

STATE OF CONNECTICUT



ANNUAL REPORT

for 2021 of the

CONNECTICUT COMMISSION ON UNIFORM LEGISLATION

May 3, 2022

Room 5100
Legislative Office Building
Hartford, CT 06106-1591

**CONNECTICUT
COMMISSION ON UNIFORM LEGISLATION**

COMMISSIONERS

2021

David D. Biklen, *Chair*

Mary M. Ackerly

William R. Breetz, Jr

Abbe R. Gluck

Barry C. Hawkins

John H. Langbein

Louise M. Nadeau

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Suzanne Brown Walsh

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I. PREAMBLE

To the Honorable Edward Miner Lamont, Jr., Governor of the State of Connecticut and the Honorable Members of the Connecticut General Assembly. The Connecticut Commissioners on Uniform State Laws respectfully submit 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. Most jurisdictions provide for their commission by statute. The longstanding statutory authority governing Connecticut's uniform law commission can be found at Section 2-80 of the Connecticut General 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 – 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. It 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 is convened as a body once a year. It meets for a period of six or seven days, usually in July or 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. Each Act must be considered over a substantial period of years. No Act becomes 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 caucuses and votes as a unit.

The governing body is the ULC Executive Committee, and is composed of the officers, certain ex-officio members, and members appointed by the ULC President. Certain activities are conducted by the standing committees. For example, the Committee on Scope and Program considers all new subject areas for possible Uniform Acts. 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 on-going and as-needed basis. Liaison and activities are conducted with other organizations as interests and activities necessitate.

VI. ACTIVITIES OF THE CONNECTICUT COMMISSIONERS

A. The Connecticut Commissioners are:

David D. Biklen, Chair	John H. Langbein
Mary M. Ackerly	Louise M. Nadeau
William R. Breetz, Jr.	Francis J. Pavetti
Abbe R. Gluck	Suzanne Brown Walsh
Barry C. Hawkins	

B. As of December 2021, the ULC committee assignments and other positions for Commissioners from Connecticut were:

Mary (Molly) M. Ackerly

- Member, Drafting Committee on Restrictive Covenants in Deeds Act
- Member, Standby Committee on Community Property Disposition at Death Act
- Member, Enactment Committee on Uniform Easement Relocation Act
- Member, Standby Committee on Uniform Fiduciary Income and Principal Act
- Member, Standby Committee on Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act
- Member, Standby Committee on Uniform Parentage Act
- Member, Standby Committee on Uniform Trust Decanting Act

David D. Biklen

- Member, Drafting Committee on Restrictive Covenants in Deeds Act
- Member, Study Committee on Event Data Recorders in Cars
- Member, Standby Committee on Uniform Fiduciary Access to Digital Assets Act
- Member, Standby Committee on Uniform Nonparent Custody and Visitation Act
- Member, Standby Committee on Uniform Unclaimed Property Act
- Chair, Standby Committee on Unregulated Child Custody Transfer Act
- Chair, Standby Committee on Uniform Real Property Electronic Recording Act
- Member, Standby Committee on Uniform Wage Garnishment Act

William R. Breetz

- Member, Drafting Committee on Electronic Registry for Residential Mortgage Notes
- Chair, Standby Committee to Revise Uniform Common Interest Ownership Act and Uniform Condominium Act (2021)
- Chair, Standby Committee on Home Foreclosure Procedures Act
- Emeritus Member, Joint Editorial Board for Uniform Real Property Acts

- Member, Enactment Committee on Uniform Partition of Heirs Property Act

Abbe R. Gluck

- Chair, Joint Editorial Board on Health Law
- Member, Academic Partnerships Committee
- Member, Drafting Committee on Public Health Emergency Authorities
- Member, Drafting Committee on Telehealth

Barry C. Hawkins

- Member, Committee on Liaison with American Bar Association
- Co-Chair, Drafting Committee on Restrictive Covenants in Deeds Act
- Member, ULC Legislative Committee
- Member, Standby Committee on Uniform Arbitration Act
- Member, Standby Committee on Uniform Fiduciary Income and Principal Act
- Member, Standby Committee on Uniform Home Foreclosure Procedures Act
- Chair, Joint Editorial Board for Uniform Real Property Acts
- Member, Standby Committee on Model Protection of Charitable Assets Act
- Member, Standby Committee on Uniform Military and Overseas Voters Act
- Member, Enactment Committee on Model Veterans Treatment Court Act

