



General Assembly

Amendment

January Session, 2009

LCO No. 7720

HB0638507720HDO

Offered by:

REP. GODFREY, 110th Dist.
REP. FOX, 146th Dist.
REP. LAWLOR, 99th Dist.
SEN. MCDONALD, 27th Dist.
REP. O'NEILL, 69th Dist.

SEN. KISSEL, 7th Dist.
REP. KLARIDES, 114th Dist.
SEN. DOYLE, 9th Dist.
SEN. RORABACK, 30th Dist.
REP. MCCRORY, 7th Dist.

To: Subst. House Bill No. 6385

File No. 729

Cal. No. 474

"AN ACT CONCERNING REFORM OF THE PROBATE COURT SYSTEM."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 45a-77 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (b) (1) The Probate Court Administrator may issue and shall enforce
7 regulations, provided such regulations are approved in accordance
8 with subsection (c) of this section. Such regulations shall be binding on
9 all courts of probate and shall concern the following matters for the
10 administration of the probate court system: (A) Auditing, accounting,
11 statistical, billing, recording, filing and other court procedures; (B)

12 reassignment and transfer of cases; (C) training of court personnel and
13 continuing education programs for judges of probate, probate
14 magistrates, attorney probate referees and court personnel; (D)
15 remitting funds received by the courts of probate under section 10 of
16 this act to the Probate Court Administration Fund; (E) administering
17 the compensation plan established under section 11 of this act for
18 employees of the courts of probate; (F) establishing criteria for staffing
19 levels for the courts of probate for the purposes of subsection (b) of
20 section 11 of this act; (G) establishing criteria for the development and
21 approval of miscellaneous office budgets for the courts of probate for
22 the purposes of subsection (b) of section 11 of this act; (H) expending
23 funds from the Probate Court Administration Fund for the purposes
24 set forth in the regulations adopted pursuant to subparagraphs (D) to
25 (G), inclusive, of this subdivision; and [(D)] (I) the enforcement of the
26 provisions of this chapter and the regulations issued pursuant to this
27 section, including, but not limited to, recovery of expenses associated
28 with any such enforcement, as permitted by such regulations.

29 (2) The Probate Court Administrator may adopt regulations, in
30 accordance with chapter 54, provided such regulations are approved in
31 accordance with subdivision (1) of subsection (c) of this section. Such
32 regulations shall be binding on all courts of probate and shall concern:
33 (A) The availability of judges; (B) court facilities, personnel and
34 records; [(C) hours of court operation; and (D)] and (C) telephone
35 service.

36 Sec. 2. Section 45a-82 of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective January 1, 2011*):

38 (a) The Probate Court Administration Fund is established, to consist
39 of the amounts [hereinafter] provided in this section, to be paid over
40 [as herein provided] to the State Treasurer as provided in this section.

41 (b) The State Treasurer shall be the custodian of the fund established
42 by this section, with power to administer it, and to invest and reinvest
43 as much of [said] the fund as is not required for current disbursements

44 in accordance with the provisions of the general statutes regarding the
45 investment of savings banks.

46 (c) All payments from [said] the fund established by this section that
47 are authorized by sections 5-259, as amended by this act, 17a-77, 17a-
48 274, 17a-498, 17a-510, 19a-131b, 19a- 131e, 19a-221, 45a-1 to 45a-12,
49 inclusive, 45a-18 to 45a-26, inclusive, as amended by this act, 45a-34 to
50 45a-56, inclusive, as amended by this act, 45a-62 to 45a-68, inclusive,
51 45a-74 to 45a-83, inclusive, as amended by this act, 45a-90 to [45a-94]
52 45a-93, inclusive, as amended by this act, 45a-98, 45a-99, 45a-105, 45a-
53 119 to 45a-123, inclusive, as amended by this act, 45a-128, 45a-130, 45a-
54 131, 45a-133, 45a-152, 45a-175 to 45a-180, inclusive, 45a-199, sections 11
55 and 19 of this act and section 45a-202, shall be made upon vouchers
56 approved by the Probate Court Administrator.

57 (d) Monthly there shall be transferred from the fund established by
58 this section to the retirement fund established by section 45a-35 not
59 less than sufficient moneys, taking into account receipts by said
60 retirement fund under the provisions of sections 45a-44 and 45a-45, to
61 enable said retirement fund to meet its obligations as estimated by the
62 Retirement Commission, until the Retirement Commission certifies
63 that the retirement fund is on a sound actuarial basis.

64 (e) On or before July first annually, the Retirement Commission
65 shall certify to the State Treasurer, on the basis of an actuarial
66 determination, the amount to be transferred to the retirement fund to
67 maintain the actuarial funding program adopted by the Retirement
68 Commission.

69 (f) In addition to the [aforesaid] payments authorized in subsections
70 (a) to (e), inclusive, of this section, there shall be transferred from time
71 to time from the fund established by this section to the retirement fund
72 established by section 45a-35 such amounts as are determined by the
73 Probate Court Administrator not to be required for other purposes of
74 sections 45a-20 and 45a-76 to 45a-83, inclusive, as amended by this act,
75 until the Retirement Commission certifies that the retirement fund is

76 on a sound actuarial basis. Thereafter there shall be transferred from
77 time to time from the fund established by this section to the General
78 Fund such amounts as are determined by the Probate Court
79 Administrator not to be required for the purposes of said sections.

80 (g) If at any time thereafter the Retirement Commission certifies that
81 the retirement fund established by section 45a-35 is no longer on a
82 sound actuarial basis, the Retirement Commission shall provide notice
83 to the General Assembly and the Governor, and transfers from [this]
84 the fund established by this section to the retirement fund shall be
85 resumed until the Retirement Commission again certifies that said
86 retirement fund is on a sound actuarial basis, at which time the
87 Retirement Commission shall provide notice to the General Assembly
88 and the Governor, and transfers from [this] the fund established by
89 this section to the General Fund shall be resumed.

90 (h) All payments of assessments imposed by section 45a-92, as
91 amended by this act, with respect to income received by any judge of
92 probate on or after January 1, 1968, shall be paid in accordance with
93 the schedule set forth in section 45a-92, as amended by this act.

94 (i) The State Treasurer shall, on or before October first, annually,
95 give an accounting of the Probate Court Administration Fund,
96 showing the receipts and disbursements and the balance or condition
97 thereof, as of the preceding June thirtieth, to the Connecticut Probate
98 Assembly, the Governor and [to] the joint standing committee of the
99 General Assembly having cognizance of matters relating to the
100 judiciary.

