



General Assembly

**Amendment**

January Session, 2009

LCO No. 7489

**\*HB0638507489HDO\***

Offered by:

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

SEN. KISSEL, 7<sup>th</sup> Dist.  
REP. KLARIDES, 114<sup>th</sup> Dist.  
SEN. DOYLE, 9<sup>th</sup> Dist.  
SEN. RORABACK, 30<sup>th</sup> 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4 repealed and the following is substituted in lieu thereof (*Effective from*  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 (k) Each judge of probate requesting financial assistance at any time  
119 during any calendar year shall file with the Probate Court  
120 Administrator a sworn statement showing the actual gross receipts  
121 and itemized expenses of the judge's court and the amount requested,  
122 together with an explanation therefor. The Probate Court  
123 Administrator may approve and issue an invoice to the State  
124 Comptroller pursuant to subsection (c) of this section, authorizing  
125 payment to the court of probate in such amounts as shall have been  
126 approved by the Probate Court Administrator.

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

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 Section 45a-84 of the general statutes is repealed and the  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

132 (a) (1) On or before April first of each year, the Probate Court  
133 Administrator shall prepare a proposed budget for the next succeeding  
134 fiscal year beginning July first, for the appropriate expenditures of  
135 funds from the Probate Court Administration Fund to carry out the  
136 statutory duties of the Probate Court Administrator. The proposed  
137 budget shall reflect all costs related to the office of the Probate Court  
138 Administrator and the operation of the courts of probate, including,  
139 but not limited to, compensation, group hospitalization and medical

140 and surgical insurance plans and retirement benefits for probate  
141 judges and employees. Expenditures in the proposed budget shall not  
142 exceed anticipated available funds.

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

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

170 (c) The Probate Court Administrator may authorize such  
171 expenditures from the Probate Court Administration Fund for  
172 emergency purposes as from time to time may be necessary. [,

173 provided the aggregate amount of such emergency expenditures for  
174 any one fiscal year shall not exceed five thousand dollars. A report on  
175 each such expenditure shall be sent] If an expenditure under this  
176 subsection exceeds ten thousand dollars, the Probate Court  
177 Administrator shall send a report on the expenditure to the Chief  
178 Court Administrator and the [president judge] president-judge of the  
179 Connecticut Probate Assembly within ten days after the expenditure is  
180 made.

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

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

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

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

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

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

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

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

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

231 (a) Notwithstanding the provisions of section 5-259, as amended by  
232 this act, the Comptroller, with the approval of the Attorney General  
233 and the Insurance Commissioner, shall arrange and procure a group  
234 hospitalization and medical and surgical insurance and dental  
235 insurance plan for the probate judges and employees retirement  
236 system with coverage equal to that available under section 5-259, as



237 amended by this act, or otherwise available, to retired state employees  
238 and their spouses and surviving spouses.

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

245 (c) The premium charged for any such member and spouse or  
246 surviving spouse who elects to participate in the group hospitalization  
247 and medical and surgical portion of such coverage shall be paid from  
248 the retirement fund established pursuant to section 45a-35. Twenty per  
249 cent of the premium charged for any such member and spouse or  
250 surviving spouse who elects to participate in the group dental portion  
251 of such coverage shall be paid from said retirement fund, and the  
252 remainder of the premium for such coverage shall be paid by the  
253 participant. Not later than January 31, 2012, and annually thereafter,  
254 the State Treasurer shall transfer from the General Fund to the  
255 retirement fund the amount of premium paid from the retirement fund  
256 pursuant to this subsection during the prior calendar year. Not later  
257 than January 15, 2012, and annually thereafter, the State Retirement  
258 Commission shall certify to the State Treasurer the actual amount of  
259 premium paid pursuant to this subsection during the prior calendar  
260 year.

