



Senate

General Assembly

File No. 506

February Session, 2002

Substitute Senate Bill No. 21

Senate, April 16, 2002

The Committee on Appropriations reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT REQUIRING PAYMENT OF CERTAIN COSTS FROM THE PROBATE COURT ADMINISTRATION FUND, INCREASING SALARIES OF JUDGES AND FAMILY SUPPORT MAGISTRATES, AND INCREASING CERTAIN COURT FEES.

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

1 Section 1. Subsection (c) of section 45a-111 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2002*):

4 (c) If a petitioner or applicant to a court of probate claims that unless
5 his or her obligation to pay the fees and the necessary costs of the
6 action, including the cost of service of process, is waived, such
7 petitioner or applicant will be deprived by reason of his or her
8 indigency of his or her right to bring a petition or application to such
9 court or that he or she is otherwise unable to pay the fees and
10 necessary costs of the action, he or she may file with the clerk of such
11 court of probate an application for waiver of payment of such fees and
12 necessary costs. Such application shall be signed under penalty of false

13 statement, shall state the applicant's financial circumstances, and shall
14 identify the fees and costs sought to be waived and the approximate
15 amount of each. If the court finds that the applicant is unable to pay
16 such fees and costs, it shall order such fees and costs waived. If such
17 costs include the cost of service of process, the court, in its order, shall
18 indicate the method of service authorized and the cost of such service
19 shall be paid [from funds appropriated to the Judicial Department,
20 however, if funds have not been included in the budget of the Judicial
21 Department for such costs, such costs shall be paid] from the Probate
22 Court Administration Fund. Any fee waived under this section shall be
23 reimbursed to the court of probate [from the funds appropriated to the
24 Judicial Department, however, if funds have not been included in the
25 budget of the Judicial Department for such purposes, such payment
26 shall be made] from the Probate Court Administration Fund pursuant
27 to rules and regulations established by the Probate Court
28 Administrator.

29 Sec. 2. Subsection (h) of section 46b-231 of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective July*
31 *1, 2002*):

32 (h) (1) On and after April 1, 2000, the Chief Family Support
33 Magistrate shall receive a salary of ninety-nine thousand five hundred
34 eighty-seven dollars, and other family support magistrates shall
35 receive an annual salary of ninety-four thousand five hundred eighty-
36 seven dollars.

37 (2) On and after April 1, 2001, the Chief Family Support Magistrate
38 shall receive a salary of one hundred three thousand six hundred
39 dollars, and other family support magistrates shall receive an annual
40 salary of ninety-eight thousand six hundred dollars.

41 (3) On and after April 1, 2002, the Chief Family Support Magistrate
42 shall receive a salary of one hundred eight thousand eight hundred
43 twenty-one dollars, and other family support magistrates shall receive
44 an annual salary of one hundred three thousand five hundred sixty-
45 nine dollars.

46 (4) On and after July 1, 2003, the Chief Family Support Magistrate
47 shall receive a salary of one hundred fourteen thousand two hundred
48 sixty-two dollars, and other family support magistrates shall receive an
49 annual salary of one hundred eight thousand seven hundred forty-
50 seven dollars.

51 (5) On and after April 1, 2004, the Chief Family Support Magistrate
52 shall receive a salary of one hundred nineteen thousand nine hundred
53 seventy-five dollars, and other family support magistrates shall receive
54 an annual salary of one hundred fourteen thousand one hundred
55 eighty-five dollars.

56 (6) On and after April 1, 2005, the Chief Family Support Magistrate
57 shall receive a salary of one hundred twenty-five thousand nine
58 hundred seventy-four dollars, and other family support magistrates
59 shall receive an annual salary of one hundred nineteen thousand eight
60 hundred ninety-four dollars.

