



**Colorado  
Legislative  
Council  
Staff**

**SB16-133**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-1054 **Date:** February 25, 2016  
**Prime Sponsor(s):** Sen. Tate **Bill Status:** Senate Judiciary  
 Rep. Pabon; Willett **Fiscal Analyst:** Amanda Hayden (303-866-4918)

**BILL TOPIC:** TRANSFER OF PROPERTY RIGHTS AT DEATH

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Minimal workload increase.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing workload increase.		

**Summary of Legislation**

This bill makes changes to the probate code and to laws governing the transfer of property upon death. First, the bill changes procedures for affirming the death of a decedent with shared ownership of real property and exempts inherited individual retirement accounts, including Roth accounts, from being seized and sold by the court under a writ of attachment or a writ of execution.

Second, the bill makes changes to probate law for determining heirs, devisees, and property interests. It changes the definition of "interested person" to include an owner by descent or succession and to exclude any person holding a non-ownership interest in a decedent's property. The bill also allows persons who may be affected by the ownership of such property to petition the court to determine the heirs of the decedent and the descent of all or any portion of property. The bill outlines new requirements for petitioning the court in these cases, depending upon whether or not the decedent died with or without a valid will. The admission of a previously unprobated will applies only to the decedent's property interests described in the petition.

The bill enacts portions of the "Uniform Power of Appointment Act," which describes when appointive property is subject to a creditor's claim.

**State Expenditures**

This bill may increase workload in the trial courts by a minimal amount. In expanding the definition of an "interested person," the bill may lead to an increase in filings from individuals claiming an interest in a decedent's property. This increase in filings is expected to be minimal and can be accomplished within existing appropriations.

**Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

County Clerks and Recordors

Judicial