

STATE OF CONNECTICUT



ANNUAL REPORT

2022

of the

CONNECTICUT COMMISSION ON UNIFORM LEGISLATION

March 15, 2023

Room 5100

Legislative Office Building

Hartford, CT 06106-1591

**CONNECTICUT
COMMISSION ON UNIFORM LEGISLATION**

COMMISSIONERS

2022

David D. Biklen, *Chair*

Mary M. Ackerly

William R. Breetz, Jr

Abbe R. Gluck

Barry C. Hawkins

John H. Langbein

Louise M. Nadeau

Francis J. Pavetti

Suzanne Brown Walsh

Address correspondence to:

Connecticut Commission on Uniform Legislation
Office of Legislative Management
Legislative Office Building
Room 5100
Hartford, Connecticut 06106
860.240.0100

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I. PREAMBLE

To the Honorable Edward Miner Lamont, Jr., Governor of the State of Connecticut, Representative Matthew Ritter, Speaker of the House of Representatives, Senator Martin Looney, Senate President Pro Tempore, 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 among 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, the ULC 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. Connecticut became a member of the Commission the following year. The first President of the Commission was Lyman D. Brewster from Connecticut – who served five successive terms from 1896 to 1901.

By 1912, every current member state and territory, except the U.S. Virgin Islands, was a member of the ULC. The U.S. Virgin Islands was the last jurisdiction to join, appointing its first commissioner 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 2022, the ULC committee assignments and other positions for Commissioners from Connecticut were:

Mary (Molly) M. Ackerly

- Member, Study Committee on Updates to Model Marketable Title Act
- Member, Study Committee on Updates to Uniform Transfers to Minors Act
- Member, Drafting Committee on Restrictive Covenants in Deeds
- Member, Standby Committee on Community Property Disposition at Death Act
- Member, Standby 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

David D. Biklen

- Member, Study Committee on Event Data Recorders in Cars
- Member, Study Committee on Indian Child Welfare Act Issues
- Member, Drafting Committee on Restrictive Covenants in Deeds
- Member, Standby Committee on Uniform Nonparent Custody and Visitation Act
- Member, Standby Committee on Uniform Unclaimed Property Act
- Chair, Standby Committee on Uniform Unregulated Child Custody Transfer Act

William R. Breetz

- Emeritus Member, Joint Editorial Board for Uniform Real Property Acts
- Chair, Standby Committee to Revise Uniform Common Interest Ownership Act and Uniform Condominium Act
- Member, Standby Committee on Uniform Partition of Heirs Property Act

Abbe R. Gluck

- Chair, Joint Editorial Board on Health Law

- Member, Drafting Committee on Public Health Emergency Authorities
- Member, Standby Committee on Uniform Telehealth Act

Barry C. Hawkins

- Co-Chair, Joint Editorial Board for Uniform Real Property Acts
- Co-Chair, Drafting Committee on Restrictive Covenants in Deeds
- Member, Committee on Liaison with American Bar Association
- Member, ULC Legislative Committee
- Member, Standby Committee on Uniform Fiduciary Income and Principal Act
- Member, Standby Committee on Model Veterans Treatment Court Act

John H. Langbein

- Member, Study Committee on Updates to Uniform Transfers to Minors Act
- Member, Drafting Committee on Conflict of Laws in Trust and Estate Acts
- Emeritus Member, Joint Editorial Board for Uniform Trust and Estate Acts
- Member, Standby Committee on Cohabitants' Economic Remedies Act
- 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)

Louise M. Nadeau

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

Francis J. Pavetti

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

Suzanne B. Walsh

- Chair, Study Committee on Deepfakes
- Member, Drafting Committee on Conflict of Laws in Trust and Estate Acts
- Member, Drafting Committee to Revise Uniform Healthcare Decisions Act
- Member, Scope and Program Committee
- Member, Standby 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
- Chair, Standby Committee on Uniform Electronic Wills Act
- Member, Joint Editorial Board for Uniform Trust and Estate Acts
- Member, Standby Committee on Uniform Premarital and Marital Agreements Act
- Member, Standby Committee on Uniform Regulation of Virtual Currency Businesses Act

