

# **COLORADO COMMISSION ON UNIFORM STATE LAWS**

## **Annual Report for 2024-25**

**January 2, 2025**

### **I. PREAMBLE**

To the Honorable Governor, Jared Polis; the Chief Justice of the Colorado Supreme Court, Monica M. Márquez; the Chief Judge of the Colorado Court of Appeals, Gilbert M. Román; the President-appointee of the Senate, James Coleman; the Speaker of the House of Representatives, Julie McCluskie and the members of the Colorado General Assembly. The Colorado Commission on Uniform State Laws (CCUSL) respectfully submits this Annual Report.

### **II. OVERVIEW OF UNIFORM LAW COMMISSION**

The Uniform Law Commission (ULC), also known as the National Conference of Commissioners on Uniform State Laws, has worked for the uniformity of state laws since 1892. It is comprised of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Each jurisdiction determines the method of appointment and the number of commissioners appointed. The statutory authority governing Colorado's uniform law commission can be found in part 6 of article 3 of title 2, Colorado Revised Statutes.

There is only one fundamental requirement for the more than 300 uniform law commissioners: that they are members of the bar. While some commissioners serve as state legislators and other state officials, most are practitioners, judges, and law professors. Uniform law commissioners serve for specific terms and receive no salaries or fees for their work with the Uniform Law Commission.

Commissioners study and review the law of the states to determine which areas of law should be uniform. The commissioners promote the principle of uniformity by drafting and proposing specific statutes in areas of the law where uniformity between the states is desirable. The ULC can only propose uniform law – no uniform law is effective until a state legislature adopts it.

The work of the ULC simplifies the legal life of businesses and individuals by providing rules and procedures that are consistent from state to state. Representing both state government and the legal profession, it is a genuine coalition of state interests. The ULC has sought to bring uniformity to the divergent legal traditions of more than 50 jurisdictions – and has done so with significant success.

### **III. HISTORY**

On August 24, 1892, representatives from seven states – Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey and Pennsylvania – met in Saratoga Springs, New York, to form what is now known as the Uniform Law Commission. By 1912, every state was participating in the ULC. The U.S. Virgin Islands was the last jurisdiction to join, appointing its first commission in 1988.

Very early on the ULC became known as a distinguished body of lawyers. The ULC has attracted some of the best of the profession. In 1901, Woodrow Wilson became a member. This, of course, was before his more notable political prominence and service as President of the United States. Several persons, later to become Justices of the Supreme Court of the United States, have been members: former Justices Brandeis, Rutledge, and Souter, and former Chief Justice Rehnquist. Legal scholars have served in large numbers, including Professors Wigmore, Williston, Pound, and Bogert. Many more distinguished lawyers have served since 1892.

In each year of service, the ULC steadily increased its contribution to state law. Since its founding, the ULC has drafted more than 200 uniform laws on numerous subjects and in various fields of law, setting patterns for uniformity across the nation. Uniform Acts include the Uniform Probate Code, the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Anatomical Gift Act, the Uniform Interstate Family Support Act, the Uniform Child Custody Jurisdiction and Enforcement Act, and the Uniform Prudent Management of Institutional Funds Act.

Most significant was the 1940 ULC decision to attack major commercial problems with comprehensive legal solutions – a decision that set in motion the project to produce the Uniform Commercial Code (UCC). Working with the American Law Institute, the UCC took ten years to draft and another 14 years before it was enacted across the country. It remains the signature product of the ULC.

Today the ULC is recognized primarily for its work in commercial law, family law, the law of probate and estates, the law of business organizations, health law, and conflicts of law.

The Uniform Law Commission arose out of the concerns of state government for the improvement of the law and for better interstate relationships. Its sole purpose has been, and remains, service to state government and improvement of state law.

## IV. DIVERSITY STATEMENT

Each member jurisdiction determines the number of uniform law commissioners it appoints to the Uniform Law Commission, the terms of uniform law commissioners, and the individuals who are appointed from the legal profession of that jurisdiction. The Uniform Law Commission encourages the appointing authorities to consider, among other factors, diversity of membership in their uniform law commissions, including race, ethnicity, and gender in making appointments. The Uniform Law Commission does its best work when the uniform law commissioners are drawn from diverse backgrounds and experiences.

