



House of Representatives

File No. 621

General Assembly

February Session, 2012

(Reprint of File No. 436)

Substitute House Bill No. 5034
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 3, 2012

**AN ACT CONCERNING RETIREMENT PROVISIONS RELATING TO
JUDGES, FAMILY SUPPORT MAGISTRATES AND COMPENSATION
COMMISSIONERS.**

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

1 Section 1. Section 51-49a of the 2012 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) The right to a retirement salary, in accordance with the
5 provisions of this section, of any judge, family support magistrate or
6 compensation commissioner who is not eligible to retire under the
7 provisions of section 51-49i, as amended by this act, or 51-50a, as
8 amended by this act, which judge, family support magistrate or
9 compensation commissioner has completed ten years of service as
10 such, shall be vested and nonforfeitable.

11 (b) Any such judge or compensation commissioner who first
12 commenced service as a judge or compensation commissioner prior to
13 January 1, 1981, and who resigns (1) [prior to September 2, 2011] on or

14 before October 1, 2011, (2) prior to becoming eligible to retire under
15 section 51-50a, as amended by this act, and (3) after at least ten years of
16 service, shall receive, at such time as he would have been eligible to so
17 retire if he had continued in such service, as retirement salary,
18 annually, fifty per cent of the retirement salary he would have received
19 had he served until he was so eligible, plus ten per cent of such
20 retirement salary for each year of service beyond ten years but for not
21 more than five years of additional service.

22 (c) Any such judge, family support magistrate or compensation
23 commissioner who first commenced service as a judge, family support
24 magistrate or compensation commissioner on or after January 1, 1981,
25 and who resigns (1) [prior to September 2, 2011] on or before October
26 1, 2011, (2) prior to becoming eligible to retire under section 51-50a, as
27 amended by this act, and (3) after at least ten years of service, shall
28 receive, at such time as he would have been eligible to so retire if he
29 had continued in such service, annually, an amount equal to the
30 fraction of the retirement salary he would have received had he served
31 until he was so eligible [which] that corresponds to the ratio which the
32 number of years of his completed service bears to the number of years
33 of service which would have been completed at age sixty-five or
34 twenty years, whichever is less.

35 (d) Any such judge or compensation commissioner who first
36 commenced service as a judge or compensation commissioner prior to
37 January 1, 1981, and who resigns (1) on or after October 2, 2011, and
38 prior to July 1, 2022, (2) prior to becoming eligible to retire under
39 section 51-50a, as amended by this act, and (3) after at least ten years of
40 service, shall receive, at such time as he would have been eligible to so
41 retire if he had continued in such service, but in no event earlier than
42 at sixty-two years of age, annually, an amount equal to the fraction of
43 the retirement salary he would have received had he been eligible to
44 retire on the date of his resignation [and shall begin collecting such
45 retirement salary not earlier than at sixty-two years of age] that
46 corresponds to the ratio that the number of years of his completed
47 service bears to the number of years of service that would have been

48 completed at sixty-five years of age or twenty years, whichever is less.

49 (e) Any such judge, family support magistrate or compensation
50 commissioner who first commenced service as a judge, family support
51 magistrate or compensation commissioner on or after January 1, 1981,
52 and prior to July 1, 2011, and who resigns (1) on or after October 2,
53 2011, and prior to July 1, 2022, (2) prior to becoming eligible to retire
54 under section 51-50a, as amended by this act, and (3) after at least ten
55 years of service, shall receive, at such time as he would have been
56 eligible to so retire if he had continued in such service, but in no event
57 earlier than at sixty-five years of age, annually, an amount equal to the
58 fraction of the retirement salary he would have received had he been
59 eligible to retire on the date of his resignation [and shall begin
60 collecting such retirement salary not earlier than at sixty-five years of
61 age] that corresponds to the ratio that the number of years of his
62 completed service bears to the number of years of service that would
63 have been completed at sixty-five years of age or twenty years,
64 whichever is less.

65 [(f) In determining the amount of retirement payments to be made
66 pursuant to subsections (b) to (e), inclusive, of this section, longevity
67 payments which would have been made if the judge, family support
68 magistrate or commissioner had continued to serve as a judge, family
69 support magistrate or commissioner from the date of resignation with
70 a vested right to a retirement salary shall not be included in the
71 computation.]