61 Sec. 3. Subsection (a) of section 51-47 of the general statutes is
62 repealed and the following is substituted in lieu thereof (*Effective July*
63 *1, 2002*):

64 (a) The judges of the Superior Court, judges of the Appellate Court
65 and judges of the Supreme Court shall receive annually salaries as
66 follows:

67 (1) On and after April 1, 2000, (A) the Chief Justice of the Supreme
68 Court, one hundred thirty-five thousand eight hundred sixty-one
69 dollars; (B) the Chief Court Administrator if a judge of the Supreme
70 Court, Appellate Court or Superior Court, one hundred thirty
71 thousand seventeen dollars; (C) each associate judge of the Supreme
72 Court, one hundred twenty-four thousand six hundred eighty-three
73 dollars; (D) the Chief Judge of the Appellate Court, one hundred
74 twenty-three thousand one hundred fifty-two dollars; (E) each judge of
75 the Appellate Court, one hundred sixteen thousand two hundred
76 sixty-seven dollars; (F) the Deputy Chief Court Administrator if a
77 judge of the Superior Court, one hundred thirteen thousand eight

78 hundred ninety-six dollars; and (G) each judge of the Superior Court,
79 one hundred eleven thousand two hundred seventy-nine dollars.

80 (2) On and after April 1, 2001, (A) the Chief Justice of the Supreme
81 Court, one hundred forty thousand five hundred eighty-two dollars;
82 (B) the Chief Court Administrator if a judge of the Supreme Court,
83 Appellate Court or Superior Court, one hundred thirty-four thousand
84 seven hundred thirty-eight dollars; (C) each associate judge of the
85 Supreme Court, one hundred twenty-nine thousand four hundred four
86 dollars; (D) the Chief Judge of the Appellate Court, one hundred
87 twenty-seven thousand eight hundred seventy-three dollars; (E) each
88 judge of the Appellate Court, one hundred twenty thousand nine
89 hundred eighty-eight dollars; (F) the Deputy Chief Court
90 Administrator if a judge of the Superior Court, one hundred eighteen
91 thousand six hundred seventeen dollars; and (G) each judge of the
92 Superior Court, one hundred sixteen thousand dollars.

93 (3) On and after April 1, 2002, (A) the Chief Justice of the Supreme
94 Court, one hundred forty-nine thousand five hundred eighty-two
95 dollars; (B) the Chief Court Administrator if a judge of the Supreme
96 Court, Appellate Court or Superior Court, one hundred forty-three
97 thousand seven hundred thirty-eight dollars; (C) each associate judge
98 of the Supreme Court, one hundred thirty-eight thousand four
99 hundred four dollars; (D) the Chief Judge of the Appellate Court, one
100 hundred thirty-six thousand eight hundred seventy-three dollars; (E)
101 each judge of the Appellate Court, one hundred twenty-nine thousand
102 nine hundred eighty-eight dollars; (F) the Deputy Chief Court
103 Administrator if a judge of the Superior Court, one hundred twenty-
104 seven thousand six hundred seventeen dollars; and (G) each judge of
105 the Superior Court, one hundred twenty-five thousand dollars.

106 (4) On and after July 1, 2003, (A) the Chief Justice of the Supreme
107 Court, one hundred fifty-seven thousand sixty-one dollars; (B) the
108 Chief Court Administrator if a judge of the Supreme Court, Appellate
109 Court or Superior Court, one hundred fifty thousand nine hundred
110 twenty-five dollars; (C) each associate judge of the Supreme Court, one

111 hundred forty-five thousand three hundred twenty-four dollars; (D)
112 the Chief Judge of the Appellate Court, one hundred forty-three
113 thousand seven hundred seventeen dollars; (E) each judge of the
114 Appellate Court, one hundred thirty-six thousand four hundred
115 eighty-seven dollars; (F) the Deputy Chief Court Administrator if a
116 judge of the Superior Court, one hundred thirty-three thousand nine
117 hundred ninety-eight dollars; and (G) each judge of the Superior
118 Court, one hundred thirty-one thousand two hundred fifty dollars.

