

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

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MINUTES

Colorado Commission on Uniform State Laws

Wednesday, December 11, 2013, 2 p.m.
Committee Room 354

1. Commissioners Levy and Shaffer were excused. Commissioners Gardner, Grimshaw, Kent, Mielke, Morris, Pike, and McGihon were present. Commissioner Shaffer was present after the roll call.
2. Commissioner Morris discussed the addition of administrative support to assist with requirements under the open meetings law. He also noted that the commission is required to annually elect a chair.
3. **Proposed 2014 legislative agenda**
 - a. **Uniform Act on Prevention of and Remedies for Human Trafficking.** Janet Drake, senior assistant attorney general, updated the commission on proposed federal legislation relevant to the Act. She testified regarding provisions of the Act that Representative McCann, who plans to introduce a bill to enact the Act, would like to modify in order to best fit with current Colorado law. Commissioner Pike questioned whether Representative McCann is anticipating introducing the bill as an exempt committee bill. Commissioner Mielke expressed the need for the commission to know what provisions of the act Representative McCann does not like and why. Commissioner Mielke noted that many of the provisions raised as problematic or unnecessary by Janet Drake are bracketed as recommended language for states that do not have comparable provisions. Commissioner Shaffer voiced concern about voting on a bill that the commission has not yet been able to review. Commissioner Mielke moved to unconditionally adopt the Uniform Act on Prevention of and Remedies for Human Trafficking as a commission bill. Commissioner Shaffer seconded the motion, which passed without objection. Commissioner Shaffer noted that the commission has the option to reconvene and withdraw their support if necessary.
 - b. **Uniform Powers of Appointment Act.** Michael Valdez, Colorado Bar

Association, noted the existence of a CBA joint study committee for this Act. John DeBruyn, CBA, updated the commission on the progress of the study committee and stated that they expect to have a report finalized by March. Commissioner Gardner raised the issue of the deadline for filing an exempt committee bill (January 29) and offered to discuss with leadership the possibility of getting this deadline waived. John DeBruyn proposed introducing the “core” of the bill (the definitions and the first three articles) and indicated that the study committee would have this ready by the January deadline.

- c. **Uniform Trust Code.** Michael Valdez stated that the bar association has formed an ad hoc study committee for this Act and noted that the single goal of the committee is to come up with a noncontroversial bill that will be ready for introduction in the 2014 session. He noted that the committee has conveyed to those who were opposed to the 2005 legislation that the CBA will not put forth a bill that is controversial. He suggested talking to leadership about waiving all deadlines for this bill and noted that the CBA has an internal deadline of mid-March. Commissioners Gardner and Kent supported this approach.
 - d. **Uniform Real Property Electronic Recording Act.** Chris Payne, CBA real estate section, summarized the Act and noted that related legislation is being drafted by Colorado’s county clerks and recorders. He stated that the CBA has met with the clerks and recorders and they indicated they would oppose the Act, primarily on the grounds that they do not want a state agency overseeing their activities. He summarized the bill being drafted by the clerks and recorders, which includes creating standards that a document must meet in order to be accepted by the clerks. He expressed the CBA’s concern over these standards and how they would impact the public record. Commissioner Gardner questioned whether there are currently any standards in place to ensure uniformity across the counties. Chris Payne responded that the standards currently in place apply only to paper documents and do not address the unique elements of electronic delivery protocols. Commissioner McGihon stated that the Act was finalized in 2004 and that technology has advanced dramatically since then. Commissioner Gardner moved to withdraw the Act as a uniform bill for the 2014 session. Commissioner Grimshaw seconded the motion, which passed without objection.
4. Commissioner Shaffer moved to elect Commissioner McGihon as the 2014 chair of the commission. Commissioner Kent seconded the motion, which passed without objection.

6. There was no further public comment.