

NOTICE OF MEETING
STATUTORY REVISIONS COMMITTEE

To: Trust and Estate Section — Statutory Revisions Committee

From: Hayley Lambourn, Marianne Luu-Chen

The next meeting will be November 1, 2023 from 1:30 p.m. to 3:15 p.m. in person and via Zoom.

Please join us in person!

MINUTES – October 4, 2023

- I. Welcome and Call to Order.
 - A. Attendance and Introductions.
 - B. Reminders. Please let Marianne Luu-Chen know if you did not receive meeting materials or if you would like to be removed from the email list.
(marianne.luuchchen@hbcboulder.com)
 - C. Approval of Minutes of September 6, 2023 meeting. Leia Ursery moved to approve, and Stan Kent seconded the motion. The minutes were approved with no objection.
- II. Chairperson's Report
 - A. Request for submissions for CLE
- III. Legislative Liaison's Report
 - A. The report was made by Tyler Mounsey
 - 1. Elder Law is going to take lead on the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act. They are meeting with The Arc of Colorado (ARC) and Disability Law Colorado. There are concerns about protected persons who will continuously need these services versus those who only need them temporarily and balancing those perspectives when looking at this law. Letitia Maxfield and Andrew Rogers will head the subcommittee.
 - 2. Trying to consolidate three bills from last year to submit to the legislature in the upcoming session (see below).
- IV. Announcements

V. Subcommittee Reports

A. Active Matters Pending Approval

1. Uniform Non-Testamentary Electronic Estate Planning Documents Act
 - a. Chair: Vacant (Stan Kent reporting)
 - b. Designed to validate a limited list of electronic estate planning documents that are not wills or codicils (examples: appointment of guardian, powers of appointment, advance health-care directives, trust agreements, and durable powers of attorney)
 - c. Two fundamental changes: types of documents considered and a section explicitly authorizing that certain non-testamentary documents may be electronic and electronically signed (assuming conforming to other state requirements as to the execution of the documents)
 - d. Discussed the definition of “person”
 - e. Approval of proposal in August and meeting with Colorado Uniform Law Commissioners on October 20 for update
2. Colorado Uniform Electronic Wills Act, conforming amendments to C.R.S. §§ 15-12-406 and 15-12-303(3)
 - a. Chair: Letitia Maxfield (lmaxfield@wadeash.com)
 - b. Subcommittee is identifying statutes that need conforming amendments and opportunities for new statutes to address infrastructure with e-wills. (*e.g.*, evidence needed by a proponent to validate an electronic will, whether witnessed, notarized, or self-proved)
3. Uniform Health Care Decisions Act
 - a. Chair: Leia Ursery (lursery@goodspeedmerrill.com)
 - b. People who expressed interest in participating in a subcommittee: Kevin Millard, Michelle Mieras, Steve Brainerd
 - c. The act addresses advanced health care directives. Motion to permit group to provide initial feedback to Colorado commissioners passes.

4. Amendment to CRS § 15-12-203(4) Personal Representative Priority Statute
 - a. Chair: Gordon Williams
 - b. It may not require a statutory change but instead a coordinated effort with Colorado court clerks.
5. Beneficiary Deed Statute
 - a. Chair: Carl Stevens
 - b. Carl will send out proposed language for insurable interests for consideration to members of the subcommittee.

B. Inactive Matters.

1. Approved, but not moving forward. Colorado Electronic Preservation of Abandoned Estate Planning Documents Act.
 - a. Chair: Bette Heller (?)
 - b. The language approved by the committee was much broad (7 categories of estate planning documents) than the State Court Administrator was able to achieve (1 category, Wills). The State Court Administrator created a pilot program, which was scheduled to be implemented on February 1, 2023. This matter will remain inactive pending the pilot program. When the program is complete, the committee will consider whether to attempt to reincorporate the broader language to include the other 6 categories of estate planning documents (as described in HB 19-1229 as introduced on 3/8/2019) should be added to the Act by amendment.
2. Uniform Cohabitants Economic Remedies Act
 - a. Chair: Connie Eyster
 - b. Indefinitely on hold until taken up by the legislature.
3. Unapproved. Child Support in Probate
 - a. Chair: Pat Mellen

II. Section reports

- A. Elder law. No report.
- B. Other. No report.

III. New Matters

- A. Discussion on Colorado End-of-Life Options Act (specifically, Medical Assistance in Dying or “MAiD”) – did not form a subcommittee.

IV. Announcements

Adjourned at 2:17 pm

Respectfully submitted by Marianne Luu-Chen

NOTICE OF MEETING
STATUTORY REVISIONS COMMITTEE

TO: Trust and Estate Section — Statutory Revisions Committee
FROM: Hayley Lambourn, Marianne Luu-Chen

The next meeting will be December 6, 2023 - 1:30 – 3:15 p.m. in person and via Zoom. Please join us in person.

AGENDA – November 1, 2023

I. Welcome and Call to Order.

- a. *Attendance and Introductions*
- b. *Reminders.* Please let Marianne Luu-Chen know if you did not receive meeting materials or if you would like to be removed from the email list.
(marianne.luuchen@hbcboulder.com)
- c. *Approval of Minutes:* October 4, 2023 Meeting

II. Chairperson’s Report.

III. Legislative Liaison’s Report

IV. Announcements

V. Subcommittee Reports

- a. *Active Matters Pending Approval*
 - i. Electronic Estate Planning Documents Act (Chair: none). Colorado Uniform Law Commissioners adopted all suggested revisions, and Act will be submitted to Legislative Legal Services to drafting as a bill for the upcoming session.
 - ii. Colorado Uniform Electronic Wills Act, conforming amendments to C.R.S. §§ 15-12-406 and 15-12-303(3) (Chair: Letitia Maxfield)
 - iii. Uniform Health-Care Decisions Act (Chair: Leia Ursery) Colorado Uniform Law Commissioners agreed with proposal for T&E Section to review for one year to review and develop comments on the Act.
 - iv. Amendment to C.R.S. § 15-12-203(4), Personal Representative Priority Statute (Chair: Gordon Williams)
- b. *Inactive Matters*

- i. **Approved, but not moving forward.** Colorado Electronic Preservation of Abandoned Estate Planning Documents Act. (Chair: Pete Bullard). The language approved by the committee was much broad (7 categories of estate planning documents) than the State Court Administrator was able to achieve (1 category, Wills). The State Court Administrator created a pilot program, which was scheduled to be implemented on February 1, 2023. This matter will remain inactive pending the pilot program. When the program is complete, the committee will consider whether to attempt to reincorporate the broader language to include the other 6 categories of estate planning documents (as described in HB 19-1229 as introduced on 3/8/2019) should be added to the Act by amendment.
- ii. Uniform Cohabitants Economic Remedies Act (Chair: Connie Eyster). Indefinitely on hold until taken up by the legislature.
- iii. **Unapproved.**
 1. Child Support in Probate (Chair: Pat Mellen)
 2. Beneficiary Deeds Statute Update

VI. Section Reports

- a. *Elder Law*
- b. *Other*

VII. New Matters

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

- a. Lodged Wills Statutes, C.R.S. §§ 15-12-304, 15-12-402, and 15-10-305.5
- b. 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.
- c. Proposed change to UTC Termination of Trust §15-5-411 – Elder Law will advance.
- d. Disclosure of Fiduciary Fees, C.R.S. §§15-10-602 and 15-10-705. Approved in 2015-2016. Jonathan Haskell forwarded approved language to Steve Brainerd. Gordan Williams will work with Steve Brainerd on presentation to LPC.

