

CHAPTER 88

PROBATE, TRUSTS, AND FIDUCIARIES

SENATE BILL 17-124

BY SENATOR(S) Moreno and Martinez Humenik, Kerr, Tate, Priola;
also REPRESENTATIVE(S) Nordberg and Hooton, Arndt, Thurlow, Becker K., Gray, Kraft-Tharp, Landgraf, Lontine.

AN ACT

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

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

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

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

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

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

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 30, 2017