



General Assembly

February Session, 2004

Raised Bill No. 233

LCO No. 1186

01186_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE POWERS OF PROBATE COURT JUDGES
AND THE PROBATE COURT ADMINISTRATOR AND ESTABLISHING
THE NORTHWEST CORNER PROBATE DISTRICT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-2 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 3, 2007*):

3 The probate districts of the state, for all purposes for which they
4 were constituted, shall be as follows:

5 (a) Hartford County

6 The district of Hartford, consisting of the town of Hartford.

7 The district of Avon, consisting of the town of Avon.

8 The district of Berlin, consisting of the towns of Berlin and New
9 Britain.

10 The district of Bloomfield, consisting of the town of Bloomfield.

11 The district of Bristol, consisting of the town of Bristol.

- 12 The district of Burlington, consisting of the town of Burlington.
- 13 The district of Canton, consisting of the town of Canton.
- 14 The district of East Granby, consisting of the town of East Granby.
- 15 The district of East Hartford, consisting of the town of East
16 Hartford.
- 17 The district of East Windsor, consisting of the towns of East
18 Windsor and South Windsor.
- 19 The district of Enfield, consisting of the town of Enfield.
- 20 The district of Farmington, consisting of the town of Farmington.
- 21 The district of Glastonbury, consisting of the town of Glastonbury.
- 22 The district of Granby, consisting of the town of Granby.
- 23 The district of Manchester, consisting of the town of Manchester.
- 24 The district of Marlborough, consisting of the town of Marlborough.
- 25 The district of Newington, consisting of the towns of Newington,
26 Rocky Hill and Wethersfield.
- 27 The district of Plainville, consisting of the town of Plainville.
- 28 The district of Simsbury, consisting of the town of Simsbury.
- 29 The district of Southington, consisting of the town of Southington.
- 30 The district of Suffield, consisting of the town of Suffield.
- 31 The district of West Hartford, consisting of the town of West
32 Hartford.
- 33 The district of Windsor, consisting of the town of Windsor.

34 The district of Windsor Locks, consisting of the town of Windsor
35 Locks.

36 (b) New Haven County

37 The district of New Haven, consisting of the town of New Haven.

38 The district of Bethany, consisting of the town of Bethany.

39 The district of Branford, consisting of the town of Branford.

40 The district of Cheshire, consisting of the towns of Cheshire and
41 Prospect.

42 The district of Derby, consisting of the towns of Derby, Ansonia and
43 Seymour.

44 The district of East Haven, consisting of the town of East Haven.

45 The district of Guilford, consisting of the town of Guilford.

46 The district of Hamden, consisting of the town of Hamden.

47 The district of Madison, consisting of the town of Madison.

48 The district of Meriden, consisting of the town of Meriden.

49 The district of Milford, consisting of the town of Milford.

50 The district of Naugatuck, consisting of the towns of Naugatuck and
51 Beacon Falls.

52 The district of North Branford, consisting of the town of North
53 Branford.

54 The district of North Haven, consisting of the town of North Haven.

55 The district of Orange, consisting of the town of Orange.

56 The district of Oxford, consisting of the town of Oxford.

- 57 The district of Southbury, consisting of the town of Southbury.
- 58 The district of Wallingford, consisting of the town of Wallingford.
- 59 The district of Waterbury, consisting of the towns of Waterbury,
60 Middlebury and Wolcott.
- 61 The district of West Haven, consisting of the town of West Haven.
- 62 The district of Woodbridge, consisting of the town of Woodbridge.
- 63 (c) New London County
- 64 The district of New London, consisting of the towns of New London
65 and Waterford.
- 66 The district of Norwich, consisting of the towns of Norwich,
67 Franklin, Lisbon, Preston, Sprague and Voluntown.
- 68 The district of Bozrah, consisting of the town of Bozrah.
- 69 The district of Colchester, consisting of the towns of Colchester and
70 Lebanon.
- 71 The district of East Lyme, consisting of the town of East Lyme.
- 72 The district of Griswold, consisting of the town of Griswold.
- 73 The district of Groton, consisting of the town of Groton.
- 74 The district of Ledyard, consisting of the town of Ledyard.
- 75 The district of Lyme, consisting of the town of Lyme.
- 76 The district of Montville, consisting of the town of Montville.
- 77 The district of North Stonington, consisting of the town of North
78 Stonington.
- 79 The district of Old Lyme, consisting of the town of Old Lyme.