101 (j) [In the event that any court of probate otherwise receives income
102 which is insufficient to meet, on an ongoing basis, the reasonable and
103 necessary financial needs of that court, including the salaries of the
104 judge and the judge's staff, there] There shall be transferred from time
105 to time from the Probate Court Administration Fund such budgeted
106 amounts as are [determined by the Probate Court Administrator to be
107 reasonable and necessary] established in accordance with section 11 of

108 this act or such expenditures as are authorized pursuant to subsection
109 (c) of section 45a-84, as amended by this act, for the proper
110 administration of each [such] court of probate. [Except as provided in
111 subsection (k) of section 45a-92, the judge's annual salary shall not
112 exceed the average annual salary of such judge for the three-year
113 period next preceding the request for financial assistance or the
114 product resulting from the multiplication of fifteen dollars by the
115 annual weighted-workload of the court, as defined in subsection (c) of
116 section 45a-92, whichever is greater, but not to exceed the annual
117 compensation provided in subsection (k) of section 45a-92.]
118 Notwithstanding any provision of the general statutes, on June 30,
119 2011, and annually thereafter, any surplus funds in the Probate Court
120 Administration Fund shall be transferred to the General Fund.

121 [(k) Each judge of probate requesting financial assistance at any
122 time during any calendar year shall file with the Probate Court
123 Administrator a sworn statement showing the actual gross receipts
124 and itemized expenses of the judge's court and the amount requested,
125 together with an explanation therefor. The Probate Court
126 Administrator may approve and issue an invoice to the State
127 Comptroller pursuant to subsection (c) of this section, authorizing
128 payment to the court of probate in such amounts as shall have been
129 approved by the Probate Court Administrator.

130 (l) The Probate Court Administrator may issue regulations pursuant
131 to subdivision (1) of subsection (b) of section 45a-77 in order to carry
132 out the intent of subsections (j) and (k) of this section.]

133 Sec. 3. Section 45a-84 of the general statutes is repealed and the
134 following is substituted in lieu thereof (*Effective January 1, 2011*):

135 (a) (1) On or before April first of each year, the Probate Court
136 Administrator shall prepare a proposed budget for the next succeeding
137 fiscal year beginning July first, for the appropriate expenditures of
138 funds from the Probate Court Administration Fund to carry out the
139 statutory duties of the Probate Court Administrator. The proposed

140 budget shall reflect all costs related to the office of the Probate Court
141 Administrator and the operation of the courts of probate, including,
142 but not limited to, compensation, group hospitalization and medical
143 and surgical insurance plans and retirement benefits for probate
144 judges and employees. Expenditures in the proposed budget shall not
145 exceed anticipated available funds.

146 (2) The Probate Court Administrator shall submit the proposed
147 budget to the executive committee of the Connecticut Probate
148 Assembly for review. The executive committee shall return the
149 proposed budget to the Probate Court Administrator [no] not later
150 than May first, together with its comments and recommendations
151 concerning the proposed expenditures. The Probate Court
152 Administrator shall thereafter prepare a proposed final budget,
153 including such changes recommended by the executive committee as
154 the Probate Court Administrator deems appropriate. On or before May
155 fifteenth, the Probate Court Administrator shall transmit the proposed
156 final budget to the Chief Court Administrator for approval, together
157 with the comments and recommendations of the executive committee
158 of the Probate Assembly. On or before June fifteenth of that year, the
159 Chief Court Administrator shall take such action on the budget, or any
160 portion thereof, as the Chief Court Administrator deems appropriate.
161 If the Chief Court Administrator fails to act on the proposed budget on
162 or before June fifteenth, the budget shall be deemed approved as
163 proposed.

164 (b) The Probate Court Administrator may, from time to time,
165 request authority from the Chief Court Administrator to expend
166 additional money from the Probate Court Administration Fund to
167 respond to any matter that could not have been reasonably anticipated
168 in the regular budget process. A copy of all such requests shall be sent
169 to the [president judge] president-judge of the Connecticut Probate
170 Assembly. If the Chief Court Administrator fails to act on the request
171 within twenty-one calendar days of receipt of the request, the request
172 shall be deemed approved.

173 (c) The Probate Court Administrator may authorize such
174 expenditures from the Probate Court Administration Fund for
175 emergency purposes as from time to time may be necessary. [,
176 provided the aggregate amount of such emergency expenditures for
177 any one fiscal year shall not exceed five thousand dollars. A report on
178 each such expenditure shall be sent] If an expenditure under this
179 subsection exceeds ten thousand dollars, the Probate Court
180 Administrator shall send a report on the expenditure to the Chief
181 Court Administrator and the [president judge] president-judge of the
182 Connecticut Probate Assembly within ten days after the expenditure is
183 made.

184 Sec. 4. Section 45a-92 of the general statutes is amended by adding
185 subsection (l) as follows (*Effective from passage*):

186 (NEW) (l) This section applies only to income received by the courts
187 of probate prior to January 5, 2011.

188 Sec. 5. Section 45a-93 of the general statutes is repealed and the
189 following is substituted in lieu thereof (*Effective from passage*):

190 (a) If a judge of probate leaves office or dies while in office, the
191 successor to such judge in said office [,] shall pay to such judge or the
192 personal representative of a deceased judge [,] a sum representing the
193 accounts receivable for payments due the court in accordance with
194 section 45a-105, as of the date of separation from said office or the date
195 of death in the case of a judge who dies while holding such office.
196 Determination of the basis for such accounts receivable including
197 computation for work in process shall be made in accordance with
198 regulations issued by the Probate Court Administrator. Any payments
199 made to such judge or the personal representative of a deceased judge
200 shall be subject to the provisions of section 45a-92, as amended by this
201 act, and no such payments shall be made unless and until the accounts
202 receivable are collected by the successor judge and no such payments
203 shall be made except within the time for filing a statement signed
204 under penalty of false statement showing the actual gross receipts of

205 the itemized costs of the office in accordance with [said] section 45a-92,
206 as amended by this act. There may be deducted from any such
207 amounts by a successor judge the cost of collection thereof, and any
208 expenses directly attributable to the outgoing judge's or deceased
209 judge's term of office paid by the successor judge. In no event shall any
210 such payments exceed the maximums allowable under the provisions
211 of [said] section 45a-92, as amended by this act, in any one calendar
212 year, and in the aggregate in no event shall the total payments payable
213 under this section exceed one hundred per cent of the average final
214 compensation for such judge as defined in subdivision (1) of section
215 45a-34, as amended by this act, except that such allowable maximum
216 payment shall not include any amounts of money due and payable to
217 the judge at the time of separation from the court or at the time of such
218 judge's death for amounts advanced by such judge to the court for
219 operating expenses and not previously repaid, which amounts may be
220 paid to such judge or personal representative upon receipt of
221 satisfactory proof of the existence of balances due.

222 (b) (1) Except as provided in subdivision (2) of this subsection, the
223 provisions of subsection (a) of this section shall apply to any judge in
224 office on or before January 4, 2011.

225 (2) The provisions of subsection (a) of this section shall not apply to
226 a judge who is first elected on or after January 5, 2011, or who resumes
227 office after a break in service on or after January 5, 2011.

228 (c) On and after January 5, 2011, any payments due a judge under
229 subsection (a) of this section shall be paid from the Probate Court
230 Administration Fund.