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

266 Sec. 7. Subsections (g) and (h) of section 5-259 of the general statutes  
267 are repealed and the following is substituted in lieu thereof (*Effective*  
268 *January 5, 2011*):

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

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

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

299 The following words and phrases as used in sections 45a-34 to 45a-  
300 54, inclusive, and 45a-75 except as otherwise provided, shall have the  
301 following meanings:

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

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

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

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

330 (5) "Judge" means a judge of probate, except that, with respect to a  
331 judge first elected for a term beginning on or after January 5, 2011,  
332 judge means a person who holds the office of judge of probate and  
333 works in such judge's capacity as a judge of probate for at least one

334 thousand hours per year as determined pursuant to information filed  
335 by the judge of probate with the Probate Court Administrator  
336 pursuant to subsection (h) of section 5-259, as amended by this act;

337 [(5)] (6) "Member" means any judge of probate or employee who is  
338 or may become eligible for retirement benefits under sections 45a-34 to  
339 45a-54, inclusive, and 45a-75;

340 [(6)] (7) "Normal retirement age" means the age of sixty-two for any  
341 judge of probate or any employee;

342 [(7)] (8) "Old Age and Survivors System" means the system  
343 established under Title II of the Social Security Act, as amended;

344 [(8)] (9) "Pay" means the salary, wages or earnings of an employee,  
345 but does not include any fees or allowances for expenses;

346 [(9)] (10) "Retirement Commission" means the State Retirement  
347 Commission; and

348 [(10)] (11) "Social Security Act" means the Act of Congress,  
349 approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as  
350 the Social Security Act, including regulations issued pursuant thereto,  
351 as such act has been and may from time to time be amended.

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

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

364 shall not exceed four years in total. A judge of probate may elect to  
365 receive credited service or a reduction of retirement age in accordance  
366 with this section at any time once the judge becomes eligible to retire  
367 and receive retirement benefits.

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

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

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

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

395 (1) "Band 1 probate district" means a probate district that has a

396 population of less than forty thousand, except a probate district that  
397 has a population of less than forty thousand with an annual weighted-  
398 workload of at least three thousand, but less than four thousand one  
399 hundred, which constitutes a band 2 probate district.

400 (2) "Band 2 probate district" means a probate district that has a  
401 population of at least forty thousand but less than fifty thousand,  
402 except that a probate district with less than forty thousand with an  
403 annual weighted-workload of at least three thousand, but less than  
404 four thousand one hundred, shall be a band 2 probate district.

405 (3) "Band 3 probate district" means a probate district that has a  
406 population of at least fifty thousand but less than sixty thousand,  
407 except that a probate district with less than fifty thousand with an  
408 annual weighted-workload of at least four thousand one hundred, but  
409 less than four thousand nine hundred, shall be a band 3 probate  
410 district.

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

415 (5) "Population" means the annual population estimate by the  
416 Department of Public Health for each city or town as of October first of  
417 the immediately preceding calendar year.

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

423 Sec. 13. (NEW) (*Effective January 5, 2011*) (a) Notwithstanding any  
424 provision of title 45a of the general statutes concerning compensation  
425 for judges of probate, and subject to the provisions of subsections (b)  
426 and (c) of this section, for any calendar year, compensation for judges

427 of probate shall be determined as follows:

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

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

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

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

444 (b) Notwithstanding the provisions of subsection (a) of this section,  
445 no judge of probate in office on January 4, 2011, may, for the term of  
446 office beginning January 5, 2011, and ending January 6, 2015, receive  
447 compensation under subsection (a) of this section that is less than  
448 eighty per cent of the average annual compensation for the judge of  
449 probate during the three-year period from January 1, 2008, to  
450 December 31, 2010, inclusive. The provisions of this subsection shall  
451 not apply to the compensation of a judge of probate whose district  
452 results from a merger that becomes effective on January 5, 2011, or to  
453 any person first elected to serve as a judge of probate for a term  
454 beginning on or after January 5, 2011.