John H. Langbein

- Member, Standby Committee on Cohabitants' Economic Remedies Act
- Member, Drafting Committee on Conflict of Laws in Trust and Estate Acts
- Member, Standby Committee on Uniform Directed Trust Act
- Member, Standby Committee on Uniform Electronic Wills Act
- Member, Standby Committee on Uniform Fiduciary Income and Principal Act
- Member, Standby Committee on Amendments to Uniform Probate Code (2019)
- Emeritus Member, Joint Editorial Board for Uniform Trust and Estate Acts

Louise M. Nadeau

- Vice Chair, Standby Committee on Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act
- Vice Chair, Criminal Justice Reform Committee
- Member, Standby Committee on Uniform Criminal Records Accuracy Act
- Member, Committee on Legislative Attorneys
- Member, Style Committee
- Member, Committee on UN Convention on International Settlement Agreements Resulting from Mediation

Francis J. Pavetti

- Chair, Standby Committee on Uniform Arbitration Act
- Member, Standby Committee on Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act

Suzanne B. Walsh

- Chair, Standby Committee on Uniform Electronic Wills Act
- Chair, Standby Committee on Uniform Fiduciary Access to Digital Assets Act
- Member, Scope and Program Committee
- Member, Drafting Committee on Conflict of Laws in Trust and Estate Acts
- Member, Drafting Committee to Revise Uniform Healthcare Decisions Act
- Member, Drafting Committee on Fundraising through Public Appeals
- Member, Joint Editorial Board for Uniform Trust and Estate Acts
- Member, Enactment Committee on Uniform Adult Guardianship and Protective Proceedings Act
- Member, Standby Committee on Uniform Cohabitants' Economic Remedies Act
- Member, Standby Committee on Uniform Directed Trust Act
- Member, Standby Committee on Uniform Powers of Appointment Act
- Member, Standby Committee on Uniform Premarital and Marital Agreements Act
- Member, Standby Committee on Uniform Regulation of Virtual Currency Businesses Act
- Member, Standby Committee on Supplemental Commercial Law for the Uniform Regulation of Virtual-Currency Businesses Act
- Member, Standby Committee on Uniform Trust Decanting Act
- Member, Standby Committee on Amendments to Uniform Probate Code (2019)

C. Meetings

The Connecticut Commissioners conducted meetings in-person in 2021, in contrast to the meetings conducted remotely via Zoom in 2020 due to the COVID-19 worldwide pandemic.

Meetings of the Connecticut Commissioners and the ULC Annual Meeting were conducted as follows:

1. July 2021 – The Uniform Law Commission held its 130th Annual Meeting in Madison, Wisconsin, from July 9-15, 2021. Commissioners were permitted to attend in person or virtually. The commission also conducted informal sessions in June, 2021, to review and comment on acts prior to the annual meeting.
2. The Connecticut Delegation held its legislative planning meeting in-person at the ULC Annual Meeting.

D. Connecticut Commissioners attending the ULC Annual Meeting were:

Mary M. Ackerly

John H. Langbein

David D. Biklen

Louise M. Nadeau

William R. Breetz, Jr.

Suzanne Brown Walsh

Barry C. Hawkins

E. Legislative appearances by the Connecticut Commissioners in the year 2021

On March 3, 2021, Commissioner Barry Hawkins provided testimony to the Judiciary Committee on H.B. 6356, An Act Adopting the Uniform Commercial Real Estate Receivership Act,

On March 18, 2021, Commissioner Suzanne Brown Walsh provided testimony to the Commerce Committee on H.B. 6604, An Act Adopting the Revised Uniform Law on Notarial Acts.