231 Sec. 6. Section 45a-56 of the general statutes is repealed and the
232 following is substituted in lieu thereof (*Effective January 1, 2011, and*
233 *applicable to premiums paid on or after January 1, 2011*):

234 (a) Notwithstanding the provisions of section 5-259, as amended by
235 this act, the Comptroller, with the approval of the Attorney General
236 and the Insurance Commissioner, shall arrange and procure a group

237 hospitalization and medical and surgical insurance and dental
238 insurance plan for the probate judges and employees retirement
239 system with coverage equal to that available under section 5-259, as
240 amended by this act, or otherwise available, to retired state employees
241 and their spouses and surviving spouses.

242 (b) Any member of the probate judges and employees retirement
243 system who is retired and receiving benefits from such system, and the
244 spouse of any such member, and upon the death of any such member,
245 such member's surviving spouse, while receiving benefits from such
246 system, may elect to participate in the group insurance plan procured
247 by the Comptroller under subsection (a) of this section.

248 (c) The premium charged for any such member and spouse or
249 surviving spouse who elects to participate in the group hospitalization
250 and medical and surgical portion of such coverage shall be paid from
251 [the retirement fund established pursuant to section 45a-35] funds
252 appropriated to the State Comptroller, for Fringe Benefits, for Retired
253 State Employees Health Service Cost. Twenty per cent of the premium
254 charged for any such member and spouse or surviving spouse who
255 elects to participate in the group dental portion of such coverage shall
256 be paid from said [retirement fund] funds, and the remainder of the
257 premium for such coverage shall be paid by the participant. On July 1,
258 2011, and monthly thereafter, the State Treasurer shall transfer from
259 the General Fund to the State Comptroller the amount of premium due
260 for the month pursuant to this subsection, as certified by the State
261 Comptroller.

262 (d) Any such member and spouse or surviving spouse who is a
263 participant in the group insurance plan in effect prior to October 1,
264 1994, may elect to participate in the plan set forth in subsection (a) of
265 this section at the premiums set forth in subsection (c) of this section,
266 provided such election is made within sixty days of October 1, 1994.

267 Sec. 7. Subsections (g) and (h) of section 5-259 of the general statutes
268 are repealed and the following is substituted in lieu thereof (*Effective*

269 January 5, 2011):

270 (g) Notwithstanding the provisions of subsection (a) of this section,
271 the Probate Court Administration Fund established in accordance with
272 section 45a-82, as amended by this act, shall pay for each probate judge
273 [and Probate Court employee] and each probate court employee not
274 more than one hundred per cent of the portion of the premium
275 charged for [his or her] the judge's or employee's individual coverage
276 and not more than fifty per cent of any additional cost for [his or her]
277 the judge's or employee's form of coverage. The remainder of the
278 premium for such coverage shall be paid by the probate judge or
279 [Probate Court] probate court employee to the State Treasurer.
280 Payment shall be credited by the State Treasurer to the fund
281 established by section 45a-82, as amended by this act. The total
282 premiums payable shall be remitted by the Probate Court
283 Administrator directly to the insurance company or companies or
284 nonprofit organization or organizations providing the coverage. The
285 Probate Court Administrator shall issue regulations governing group
286 hospitalization and medical and surgical insurance pursuant to
287 subdivision (1) of subsection (b) of section 45a-77, as amended by this
288 act.

289 (h) For the purpose of subsection (g) of this section, ["Probate Court
290 employee"] "probate judge" or "judge" means a duly elected probate
291 judge who works in such judge's capacity as a probate judge at least
292 twenty hours per week, on average, on a quarterly basis and certifies
293 to that fact on forms provided by and filed with the Probate Court
294 Administrator, on or before the fifteenth day of April, July, October
295 and January, for the preceding calendar quarter; and "probate court
296 employee" or "employee" means a person employed by a probate court
297 for at least twenty hours per week.

298 Sec. 8. Section 45a-34 of the general statutes is repealed and the
299 following is substituted in lieu thereof (*Effective January 1, 2011*):

300 The following words and phrases as used in sections 45a-34 to 45a-

301 54, inclusive, and 45a-75 except as otherwise provided, shall have the
302 following meanings:

303 (1) "Average final compensation" means, in the case of a judge of
304 probate, the average annual compensation for the three highest paid
305 years of service while serving in the probate court to which the judge
306 was elected or by citation to any other court or courts, provided, for
307 purposes of this section, the compensation for any one year shall not
308 exceed the maximum net annual income currently allowed by law,
309 and, in the case of an employee, the average annual rate of pay during
310 the employee's three highest paid years of employment;

311 (2) "Credited service" means (A) all periods during which a person
312 held the office of judge of probate and any period of service elected by
313 a judge pursuant to section 45a-36a, as amended by this act, or (B) any
314 period during which a person served as an employee of any probate
315 court or (C) subject to the requirements of subsections (a) and (b) of
316 section 45a-54, a period of not more than three years for service as a
317 member of the General Assembly and military service or (D) the
318 aggregate of any periods of service provided for in subparagraphs (A),
319 (B) and (C) of this subsection;

320 (3) "Employee" means (A) with respect to a person employed or
321 who serves prior to January 1, 2011, a person employed by any probate
322 court for more than four hundred thirty hours per year or a person
323 who served for more than four hundred thirty hours per year
324 performing under any contract of employment with any court of
325 probate, and (B) with respect to a person first employed or who first
326 serves on or after January 1, 2011, a person employed by any probate
327 court for at least one thousand hours per year or a person who serves
328 at least one thousand hours per year performing under any contract of
329 employment with any court of probate;

330 (4) "Fund" means the retirement fund established by section 45a-35;

331 (5) "Judge" means a judge of probate, except that, with respect to a
332 judge first elected for a term beginning on or after January 5, 2011,

333 judge means a person who holds the office of judge of probate and
334 works in such judge's capacity as a judge of probate for at least one
335 thousand hours per year as determined pursuant to information filed
336 by the judge of probate with the Probate Court Administrator
337 pursuant to subsection (h) of section 5-259, as amended by this act;

338 [(5)] (6) "Member" means any judge of probate or employee who is
339 or may become eligible for retirement benefits under sections 45a-34 to
340 45a-54, inclusive, and 45a-75;

341 [(6)] (7) "Normal retirement age" means the age of sixty-two for any
342 judge of probate or any employee;

343 [(7)] (8) "Old Age and Survivors System" means the system
344 established under Title II of the Social Security Act, as amended;

345 [(8)] (9) "Pay" means the salary, wages or earnings of an employee,
346 but does not include any fees or allowances for expenses;

347 [(9)] (10) "Retirement Commission" means the State Retirement
348 Commission; and

349 [(10)] (11) "Social Security Act" means the Act of Congress,
350 approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as
351 the Social Security Act, including regulations issued pursuant thereto,
352 as such act has been and may from time to time be amended.