455 (c) For any calendar year, compensation of any judge of probate  
456 who assumes office or ceases to hold office during such calendar year  
457 shall be determined by multiplying the judge's annual compensation

458 determined in accordance with subsections (a) and (b) of this section  
459 by a fraction with the number of days served during the calendar year  
460 as the numerator of the fraction and three hundred sixty-five as the  
461 denominator of the fraction.

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

464 (a) Any person aggrieved by any order, denial or decree of a court  
465 of probate in any matter, unless otherwise specially provided by law,  
466 may, not later than forty-five days after the mailing of an order, denial  
467 or decree for a matter heard under any provision of section 45a-593,  
468 45a-594, 45a-595 or 45a-597, sections 45a-644 to 45a-677, inclusive, or  
469 sections 45a-690 to 45a-705, inclusive, and not later than thirty days  
470 after mailing of an order, denial or decree for any other matter in a  
471 court of probate, appeal therefrom to the Superior Court. Such an  
472 appeal shall be commenced by filing a complaint in the superior court  
473 in the judicial district in which such court of probate is located, except  
474 that (1) an appeal under subsection (b) of section 12-359, subsection (b)  
475 of section 12-367 or subsection (b) of section 12-395 shall be filed in the  
476 judicial district of Hartford, and (2) an appeal in a matter concerning  
477 removal of a parent as guardian, termination of parental rights or  
478 adoption shall be filed in the superior court for juvenile matters having  
479 jurisdiction over matters arising in such probate district. The complaint  
480 shall state the reasons for the appeal. A copy of the order, denial or  
481 decree appealed from shall be attached to the complaint. Appeals from  
482 any decision rendered in any case after a recording is made of the  
483 proceedings under section 17a-498, 17a-685, 45a-650, 51-72 or 51-73  
484 shall be on the record and shall not be a trial de novo.

485 (b) Each person who files an appeal pursuant to this section shall  
486 [serve] mail a copy of the complaint [on] to the court of probate that  
487 rendered the order, denial or decree appealed from, and serve a copy  
488 of the complaint on each interested party. The failure of any person to  
489 make such service shall not deprive the Superior Court of jurisdiction  
490 over the appeal. Notwithstanding the provisions of section 52-50,



491 service of the copy of the complaint shall be by state marshal, constable  
492 or an indifferent person. Service shall be in hand or by leaving a copy  
493 [at the court of probate that rendered the order being appealed, or by  
494 leaving a copy] at the place of residence of the interested party being  
495 served or at the address for the interested party on file with said court  
496 of probate, except that service on a respondent or conserved person in  
497 an appeal from an action under part IV of chapter 802h shall be in  
498 hand by a state marshal, constable or an indifferent person.

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

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

508 (e) A hearing in an appeal from probate proceedings under section  
509 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685,  
510 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-699,  
511 45a-703 or 45a-717 shall commence, unless a stay has been issued  
512 pursuant to subsection (f) of this section, not later than ninety days  
513 after the appeal has been filed.

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

519 (g) Nothing in this section shall prevent any person aggrieved by  
520 any order, denial or decree of a court of probate in any matter, unless  
521 otherwise specially provided by law, from filing a petition for a writ of  
522 habeas corpus, a petition for termination of involuntary representation

523 or a petition for any other available remedy.

524 (h) (1) Except for matters described in subdivision (3) of this  
525 subsection, in any appeal filed under this section, the appeal may be  
526 referred by the Superior Court to a special assignment probate judge  
527 appointed in accordance with section 45a-79b, who is assigned by the  
528 Probate Court Administrator for the purposes of such appeal, except  
529 that any party may file a demand in writing with the Superior Court  
530 that such appeal be heard by the Superior Court. Any such demand  
531 shall be filed no later than twenty days after service of the appeal.