## V. PROCEDURES

The ULC convenes as a body once a year. It meets for a period of six or seven days, usually in late July or early August. In the interim period between these annual meetings, drafting committees composed of commissioners meet to supply the working drafts that are considered at the annual meeting. At each annual meeting, the work of the drafting committees is read and debated. The commissioners must consider each Act over a substantial period of years. An Act is not officially recognized as a Uniform Act until the Uniform Law Commission is satisfied that it is ready for consideration in the state legislatures. It is then put to a vote of the states, during which each state votes as a unit.



The governing body of the Uniform Law Commission is the ULC Executive Committee, composed of officers, ex officio members, and other members appointed by the ULC President. Certain activities are conducted by standing committees. For example, the Committee on Scope and Program considers all new subject areas for possible Uniform Acts and the Legislative Committee superintends the relationships of the ULC to the state legislatures.

A small staff located in Chicago operates the national office of the ULC. The national office handles meeting arrangements, publications, legislative liaison, and general administration for the ULC.

The ULC maintains relations with several sister organizations. Official liaison is maintained with the American Bar Association, which provides advisors to all ULC drafting committees and many ULC study committees. Liaison is also maintained with the American Law Institute, the Council of State Governments, the National Conference of State Legislatures, the National Association of Secretaries of State, the Conference of Chief Justices, and the National Center for State Courts on an ongoing basis and as-needed basis. Liaison and activities are conducted with other associations as interests and activities necessitate.

## VI. ACTIVITIES OF THE COLORADO COMMISSIONERS

- A. The Colorado Commissioners are:
  - a. Bob Gardner, Senator
  - b. Claire B. Levy
  - c. Yelana Love

- d. Anne McGihon
- e. Donald E. Mielke
- f. Charles W. Pike
- g. Marc Snyder, Representative
- h. Kerry Tipper
- i. Joseph Whitfield

B. The ULC committee assignments in 2024 for Commissioners from Colorado were:

**Bob Gardner**

- Member, Technology Committee
- Member, Standby Committee on Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act

**Claire Levy**

- Member, Drafting Committee on Redaction of Personal Information from Public Records
- Member, Study Committee on Children's Online Safety and Protection
- Member, Study Committee on Nonconsensual Pornographic Deepfakes
- Member, Standby Committee on Uniform Pretrial Release and Detention Act
- Vice Chair, Standby Committee on Model Public Meetings During Emergencies Act
- Member, Standby Committee on Revised Uniform Unclaimed Property Act
- Member, Standby Committee on Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act
- Member, Standby Committee on Revised Uniform Parentage Act

**Yelana Love**

- Member, Legislative Attorneys Committee
- Member, Legislative Committee
- Member, Drafting Committee on Occupational Licenses of Servicemembers and Military Spouses

**Anne McGihon**

- Member, Automated Technology Liability Committee
- Member, Study Committee on Definition and Protection of a Child's Interest in the Child's Name, Image, Likeness or Other Intellectual Property
- Member, Standby Committee on Uniform Easement Relocation Act

**Donald Mielke**

- Member, Automated Technology Liability Committee
- Member, Enactment Committee on Uniform Athlete Agents Act
- Member, Standby Committee on Automated Operation of Vehicles Act
- Member, Standby Committee on Amendments to the Uniform Common Interest Ownership Act
- Member, Standby Committee on Uniform Electronic Estate Planning Documents Act

**Charley Pike** - No current committee assignments

**Marc Snyder** - No current committee assignments

**Kerry Tipper**

- Member, Standby Committee on Uniform Personal Data Protection Act

**Joseph Whitfield**

- Member, Study Committee on Mental Privacy, Cognitive Biometrics and Neural Data
- Member, Constitutionality Committee

C. Meetings held by the Colorado Commissioners in the year 2024 were:

- a. October 30, 2024

D. Colorado Commissioners attending sessions of the ULC Annual Meeting were:

- a. Bob Gardner, Senator
- b. Claire Levy
- c. Yelana Love
- d. Anne McGihon
- e. Marc Snyder, Representative
- f. Charles Pike
- g. Joseph Whitfield