353 Sec. 9. Section 45a-36a of the general statutes is repealed and the
354 following is substituted in lieu thereof (*Effective October 1, 2009*):

355 Any judge of probate in office on or after October 1, 1997, whose
356 probate district is merged with another district on or before January 5,
357 2011, and who has not been elected to a term which begins at the time
358 of, or subsequent to, such [consolidation] merger, (1) may elect to
359 receive four years of credited service, as defined in subdivision (2) of
360 section 45a-34, as amended by this act, (2) may elect to receive a
361 reduction of his or her retirement age of not more than four years
362 pursuant to subsection (a) of section 45a-36, or (3) may elect any

363 combination of credited service and reduction of retirement age under
364 subdivisions (1) and (2) of this section, provided such combination
365 shall not exceed four years in total. A judge of probate may elect to
366 receive credited service or a reduction of retirement age in accordance
367 with this section at any time once the judge becomes eligible to retire
368 and receive retirement benefits.

369 Sec. 10. (NEW) (*Effective January 1, 2011*) Each court of probate shall
370 remit all fees, costs and other income received, including, but not
371 limited to, moneys received under sections 45a-105 to 45a-112,
372 inclusive, of the general statutes, as amended by this act, to the State
373 Treasurer to be credited to the Probate Court Administration Fund
374 under section 45a-82 of the general statutes, as amended by this act.
375 Expenses paid by a town pursuant to section 45a-8 of the general
376 statutes shall not be remitted to the Probate Court Administration
377 Fund.

378 Sec. 11. (NEW) (*Effective from passage*) (a) The Probate Court
379 Administrator shall establish a Probate Court Budget Committee
380 consisting of the Probate Court Administrator and two judges of
381 probate appointed by the Connecticut Probate Assembly. The Probate
382 Court Administrator shall serve as chairperson of the committee.

383 (b) Not later than June 30, 2010, and annually thereafter, the
384 committee shall establish, in accordance with the criteria established in
385 regulations issued pursuant to subsection (b) of section 45a-77 of the
386 general statutes, as amended by this act: (1) A compensation plan,
387 which plan shall include employee benefits, for employees of the
388 courts of probate, (2) staffing levels for each court of probate, and (3) a
389 miscellaneous office budget for each court of probate. Such
390 compensation plan, staffing levels and office budgets shall be
391 established within the expenditures and anticipated available funds in
392 the proposed budget established pursuant to section 45a-84 of the
393 general statutes, as amended by this act.

394 (c) Not later than June 30, 2010, and annually thereafter, the Probate

395 Court Budget Committee shall report to the Governor and the General
396 Assembly, after consultation with the Office of the Chief Court
397 Administrator and the Secretary of the Office of Policy and
398 Management, on the committee's efforts to reduce costs and any
399 potential cost saving measures resulting from probate court mergers
400 effective on or after the effective date of this section. Such report shall
401 be submitted in accordance with section 11-4a of the general statutes.

402 Sec. 12. (NEW) (*Effective January 5, 2011*) As used in this section and
403 section 13 of this act:

404 (1) "Band 1 probate district" means a probate district that has a
405 population of less than forty thousand, except a probate district that
406 has a population of less than forty thousand with an annual weighted-
407 workload of at least three thousand, but less than four thousand one
408 hundred, which constitutes a band 2 probate district.

409 (2) "Band 2 probate district" means a probate district that has a
410 population of at least forty thousand but less than fifty thousand,
411 except that a probate district with less than forty thousand with an
412 annual weighted-workload of at least three thousand, but less than
413 four thousand one hundred, shall be a band 2 probate district.

414 (3) "Band 3 probate district" means a probate district that has a
415 population of at least fifty thousand but less than sixty thousand,
416 except that a probate district with less than fifty thousand with an
417 annual weighted-workload of at least four thousand one hundred, but
418 less than four thousand nine hundred, shall be a band 3 probate
419 district.

420 (4) "Band 4 probate district" means a probate district that has a
421 population of sixty thousand or more, except that a probate district
422 with less than sixty thousand with an annual weighted-workload of at
423 least four thousand nine hundred shall be a band 4 probate district.

424 (5) "Population" means the annual population estimate by the
425 Department of Public Health for each city or town as of October first of

426 the immediately preceding calendar year.

427 (6) "Annual weighted-workload" means the annual weighted-
428 workload for the immediately preceding fiscal year as defined in
429 regulations issued by the Probate Court Administrator pursuant to
430 subdivision (1) of subsection (b) of section 45a-77 of the general
431 statutes, as amended by this act.

432 Sec. 13. (NEW) (*Effective January 5, 2011*) (a) Notwithstanding any
433 provision of title 45a of the general statutes concerning compensation
434 for judges of probate, and subject to the provisions of subsections (b)
435 and (c) of this section, for any calendar year, compensation for judges
436 of probate shall be determined as follows:

437 (1) A judge of probate who serves a band 1 probate district shall
438 receive annual compensation equal to forty-five per cent of the
439 compensation of a judge of the superior court as set forth in subsection
440 (a) of section 51-47 of the general statutes.

441 (2) A judge of probate who serves a band 2 probate district shall
442 receive annual compensation equal to fifty-five per cent of the
443 compensation of a judge of the superior court as set forth in subsection
444 (a) of section 51-47 of the general statutes.

445 (3) A judge of probate who serves a band 3 probate district shall
446 receive annual compensation equal to sixty-five per cent of the
447 compensation of a judge of the superior court as set forth in subsection
448 (a) of section 51-47 of the general statutes.

449 (4) A judge of probate who serves a band 4 probate district shall
450 receive annual compensation equal to seventy-five per cent of the
451 compensation of a judge of the superior court as set forth in subsection
452 (a) of section 51-47 of the general statutes.

453 (b) Notwithstanding the provisions of subsection (a) of this section,
454 no judge of probate in office on January 4, 2011, may, for the term of
455 office beginning January 5, 2011, and ending January 6, 2015, receive

456 compensation under subsection (a) of this section that is less than
457 eighty per cent of the average annual compensation for the judge of
458 probate during the three-year period from January 1, 2008, to
459 December 31, 2010, inclusive. The provisions of this subsection shall
460 not apply to the compensation of a judge of probate whose district
461 results from a merger that becomes effective on January 5, 2011, or to
462 any person first elected to serve as a judge of probate for a term
463 beginning on or after January 5, 2011.

464 (c) For any calendar year, compensation of any judge of probate
465 who assumes office or ceases to hold office during such calendar year
466 shall be determined by multiplying the judge's annual compensation
467 determined in accordance with subsections (a) and (b) of this section
468 by a fraction with the number of days served during the calendar year
469 as the numerator of the fraction and three hundred sixty-five as the
470 denominator of the fraction.

