



General Assembly

**Amendment**

January Session, 2009

LCO No. 8448

\*HB0638508448SRO\*

Offered by:  
SEN. FASANO, 34<sup>th</sup> Dist.

To: Subst. House Bill No. 6385      File No. 729      Cal. No. 672

**"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. Section 45a-82 of the general statutes is repealed and the  
4      following is substituted in lieu thereof (*Effective October 1, 2009*):

5      (a) The Probate Court Administration Fund is established, to consist  
6      of the amounts hereinafter provided, to be paid over as herein  
7      provided to the State Treasurer.

8      (b) The State Treasurer shall be the custodian of the fund, with  
9      power to administer it, and to invest and reinvest as much of said fund  
10     as is not required for current disbursements in accordance with the  
11     provisions of the general statutes regarding the investment of savings  
12     banks.

13     (c) All payments from said fund authorized by sections 5-259, 17a-

14 77, 17a-274, 17a-498, 17a-510, 19a-131b, 19a-131e, 19a-221, 45a-1 to 45a-  
15 12, inclusive, 45a-18 to 45a-26, inclusive, 45a-34 to 45a-56, inclusive,  
16 45a-62 to 45a-68, inclusive, 45a-74 to 45a-83, inclusive, 45a-90 to 45a-94,  
17 inclusive, 45a-98, 45a-99, 45a-105, 45a-119 to 45a-123, inclusive, 45a-  
18 128, 45a-130, 45a-131, 45a-133, 45a-152, 45a-175 to 45a-180, inclusive,  
19 45a-199 and 45a-202, shall be made upon vouchers approved by the  
20 Probate Court Administrator.

21 (d) Monthly there shall be transferred from the fund established by  
22 this section to the retirement fund established by section 45a-35 not  
23 less than sufficient moneys, taking into account receipts by said  
24 retirement fund under the provisions of sections 45a-44 and 45a-45, to  
25 enable said retirement fund to meet its obligations as estimated by the  
26 Retirement Commission, until the Retirement Commission certifies  
27 that the retirement fund is on a sound actuarial basis.

28 (e) On or before July first annually, the Retirement Commission  
29 shall certify to the State Treasurer, on the basis of an actuarial  
30 determination, the amount to be transferred to the retirement fund to  
31 maintain the actuarial funding program adopted by the Retirement  
32 Commission.

33 (f) In addition to the aforesaid payments, there shall be transferred  
34 from time to time from the fund established by this section to the  
35 retirement fund established by section 45a-35 such amounts as are  
36 determined by the Probate Court Administrator not to be required for  
37 other purposes of sections 45a-20 and 45a-76 to 45a-83, inclusive, until  
38 the Retirement Commission certifies that the retirement fund is on a  
39 sound actuarial basis. Thereafter there shall be transferred from time to  
40 time from the fund established by this section to the General Fund  
41 such amounts as are determined by the Probate Court Administrator  
42 not to be required for the purposes of said sections.

43 (g) If at any time thereafter the Retirement Commission certifies that  
44 the retirement fund established by section 45a-35 is no longer on a  
45 sound actuarial basis, transfers from this fund to the retirement fund

46 shall be resumed until the Retirement Commission again certifies that  
47 said retirement fund is on a sound actuarial basis, at which time  
48 transfers from this fund to the General Fund shall be resumed.

49 (h) All payments of assessments imposed by section 45a-92 with  
50 respect to income received by any judge of probate on or after January  
51 1, 1968, shall be paid in accordance with the schedule set forth in  
52 section 45a-92.

53 (i) The State Treasurer shall, on or before October first, annually,  
54 give an accounting of the Probate Court Administration Fund,  
55 showing the receipts and disbursements and the balance or condition  
56 thereof, as of the preceding June thirtieth, to the Connecticut Probate  
57 Assembly and to the joint standing committee of the General Assembly  
58 having cognizance of matters relating to the judiciary.

59 (j) (1) In the event that any court of probate otherwise receives  
60 income which is insufficient to meet, on an ongoing basis, the  
61 reasonable and necessary financial needs of that court, including the  
62 salaries of the judge and the judge's staff, [there shall be transferred  
63 from time to time from the Probate Court Administration Fund such  
64 amounts as are determined by the Probate Court Administrator to be  
65 reasonable and necessary for the proper administration of each such  
66 court.] the judge, or the judge's designee, may apply to the Chief Court  
67 Administrator, on such form as the Chief Court Administrator  
68 prescribes, for assistance for the court to meet its reasonable and  
69 necessary financial needs. Not later than ten days after receiving an  
70 application under this subsection, the Chief Court Administrator shall  
71 review the application and determine whether the court has income  
72 which is insufficient to meet the reasonable and necessary financial  
73 needs of that court for at least two consecutive fiscal quarters.

74 (2) If the Chief Court Administrator determines that the court has  
75 insufficient income to meet the reasonable and necessary financial  
76 needs of the court, the Chief Court Administrator shall submit a report  
77 to the clerks of the House of Representatives and the Senate that

78 includes a summary of the Chief Court Administrator's determination  
79 and a request for authority to assume financial responsibility for the  
80 court. The General Assembly may reject such request by a majority  
81 vote of each house. Such request shall be deemed approved if the  
82 General Assembly fails to vote to approve or reject such request within  
83 thirty days of the date of submittal pursuant to this subsection. Except  
84 as provided in subsection (k) of section 45a-92, during any period the  
85 Chief Court Administrator assumes financial responsibility for a  
86 probate court, the judge's annual salary shall not exceed the average  
87 annual salary of such judge for the three-year period next preceding  
88 the request for financial assistance or the product resulting from the  
89 multiplication of fifteen dollars by the annual weighted-workload of  
90 the court, as defined in subsection (c) of section 45a-92, whichever is  
91 greater, but not to exceed the annual compensation provided in  
92 subsection (k) of section 45a-92. If, at any time after the Chief Court  
93 Administrator assumes financial responsibility for a court pursuant to  
94 this subdivision, the Chief Court Administrator determines that such  
95 court has sufficient income to meet the reasonable and necessary  
96 financial needs of that court for at least two consecutive fiscal quarters,  
97 the Chief Court Administrator may submit a report to said clerks that  
98 includes a summary of that determination and a request for authority  
99 to transfer financial responsibility back to the court. The General  
100 Assembly may reject such request by a majority vote of each house.  
101 Such request shall be deemed approved if the General Assembly fails  
102 to vote to approve or reject such request within thirty days of the date  
103 of submittal pursuant to this subsection. The General Assembly may,  
104 on its own motion, transfer financial authority back to any court, by  
105 resolution, by majority vote of each house.

106 (k) Each judge of probate requesting financial assistance at any time  
107 during any calendar year shall file with the [Probate Court] Chief  
108 Court Administrator a sworn statement showing the actual gross  
109 receipts and itemized expenses of the judge's court and the amount  
110 requested, together with an explanation therefor. The [Probate Court]  
111 Chief Court Administrator may approve and issue an invoice to the

112 State Comptroller [pursuant to subsection (c) of this section,  
 113 authorizing payment to the court of probate in such amounts as shall  
 114 have been approved by the [Probate Court] Chief Court Administrator.

115 (l) The [Probate Court Administrator may issue regulations  
 116 pursuant to subdivision (1) of subsection (b) of section 45a-77] judges  
 117 of the Superior Court may adopt rules in order to carry out the intent  
 118 of subsections (j) and (k) of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	45a-82