

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0801.01 Kristen Forrestal x4217

SENATE BILL 17-124

SENATE SPONSORSHIP

Moreno and Martinez Humenik, Kerr, Tate

HOUSE SPONSORSHIP

Nordberg and Hooton, Arndt, Thurlow

Senate Committees

Finance

House Committees

A BILL FOR AN ACT

101 CONCERNING A CORRECTION TO THE "COLORADO UNIFORM TRUST
102 DECANTING ACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. Section 15-16-919 (2)(j)(I) of the "Colorado Uniform Trust Decanting Act" refers to a second trust when discussing the decanting power of an authorized fiduciary. This conflicts with the uniform law commission's corrected version of the "Colorado Uniform Trust Decanting Act". The bill changes one reference to the second trust to the first trust.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 15-16-919, **amend**
3 (2)(j)(I) as follows:

4 **15-16-919. Tax-related limitations - definitions.** (2) An
5 exercise of the decanting power is subject to the following limitations:

6 (j) An authorized fiduciary may not exercise the decanting power
7 if a settlor objects in a signed record delivered to the fiduciary within the
8 notice period and:

9 (I) The first trust and a second trust are both grantor trusts, in
10 whole or in part, the first trust grants the settlor or another person the
11 power to cause the ~~second~~ FIRST trust to cease to be a grantor trust, and
12 the second trust does not grant an equivalent power to the settlor or other
13 person; or

14 **SECTION 2. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2018 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.