471 Sec. 14. Section 45a-186 of the general statutes is repealed and the
472 following is substituted in lieu thereof (*Effective January 5, 2011*):

473 (a) Any person aggrieved by any order, denial or decree of a court
474 of probate in any matter, unless otherwise specially provided by law,
475 may, not later than forty-five days after the mailing of an order, denial
476 or decree for a matter heard under any provision of section 45a-593,
477 45a-594, 45a-595 or 45a-597, sections 45a-644 to 45a-677, inclusive, or
478 sections 45a-690 to 45a-705, inclusive, and not later than thirty days
479 after mailing of an order, denial or decree for any other matter in a
480 court of probate, appeal therefrom to the Superior Court. Such an
481 appeal shall be commenced by filing a complaint in the superior court
482 in the judicial district in which such court of probate is located, except
483 that (1) an appeal under subsection (b) of section 12-359, subsection (b)
484 of section 12-367 or subsection (b) of section 12-395 shall be filed in the
485 judicial district of Hartford, and (2) an appeal in a matter concerning
486 removal of a parent as guardian, termination of parental rights or
487 adoption shall be filed in the superior court for juvenile matters having
488 jurisdiction over matters arising in such probate district. The complaint

489 shall state the reasons for the appeal. A copy of the order, denial or
490 decree appealed from shall be attached to the complaint. Appeals from
491 any decision rendered in any case after a recording is made of the
492 proceedings under section 17a-498, 17a-685, 45a-650, 51-72 or 51-73
493 shall be on the record and shall not be a trial de novo.

494 (b) Each person who files an appeal pursuant to this section shall
495 [serve] mail a copy of the complaint [on] to the court of probate that
496 rendered the order, denial or decree appealed from, and serve a copy
497 of the complaint on each interested party. The failure of any person to
498 make such service shall not deprive the Superior Court of jurisdiction
499 over the appeal. Notwithstanding the provisions of section 52-50,
500 service of the copy of the complaint shall be by state marshal, constable
501 or an indifferent person. Service shall be in hand or by leaving a copy
502 [at the court of probate that rendered the order being appealed, or by
503 leaving a copy] at the place of residence of the interested party being
504 served or at the address for the interested party on file with said court
505 of probate, except that service on a respondent or conserved person in
506 an appeal from an action under part IV of chapter 802h shall be in
507 hand by a state marshal, constable or an indifferent person.

508 (c) Not later than fifteen days after a person files an appeal under
509 this section, the person who filed the appeal shall file or cause to be
510 filed with the clerk of the Superior Court a document containing (1) the
511 name, address and signature of the person making service, and (2) a
512 statement of the date and manner in which a copy of the complaint
513 was served on the court of probate and each interested party.

514 (d) If service has not been made on an interested party, the Superior
515 Court, on motion, shall make such orders of notice of the appeal as are
516 reasonably calculated to notify any necessary party not yet served.

517 (e) A hearing in an appeal from probate proceedings under section
518 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685,
519 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-699,
520 45a-703 or 45a-717 shall commence, unless a stay has been issued

521 pursuant to subsection (f) of this section, not later than ninety days
522 after the appeal has been filed.

523 (f) The filing of an appeal under this section shall not, of itself, stay
524 enforcement of the order, denial or decree from which the appeal is
525 taken. A motion for a stay may be made to the Court of Probate or the
526 Superior Court. The filing of a motion with the Court of Probate shall
527 not preclude action by the Superior Court.

528 (g) Nothing in this section shall prevent any person aggrieved by
529 any order, denial or decree of a court of probate in any matter, unless
530 otherwise specially provided by law, from filing a petition for a writ of
531 habeas corpus, a petition for termination of involuntary representation
532 or a petition for any other available remedy.

533 (h) (1) Except for matters described in subdivision (3) of this
534 subsection, in any appeal filed under this section, the appeal may be
535 referred by the Superior Court to a special assignment probate judge
536 appointed in accordance with section 45a-79b, who is assigned by the
537 Probate Court Administrator for the purposes of such appeal, except
538 that such appeal shall be heard by the Superior Court if any party files
539 a demand for such hearing in writing with the Superior Court not later
540 than twenty days after service of the appeal.

541 (2) An appeal referred to a special assignment probate judge
542 pursuant to this subsection shall proceed in accordance with the rules
543 for references set forth in the rules of the judges of the superior court.

544 (3) The following matters shall not be referred to a special
545 assignment probate judge pursuant to this subsection: Appeals under
546 sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to
547 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688,
548 inclusive, children's matters as defined in subsection (a) of section 45a-
549 8a, sections 45a-644 to 45a-663, inclusive, 45a-668 to 45a-684, inclusive,
550 and 45a-690 to 45a-700, inclusive, and any matter in a court of probate
551 heard on the record in accordance with sections 51-72 and 51-73.

552 Sec. 15. Section 45a-18 of the general statutes is repealed and the
553 following is substituted in lieu thereof (*Effective October 1, 2009*):

554 (a) There shall be a court of probate in each probate district held by
555 one judge elected by the electors residing in such district at the state
556 election in 1974, and every four years thereafter.

557 (b) Each judge of probate shall hold office for four years beginning
558 on the Wednesday after the first Monday in January next following his
559 or her election.

560 (c) Each judge of probate, before entering upon his or her duties as a
561 judge of probate, shall be sworn and shall record his or her certificate
562 of election upon the records of his or her court of probate.

563 (d) [He] Each judge of probate shall appoint a clerk and may
564 appoint one or more assistant clerks, each of whom shall be sworn to a
565 faithful performance of [his] such clerk's duties and shall, when
566 required, give whatever bond the judge deems necessary. Each such
567 clerk shall continue in office until [he] such clerk resigns, is removed or
568 is superseded.

569 (e) Each judge of probate elected for a term that begins on or after
570 January 5, 2011, shall be a member of the bar of the state of
571 Connecticut, except that the requirements of this subsection shall not
572 apply to any judge of probate who was in office on January 4, 2011, for
573 the period such judge of probate continues to serve as a judge of
574 probate on and after January 5, 2011, without a break in service.

575 Sec. 16. Subsection (a) of section 45a-79c of the general statutes is
576 repealed and the following is substituted in lieu thereof (*Effective*
577 *January 1, 2011*):

578 (a) A court of probate shall be open to the public for the conduct of
579 court business not less than [twenty] forty hours each week, Monday
580 through Friday, excluding holidays, on a regular schedule between the
581 hours of eight o'clock a.m. and five o'clock p.m. The judge of probate

582 of a probate district may close a court temporarily owing to inclement
583 weather, an emergency or other good cause. Such judge shall
584 immediately give notice of a temporary closing to the Probate Court
585 Administrator, together with the reason for such closing and the date
586 and time when the court will reopen.

587 Sec. 17. Subsection (c) of section 45a-111 of the general statutes is
588 repealed and the following is substituted in lieu thereof (*Effective*
589 *January 1, 2011*):

590 (c) If a petitioner or applicant to a court of probate claims that unless
591 his or her obligation to pay the fees and the necessary costs of the
592 action, including the cost of service of process, is waived, such
593 petitioner or applicant will be deprived by reason of his or her
594 indigency of his or her right to bring a petition or application to such
595 court or that he or she is otherwise unable to pay the fees and
596 necessary costs of the action, he or she may file with the clerk of such
597 court of probate an application for waiver of payment of such fees and
598 necessary costs. Such application shall be signed under penalty of false
599 statement, shall state the applicant's financial circumstances, and shall
600 identify the fees and costs sought to be waived and the approximate
601 amount of each. If the court finds that the applicant is unable to pay
602 such fees and costs it shall order such fees and costs waived. If such
603 costs include the cost of service of process, the court, in its order, shall
604 indicate the method of service authorized and the cost of such service
605 shall be paid from funds appropriated to the Judicial Department,
606 however, if funds have not been included in the budget of the Judicial
607 Department for such costs, such costs shall be paid from the Probate
608 Court Administration Fund. [Any fee waived under this section shall
609 be reimbursed to the court of probate from the funds appropriated to
610 the Judicial Department, however, if funds have not been included in
611 the budget of the Judicial Department for such purposes, such
612 payment shall be made from the Probate Court Administration Fund
613 pursuant to rules and regulations established by the Probate Court
614 Administrator.]

