

Colorado Commission on Uniform State Laws

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MINUTES

Colorado Commission on Uniform State Laws

June 27, 2019, 9:00 a.m.

Committee Room: HCR 0112

1. **Determination of a quorum.** Commissioner Morris called the meeting to order and roll was taken. Commissioners Duran, Gardner, Levy, Mielke, Morris, Pike, Scott, Tipper, and Whitfield were present; Commissioner Grimshaw was excused.
2. **Election of a chair and vice chair for 2019.** Commissioner Gardner moved that the commission elect Commissioner Levy as chair. The motion carried without objection. Commissioner Levy then moved that the commission elect Commissioner Gardner as vice chair. The motion carried without objection.
3. **Public comment regarding issues not on the agenda.** There was no public testimony on this agenda item.
4. **Uniform Law Commission annual meeting.** The commission outlined some of the normal ULC annual meeting agenda items and procedures for the new commissioners regarding the upcoming ULC conference in Anchorage and answered questions. All new ULC commissioners will be introduced on the floor of the conference. In addition, commissioners hold a breakfast meeting during the conference to begin work on a legislative agenda and traditionally choose one evening to attend dinner together with spouses and family members.
5. **Uniform laws.**
 - **Veto of SB 19-099, Uniform Athlete Agents Act.** Commissioner Tipper reported that the bill did have strong bi-partisan support. The commission discussed the benefits of the act and whether it should be introduced as part of the next legislative agenda. Consensus was for the commission to address the concerns outlined in the governor's veto letter in order to move forward with introducing the act again. The commission will discuss this item more at the next meeting. It was suggested that the commission request a sunrise application from DORA to address any lingering sunrise concerns.
 - **2019 legislative agenda review.** The commission thanked Commissioners Gardner and Tipper for the commission bills they sponsored. Five commission bills were

introduced and three became law: the Revised Unclaimed Property Act, Uniform Civil Remedies For Unauthorized Disclosure of Intimate Images, and the Uniform Directed Trust Act. Only the Remote Notarization Act did not pass. The Uniform Athlete Agents Act was vetoed.

Commissioner Gardner indicated that he would probably sponsor the Remote Notarizations Act again, but more conversation with the ULC is needed. The core of the act seems to be settled, but data privacy continues to be an ongoing issue. Commissioner Levy indicated that she would like to move the Revised Uniform Parentage Act forward. The inclusion of both acts in the commission's 2020 legislative agenda will be discussed more this fall.

- **Uniform Automated Operation of Vehicles Act.** Commissioner Mielke, who is on the drafting committee for this act, summarized the drafting committee's work on the act and the number of entities involved during the process. He announced that the act will be on final reading at this year's conference and expects that there will be a lot of interest from the states. The commission also explained the process for being assigned to ULC committees.
- **Other:**
 - *Erik Dullea, Esq., UAS Colorado with Husch Blackwell*, stated that the 1,000 members of his organization support the **Uniform Tort Law Relating to Drones Act** scheduled to be up on final reading at this year's annual conference. He encouraged the commission to vote in favor of the final draft without change. The act complies with FAA trespass and safety regulations and regulates unmanned aircraft the same as manned aircraft. *UAS Colorado* encouraged the commissioners to leave the act's privacy issues to be decided locally as Colorado has enacted substantive data privacy laws. The unmanned aircraft (UA) industry's commercial applications are developing rapidly, especially in regards to providing necessary health services. In Colorado, there are more than 4,500 commercial drone pilots. Currently, Colorado is ranked seventh in the nation in the number of licensed commercial drone pilots. Nationally, there are about 135,000 licensed commercial pilots with the number of licensed professional drones expected to reach 400,000. In addition, the FAA estimates that there are 1.3 million registered recreational devices nationwide.

Vic Moss, UAS Colorado legislative board member and FAA Drone Advisory Council Task Force member, flies drones for a living and has been actively involved in the drafting process on this uniform act for the past 18 months. The drafting committee made reasonable compromises to address concerns raised during the drafting process and feels that any lingering concerns on repeated flights, immediate reach, and substantial interference no longer apply. The final version is a very workable act and is embraced by the vast majority of the committee members and the UAS community. Mr. Moss strongly encouraged the commission to approve the act as drafted.

The commission thanked Mr. Dullea and Mr. Moss for their testimony and had questions regarding possible opponents to the act. Both men indicated that they would assist the commission in determining stakeholders.

- *Jeff Ball, Chair of the Colorado Child Support Commission*, encouraged the commission to include the **Revised Uniform Parentage Act** as part of its 2020 legislative agenda. Currently there are 150,000 child support cases in Colorado. Colorado enacted the Uniform Parentage Act in 1977 and much has changed since then. Supreme Court decisions have filled some of the void but there are still issues to be addressed in state law: de facto parentage contains competing presumptions, there is a need to clarify the law with gender-neutral language, and Colorado needs to address surrogacy and reproductive technology. His organization supports moving forward with the act.

The commission thanked him for his testimony, shared his concerns, and encouraged him to remain involved in the legislative process.

6. **Other business.** The next commission meeting will be during the ULC annual conference in Anchorage, Alaska from July 12 to July 18.