload by providing guidance regarding the acceptability of substitute decision-making documents in cases where the validity of such a document is contested under current law.

Effective Date

The bill takes effect August 5, 2015, if the General Assembly adjourns on May 6, 2015, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Judicial

Law

Legislative Legal Services