615 Sec. 18. Section 45a-123 of the general statutes is repealed and the
616 following is substituted in lieu thereof (*Effective January 5, 2011*):

617 (a) (1) In any matter pending in any court of probate, except an
618 involuntary patient matter or involuntary commitment matter under
619 chapter 319i, a temporary custody matter under part II of chapter 802h,
620 or an involuntary representation matter under part IV of chapter 802h,
621 the court may [appoint a committee of a disinterested person or a
622 former judge of] refer the matter, with the consent of the parties or
623 their attorneys, to a probate magistrate or attorney probate referee
624 assigned by the Probate Court Administrator pursuant to section 19 of
625 this act to hear the matter. [The former judge shall be selected from a
626 panel of judges provided by the Probate Court Administrator. The
627 court shall give notice of the time and place of the hearing. Such
628 committee]

629 (2) The probate magistrate or attorney probate referee to whom the
630 matter is referred shall hear the matter and file a report [its] with the
631 court on his or her findings of fact and conclusions drawn therefrom
632 not later than [thirty] sixty days after the [date] conclusion of such
633 hearing. [to the court.] The probate magistrate or attorney probate
634 referee may file an amendment to the report with the court prior to the
635 date the court accepts, modifies or rejects the report pursuant to
636 subdivision (4) of this subsection. Upon the filing of any report or
637 amendment to a report under this subdivision, the probate clerk shall
638 provide a copy of the report or amendment to the report to the parties
639 and their attorneys.

640 (3) Any party aggrieved by a finding of fact or a conclusion drawn
641 therefrom in a report or amendment to a report may file an objection
642 with the court not later than twenty-one days after the date the report
643 was filed pursuant to subdivision (2) of this subsection.

644 (4) At least twenty-one days after a report is filed pursuant to
645 subdivision (2) of this subsection, the court shall hold a hearing on the
646 report and any amendment to the report or objection filed pursuant to

647 this subsection. Not later than thirty days after the conclusion of a
648 hearing under this subdivision, the court shall determine whether to
649 accept, modify or reject the report or any amendment to the report. If
650 the court finds that the probate magistrate or attorney probate referee
651 has materially erred in his or her findings or conclusions in such report
652 or amendment or that there are other sufficient reasons why the report
653 or amendment should not be accepted, the court shall, in the court's
654 discretion, modify or reject the report or amendment. If the court
655 [accepts the findings, it shall issue a decree. If the court rejects the
656 findings, it] rejects the report and any amendment to the report, the
657 court may hear and determine the matter or [appoint a different
658 committee] refer the matter to a different probate magistrate or
659 attorney probate referee assigned by the Probate Court Administrator
660 pursuant to section 19 of this act to hear the matter and report [its] his
661 or her findings of fact and conclusions drawn therefrom in accordance
662 with subdivision (2) of this subsection, provided the parties or their
663 attorneys consent to such referral. If the court accepts or modifies the
664 report or amendment, the court shall issue a decree.

665 (5) The court shall give notice to the parties and their attorneys of
666 the time and place of any hearing under this subsection.

667 (b) [The committee] Each probate magistrate and attorney probate
668 referee shall be sworn to faithfully perform the duties of [its
669 appointment] a probate magistrate or attorney probate referee, as the
670 case may be, and shall have all the powers conferred by law upon
671 [courts] judges of probate for procuring the attendance of witnesses
672 and for punishing for contempt.

673 [(c) The committee's fees shall not exceed two hundred fifty dollars
674 per diem and shall be fixed by the court and paid by the executor,
675 administrator, trustee, conservator, guardian or other party to the
676 action, or by the court pursuant to regulations established by the
677 Probate Court Administrator. If a party is unable to pay such fees and
678 files an affidavit with the court demonstrating an inability to pay, the
679 reasonable compensation of the committee shall be established by the

680 Probate Court Administrator and paid from the Probate Court
681 Administration Fund.]

682 Sec. 19. (NEW) (*Effective January 5, 2011*) (a) (1) There shall be
683 probate magistrates for the purpose of hearing matters referred
684 pursuant to section 45a-123 of the general statutes, as amended by this
685 act. Any former judge of probate under seventy years of age, other
686 than a judge of probate receiving a retirement allowance under section
687 45a-40 of the general statutes due to permanent and total disability,
688 who is an elector of this state shall be eligible for nomination,
689 appointment or assignment as a probate magistrate.

690 (2) The Probate Court Administrator may nominate former judges
691 of probate who meet the requirements of this subsection to serve as
692 probate magistrate. The Probate Court Administrator shall provide a
693 list of such nominated former judges to the Chief Justice of the
694 Supreme Court and update the list as necessary. The Chief Justice shall
695 appoint probate magistrates from the list for a term of three years and
696 inform the Probate Court Administrator of such appointments. The
697 Probate Court Administrator shall assign probate magistrates pursuant
698 to section 45a-123 of the general statutes, as amended by this act, from
699 among the probate magistrates appointed by the Chief Justice.

700 (3) Each probate magistrate shall receive, for each day the probate
701 magistrate is engaged as a probate magistrate, in addition to any
702 retirement salary the probate magistrate is entitled to receive, an
703 amount of fifty dollars per hour, not to exceed two hundred fifty
704 dollars per day, for each day of service. Such service includes, but is
705 not limited to, conducting hearings and preparing a report or
706 amendment to a report pursuant to section 45a-123 of the general
707 statutes, as amended by this act. Service as a probate magistrate shall
708 not constitute credited service for purposes of health, retirement or
709 other benefits. Amounts paid to a probate magistrate under this
710 subdivision shall be paid from the Probate Court Administration Fund
711 established under section 45a-82 of the general statutes, as amended by
712 this act.

713 (b) (1) In addition to the probate magistrates appointed pursuant to
714 subsection (a) of this section, there shall be attorney probate referees
715 for the purpose of hearing matters referred pursuant to section 45a-123
716 of the general statutes, as amended by this act. Any individual who
717 has been a member of the bar of this state in good standing for at least
718 five years, is an elector of this state and is under seventy years of age
719 shall be eligible for nomination, appointment and assignment as an
720 attorney probate referee.

