

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

**April 7, 2021**

**1. Introductions**

As we are still meeting via Zoom, the introductions will be limited to those who are visitors, new members or members who are looking for a mentor, study group or to join a practice. Please feel free to look through your Zoom galleries to find old and new friends.

**2. Approval of March 3, 2021 Minutes**

**3. Announcements**

**a. *Virtual Meetings.*** Expect virtual meetings through at least the end of the winter and to this end there are a couple of procedural points.

i. Handling questions/comments - Message the word “question” to the zoom group during a presentation. At the end of the presentation, Chair will open the floor for folks who messaged in the order the messages were received.

ii. Please make sure if you are not speaking you are muted. If you are speaking make sure you are not muted.

**b. *Email List.*** If you did not receive the SRC materials in an email from Katie then you are not on the SRC email list. Email Dylan (dmetzner@joneskeller.com) and he’ll add you to the email list.

**4. Legislative Report**

**5. SRC Approved Proposals**

**a. Active Matters**

**b. Inactive Matters Approved by SRC but Not Moving Forward for Various Reasons**

**(i) Colorado Electronic Preservation of Abandoned Estate Planning Documents Act Subcommittee (Pete Bullard, Chair)<sup>i</sup>**

**6. Unapproved Matters under Consideration by SRC - Reports from Subcommittees**

**a. Legislation Review Joint Subcommittee (Michael D. Holder, Chair)**

- b. **ADR Legislation (C. Jean Stewart, Chair)**
  - c. **Child Support in Probate Subcommittee (Pat Mellen, Chair)**
  - d. **Uniform Probate Code (UPC) 2019 Revisions (Bette Heller and Darla Daniels, Co-Chairs)**
  - e. **Family Allowance (Michael Kirtland, Chair)**
7. **Inactive Matters**
- a. **UTC Subcommittee Part 5 (Connie Eyster, Chair)**
  - b. **Uniform Fiduciary Income and Principal Act Subcommittee (Gene Zuspann, Chair and Georgine Kryda, Co-Chairs)**
  - c. **Uniform Electronic Wills Act (Letty Maxfield and Herb Tucker, Co-Chairs)**
  - d. **Witness Requirements in Advanced Directives (Carl Stevens, Chair)**
8. **Report from Elder Law Section**
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) (Gordon Williams)**
  - d. **~~Uniform Directed Trust Act Subcommittee (Kevin Millard, Co-Chair, and Kelly Cooper, Co-Chair)~~**

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<sup>i</sup> Judicial (State Court Administrator) would only agree to become the sponsoring agency of this legislation if the seven separate categories under the definition of “original estate planning document” was pared down to the single category of “will documents.” This was insisted upon to minimize the size of the “pilot program” Judicial envisioned would be needed to initially implement the legislation in partnership with (and utilizing the technological resources of) the Colorado State Archives office. Once Judicial has completed its pilot program and the electronic document upload, storage, and retrieval system for “will documents” is operating as intended under the statute, the other six categories of “original estate planning documents” as they appear in § 15-23-103(14) in HB19-1229 as originally introduced on March 8, 2019 should be restored to the Act by amendment. See <https://leg.colorado.gov/bills/hb19-1229>.

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

**March 3, 2021**

**1. Introductions**

Chair, Lauren DaCunha, called the meeting to order at 1:31pm.

As we are still meeting via Zoom, the introductions will be limited to those who are visitors, new members or members who are looking for a mentor, study group or to join a practice. Please feel free to look through your Zoom galleries to find old and new friends.

**2. Approval of February 3, 2021 Minutes**

Gordon's noted an error in the February 3, 2021 Minutes, with respect the Legislative Report. The draft minutes incorrectly reflected that the E-wills statute was slated to be placed in Article Eleven and should be in Article Twelve. The correct reflection is that E-Wills was slated to be in Article Twelve but should be in Article Eleven. Dylan Metzner revised the February 3<sup>rd</sup> minutes to accurately reflect that E-Wills should be in Article Eleven but were slated to be in Article Twelve.

The minutes from the February 3, 2021 meeting, as revised were unanimously approved with no abstentions. Gordon William moved to approve and Leia Ursery seconded.

