

**PA10-041**

**HB5408**

|           |                                      |    |
|-----------|--------------------------------------|----|
| House     | 1193-1203                            | 11 |
| Judiciary | 1499-1503, (1506-1513),<br>1621-1623 | 16 |
| Senate    | 2305-2309, 2314-2315                 | 7  |
|           |                                      | 34 |

**H – 1077**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2010**

**VOL.53  
PART 5  
1169 – 1557**

mb/gbr  
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not only for our community and most importantly for our kids but they are not only an outlet for sporting activities, but they are indeed one of the largest childcare nursery providers for our working families. So I would encourage that as they struggle to get attention and funds that we consider it for the service they give to the community. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

And again, thank you for joining us today. Keep up the good work.

Will the Clerk please call Calendar 298.

THE CLERK:

On page 14, Calendar 298, Substitute for House Bill Number 5408, AN ACT CONCERNING PROBATE COURT OPERATIONS, favorable reported the Committee on Judiciary.

SPEAKER DONOVAN:

Deputy Speaker Robert Godfrey, you have the floor, sir.

REP. GODFREY (110th):

Thank you, Mr. Speaker. Good afternoon.

Mr. Speaker, I move acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

Question is on acceptance of the committee's favorable report and passage of the bill.

Will you remark?

REP. GODFREY (110th):

Thank you, sir.

As of last night, of course, we did some clean up to the big probate reform of last year. We're going to be dealing, here in this bill, with some of the consequences of the changes that we made. If you look at Sections 1 through 3, we're making sure that probate judge's salary can't exceed -- they can't double or triple dip is actually what they're doing.

When they're -- when they're serving in the -- on a three judge panel, if they're serving a special assignment, if they're serving in the -- one of the children's courts -- national award winning children's courts, they only get paid once. And we just want to make sure that that's clarified in statute.

Section 4 and 5, what we did with the budgetary processes of the probate courts is the probate courts in the districts no longer have to deal with the budget firsthand in the courts. We centralized all that and the probate court administrator and the

budget committee now deal with the budget of the probate courts. And this -- this clarifies that it is the probate court administrator that's dealing with retirement fund contributions both from court employees and from judges and then the judge's retirement fund also. So that's -- that's merely clarification.

In Section 6, often but not required by law, the probate court administrator is also a probate judge. He or she only gets paid once. Again, they can't double dip and this clarifies that.

Section 7, under the old law, because the probate judges, themselves, were the center of the budget process, they had -- in a lot of forms they have to fill out, at our request, and, as part of the probate court system, every year since we're centralizing the budget, those reports are no longer necessary. So this eliminates these -- the finally of these financial reports.

It also -- it also does one little tricky thing. As you know, the probate court, through a forum, has kicked in in the sense that the new districts are established the elections that are already under way in the sense that delegates at conventions that have

been chosen will -- will take place in November but the judges take -- take office on January 5th, as members of the General Assembly will be doing that January 1st, and there is currently and continues to be a requirement for probate judges to annually fill out a series of forms dealing with the financial dealings of their courts.

Plainly, reducing the number of judges by 63. There's going to be a lot of judges who will only hold office for four days in 2011. This, in essence, eliminates the need for them to fill out all these financial reports for only four days work. It does that by creating -- by changing their compensation for those four days from the current system to a prorated share of the 2010 salary. It makes it more -- it makes it easier for them. It makes it easier for all the paperwork filing.

And then in Section 8, a little more complicated than probably some of the other sections, currently -- under current law, judges who retire, who leave office, are entitled even after they've left office to collect fees that have come into the system that go to the probate judges after they leave office. And we're not taking that away from judges who will be retiring,

but we will be saying to those judges who take office in January -- on January 5th of 2011 that this particular benefit will no longer apply. Because, again, they're not being paid based on the amount of money that comes into their court, they're getting paid a salary.

And the Probate Court Administration Fund will be allowed to pay for those work in progress payments to judges but then we phase them out. In essence, we're sunseting that -- that particular system. And with that, and -- and that actually -- it actually will generate some savings, although, they are unknown in -- to the system by abolishing that work in progress payment.

And that is the essence of the bill, Mr. Speaker, and I urge my colleagues to support it.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further?

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

Question, through you, to the proponent of the bill.