72 [(g)] (f) Any such judge, family support magistrate or compensation
73 commissioner who first commenced service as a judge, family support
74 magistrate or compensation commissioner on or after July 1, 2011, and
75 who resigns (1) prior to becoming eligible to retire under section 51-
76 49i, as amended by this act, or 51-50a, as amended by this act, and (2)
77 after at least ten years of service, shall receive, at such time as he
78 would have been eligible to so retire if he had continued in such
79 service, but in no event earlier than at sixty-five years of age, annually,
80 an amount equal to the fraction of the retirement salary he would have

81 received had he been eligible to retire on the date of his resignation
82 [and shall begin collecting such retirement salary not earlier than at
83 sixty-five years of age] that corresponds to the ratio that the number of
84 years of his completed service bears to the number of years of service
85 that would have been completed at sixty-five years of age or twenty
86 years, whichever is less.

87 (g) In determining the amount of retirement payments to be made
88 pursuant to subsections (b) to (f), inclusive, of this section, longevity
89 payments which would have been made if the judge, family support
90 magistrate or compensation commissioner had continued to serve as a
91 judge, family support magistrate or compensation commissioner from
92 the date of resignation with a vested right to a retirement salary shall
93 not be included in the computation.

94 Sec. 2. Section 51-49b of the 2012 supplement to the general statutes
95 is repealed and the following is substituted in lieu thereof (*Effective*
96 *from passage*):

97 (a) On January 1, 1982, and January first of each subsequent year,
98 each judge, family support magistrate or compensation commissioner
99 who first commenced service as a judge, family support magistrate or
100 compensation commissioner on or after January 1, 1981, and retired on
101 or before [September 2, 2011] October 1, 2011, shall be entitled, in
102 addition to the retirement salary to which such judge, family support
103 magistrate or commissioner was entitled under the provisions of
104 section 51-49a, as amended by this act, 51-50 or 51-50a, as amended by
105 this act, as of the December thirty-first immediately preceding, to an
106 additional percentage which reflects the increase, if any, in the
107 National Consumer Price Index for Urban Wage Earners and Clerical
108 Workers for the previous twelve-month period, provided such cost of
109 living allowance shall not exceed three per cent. Such cost of living
110 allowance shall be computed on the basis of the combined retirement
111 salary and cost of living allowances, if any, to which such judge, family
112 support magistrate or compensation commissioner was entitled as of
113 the December thirty-first immediately preceding.

114 (b) On January 1, 2012, and January first of each subsequent year,
115 each judge, family support magistrate or compensation commissioner
116 who [was in service] retires as a judge, family support magistrate or
117 compensation commissioner on or after [September 1, 2011, and retired
118 on or before the December thirty-first immediately preceding, shall be
119 entitled, in addition to the retirement salary to which such judge,
120 family support magistrate or compensation commissioner was entitled
121 under the provisions of section 51-49a, 51-50 or 51-50a, as of the
122 December thirty-first immediately preceding, to an additional
123 percentage which reflects the increase, if any, in the National
124 Consumer Price Index for Urban Wage Earners and Clerical Workers
125 for the previous twelve-month period, provided such cost of living
126 allowance shall not exceed two per cent. Such cost of living allowance
127 shall be computed on the basis of the combined retirement salary and
128 cost of living allowances, if any, to which such judge, family support
129 magistrate or compensation commissioner was entitled as of the
130 December thirty-first immediately preceding] October 2, 2011, shall
131 receive, in addition to the retirement salary to which such judge,
132 family support magistrate or compensation commissioner was entitled
133 under the provisions of section 51-49a, as amended by this act, 51-49i,
134 as amended by this act, 51-50 or 51-50a, as amended by this act, as of
135 the December thirty-first immediately preceding, a cost of living
136 allowance equivalent to the cost of living allowance applied to the
137 retirement salary of members of the state employees retirement system
138 who retired on or after October 2, 2011, for the same period.

139 Sec. 3. Section 51-49c of the 2012 supplement to the general statutes
140 is repealed and the following is substituted in lieu thereof (*Effective*
141 *from passage*):

142 (a) On January 1, 1982, and January first of each subsequent year
143 until January 1, 2011, each surviving spouse of a deceased judge,
144 family support magistrate or [of a] compensation commissioner who
145 first commenced service as a judge, family support magistrate or
146 compensation commissioner on or after January 1, 1981, receiving an
147 allowance under the provisions of section 51-51, shall be entitled to an

148 additional cost of living allowance equal to the percentage which
149 reflects the increase, if any, in the National Consumer Price Index for
150 Urban Wage Earners and Clerical Workers for the previous twelve-
151 month period, provided such cost of living increase shall not exceed
152 three per cent. Such cost of living allowance shall be computed on the
153 basis of the combined retirement allowance and cost of living
154 allowance, if any, to which such surviving spouse was entitled as of
155 the December thirty-first immediately preceding.

