

# Colorado Commission on Uniform State Laws

## Colorado General Assembly

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## MINUTES

November 12, 2025, 1:30 p.m.

Committee Room: House Committee Room 0107

Roll was taken and Commissioners Espenoza and Whitfield were excused. Commissioners Gardner, Levy, Love, McGihon, Pike and Snyder were present. Commissioners Espenoza and Whitfield were present after the roll call.

### 1. 2025 legislative session recap/possible carry-over acts for consideration for 2026:

- a. **Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (2017).** Commissioners Gardner and Snyder discussed their experiences with introducing the commission bill the last couple of sessions. Two years ago, the bill was close to passing but failed due to the large fiscal note. Commissioner Snyder carried the bill last year with two goals in mind, to see what areas in the act were already enacted in Colorado and look at areas could have little to no fiscal impact, in the end the act was postponed indefinitely.

Elizabeth Moran, Executive Director of The ARC of Colorado, testified that the workgroup worked with 40 to 60 organizations and were able to get all the requested amendments into the commission bill, but the large fiscal note remains a major roadblock in its passage. The goal remains to get the act passed, but given the current fiscal climate, this year is not a good time to pursue this goal. She is working with other stakeholders and the Uniform Law Commission (ULC) to identify and enact pieces in the act with little to no fiscal impact with the goal of eventually incorporating the pieces within the entire uniform act when its passage is achieved.

Disability Law Colorado is taking the lead on moving forward with the stand-alone bill. Ms. Moran thanked the commission and the ULC for the continued support for this important legislation.

Commission consensus was to wait until the next meeting to determine if further commission involvement this year was needed. The commission thanked Ms. Moran and others for their continuing hard work on this act.

- b. **Uniform Consumer Debt Default Judgments Act (2023).** Blake Boettcher, BC Services, testified that he opposed the act being introduced in Colorado. Collection agencies are not in the business of collecting default

judgments, the judgement does nothing to get them payment. Litigation is a tool used to for communication with those with the ability to pay but are ignoring all other collection activity. In his experience they use every avenue available to avoid going to a default judgment. He pointed out that Colorado already has very strong consumer protections and many of the notifications are already required in Colorado, so fairness to consumers and accountability to collection agencies is maintained.

Scott Allely, Associated Collection Agencies Colorado, Wyoming and New Mexico, also testified against the act. He concurred with Mr. Boettcher's points regarding the layers of protection that Colorado already has, adding that the act would conflict with some current statutory requirements. In addition, the act will most likely not do anything to reduce the number of default judgments and may cause more confusion.

James Wolf, Colorado Creditor Bar Association (CCBA) and Stokes & Wolf, P.C., also opposed the act, current statutes already require collection agencies and debt collectors to provide more information when lawsuits and garnishments are served. Some Colorado courts have better notice requirements than those included in the act. Too much information can become overwhelming and may end up penalizing people who may want to represent themselves. This act does not resolve the underlying issues of getting people to participate. He brought examples of court proceedings for the commission to consider.

Makyla Moody, legislative chair for the CCBA, testified against the act, pointing out that many of the states that have considered enacting this act have decided against it due to legal conflicts at the state and federal level. She agreed with Mr. Wolf that this act would not help correct the current trend in default judgments, adding that judicial data corroborates this opinion and other national research that some consumer protection legislation is harming consumers. In addition, the act is not clear for consumers and will instead intimidate them. Ms. Moody would like to see the act go back to the drafting committee to address the issues that have been brought to light regarding it.

Alison Morgan, Colorado Bankers Association, also opposes the act. She also expressed concerns regarding the act's clarity of language and provided examples. The greatest concern for banks is that the act is in conflict with Federal regulation F which dictates what a bank will communicate with a consumer. She would also like to see these issues addressed before considering the introduction of the act.

Commissioners asked about current court requirements and conflicts with current processes. Mr. Wolf responded that in Colorado courts require communication between the parties to discuss resolution of the account and most courts require mediation, but these actions are not included in the act. Ms. Moody responded that she believes the act conflicts with federal and state equivalent law. Commissioners also asked the witnesses several questions regarding the percentage of default judgments, banks as debt collectors, the consistency or uniformity of how judicial districts handle default judgments, and what might be positive in the act to move forward.

Commissioner Gardner moved that the Uniform Consumer Debt Default Judgments Act be removed from the agenda for this year. Commissioner Espenoza seconded and the motion passed on a 7 to 1 vote. The commission thanked the witnesses for their testimony and Mr. Wolf for his packet of information.

