

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

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MINUTES

Colorado Commission on Uniform State Laws

September 9, 2016, 10:00 a.m.

Committee Room: HCR 0112

Roll was taken and Commissioners Gardner, Grimshaw, Levy, and Willett were excused. Commissioners Mielke, Morris, Pike, Shaffer, Steadman, and McGihon were present.

1. There was no public comment regarding items not on the agenda.
2. **Status of Colorado Bar Association reports on:**
 - a. **Uniform Commercial Real Estate Receivership Act** – *Charles Calvin, CBA Real Estate Section*, reported that the section has continued to discuss this act and the goal is to tie things up by the end of October. The commission asked that reports, drafts, and concerns be shared with the commission and with the Uniform Law Commission (ULC) national office.
 - b. **Revised Uniform Residential Landlord and Tenant Act** – *Jean Arnold, CBA Real Estate Section*, reported that the section has put together an extensive comparison chart of the act's passage in 22 states this past year and any changes made by the states. She noted that, so far, only one state has passed the act without changes. In addition, Ms. Arnold summarized nine issues that the section may want to address. The commission thanked them for their work, asked to have a copy of the comparison chart, and requested that the CBA provide the commission with CBA positions regarding the nine issues raised.
3. **Acts considered at the 2016 annual conference but not adopted by the ULC:**
 - Limited Liability Company Protected Series Act
 - Non-Parental Rights to Child Custody and Visitation Act
 - Directed Trusteeship Act
 - Amendments to the Uniform Parentage Act
 - Revised Uniform Guardianship and Protective Proceedings Act
 - Regulation of Virtual Currency Businesses Act
 - Criminal Records Accuracy Act

The commission briefly spoke about a couple of these potential uniform acts and encouraged interested parties to follow the acts' progress through the ULC process. The most recent draft language for them should become available later this fall or winter and should be accessible through the ULC drafting committees' pages.

4. Proposed 2017 legislative agenda

- a. **Acts newly adopted by the ULC** – The commission plans to consider all of the following for possible introduction in 2017 and invited interested parties to review the acts and share their insights with the commission.
 - i. **Uniform Employee and Student Online Privacy Protection Act** – The General Assembly passed a student privacy act in 2016 and the commission expressed some concerns that passing this Act just one year later may cause confusion. The commission requested that the Office of Legislative Legal Services (OLLS) staff prepare an analysis of current Colorado law and the uniform act.
 - ii. **Uniform Family Law Arbitration Act** -- no comments were offered.
 - iii. **Revised Uniform Unclaimed Property Act** – *Jenifer Waller, Colorado Bankers Association*, shared some of the association’s preliminary concerns with the act – additional record retention, earlier surrender of property, and third party auditors. *Charles Calvin, CBA Real Estate Section*, noted that when the original act was passed in Colorado, it was significantly customized and that some existing provisions unique to Colorado law should continue to be preserved.
 - iv. **Uniform Unsworn Domestic Declarations Act / Uniform Unsworn Declarations Act** – The commission noted that Colorado already has a uniform unsworn foreign declarations act which is similar to these proposed acts and shared a draft showing how the acts might be combined. Colorado could choose to adopt both, only one, or combine them into one act. The commission preferred the latter approach.
 - v. **Uniform Wage Garnishment Act** – no comments were offered.
 - vi. **Amendment to the Revised Uniform Law on Notarial Acts** – The commission noted that Colorado has not adopted the original uniform law regarding notarial acts and additional research and analysis is in order before adopting any amendment.
- b. **Acts previously adopted by the ULC**
 - i. **Uniform Athlete Agents Act** – The commission discussed the sunrise, sunset, and Dept. of Regulatory Agencies (DORA) regulation issues from last session’s attempt to pass this act and how to address these issues for the next session. It was decided that Commissioner Steadman would request a legal opinion from the Office of Legislative Legal Services regarding the application of sunrise provisions to Senate Bill 16-071. In addition, Commissioner Pike moved that the commission authorize the chair to send a letter to DORA subsequent to receiving the legal opinion. The motion passed without objection.
 - ii. **Uniform Trust Code** - *Steve Brainerd, CBA Trusts & Estates Section*, reported that the section is working with other interested parties to address concerns and objections to the act, in particular part 5 regarding creditors’ rights. They are working on solutions and hope to have draft language available by late fall. The commission thanked the section for their work and encouraged them to continue to include interested parties in discussions.

c. **Potential bill regarding the publication of official and Colorado comments** – Last year, the commission decided that the CCUSL policy was to publish official comments with ULC acts. The commission discussed whether it should sponsor a bill to amend the statutes to align with the commission’s policy and when it would be appropriate to publish any Colorado comments. The commission also wondered whether there was a way to be notified when adopted uniform laws were being amended by other bills. Commissioner Pike moved that a bill be drafted to amend the statutes regarding the publication of official and Colorado comments. The motion passed without objection.

5. **Other business** – The commission noted that there may be renewed interest in considering uniform laws regarding contaminated lands and natural resources that may prove beneficial to addressing some current concerns in Colorado. The commission decided to add this discussion to a future meeting’s agenda. The commission also decided to schedule mid-November and mid-December meetings to discuss bill drafts.

Commissioner Steadman moved that drafts be started on the Uniform Family Law Arbitration Act, Revised Uniform Unclaimed Property Act, Uniform Unsworn Domestic Declarations/Uniform Unsworn Declarations Act, Uniform Wage Garnishment Act, Amendment to the Revised Uniform Law on Notarial Acts, and the Revised Uniform Athlete Agents Act. The motion passed without objection.