SPEAKER DONOVAN:

Please proceed, madam.

REP. SAWYER (55th):

Representative Godfrey, when you look at Section 6, I was following your description of the bill and in 6(b) it talks about the administrator -- one moment as I pull it up -- and the description of the new law where the probate court administrator, who serves as a judge, and then you said does not become -- is no longer a judge could still be a court administrator. Is that correct? Through you, Mr. Speaker.

Deputy Speaker O'Rourke in the Chair.

DEPUTY SPEAKER O'ROURKE:

Representative Godfrey.

REP. GODFREY (110th):

Through you, Mr. Speaker, not exactly. Probate court administrators are appointed by the chief justice and the chief justice often does choose sitting probate judges to be -- to be the chief court -- to be the probate court administrator. We want to make it clear that any sitting probate judge that's also the sitting probate court administrator only gets

one salary not two. Several times, the probate court administrators have decided not to run for re-election as a probate judge but they do stay on as probate court administrator because there's not a requirement that you be a sitting judge, just appointed by the -- by the chief justice.

So that -- this clarifies those individual's status. This will apply to Judge Knierim, the current probate court administrator. He's also the probate judge in Simsbury. He has chosen to not run for re-election but he will be staying on as probate court administrator. This clarifies his -- it clarifies the compensation status.

DEPUTY SPEAKER O'ROURKE:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, sir.

Would it also -- could it also be the case, was there a discussion saying if the current court administrator chooses no longer to be the administrator so there's an open position there, could someone be chosen who had been a judge to be the chief court administrator. We know that with the reconfiguration, I suspect there are going to be a

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number of former judges now in -- back in the legal population, could someone -- could someone be chosen from those ranks in the future to become a chief court administrator. Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Godfrey.

REP. GODFREY (110th):

Under statutes we're not dealing with in this bill, the chief justice can appoint only sitting probate judges to be probate court administrator but that individual doesn't have to maintain that status to keep the job.

DEPUTY SPEAKER O'ROURKE:

Representative Sawyer.

REP. SAWYER (55th):

Had there been discussions about, in committee or in your deliberations, that someone with past experience could become the administrator. Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Godfrey.

REP. GODFREY (110th):

Through you, Mr. Speaker, no.

REP. SAWYER (55th):

Thank you very much. In looking at the law, as it stands now, if I understand it, the current or any administrator then, when they have stopped being a probate judge, if they are retained being an administrator, they may not practice private -- they might not be in private practice. Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Godfrey.

REP. GODFREY (110th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER O'ROURKE:

Representative Sawyer.

REP. SAWYER (55th):

Thank you.

And I thank the gentleman for his answer in clarifying what that position is. Thank you.

DEPUTY SPEAKER O'ROURKE:

Thank you.

Representative O'Neill of the 69th.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

I would also like to urge passage of this piece of legislation as a necessary follow-on to the reform

package that we did last year. I believe that it deals with some, in many cases, technical aspects but in some cases, some issues that we hadn't really thought about such as the four-day lapse between the end of the fiscal -- or the year and the end of the term of office for the judges and need to make an adjustment there.

But it is essentially implementing and completing the task that we started last year and I would urge passage. Thank you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Thank you, Representative.

Will you remark? Will you remark further on this bill before us? Will you remark?

If not, staff and guests please come to the well of the House, staff takes -- staff and guests to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber please.

DEPUTY SPEAKER O'ROURKE:

Have all the members voted? Have all the members

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voted? Please check the machine and make sure that your vote is properly recorded.

If all members have voted, the machine will be locked.

Almost -- I didn't see Representative Cafero there. Okay.

If all members have voted, the machine will be locked.

Clerk please take the tally. When you're ready, please announce the tally.

THE CLERK:

House Bill 5408.

Total Number voting 143

Necessary for adoption 72

Those voting Yea 143

Those voting Nay 0

Those absent and not voting 8

DEPUTY SPEAKER O'ROURKE:

The bill is passed.

Will the Clerk please call Calendar 39.