156 (b) On January 1, 2012, and January first of each subsequent year,
157 each surviving spouse of a deceased judge, family support magistrate
158 or compensation commissioner who first commenced service as a
159 judge, family support magistrate or compensation commissioner on or
160 after January 1, 1981, receiving an allowance under the provisions of
161 section 51-51, shall be entitled to an additional cost of living allowance
162 [equal to the percentage which reflects the increase, if any, in the
163 National Consumer Price Index for Urban Wage Earners and Clerical
164 Workers for the previous twelve-month period, provided such cost of
165 living increase shall not exceed two per cent. Such cost of living
166 allowance shall be computed on the basis of the combined retirement
167 allowance and cost of living allowance, if any, to which such surviving
168 spouse was entitled as of the December thirty-first immediately
169 preceding] equivalent to the cost of living allowance applied to the
170 retirement salary of members of the state employees retirement system
171 who retired on or after October 2, 2011, for the same period.

172 Sec. 4. Section 51-49f of the 2012 supplement to the general statutes
173 is repealed and the following is substituted in lieu thereof (*Effective*
174 *from passage*):

175 (a) For purposes of determining both the retirement salary of judges
176 who first commenced service as judges prior to January 1, 1981, and
177 the allowance payable to their surviving spouses under subsection (a)
178 of section 51-51, "salary for the office" shall be composed of the total of
179 the following amounts: The annual salary payable pursuant to
180 subsection (a) of section 51-47, as such salary may change from time to

181 time; and for judges to whom a longevity payment has been made or is
182 due and payable, in each instance under subsection (d) of section 51-
183 47, (1) one and one-half per cent of annual salary, as such salary may
184 change from time to time, for those who have completed ten or more
185 but less than fifteen years of service as a judge or other state service or
186 service as an elected official of the state or any combination of such
187 service, (2) three per cent of annual salary, as such salary may change
188 from time to time, for those who have completed fifteen or more but
189 less than twenty years of service as a judge or other state service or
190 service as an elected official of the state or any combination of such
191 service, (3) four and one-half per cent of annual salary, as such salary
192 may change from time to time, for those who have completed twenty
193 or more but less than twenty-five years of service as a judge or other
194 state service or service as an elected official of the state or any
195 combination of such service, and (4) six per cent of annual salary, as
196 such salary may change from time to time, for those who have
197 completed twenty-five or more years of service as a judge or other
198 state service or service as an elected official of the state or any
199 combination of such service.

200 (b) For purposes of determining both the retirement salary of judges
201 who first commenced service as judges on or after January 1, 1981, and
202 prior to July 1, 2011, and the allowance payable to their surviving
203 spouses, under subsection (b) of section 51-51, "salary" shall be
204 composed of the total of the following amounts: The annual salary
205 payable at the time of retirement or death, fixed in accordance with
206 subsection (a) of section 51-47; and for judges to whom a longevity
207 payment has been made or is due and payable, in each case under
208 subsection (d) of section 51-47, (1) one and one-half per cent of the
209 annual salary the judge was receiving at the time of retirement or
210 death, for those who have completed ten or more but less than fifteen
211 years of service as a judge or other state service or service as an elected
212 official of the state or any combination of such service, (2) three per
213 cent of the annual salary the judge was receiving at the time of
214 retirement or death, for those who have completed fifteen or more but

215 less than twenty years of service as a judge or other state service or
216 service as an elected official of the state or any combination of such
217 service, (3) four and one-half per cent of the annual salary the judge
218 was receiving at the time of retirement or death, for those who have
219 completed twenty or more but less than twenty-five years of service as
220 a judge or other state service or service as an elected official of the state
221 or any combination of such service, and (4) six per cent of the annual
222 salary the judge was receiving at the time of retirement or death, for
223 those who have completed twenty-five or more years of service as a
224 judge or other state service or service as an elected official of the state
225 or any combination of such service.

