

HB1287_L.002

HOUSE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB09-1287 be amended as follows:

1 Amend printed bill, page 7, after line 11, insert the following:

2 "(6) THE DOLLAR AMOUNTS STATED IN THIS SECTION SHALL BE
3 INCREASED OR DECREASED BASED ON THE COST OF LIVING ADJUSTMENT AS
4 CALCULATED AND SPECIFIED IN SECTION 15-10-112."

5 Page 8, line 8, strike "IN EQUAL SHARES;" and substitute "PER CAPITA AT
6 EACH GENERATION;"

7 line 13, strike "IN EQUAL SHARES;" and substitute "PER CAPITA AT EACH
8 GENERATION;"

9 Page 9, line 5, strike "IN EQUAL SHARES;" and substitute "PER CAPITA AT
10 EACH GENERATION;"

11 line 8, strike "IN" and substitute "PER CAPITA AT EACH GENERATION.";

12 strike line 9.

13 Page 12, line 27, strike "09-_____" and substitute "09-1286,"

14 Page 15, after line 4, insert the following:

15 **"(2.5) Child of a second-parent adoption.** A PARENT-CHILD
16 RELATIONSHIP EXISTS BETWEEN AN INDIVIDUAL WHO IS ADOPTED BY A
17 SECOND PARENT AND:



1 (a) THE GENETIC PARENT WHO CONSENTED TO A SECOND-PARENT
2 ADOPTION; AND

3 (b) THE OTHER GENETIC PARENT, BUT ONLY FOR THE PURPOSE OF
4 THE RIGHT OF THE ADOPTEE OR A DESCENDANT OF THE ADOPTEE TO
5 INHERIT FROM OR THROUGH THE OTHER GENETIC PARENT."

6 Page 23, strike lines 14 through 27.

7 Strike pages 24 through 26.

8 Page 27, strike lines 1 and 2 and substitute the following:

9 "SECTION 9. 15-11-201 (2), Colorado Revised Statutes, is
10 amended to read:

11 **15-11-201. Right to elective-share.** (2) (a) **Supplemental**
12 **elective-share amount.** If the sum of the amounts described in sections
13 15-11-202 (2) (d), 15-11-203 (1) (a), and that part of the elective-share
14 amount payable from the decedent's probate estate and nonprobate
15 transfers to others under section 15-11-203 (2) and (3) is less than fifty
16 thousand dollars, the surviving spouse is entitled to a supplemental
17 elective-share amount equal to fifty thousand dollars, minus the sum of
18 the amounts described in those sections. The supplemental elective-share
19 amount is payable from the decedent's probate estate and from recipients
20 of the decedent's nonprobate transfers to others in the order of priority set
21 forth in section 15-11-203 (2) and (3).

22 (b) THE DOLLAR AMOUNT STATED IN PARAGRAPH (a) OF THIS
23 SUBSECTION (2) SHALL BE INCREASED OR DECREASED BASED ON THE COST
24 OF LIVING ADJUSTMENT AS CALCULATED AND SPECIFIED IN SECTION
25 15-10-112.

26 **SECTION 10.** 15-11-403, Colorado Revised Statutes, is amended
27 to read:

28 **15-11-403. Exempt property.** (1) The decedent's surviving
29 spouse is entitled to exempt property from the estate in the form of cash
30 in the amount of or other property of the estate in the value of twenty-six
31 thousand dollars in excess of any security interests therein. If there is no
32 surviving spouse, the decedent's dependent children are entitled jointly to
33 the same exempt property. Rights to exempt property have priority over

1 all claims against the estate, except claims for the costs and expenses of
2 administration, and reasonable funeral and burial, interment, or cremation
3 expenses, which shall be paid in the priority and manner set forth in
4 section 15-12-805. The right to exempt property shall abate as necessary
5 to permit payment of the family allowance. These rights are in addition
6 to any benefit or share passing to the surviving spouse or dependent
7 children by the decedent's will, unless otherwise provided, by intestate
8 succession, or by way of elective-share.

9 (2) THE DOLLAR AMOUNT STATED IN SUBSECTION (1) OF THIS
10 SECTION SHALL BE INCREASED OR DECREASED BASED ON THE COST OF
11 LIVING ADJUSTMENT AS CALCULATED AND SPECIFIED IN SECTION
12 15-10-112.

13 SECTION 11. 15-11-405 (1), Colorado Revised Statutes, is
14 amended to read:

15 **15-11-405. Source, determination, and documentation.**

16 (1) (a) If the estate is otherwise sufficient, property specifically devised
17 or disposed of by memorandum under section 15-11-513 to any person
18 other than a person entitled to exempt property may not be used to satisfy
19 rights to exempt property. Subject to this restriction, the surviving
20 spouse, the guardians of minor children, or dependent children who are
21 adults may select property of the estate as their exempt property. The
22 personal representative may make these selections if the surviving spouse,
23 the dependent children, or the guardians of the minor children are unable
24 or fail to do so within a reasonable time or there is no guardian of a minor
25 child. The personal representative may execute an instrument or deed of
26 distribution to establish the ownership of property taken as exempt
27 property allowance. The personal representative may determine the
28 family allowance in a lump sum not exceeding twenty-four thousand
29 dollars or periodic installments not exceeding two thousand dollars per
30 month for one year and may disburse funds of the estate in payment of the
31 family allowance. The personal representative or an interested person
32 aggrieved by any selection, determination, payment, proposed payment,
33 or failure to act under this section may petition the court for appropriate
34 relief, which may provide a family allowance other than that which the
35 personal representative determined or could have determined.

36 (b) THE DOLLAR AMOUNT STATED IN PARAGRAPH (a) OF THIS
37 SUBSECTION (1) SHALL BE INCREASED OR DECREASED BASED ON THE COST
38 OF LIVING ADJUSTMENT AS CALCULATED AND SPECIFIED IN SECTION
39 15-10-112."

- 1 Renumber succeeding sections accordingly.
- 2 Page 36, line 3, strike "January" and substitute "July".

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