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**Testimony of Suzanne Brown Walsh
on behalf of the Connecticut Bar Association**

**OPPOSING HB 6375, Section 1(29)
and the Termination of the Connecticut Commission on Uniform Legislation**

**Government Administration and Elections Committee
March 16, 2009**

Senator Slossberg, Representative Spallone, members of the Government Administration and Elections Committee, thank you for the opportunity to appear before the committee to OPPOSE Section 1(29) of HB 6375 and to OPPOSE the termination of the Connecticut Commission on Uniform Legislation.

My name is Suzanne Brown Walsh. I am a Principal of Cummings & Lockwood in West Hartford, am currently Chair of the Connecticut Bar Association's Estates & Probate Section, and am one of Connecticut's eight Commissioners on Uniform Laws. On behalf of the Connecticut Bar Association, I respectfully request that the Government Administration and Elections Committee maintain the Connecticut Uniform Law Commission.

For both historic and practical reasons, the abolishment of the Connecticut Commission on Uniform Legislation would be a great loss not only to the state of Connecticut, but also to the Uniform Law Commission.

The Uniform Law Commission (ULC, also known as the National Conference of Commissioners on Uniform State Laws), founded in 1892, promotes national uniformity in such fundamental areas as commercial law, family law, the law of probate and estates, the law of business organizations, and health law. Through the ULC, Connecticut participates with all of the other states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands in the important work of the ULC. Terminating Connecticut's participation in this work, while it may seem fiscally necessary, in fact would decrease state funds, and is simply imprudent.

Connecticut joined the ULC in 1893, and since that time has adopted more than 80 uniform or model acts promulgated by the ULC, including the Uniform Commercial Code, the Uniform Partnership Act, the Uniform Principal and Income Act, the Uniform Prudent Investor Act, the Uniform Interstate Family Support Act,

the Uniform Child Custody Jurisdiction and Enforcement Act, and the Uniform Anatomical Gift Act.

I have attached a list of Connecticut enactments for illustration. For a very modest investment – the state dues for FY 2010 are approximately \$31,800 – Connecticut gets much in return.

The benefits are financial, as well as intangible. One act on the list, the Uniform Interstate Family Support Act, brings millions of federal dollars to Connecticut each year that otherwise would not be available to Connecticut. In my practice area, trusts and estates, look at how many of our Connecticut laws are uniform: Prudent Investor, Principal and Income, Statutory Rule Against Perpetuities, Transfers to Minors (UTMA), Prudent Management of Institutional Funds (UPMIFA), Durable Power of Attorney, International Wills, Testamentary Additions to Trusts and the Transfer on Death Security Registration Act.

The General Assembly is considering eight uniform acts in this session, alone: Uniform Arbitration Act; Uniform Debt-Management Services Act; Revised Anatomical Gifts Act; Uniform Emergency Volunteer Health Practitioners Act (to address Hurricane Katrina type emergencies); Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (SB 576); Amendments to the Uniform Principal and Income Act; Uniform Unsworn Foreign Declarations Act; and Amendments to UCIOA – the condominium act. In addition, the three “Pet Trust” bills (such as SB 650) raised by several legislators were reconciled and improved by incorporating and using the pet trust provisions of the Uniform Trust Code. The Rules Committee of the Superior Court is also considering the Uniform Rules Relating to the Discovery of Electronically Stored Information and the Uniform Interstate Depositions and Discovery Act.

If Connecticut were to abolish the CCUL, the Uniform Law Commission would lose the many positive contributions to its work made by Connecticut's commissioners, and Connecticut would lose its influence over development of uniform national laws, putting it at a comparative disadvantage to other states.

Every year, the Connecticut commissioners donate extraordinary amounts of their valuable time in service of the uniform law process. Connecticut plays a key role within ULC through the tireless efforts of its uniform law commissioners.

- Commissioner David Biklen chaired the drafting committee on the Uniform Real Property Electronic Recording Act, which was just enacted in Connecticut last year. Mr. Biklen also served on the drafting committee to revise the Uniform Common Interest Ownership Act and the drafting committee on the Relocation of Children Act.