- c. **Uniform Health-Care Decisions Act (2023).** Leia Ursery, Colorado Bar Association (CBA) Trusts and Estates Section and chair of a subcommittee examining the act, discussed a summary and a redlined version of the act with potential changes provided to the commission prior to this meeting. Ms. Ursery stated that the CBA has not given an official approval or position and that the information being shared today should be considered a starting place and a work in progress. She discussed specific items of concern that the redline version of the act attempts to address these concerns. She also identified portions that would need more health care professional guidance if the act moves forward. She testified that the study committee was able to address some concerns in the suggested changes given to the commission but there may be more, and there would still be concerns from the health care community and judicial to be addressed. She stated that that the subcommittee would continue its work.

Connie Eyster, CBA and member of the subcommittee, supported Ms. Ursery's comments and highlighted some points. The act seeks to give to individuals greater ability to make their medical decisions in a way that will be respected by allowing them to document specific directives. The health care industry will want to focus on their duties regarding the more comprehensive and enforceable directives.

Tyler Chaffee, Colorado Hospital Association (CHA), testified that the act would have significant impact on the health care community. Colorado

hospitals support strong patient autonomy, clear decision-making processes, and the use of advanced directives to ensure that treatment aligns with patient values. CHA appreciates the goal of modernizing these laws but has concerns with this act and share many of the concerns discussed today. He would prefer that we identify issues or problems in current law to address rather than apply the entire new framework of this act. He added that he has only recently been in contact with the CBA subcommittee and is not familiar with the changes it is suggesting.

Commission discussion included introducing the act as is, potential fiscal note impact, sending the redline version of the act to the ULC to determine the uniformity of the suggested modifications, and further discussion on some of the modifications, specifically those concerning timeframes. Mr. Chaffee shared that it is an unprecedented time in health care policy with the level of upheaval in the health care world at this time and the range of patient provider groups that would be needed for the stakeholder process would be quite significant.

Commission consensus was to delay a decision on the act to take the next month to review the suggested changes, consider any ULC feedback, and listen to additional testimony at a December meeting on the act and any offered modifications. The commission thanked the subcommittee for their excellent work on the act and expressed appreciation of the partnership with the CBA.

**d. Uniform Mortgage Modification Act (2024).** Seth Holley, on behalf of the Real Estate Section of the Colorado Bar Association, testified that the CBA does not have an official position on the act. The act does establish some safe harbors to establish priory for mortgage modifications which could or could not be prejudicial to junior lienholders. Colorado currently does not have any clear law on mortgage modifications and priorities.

The commission asked if that act would provide some guidance in this area of law. Mr. Holley answered that there were benefits to enacting the act but at the same time there may be potential for some conflict with other portions of Colorado law. After a brief discussion, it was decided to send his memo with suggested modifications to the ULC for its review and feedback and to discuss the act again at the next meeting. The commission thanked Mr. Holley for his testimony and memo.

**e. Amendments to Unincorporated Organization Act (2024).** There was no public testimony on this item. Commissioner Love informed the

commission that the ULC drafting committee is still working on finalizing the language and does not anticipate a clean draft to be available until early 2026 so the commission will not be able to move on this until the 2027 legislative session.

**2. 2025 Uniform or Model Acts for discussion:**

- a. **Uniform Assignment for Benefits of Creditors Act.** There was no public testimony on this item and commission discussion was minimal. Commission consensus was to take more time to review the act for discussion in December.
- b. **Uniform Judicial Interview of Children Act.** There was no public testimony on this item. Commissioner Levy moved that the commission not proceed forward with the Uniform Judicial Interview of Children Act and Commissioner Gardner seconded. Commission discussion on the motion included that there were strong objections expressed to the act at the ULC Annual Meeting with specific concerns including the codifying of procedures for a judge to conduct the interviews and the language that may place a judge in the role of a witness. The commission also wondered if it would be more appropriate for judicial adoption than legislative action, with the judicial determining what would be necessary as opposed to imposing it as a statutory measure. The motion passed without objection.
- c. **Model State Uniform Law Commission Act.** There was no public testimony on this item. After a brief discussion, commission consensus was to not move forward on this model act at this time, although there is one portion in the act that the commission might consider acting on at some point in the future.