C. Meetings

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

1. The Connecticut Delegation held its legislative planning meeting via Zoom on June 14, 2022. The meeting was facilitated by ULC Legislative Counsel Libby Snyder.
2. The Uniform Law Commission held informal virtual sessions in June to review and consider acts that were scheduled for final consideration at the annual meeting in July 2022.
3. The Uniform Law Commission held its 131st Annual Meeting in Philadelphia, Pennsylvania, from July 8-14, 2022.

D. Connecticut Commissioners attending the ULC Annual Meeting were:

Mary M. Ackerly	Barry C. Hawkins
David D. Biklen	Louise M. Nadeau
William R. Breetz, Jr.	Suzanne Brown Walsh
Abby Gluck	

E. Legislative appearances by Connecticut Commissioners in 2022

Commissioner Barry Hawkins and ULC Legislative Counsel Lindsay Beaver provided testimony in support of HB 5237 AN ACT ADOPTING THE CONNECTICUT INTERSTATE DEPOSITIONS AND DISCOVERY ACT. The provisions were enacted in Public Act 22-26 as described in Section VIII.2 below.

VII. SUMMARY OF NEW ACTS ADOPTED BY THE UNIFORM LAW COMMISSION IN 2022

1. Uniform Alcohol Direct-Shipping Compliance Act

The Uniform Alcohol Direct-Shipping Compliance Act enhances a state's ability to detect and stop unlawful direct-to-consumer ("DTC") shipments of alcoholic beverages to state residents. The Act integrates with existing state law as to (1) whether DTC shipping is allowed, and (2) the types of alcoholic beverages allowed.

The Act does not create new or additional regulatory burdens on direct-to-consumer shippers. Instead, the Act creates new tools for state regulators to use to ensure that existing state laws regarding DTC shipping are effective. For example, the Act provides state regulators a mechanism for distinguishing between DTC shipments originating from shippers licensed under the state's existing law and DTC shipments originating from non-licensed shippers.

2. Uniform Electronic Estate Planning Documents Act

The Uniform Electronic Estate Planning Documents Act fills a gap in the law regarding the execution of certain estate planning documents, including trusts and powers of attorney. The Uniform Electronic Transactions Act (UETA), enacted in Connecticut as Connecticut General Statutes 1-266, et seq., authorized the electronic execution of a bilateral contract if the parties to a transaction agree. The Uniform Electronic Wills Act (UEWA), adopted by the ULC in 2019 but not enacted in Connecticut, authorizes the testator of a will and witnesses to execute a will in electronic form. However, trusts, powers of attorney, and some other types of estate planning documents fall into a legal grey area where the law governing electronic execution is ambiguous.

The Uniform Electronic Estate Planning Documents Act clarifies that these documents may also be executed in electronic form. The Act was drafted to complement UEWA and could be adopted by a state simultaneously with that act to comprehensively authorize the electronic execution of wills, trusts, powers of attorney, and several other types of common estate planning documents.

3. Model Public Meetings During Emergencies Act

The Covid-19 pandemic highlighted the need for public bodies to meet when disasters and other emergencies make in-person meetings impossible or inadvisable. The Model Public Meetings During Emergencies Act provides a process to ensure that important public meetings can occur when these events occur consistent with protecting public access to meetings. The Act builds on existing state laws authorizing the declaration of emergencies and subjecting public meetings to various procedural and public access requirements. This Act is intended to work in harmony with those laws, particularly open

meetings and other laws providing for public comment on and participation in the deliberations of public bodies.