- 80 The district of Salem, consisting of the town of Salem.
- 81 The district of Stonington, consisting of the town of Stonington.
- 82 (d) Fairfield County
- 83 The district of Bridgeport, consisting of the town of Bridgeport.
- 84 The district of Danbury, consisting of the town of Danbury.
- 85 The district of Bethel, consisting of the town of Bethel.
- 86 The district of Brookfield, consisting of the town of Brookfield.
- 87 The district of Darien, consisting of the town of Darien.
- 88 The district of Fairfield, consisting of the town of Fairfield.
- 89 The district of Greenwich, consisting of the town of Greenwich.
- 90 The district of New Canaan, consisting of the town of New Canaan.
- 91 The district of New Fairfield, consisting of the towns of New
92 Fairfield and Sherman.
- 93 The district of Newtown, consisting of the town of Newtown.
- 94 The district of Norwalk, consisting of the towns of Norwalk and
95 Wilton.
- 96 The district of Redding, consisting of the town of Redding.
- 97 The district of Ridgefield, consisting of the town of Ridgefield.
- 98 The district of Shelton, consisting of the town of Shelton.
- 99 The district of Stamford, consisting of the town of Stamford.
- 100 The district of Stratford, consisting of the town of Stratford.
- 101 The district of Trumbull, consisting of the towns of Trumbull,

102 Easton and Monroe.

103 The district of Westport, consisting of the towns of Westport and
104 Weston.

105 (e) Windham County

106 The district of Windham, consisting of the towns of Windham and
107 Scotland.

108 The district of Ashford, consisting of the town of Ashford.

109 The district of Brooklyn, consisting of the town of Brooklyn.

110 The district of Eastford, consisting of the towns of Eastford and
111 Chaplin.

112 The district of Hampton, consisting of the town of Hampton.

113 The district of Killingly, consisting of the town of Killingly.

114 The district of Plainfield, consisting of the towns of Plainfield,
115 Canterbury and Sterling.

116 The district of Pomfret, consisting of the town of Pomfret.

117 The district of Putnam, consisting of the town of Putnam.

118 The district of Thompson, consisting of the town of Thompson.

119 The district of Woodstock, consisting of the town of Woodstock.

120 (f) Litchfield County

121 The district of Litchfield, consisting of the towns of Litchfield,
122 Morris and Warren.

123 [The district of Canaan, consisting of the towns of Canaan and
124 North Canaan.

- 125 The district of Cornwall, consisting of the town of Cornwall.]
- 126 The district of Harwinton, consisting of the town of Harwinton.
- 127 The district of Kent, consisting of the town of Kent.
- 128 The district of New Milford, consisting of the towns of New Milford
129 and Bridgewater.
- 130 The district of Norfolk, consisting of the town of Norfolk.
- 131 The district of the Northwest Corner, consisting of the towns of
132 Canaan, Cornwall, North Canaan, Salisbury and Sharon.
- 133 The district of Plymouth, consisting of the town of Plymouth.
- 134 The district of Roxbury, consisting of the town of Roxbury.
- 135 [The district of Salisbury, consisting of the town of Salisbury.
- 136 The district of Sharon, consisting of the town of Sharon.]
- 137 The district of Thomaston, consisting of the town of Thomaston.
- 138 The district of Torrington, consisting of the towns of Torrington and
139 Goshen.
- 140 The district of Washington, consisting of the town of Washington.
- 141 The district of Winchester, consisting of the towns of Winchester
142 and Colebrook.
- 143 The district of Woodbury, consisting of the towns of Woodbury,
144 Bethlehem and Watertown.
- 145 (g) Middlesex County
- 146 The district of Middletown, consisting of the towns of Middletown,
147 Cromwell, Durham and Middlefield.

