This bill creates the Colorado Trust Code, which will govern trust administration. This bill will minimally increase state revenue and expenditures.

**Summary of Legislation**

Under current law, the administration of trusts is governed by provisions within the probate code. This bill repeals many of these provisions from the probate code and creates the Colorado Trust Code and aligns it with the national uniform law. Specifically, the new trust code outlines the following:

- judicial proceedings;
- representation;
- creation, validity, modification, and termination of trusts;
- duties and powers of trustees; and
- liabilities of trustees and rights of persons dealing with trustees.

In creating the trust code, the bill also makes several changes to how trusts operate. These changes include, allowing for the creation of oral trusts, allowing courts to review trustee actions, and allowing courts to review trust amendments, among other changes.

**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 Revenue

Overall, the bill may increase state revenue to the Judicial Department by a minimal
amount. Under the bill, trusts are no longer required to be registered with the courts, which
decreases revenue to the Judicial Department. However, given that there is currently no penalty
for failing to register a trust, the fiscal note assumes that any decrease will be minimal. The bill
also makes several changes that could increase court filings related to trusts including, allowing
for oral trusts, allowing the courts to review trustee actions, and allowing the courts to review trust
amendments not agreed on by all beneficiaries and trustees. This potential increase in court filings
will increase revenue to the Judicial Department from various filing fees. However, the fiscal note
assumes that the majority of trustees will abide by the law and to their responsibilities in a trust.
Therefore, the increase in caseload and revenue will be minimal.

TABOR Refund

The bill may result in a net increase to state revenue subject to TABOR by a minimal
amount starting in FY 2018-19. State revenue is not currently expected to exceed the TABOR limit
in either FY 2018-19 or FY 2019-20 and no refund is required. Therefore, the bill is not expected
to impact TABOR refunds in these years. However, refunds in future years when the state next
collects a TABOR surplus will be increased.

State Expenditures

The bill will minimally increase workload in the trial courts in the Judicial Department and
increase expenditures in the Department of Law starting in FY 2018-19. These impacts are
discussed below.

Judicial Department. The trial courts in the Judicial Department will have an increase in
workload to the extent that the bill increases civil filings related to trusts. The bill allows the courts
to review a trustee’s individual actions, which under current law can only be done through
surcharge litigation. By allowing the courts to review a trustee’s actions, the number of cases filed
with the court will increase. The bill will also increase workload by allowing the courts to review oral
trusts and amendments to trusts that parties do not agree on. The fiscal note assumes that most
trustees will abide by the law and the responsibilities for trusts and that any increase in workload
will be minimal. Should an increase in appropriations be required, the Judicial Department can
request it through the annual budget process.

Department of Law. Under current law, the Department of Law (DOL) is deemed a
qualified beneficiary of charitable trusts and will receive notifications when a trust is amended or
terminated (this includes non-charitable trusts). To the extent that the bill increases the frequency
that trusts are amended, the DOL will receive additional notifications. The fiscal note assumes that
this increase in workload is minimal and can be accomplished within existing appropriations.
Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Information Technology    Judicial    Law