



House of Representatives

General Assembly

File No. 574

January Session, 2005

House Bill No. 5382

House of Representatives, April 28, 2005

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT ESTABLISHING A BLUE RIBBON COMMISSION ON THE PROBATE COURT SYSTEM.

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

1 Section 1. (*Effective from passage*) (a) There is established a Blue
2 Ribbon Commission on the Probate Court System. The commission
3 shall conduct a study of the probate court system in this state,
4 including, but not limited to, an examination of issues regarding
5 probate court venue, jurisdiction, organization and financing and the
6 future of the probate court system.

7 (b) The commission shall consist of the following members:

8 (1) Two members appointed by the speaker of the House of
9 Representatives;

10 (2) Two members appointed by the president pro tempore of the
11 Senate;

12 (3) One member appointed by the majority leader of the House of
13 Representatives;

14 (4) One member appointed by the majority leader of the Senate;

15 (5) One member appointed by the minority leader of the House of
16 Representatives;

17 (6) One member appointed by the minority leader of the Senate;

18 (7) One member appointed by the Chief Justice of the Supreme
19 Court; and

20 (8) Two members appointed by the Governor.

21 (c) Any member of the commission appointed under subdivision
22 (1), (2), (3), (4), (5) or (6) of subsection (b) of this section may be a
23 member of the General Assembly. The members appointed under
24 subsection (b) of this section shall include: (1) At least one judge of
25 probate representing a large size probate district, at least one judge of
26 probate representing a medium size probate district and at least one
27 judge of probate representing a small size probate district, as such
28 probate district sizes are determined by the appointing authority,
29 provided such probate district sizes shall be represented equally
30 among such member judges; (2) at least one judge of probate who is
31 not an attorney; (3) at least one professor of law who is an expert in the
32 law of trusts and estates; and (4) at least two public members that are
33 not attorneys.

34 (d) All appointments to the commission shall be made not later than
35 thirty days after the effective date of this section. Any vacancy shall be
36 filled by the appointing authority.

37 (e) The speaker of the House of Representatives and the president
38 pro tempore of the Senate shall select the chairpersons of the
39 commission, from among the members of the commission. Such
40 chairpersons shall schedule the first meeting of the commission, to be
41 held not later than sixty days after the effective date of this section.

42 (f) The administrative staff of the joint standing committee of the
43 General Assembly having cognizance of matters relating to the
44 judiciary shall serve as administrative staff of the commission.

45 (g) Not later than January 1, 2006, the commission shall submit a
46 report on its findings and recommendations to the joint standing
47 committee of the General Assembly having cognizance of matters
48 relating to the judiciary, in accordance with the provisions of section
49 11-4a of the general statutes. The commission shall terminate on the
50 date that it submits such report or January 1, 2006, whichever is earlier.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Probate Court	GF - None	None	None
Legislative Mgmt.	GF - Cost	Potential Minimal	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes a Blue Ribbon Commission on the Probate Court System and appoints members, some of whom must be judges of probate, which results in no fiscal impact. Additionally, the bill permits other appointees to be legislators, which may result in a minimal cost to Legislative Management for legislator mileage reimbursement, which is 40.5 cents per mile. The bill requires the staff of the Judiciary Committee to serve as administrative staff for the commission, which results in no fiscal impact.

OLR Bill Analysis

HB 5382

AN ACT ESTABLISHING A BLUE RIBBON COMMISSION ON THE PROBATE COURT SYSTEM**SUMMARY:**

This bill establishes an 11-member Blue Ribbon Commission on the Probate Court System to study the probate court system. The commission must submit a report on its findings and recommendations to the Judiciary Committee by January 1, 2006. The commission's study must include court venue, jurisdiction, organization, financing, and the future of the probate court system. The commission terminates on the date it submits its report or January 1, 2006, whichever is earlier.

EFFECTIVE DATE: Upon Passage

COMMISSION MEMBERS, CHAIRPERSONS, AND STAFF

The commission consists of the following members:

1. two members appointed by the House speaker;
2. two by the Senate president pro tempore;
3. one each by the House and Senate majority leaders House and Senate minority leaders, and the Chief Justice of the Supreme Court; and
4. two by the governor.

Any member appointed by a legislator may also be a legislator.

The members must include at least one probate judge each representing a large, medium, and small district. The bill specifies that the appointing authority determines the probate district sizes, and requires the probate district sizes to be represented equally among the member judges. The commission must also include at least one probate judge who is not an attorney, at least one law professor who is an

expert in the law of trusts and estates, and at least two public members who are not attorneys.

All appointments must be made within 30 days after the governor signs the bill. The appointing authority fills any vacancy.

The House speaker and the Senate president pro tempore select the chairpersons from among the commission members. The bill requires the chairpersons to schedule the first commission meeting within 60 days after the governor signs the bill.

The Judiciary Committee personnel staff the commission.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 38 Nay 0