- 148 The district of Clinton, consisting of the town of Clinton.
- 149 The district of Deep River, consisting of the town of Deep River.
- 150 The district of East Haddam, consisting of the town of East
151 Haddam.
- 152 The district of East Hampton, consisting of the town of East
153 Hampton.
- 154 The district of Essex, consisting of the town of Essex.
- 155 The district of Haddam, consisting of the town of Haddam.
- 156 The district of Killingworth, consisting of the town of Killingworth.
- 157 The district of Old Saybrook, consisting of the town of Old
158 Saybrook.
- 159 The district of Portland, consisting of the town of Portland.
- 160 The district of Saybrook, consisting of the town of Chester.
- 161 The district of Westbrook, consisting of the town of Westbrook.
- 162 (h) Tolland County
- 163 The district of Tolland, consisting of the towns of Tolland and
164 Willington.
- 165 The district of Andover, consisting of the towns of Andover, Bolton
166 and Columbia.
- 167 The district of Ellington, consisting of the towns of Ellington and
168 Vernon.
- 169 The district of Hebron, consisting of the town of Hebron.
- 170 The district of Mansfield, consisting of the towns of Coventry and
171 Mansfield.

172 The district of Stafford, consisting of the towns of Stafford, Somers
173 and Union.

174 (i) Litchfield and Hartford Counties

175 The district of New Hartford, consisting of the towns of New
176 Hartford, Barkhamsted and Hartland.

177 Sec. 2. (NEW) (*Effective from passage*) The towns of Canaan,
178 Cornwall, North Canaan, Salisbury and Sharon shall, on and after the
179 first Wednesday following the first Monday of January, 2007,
180 constitute a probate district by the name of the probate district of the
181 Northwest Corner. In 2006, and quadrennially thereafter, a judge of
182 probate for said district shall be elected at the time and in the manner
183 provided by law for the election of judges of probate. From and after
184 the first Wednesday following the first Monday of January, 2007, the
185 probate court for the district of the Northwest Corner shall have the
186 jurisdiction of all probate business arising in the towns of Canaan,
187 Cornwall, North Canaan, Salisbury and Sharon.

188 Sec. 3. Section 45a-7 of the general statutes is repealed and the
189 following is substituted in lieu thereof (*Effective October 1, 2004*):

190 A court of probate may be held in any town in the district or in such
191 other location as may be determined by the judge or by an acting
192 judge.

193 Sec. 4. Section 45a-77 of the general statutes is repealed and the
194 following is substituted in lieu thereof (*Effective October 1, 2004*):

195 (a) The Probate Court Administrator may attend to any matters
196 which the Probate Court Administrator deems necessary for the
197 efficient operation of courts of probate and for the expeditious
198 dispatch and proper conduct of the business of [those] such courts. The
199 Probate Court Administrator may make recommendations to the
200 General Assembly for legislation for the improvement of the
201 administration of the courts of probate.

202 (b) (1) The Probate Court Administrator may issue [regulations,
203 provided such regulations are approved in accordance with this
204 subsection. Such] regulations that shall be binding on all courts of
205 probate and shall concern the auditing, accounting, statistical, billing,
206 recording, filing, administrative and other court procedures. [(2) The
207 Probate Court Administrator may adopt regulations, in accordance
208 with chapter 54, provided such regulations are approved in accordance
209 with this subsection. Such regulations shall be binding on all courts of
210 probate and shall concern] the availability of judges, court facilities,
211 court personnel and salaries, [and] records [,] and hours of court
212 operation. [and telephone service. (3)] (2) Either the Probate Court
213 Administrator or the executive committee of the Connecticut Probate
214 Assembly may propose such regulations. Any regulation proposed by
215 the Probate Court Administrator shall be submitted to the executive
216 committee of the Connecticut Probate Assembly for approval. Any
217 regulation proposed by the executive committee of the Connecticut
218 Probate Assembly shall be submitted to the Probate Court
219 Administrator for approval. If either the Probate Court Administrator
220 or the executive committee of the Connecticut Probate Assembly fails
221 to approve a proposed regulation, such proposed regulation may be
222 submitted to a panel of three Superior Court judges appointed by the
223 Chief Justice of the Supreme Court. The panel of judges, after
224 consideration of the positions of the Probate Court Administrator and
225 the executive committee of the Connecticut Probate Assembly, shall
226 either approve the proposed regulation or reject the proposed
227 regulation.