226 (c) For purposes of determining both the retirement salary of judges
227 who first commenced service as judges on or after July 1, 2011, and the
228 allowance payable to their surviving spouses, under subsection (b) of
229 section 51-51, "salary" shall be composed of the total of the following
230 amounts: The average annual salary for the five years next preceding
231 his or her retirement payable at the time of retirement or death, fixed
232 in accordance with subsection (a) of section 51-47; and for judges to
233 whom a longevity payment has been made or is due and payable, in
234 each case under subsection (d) of section 51-47, (1) one and one-half
235 per cent of the annual salary the judge was receiving at the time of
236 retirement or death, for those who have completed ten or more but less
237 than fifteen years of service as a judge or other state service or service
238 as an elected official of the state or any combination of such service, (2)
239 three per cent of the annual salary the judge was receiving at the time
240 of retirement or death, for those who have completed fifteen or more
241 but less than twenty years of service as a judge or other state service or
242 service as an elected official of the state or any combination of such
243 service, (3) four and one-half per cent of the annual salary the judge
244 was receiving at the time of retirement or death, for those who have
245 completed twenty or more but less than twenty-five years of service as
246 a judge or other state service or service as an elected official of the state
247 or any combination of such service, and (4) six per cent of the annual
248 salary the judge was receiving at the time of retirement or death, for

249 those who have completed twenty-five or more years of service as a
250 judge or other state service or service as an elected official of the state
251 or any combination of such service.

252 (d) Notwithstanding any provision of the general statutes, on [or]
253 and after [September 2, 2011] October 2, 2011, the retirement salary of
254 [such judge, family support magistrate or compensation
255 commissioner] a judge shall not exceed the limits of Section 415 of the
256 Internal Revenue Code of 1986, or any subsequent corresponding
257 internal revenue code of the United States, as amended from time to
258 time.

259 Sec. 5. Section 51-49g of the general statutes is repealed and the
260 following is substituted in lieu thereof (*Effective from passage*):

261 (a) For purposes of determining both the retirement salary of
262 compensation commissioners who first commenced service as
263 compensation commissioners in a term commencing prior to January
264 1, 1981, and the allowance payable to their surviving spouses under
265 subsection (a) of section 51-51, "salary" shall be composed of the total
266 of the following amounts: The annual salary payable pursuant to
267 subsection (a) of section 31-277, as such salary may change from time
268 to time; and for compensation commissioners to whom a longevity
269 payment has been made or is due and payable, in each instance under
270 subsection (b) of section 31-277, (1) one and one-half per cent of annual
271 salary, as such salary may change from time to time, for those who
272 have completed ten or more but less than fifteen years of service as a
273 compensation commissioner, (2) three per cent of annual salary, as
274 such salary may change from time to time for those who have
275 completed fifteen or more but less than twenty years of service as a
276 compensation commissioner, (3) four and one-half per cent of annual
277 salary, as such salary may change from time to time, for those who
278 have completed twenty or more but less than twenty-five years of
279 service as a compensation commissioner, and (4) six per cent of annual
280 salary, as such salary may change from time to time, for those who
281 have completed twenty-five or more years of service as a

282 compensation commissioner.

283 (b) For purposes of determining both the retirement salary of
284 compensation commissioners who first commenced service as
285 compensation commissioners in a term commencing on or after
286 January 1, 1981, and prior to July 1, 2011, and the allowance payable to
287 their surviving spouses, under subsection (b) of section 51-51, "salary"
288 shall be composed of the total of the following amounts: The annual
289 salary payable at the time of retirement or death, fixed in accordance
290 with subsection (a) of section 31-277; and for compensation
291 commissioners to whom a longevity payment has been made or is due
292 and payable, in each case under subsection (b) of section 31-277, (1)
293 one and one-half per cent of the annual salary the compensation
294 commissioner was receiving at the time of retirement or death, for
295 those who have completed ten or more but less than fifteen years of
296 service as a compensation commissioner, (2) three per cent of the
297 annual salary the compensation commissioner was receiving at the
298 time of retirement or death, for those who have completed fifteen or
299 more but less than twenty years of service as a compensation
300 commissioner, (3) four and one-half per cent of the annual salary the
301 compensation commissioner was receiving at the time of retirement or
302 death, for those who have completed twenty or more but less than
303 twenty-five years of service as a compensation commissioner and (4)
304 six per cent of the annual salary the compensation commissioner was
305 receiving at the time of retirement or death, for those who have
306 completed twenty-five or more years of service as a compensation
307 commissioner.