721 (2) The Probate Court Administrator may nominate individuals
722 who meet the requirements of this subsection as attorney probate
723 referees. Any judge of probate may submit to the Probate Court
724 Administrator, on such form and in such manner as the Probate Court
725 Administrator prescribes, a recommendation that the Probate Court
726 Administrator nominate a specified individual as attorney probate
727 referee, provided the individual meets the requirements of this
728 subsection. The Probate Court Administrator shall consider any such
729 recommendation prior to making a nomination under this subdivision,
730 but shall not be bound by such recommendation. The Probate Court
731 Administrator shall ensure geographic, racial and ethnic diversity
732 among individuals nominated as attorney probate referee.

733 (3) The Probate Court Administrator shall provide a list of
734 individuals nominated as attorney probate referee to the Chief Justice
735 of the Supreme Court and update the list as necessary. The Chief
736 Justice shall appoint attorney probate referees from the list for a term
737 of three years and inform the Probate Court Administrator of such
738 appointments. The Probate Court Administrator shall assign attorney
739 probate referees pursuant to section 45a-123 of the general statutes, as
740 amended by this act, from among the attorney probate referees
741 appointed by the Chief Justice.

742 (4) No attorney probate referee shall receive compensation for his or
743 her duties as an attorney probate referee.

744 (5) Not later than January 1, 2012, and annually thereafter, the

745 Probate Court Administrator shall submit a report to the Governor and
746 the joint standing committee of the General Assembly having
747 cognizance of matters relating to the judiciary that includes (1) the
748 number of attorney probate referees nominated, appointed and
749 assigned under this subsection during the prior calendar year, and (2)
750 an analysis of the geographic, racial and ethnic diversity of attorney
751 probate referees nominated, appointed and assigned under this
752 subsection during the prior calendar year. The report shall be
753 submitted in accordance with section 11-4a of the general statutes.

754 (c) Each probate magistrate and attorney probate referee shall
755 complete continuing education programs established for such
756 magistrates and referees under regulations issued by the Probate Court
757 Administrator pursuant to section 45a-77 of the general statutes, as
758 amended by this act.

759 (d) No person shall be subject to the requirements of sections 45a-25
760 and 45a-26 of the general statutes with respect to judges of probate
761 solely on the basis of such person's nomination, appointment or
762 assignment as a probate magistrate or an attorney probate referee.

763 Sec. 20. Section 45a-90 of the general statutes is repealed and the
764 following is substituted in lieu thereof (*Effective October 1, 2009*):

765 (a) There shall be an assembly of the elected and qualified acting
766 judges of the courts of probate, to be known as the Connecticut Probate
767 Assembly, of which all judges of probate shall be members. The annual
768 meeting of the assembly shall be held on any day in April in the
769 Supreme Court room at Hartford. Other stated or special meetings of
770 the assembly shall be held as provided in its bylaws.

771 (b) The assembly shall transact any business which may properly
772 come before its meetings and which pertains to the probate courts, the
773 improvement of and uniformity in their procedure and practice, the
774 administration of justice in the courts of probate and the
775 administration of the assembly. The assembly may make such
776 recommendations to the Probate Court Administrator as it sees fit

777 regarding any or all of these matters. The assembly may adopt bylaws
778 to govern it and its meetings.

779 (c) Any probate magistrate or attorney probate referee appointed
780 pursuant to section 19 of this act may attend any annual or special
781 meeting of the assembly or any educational program of the assembly,
782 but shall have no vote in any decision of the assembly.

783 Sec. 21. (*Effective from passage*) (a) There is established a probate
784 redistricting commission for the purpose of developing a plan for the
785 consolidation of probate districts established in sections 45a-2 to 45a-
786 6k, inclusive, of the general statutes. Such plan shall be developed in
787 accordance with section 22 of this act.

788 (b) The probate redistricting commission shall consist of the
789 following members:

790 (1) Two appointed by the speaker of the House of Representatives;

791 (2) Two appointed by the president pro tempore of the Senate;

792 (3) Two appointed by the minority leader of the House of
793 Representatives;

794 (4) Two appointed by the minority leader of the Senate;

795 (5) One appointed by the majority leader of the House of
796 Representatives;

797 (6) One appointed by the majority leader of the Senate;

798 (7) Two appointed by the Governor; and

799 (8) The Probate Court Administrator, as a nonvoting, ex-officio
800 member.

801 (c) Any member of the probate redistricting commission appointed
802 under subdivision (1), (2), (3), (4), (5), (6) or (7) of subsection (b) of this
803 section may be a (1) member of the General Assembly, or (2) judge of

804 probate.

805 (d) All appointments to the probate redistricting commission shall
806 be made not later than thirty days after the effective date of this
807 section. Any vacancy shall be filled by the appointing authority. The
808 Probate Court Administrator shall schedule the first meeting of the
809 probate redistricting commission, which shall be held not later than
810 forty-five days after the effective date of this section.

811 (e) There shall be one chairperson of the probate redistricting
812 commission who shall be selected by and from among the voting
813 members of the probate redistricting commission.

814 (f) The office of the Probate Court Administrator shall provide
815 administrative support to the probate redistricting commission,
816 including, but not limited to, clerical staff and supplies.

817 (g) The probate redistricting commission shall terminate as
818 provided in subsection (f) of section 22 of this act.

819 Sec. 22. (*Effective from passage*) (a) The probate redistricting
820 commission established in section 21 of this act shall develop a plan for
821 consolidating the probate court districts established in sections 45a-2 to
822 45a-6k, inclusive, of the general statutes. Under the plan, there shall be
823 no fewer than forty-four probate court districts and no more than fifty
824 probate court districts. Additional criteria to be considered by the
825 probate redistricting commission when establishing probate court
826 districts under the plan include (1) a requirement that each probate
827 court district contain a minimum population of forty thousand persons
828 determined in accordance with the last annual population estimate by
829 the Department of Public Health as of October 1, 2008, for each city or
830 town, or in the alternative, an annual weighted-workload of the court
831 of three thousand, calculated in accordance with subdivision (6) of
832 section 12 of this act, provided the plan may allow for probate court
833 districts that do not meet either requirement set forth in this
834 subdivision, taking into consideration the following criteria: (A) The
835 geographic accessibility of the probate court to residents of the

836 proposed probate court district; (B) the availability of municipal
837 facilities to house the probate court; and (C) communities of interest
838 among municipalities sharing a proposed probate court district; (2) a
839 requirement that no municipality may be included in more than one
840 probate court district; and (3) any other criteria deemed appropriate
841 and necessary by the probate redistricting commission.

842 (b) The Connecticut Probate Assembly may submit a plan for
843 redistricting the various probate courts to the probate redistricting
844 commission not later than forty-five days after the effective date of this
845 section, provided such plan meets the criteria set forth in subsection (a)
846 of this section. In developing such plan, the Connecticut Probate
847 Assembly may consider any voluntary consolidations agreed to by
848 towns in this state. The probate redistricting commission may consider
849 any plan submitted by the Connecticut Probate Assembly in
850 accordance with this subsection, but shall not be bound by such plan.