228 (c) The Probate Court Administrator shall regularly review the
229 auditing, accounting, statistical, billing, recording, filing,
230 administrative and other procedures of the several courts of probate.

231 (d) The Probate Court Administrator shall, personally, or by an
232 authorized designee of the Probate Court Administrator who has been
233 admitted to the practice of law in this state for at least five years, or by
234 another person acting under the supervision of such designee, visit

235 each court of probate at least once during each two-year period to
236 examine the records and files of such court in the presence of the judge
237 of the court or the judge's authorized designee. The Probate Court
238 Administrator shall make [whatever] any additional inquiries [are
239 deemed] that the Probate Court Administrator deems appropriate [,] to
240 ascertain whether the business of the court, including the charging of
241 costs and payments to the State Treasurer, has been conducted in
242 accordance with law, rules of the courts of probate and the canons of
243 judicial ethics, and to obtain information concerning the business of
244 the courts of probate which is necessary for the [administrator] Probate
245 Court Administrator to perform properly the duties of the office.

246 (e) If the Probate Court Administrator determines, in accordance
247 with subsection (c) or (d) of this section, that the business of a court of
248 probate has not been conducted in accordance with law, rules of the
249 courts of probate or the canons of judicial ethics, the Probate Court
250 Administrator may, in the Probate Court Administrator's discretion,
251 by citation pursuant to section 45a-120, as amended by this act: (1)
252 Reassign any case pending before such court to another judge of
253 probate; or (2) cite another judge of probate to assist the judge of such
254 court in conducting the business of such court. The Probate Court
255 Administrator shall give written notice of such citation to the judge of
256 such court not later than five business days from the date of the
257 citation.

258 (f) Any judge of probate who is the subject of an action of the
259 Probate Court Administrator pursuant to subsection (e) of this section
260 may request a hearing to review such action. A request for such
261 hearing shall be in writing and shall be given to the Probate Court
262 Administrator not later than five business days following receipt by
263 such judge of the written notice required under subsection (e) of this
264 section. Any such hearing shall be held before a panel of three judges
265 of probate not later than ten business days from the date such request
266 is received by the Probate Court Administrator. Such panel shall
267 consist of (1) the president-judge of the Connecticut Probate Assembly

268 or, in the event of the absence or disability of the president-judge, the
269 first vice-president-judge of the Connecticut Probate Assembly, who
270 shall preside at such hearing, and (2) two members of the executive
271 committee of the Connecticut Probate Assembly designated by the
272 president-judge or the first vice-president-judge, as applicable. After
273 hearing, a majority of such panel may affirm, reverse or modify the
274 action of the Probate Court Administrator taken pursuant to
275 subsection (e) of this section.

276 Sec. 5. Subsection (l) of section 45a-82 of the general statutes is
277 repealed and the following is substituted in lieu thereof (*Effective*
278 *October 1, 2004*):

279 (l) The Probate Court Administrator may issue regulations pursuant
280 to [subdivision (1) of subsection (b) of] section 45a-77, as amended by
281 this act, in order to carry out the intent of subsections (j) and (k) of this
282 section.

283 Sec. 6. Section 45a-92 of the general statutes is repealed and the
284 following is substituted in lieu thereof (*Effective October 1, 2004*):

285 (a) Each person who is a judge of probate at any time during any
286 calendar year shall file with the Probate Court Administrator, on or
287 before March first of the succeeding year, a statement signed under
288 penalty of false statement showing the actual gross receipts and
289 itemized costs of his or her office and the net income for each such
290 calendar year. If such person ceases to hold office, he or she shall also
291 file with the Probate Court Administrator, on or before March first of
292 the second and third years next following, a statement signed under
293 penalty of false statement showing his or her net income from his or
294 her former office for the first and second calendar years next following
295 the calendar year in which he or she ceased to hold office. At the time
296 of filing, each such person shall pay to the State Treasurer, as
297 [hereinafter] provided in this section, the sum required by this section,
298 less sums previously paid to the State Treasurer on account. Payment
299 shall be credited by the State Treasurer to the fund established by

300 section 45a-82, as amended by this act.

