



General Assembly

February Session, 2010

**Raised Bill No. 5444**

LCO No. 1938

\*01938 \_\_\_\_\_ JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING RETIREMENT CREDIT FOR PRIOR STATE SERVICE FOR PROBATE JUDGES AND EMPLOYEES.**

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

1 Section 1. Section 45a-34 of the 2010 supplement to the general  
2 statutes, as amended by section 8 of public act 09-114, is repealed and  
3 the following is substituted in lieu thereof (*Effective January 1, 2011*):

4 The following words and phrases as used in sections 45a-34 to 45a-  
5 54, inclusive, as amended by this act, and section 45a-75, except as  
6 otherwise provided, shall have the following meanings:

7 (1) "Average final compensation" means, in the case of a judge of  
8 probate, the average annual compensation for the three highest paid  
9 years of service while serving in the probate court to which the judge  
10 was elected or by citation to any other court or courts, provided, for  
11 purposes of this section, the compensation for any one year shall not  
12 exceed the maximum net annual income currently allowed by law,  
13 and, in the case of an employee, the average annual rate of pay during  
14 the employee's three highest paid years of employment;

15 (2) "Credited service" means (A) all periods during which a person  
16 held the office of judge of probate and any period of service elected by  
17 a judge pursuant to section 45a-36a, or (B) [any period] all periods  
18 during which a person served as an employee of any probate court, or  
19 (C) subject to the requirements of subsections (a) and (b) of section 45a-  
20 54, as amended by this act, a period of not more than three years for  
21 service as a member of the General Assembly, [and] military service  
22 and state service, or (D) the aggregate of any periods of service  
23 provided for in subparagraphs (A), (B) and (C) of this subsection;

24 (3) "Employee" means (A) with respect to a person employed or  
25 who serves prior to January 1, 2011, a person employed by any probate  
26 court for more than four hundred thirty hours per year or a person  
27 who served for more than four hundred thirty hours per year  
28 performing under any contract of employment with any court of  
29 probate, and (B) with respect to a person first employed or who first  
30 serves on or after January 1, 2011, a person employed by any probate  
31 court for at least one thousand hours per year or a person who serves  
32 at least one thousand hours per year performing under any contract of  
33 employment with any court of probate;

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

35 (5) "Judge" means a judge of probate, except that, with respect to a  
36 judge first elected for a term beginning on or after January 5, 2011,  
37 judge means a person who holds the office of judge of probate and  
38 works in such judge's capacity as a judge of probate for at least one  
39 thousand hours per year as determined pursuant to information filed  
40 by the judge of probate with the Probate Court Administrator  
41 pursuant to subsection (h) of section 5-259;

42 (6) "Member" means any judge of probate or employee who is or  
43 may become eligible for retirement benefits under sections 45a-34 to  
44 45a-54, inclusive, as amended by this act, and 45a-75;

45 (7) "Normal retirement age" means the age of sixty-two for any

46 judge of probate or any employee;

47 (8) "Old Age and Survivors System" means the system established  
48 under Title II of the Social Security Act, as amended;

49 (9) "Pay" means the salary, wages or earnings of an employee, but  
50 does not include any fees or allowances for expenses;

51 (10) "Retirement Commission" means the State Retirement  
52 Commission; [and]

53 (11) "Social Security Act" means the Act of Congress, approved  
54 August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the Social  
55 Security Act, including regulations issued pursuant thereto, as such act  
56 has been and may from time to time be amended; and

57 (12) "State service" means state service, as defined in section 5-154.

58 Sec. 2. Section 45a-54 of the general statutes is repealed and the  
59 following is substituted in lieu thereof (*Effective January 1, 2011*):

60 (a) [Any] (1) Prior to January 1, 2011, any judge or employee who is  
61 not yet receiving a retirement allowance may apply to the Retirement  
62 Commission for credit for service as a member of the General  
63 Assembly and for military service, consisting of service in time of war,  
64 [service,] as defined in section 27-103 [and] or as used in subdivision  
65 (29) of section 5-196, and national emergency service as defined by  
66 law, provided credit for such military and General Assembly service  
67 shall not exceed three years in the aggregate. [Any] Prior to January 1,  
68 2011, any such application for credit for service as a member of the  
69 General Assembly [must] shall be filed within one year of the date  
70 upon which the judge or employee first becomes a member or within  
71 one year of October 1, 1986, whichever is later. On and after January 1,  
72 2011, any such application for credit for service as a member of the  
73 General Assembly shall be filed pursuant to subdivision (2) of this  
74 subsection as an application for credit for state service.

75       (2) On and after January 1, 2011, any judge or employee who is not  
76 yet receiving a retirement allowance may apply to the Retirement  
77 Commission for credit for service for military service, consisting of  
78 service in time of war, as defined in section 27-103 or as used in  
79 subdivision (29) of section 5-196, and national emergency service as  
80 defined by law, and state service, provided credit for such military and  
81 state service shall not exceed three years in the aggregate. Any such  
82 application for credit for military service [must] shall be filed within  
83 one year of the date upon which the judge or employee first becomes a  
84 member or within one year of October 1, 1994, whichever is later. Any  
85 such application for credit for state service shall be filed within one  
86 year of the date upon which the judge or employee first becomes a  
87 member or within one year of January 1, 2011, whichever is later.

88       (b) Upon receiving an application, the Retirement Commission shall  
89 grant credit for service as a member of the General Assembly, [and]  
90 military service and state service in accordance with subsection (a) of  
91 this section, provided: (1) The member who has performed such  
92 service has not received and will not receive a pension from any source  
93 other than the probate retirement system as a result of such service; (2)  
94 the member makes retirement contributions in an amount determined  
95 by the Retirement Commission to be sufficient to pay both the  
96 retirement contribution of the member as an employee or judge and  
97 the current service cost to the Probate Court Administration Fund for  
98 financing the pension credit for such period or periods; and (3) such  
99 contributions are paid during the twelve months following the  
100 member's application in the manner and subject to the requirements  
101 and penalties provided [by] in section 45a-44 for employee members or  
102 section 45a-45 for judges.

103       (c) For an employee member, the commission shall determine the  
104 amount of the contribution required, for the purposes of subsections  
105 (a) and (b) of this section, based on [his] the employee member's  
106 annual rate of pay at the date of application. For a judge member, the  
107 commission shall determine said amount based on the [average of the

108 annual actual net income for the judge of his court, as determined from  
109 the income reports filed under section 45a-92, for the three calendar  
110 years prior to the date of application, except that if the judge applying  
111 for such credit has taken office in a probate district which has not been  
112 in existence for three years, the Probate Court Administrator initially  
113 shall estimate said annual net income; thereafter, such judge shall  
114 make or receive an adjustment in contributions, during the fourth  
115 calendar year of his service as a judge of probate, such that his  
116 retirement contributions for his purchased service credit shall be  
117 computed on the basis of the average of his annual actual net income  
118 for the first three calendar years of his service as a judge of probate]  
119 annual compensation of the judge as determined under section 45a-  
120 95a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2011</i>	45a-34
Sec. 2	<i>January 1, 2011</i>	45a-54

**Statement of Purpose:**

To allow a probate court judge or employee to receive credit in the probate retirement system for other state service, and to limit such state service credit to three years.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*