E. Lifetime Members of the Colorado Commission on Uniform State Laws are:

- a. Donald E. Mielke
- b. Charles W. Pike

## **VII. A SUMMARY OF NEW ULC ACTS**

The following are summaries of new acts adopted in final form by the ULC at the most recent ULC annual meeting:

### **Uniform Antitrust Pre-Merger Notification Act**

Companies proposing to engage in most significant mergers or acquisitions must comply with the federal Hart-Scott-Rodino Act (“HSR”). This federal law requires filing a notice of the proposed transaction with the Federal Trade Commission and Department of Justice at least 30 days prior to closing. The HSR filing includes both a basic form detailing information like the corporate structure of the parties, and additional documentary material, such as presentations about the merger to the company’s board of directors. The HSR filing allows the federal antitrust agencies to scrutinize mergers before they are completed. State Attorneys General also have a legal right to challenge anticompetitive mergers, but AGs do not have access to HSR filings. This puts the AGs at a significant disadvantage in the process of merger review. It also creates additional costs and uncertainties for the merging parties. The Uniform Antitrust Pre-Merger Notification Act is intended to address the concerns of both the AG and business communities by creating a simple, non-burdensome mechanism for AGs to receive access to HSR filings at the same time as the federal agencies, and subject to the same

confidentiality obligations. Under the Act, covered entities must provide their HSR filing to the AG contemporaneously with their federal filing. The material filed with the AG is subject to essentially the same confidentiality protections as applicable to the federal agencies, except that an AG that receives HSR materials may share them with any other AG whose state has also adopted this Act. The anticipated effect is to facilitate early information sharing and coordination among state AGs and the federal agencies. The Act will balance the needs of state enforcers for information with the burdens and risks to filers.

### **Uniform Mortgage Modification Act**

The parties to a mortgage often agree to modify the terms of the mortgage loan or other obligation secured by the mortgage after the initial transaction is completed. However, the common law is not clear on the issue of whether the modification of a mortgage loan or other obligation secured by a mortgage affects the priority of the mortgage against junior interest holders. This lack of clarity in the law causes delay and unnecessary expense for borrowers and in some cases may mean that a loan is foreclosed rather than modified. The Uniform Mortgage Modification Act is meant to resolve problems and reduce uncertainty by establishing several categories of safe harbor modifications that can be made to recorded mortgages and secured obligations, and outlines the implications of each type of modification. Permissible modifications under the Act include changes to maturity dates, interest rates, capitalization or payment schedules, escrow or reserve requirements, and other changes that do not affect the priority of junior interest holders or are not materially prejudicial. This Act aims to reduce costs and create straightforward alternatives to foreclosure when possible.

### **Updates to Unincorporated Organization Acts**

The 2024 updates to the Uniform Unincorporated Organization Acts make comprehensive amendments to nine existing Unincorporated Organization Acts. These modifications address issues raised by the Joint Editorial Board for Uniform Unincorporated Organization Acts, as well as similar issues arising from the consideration of evolving case law, disparate judicial interpretations, and other concerns raised in connection with the various states' consideration of the Unincorporated Organization Acts. Some of the updates include: resolving issues surrounding the definition of "partnership" and the definition and use of the terminology relating to "jurisdiction of formation"; distinguishing between domestic and foreign entities in various contexts in the Uniform Partnership Act, Uniform Limited Partnership Act and Uniform Limited Liability Company Act; synthesizing differing terms in the fundamental change articles of the various entity acts; clarifying when a partner or LLC member is required to refrain from competition; settling matters surrounding "series entities"; addressing issues arising from the enactment of the federal Corporate Transparency Act; and resolving various issues brought to the Drafting Committee's attention by the ABA's Corporate Laws Committee.

## **VIII. RECOMMENDATIONS FOR ENACTMENT AND FOR OTHER ACTION**

The Colorado Commission held a meeting on October 30, 2024, to discuss this year's ULC-approved acts, as well as continue discussions regarding ULC-approved acts from prior years, in order to make legislative recommendations to the General Assembly.

