

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

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Date

February 16, 2022

Committee on Finance.

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

SB22-086 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 6, line 4, strike "THREE HUNDRED" and substitute  
2 "TWO HUNDRED FIFTY".

3 Page 6, line 7, strike "FOUR HUNDRED" and substitute "THREE HUNDRED  
4 FIFTY".

5 Page 7, line 2, strike "DWELLING;" and substitute "DWELLING, AS DEFINED  
6 IN SECTION 38-41-201.7;".

7 Page 7, line 3, strike "lots;" and substitute "lots, INCLUDING  
8 MANUFACTURED HOMES, MOBILE HOMES, TRAILERS, AND TRAILER  
9 COACHES, AS SET FORTH IN SECTION 38-41-201.6;".

10 Page 7, line 16, strike "AND".

11 Page 7, line 17, strike "SHED." and substitute "SHED;".

12 Page 7, after line 17 insert:

13 "(g) A YURT; AND

14 (h) A TINY HOME, WHETHER MOVABLE ON WHEELS OR STATIONARY  
15 ON A FOUNDATION.

16 **SECTION 5.** In Colorado Revised Statutes, **amend** 38-41-207 as  
17 follows:

18 **38-41-207. Proceeds exempt - bona fide purchaser.** (1) THE  
19 FOLLOWING PROCEEDS ARE EXEMPT FROM EXECUTION OR ATTACHMENT  
20 FOR A PERIOD OF THREE YEARS AFTER RECEIPT IF THE PERSON ENTITLED TO  
21 THE EXEMPTION KEEPS THE EXEMPTED PROCEEDS SEPARATE AND APART

1 FROM OTHER MONEY SO THAT THE PROCEEDS MAY BE ALWAYS IDENTIFIED:  
2 (a) The proceeds from the exempt amount under this part 2, in the  
3 event the property is sold by the owner; or  
4 (b) The proceeds from ~~such~~ A sale OF HOMESTEAD PROPERTY  
5 under section 38-41-206 paid to the owner of the property or person  
6 entitled to the homestead; ~~shall be exempt from execution or attachment~~  
7 ~~for a period of two years after such sale if the person entitled to such~~  
8 ~~exemption keeps the exempted proceeds separate and apart from other~~  
9 ~~moneys so that the same may be always identified.~~ OR  
10 (c) THE PROCEEDS FROM INSURANCE COVERING DESTRUCTION OF  
11 HOMESTEAD PROPERTY HELD FOR USE IN RESTORING OR REPLACING THE  
12 HOMESTEAD PROPERTY, UP TO THE AMOUNT SPECIFIED IN THIS SECTION.  
13 (2) If the person receiving ~~such~~ THE proceeds uses ~~said~~ THE  
14 proceeds in the acquisition of other property for a home, ~~there shall be~~  
15 ~~carried over to the new property~~ the same homestead exemption to which  
16 the owner was entitled on the property sold ~~Such~~ CARRIES OVER TO THE  
17 NEW PROPERTY. THE homestead exemption ~~shall~~ IS not be valid as against  
18 ~~one~~ A PERSON entitled to a vendor's lien or the holder of a purchase  
19 money mortgage against ~~said~~ THE new property."

20 Renumber succeeding sections accordingly.

21 Page 7, line 20, strike "and (1)(z)" and substitute "(1)(z), and (6)".

22 Page 7, line 21, after "**Property exempt -**" insert "**commingled exempt**  
23 **and nonexempt assets -**".

24 Page 10, line 9, strike "FIVE thousand" and substitute " TWO thousand FIVE  
25 HUNDRED".

26 Page 11, after line 20 insert:

27 "(6) TO THE EXTENT THAT EXEMPT ASSETS ARE COMMINGLED WITH  
28 NONEXEMPT ASSETS, A FIRST-IN FIRST-OUT ACCOUNTING SHALL BE USED  
29 TO DETERMINE THE PORTION OF THE COMMINGLED ASSETS TO WHICH THE  
30 EXEMPTION APPLIES. IF EXEMPT ASSETS ARE COMMINGLED WITH  
31 NONEXEMPT ASSETS AS PART OF A SINGLE TRANSACTION, ANY AMOUNTS  
32 WITHDRAWN FROM AN ACCOUNT FOR THE PURPOSE OF SUCH TRANSACTION  
33 SHALL BE ASSESSED ON A PRO RATA BASIS. THIS SUBSECTION (6) APPLIES  
34 TO ALL PROVISIONS OF THE COLORADO REVISED STATUTES CONCERNING  
35 THE EXEMPTION OF ASSETS FROM SEIZURE, EXCEPT FOR EXEMPTIONS THAT  
36 REQUIRE SEGREGATION."

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