308 (c) For purposes of determining both the retirement salary of
309 compensation commissioners who first commenced service as
310 compensation commissioners on or after July 1, 2011, and the
311 allowance payable to their surviving spouses, under subsection (b) of
312 section 51-51, "salary" shall be composed of the total of the following
313 amounts: The average annual salary for the five years next preceding
314 his or her retirement payable at the time of retirement or death, fixed
315 in accordance with subsection (a) of section 31-277; and for

316 compensation commissioners to whom a longevity payment has been
317 made or is due and payable, in each case under subsection (b) of
318 section 31-277, (1) one and one-half per cent of the annual salary the
319 compensation commissioner was receiving at the time of retirement or
320 death, for those who have completed ten or more but less than fifteen
321 years of service as a compensation commissioner or other state service
322 or service as an elected official of the state or any combination of such
323 service, (2) three per cent of the annual salary the compensation
324 commissioner was receiving at the time of retirement or death, for
325 those who have completed fifteen or more but less than twenty years
326 of service as a compensation commissioner or other state service or
327 service as an elected official of the state or any combination of such
328 service, (3) four and one-half per cent of the annual salary the
329 compensation commissioner was receiving at the time of retirement or
330 death, for those who have completed twenty or more but less than
331 twenty-five years of service as a compensation commissioner or other
332 state service or service as an elected official of the state or any
333 combination of such service, and (4) six per cent of the annual salary
334 the compensation commissioner was receiving at the time of
335 retirement or death, for those who have completed twenty-five or
336 more years of service as a compensation commissioner or other state
337 service or service as an elected official of the state or any combination
338 of such service.

339 (d) Notwithstanding any provision of the general statutes, on and
340 after October 2, 2011, the retirement salary of a compensation
341 commissioner shall not exceed the limits of Section 415 of the Internal
342 Revenue Code of 1986, or any subsequent corresponding internal
343 revenue code of the United States, as amended from time to time.

344 Sec. 6. Section 51-49i of the 2012 supplement to the general statutes
345 is repealed and the following is substituted in lieu thereof (*Effective*
346 *from passage*):

347 (a) For any judge, family support magistrate or compensation
348 commissioner retiring on or after July 1, 2022, the right to a retirement

349 salary in accordance with the provisions of this section shall vest and
350 be nonforfeitable when the judge, family support magistrate or
351 commissioner (1) has attained [the age of] sixty-three years of age and
352 has twenty-five years of service as a judge, family support magistrate
353 or compensation commissioner, [or sixty-two years] (2) has attained
354 sixty-five years of age and has [served] ten years of service as a judge,
355 family support magistrate or compensation commissioner, or (3) has
356 thirty years of state service credit under the provisions of chapter 66,
357 provided not less than ten years of such state service was served as a
358 judge, family support magistrate or compensation commissioner, and
359 provided such state service shall not be used for retirement credit
360 under said chapter 66. Any contributions made under said chapter 66
361 shall be transferred to the Judges, Family Support Magistrates and
362 Compensation Commissioners Retirement Fund.

363 (b) Any judge, family support magistrate or compensation
364 commissioner who has been refunded contributions from the State
365 Employees Retirement Fund for any prior period of state service may
366 receive credit for such service upon repayment of such refunded
367 contributions with interest thereon at the rate of five per cent per year
368 from the date of refund to the date of payment. The amount of such
369 payment shall be transferred to the judges, family support magistrates
370 and compensation commissioners retirement system. A judge, family
371 support magistrate or compensation commissioner may elect to retire
372 at any time thereafter.

373 [(c) Notwithstanding any provision of the general statutes, any
374 judge who has served for at least sixteen years as a judge and was
375 nominated by the Governor for a subsequent term but was not
376 reappointed and who has attained sixty-three years of age shall be
377 eligible to receive a retirement salary effective upon the expiration of
378 his term as a judge.]

379 (c) Each judge shall receive annually, as retirement salary, two-
380 thirds of such judge's salary as defined in section 51-49f, as amended
381 by this act, each family support magistrate shall receive annually, as

382 retirement salary, two-thirds of such family support magistrate's salary
383 as defined in section 46b-233a, as amended by this act, and each
384 compensation commissioner shall receive annually, as retirement
385 salary, two-thirds of such compensation commissioner's salary as
386 defined in section 51-49g, as amended by this act; except that, if a
387 judge, family support magistrate or compensation commissioner has
388 served fewer than ten years at the time of his or her retirement under
389 this section, his or her retirement salary shall be reduced in the ratio
390 that the number of years of his or her completed service bears to the
391 number of years of service that would have been completed at seventy
392 years of age or ten years, whichever is less.