The Commission is drafting for introduction, based on benefit to Colorado and direction and feedback received from stakeholders, including representatives of the Colorado Bar Association, other business associations, and governmental entities, the following Uniform and Model Acts for introduction during the 2025 legislative session:

- *Uniform Antitrust Pre-Merger Notification Act (2024);*
- *Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (2017).*

The Commission, in response to requests from the public, has deferred consideration for the following Uniform and Model Acts until next year:

- *Uniform Consumer Debt Default Judgments Act (2023);*
- *Uniform Health-Care Decisions Act (2023);*
- *Updates to Unincorporated Organization Act (2024);*
- *Uniform Mortgage Modification Act (2024).*

Uniform acts introduced in Colorado during the 2024 legislative session:

Bill No.	Bill Topic	Final Status
<b>2024</b>		
<b>HB24-1232</b>	Uniform Special Deposits Act	<b>Signed into Law</b>
<b>HB24-1248</b>	Non-Testamentary Electronic Estate Planning	<b>Signed into Law</b>
<b>HB24-1274</b>	Uniform Consumer Debt Default Judgments Act	Postponed indefinitely
<b>SB24-136</b>	Uniform Guardianship & Conservatorship Act	Postponed indefinitely
<b>SB24-145</b>	Uniform Unlawful Restrictions in Land	<b>Signed into Law</b>

## IX. ENACTMENT RECORD, TO DATE

Colorado has an enviable record for enacting Uniform Acts. More than one hundred individual acts have been adopted in Colorado. A complete listing of Uniform Acts adopted by Colorado is attached as Appendix A.

## APPENDIX A

### Uniform and Model Acts adopted by Colorado with the year that *Colorado adopted the act designated in parenthesis.*

Act Regulating Traffic on Highways (1931)  
Adult Guardianship and Protective Proceedings Jurisdiction Act (Probate Code) (2008)  
Alcoholism and Intoxication Treatment Act (1973)  
Anatomical Gift Act (1969) and (2007)  
Arbitration Act (1975) and (2004)  
Athlete Agents Act (2008)  
Attendance of Out of State Witnesses (1939)  
Certification of Questions of Law Act (1969)  
Child Abduction Prevention Act (2007)  
Child Custody Jurisdiction Act (1973)  
Child Custody Jurisdiction and Enforcement Act (2000)  
Collaborative Law Act (2021)  
Commercial Code (1965)  
Commercial Code, Article 1 (2006)  
Commercial Code, Article 2A (1991)  
Commercial Code, Articles 3 & 4 (1994)  
Commercial Code, Article 4A (1990)  
Commercial Code, Article 4A (2012 Amendments) (2013)  
Commercial Code, Article 5 (1996)  
Commercial Code, Article 6 Repeal (1991)  
Commercial Code, Article 7 (2006) and (2007)  
Commercial Code, Article 8 (1985 Amendments) (1996)  
Commercial Code, Article 9 Amendments (1977)  
Commercial Code, Article 9 (2001)  
Commercial Code, Article 9 Amendments (2002)  
Commercial Code, Article 9 Amendments (2012)  
Commercial Code, 2022 Amendments (2023)  
Common Interest Ownership Act (1991)  
Common Trust Fund Act (1947)  
Community Property Disposition at Death Act (2023)  
Conflict of Law Limitations Act (1984)  
Consumer Credit Code (1971)  
Controlled Substances Act (1992)  
Contribution Among Tortfeasors Act, Revised 1955 (1977)  
Criminal Extradition Act (1953)  
Custodial Trust Act (1999)  
Debt-Management Services Act (2007)  
Deceptive Trade Practices Act, Revised 1966 (1969)  
Declaratory Judgments Act (1923)  
Deployed Parents Custody and Visitation Act (2013)  
Determination of Death Act (1981)  
Directed Trust Act (2019)  
Disclaimer of Property Interests Act (Probate Code) (2011)  
Disposition of Community Property Rights at Death Act (1973)  
Division of Income for Tax Purposes Act (1968)  
Durable Power of Attorney Act (1973)  
Duties to Persons with Medical ID Devices Act (1973)  
Electronic Legal Material Act (2012)  
Electronic Transactions Act (2002)  
Electronic Wills Act (2021)  
Emergency Volunteer Health Practitioners Act (2007)  
Enforcement of Foreign Judgments Act, Revised 1964 (1969)  
Estate Tax Apportionment Act (Probate Code) (2011)  
Facsimile Signatures of Public Officials Act (1969)  
Federal Lien Registration Act, Revised 1966 (1969)  
Fiduciaries Act (1923)  
Fiduciary Access To Digital Assets (2016)  
Fiduciary Income and Principle Act (2021)  
Foreign-country Money Judgments Recognition Act (2008)  
Foreign Money Claims Act (1990)  
Fraudulent Transfers (1991)  
Gifts to Minors Act, Revised 1966 (1967)  
Guardianship & Protective Proceedings Act (Probate Code) (2000)  
Insurers Liquidation Act (1955)  
Interstate Arbitration of Death Taxes Act (1953)  
Interstate Compromise of Death Taxes Act (1953)  
Interstate Depositions and Discovery Act (2008)  
Interstate Family Support Act (1993), (2003), and (2015)  
Judicial Notice of Foreign Law Act (1967)  
Jury Selection and Service Act (1971)  
Limited Cooperative Associations Act (2011)  
Limited Partnership Act (1931)  
Limited Partnership Act, Revised 1976 (1981)  
Management of Institutional Funds Act (1973)  
Mandatory Disposition of Detainers Act (1969)  
Marriage and Divorce Act (1971)  
Military and Overseas Voters Act (2011)  
Motor Vehicle Operators' and Chauffeurs' License Act (1931)  
Motor Vehicle Registration Act (1931)  
Narcotic Drug Act (1935)  
Negotiable Instruments Law (1897)  
Non-Testamentary Electronic Estate Planning (2024)  
Notarial Acts, Revised (2017)  
Parentage Act (1977)  
Partnership Act (1931)  
Partnership Act, Revised 1994 (1997)  
Photographic Copies of Business and Public Records as Evidence Act (1955)  
Power of Attorney Act (2009)  
Powers of Appointment Act (2014)  
Premarital and Marital Agreements Act (2013)  
Principal and Income Act (1955) and (2000)  
Principal and Income Act, Amendments (2009)  
Probate Code (1973)  
Probate Code, Amendments (1975) and (2009)  
Probate Code, Article II Amendments (1994)

