

NOTICE OF MEETING
STATUTORY REVISIONS COMMITTEE

TO: Trust and Estate Section — Statutory Revisions Committee
FROM: Jonathan Haskell, Hayley Lambourn

The Next Meeting will be February 1, 2023 - 1:30 – 3:15 p.m. in Person and via Zoom

AGENDA – January 4, 2023

I. Welcome & Call to Order

A. *Attendance & Introductions*

B. *Reminders*

1. Please let Hayley Lambourn know if you did not receive meeting materials or if you would like to be removed from the email list. (hlambourn@wadeash.com)

C. *Approval of Minutes: December 7, 2022 Meeting*

II. Chairperson’s Report

A. Leia Ursery has agreed to serve as co-legislative liaison.

III. Legislative Liaison Report

IV. Announcements

V. Subcommittee Reports

A. *ACTIVE MATTERS PENDING APPROVAL*

1. Electronic Estate Planning Documents Act (No Chair, subcommittee: Stan Kent, Letitia Maxfield, Steve Brainerd, and Melissa Schwartz)
2. Amendment to C.R.S. § 15-12-203(4) (Personal Representative Priority Statute) (Chair: Gordon Williams)
3. Uniform Cohabitants Economic Remedies Act (Chair: Connie Eyster)
Indefinite hold until taken up by legislature.
4. Beneficiary Deeds Statute Update (Chair: Carl Stevens)
5. Uniform Community Property Disposition at Death Act (Chair: Connie Eyster). Report to committee in February 2023.
6. Colorado Uniform Electronic Wills Act. Conforming amendments to C.R.S. §§ 15-12-406 and 15-12-303(3). (Letty Maxfield)

B. *INACTIVE MATTERS*

1. Approved

a. Disclosure of Fiduciary Fees, C.R.S. §§ 15-10-602 and 15-12-705

(1) Approved in 2015-2016. Jonathan Haskell forwarding approved language to Steve Brainerd and working with Gordon Williams for presentation to LPC.

2. Approved but not moving forward

a. Colorado Electronic Preservation of Abandoned Estate Planning Documents Act. (Chair: Pete Bullard)

(1) The language approved by the committee was much broader (7 categories of estate planning documents) than the State Court Administrator was able to achieve (one category-Wills). The State Court Administrator created a pilot program which will be implemented on January 1, 2023 (when funding comes in) and the pilot program will address only Wills.

(2) This matter will remain inactive pending the pilot program. When the pilot program is complete, the committee will consider whether to attempt to reincorporate the broad language and whether the 6 other categories of estate planning documents (as described in HB19-1229 as introduced on March 8, 2019) should be added to the Act by amendment.

3. Unapproved

a. Child Support in Probate (Chair: Pat Mellen)

VI. Section Reports

- A. Elder Law
- B. Other

VII. New Matters

VIII. Approved Proposals for Inclusion in Omnibus bill or standalone legislation

1. Lodged Wills Statutes C.R.S. §§ 15-12-304 15-12-402 and 15-10-305.5

2. C.R.S. §§15-5-103 (10)"Interested person" means a qualified beneficiary or other person having a property right in or claim against a trust estate, which right or claim may reasonably and materially be affected by a judicial proceeding pursuant to this code. The term also includes fiduciaries and other persons having authority to act under the terms of the trust. The meaning as it relates to particular persons may vary from time to time and is determined according to the particular purposes of, and matter involved in, any proceeding.

CBA TRUST AND ESTATE SECTION
STATUTORY REVISIONS COMMITTEE
MINUTES – December 7, 2022

TO: Trust and Estate Section — Statutory Revisions Committee
FROM: Jonathan Haskell, Hayley Lambourn

The Next Meeting will be January 4, 2023 - 1:30 – 3:15 p.m. in person and via Zoom.

I. Welcome & Call to Order

A. *Attendance & Introductions.* Hayley M. Lambourn called the meeting to order at 1:35 p.m.

B. *Reminders.* Please let Hayley Lambourn know if you did not receive meeting materials or if you would like to be removed from the email list. (hlambourn@wadeash.com)

C. Stan Kent made a motion to approve the meeting minutes from the November 2, 2022 meeting, and Gene Zuspahn seconded the motion. No objections were raised. Minutes were approved.

II. Chairperson’s Report. No Report.

III. Legislative Liaison Report.

A. Tyler Mounsey reported General Assembly SRC committee is searching for non-legislative, non-voting members. Must be attorneys. Appointed by SRC committee for two-year term. Low-time, low-stress appointment. If you are interested in serving, please contact Tyler Mounsey.

IV. Announcements

A. Steve Brainerd brought the committee’s attention to two uniform acts being considered by the Uniform Law Commission this year’s legislative agenda, the Electronic Estate Planning Documents Act and the Uniform Community Property Disposition at Death Act.

1. The commissioners are ready to push the Uniform Community Property Disposition at Death Act this year. They need committee recommendations so that drafting may begin. A subcommittee has reviewed the Act, and it is awaiting the committee’s approval.

2. Electronic Estate Planning Documents Act. Would also like to begin drafting, and committee needs to review and make recommendations if it wants input on drafting. Senator Gardner has agreed that input from the CBA is wanted. Frank Hill noted that historically the Colorado legislature has given the CBA additional time for comments. Mr. Brainerd commented that act is not complex, likely easy to review. He also reported that Letitia Maxfield briefly reviewed and summarily believes it is generally acceptable.

B. Mr. Brainerd noted that the commissioners are behind their typical schedule for creating the legislative agenda for this year.

V. Subcommittee Reports

A. *ACTIVE MATTERS PENDING APPROVAL*

1. Electronic Estate Planning Documents Act. Hayley Lambourn will circulate an email so a subcommittee can be formed. Letitia Maxfield, Steve Brainerd, Stan Kent, and Melissa Schwartz agreed to review the Act. If you would like to be added to the subcommittee, please contact Hayley Lambourn at hlambourn@wadeash.com.
2. Amendment to C.R.S. § 15-12-203(4) (Personal Representative Priority Statute) (Chair: Gordon Williams). No Report.
3. Uniform Cohabitants Economic Remedies Act (Chair: Connie Eyster). No report. Will remain on the agenda, but indefinitely on hold. Intended to codify cohabitants rights, could be nice to have for cohabitation agreement. Family law and litigation sections are not eager to pass.
4. Beneficiary Deeds Statute Update (Chair: Carl Stevens). No report.
5. Uniform Community Property Disposition at Death Act (Chair: Connie Eyster). Will present in February. Subcommittee is close to being complete. Subcommittee agrees the Act is not controversial, but subcommittee made policy choices regarding items like statutes of limitations, surviving spouse rights, claims deadlines. There may be some items that warrant discussion.
6. Colorado Uniform Electronic Wills Act. Conforming amendments to C.R.S. §§ 15-12-406 and 15-12-303(3). (Letty Maxfield). No report.

VI. Section Reports

A. Elder Law. Rose Zapor reported that new guardianship statute was presented to codify protected person/ward's rights. Likely some legislation will pass, seeking to balance protection vs protected person/ward's rights.

B. Other. No reports.

VII. New Matters. No new matters.