THE CLERK:

On page 19, Calendar 39, House Bill Number 5159,

AN ACT CONCERNING AN ASSESSMENT FOR REGULATORY  
OVERSIGHT OF THE CONNECTICUT LOTTERY CORPORATION,

**S - 605**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

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SENATE

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|                             |    |
|-----------------------------|----|
| Those voting Yea            | 35 |
| Those voting Nay            | 0  |
| Those absent and not voting | 1  |

THE CHAIR:

Consent Calendar 1 is passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, if the Clerk would call Calendar page 14, Calendar 470, House Bill 5408.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 14, Calendar Number 470, File Number 496, substitute for House Bill 5408, AN ACT CONCERNING PROBATE COURT OPERATIONS, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the House.

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THE CHAIR:

On acceptance and passage and concurrence, will you remark further?

SENATOR McDONALD:

Yeah, I -- yes, Mr. President.

Mr. President, just briefly, this bill is a -- as it indicates, a bill that deals with the operations of the Probate Courts and, in particular, addresses some of the issues that are an outgrowth of the landmark -- landmark reform that we passed last year.

Among other things, Mr. President, this legislation ensures that Probate Court judges who in -- who serve as childrens' court administrative judges or judges on three-judge panels would not receive any additional compensation past the highest rate that was paid -- that was available for Probate Court judges.

Additionally, Mr. President, it makes certain changes with respect to a -- deductions for judges' retirement and -- retirement fund contributions, makes changes and makes it clear that judges who maintain their court while serving as the Probate Court administrator don't receive any additional income from the court from which that individual was elected. It eliminates certain requirements relating to filing of

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several types of financial reports that are no longer necessary as a result of central financing operations of the -- of the Probate Court administrator, and it eliminates certain work-in-process provisions for judges who are in office by virtue of an election in January of 2011.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President, and you look fabulous up there.

THE CHAIR:

Thank you, sir.

SENATOR KISSEL:

Good evening.

I stand in strong support of this bill and urge my colleagues in the Senate to also vote in favor of it.

It's my understanding that this bill was voted out of the Judiciary Committee unanimously, and as Senator McDonald indicates, it clarifies that judges do not get extra compensation for acting as children

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court administrative judges or for membership on three-judge panels or as special assignment judge or probate administrator, and it conforms our laws to centralized accounting and pay statutes.

Again, one of the most far-reaching reforms in Connecticut government was the Probate Court reform that went through last year, and there's any number of bills that are moving through the Chambers this year to try to make sure that all the details are attended to and that everything moves smoothly going forward, and again, rise in support of this particular bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Do you care to remark further?

If not, Senator McDonald.

SENATOR McDONALD:

Mr. President, might the Chamber stand at ease for one moment?

THE CHAIR:

The Chamber may stand at ease.

(Chamber at ease.)

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THE CHAIR:

The Senate will be in order.

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Mr. President, if there's no objection, might  
this item be placed on the consent calendar?

THE CHAIR:

Without objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, the next item, I believe, is  
Calendar page 7, Calendar 343, Senate Bill 426.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 7, Calendar Number 343, File  
Number 518, substitute for Senate Bill 426, AN ACT  
CONCERNING THE CONNECTICUT UNIFORM ADULT PROTECTIVE  
PROCEEDINGS JURISDICTION ACT, favorable report of the  
Committee on Judiciary.

THE CHAIR:

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further discussion or debate, might this item be placed on a consent calendar?

THE CHAIR:

Without objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, if the -- the Clerk would call the second consent calendar.

THE CHAIR:

Would the Clerk please announce that a roll call vote is being ordered on a consent calendar.

THE CLERK:

Immediate roll call has been ordered on the second consent calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the second consent calendar. Will all Senators please return to the chamber.

Mr. President, those items placed on the second consent calendar begin on Calendar page 7, Calendar Number 343, substitute for Senate Bill 426, and Calendar page 14, Calendar 470, substitute for House Bill 5408.

Mr. President, that completes the items placed on

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the second consent calendar.

THE CHAIR:

The machine is open.

THE CLERK:

The Senate is now voting by roll call on the consent calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the second consent calendar. Will all Senators please return to the chamber.

THE CHAIR:

Senators, kindly check the board to make certain that your vote is properly recorded. If all Senators have voted, machine will be locked, and the Clerk may announce the tally.

THE CLERK:

Motion is on adoption of Consent Calendar

Number 2:

|                             |    |
|-----------------------------|----|
| Total Number voting         | 34 |
| Those voting Aye            | 34 |
| Those voting Nay            | 0  |
| Those absent and not voting | 2  |

THE CHAIR:

Consent Calendar Number 2 is passed.