Probate Code, Article VI Amendments (1990)  
Probate Code, Rule Against Perpetuities (1991)  
Probate Code, 2019 Amendments (2022)  
Prudent Investor Act (1995)  
Prudent Management of Institutional Funds Act (2008)  
Reciprocal Enforcement of Support Act (1951)  
Reciprocal Enforcement of Support Act, Amended 1958 (1961)  
Reciprocal Enforcement of Support Act, Amended, Revised 1968 (1971)  
Reciprocal Transfer Tax Act (1943)  
Recognition of Acknowledgments Act (1969)  
Registration of Canadian Money Judgments Act (2020)  
Rendition of Accused Persons Act (1972)  
Rule Against Perpetuities (Probate Code) (1991)  
Sales Act (1941)  
Securities Act (1961)  
Simplification of Fiduciary Security Transfers Act (1959)  
Simultaneous Death Act (1943)  
Simultaneous Death Act, Amended 1953 (1967)  
**Special Deposits Act (2024)**  
Statutory Construction Act (1973)  
Statutory Form Power of Attorney Act (1992)  
Stock Transfer Act (1927)  
TOD Security Registration Act (Probate Code) 1994  
Trade Secrets Act (1983)  
Trade Secrets Act, Amended 1985 (1986)  
Transboundary Pollution Reciprocal Access (1984)  
Transfer of Dependents Act (1937)  
Transfers to Minors Act (1984)  
Trust Code, 2010 Insurable Interest Amendments (2011)  
Trust Code, Colorado (2018), Part 5 (2021)  
Trust Decanting Act (2016)  
Unauthorized Disclosure of Intimate Images Act (2019)  
Unclaimed Property Act (1987), Revised (2019)  
Unincorporated Nonprofit Association Act (1994)  
**Unlawful Restrictions in Land (2024)**  
Unregulated Child Custody Transfer Act (2023)  
Unsworn Declarations Act (2017)  
Unsworn Foreign Declarations Act (2009)  
Veteran's Guardianship Act (1929)  
Veteran's Guardianship Act, Revised 1942 (1945)  
Victims of Crime (1992)  
Warehouse Receipts Act (1911)  
Warehouse Receipts Act, Amended 1922 (1923)