



2020 Legislative Review

Colorado West Estate Planning Council

November 18, 2020

The Colorado General Assembly

- Meets January – May
- 17 lawyer-legislators
- Paths to bill introduction
 - Members – 5 bills
 - Interim and other committees
- Points of CBA influence
 - Legislative meetings
 - Other advocacy groups
 - Committee hearings and testimony



CBA Legislative Process

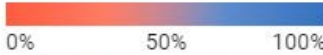
- CBA Legislative Policy Committee (LPC)
 - 13-member committee
 - Provides direction for CBA's legislative program
- LPC sets legislative agenda from CBA section and committee recommendations
- LPC provides direction for CBA legislative advocacy
 - Lobbying
 - Testimony

2021 Colorado House of Representatives

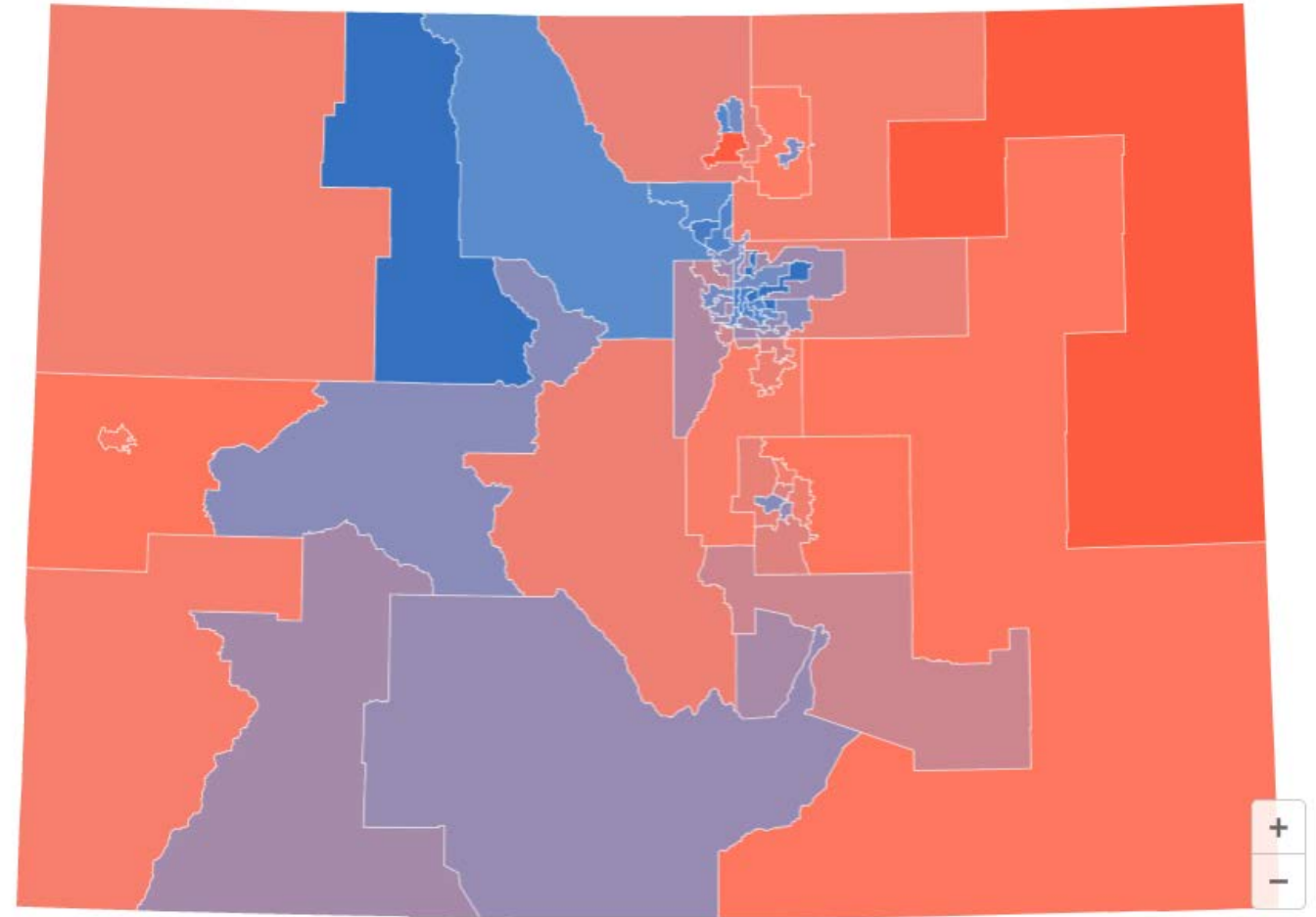
Status quo election

- Democrats maintain a 41-24 majority
- Republicans pick up one seat in Pueblo County
- Democrats pick up one seat in Arapahoe County
- 2021 leadership
 - Speaker – Rep. Alec Garnett (Denver)
 - Maj. Leader – Rep. Daneya Esgar (Pueblo)
 - Min. Leader – Rep. Hugh McKean (Loveland)

