

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0884.01 Conrad Imel x2313

SENATE BILL 18-165

SENATE SPONSORSHIP

Neville T. and Todd, Donovan, Smallwood

HOUSE SPONSORSHIP

Winter and Saine, Kraft-Tharp

Senate Committees

Finance

House Committees

A BILL FOR AN ACT

101 CONCERNING REQUIREMENTS FOR PUBLIC ADMINISTRATORS.

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/>.)

Legislative Audit Committee. Under existing law, public administrators are required to maintain a \$25,000 bond and file certain information and reports with the administrator's appointing court. Public administrators may appoint deputy public administrators. The bill increases the amount of bond public administrators are required to maintain to \$100,000 and clarifies the following:

! That deputy public administrators are subject to the same statutory requirements as public administrators, including

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

- ! the bond requirement;
- ! The information about costs and fees that must be included in small estate statement of account filings by public administrators; and
- ! The form of annual reports that must be filed by public administrators and deputy public administrators.

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

2 **SECTION 1.** In Colorado Revised Statutes, 15-12-619, **amend**
3 (4) and (6) as follows:

4 **15-12-619. Public administrator - appointment - oath - bond**
5 **- deputy.** (4) Every public administrator shall procure and maintain a
6 general bond in the sum of ~~twenty-five~~ ONE HUNDRED thousand dollars
7 covering the public administrator's performance and the performance of
8 the public administrator's employees to the people of the state of
9 Colorado. Such bond shall be conditioned on the faithful discharge of the
10 duties of the office of the public administrator and ~~shall~~ **MUST** be filed in
11 the office of the secretary of state **ON AN ANNUAL BASIS**. If the Colorado
12 attorney general finds reasonable grounds to believe that a public
13 administrator has improperly administered a public administrator's estate,
14 the attorney general may sue upon such bond in the name of the people
15 of the state of Colorado to compensate any party harmed by any neglect
16 or wrongful act by a public administrator or the public administrator's
17 employees. In addition to the above general bond, a public administrator
18 may also be required to give such bonds as are required of other
19 fiduciaries.

20 (6) Subject to the approval and confirmation by the district or
21 probate court in each judicial district, the public administrator may also
22 appoint one or more deputy public administrators. Deputy public

1 administrators ~~shall~~ MUST be qualified electors over the age of
2 twenty-one. Any deputy public administrator ~~shall serve~~ SERVES at the
3 pleasure of the appointing court and the public administrator in that
4 judicial district until such time as the deputy public administrator is
5 discharged by the court or the public administrator or until the deputy
6 public administrator resigns. ~~No~~ THE resignation of a deputy public
7 administrator ~~shall be~~ IS NOT effective until it is filed with and approved
8 by the appointing court. The deputy public administrator shall act as
9 directed by the public administrator in the deputy public administrator's
10 judicial district. DEPUTY PUBLIC ADMINISTRATORS ARE SUBJECT TO ALL
11 REQUIREMENTS OF PUBLIC ADMINISTRATORS AS SET FORTH IN THIS
12 SECTION, INCLUDING THE BOND REQUIREMENT IN SUBSECTION (4) OF THIS
13 SECTION.

14 **SECTION 2.** In Colorado Revised Statutes, 15-12-621, **amend**
15 (6) as follows:

16 **15-12-621. Public administrator - decedents' estates - areas of**
17 **responsibility.** (6) Small estates, as defined in section 15-12-1201, may
18 be administered by the public administrator using an affidavit as provided
19 in section 15-12-1201, with the same effect as provided in section
20 15-12-1202. The claims period ~~shall end~~ ENDS one year from the date of
21 the decedent's death. At the end of the claims period, the public
22 administrator shall summarily make distribution of estate assets by
23 distribution to allowed claimants pursuant to the priorities set forth in
24 section 15-12-805. The remainder of the estate's funds, if any, ~~shall~~ MUST
25 be distributed to the decedent's heirs or devisees as determined under the
26 Colorado Probate Code. In determining who is entitled to an estate's
27 funds, a public administrator may rely on affidavits by persons who set

1 forth facts to establish their claims, heirship, or the validity of a
2 testamentary document. The public administrator ~~shall not be~~ IS NOT
3 liable for any improper distributions made in reasonable reliance on
4 information contained in such affidavits. All estates administered by a
5 public administrator pursuant to the small estate procedure ~~shall be~~ ARE
6 closed by the filing of a public administrator's statement of account with
7 the appointing district or probate court. The statement of account ~~shall~~
8 MUST set forth all receipts and disbursements made during the
9 administration of the estate including the public administrator's fees and
10 costs, and the fees and costs of the public administrator's staff and
11 investigators. COPIES OF ALL FEE STATEMENTS REFLECTING SUCH FEES
12 AND COSTS MUST BE FILED WITH THE STATEMENT OF THE ACCOUNT. Upon
13 filing of the public administrator's statement of account, the public
14 administrator ~~shall~~ MUST be discharged and released from all further
15 responsibility and all liability with regards to the estate.

16 **SECTION 3.** In Colorado Revised Statutes, 15-12-623, **amend**
17 (2) as follows:

18 **15-12-623. Public administrator - administration - reports -**
19 **fees.** (2) On or before March 1 of each year, each public administrator
20 ~~shall file with the appointing court such reports concerning the~~
21 ~~administration of public administrator cases during the previous calendar~~
22 ~~year as the appointing court shall direct~~ AND DEPUTY PUBLIC
23 ADMINISTRATOR SHALL FILE WITH THE APPOINTING COURT, USING A
24 STANDARD REPORT FORM DIRECTED BY THE CHIEF JUSTICE, AN ANNUAL
25 REPORT CONCERNING THE ADMINISTRATION OF THE PUBLIC
26 ADMINISTRATOR CASES DURING THE PREVIOUS CALENDAR YEAR. IN
27 ADDITION TO THE INFORMATION REQUIRED ON THE STANDARD REPORT

1 FORM, THE PUBLIC ADMINISTRATOR SHALL PROVIDE ANY ADDITIONAL
2 INFORMATION REQUIRED BY THE APPOINTING COURT.

3 **SECTION 4. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2018 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.