393 Sec. 7. Section 46b-233a of the 2012 supplement to the general
394 statutes is repealed and the following is substituted in lieu thereof
395 (*Effective from passage*):

396 (a) Each family support magistrate who had elected under the
397 provisions of subdivision (2) of subsection (i) of section 46b-231 shall,
398 for retirement purposes, be entitled to credit for any or all the prior
399 years of service accrued by him on June 22, 1992, while serving in the
400 office of family support magistrate, provided such magistrate shall pay
401 to the Comptroller five per cent of the salary for his office for each
402 prior year of service he claims for retirement credit. Each such
403 magistrate shall be entitled to have his retirement contributions to the
404 state employees retirement system under chapter 66 credited toward
405 the payment due for the prior year or years of service he claims for
406 retirement credit under this section.

407 (b) For purposes of determining both the retirement salary of family
408 support magistrates who first commenced service prior to July 1, 2011,
409 and the allowance payable to their surviving spouses under subsection
410 (b) of section 51-51, "salary" shall be composed of the total of the
411 following amounts: The [average] annual salary [for the five years next
412 preceding his or her retirement] payable at the time of retirement or
413 death, fixed in accordance with subsection (h) of section 46b-231; and
414 for family support magistrates to whom a longevity payment has been

415 made or is due and payable, in each case under section [51-51] 46b-233
416 (1) one and one-half per cent of the annual salary the family support
417 magistrate was receiving at the time of retirement or death, for those
418 who have completed ten or more but less than fifteen years of service
419 as a family support magistrate, (2) three per cent of the annual salary
420 the family support magistrate was receiving at the time of retirement
421 or death, for those who have completed fifteen or more but less than
422 twenty years of service as a family support magistrate, (3) four and
423 one-half per cent of the annual salary the family support magistrate
424 was receiving at the time of retirement or death, for those who have
425 completed twenty or more but less than twenty-five years of service as
426 a family support magistrate, and (4) six per cent of the annual salary
427 the family support magistrate was receiving at the time of retirement
428 or death, for those who have completed twenty-five or more years of
429 service as a family support magistrate.

430 (c) For purposes of determining both the retirement salary of family
431 support magistrates who first commenced service as family support
432 magistrates on or after July 1, 2011, and the allowance payable to their
433 surviving spouses, under subsection (b) of section 51-51, "salary" shall
434 be composed of the total of the following amounts: The average annual
435 salary for the five years next preceding his or her retirement payable at
436 the time of retirement or death, fixed in accordance with subsection (h)
437 of section 46b-231; and for family support magistrates to whom a
438 longevity payment has been made or is due and payable, in each case
439 under section 46b-233 (1) one and one-half per cent of the annual
440 salary the family support magistrate was receiving at the time of
441 retirement or death, for those who have completed ten or more but less
442 than fifteen years of service as a family support magistrate, (2) three
443 per cent of the annual salary the family support magistrate was
444 receiving at the time of retirement or death, for those who have
445 completed fifteen or more but less than twenty years of service as a
446 family support magistrate, (3) four and one-half per cent of the annual
447 salary the family support magistrate was receiving at the time of
448 retirement or death, for those who have completed twenty or more but

449 less than twenty-five years of service as a family support magistrate,
450 and (4) six per cent of the annual salary the family support magistrate
451 was receiving at the time of retirement or death, for those who have
452 completed twenty-five or more years of service as a family support
453 magistrate.

454 [(c)] (d) Notwithstanding any provision of the general statutes, on
455 [or] and after [September 2, 2011] October 2, 2011, the retirement salary
456 of [such judge,] a family support magistrate [or compensation
457 commissioner] shall not exceed the limits of Section 415 of the Internal
458 Revenue Code of 1986, or any subsequent corresponding internal
459 revenue code of the United States, as amended from time to time.