119 (5) On and after April 1, 2004, (A) the Chief Justice of the Supreme
120 Court, one hundred sixty-four thousand nine hundred fourteen
121 dollars; (B) the Chief Court Administrator if a judge of the Supreme
122 Court, Appellate Court or Superior Court, one hundred fifty-eight
123 thousand four hundred seventy-one dollars; (C) each associate judge of
124 the Supreme Court, one hundred fifty-two thousand five hundred
125 ninety dollars; (D) the Chief Judge of the Appellate Court, one
126 hundred fifty thousand nine hundred two dollars; (E) each judge of the
127 Appellate Court, one hundred forty-three thousand three hundred
128 twelve dollars; (F) the Deputy Chief Court Administrator if a judge of
129 the Superior Court, one hundred forty thousand six hundred ninety-
130 eight dollars; and (G) each judge of the Superior Court, one hundred
131 thirty-seven thousand eight hundred thirteen dollars.

132 (6) On and after April 1, 2005, (A) the Chief Justice of the Supreme
133 Court, one hundred seventy-three thousand one hundred sixty dollars;
134 (B) the Chief Court Administrator if a judge of the Supreme Court,
135 Appellate Court or Superior Court, one hundred sixty-six thousand
136 three hundred ninety-five dollars; (C) each associate judge of the
137 Supreme Court, one hundred sixty thousand two hundred twenty
138 dollars; (D) the Chief Judge of the Appellate Court, one hundred fifty-
139 eight thousand four hundred forty-eight dollars; (E) each judge of the
140 Appellate Court, one hundred fifty thousand four hundred seventy-
141 seven dollars; (F) the Deputy Chief Court Administrator if a judge of
142 the Superior Court, one hundred forty-seven thousand seven hundred
143 thirty-three dollars; and (G) each judge of the Superior Court, one
144 hundred forty-four thousand seven hundred three dollars.

145 Sec. 4. Section 52-258 of the general statutes is repealed and the
146 following is substituted in lieu thereof (*Effective July 1, 2002*):

147 The jury fee in civil actions shall be three hundred fifty dollars to be
148 paid at the time the case is claimed for the jury by the party at whose
149 request the case is placed upon the jury docket. The jury fee shall be
150 taxed in favor of the party paying the jury fee in the bill of costs in the
151 action, if final judgment thereon is rendered in his favor.

152 Sec. 5. Section 52-259 of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective July 1, 2002*):

154 There shall be paid to the clerks for entering each appeal or writ of
155 error to the Supreme Court, or entering each appeal to the Appellate
156 Court, as the case may be, two hundred fifty dollars, and for each civil
157 cause in the Superior Court, one hundred eighty-five dollars; except (1)
158 seventy-five dollars for entering each case in the Superior Court in
159 which the sole claim for relief is damages and the amount, legal
160 interest or property in demand is less than two thousand five hundred
161 dollars and for summary process, landlord and tenant and paternity
162 actions, and (2) there shall be no entry fee for making an application to
163 the Superior Court for relief under section 46b-15, as amended, or for
164 making an application to modify or extend an order issued pursuant to
165 section 46b-15, as amended. If the amount, legal interest or property in
166 demand by the plaintiff is alleged to be less than two thousand five
167 hundred dollars, a new entry fee of seventy-five dollars shall be
168 charged if the plaintiff amends his complaint to state that such demand
169 is not less than two thousand five hundred dollars. The fee for the
170 entry of a small claims case shall be [thirty] thirty-five dollars. If a
171 motion is filed to transfer a small claims case to the regular docket, the
172 moving party shall pay a fee of seventy-five dollars. There shall be
173 paid to the clerk of the Superior Court by any party who requests a
174 finding of fact by a judge of such court to be used on appeal the sum of
175 twenty-five dollars, to be paid at the time the request is filed. There
176 shall be paid to the clerk of the Superior Court a fee of seventy-five
177 dollars for a petition for certification to the Supreme Court and