Percent Democratic vote



0% 50% 100%

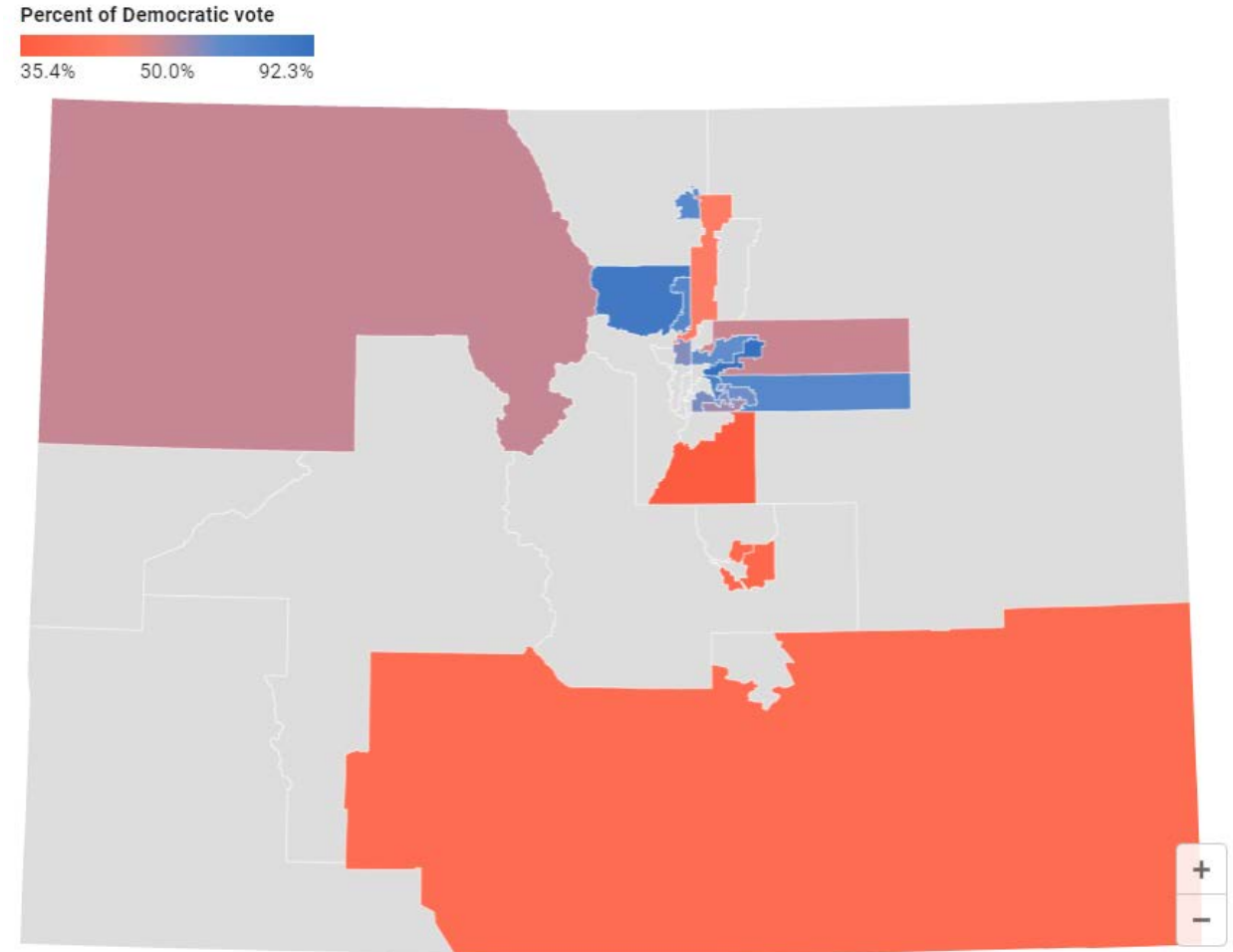


Map: @fishnette • Source: [Colorado Secretary of State](#) • [Get the data](#) • Created with [Datawrapper](#)