THE CHAIR:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 5  
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**2010**

I know that we have appointed each of our towns a justice of the peace to do so, and as well as clergy do this as a matter of course.

But I think that if there is anything standing in the way, a barrier to this, I hope we can find the proper legislative language to make this a part of our legislation, as flexible as possible, so that we can have that kind of liberty and flexibility with regard to couples getting married to have people closest to them that are official in other states, as we would recognize them here under our law.

And I think you raise a very good point, is that we want to make sure that they also would be deemed to be officially presiding so that that marriage would be covered under our law if they were to be married here.

Thank you.

SENATOR McDONALD: Thanks very much. We'll take a look at it. Any questions? Thanks very much.

Next is the Honorable Paul Knierim.

JUDGE PAUL KNIERIM: Good morning, Senator McDonald and members of the committee. I'm Paul Knierim, I'm probate court administrator and also judge of the [inaudible] probate court, and I very much appreciate the opportunity to speak with you this morning.

HB 5406  
HB 5407  
HB 5408  
SB 371  
SB 426

I think the probate stalwarts are assembled here this morning to have a look at these bills.

There are three bills that probate administration in collaboration with the probate assembly have asked this group to consider, and I'll spend a moment on those in

just a moment, but I thought it might be helpful to spend just a moment or two to describe for the committee where the probate system is in terms of the implementation of last year's legislation, since -- since that legislation was so significant for the probate courts.

It was Public Act 09-114, and the redistricting bill that followed it in September's special session, 091, that created a significant restructuring for the probate system.

And I really want to begin by saying thank you to the members of this committee and in particular Representative Fox and Representative Godfrey here now, and several other members of this committee who participated in a working group with us in the probate system that led to the legislation that is offering the probate system a great deal of stability on a going-forward basis, putting us on a much more solid financial footing and also enabling the system to strengthen the professionalism by which we operate.

And so we're very appreciative of all the energy and assistance that we've received from the General Assembly, in particular members of this committee and the working group, so thank you very much for that.

Where we stand at this point is a nearly frenzied pace in the probate system to get ready for next January 5th, which is when the restructured system will go live, and there is a great deal of energy and work being committed to that restructuring by all parts of the system.

The clerks of the courts are working very hard towards this, as are the judges, and things are naturally very, very busy in probate administration, also getting prepared.

Likewise, the towns are essential partners in this process, because they provide us with the facilities and office supports for the operation of our courts, and the consolidation of courts means that many municipalities are being asked to provide us with a bit larger facility to accommodate larger courts, and they are working very hard on that. And, as I say, that process is going extremely well among the municipalities of the state.

A couple of items that we're making very good headway on that I mentioned are court records. As you can imagine, we have huge volumes of probate records from the centuries past in the operation of the system, and we are working with the state library to preserve those records so that they're safe and sound for the centuries to come, but also to improve public access to them, and at the same time to avoid the need for municipalities to build larger vaults to accommodate all the records from consolidated courts.

So in a nutshell, we're working to digitize those records with adequate microfilm backup as well, and to use the state library as a central repository for the older, historical records that are of primary interest to historians and genealogists. So that's -- that's one area of significant advancement.

The financial restructuring of the system, a big part of Public Act 09-114, (inaudible) centralized accounting of the probate system. That means that probate administration itself is undertaking significant additional

responsibilities for how the fees are -- are collected and how the -- the funds in the probate court administration fund are budgeted for the use of the courts.

So at probate administration, we're actively developing our systems, our internal controls, our audit protections, to make sure that all of that financial restructuring goes well.

We are also working with the probate court budget committee that was established by the legislation and is responsible for setting up a systemwide compensation of benefits plan for court staff. That's new.

Historically court staff has been paid and the benefits have been determined by and large individually by each court. It will now be on a systemwide basis.

And the budget committee, likewise, is working on determining the staffing levels for each of the courts and the office budgets under which they will operate.

So that committee has been -- been hard at work and has had very much helpful input from judges and court staff and should be completing its initial budget work for the coming fiscal year within the next several weeks.

Turning to the legislation that we have requested consideration of, I mentioned there are three bills. They are 5406, concerning the courts of probate, 5407, concerning probate fees, and 5408, probate court operations.