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

535 (3) The following matters shall not be referred to a special  
536 assignment probate judge pursuant to this subsection: Appeals under  
537 sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to  
538 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688,  
539 inclusive, children's matters as defined in subsection (a) of section 45a-  
540 8a, sections 45a-644 to 45a-663, inclusive, 45a-668 to 45a-684, inclusive,  
541 and 45a-690 to 45a-700, inclusive, and any matter in a court of probate  
542 heard on the record in accordance with sections 51-72 and 51-73.

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

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

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

551 (c) Each judge of probate, before entering upon his or her duties as a  
552 judge of probate, shall be sworn and shall record his or her certificate

553 of election upon the records of his or her court of probate.

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

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

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

569 (a) A court of probate shall be open to the public for the conduct of  
570 court business not less than [twenty] forty hours each week, Monday  
571 through Friday, excluding holidays, on a regular schedule between the  
572 hours of eight o'clock a.m. and five o'clock p.m. The judge of probate  
573 of a probate district may close a court temporarily owing to inclement  
574 weather, an emergency or other good cause. Such judge shall  
575 immediately give notice of a temporary closing to the Probate Court  
576 Administrator, together with the reason for such closing and the date  
577 and time when the court will reopen.

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

581 (c) If a petitioner or applicant to a court of probate claims that unless  
582 his or her obligation to pay the fees and the necessary costs of the  
583 action, including the cost of service of process, is waived, such

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

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

608 (a) (1) In any matter pending in any court of probate, except an  
609 involuntary patient matter or involuntary commitment matter under  
610 chapter 319i, a temporary custody matter under part II of chapter 802h,  
611 or an involuntary representation matter under part IV of chapter 802h,  
612 the court may [appoint a committee of a disinterested person or a  
613 former judge of] refer the matter, with the consent of the parties or  
614 their attorneys, to a probate magistrate or attorney probate referee  
615 assigned by the Probate Court Administrator pursuant to section 19 of  
616 this act to hear the matter. [The former judge shall be selected from a  
617 panel of judges provided by the Probate Court Administrator. The

618 court shall give notice of the time and place of the hearing. Such  
619 committee]

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

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

635 (4) At least twenty-one days after a report is filed pursuant to  
636 subdivision (2) of this subsection, the court shall hold a hearing on the  
637 report and any amendment to the report or objection filed pursuant to  
638 this subsection. Not later than thirty days after the conclusion of a  
639 hearing under this subsection, the court shall determine whether to  
640 accept, modify or reject the report or any amendment to the report. If  
641 the court finds that the probate magistrate or attorney probate referee  
642 has materially erred in his or her findings or conclusions in such report  
643 or amendment or that there are other sufficient reasons why the report  
644 or amendment should not be accepted, the court shall, in the court's  
645 discretion, modify or reject the report or amendment. If the court  
646 [accepts the findings, it shall issue a decree. If the court rejects the  
647 findings, it] rejects the report and any amendment to the report, the  
648 court may hear and determine the matter or [appoint a different  
649 committee] refer the matter to a different probate magistrate or  
650 attorney probate referee assigned by the Probate Court Administrator

651 pursuant to section 19 of this act to hear the matter and report [its] his  
652 or her findings of fact and conclusions drawn therefrom in accordance  
653 with subdivision (2) of this subsection, provided the parties or their  
654 attorneys consent to such referral. If the court accepts or modifies the  
655 report or amendment, the court shall issue a decree.

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

658 (b) [The committee] Each probate magistrate and attorney probate  
659 referee shall be sworn to faithfully perform the duties of [its  
660 appointment] a probate magistrate or attorney probate referee, as the  
661 case may be, and shall have all the powers conferred by law upon  
662 [courts] judges of probate for procuring the attendance of witnesses  
663 and for punishing for contempt.

664 [(c) The committee's fees shall not exceed two hundred fifty dollars  
665 per diem and shall be fixed by the court and paid by the executor,  
666 administrator, trustee, conservator, guardian or other party to the  
667 action, or by the court pursuant to regulations established by the  
668 Probate Court Administrator. If a party is unable to pay such fees and  
669 files an affidavit with the court demonstrating an inability to pay, the  
670 reasonable compensation of the committee shall be established by the  
671 Probate Court Administrator and paid from the Probate Court  
672 Administration Fund.]

