



FINAL
FISCAL NOTE

Drafting Number: LLS 10-1050**Date:** September 20, 2010**Prime Sponsor(s):** Sen. Carroll M.
Rep. Court**Bill Status:** Signed into Law**Fiscal Analyst:** Chris Ward (303-866-5834)

TITLE: CONCERNING CLARIFYING REVISIONS TO CERTAIN PROVISIONS OF THE COLORADO PROBATE CODE.**Summary of Legislation**

The bill makes several modifications to the probate code. Specifically, the bill:

- requires that cost-of-living adjustments of certain dollar amounts be rounded to one-thousand-dollar increments, rather than one-hundred-dollar increments;
- defines the word "will" to exclude designated beneficiary agreements, but clarifies the rights of a designated beneficiary to receive all or part of an intestate estate;
- clarifies that a child who is in the process of being adopted by a second adult in a second-parent adoption when the second adult dies shall be treated as adopted by the second adult if the child's parent survives the second adult by 120 hours;
- reduces the evidence required to overcome a presumption that a deceased spouse has a parent-child relationship with a child born using assisted reproduction technologies;
- revises the scope of the rules of construction applicable to wills and other governing instruments to specify that new class gift rules apply only to documents executed or re-published on or after the effective date of the applicable statute;
- requires that official comments to the code be published in the statute;
- removes statutory language awarding a share of an intestate estate for a decedent's stepchildren when there are no blood relatives of the decedent available to receive an intestate share; and
- amends the effective date-applicability clause of HB09-1287, enacted in 2009.

The bill was signed by the Governor and became law on June 7, 2010, and it became effective on July 1, 2010.

Assessment

The bill has no fiscal impact. It clarifies some changes to the probate code adopted in 2009, but will not affect state or local government revenue or expenditures.

Departments Contacted

Judicial