

STATE OF CONNECTICUT



ANNUAL REPORT

2023

of the

CONNECTICUT COMMISSION ON UNIFORM LEGISLATION

April 12, 2024

Room 5100

Legislative Office Building

Hartford, CT 06106-1591

**CONNECTICUT
COMMISSION ON UNIFORM LEGISLATION**

COMMISSIONERS

2023

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

ANNUAL REPORT FOR 2023

April 12, 2024

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 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, 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. One of the first Presidents 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. The ULC committee assignments and other positions for Commissioners from Connecticut are:

Mary (Molly) M. Ackerly

- Member, Study Committee on Updates to Model Marketable Title Act
- Member, Drafting Committee on Updates to Uniform Transfers to Minors Act
- Member, Standby Committee on Unlawful Restrictions in Land Records Act
- Member, Standby Committee on Community Property Disposition at Death Act
- Member, Standby Committee on Uniform Easement Relocation Act
- Member, Standby Committee on Uniform Electronic Estate Planning Documents 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 Indian Child Welfare Act Issues
- Member, Standby Committee on Unlawful Restrictions in Land Records 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, Enactment Committee on Uniform Real Property Electronic Recording 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, Enactment Committee on Uniform Partition of Heirs Property Act

Abbe R. Gluck

- Chair, Joint Editorial Board on Health Law
- Member, Scope and Program Committee
- Member, Standby Committee on Model Public Health Emergency Authorities
- Member, Standby Committee on Uniform Telehealth Act

Barry C. Hawkins

- Co-Chair, Joint Editorial Board for Uniform Real Property Acts
- Member, Drafting Committee on Redaction of Personal Information from Public Records Act
- Co-Chair, Standby Committee on Unlawful Restrictions in Land Records Act
- Member, Committee on Liaison with American Bar Association
- Member, ULC Legislative Committee
- Member, Standby Committee on Uniform Fiduciary Income and Principal Act
- Member, Enactment Committee on Model Veterans Treatment Court Act

John H. Langbein

- Member, Drafting Committee on Updates to Uniform Transfers to Minors Act
- Member, Study Committee on Probate and Non-Probate Transfer Integration
- Member, Drafting Committee on Conflict of Laws in Trusts and Estates Acts
- Emeritus Member, Joint Editorial Board for Uniform Trusts and Estates 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 26, 2023. The meeting was facilitated by ULC Legislative Counsel Haley Tanzman.
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 2023.
3. The Uniform Law Commission held its 132nd Annual Meeting from July 21-26, 2023.

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

E. Legislative appearances by Connecticut Commissioners in 2023

There were no legislative appearances by Connecticut Commissioners in 2023. However, testimony was filed in support of HB 6713 – An Act Adopting the Connecticut Revised Uniform Law on Notarial Acts.

VII. SUMMARY OF NEW ACTS ADOPTED BY THE UNIFORM LAW COMMISSION IN 2023

1. Uniform Consumer Debt Default Judgments Act

Numerous studies report that default judgments are entered in more than half of all debt collection actions. The purpose of this Act is to provide consumer debtors and courts with the information necessary to evaluate debt collection actions. The Act provides consumer debtors with access to information needed to understand claims being asserted against them and identify available defenses; advises consumers of the adverse effects of failing to raise defenses or seek the voluntary settlement of claims; and makes consumers aware of assistance that may be available from legal aid organizations. The Act also seeks to provide a uniform framework in which courts can fairly, efficiently, and promptly evaluate the merits of requests for default judgments while balancing the interests of all parties and the courts.

2. Uniform Health-Care Decisions Act (2023)

This Act is intended to supersede the 1993 Uniform Health-Care Decisions Act. The Act enables individuals to appoint agents to make health care decisions for them should they be unable to make those decisions for themselves, provide their health-care professionals and agents with instructions about their values and priorities regarding their health care, and indicate particular medical treatment they do or do not wish to receive. The Act also authorizes certain persons to make health-care decisions for individuals incapable of making their own decisions but who have not appointed an agent, thus avoiding the need to appoint a guardian or otherwise involve a court in most situations. In addition, the Act sets forth the related duties and powers of agents and healthcare professionals and provides protection in the form of immunity to both under specified circumstances.