673 Sec. 19. (NEW) (*Effective January 5, 2011*) (a) (1) There shall be  
674 probate magistrates for the purpose of hearing matters referred  
675 pursuant to section 45a-123 of the general statutes, as amended by this  
676 act. Any former judge of probate under seventy years of age, other  
677 than a judge of probate receiving a retirement allowance under section  
678 45a-40 of the general statutes due to permanent and total disability,  
679 who is an elector of this state shall be eligible for nomination,  
680 appointment or assignment as a probate magistrate.

681 (2) The Probate Court Administrator may nominate former judges  
682 of probate who meet the requirements of this subsection to serve as

683 probate magistrate. The Probate Court Administrator shall provide a  
684 list of such nominated former judges to the Chief Justice of the  
685 Supreme Court and update the list as necessary. The Chief Justice shall  
686 appoint probate magistrates from the list for a term of three years and  
687 inform the Probate Court Administrator of such appointments. The  
688 Probate Court Administrator shall assign probate magistrates pursuant  
689 to section 45a-123 of the general statutes, as amended by this act, from  
690 among the probate magistrates appointed by the Chief Justice.

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

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

712 (2) The Probate Court Administrator may nominate individuals  
713 who meet the requirements of this subsection as attorney probate  
714 referees. Any judge of probate may submit to the Probate Court  
715 Administrator, on such form and in such manner as the Probate Court

716 Administrator prescribes, a recommendation that the Probate Court  
717 Administrator nominate a specified individual as attorney probate  
718 referee, provided the individual meets the requirements of this  
719 subsection. The Probate Court Administrator shall consider any such  
720 recommendation prior to making a nomination under this subdivision,  
721 but shall not be bound by such recommendation. The Probate Court  
722 Administrator shall ensure geographic, racial and ethnic diversity  
723 among individuals nominated as attorney probate referee.

724 (3) The Probate Court Administrator shall provide a list of  
725 individuals nominated as attorney probate referee to the Chief Justice  
726 of the Supreme Court and update the list as necessary. The Chief  
727 Justice shall appoint attorney probate referees from the list for a term  
728 of three years and inform the Probate Court Administrator of such  
729 appointments. The Probate Court Administrator shall assign attorney  
730 probate referees pursuant to section 45a-123 of the general statutes, as  
731 amended by this act, from among the attorney probate referees  
732 appointed by the Chief Justice.

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

735 (5) Not later than January 1, 2012, and annually thereafter, the  
736 Probate Court Administrator shall submit a report to the Governor and  
737 the joint standing committee of the General Assembly having  
738 cognizance of matters relating to the judiciary that includes (1) the  
739 number of attorney probate referees nominated, appointed and  
740 assigned under this subsection during the prior calendar year, and (2)  
741 an analysis of the geographic, racial and ethnic diversity of attorney  
742 probate referees nominated, appointed and assigned under this  
743 subsection during the prior calendar year. The report shall be  
744 submitted in accordance with section 11-4a of the general statutes.

745 (c) Each probate magistrate and attorney probate referee shall  
746 complete continuing education programs established for such  
747 magistrates and referees under regulations issued by the Probate Court



748 Administrator pursuant to section 45a-77 of the general statutes, as  
749 amended by this act.

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

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

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

762 (b) The assembly shall transact any business which may properly  
763 come before its meetings and which pertains to the probate courts, the  
764 improvement of and uniformity in their procedure and practice, the  
765 administration of justice in the courts of probate and the  
766 administration of the assembly. The assembly may make such  
767 recommendations to the Probate Court Administrator as it sees fit  
768 regarding any or all of these matters. The assembly may adopt bylaws  
769 to govern it and its meetings.