4. Uniform Telehealth Act

In recent years, improvements in telecommunication technologies have transformed the delivery of health care. The arrival of the Covid-19 pandemic greatly expanded patient demand for telehealth services. To meet patient needs, many states chose to modify licensure and other requirements that served as barriers to the delivery of telehealth services. Today, many states are re-examining laws related to telehealth, often with an eye toward expanding access to care while maintaining protections for patients.

The Uniform Telehealth Act has two broad goals. The first goal is to make clear that, as a general matter, health care services may be provided through telehealth, if doing so is consistent with applicable professional practice standards and the practitioner’s scope of practice, as defined by the state in which the patient is located. The second goal is to establish a registration system for practitioners who hold licenses in other states. This Act permits a registered practitioner to provide telehealth services to patients located in the state adopting the act.

5. Uniform Commercial Code And Emerging Technologies

These 2022 Amendments to the Uniform Commercial Code (UCC) update and modernize the UCC to address emerging technologies. The Act creates UCC Article 12 on Controllable Electronic Records to govern transactions involving new types of digital assets, such as virtual currencies, electronic money, and nonfungible tokens. The Act also makes corresponding changes to UCC Article 9 to address security interests in digital assets. The 2022 amendments also update terminology to account for digital records, electronic signatures, and distributed ledger technology, provide rules for electronic negotiable instruments, and clarify the rules for UCC applicability to hybrid transactions involving both goods and services.

VIII. UNIFORM LAW COMMISSION ACTS INTRODUCED AS LEGISLATION IN CONNECTICUT IN 2022

During the 2022 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 ESTABLISHING A WORKING GROUP TO STUDY REMOTE NOTARIAL ACTS AND THE REVISED UNIFORM LAW ON NOTARIAL ACTS.

S.B. 99 (2022) was introduced by the Commerce Committee and reported to the floor as a study. The Senate adopted Senate Amendment “A” to strike the file and replace with the “Connecticut Revised Uniform Law on Notarial Acts (2018)”, which is substantially

based on the Uniform Law on Notarial Acts. The amended bill was transmitted to the House of Representatives, but no further action was taken.

2. AN ACT ADOPTING THE CONNECTICUT INTERSTATE DEPOSITIONS AND DISCOVERY ACT.

HB 5237 was raised by the Judiciary Committee and a public hearing was held on March 4, 2022. The bill adopted the Connecticut Interstate Depositions and Discovery Act. Commissioner Barry Hawkins and ULC Legislative Counsel Lindsay Beaver provided testimony in support of the bill.

The act passed as Public Act 22-26. The act is effective July 1, 2023, and is applicable to any request for discovery in an action pending on or filed on or after July 1, 2023.

IX. UNIFORM ACTS RECOMMENDED FOR INTRODUCTION IN 2023

The Connecticut Commissioners support introduction and passage of the following acts in the 2023 regular session of the General Assembly:

1. The Connecticut Revised Uniform Law on Notarial Acts. As noted above, this act passed the Senate in 2022 but was not taken up in the House of Representatives.
2. The Uniform Unregulated Child Custody Transfer Act. This act was approved by the ULC in 2021. The act addresses the transfer of a child in cases when, after birth or adoption of the child, the parents caring for the child experience difficulty in caring for the child and seek to transfer custody of the child outside the court or child welfare system. Without specific regulations directed at these unregulated transfers, a transfer of custody may go unnoticed within the child welfare system. The act addresses the transfer of child custody in these types of cases.
3. The Uniform Mediation Act. The act standardizes the mediation process and establishes a privilege of confidentiality for mediators and mediation participants. Versions of the act, tailored to Connecticut, have been considered by the General Assembly in prior years.
4. The Uniform Collaborative Law Act. The act was approved by the ULC in 2010 and regulates the use of collaborative law - a voluntary form of alternative dispute resolution. The provisions of the act may be enacted by legislation, court rule, or a combination of the two.
5. Uniform Commercial Code and Emerging Technologies (2022). As noted above, these 2022 amendments to the Uniform Commercial Code were approved by the ULC at its 2022 Annual Meeting.