301 (b) The personal representative of each person who holds the office
302 of judge of probate, at any time during any calendar year, and dies
303 while in office, or within twenty-four months after ceasing to hold
304 office, shall file with the Probate Court Administrator, on or before
305 March first next following such death, a statement signed under
306 penalty of false statement showing the actual gross receipts and
307 itemized costs of the decedent's office for the preceding calendar year
308 and the decedent's net income from [that] such office for such calendar
309 year. The personal representative shall file with the Probate Court
310 Administrator, on or before March first of the second year following
311 [said] such death, a statement signed under penalty of false statement
312 showing the net income to the decedent's estate from such office for
313 the preceding calendar year.

314 (c) Each judge of probate or personal representative, except a judge
315 of probate who is the Probate Court Administrator, shall at the time of
316 filing such returns pay to the State Treasurer to be credited to the fund
317 established by section 45a-82, as amended by this act, a percentage of
318 the annual net income from such office based on the following table in
319 which the percentage appearing in the left column shall first be
320 multiplied by the minimum annual compensation of a high volume
321 court as provided in subsection (k) of this section, as in effect on the
322 first day of July of the calendar year for which an assessment is due
323 pursuant to this section, the product of which shall then be multiplied
324 by the applicable percentage appearing in the right column:

T1	First 20% of the compensation assessment rate	
T2	Of a high volume court	\$1 nominal
T3	Next 6.67%	5%
T4	Next 6.66%	10%
T5	Next 6.67%	15%
T6	Next 6.67%	25%
T7	Next 6.66%	35%

T8	Next 13.34%	50%
T9	Next 33.33%	75%
T10	Next 33.67%	80%
T11	Next 66.67%	85%
T12	Next 133.33%	95%
T13	Excess over 333.67%, up to the maximum amount computed at 97.5%	
T14	by the Probate Court Administrator	
T15	All over the maximum amount computed at 100% by the Probate	
T16	Court Administrator.	

325 As used [herein] in this subsection, "maximum amount" [shall mean]
326 means the amount of annual net income from such office which, when
327 applying the percentage payments set forth above, shall result in the
328 judge of probate retaining as net compensation, after the payment of
329 the above amounts, no more than the product resulting from the
330 multiplication of seventy-two dollars by the annual weighted-
331 workload of the court, as defined by regulations to be adopted by the
332 Probate Court Administrator pursuant to [subdivision (3) of subsection
333 (b) of] section 45a-77, as amended by this act, but not to exceed the
334 compensation of a high volume court as set forth in subsection (k) of
335 this section, provided [this] such limitation shall not apply to [those]
336 the courts described in subsection (k) of this section. Such payment
337 shall be deemed to be a necessary expense of such office but shall not
338 be deductible from the gross income for the purpose of determining
339 net income of such office under this section. Notwithstanding the
340 provisions of this subsection, the annual minimum compensation of a
341 judge of probate shall be no less than the product resulting from the
342 multiplication of fifteen dollars by the annual weighted-workload of
343 the court, as defined by regulations to be adopted by the Probate Court
344 Administrator pursuant to [subdivision (3) of subsection (b) of] section
345 45a-77, as amended by this act, or no less than the judge's average
346 compensation for the three-year period from January 1, 1996, to
347 December 31, 1998, but, in no event shall [that] such minimum
348 compensation exceed that provided pursuant to subsection (k) of this
349 section.