I will say that these are -- are very -- in large part technical bills that have to do

with implementation of last year's legislation. As we've been implementing with details, we've been discovering other parts of the statute that need attention to be consistent with the intent of 09-114.

And, as I mentioned, I've submitted written testimony on each of those, and I'll try to avoid boring you with the details of each of those fairly technical provisions, but I would like to point out that the probate fee bill, 5407, contains a couple of substantive components that -- that probably weren't mentioned, at least.

As we have in the past, we are asking consideration for a change in how we calculate probate fees to eliminate the fee on out-of-state property. That the fee is assessed on out-of-state property is a fairly recent thing.

It came about in 2005 when we switched from the succession tax to the estate tax, and I believe it was an inadvertent consequence. The difficulty is that the statute, as written, requires us to assess a fee on property over which the courts have no jurisdiction, and there's -- there are concerns also about the constitutionality of the practice in light of some older Supreme Court jurisprudence on the ability of states to impose a tax on property located out of state.

The revenue impact is -- is not large. OFA projects an impact of -- in the range of two hundred to four hundred thousand dollars, and so we would be able to -- to work within available resources even with this change, and so I would recommend that.

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jr/gbr JUDICIARY COMMITTEE

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10:00 A.M.

conservatorship statutes, but we think that is a real positive.

One last note for the committee is to mention that we are revising in a comprehensive manner the regulations of the probate courts which deal mostly with the financial structure of the system; and under 45a-77, our regulations come before this committee for review, and also two of those regulations have come through that process.

(HB 5406)  
(HB 5407)  
(HB 5408)

And in the coming months, we would expect to be submitting a relatively large batch of additional regulations for your consideration.

So I thank the committee very much for your time and would welcome any questions.

REP. LAWLOR: Well, thank you to you, Judge.

Are there any questions from members of the committee? Representative Fox.

REP. FOX: Thank you. And good morning, your Honor, and it's good to see you here today.

JUDGE PAUL KNIERIM: Good morning.

REP. FOX: It's been a long year. I know you've done a lot to incorporate what we passed last year.

We have elections coming up in November, and then it's January that the new courts will take effect; is that --

JUDGE PAUL KNIERIM: That's correct.

REP. FOX: January 5th.

JUDGE PAUL KNIERIM: Yes.

REP. FOX: And just in terms of that process, is -- because I know that there are questions many of us legislators would have in our towns that we represent, is that -- do you anticipate that that process is going to go smoothly?

Are things where you would hope them to be at this point as we get ready for nominations in May and elections in November?

JUDGE PAUL KNIERIM: I do anticipate, with fingers crossed, that the process will go smoothly.

The -- all elements of the system are working hard in collaboration to try to have us go through this transition as smoothly as we possibly could.

With respect to the elections process and nominations, the first major step that the statute set for us was to determine the names of the districts by March 31st.

And, as suggested in the legislation, we had solicited input from towns and judges and legislators about that, and most of the districts have come back with an agreed name for the district. And we just sent out a reminder this week to those from whom we have not yet heard, but that obviously is important for the purposes of the ballot.

Another key element in the transition is determining the locations for the new courts. And mostly those discussions at the municipal level are happening at the same time that the naming-the-court discussions are going on, and most communities have made real headway on that. Many have made a final decision on that, although the question is open at this point in a number of districts still.

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jr/gbr JUDICIARY COMMITTEE

March 12, 2010  
10:00 A.M.

REP. FOX: So it's ongoing, but you're confident it will be ready to go in January with the new courts and the whole -- the new system?

JUDGE PAUL KNIERIM: I am confident that we'll be fully prepared in January to -- to go live with this.

It's -- as you said at the outset, it's a herculean effort on the part of the participants in the system, but the good news is how strongly committed the judges and the staffs of the court are to making this -- this go right.

REP. FOX: Now, I know -- I think we knew last year when we passed the legislation that we did that there would be some fixes that might be necessary as we get closer, and is what you're -- much of what we're doing here today, does that incorporate a lot of what you -- what we talked about last year?

We had anticipated this might happen.

JUDGE PAUL KNIERIM: It is.

These -- these bills are very much in the nature of closing loopholes or amending language to clarify what we perceive to be the intent of the original statutes that were passed last year.

