



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 24-0744 Date: May 15, 2024
Prime Sponsors: Rep. Soper; Joseph Bill Status: Deemed Lost
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Bill Topic: LODGED WILLS

Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill would have eliminated the requirement that paper copies of will be kept by courts indefinitely, specified time periods for holding paper copies of certain wills, and required courts to make and maintain an electronic record of wills for 100 years after the time period for holding the paper copy has passed.

Appropriation Summary: For FY 2024-25, the bill would have required an appropriation of \$158,152 to the Judicial Department.

Fiscal Note Status: The final fiscal note reflects the introduced bill as amended by the House Judiciary Committee. The bill was deemed lost in the House Appropriations Committee on May 9, 2024; therefore, the impacts identified in this analysis do not take effect.

Table 1 State Fiscal Impacts Under HB 24-1077

Table with 4 columns: Category, Budget Year FY 2024-25, Out Year FY 2025-26. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts (General Fund Reserve).

Summary of Legislation

Under current law, court clerks must maintain the physical copy of a lodged will indefinitely. The bill eliminates this requirement and instead requires the court clerks to maintain paper copies of lodged wills for specified periods—three years if no probate proceeding is filed, or two years following the date the estate is closed after a probate proceeding. Following these time periods for holding a paper copy, courts must make an electronic record of each lodged will and maintain that electronic record for 100 years. The bill outlines requirements for clerks to destroy original wills after the required time period has elapsed. Courts must give notice—via letter or email—to the individual who filed the will that the will be destroyed and allow the party to receive the paper copy of the will within 30 days after the date of notice.

Background

All probate courts in the state, including the Denver Probate Court, are funded by the Judicial Department.

State Expenditures

The bill increases expenditures in the Judicial Department by about \$191,000 and 1.6 FTE in FY 2024-25 and by about \$25,000 and 0.3 FTE in FY 2025-26 and ongoing, paid from the General Fund. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under HB 24-1077

	FY 2024-25	FY 2025-26
Judicial Department		
Personal Services	\$143,532	\$18,716
Operating Expenses	\$1,280	\$384
Capital Outlay Costs	\$13,340	-
Centrally Appropriated Costs ¹	\$33,038	\$5,425
Total Cost	\$191,190	\$24,525
Total FTE	1.6 FTE	0.3 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Information technology upgrades. The Judicial Department's Information Technology Services Division requires 1.3 FTE in FY 2024-25 only to update its e-filing platform to allow for the creation and retention of electronic copies of wills in the probate system. Staff includes 0.5 FTE Senior Software Engineer, 0.5 FTE Quality Assurance Analyst, and 0.3 FTE Business Analyst working for a six-month period. Standard operating and capital outlay costs are included for this staff. The information technology upgrades are required before the department can process wills electronically; see Technical Note.

Lodged will processing. Starting in FY 2024-25, the Judicial Department requires 0.3 FTE to meet the bills requirement to enter additional information from persons lodging a will, scan the original will, and verify the electronic copy is readable and accurate. Costs in FY 2024-25 assume a September 1, 2024, start date.

Future cost savings. In the long-term, the probate courts in the Judicial Department will have reduced archiving costs.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Technical Note

The Judicial Department will require at least six months to implement the systems changes to digitize wills, which may delay the bill's implementation. A July 1, 2025, applicability date is requested.

Additionally, the fiscal note assumes that the bill applies to wills processed after the bill's effective date; if the bill requires retroactive digitization, additional costs will be incurred.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2024-25, the bill requires a General Fund appropriation of \$158,152 to the Judicial Department, and 1.6 FTE.

State and Local Government Contacts

Judicial

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).