350 (d) (1) Any judge of probate who is the Probate Court Administrator
351 shall pay to the State Treasurer, to be credited to [said] the fund
352 established by section 45a-82, as amended by this act, one hundred per
353 cent of the annual net income from his office during the period of time
354 he serves as Probate Court Administrator. (2) For the purposes of [this]
355 such assessment, fees received after but earned before his appointment
356 as Probate Court Administrator shall be subject to the assessment set
357 forth in the table in subsection (c) of this section. Fees received after
358 such judge of probate ceases to be the Probate Court Administrator but
359 earned during his term as Probate Court Administrator shall be paid in
360 full to the State Treasurer after the deduction of the expenses of his
361 office. (3) The books and records of any judge of probate acting as the
362 Probate Court Administrator shall be audited by the Auditors of
363 Public Accounts at the beginning of his term as Probate Court
364 Administrator and thereafter at least annually during [his term as
365 Probate Court Administrator] such term and upon completion of his
366 term as Probate Court Administrator or as judge of probate whichever
367 occurs first. (4) A judge of probate who is the Probate Court
368 Administrator shall make no expenditure in his court for salaries,
369 equipment [,] or any other expenditure exceeding the sum of one
370 hundred dollars in the aggregate, annually, without first having
371 obtained the approval of the Chief Court Administrator.

372 (e) (1) On or before January thirty-first of each year, each person
373 required to make payment under this section shall estimate such
374 annual net income and shall advise the Probate Court Administrator
375 thereof, upon such forms and pursuant to such regulations as [said
376 administrator] the Probate Court Administrator shall promulgate. (2)
377 Each person who takes office as a judge of probate after February first
378 of any calendar year, as the result of death, retirement, resignation or
379 removal of the immediately previous incumbent of [that] such office,
380 shall file his estimate of annual net income with the Probate Court
381 Administrator and shall make the necessary payment to the State
382 Treasurer in accordance therewith not later than sixty days after taking
383 office.

384 (f) If, based upon such estimate, the amount payable shall be less
385 than one hundred dollars, the payment thereof shall be made in one
386 payment on or before December thirty-first of the applicable year.
387 Otherwise, the amount payable shall be made in four substantially
388 equal installments payable on or before the last day of March, June,
389 September and December of the applicable year, except that in the case
390 of an estimate filed pursuant to subdivision (2) of subsection (e) of this
391 section, the amount payable under such estimate shall be made in
392 substantially equal installments on such installment payment dates
393 next following the timely filing of such estimate in such year. The
394 estimated payment may be amended and changed at any time during
395 the year in which it is payable by increasing or decreasing the amount.
396 The amount of such increase or decrease shall be paid for or adjusted
397 in the installment or payment due at the time the estimated assessment
398 is next payable after such amendment. The Probate Court
399 Administrator may adopt regulations pursuant to [subdivision (1) of
400 subsection (b) of] section 45a-77, as amended by this act, to carry out
401 the intent of this subsection.

402 (g) Upon the completion of each calendar year, and in any event on
403 or before the first day of April of the succeeding calendar year, each
404 person required to make payment under this section shall make a
405 report signed under penalty of false statement to the Probate Court
406 Administrator, upon forms prescribed by and subject to regulations
407 promulgated by the [administrator] Probate Court Administrator, of
408 the following: (1) The gross income received by virtue of such person's
409 office; (2) actual expenses incurred in connection with [the] such office;
410 (3) the net income of such office prior to the payment of the assessment
411 installments [hereinbefore] as provided in this section; (4) the amount
412 paid during the preceding calendar year to the State Treasurer on
413 account of the foregoing estimate; and (5) the amount of the difference,
414 if any, between the amount so paid and the amount actually due.
415 [This] Such report shall be open to public inspection.

416 (h) If the amount already paid was less than the amount due, such

417 person shall, on or before March first of the succeeding calendar year,
418 pay to the State Treasurer the entire deficiency. If the amount already
419 paid was more than the amount due, such person shall either, at his
420 election and pursuant to regulations [promulgated] adopted by the
421 State Treasurer, be entitled to a refund of such excess payment to be
422 paid from the fund [provided] established by section 45a-82, as
423 amended by this act, or a credit in the amount of the overpayment to
424 be charged against the future obligations of such person to said fund.