The Act shares the goals of the 1993 Act but is revised to reflect changes in how health care is delivered, increases in non-traditional familial relationships and living arrangements, the proliferation of the use of electronic documents, the growing use of separate advance directives exclusively for mental health care, and other recent developments. The Act also seeks to improve upon the 1993 Act based on decades of experience and knowledge about how individuals make health-care decisions and about the challenges associated with creating and using advanced directives.

3. Model Public-Health Emergency Authority Act

This Act is designed to improve the preparedness of states for public health emergencies. Specifically, the Act clarifies the powers of a Governor to declare a public health emergency and to issue orders in response to that emergency. Simultaneously, the Act

establishes measures to promote a Governor’s accountability to the Legislature and to the public at large.

The goal of the Act is to empower a Governor to act quickly and decisively while also clarifying substantive and procedural limitations to a Governor’s authority. The Model Act also imposes a sunset provision on every public-health emergency declaration and public-health emergency order, and it requires a Governor to make a new record as a condition of renewing declaration or an order.

4. Uniform Special Deposits Act

A special deposit is an account in a bank that holds funds that may be paid upon the occurrence of one or more contingencies. Although such accounts are common, the legal protections afforded to them are uncertain and outdated in the context of modern banking. This uniform act minimizes these legal uncertainties by providing clear and executable rules.

First, the Act sets forth several elements for when a deposit is considered a “special deposit.” Second, the Act specifies that a special deposit is a debt owed to the beneficiary after determination of a stated contingency. Third, the Act clarifies that a special deposit is remote from a depositor’s bankruptcy estate unless the depositor has a determined right to the special deposit in its capacity as a beneficiary. Finally, the Act reduces the vulnerability created by the prospect of the bank holding the special deposit exercising a right of set off against the special deposit for a mature debt of the depositor or a beneficiary. The Special Deposits Act gives banks and their customers legal certainty that the expectations of special deposit account users will be respected.

5. Uniform Unlawful Restrictions in Land Records Act

This Act allows property owners whose deed contains a discriminatory, prohibited restriction to record an amendment to the land records that effectively removes the restriction. Under the Act, individuals who own property in a common interest community that is subject to a prohibited restriction are empowered to record an amendment to the governing instruments that removes the restriction, either by majority vote of the members of the association or by sending a request to the governing body. The Act creates a path for property owners who want to correct the record on the often painful history of their homes.

VIII. UNIFORM LAW COMMISSION ACTS INTRODUCED AS LEGISLATION IN CONNECTICUT IN 2023

According to the staff of the Uniform Law Commission, Connecticut has enacted 117 uniform acts since joining the Uniform Law Commission. The Connecticut Commissioners recommended consideration of several uniform laws during the 2023 regular session.

During the 2023 regular session, the Judiciary Committee of the General Assembly voted to draft An Act Adopting the Connecticut Revised Uniform Law on Notarial Acts (H.B. 6713). A public hearing was held on February 27, 2023, with several persons testifying in favor of the Uniform Act. See [Testimony For Bill Number HB-06713 In All Committees \(ct.gov\)](#) However no further action was taken on the bill.

An alternate bill, S.B. 1040, An Act Concerning Remote Notarial Acts, was reported out of the Judiciary Committee and enacted as Public Act 23-28.

IX. UNIFORM ACTS RECOMMENDED FOR INTRODUCTION IN 2024

The Connecticut Commissioners support introduction and passage of the following acts in the 2024 regular session of the General Assembly:

1. An Act Concerning Adoption of the Connecticut Uniform Trust Decanting Act was raised by the Judiciary Committee on February 13, 2024. The bill was filed as Senate Bill 272 (2024). Two Connecticut Commissioners were members of the drafting committee and the Connecticut Delegation supports passage of the act.
2. 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.
3. Uniform Commercial Code and Emerging Technologies (2022). The 2022 amendments to the Uniform Commercial Code were approved by the ULC at its 2022 Annual Meeting.