178 Appellate Court. Such clerks shall also receive for receiving and filing
179 an assessment of damages by appraisers of land taken for public use or
180 the appointment of a commissioner of the Superior Court, two dollars;
181 for recording the commission and oath of a notary public or certifying
182 under seal to the official character of any magistrate, ten dollars; for
183 certifying under seal, two dollars; for exemplifying, twenty dollars; for
184 making all necessary records and certificates of naturalization, the fees
185 allowed under the provisions of the United States statutes for such
186 services; and for making copies, one dollar a page. There shall be paid
187 to the clerk of the Superior Court for a copy of a judgment file a fee of
188 fifteen dollars, inclusive of the fees for certification and copying, for a
189 certified copy and a fee of ten dollars, inclusive of the fee for copying,
190 for a copy which is not certified; for a copy of a certificate of judgment
191 in a foreclosure action, as provided by the rules of practice and
192 procedure, twenty dollars, inclusive of the fees for certification and
193 copying. There shall be paid to the clerk of the court a fee of fifty
194 dollars at the time any application for a prejudgment remedy is filed.
195 A fee of twenty dollars for any check issued to the court in payment of
196 any fee which is returned as uncollectible by the bank on which it is
197 drawn may be imposed. The tax imposed under chapter 219 shall not
198 be imposed upon any fee charged under the provisions of this section.

199 Sec. 6. Section 52-259c of the general statutes is repealed and the
200 following is substituted in lieu thereof (*Effective July 1, 2002*):

201 (a) There shall be paid to the clerk of the Superior Court upon the
202 filing of any motion to open, set aside, modify or extend any civil
203 judgment rendered in Superior Court a fee of thirty-five dollars for any
204 housing matter and a fee of [sixty] seventy dollars for any other
205 matter, except no fee shall be paid upon the filing of any motion to
206 open, set aside, modify or extend judgments in small claims and
207 juvenile matters or orders issued pursuant to section 46b-15, as
208 amended. Such fee may be waived by the court.

209 (b) Upon the filing of a motion to open or reargue a judgment in any
210 civil appeal rendered by the Supreme Court or Appellate Court or to

211 reconsider any other civil matter decided in either court, the party
212 filing the motion shall pay a fee of [sixty] seventy dollars.

213 Sec. 7. Subdivision (1) of subsection (a) of section 52-356a of the
214 general statutes is repealed and the following is substituted in lieu
215 thereof (*Effective July 1, 2002*):

216 (a) (1) On application of a judgment creditor or his attorney, stating
217 that a judgment remains unsatisfied and the amount due thereon, and
218 subject to the expiration of any stay of enforcement and expiration of
219 any right of appeal, the clerk of the court in which the money
220 judgment was rendered shall issue an execution pursuant to this
221 section against the nonexempt personal property of the judgment
222 debtor other than debts due from a banking institution or earnings.
223 The application shall be accompanied by a fee of [ten] twenty dollars
224 payable to the clerk of the court for the administrative costs of
225 complying with the provisions of this section which fee may be
226 recoverable by the judgment creditor as a taxable cost of the action. In
227 the case of a consumer judgment, the application shall indicate
228 whether, pursuant to an installment payment order under subsection
229 (b) of section 52-356d, the court has entered a stay of execution and, if
230 such a stay was entered, shall contain a statement of the judgment
231 creditor or his attorney as to the debtor's default on payments. The
232 execution shall be directed to any levying officer.

233 Sec. 8. Subsection (a) of section 52-361a of the general statutes is
234 repealed and the following is substituted in lieu thereof (*Effective July*
235 *1, 2002*):

236 (a) If a judgment debtor fails to comply with an installment
237 payment order, the judgment creditor may apply to the court for a
238 wage execution. The application shall contain the judgment creditor's
239 or his attorney's statement setting forth the particulars of the
240 installment payment order and of the judgment debtor's failure to
241 comply. The application shall be accompanied by a fee of [ten] twenty
242 dollars payable to the clerk of the court for the administrative costs of
243 complying with the provisions of this section which fee may be