**3. Revised Uniform Anatomical Gift Act (UAGA).** Emma Paul, registered nurse and certified hospice and palliative care nurse, informed the commission of a gap in the UAGA regarding donors with cardiac or circulatory death (DCD). DCD donation can require that the donor extend their death and remain on a ventilator in order to test their gifts, maintain suitability of the gifts, and coordinate donor recipients. In the past, a specific consent was procured for this extension and the testing done when the donor was still alive, but as of January, 2024, this was no longer the case. This has become an issue when the donor does not want to prolong death or has a DNR in place and these wishes are not honored. She would like the act to be revised to protect organ donor's right to decide their

medical treatment up until their time of death and believes this will strengthen the integrity of the act and the organ donation process.

Jennifer Prinze, President and CEO of Donor Alliance servicing Colorado and most of Wyoming, testified in support of the act as enacted in Colorado. Donor Alliance understands and respects the difficult decisions that families face at the end of life and works to help navigate these complex at extremely difficult times. Currently there are about 1,300 people waiting in our region for a life-saving transplant and about 100,000 people waiting nationally. Of the annual organ donations about half will be from DCD and half from brain death donors. The UAGA requires life support to continue temporarily when a donor is near death so that medical professionals can evaluate whether an organ donation is possible and that doing so should not be considered a conflict during that process. Donation only occurs after death has been declared, it does not occur for live patients. She stated that changing the act in Colorado could undermine the entire organ donation process and its legal framework by creating uncertainty for those waiting for transplants and disrespecting decisions made by registered donors.

Commissioner McGihon confirmed that the UAGA only applies to donation upon death and that the donor's wishes are irrevocable upon death and stated that any changes to the act would need to be submitted to the ULC for a uniformity check before proceeding forward. Commissioner Gardner asked about the impact if Colorado passed legislation making its UAGA nonuniform. Ms. Prinze answered that it would erode trust, take away the autonomous decision of the donor, undermine the entire process, and create chaos in the donation and transplant system. Commissioner McGihon added that the reason for the uniformity was for the reciprocity across the country where the UAGA has been adopted.

Commissioner Love pointed out that language in the act refers to "at or near death" and asked for clarification regarding what actions are taken while a patient is near death. Ms. Prinze answered that evaluations were occurring during that time with any consults or tests performed with family authorization. Commissioner Espenoza questioned if donors are made aware of the differences between DCD and brain death when registering to donate and of the distinction between near death and death. Ms. Prinze stated that education and the level of awareness has been increasing over the last decade. Commissioner Levy asked if there had been a change in interpretation of the UAGA to precipitate this issue, if a decision to donate could override a DNR or cause a donor to be on extended life support against their wishes, and if anything in the act places some limit on the period of time a donor can be kept on life support when a DNR is in place. Ms.

Prinze answered that an Alliance letter was sent to hospitals and medical professionals regarding the process for DCD, that the prolonged life support issue only comes into play with families are against the decision to donate, and that the UAGA allows for whatever time is needed for evaluation.

Commissioners Levy and McGihon asked for Ms. Paul responses to Ms. Prinz's testimony and for her thoughts on modifications to the act. Ms. Paul responded that the UAGA time-frame for donors to be on life support for evaluations, etc., allows for a reasonable amount of time, which is open to interpretation, and that she has seen patients kept alive for days against what the family says is their medical wish. She wanted to make it clear that she does not think that anyone should be taken off the donor list or that a family should override that person's donor decision, but that there is a gray area regarding the wish to donate organs on death and the medical care that goes along with that wish. She suggested that language be added to the act to distinguish between DCD and brain death and to allow the patient's legally appointed medical decisionmaker to make medical decisions for donors while they are alive.

Commissioner Snyder suggested that more information when the donor decision is being made would perhaps solve the problem. Commissioner Espenoza also expressed concern over the current lack of informed consent which may later become a conflict with a DNR decision by the donor. Commissioner Whitfield asked about the legal designation when someone checks a box to donate organs and if there is a need for an additional step for education. The commission noted that while the donor program is highly valued and successful, the concerns expressed today should be addressed. While discussing the next step, Commissioner McGihon shared that she had discussed the issue with the ULC and that its resolution needs to be at the national level in order to maintain uniformity and that today's discussion has been very educational regarding what it means to be an organ donor. The commission thanked Ms. Paul and Ms. Prinze for their testimony and the education on this subject.

4. **Other business or public comment regarding items not on the agenda.** There was no discussion offered on this item.
5. **Next meeting.** After a brief commission discussion, it was decided that the next meeting would be on Friday, December 12 at 1:30 pm.