460 Sec. 8. (NEW) (*Effective from passage*) On or before July 1, 2013, a
461 judge, family support magistrate or compensation commissioner who
462 is in service as a judge, family support magistrate or compensation
463 commissioner on the effective date of this section, may make a one-
464 time irrevocable election to begin paying the actuarial pension cost of
465 maintaining the normal retirement eligibility existing in the retirement
466 plan such judge, family support magistrate or compensation
467 commissioner is participating in on the effective date of this section,
468 but the eligibility requirements of which are scheduled to change
469 effective July 1, 2022. The cost of making such an election shall be
470 established by the plan's actuaries and such cost shall be
471 communicated to judges, family support magistrates and
472 compensation commissioners by the Retirement Division of the Office
473 of the Comptroller. The irrevocable election shall be made on a form
474 prescribed by the State Employees Retirement Commission and shall
475 indicate the judge's, family support magistrate's or compensation
476 commissioner's election to participate or not participate. In the event a
477 judge, family support magistrate or compensation commissioner fails
478 to make an election on or before July 1, 2013, he or she shall not be
479 eligible to participate. In the event a judge, family support magistrate
480 or compensation commissioner makes a successful claim to the State
481 Employees Retirement Commission of agency error, such judge, family
482 support magistrate or compensation commissioner shall make

483 payments in accordance with the state's usual practice.

484 Sec. 9. Subdivision (1) of subsection (a) of section 51-50a of the
485 general statutes is repealed and the following is substituted in lieu
486 thereof (*Effective from passage*):

487 (a) (1) The right of any judge, family support magistrate or
488 compensation commissioner retiring prior to July 1, 2022, to a
489 retirement salary in accordance with the provisions of this section shall
490 vest and be nonforfeitable when the judge, family support magistrate
491 or compensation commissioner has attained the age of sixty-five years,
492 or has served twenty years as a judge, family support magistrate or
493 compensation commissioner or has thirty years of state service credit
494 under the provisions of chapter 66, provided not less than ten years of
495 such state service was served as a judge, family support magistrate or
496 compensation commissioner, and provided such state service shall not
497 be used for retirement credit under chapter 66. Any contributions
498 made under chapter 66 shall be transferred to the Judges, Family
499 Support Magistrates and Compensation Commissioners Retirement
500 Fund.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	51-49a
Sec. 2	<i>from passage</i>	51-49b
Sec. 3	<i>from passage</i>	51-49c
Sec. 4	<i>from passage</i>	51-49f
Sec. 5	<i>from passage</i>	51-49g
Sec. 6	<i>from passage</i>	51-49i
Sec. 7	<i>from passage</i>	46b-233a
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	51-50a(a)(1)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill does not result in a fiscal impact to the state as it makes technical changes to last year's modifications of the statutes governing retirement pensions of judges, family support magistrates and worker's compensation commissioners. The changes in statute were made as a result of the Revised SEBAC 2011 Agreement.

House "A" strikes the underlying bill and its associated fiscal impact and results in the fiscal impact described above.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5034 (as amended by House "A")******AN ACT CONCERNING RETIREMENT PROVISIONS RELATING TO JUDGES, FAMILY SUPPORT MAGISTRATES AND COMPENSATION COMMISSIONERS.*****SUMMARY:**

This bill makes numerous changes to the retirement benefits and requirements for judges, family support magistrates, and compensation commissioners, whose retirement system is separate from the State Employees Retirement System (SERS). This system has its own pension fund, is governed by statute, and is not subject to collective bargaining.

The bill:

1. changes how retirement benefits are calculated for (a) compensation commissioners who began serving on or after July 1, 2011 and (b) family support magistrates who began serving before July 1, 2011;
2. changes how cost of living adjustments (COLAs) are calculated for retired judges, family support magistrates, compensation commissioners, and their surviving spouses;
3. increases retirement age requirements for those officials with at least 10, but less than 25, years of service;
4. allows the officials to maintain their current retirement requirements by increasing their contributions to the retirement system; and

5. makes various minor, technical, and conforming changes.

*House Amendment "A" (1) changes how COLAs are calculated for all surviving spouses, rather than ending eligibility for certain spouses; (2) allows family support magistrates and compensation commissioners, in addition to judges, to maintain their current retirement eligibility requirements by contributing more to the retirement system; and (3) makes minor and technical changes.

EFFECTIVE DATE: Upon passage

COMPENSATION COMMISSIONERS

By law, a compensation commissioner's retirement benefit and the allowance paid to a surviving spouse are based on the commissioner's salary. For those who began serving after January 1, 1981, current law bases the benefit on the annual salary the commissioner was receiving at the time of his or her retirement or death. For retired compensation commissioners who received longevity payments, the law also provides a benefit increase based on the amount of time served as a compensation commissioner.

Under the bill, the retirement and surviving spouse benefit for compensation commissioners who begin serving on or after July 1, 2011 is based on the commissioner's average annual salary over the five years immediately preceding his or her retirement or death. The bill also broadens the service time used to calculate their longevity benefit increase to include the commissioner's total state service and service as an elected official.