425 (i) (1) If any estimated quarterly payments required to be paid
426 pursuant to subsection (f) of this section is less than one-fourth of
427 seventy per cent of the total assessment due for that year or less than
428 one-fourth of ninety-five per cent of the assessment paid for the prior
429 year, such person shall be obligated to pay to [such] the fund
430 established by section 45a-82, as amended by this act, a penalty of ten
431 per cent of the amount of the deficiency, except that the Probate Court
432 Administrator may waive such penalty for cause in accordance with
433 regulations adopted pursuant to [subdivision (1) of subsection (b) of]
434 section 45a-77, as amended by this act. Any such penalty shall become
435 payable upon demand by the Probate Court Administrator, and be due
436 within thirty days after such demand, in accordance with regulations
437 promulgated by the Probate Court Administrator, and shall be subject
438 to interest under subdivision (2) of this subsection in the event of
439 default in such payment. (2) Any payments required under subsection
440 (f) or (h) of this section which are not paid at the applicable times
441 prescribed in said subsections, and any penalty payment required
442 under subdivision (1) of this subsection which is not timely paid, shall
443 incur simple interest at the rate applicable under section 12-376 for
444 delinquent payment of succession and transfer taxes where no
445 extension has been granted, to be payable to the State Treasurer and to
446 be added to the fund established [under] by section 45a-82, as
447 amended by this act. Any alleged delinquency of a judge of probate in
448 making payments as required under this section shall be referred by
449 the State Treasurer to the Attorney General for such action as the
450 Attorney General deems necessary.

451 (j) (1) [As used in] For the purposes of this subsection and
452 subsections (c) to (i), inclusive, of this section, [for any calendar year,
453 the term] "actual expenses incurred in connection therewith", for any
454 calendar year, may include as an allowable deduction the amount of
455 any net operating loss for a prior calendar year as provided in this
456 section. (2) [The term] For the purposes of this subsection, "net
457 operating loss" means the excess of itemized costs and expenses of
458 office allowed by this section over the gross income. A net operating
459 loss may be deducted in the calendar year following the year in which
460 the net operating loss occurred, but (A) if the net income of such
461 subsequent year is not sufficient to pay all of such net operating loss,
462 then the balance of such net operating loss may be deducted in the
463 second calendar year following such net operating loss, [;] and (B) if
464 the net income of such second calendar year is not sufficient to pay all
465 of the remaining net operating loss, then the balance of such net
466 operating loss may be deducted in the third calendar year following
467 such net operating loss. In no event shall any such net operating loss or
468 part thereof be deductible for any report beyond the third calendar
469 year in which it occurred.

470 (k) Notwithstanding the provisions of subsection (c) of this section
471 concerning percentage payments, a judge of probate who is the judge
472 in a court of probate designated as a high volume court shall be
473 permitted to retain as net compensation, before the payment of any
474 amounts due under sections 45a-34 to 45a-54, inclusive, and 45a-75, the
475 sum which shall be the greater of (1) the net compensation resulting
476 from the application of the percentages in subsection (c) of this section,
477 or (2) compensation earned after payment of actual expenses of the
478 office not to exceed seventy-five per cent of the amount of the salary of
479 a Superior Court judge, as determined in accordance with subsection
480 (a) of section 51-47, as determined on July first of the calendar year for
481 which the assessments are being paid pursuant to this section. If a
482 judge of probate of a high volume court leaves office during a calendar
483 year, or if a judge of probate of a high volume court assumes office and
484 serves during a portion of the calendar year, the minimum net

485 compensation provided in this section shall be prorated in accordance
486 with the number of days served during the calendar year as the
487 numerator, and three hundred and sixty-five as the denominator,
488 provided if the business of the court in a calendar year does not
489 produce sufficient income with which to pay the minimum net
490 compensation, then payment for [that] such year shall not be extended
491 to subsequent calendar years. For the purposes of this subsection,
492 "high volume court" [shall mean] means a court of probate which
493 serves a district having an estimated population of seventy thousand
494 or more persons as reported in the State Register and Manual for the
495 calendar year immediately preceding (A) the year for which the judge
496 was elected, (B) the year in which such judge was elected, or (C) any
497 year of the term of office of such judge. The amount of assessment
498 payable to the State Treasurer under this section shall be reduced by
499 the amount necessary to provide to the judge the minimum
500 compensation to which such judge is entitled under this section, and
501 the estimates of annual net income required in subsections (e) and (f)
502 of this section may be reduced accordingly. Minimum compensation
503 as provided [herein] in this section shall only be payable if all ordinary
504 and necessary expenses of the court are paid.