REP. FOX: Thank you very much, and thanks for all your efforts in getting this underway.

JUDGE PAUL KNIERIM: Thank you very much.

REP. LAWLOR: Are there further questions?  
Representative Baram.

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jr/gbr JUDICIARY COMMITTEE

March 12, 2010  
10:00 A.M.

REP. BARAM: Thank you, Mr. Chairman.

And congratulations to you, Judge, and your capable staff.

I just recognized one of my old law colleagues, Tom Gaffey, who's here. He's a member of your office.

JUDGE PAUL KNIERIM: With whom we could not -- we could not operate without Tom.

REP. BARAM: I understand.

One question I have is with regard to this bill requiring health insurance be provided for working 40 hours, it's my understanding that your office is against that based upon the stream of income that has been calculated in the different tier system that was enacted.

SB371

JUDGE PAUL KNIERIM: That is correct.

I view that proposal as inconsistent with what the Legislature intended last year when it adopted a four-band compensation system.

So that -- that system pays judges different amounts, depending upon the workload and size of the districts, and recognizes that there are different time commitments associated with the work of a judge in a different size court; and to superimpose a full-time requirement on everyone, regardless of workloads, without also considering what would have to happen to compensation, seems to be, as I said, not consistent with last year's legislation.

REP. BARAM: And just one other question.

I'm just curious what will happen if the new district member towns cannot agree on a name

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10:00 A.M.

or, more importantly, let's say a location.

What the process is, if you could remind us, that has to take place to make some finality to that decision?

JUDGE PAUL KNIERIM: Yes.

The statute doesn't provide any specific process for resolution of disagreements among towns. I have found that in most cases, they've been working through disagreements as they get into the details of the discussion and consider the financial implications of the different options in front of them.

And the one recommendation that I've made to communities that feel that they maybe at an impasse is that they agree on their own process and agree to be bound by the outcome of that process.

So if that means at the end of the discussion that the towns agree, they'll take a vote and be bound by majority rule. That seems to have worked in -- in cases where the -- where the issues have seemed intractable.

I've been on the road a fair amount visiting with communities as they have had discussions about the issues, and I was -- offered to be available to the extent that helps, just -- just to be able to answer the questions about how the basics of the statute work, what are the requirements of municipalities vis-a-vis their probate courts.

So I'm happy to have that role, but ultimately it seems that agreeing on a process where communities are not in agreement about the outcome seems to be the best approach.

REP. BARAM: Thank you very much. And again, congratulations on a great job.

JUDGE PAUL KNIERIM: Thank you very much. I appreciate your help.

REP. LAWLOR: Representative Godfrey.

REP. GODFREY: Just a couple of -- of updates on this -- this process.

Are there still a lot of new districts who haven't come up with a decision on where the courthouse is going to be? How successful has this process been so far kind of as a percentage?

JUDGE PAUL KNIERIM: In percentage terms, going on recollection, I would say it's probably in the nature of under 15 percent don't have a resolution.

REP. GODFREY: Oh, so over 85, okay. Over 85.

JUDGE PAUL KNIERIM: Bearing in mind that a significant number of courts were not affected. Some 22 courts --

REP. GODFREY: Right, right --

JUDGE PAUL KNIERIM: -- were not subject to consolidation.

REP. GODFREY: Okay.

We still have District 23, so we've got kind of this precedent that if you can't decide, we'll use the number that just happens to be in the statute we passed.

JUDGE PAUL KNIERIM: True enough.

In fact, to that point, in our reminder to communities this week that if we hadn't heard from them we were still hoping to have a response before the end of this month, I indicated that so far as the name goes, that the list we would publish at the end of the month would be -- would insert a number for a district using the statutory list, with the notion that perhaps after the -- the disruption of consolidation was over and the new court is operational, that perhaps the court, working with the communities, might have a name that would be appropriate at that time.

REP. GODFREY: I'm a little reluctant to make some big changes that have been floating around simply because the election process has already begun and towns are choosing delegates to conventions in the multi-town districts.

And there -- this is obviously a major change in the way elected officials act, and I'm concerned that we not -- I'm concerned that we not make a process that's already begun more difficult or more confusing as we move forward, and some of these non-agency proposals could disrupt that opinion.

So keep us apprised of what's going on back in the districts so we can work to prevent that, if you don't mind.