FAMILY SUPPORT MAGISTRATES

PA 11-61 changed the definition of the "salary" used to determine the retirement benefits paid to all family support magistrates and their surviving spouses from the annual salary payable at the time of retirement to the magistrate's average annual salary over the five years preceding his or her retirement or death. The bill returns magistrates who began serving before July 1, 2011 to the prior definition of salary

(the annual salary payable at the time of retirement) and applies PA 11-61's definition (average annual salary over the five years preceding retirement) only to those magistrates who began serving on or after July 1, 2011. As under current law, retired family support magistrates who received longevity payments receive a benefit increase based on the amount of time served as a family support magistrate, regardless of when they began serving.

COST OF LIVING ADJUSTMENTS

The law provides an annual COLA to the pensions received by retired judges, family support magistrates, and compensation commissioners. Under current law, the COLA matches the previous year's increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W), up to 3% for those officials who retired on or before September 2, 2011. The bill extends this retirement date threshold to October 1, 2011.

Current law allows a 2% maximum COLA for those officials who were in service on or after September 1, 2011. The bill removes the 2% limit and instead sets the COLA for any official who retires after October 1, 2011, as the same as those for retired state employees in SERS who retire after October 1, 2011. The COLA for these SERS employees must be between 2% and 7.5% and calculated as 60% of the annual CPI-W increase, up to 6%, plus 75% of any annual CPI-W increase over 6%.

The law also provides CPI-W based COLAs to the surviving spouses of deceased judges, family support magistrates, and compensation commissioners eligible for retirement benefits. For the surviving spouses of those officials who began serving after January 1, 1981, current law limits the COLAs to a maximum 2% increase after January 1, 2012. The bill instead requires these COLAs to be the same as the COLAs for retired state employees in SERS who retire after October 1, 2011.

SERVICE AND AGE REQUIREMENTS

PA 11-61 established new service and age requirements for judges, family support magistrates, and compensation commissioners who retire on or after July 1, 2022, requiring them to have either (1) 25 years of service and be at least 63 years old or (2) 10 years of service and be at least 62 years old, to qualify for a normal retirement benefit. The bill increases the age requirement, from 62 to 65, for those officials with at least 10, but less than 25, years of service.

The bill eliminates eligibility for a retirement salary for a judge retiring on or after July 1, 2022 who does not meet these requirements but (1) is at least age 63, (2) served at least 16 years as a judge, (3) was nominated by the governor for another term, and (4) was not reappointed. (An identical provision remains in statute for judges who retire before July 1, 2022 (CGS § 51-50a(a)(3)).

The bill also specifies that for judges, family support magistrates, and compensation commissioners retiring on or after July 1, 2022, (1) the normal retirement benefit is two-thirds of their “salary,” as defined in the bill and various statutes and (2) the benefit for officials who retire with less than 10 years of service is reduced by the ratio an official’s completed service years has to the lesser of either the number of service years the official would have had at age 70 or 10 years. Current law applies the same provisions to officials retiring before July 1, 2022.

OPTION TO MAINTAIN CURRENT REQUIREMENTS

The bill allows judges, family support magistrates, and compensation commissioners who are serving when the bill is enacted to make a one-time irrevocable decision to maintain their current normal retirement requirements, regardless of the changes scheduled to occur on July 1, 2022, by increasing their contributions to the retirement system. The amount of the increase must be the actuarial pension cost of maintaining eligibility in the existing plan, as determined by the retirement system’s actuaries and provided to the officials by the Retirement Division of the Office of the State Comptroller. The bill requires the State Employees Retirement

Commission to prescribe the form used to indicate an official's decision. They must decide to participate by July 1, 2013. Officials who make a successful agency error claim to the State Employees Retirement Commission must make payments according to the state's usual practice.

REDUCED BENEFITS FOR OFFICIALS WHO RESIGN

Under current law, judges, family support magistrates, and compensation commissioners can receive a reduced retirement benefit if they resign after serving for at least 10 years, but prior to meeting normal retirement requirements. The bill specifies that the reduced benefit for any officials who resign after October 1, 2011, is calculated as a fraction of the benefit they would have received if they had been eligible for normal retirement when they resigned. This fraction is the ratio between an official's completed service years and the lesser of either the number of service years the official would have had at age 65 or twenty years. The bill also makes minor and technical changes to these provisions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 45 Nay 0 (03/28/2012)