

**CBA TRUST AND ESTATE SECTION
STATUTORY REVISIONS COMMITTEE
AGENDA**

January 18, 2018

- 1. Introductions**
- 2. Approval of December 21, 2017 Minutes**
- 3. Announcements**
- 4. SRC Approved Proposals**
 - a. Active Matters - Work to Finalize Required**
 - (i) Deposit of Original Documents Subcommittee (Timothy Bounds, Co-Chair, and Peter W. Bullard, Co-Chair)**
 - (ii) Public Administrator Subcommittee (Melissa R. Schwartz, Chair)**
 - (iii) UTC Subcommittee (Dennis N. Whitmer, Chair)**
 - b. Inactive Matters Approved by SRC but Not Moving Forward for Various Reasons**

None.
- 5. Legislative Report – Jeremy Schupbach**
- 6. Unapproved Matters under Consideration by SRC - Reports from Subcommittees**
 - a. Uniform Directed Trust Act Subcommittee (Kevin Millard, Co-Chair, and Kelly Cooper, Co-Chair)**
 - b. Legislation Review Joint Subcommittee (Michael D. Holder, Chair)**
 - c. Advance Legislative Response Team (Spencer J. Crona, Chair)**
 - d. ADR Legislation (C. Jean Stewart, Chair)**

7. **Inactive Matters**
 - a. **Proposed Amendment to Comply with IRC 1.643(a)(3) (Eugene P. Zuspann, Chair)**
8. **Report from Elder Law Section – Arlene Barringer**
9. **Report from Other Sections of the Bar**
10. **New Matters**
11. **Passed Proposals for Inclusion in Omnibus Bill or Stand Alone Legislation**
 - a. **Bankruptcy/Inherited IRAs (approved in 2015-2016)**
 - b. **Changes to the Uniform Power of Appointment Act (approved in 2015-2016)**
 - c. **Disclosure of Fiduciary Fees, §§ 15-10-602 and 15-12-705, C.R.S. (approved in 2015-2016)**

**CBA TRUST AND ESTATE SECTION
STATUTORY REVISIONS COMMITTEE
MINUTES**

December 21, 2017

1. Welcome and Introduction

Leia Urserly called the meeting of the Statutory Revisions Committee to order at 1:39 p.m. on Thursday, December 21, 2017. There were introductions from those in attendance (Gordon Williams, Bette Heller, Peggy Gardner, Jennifer Spitz, and Jessica Broderick appeared by phone).

2. Approval of Minutes

The minutes from November 16, 2017 meeting were unanimously approved.

3. Announcements

Leia Urserly reminded subcommittee chairs who have room reservations on Super Thursdays to please let Elizabeth Alakin at the CBA know if the room will not be needed for a particular month. Leia also asked anyone who would like to participate in the new lawyers call on the first Thursday of every month to let Mark Masters know so he can add them to the call list.

Josie Faix announced that there would be a special meeting of Trust and Estates Executive Council immediately after SRC. The Council will meet to discuss and vote on proposed changes to their bylaws.

4. SRC Approved Proposals

a. Deposit of Original Documents Subcommittee – Pete Bullard and Tim Bounds (Co-Chairs)

Tim Bounds gave an update that the subcommittee is currently addressing revisions to the statute to address who can destroy original estate planning documents. The subcommittee has received feedback from the Secretary of State's office as well as Judicial on those provisions. The plan is to have a vote at the January 2018 meeting of SRC in January on the concept of allowing attorney to destroy original documents prior to depositing them (electronically) with the Secretary of State.

b. Public Administrator Subcommittee – (Melissa Schwartz - Chair)

There was no report for this subcommittee. Melissa will give a detailed report at the January meeting of SRC.

c. UTC Subcommittee – (Darla Daniel, Co-Chair)

Darla Daniel gave an update to SRC. The UTC subcommittee met for two hours to review the draft bill, and was able to review about half of the bill. The subcommittee plans to meet on January 5, 2018 to review the remaining parts of the draft bill. The sponsors for the bill are working on how they will present the bill to the legislature at the upcoming session. The effective date of the statute is tentatively January 21, 2019. Jeremy Schupbach added that the bill will be presented to the legislature on January 26, 2018.

5. Legislative Update – Jeremy Schupbach

Jeremy Schupbach identified the proposed UTC and Deposit of Digital Estate Planning Documents as the two most pressing issues for the upcoming legislative session. Jeremy also discussed other legislative agenda items, and noted that many, if not all, of them will not affect the Trust and Estates Section.

There was a discussion about the proposed remote notary statute. Jeremy Schupbach updated SRC that the comments to the proposed statute have been submitted by all stakeholders, and they are awaiting next steps. Jeremy also gave an update that there was no progress on electronic wills at this time.

Jeremy Schupbach and Arlene Barringer updated SRC on the uniform protected proceedings act. The stakeholders met with the Colorado Uniform Law Commission and presented a letter requesting that passage of the bill be delayed for a year to allow the various sections of the CBA and other stakeholders to properly vet the proposed bill for changes. The commissioners agreed to delay the bill for the requested time to allow for additional comments and suggested revisions. Arlene did note that as they have reviewed the proposed legislation, they are finding more and more problems with it. The group that is reviewing the proposed bill meets on Super Thursdays at 11:30 a.m. Spencer Crona emphasized that the group is focusing on taking the good parts of Uniform Act and incorporating them into the Colorado statute.

6. Unapproved Matters Under Consideration by SRC & Subcommittee Reports

a. Uniform Directed Trust Act – (Kelly Dickson Cooper and Kevin Millard, Co-Chairs)

There was no report for this subcommittee.

b. Legislative Review Joint Subcommittee (Mike Holder - Chair)

There was no report for this subcommittee.

c. Advance Legislative Response Team – (Spencer Crona, Chair)

There was no report for this subcommittee.

d. ADR Legislation – (Jean Stewart, Chair)

There was no report for this subcommittee.

7. Inactive Matters

a. Proposed Amendment to Comply with IRC 1.643(a)(3) – (Eugene Zuspann, Chair)

There was no report for this subcommittee.

8. Report from Elder Law Section – (Arlene Barringer)

The Elder Law Section approved their bylaws today. The executive council approved the proposed UTC.

Arlene also announced that there have been some technical issues with mandatory reporting laws. Colorado Legal Services is a mandatory reporter and it contracts with attorneys who provide services to the public, including elders. Recently, an issue arose regarding the mandatory reporting requirements and client confidentiality. A group of stakeholders will be working to develop suggestions and/or amendments to the mandatory reporting rules to address this issue. Arlene also discussed another issue with victims of domestic violence, mandatory reporting requirements, and physicians being exempt (in limited circumstances) from such requirements. Jeremy Schupbach added that the statute that was passed last year was aimed at protecting victims of domestic violence who refuse to seek medical attention. Please contact Chris Zumalt if you have a question.

9. Report from Other Sections

There were no reports from other Sections of the Bar.

10. New Matters

There were no new matters.

Leia Ursery adjourned the meeting at 2:10 p.m.

Respectfully submitted,
Tim Bounds