851 (c) The probate redistricting commission shall hold a public hearing
852 on any plan submitted by the Connecticut Probate Assembly pursuant
853 to subsection (b) of this section and may hold a public hearing on any
854 other subject deemed appropriate by the commission.

855 (d) The probate redistricting commission shall develop a plan for
856 the consolidation of probate districts in accordance with the criteria set
857 forth in subsection (a) of this section. Such plan shall include
858 recommended amendments to sections 45a-2 to 45a-6k, inclusive, of
859 the general statutes and other sections of the general statutes necessary
860 to implement the plan.

861 (e) Not later than September 15, 2009, the probate redistricting
862 commission shall file a plan for the consolidation of probate districts
863 established in sections 45a-2 to 45a-6k, inclusive, of the general statutes
864 with the clerk of the House of Representatives and the clerk of the
865 Senate, except that the probate redistricting commission may not
866 submit a plan to said clerks unless the plan has received the
867 affirmative vote of at least seven members of the probate redistricting

868 commission. The commission shall file a copy of the plan with the
869 Governor on the date the plan is filed with said clerks.

870 (f) (1) Upon the filing of a report with said clerks pursuant to
871 subsection (e) of this section, the speaker of the House of
872 Representatives and the president pro tempore of the Senate shall
873 convene the General Assembly in special session for the sole purpose
874 of considering and voting on the plan. Upon the request of the speaker
875 of the House of Representatives and the president pro tempore of the
876 Senate, the Secretary of the State shall give notice of such special
877 session by mailing a true copy of the call of such special session, by
878 registered or certified mail, return receipt requested, to each member
879 of the House of Representatives and of the Senate at his or her address
880 as it appears upon the records of said secretary not less than ten or
881 more than fifteen days prior to the date of convening of such special
882 session or by causing a true copy of the call to be delivered to each
883 member by a constable, state policeman or indifferent person at least
884 twenty-four hours prior to the time of convening of such special
885 session.

886 (2) Not later than twenty days after a probate redistricting plan is
887 filed with said clerks, the General Assembly shall convene to consider
888 legislation to implement such plan.

889 (3) If the General Assembly fails to enact legislation to implement
890 such plan not later than thirty days after the plan is filed with the
891 clerks of the House of Representatives and the Senate, or if the
892 Governor fails to approve any legislation enacted under this section,
893 the probate redistricting commission shall reconvene for the purpose
894 of developing a revised probate redistricting plan. Such revised
895 probate redistricting plan shall meet the criteria set forth in subsection
896 (a) of this section and shall be filed with the clerk of the House of
897 Representatives and the clerk of the Senate not later than thirty days
898 after the prior plan failed to be enacted or approved. Upon the filing of
899 a revised probate redistricting plan with said clerks, the speaker of the
900 House of Representatives and the president pro tempore of the Senate

901 shall convene the General Assembly pursuant to subdivision (2) of this
902 subsection or, if the House of Representatives or the Senate has
903 adjourned the special session convened pursuant to subdivision (1) of
904 this subsection, convene the General Assembly in special session in the
905 manner set forth in subdivision (1) of this subsection. The revised
906 probate redistricting plan shall be considered and transmitted in the
907 manner set forth in subdivisions (2) to (4), inclusive, of this subsection.

908 (4) The probate redistricting commission shall terminate on the date
909 a redistricting plan is enacted by the General Assembly and approved
910 by the Governor, or February 3, 2010, whichever is earlier.

911 Sec. 23. (*Effective from passage*) (a) Notwithstanding the provisions of
912 sections 9-218 and 9-450 of the general statutes, no election may be
913 held prior to November 2, 2010, to fill a vacancy or impending vacancy
914 in the office of judge of probate.

915 (b) The Probate Court Administrator shall cite one or more judges of
916 probate in accordance with section 45a-120 of the general statutes to fill
917 any vacancy in the office of judge of probate in effect on or after the
918 effective date of this section, until the judges of probate elected on
919 November 2, 2010, in accordance with subsection (a) of section 45a-18
920 of the general statutes, as amended by this act, begin to hold office on
921 January 5, 2011, in accordance with subsection (b) of section 45a-18 of
922 the general statutes, as amended by this act.

923 Sec. 24. Section 45a-55 of the general statutes is repealed and the
924 following is substituted in lieu thereof (*Effective January 5, 2011*):

925 (a) Any claim for a pension or any other benefit which may become
926 available in accordance with the provisions of sections 45a-1 to 45a-12,
927 inclusive, 45a-18 to 45a-26, inclusive, as amended by this act, 45a-34 to
928 45a-56, inclusive, as amended by this act, 45a-62 to 45a-68, inclusive,
929 45a-74 to 45a-83, inclusive, as amended by this act, 45a-90 to [45a-94]
930 45a-93, inclusive, as amended by this act, 45a-98, 45a-99, 45a-105, 45a-
931 119 to 45a-123, inclusive, as amended by this act, 45a-128, 45a-130, 45a-
932 131, 45a-133, 45a-199 and 45a-202, may be submitted in writing to the

933 commission. Any such claim will be reviewed and decided by the
 934 commission. The claimant shall be advised of the processing status of
 935 his claim upon reasonable request.

936 (b) If any claim is denied, a claimant may request that the decision
 937 be reviewed and reconsidered by the commission. Thereafter, any
 938 contested case shall be heard and decided in accordance with chapter
 939 54.

940 Sec. 25. Section 45a-189 of the general statutes is repealed. (*Effective*
 941 *October 1, 2009*)

942 Sec. 26. Section 45a-94 of the general statutes is repealed. (*Effective*
 943 *January 5, 2011*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	45a-77(b)
Sec. 2	<i>January 1, 2011</i>	45a-82
Sec. 3	<i>January 1, 2011</i>	45a-84
Sec. 4	<i>from passage</i>	45a-92
Sec. 5	<i>from passage</i>	45a-93
Sec. 6	<i>January 1, 2011, and applicable to premiums paid on or after January 1, 2011</i>	45a-56
Sec. 7	<i>January 5, 2011</i>	5-259(g) and (h)
Sec. 8	<i>January 1, 2011</i>	45a-34
Sec. 9	<i>October 1, 2009</i>	45a-36a
Sec. 10	<i>January 1, 2011</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>January 5, 2011</i>	New section
Sec. 13	<i>January 5, 2011</i>	New section
Sec. 14	<i>January 5, 2011</i>	45a-186
Sec. 15	<i>October 1, 2009</i>	45a-18
Sec. 16	<i>January 1, 2011</i>	45a-79c(a)
Sec. 17	<i>January 1, 2011</i>	45a-111(c)
Sec. 18	<i>January 5, 2011</i>	45a-123
Sec. 19	<i>January 5, 2011</i>	New section

Sec. 20	<i>October 1, 2009</i>	45a-90
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>from passage</i>	New section
Sec. 24	<i>January 5, 2011</i>	45a-55
Sec. 25	<i>October 1, 2009</i>	Repealer section
Sec. 26	<i>January 5, 2011</i>	Repealer section