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

774 Sec. 21. (*Effective from passage*) (a) There is established a probate  
775 redistricting commission for the purpose of developing a plan for the  
776 consolidation of probate districts established in sections 45a-2 to 45a-  
777 6k, inclusive, of the general statutes. Such plan shall be developed in  
778 accordance with section 22 of this act.

779 (b) The probate redistricting commission shall consist of the  
780 following members:

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

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

783 (3) Two appointed by the minority leader of the House of  
784 Representatives;

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

786 (5) One appointed by the majority leader of the House of  
787 Representatives;

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

789 (7) Two appointed by the Governor; and

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

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

796 (d) All appointments to the probate redistricting commission shall  
797 be made not later than thirty days after the effective date of this  
798 section. Any vacancy shall be filled by the appointing authority. The  
799 Probate Court Administrator shall schedule the first meeting of the  
800 probate redistricting commission, which shall be held not later than  
801 forty-five days after the effective date of this section.

802 (e) There shall be one chairperson of the probate redistricting  
803 commission who shall be selected by and from among the voting  
804 members of the probate redistricting commission.

805 (f) The office of the Probate Court Administrator shall provide

806 administrative support to the probate redistricting commission,  
807 including, but not limited to, clerical staff and supplies.

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

810 Sec. 22. (*Effective from passage*) (a) The probate redistricting  
811 commission established in section 21 of this act shall develop a plan for  
812 consolidating the probate court districts established in sections 45a-2 to  
813 45a-6k, inclusive, of the general statutes. Under the plan, there shall be  
814 no fewer than forty-four probate court districts and no more than fifty  
815 probate court districts. Additional criteria to be considered by the  
816 probate redistricting commission when establishing probate court  
817 districts under the plan include (1) a requirement that each probate  
818 court district contain a minimum population of forty thousand persons  
819 determined in accordance with the last annual population estimate by  
820 the Department of Public Health as of October 1, 2008, for each city or  
821 town, or in the alternative, an annual weighted-workload of the court  
822 of three thousand, calculated in accordance with subdivision (6) of  
823 section 12 of this act, provided the plan may allow for probate court  
824 districts that do not meet either requirement set forth in this  
825 subdivision, taking into consideration the following criteria: (A) The  
826 geographic accessibility of the probate court to residents of the  
827 proposed probate court district; (B) the availability of municipal  
828 facilities to house the probate court; and (C) communities of interest  
829 among municipalities sharing a proposed probate court district; (2) a  
830 requirement that no municipality may be included in more than one  
831 probate court district; and (3) any other criteria deemed appropriate  
832 and necessary by the probate redistricting commission.

833 (b) The Connecticut Probate Assembly may submit a plan for  
834 redistricting the various probate courts to the probate redistricting  
835 commission not later than forty-five days after the effective date of this  
836 section, provided such plan meets the criteria set forth in subsection (a)  
837 of this section. In developing such plan, the Connecticut Probate  
838 Assembly may consider any voluntary consolidations agreed to by

839 towns in this state. The probate redistricting commission may consider  
840 any plan submitted by the Connecticut Probate Assembly in  
841 accordance with this subsection, but shall not be bound by such plan.

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

846 (d) The probate redistricting commission shall develop a plan for  
847 the consolidation of probate districts in accordance with the criteria set  
848 forth in subsection (a) of this section. Such plan shall include  
849 recommended amendments to sections 45a-2 to 45a-6k, inclusive, of  
850 the general statutes and other sections of the general statutes necessary  
851 to implement the plan.

852 (e) Not later than September 15, 2009, the probate redistricting  
853 commission shall file a plan for the consolidation of probate districts  
854 established in sections 45a-2 to 45a-6k, inclusive, of the general statutes  
855 with the clerk of the House of Representatives and the clerk of the  
856 Senate, except that the probate redistricting commission may not  
857 submit a plan to said clerks unless the plan has received the  
858 affirmative vote of at least seven members of the probate redistricting  
859 commission. The commission shall file a copy of the plan with the  
860 Governor on the date the plan is filed with said clerks.