- Commissioner William R. Breetz chaired the drafting committee to revise the Uniform Common Interest Ownership Act. Mr. Breetz is also a member of the Joint Editorial Board for Uniform Real Property Acts.
- Commissioner Barry Hawkins chaired the drafting committee on the Uniform Prudent Management of Institutional Funds Act, already enacted in Connecticut. Mr. Hawkins also serves on the ULC's Scope and Program Committee, and is currently a member of the new drafting committee on Uniform Military Services and Overseas Civilian Absentee Voters Act.
- Commissioner John Langbein is a member of the Joint Editorial Board for Uniform Trust and Estate Acts, and is a member of the drafting committee on Uniform Statutory Trust Entity Act.
- Commissioner Neal Ossen is a member of the drafting committees on Insurable Interests Relating to Trusts Act and Certificate of Title for Boats Act, as well as a member of the ULC Legislative Council.
- Commissioner Francis Pavetti was chair of the drafting committee to revise the Uniform Arbitration Act, and is currently serving as chair of the drafting committee to revise the Model State Administrative Procedures Act.

I presently chair the study committee on Mental Health Advance Directives, am a member of the Drafting Committee on Insurable Interests in Trusts, and am a member of the Enactment Committee on the Uniform Trust Code. I have also recently served on the Drafting Committees for the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act and the Amendments to the Uniform Principal and Income Act.

All of the members of the CCUL have devoted countless hours, unpaid, to not only better the laws of Connecticut, but also throughout the nation.

All fifty states, the District of Columbia, the U.S. Virgin Islands and Puerto Rico are members of the ULC. If the Connecticut Commission on Uniform Legislation is abolished, Connecticut would be the only state to discontinue its participation in the uniform law process. We urgently ask that the CCUL be allowed to continue serving Connecticut.

Thank you again for this opportunity to comment on the great work of the Uniform Law Conference and the Connecticut commission.

**LIST OF UNIFORM AND MODEL ACTS ¹ ENACTED IN CONNECTICUT:
(as of 2-9-09)**

1. Acknowledgment (1939)(1942): *Enacted 1943*
2. Amendments to Acknowledgment (1949)(1955)(1960): *Enacted 1961*
3. Aircraft Financial Responsibility (1954): *Enacted 1959*
4. Alcoholism and Intoxication Treatment (1971): *Enacted 19__*
5. Anatomical Gift (1968): *Enacted 1969*
6. Revised Anatomical Gift (1987): *Enacted 1988*
7. Anti-Gambling (1952): *Enacted 19__*
8. Arbitration (1956): *Enacted 19__*
9. Athlete Agents (2000): *Enacted 2004*
10. Attendance of Witnesses from Without a State in Criminal Proceedings, Act to Secure (1936): *Enacted 1937*
11. Bills of Lading (1909): *Enacted 1911*
12. Certification of Questions of Law (1967): *Enacted 1985*
13. Certification of Questions of Law (1995): *Enacted 1999*
14. Child Custody Jurisdiction (1968): *Enacted 1978*
15. Child Custody Jurisdiction and Enforcement (1997): *Enacted 1999*
16. Commercial Code (1951): *Enacted 1959*
17. Amendments to Commercial Code (1957)(1962): *Enacted 1963*
18. Amendments to Commercial Code (1966): *Enacted 1967*
19. Revised UCC Article 1 (2001): *Enacted 2005*
20. UCC Article 2A (1987)(1990): *Enacted 2002*
21. Revised UCC Articles 3 and 4 (1990): *Enacted 1991*
22. UCC Article 4A (1989): *Enacted 1990*
23. Revised UCC Article 5 (1995): *Enacted 1996*
24. Revised UCC Article 6 (Repeal) (1989): *Enacted 1993*
25. Revised UCC Article 7 (2003): *Enacted 2004*
26. Amendments to UCC Article 8 (1977): *Enacted 1979*
27. Revised UCC Article 8 (1994): *Enacted 1997*
28. Amendments to UCC Article 9 (1972): *Enacted 1976*
29. Revised UCC Article 9 (1999): *Enacted 2001*
30. Common Interest Ownership (1982): *Enacted 1983*
31. Revised Common Interest Ownership (1994): *Enacted 1995*
32. Consumer Leases (2001): *Enacted 2002*
33. Controlled Substances (1970): *Enacted 1972*
34. Criminal Extradition (1936): *Enacted 1957*
35. Division of Income for Tax Purposes (1957): *Enacted 19__*
36. Dormant Mineral Interests (1986): *Enacted 1987*
37. Durable Power of Attorney (1979): *Enacted 19__*

¹ The National Conference of Commissioners on Uniform State Laws drafted each of these uniform and model acts.