JUDGE PAUL KNIERIM: Certainly, yes.

The system obviously has an awful lot to digest in order to make this restructuring go right, and we have the benefit of people being strongly committed to that, as I said before.

But that approach makes sense. We certainly will keep you advised about that.

REP. GODFREY: Actually, one other -- one of the most amazing things is how good the probate judges themselves have behaved through this whole -- this whole process, very civic-minded and spirited, which is not a surprise to me, who has followed this, but they have been so extraordinarily helpful in processing this change, so my congratulations to you and to them.

Thank you.

JUDGE PAUL KNIERIM: Oh, thank you.

REP. LAWLOR: Representative Conway.

REP. CONWAY: Thank you, Mr. Chairman. Just a quick question on 371.

Have you done any calculations on -- my understanding from speaking to the probate judge in my district, who actually represents -- he represents two of the three towns that I represent, he's the probate judge in, and he feels that with the new redistricting, in the district that he would possibly preside over, there would not -- he would not reach 40 hours a week in looking at the current caseload.

With that, how many other districts -- what percent of districts do you think are in the same boat in terms of the probate judges not having a caseload that would reach 40 hours a week, yet we would then be paying them anyway on a 40-hour-a-week schedule so that they met the eligibility for the benefits?

And have we done a cost analysis on what that increased cost would be versus the way the system is now?

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## STATE OF CONNECTICUT

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House Co-Chair Michael Lawlor  
Senate Ranking Member John Kissel  
House Ranking Member Arthur O'Neill  
Honorable Members of the Judiciary Committee

From: Paul J. Knierim, Judge  
Probate Court Administrator

Re: HB 5408 An Act Concerning Probate Court Operations

Date: March 12, 2010

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Thank you for the opportunity to testify about raised bill 5408, An Act Concerning Probate Court Operations. This proposal would bring several probate statutes into conformity with PA 09-114, the legislation enacted last year to restructure the probate system. We are also submitting proposed JFS language to clarify the intent of certain sections of this bill.

Sections 1, 2 and 3 of the bill serve to ensure that the longstanding cap on the compensation of probate judges, which is 75% of a Superior Court judge's salary, applies even if a judge accepts additional duties outside of his or her probate district. Specifically, the provisions apply the 75% cap to judges serving as administrative judges of regional children's probate courts, special assignment probate judges, and judges hearing matters as members of three judge panels.

Sections 4 and 5 are needed to implement central accounting and payroll. These provisions authorize probate administration to deduct statutory retirement contributions from the paychecks of judges and court staff and to transfer the deducted amounts to the retirement fund.

Section 6 clarifies that the provisions of existing law that prohibit a person serving as Probate Court Administrator from receiving additional compensation from a court will continue after the implementation of the new financial structure.

Section 7 eliminates various financial reporting requirements after January 1, 2011. The courts can be relieved of these administration burdens because the information will be immediately available at probate administration as a result of central accounting.

In addition, section 7 simplifies the transition to the new system of judicial compensation that becomes effective on January 5, 2011. The existing compensation system, which is based principally on court revenue, requires that judges file complicated income reports each year to determine compensation amounts. However, the existing system will be in effect for only four days in 2011, and it is unduly burdensome to require complicated income reports for such a short period. We are therefore proposing to dispense with the income reports in 2011 and simply pay judges a prorated amount for the first four days of the year based upon their earnings in 2010.

Finally, section 8 sunsets the existing system of work-in-process payments made to judges who leave office. Work-in-process payments are made to compensate a judge for work performed on estates that have not yet paid the probate fee before the judge leaves office. Beginning in 2011, each judge will be paid a salary based upon the population and workload of the court, without reference to court income. Under that system, a judge will be fully compensated for his or her work while in office, making work-in-process payments after the judge leaves office unnecessary.

Thank you for your consideration.

**HB 5408 An Act Concerning Probate Court Operations**  
**Proposed JFS Language**  
**Office of the Probate Court Administrator**

In lines 52 through 54 of LCO 1738 delete, "and shall be included as income to the receiving judge under section 45a-92, as amended by this act".

In line 142 of LCO 1738 add an "s" after "contribution".

In lines 514 through 516 of LCO 1738 delete, "and any expense directly attributable to the outgoing judge's or deceased judge's term of office under subsection (a) of this section".