861 (f) (1) Upon the filing of a report with said clerks pursuant to  
862 subsection (e) of this section, the speaker of the House of  
863 Representatives and the president pro tempore of the Senate shall  
864 convene the General Assembly in special session for the sole purpose  
865 of considering and voting on the plan. Upon the request of the speaker  
866 of the House of Representatives and the president pro tempore of the  
867 Senate, the Secretary of the State shall give notice of such special  
868 session by mailing a true copy of the call of such special session, by  
869 registered or certified mail, return receipt requested, to each member  
870 of the House of Representatives and of the Senate at his or her address

871 as it appears upon the records of said secretary not less than ten or  
872 more than fifteen days prior to the date of convening of such special  
873 session or by causing a true copy of the call to be delivered to each  
874 member by a constable, state policeman or indifferent person at least  
875 twenty-four hours prior to the time of convening of such special  
876 session.

877 (2) Not later than twenty-five days after a probate redistricting plan  
878 is filed with said clerks, the General Assembly shall convene to  
879 consider and vote on such plan. The General Assembly shall, upon roll  
880 call, adopt the probate redistricting plan if the members deem the plan  
881 necessary and appropriate to preserve the probate courts and the  
882 proper functioning and funding thereof. If the General Assembly  
883 approves the plan, the clerks shall immediately transmit the plan to the  
884 Governor.

885 (3) Not later than five calendar days after the transmittal of a plan  
886 approved pursuant to subdivision (2) of this subsection, the Governor  
887 shall approve or disapprove the plan.

888 (4) Neither the General Assembly nor the Governor may amend the  
889 plan.

890 (5) If the General Assembly or the Governor fails to approve such  
891 plan not later than thirty days after the plan is filed with the clerks of  
892 the House of Representatives and the Senate, the probate redistricting  
893 commission shall reconvene for the purpose of developing a revised  
894 probate redistricting plan. Such revised probate redistricting plan shall  
895 meet the criteria set forth in subsection (a) of this section and shall be  
896 filed with the clerk of the House of Representatives and the clerk of the  
897 Senate not later than thirty days after the prior plan failed to be  
898 approved. Upon the filing of a revised probate redistricting plan with  
899 said clerks, the speaker of the House of Representatives and the  
900 president pro tempore of the Senate shall convene the General  
901 Assembly pursuant to subdivision (2) of this subsection or, if the  
902 House of Representatives or the Senate has adjourned the special

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

908 (6) The probate redistricting commission shall terminate on the date  
909 a redistricting plan is approved by the General Assembly and the  
910 Governor pursuant to this subsection, or February 3, 2010, whichever  
911 is earlier.

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

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

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

926 (a) Any claim for a pension or any other benefit which may become  
927 available in accordance with the provisions of sections 45a-1 to 45a-12,  
928 inclusive, 45a-18 to 45a-26, inclusive, as amended by this act, 45a-34 to  
929 45a-56, inclusive, as amended by this act, 45a-62 to 45a-68, inclusive,  
930 45a-74 to 45a-83, inclusive, as amended by this act, 45a-90 to [45a-94]  
931 45a-93, inclusive, as amended by this act, 45a-98, 45a-99, 45a-105, 45a-  
932 119 to 45a-123, inclusive, as amended by this act, 45a-128, 45a-130, 45a-  
933 131, 45a-133, 45a-199 and 45a-202, may be submitted in writing to the  
934 commission. Any such claim will be reviewed and decided by the

935 commission. The claimant shall be advised of the processing status of  
936 his claim upon reasonable request.

937 (b) If any claim is denied, a claimant may request that the decision  
938 be reviewed and reconsidered by the commission. Thereafter, any  
939 contested case shall be heard and decided in accordance with chapter  
940 54.

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

943 Sec. 26. Section 45a-94 of the general statutes is repealed. (*Effective*  
944 *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

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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