38. Duties to Disabled Persons (1972): *Enacted 1973*
39. Electronic Transactions (1999): *Enacted 2002*
40. Enforcement of Foreign Judgments (1964): *Enacted 1973*
41. Federal Tax Lien Registration (1966): *Enacted 1967*
42. Foreign Money Claims (1987): *Enacted 1989*
43. Foreign Money Judgments Recognition (1962): *Enacted 1988*
44. Fraudulent Transfer (1984): *Enacted 1991*
45. Gifts to Minors (1956): *Enacted 1957*
46. Revised Gifts to Minors (1965): *Enacted 1967*
47. International Wills (1977): *Enacted 1987*
48. Interstate Arbitration of Death Taxes (1943): *Enacted 1947*
49. Interstate Compromise of Death Taxes (1943): *Enacted 1947*
50. Interstate Family Support (1992)(1996): *Enacted 1997*
51. Amendments to Interstate Family Support (2001): *Enacted 2007*
52. Judicial Notice of Foreign Law (1936): *Enacted 1943*
53. Land Sales Practices (1966): *Enacted 1969*
54. Limited Partnership (1916): *Enacted 1961*
55. Revised Limited Partnership (1976): *Enacted 1979*
56. Machine Gun (1932): *Enacted 1935*
57. Management of Institutional Funds (1972): *Enacted 1973*
58. Military Justice, Code of (1961): *Enacted 1967*
59. Minor Student Capacity to Borrow (1969): *Enacted 1973*
60. Motor Vehicle Certificate of Title and Anti-Theft (1955): *Enacted 1957*
61. Narcotic Drug (1932): *Enacted 1935*
62. Amendments to Narcotic Drug (1942)(1952)(1958): *Enacted 1959*
63. Negotiable Instruments Law (1896): *Enacted 1897*
64. Partnership (1914): *Enacted 1961*
65. Revised Partnership (1994): *Enacted 1995*
66. Photographic Copies of Business and Public Records as Evidence (1949):
Enacted 1961
67. Principal and Income (1931): *Enacted 1939*
68. Amendments to Principal and Income (1958): *Enacted 1959*
69. Revised Principal and Income (1997): *Enacted 1999*
70. Premarital Agreement (1983): *Enacted 1995*
71. Proof of Statutes (1920): *Enacted 1947*
72. Prudent Investor (1994): *Enacted 1997*
73. Prudent Management of Institutional Funds (2006): *Enacted 2007*
74. Real Property Electronic Recording (2004)(2005): *Enacted 2008*
75. Reciprocal Enforcement of Support (1950): *Enacted 1951*
76. Amendments to Reciprocal Enforcement of Support (1952): *Enacted 1953*
77. Amendments to Reciprocal Enforcement of Support (1958): *Enacted 1961*
78. Recognition of Acknowledgments (1968): *Enacted 1969*
79. Residential Landlord and Tenant (1972): *Enacted 1975*
80. Sales (1906): *Enacted 1907*
81. Securities (1956)(1958): *Enacted 1977*
82. Simultaneous Death (1940): *Enacted 1943*
83. State Administrative Procedure (1946)(1961): *Enacted 1971*

84. Statutory Rule Against Perpetuities (1986): *Enacted 1989*
85. Amendments to Statutory Rule Against Perpetuities (1990): *Enacted 1991*
86. Stock Transfer (1909): *Enacted 1917*
87. Testamentary Additions to Trusts (1960): *Enacted 1961*
88. Revised Testamentary Additions to Trusts (1991): *Enacted 1994*
89. TOD Security Registration Act (1989): *Enacted 1997*
90. Trade Secrets (1979): *Enacted 1983*
91. Transboundary Pollution Reciprocal Access Act (1982): *Enacted 1992*
92. Transfer of Dependents (1935): *Enacted 1933*
93. Transfers to Minors (1983): *Enacted 1995*
94. Trust Receipts (1933): *Enacted 1937*
95. Voting by New Residents in Presidential Elections (1962): *Enacted 1963*
96. Warehouse Receipts (1906): *Enacted 1907*