2021 Colorado Senate

Status quo election

- Democrats net one seat, 20-15 majority
- Democrats pick up open seat in Arapahoe County
- Republicans fend off challenges in NW Colorado and northeast metro Denver
- 2021 leadership maintained
 - President – Sen. Leroy Garcia (Pueblo)
 - Maj. Leader – Sen. Steve Fenberg (Boulder)
 - Min. Leader – Sen. Chris Holbert (Highlands Ranch)

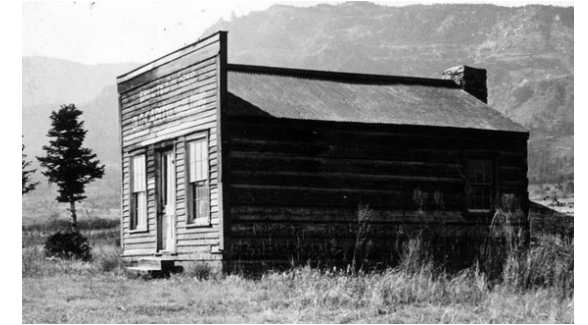


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2020 Key Legislative Issues

- Covid-19 emergency response
- \$3-4 billion budget shortfall for FY20-21, extensive cuts up to ~20% general fund
- Unprecedented 2-month temporary adjournment, Colo. Supreme Court weighs in
In Re: Interrogatory on House Joint Resolution 20-1006, 2020 CO 23
- Pre-Covid-19 Matters
 - Death penalty repeal
 - Vaccines
 - Immigration

Legislators eyeing the 2020 election



Colorado's first territorial capitol building (1861-1862)



The Colorado Capitol (1894 – present)



2020 Legislation:
A deeper dive on
CBA T&E priorities

Senate Bill 129 – Protection of Individuals Subject to a Fiduciary

CBA position: Amend

What it does: Within the first 14 days of an emergency guardianship proceeding initiated by a public or professional guardian, requires a court visitor to report on potential interested persons

Concerns: None, bill amended to address CBA concerns

Signed into law July 10, 2020

Other CBA Legislative/Executive Advocacy

- **Remote Notary Emergency Rules**
8 CCR 1505-11 – March 30, 2020
- **Remote Witnessing**
Rule Change 2020(16) – April 24, 2020
Part 9. Remote Witnessing of Documents, Rule 91 Remote Witness of Certain Non-Testamentary Instruments
- **Attorneys as essential**
Amended executive order March 27, 2020

Senate Bill 96 – Remote Notary

CBA position: Amend

What it does: Authorizes Colorado notaries to perform remote notarizations, creates a program for remote notary registration with the Colo. Secretary of State

Concerns: 3rd party data protection, robust reporting needed for remote notary companies, reliance on rulemaking for prohibited acts

Senate Bill 96 – Remote Notary Rulemaking

- Temporary rule 8 CCR 1505-11 in effect as of March 30, 2020
- Secretary of State issued proposed permanent rule 8 CCR 1505-11 on October 15, 2020
- Hearing and initial comments due November 16
- CBA and other interested parties submitted comments



2020 Legislation: Other Legislation of Interest

Covid-19 Related Legislation Enacted

- **SB20-205**: Sick Leave for Employees
- **SB20-207**: Unemployment Insurance
- **SB20-211**: Limitations of Extraordinary Collection Actions
- **SB20-222**: CARES Act Funds for Small Business Grant Program
- **HB20-1411**: CARES Act Funds for Behavioral health
- **HB20-1412**: CARES Act Fund for Utility Payment Assistance
- **HB20-1413**: Small Business Recovery Loan Program Premium Tax Credits
- **HB20-1414**: Price Gouging Amid Disaster, Deceptive Trade Practice
- **HB20-1415**: Whistle Blower Protection



On Deck for 2021

2021 Uniform Law Implementation

- Uniform Electronic Wills Act
 - Allows for electronic wills in Colorado
 - Current limitations on electronic notarization of wills (temporary) and remote witnessing
 - E-signature requirements must be designed to incorporate Colorado version of harmless error doctrine
- Uniform Fiduciary and Principal Act
 - Proposed update of existing Uniform Principal and Income Act
 - Additional guidance how a fiduciary should account for returns for a variety of asset classes (e.g., business assets and natural resources)
- Uniform Trust Code, Part 5
 - Part 5 not adopted in 2018 when Colorado enacted the UTC
 - CBA met to review how creditor access to trust assets should be addressed and incorporated



Contact

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