



Senate

General Assembly

File No. 248

January Session, 2005

Senate Joint Resolution No. 42

Senate, April 11, 2005

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the joint resolution ought to be adopted.

RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION CONCERNING THE PRACTICES AND PROCEDURES OF THE COURTS.

Resolved by this Assembly:

1 That the following be proposed as an amendment to the
2 Constitution of the State, which, when approved and adopted in the
3 manner provided by the Constitution, shall, to all intents and
4 purposes, become a part thereof:

5 Section 1 of article fifth of the Constitution is amended to read as
6 follows:

7 The judicial power of the state shall be vested in a supreme court, a
8 superior court, and such lower courts as the general assembly shall,
9 from time to time, ordain and establish. The powers and jurisdiction of
10 these courts shall be defined by law and the practices and procedures
11 of the courts, including their openness and accountability to the public,
12 shall be established by statute.

13 RESOLVED: That the foregoing proposed amendment to the
14 Constitution be continued to the next session of the General Assembly
15 elected at the general election to be held on November 7, 2006, and
16 published with the laws passed at the present session, or be presented
17 to the electors at the general election to be held on November 7, 2006,
18 whichever the case may be, according to article sixth of the
19 amendments to the Constitution. The designation of said proposed
20 amendment to be used on the voting machine ballot labels and
21 absentee ballots at such election shall be "Shall the Constitution of the
22 State be amended to provide that the practices and procedures of the
23 courts of this state, including their openness and accountability to the
24 public, shall be established by statute?"

GAE *Joint Favorable*

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:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Secretary of the State	None	None	None

Municipal Impact: None

Explanation

It is anticipated that the Secretary of the State will be able to cover the costs associated with printing the explanation of the proposed constitutional amendment, and the required posters, within anticipated budgetary resources. Since the materials required for placing a constitutional amendment on the ballot are supplied by the State, no additional costs will be incurred by municipalities.

OLR Bill Analysis

SJ 42

RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION CONCERNING THE PRACTICES AND PROCEDURES OF THE COURTS**SUMMARY:**

This resolution proposes a constitutional amendment to require the legislature to establish by statute court practices and procedures, including those on openness and public accountability.

The ballot designation to be used when the amendment is presented at the general election is: "Shall the Constitution of the State be amended to provide that the practices and procedures of the courts of this state, including their openness and accountability to the public, shall be established by statute?"

EFFECTIVE DATE: If the resolution passes by at least three-fourths of the membership of each house, it will be placed on the ballot in the 2006 general election. If it passes by a majority of the membership of each house but less than three-fourths, it will be referred to the 2006 session of the General Assembly. If it passes in that session by a majority of each house, it will appear on the general election ballot in 2006. If a majority of those voting in the general election approve the amendment, it will become part of the state constitution.

BACKGROUND***Court Practices and Procedures***

The state constitution requires the legislature to define the powers and jurisdiction of state courts (CT. Constitution, Article V, Section 1). However, the courts have generally established their own practices and procedures and published them in the Connecticut Practice Book and Connecticut Rules of Court.

COMMITTEE ACTIONGovernment Administration and Elections Committee

Joint Favorable Report
Yea 10 Nay 9