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

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Implements the Budget	Judicial Dept.	None	1,300,000	1,300,000
GF - Implements the Budget	Judicial Dept.	None	(500,000)	None
Various Funds (GF, WCF, PCAF) - Cost	Judicial Dept.; Workers' Compensation Com.; Human Rights & Opportunities, Com.	None	None	Significant

Note: GF=General Fund; WCF=Workers' Compensation Fund; PCAF=Probate Court Administration Fund

Municipal Impact: None

Summary

The bill increases certain court fees effective July 1, 2002. The court fee increases are expected to generate an additional \$1.3 million in revenue to the General Fund annually. The bill also eliminates the \$500,000 appropriation in FY 03 to the Judicial Department for certain Probate Court costs involving indigents. These changes implement the budget (sHB 5019, the Revised FY 03 Appropriations Act, as favorably reported by the Appropriations Committee).

In addition, the bill raises the salaries of judges and family support magistrates during FY 04 and FY 05. The salaries of other employees are linked by statute to judges and family support magistrates' salaries. Consequently, the cost of the increase is distributed among three state agencies and the Probate Court Administration Fund. The aggregate cost to the state from these salary increases is significant.

Explanation

Court Fee Increase

The court fee increases under the bill are expected to generate \$1.3 million annually. See the table below.

Estimated Revenue Gain from Increases in Court Filing Fees						
	# of Cases	Current Fee	Revenue	Fee Under the Bill	Revenue	Revenue Gain
Motion to Modify Judgment	13,115	\$60	\$786,900	\$70	\$918,050	\$131,150
Entry Fee - Small Claims	63,670	30	1,910,100	35	2,228,450	318,350
Application Fee - Wage Property Execution	20,227	10	202,270	20	404,540	202,270
Jury Fee	14,026	\$300	\$4,207,800	\$350	\$4,909,100	\$701,300
Total						\$1,353,070

Probate Court Appropriation in Judicial

The bill eliminates the \$500,000 appropriation to the Judicial Department to cover a portion of the probate courts' costs in cases involving the indigent. Probate courts are self-sustaining through the fees they charge for their services. These fees are deposited in the PCAF, which had a \$26.1 million fund balance as of June 30, 2001. See the table below for the recent trend in PCAF balances.

Fiscal Year	PCAF Fund Balance (in millions)
1999	17.9
2000	22.0
2001	26.1
Current	27.0

Salary Increases for Judges and Family Support Magistrates

The costs attributable to the salary increase for judges and family support magistrates are listed in the table below.

Estimated State Cost to Increase Judge and Family Support Magistrate Salaries			
Agency	FY 04	FY 05	FY 06
Judicial Department (General Fund)	\$1,615,000	\$3,000,000	\$4,000,000
CHRO (General Fund)	\$33,000	\$60,000	\$80,000
Workers' Compensation Fund	\$128,000	\$293,000	\$425,000
Probate Court Administration Fund	\$115,000	\$124,000	\$124,000
Total	\$1,891,000	\$3,477,000	\$4,629,000

Judicial Department and CHRO

The bill authorizes three separate salary increases of five per cent each for the 187 judges and family support magistrates. These increases are to occur on July 1, 2003, April 1, 2004, and July 1, 2004. The resulting cost to the Judicial Department's personal services account is provided in the table above. The Human Rights Referees salaries are at the same level as the Family Support Magistrates per section 46a -57 subsection c of the Connecticut General Statutes.

It should be noted that Substitute House Bill 5032, "An Act Concerning the Commission on Human Rights and Opportunities," eliminates the provision that the Human Rights Referees salaries be the same as the Family Support Magistrates. Upon passage of sHB 5032, the costs identified in the table above for CHRO would not occur.

Workers' Compensation Commission

This bill also results in additional costs to the Workers' Compensation Commission (Workers' Compensation Fund¹), because the salaries of the 16 Workers' Compensation Commissioners are commensurate with the salary level of Superior Court Judges². Increased salary cost would also increase fringe benefit costs of the commissioners, which are paid out of the agency's indirect overhead

¹ The Workers' Compensation Fund is financed through annual assessments on companies that issue workers' compensation insurance and on various self-insured entities.