505 Sec. 7. Section 45a-120 of the general statutes is repealed and the
506 following is substituted in lieu thereof (*Effective October 1, 2004*):

507 (a) If any judge of probate declines to act or is disqualified from
508 acting as judge of probate, or is absent or unable to discharge his
509 duties, or if the office of judge of probate in any district becomes
510 vacant, the Probate Court Administrator shall cite any judge of probate
511 to act as judge of probate in the district to which he has been cited
512 during such inability, absence or vacancy or in the matters in which
513 the judge declines to act or is disqualified.

514 (b) Any judge of probate cited by the Probate Court Administrator
515 pursuant to subsection (a) of this section may hear any matter arising
516 in the district to which such judge has been cited (1) in the district to

517 which such judge has been cited, (2) in the district to which such judge
518 has been elected, or (3) in such other location as may be deemed by
519 such judge to be an appropriate location.

520 Sec. 8. Subsection (a) of section 45a-243 of the general statutes is
521 repealed and the following is substituted in lieu thereof (*Effective from*
522 *passage*):

523 (a) When any fiduciary has been removed [for cause] by a court of
524 probate, as provided in section 45a-242, the fiduciary may appeal from
525 such order of removal in the manner provided in sections 45a-186 to
526 45a-193, inclusive. In the event of an appeal from the order of removal
527 taken by the fiduciary who has been removed, the appointment of a
528 successor shall not be stayed by the appeal but shall be a temporary
529 appointment. Such successor fiduciary shall act during the pendency
530 of the appeal and until the appeal is withdrawn or final judgment
531 entered thereon.

532 Sec. 9. (NEW) (*Effective October 1, 2004*) (a) The Probate Court
533 Administrator may, in accordance with section 45a-84 of the general
534 statutes, expend from the Probate Court Administration Fund such
535 amounts as the Probate Court Administrator may deem reasonable
536 and necessary for the establishment, improvement or maintenance of
537 court facilities and operations in order to facilitate the consolidation of
538 probate court functions and operations for any probate district or
539 combination of districts.

540 (b) Nothing in this section shall be construed to relieve any town of
541 its obligation to provide and maintain court facilities pursuant to
542 section 45a-8 of the general statutes, as amended.

543 Sec. 10. Subsection (g) of section 5-259 of the general statutes is
544 repealed and the following is substituted in lieu thereof (*Effective*
545 *October 1, 2004*):

546 (g) Notwithstanding the provisions of subsection (a) of this section,

547 the Probate Court Administration Fund established in accordance with
 548 section 45a-82, as amended by this act, shall pay for each probate judge
 549 and Probate Court employee not more than one hundred per cent of
 550 the portion of the premium charged for his individual coverage and
 551 not more than fifty per cent of any additional cost for his form of
 552 coverage. The remainder of the premium for such coverage shall be
 553 paid by the probate judge or Probate Court employee to the State
 554 Treasurer. Payment shall be credited by the State Treasurer to the fund
 555 established by section 45a-82, as amended by this act. The total
 556 premiums payable shall be remitted by the Probate Court
 557 Administrator directly to the insurance company or companies or
 558 nonprofit organization or organizations providing the coverage. The
 559 Probate Court Administrator shall establish regulations governing
 560 group hospitalization and medical and surgical insurance in
 561 accordance with [subdivision (1) of subsection (b) of] section 45a-77, as
 562 amended by this act.

This act shall take effect as follows:	
Section 1	<i>January 3, 2007</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>October 1, 2004</i>
Sec. 10	<i>October 1, 2004</i>

Statement of Purpose:

To establish the probate district of the Northwest Corner, consisting of the towns of Canaan, Cornwall, North Canaan, Salisbury and Sharon, to clarify and define the powers of the Probate Court Administrator, to enable the Probate Court Administrator to make expenditures from the Probate Court Administration Fund to provide adequate court facilities and operations, to enable a judge of probate to hear matters in

a location outside of the judge's probate district or the probate district to which the judge has been cited and to make technical changes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]