VII. SUMMARY OF NEW ACTS ADOPTED BY THE COMMISSION IN 2021

1. Uniform Cohabitants' Economic Remedies Act

The rate of nonmarital cohabitation within the United States is increasing. Today, states have no consistent approach for addressing whether and how cohabitants can enforce contract and equitable claims against each other when the relationship ends. The Uniform Cohabitants' Economic Remedies Act does not create any special status for cohabitants. In most instances, the Act defers to other state law governing contracts and claims between individuals. The Act enables cohabitants to exercise the usual rights of individual citizens of a state to contract and to successfully maintain contract and equitable claims against others in appropriate circumstances. The Act affirms the capacity of each cohabitant to contract with the other and to maintain claims with respect to “contributions to the relationship” without regard to any intimate relationship that exists between them and without subjecting them to hurdles that would not be imposed on litigants of similar claims. The Act ensures that the nature of the relationship of the parties is not a bar to a successful claim.

2. Uniform College Athlete Name, Image, or Likeness Act

Until recently, college athletes have not been allowed to receive compensation for the use of their name, image, or likeness while still maintaining athletic eligibility. The Uniform College Athlete Name, Image, or Likeness Act allows college athletes to earn compensation for the use of their name, image, or likeness while also providing reasonable protections to educational institutions, athletic associations, and conferences. The Act will provide a clear and uniform framework for states to enact that allows

college athletes to earn compensation for the use of their name, image, or likeness while maintaining a level playing field across state lines.

3. Uniform Community Property Disposition at Death Act

Community property acquired by a married couple retains its character as community property even when the couple relocates to reside in a non-community property state. This result creates potential distribution problems at the death of the first spouse but also creates potential estate planning opportunities. However, the probate court in a non-community property state may not recognize the status of community property in a decedent's estate. The Uniform Community Property Disposition at Death Act provides clear default rules to ensure the proper disposition of community property in any state. The Act is recommended for adoption by all non-community property states.

4. Uniform Personal Data Protection Act

The Uniform Personal Data Protection Act applies fair information practices to the collection and use of personal data from consumers by business enterprises. The Act provides a reasonable level of consumer protection without incurring the compliance and regulatory costs associated with some existing state regimes. The Act recognizes that the collection and use of personal data are important features of our modern economy but raise significant issues of privacy and control. The Act outlines compatible, incompatible, and prohibited data practices and provides an enforcement mechanism to ensure compliance with the Act.

5. Uniform Restrictive Employment Agreement Act

The Uniform Restrictive Employment Agreement Act regulates restrictive employment agreements, which are agreements that prohibit or limit an employee or other worker from working after the work relationship ends. Uniformity in this area of the law benefits both employers and employees by enhancing clarity and predictability in our increasingly mobile society. The Act addresses the enforceability of these agreements, notice and other procedural requirements, choice of law issues, and remedies. The Act does not address agreements that concern monitoring what a worker can or cannot do while employed.

6. Uniform Unregulated Child Custody Transfer Act

In some cases, parents find that, after the birth or adoption of their child, they experience considerable difficulty or even inability in caring for or effectively managing the child's behavior, which sometimes leads to families transferring a child to another person outside of the courts and the child welfare system. Without specific regulations directed at these types of unregulated transfers, a transfer of custody might go unnoticed within the child welfare system. The Act addresses the transfer of children in these types of cases.

7. Amendments to the Uniform Common Interest Ownership Act

The Uniform Common Interest Ownership Act governs the formation, management, and termination of common interest communities, including condominiums, homeowner associations, and real estate cooperatives. The 2021 amendments to the Act update it to address recent legal and technological developments.

IX. UNIFORM LAW COMMISSION ACTS INTRODUCED AS LEGISLATION IN CONNECTICUT (2021)

During the 2021 regular session, committees of the General Assembly voted to draft the following uniform acts. The Connecticut Commissioners supported consideration of these acts:

1. An Act Adopting the Uniform Commercial Real Estate Receivership Act, was raised by the Judiciary Committee as H.B. 6356 and enacted as Public Act 21-80.
2. An Act Adopting the Revised Uniform Law on Notarial Acts, H.B. 6604, was raised by the Commerce Committee and a substitute bill on Remote Notarial Acts was reported favorably by the committee. No further action was taken on the bill.
3. An Act Concerning Adoption and Implementation of the Connecticut Parentage Act, was raised by the Judiciary Committee as H.B. 6321 and enacted as Public Act 21-15. Although the text of the public act varies from the uniform act adopted by the Uniform Law Commission, it is based in large part on the uniform act. The Uniform Law Commission has deemed the Connecticut public act as an enactment of the “uniform” Act.