² Per CGS Section 31-277.

account. Benefit costs would increase by 1) an estimated 45% for retirement fund contributions made in the year after each salary increase (the current retirement fund contribution rate is 45.9%), and 2) 1.45% for Social Security Medicare payments in the same year as the salary increase. The salary increases begin in FY 04 and become fully annualized in FY 06, while the fringe benefit increases are not fully annualized until FY 07. This is based on the current bill which provides no salary increases after April 1, 2005.

INCREASED COSTS FOR THE 16 WC COMMISSIONERS

ACCOUNT	FY 04	FY 05	FY 06	FY 07
Personal Services	\$126,252	\$232,568	\$315,248	\$315,248
Indirect Overhead	\$1,831	\$60,185	\$109,227	\$146,433
TOTAL	\$128,083	\$292,753	\$424,475	\$461,681

Probate Court Administration Fund

According to CGS 45a-92(k), probate judges cannot receive more than 75% of the salary of a Superior Court judge. There are twelve probate judges in what are considered high volume courts that earn the maximum amount allowed by statute. In April 2002, Superior Court judges' annual salaries increased from \$116,000 to \$125,000 and as such a probate judge's salary in a high volume court increased by almost \$7,000.³ This increase represents a \$81,000 cost in the current year to the Probate Court Administration Fund (PCAF), which is a non General Fund account. Costs to the PCAF in subsequent years based on the provisions of this bill are included in the table below.

	Proposed Superior Court Judges Salary	Resulting Probate Judges Salary	PCAF Costs per judge	PCAF Total Costs
Current	\$125,000	\$93,750	\$6,750	\$81,000
July 2003	\$131,250	\$98,438	\$4,688	\$56,256
April 2004	\$137,813	\$103,360	\$4,922	\$59,064

³ Prior to April 2002, the maximum probate court judge salary was \$87,000.

April 2005	\$144,703	\$108,527	\$5,167	\$62,004
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OFA Bill Analysis

sSB 21

AN ACT REQUIRING PAYMENT OF CERTAIN COSTS FROM THE PROBATE COURT ADMINISTRATION FUND, INCREASING SALARIES OF JUDGES AND FAMILY SUPPORT MAGISTRATES, AND INCREASING CERTAIN COURT FEES.

SUMMARY

The bill increases certain court fees, eliminates the FY 03 appropriation to the Judicial Department to cover certain costs of the Probate Court, and raises the salaries for judges, family support magistrates and related positions including:

- one Chief Human Rights Referee and four Human Rights Referees;
- sixteen Workers' Compensation Commissioners; and about
- twelve Probate Court judges.

DETAIL

Court fee increase

The bill increases certain court fees. *See the table below.*

Changes in Court Filing Fees			
	# of Cases	Current Fee	Fee Under the Bill
Motion to Modify Judgment	13,115	\$60	\$70
Entry Fee - Small Claims	63,670	30	35
Application Fee - Wage Property Execution	20,227	10	20
Jury Fee	14,026	\$300	\$350

Probate Court Appropriation in Judicial Department eliminated

The bill eliminates the \$500,000 appropriation from the General Fund to the Judicial Department to subsidize a portion of the costs incurred

by the Probate Court for cases involving the indigent. Since FY 99, the Probate Court Administration Fund (PCAF) has been partially subsidized by the General Fund (which has absorbed \$500,000 a year of approximately \$1,300,000 of indigence costs).

Salary Increases for Judges and Family Support Magistrates

The bill increases the salaries of judges and family support magistrates. This would increase the salaries of human rights referees, workers' compensation commissioners, and probate court judges because their salaries are statutorily linked to the salaries of either Superior Court judges or family support magistrates. Salaries were increased in FY 00, FY 01, and FY 02.

EFFECTIVE DATE: July 1, 2002

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute Change of Reference
Yea 32 Nay 3

Appropriations Committee

Joint Favorable Substitute
Yea 33 Nay 16