**3. Announcements**

**a. *Virtual Meetings.*** Expect virtual meetings through at least the end of the winter and to this end there are a couple of procedural points.

i. Handling questions/comments - Message the word "question" to the zoom group during a presentation. At the end of the presentation, Chair will open the floor for folks who messaged in the order the messages were received.

ii. Please make sure if you are not speaking you are muted. If you are speaking make sure you are not muted.

**b. *Email List.*** If you did not receive the SRC materials in an email from Katie then you are not on the SRC email list. Email Dylan (dmetzner@joneskeller.com) and he'll add you to the email list.

**4. Legislative Report**

Andy White presented the legislative report:

Updates with regard to legislative priorities that came from SRC  
UTC Part 5 (SB 162) and UFIPA (SB 171) were introduced on  
3/2/2021 no committee hearings are scheduled yet but these will be  
scheduled in due time.

5. **SRC Approved Proposals**

a. **Active Matters**

b. **Inactive Matters Approved by SRC but Not Moving Forward for Various Reasons**

- (i) **Colorado Electronic Preservation of Abandoned Estate Planning Documents Act Subcommittee (Pete Bullard, Chair)<sup>i</sup>**

6. **Unapproved Matters under Consideration by SRC – Reports from Subcommittees**

a. ~~**Legislation Review Joint Subcommittee (Michael D. Holder, Chair)**~~

Lauren DaChuna reported that the Legislation Review Joint Subcommittee will be taken off of the agenda moving forward because Steve Brainard and Darla Daniel's suggested there is not a need for a separate committee for the following reasons:

There really is no point in setting aside an agenda item for the Legislation Review Joint Subcommittee any longer.

- i. That was really a committee of one – Mike Holder. Mike has not attended an SRC meeting in well over a year; and I know (after speaking with him) that his interest in Bar activities right now is not high.
- ii. The legislative bill tracking process is much more timely and sophisticated than it was a few years ago. Nothing is introduced without Andy's being immediately aware of it, and my/Darla's becoming aware of it within 1-3 days. So there really is no need for any separate committee/individual to be replicating the review of that information.

With respect to the most recent round of bills, there is just one that was identified (by Jess Ham) as perhaps having some relevance to T&E Section work: CO SB131 | BillTrack50, which deals with the protection of personal information that is maintained by state agencies. I do not see this as a matter that requires T&E expertise and/or particularly affects our practice area. The Civil Rights Section and the LPC are better equipped to consider it . . . So, at present, other than the update that Andy will provide, there is nothing new to discuss on the legislative front.

- b. ADR Legislation (C. Jean Stewart, Chair)**  
No update. Lauren will reach out to Chair to determine if this should still be an active matter.
- c. Child Support in Probate Subcommittee (Pat Mellen, Chair)**  
**No Report**
- d. Uniform Probate Code (UPC) 2019 Revisions (Bette Heller and Darla Daniels, Co-Chairs)**  
  
Darla reported the committee is meeting week of 3/8 is making progress and hopes to have a report wrapped up by May.
- e. Family Allowance (Michael Kirtland, Chair)**  
Gordon Williams reported that the Court of Appeals denied oral argument on the appeal from a ruling that the surviving spouse is not entitled to Family Allowance unless there are minor children.

**7. Inactive Matters**

- a. UTC Subcommittee Part 5 (Connie Eyster, Chair)**
- b. Uniform Fiduciary Income and Principal Act Subcommittee (Gene Zuspahn, Chair and Georgine Kryda, Co-Chairs)**
- c. Uniform Electronic Wills Act (Letty Maxfield and Herb Tucker, Co-Chairs)**
- d. Witness Requirements in Advanced Directives (Carl Stevens, Chair)**

**8. Report from Elder Law Section**

No Report

**9. Report from Other Sections of the Bar**

No Report

**10. New Matters**

Gordon Williams posed the question as to how Courts are lodging E-Wills. Mr. Williams reached out to various clerks in other states with E-Will statutes. Please reach out to Gordlaw@aol.com if you have any suggestions with respect to lodging an E-Will.

**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) (Gordon Williams)**
- d. ~~Uniform Directed Trust Act Subcommittee (Kevin Millard, Co-Chair, and Kelly Cooper, Co-Chair)~~**

Chair, Lauren DaCunha adjourned the meeting at \_\_\_\_\_ pm.

Respectfully Submitted

/s/ Dylan Metzner

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