



# Senate

General Assembly

**File No. 402**

February Session, 2012

Substitute Senate Bill No. 31

*Senate, April 12, 2012*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT ESTABLISHING A COMMISSION ON JUDICIAL COMPENSATION.**

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

1 Section 1. (NEW) (*Effective July 1, 2012*) (a) There is established a  
2 Commission on Judicial Compensation for the purpose of examining  
3 and making recommendations with respect to judicial compensation.  
4 The commission shall consist of nine members as follows: (1) Three  
5 appointed by the Governor; (2) one appointed by the president pro  
6 tempore of the Senate; (3) one appointed by the speaker of the House  
7 of Representatives; (4) one appointed by the minority leader of the  
8 Senate; (5) one appointed by the minority leader of the House of  
9 Representatives; and (6) two appointed by the Chief Justice of the  
10 Supreme Court. To the extent practicable, each appointing authority  
11 shall appoint members who have experience in financial management,  
12 human resource administration or the determination of executive  
13 compensation. Each member of the commission shall serve a term of  
14 four years, and no member may be appointed to more than one four-

15 year term, except that any member may continue to serve until such  
16 member's successor is appointed and qualified. Any vacancy on the  
17 commission shall be filled for the unexpired portion of the term by the  
18 appointing authority having the power to make the original  
19 appointment. The commission shall elect a chairperson from among its  
20 members. A majority of the members of the commission shall  
21 constitute a quorum for the transaction of any business.

22 (b) Not later than January 2, 2013, and every four years thereafter,  
23 the commission shall:

24 (1) Examine the adequacy and need for adjustment of  
25 compensation, for each of the following four fiscal years, for (A) the  
26 Chief Justice of the Supreme Court, (B) the Chief Court Administrator  
27 if a judge of the Supreme Court, Appellate Court or Superior Court,  
28 (C) each associate judge of the Supreme Court, (D) the Chief Judge of  
29 the Appellate Court, (E) each judge of the Appellate Court, (F) the  
30 Deputy Chief Court Administrator if a judge of the Superior Court, (G)  
31 each judge of the Superior Court, (H) the judge designated as the  
32 administrative judge of the appellate system, (I) each Superior Court  
33 judge designated as the administrative judge of a judicial district, (J)  
34 each Superior Court judge designated as chief administrative judge,  
35 (K) the Chief Family Support Magistrate, and (L) each Family Support  
36 Magistrate; and

37 (2) Examine the adequacy and need for adjustment of per diem  
38 compensation, for each of the following four fiscal years, for senior  
39 judges, judge trial referees and family support referees.

40 (c) In conducting its examination under subsection (b) of this  
41 section, the commission shall take into account all appropriate factors  
42 including, but not limited to: (1) The overall economic climate in the  
43 state; (2) the rate of inflation; (3) the levels of compensation received by  
44 judges of other states and of the federal government; (4) the levels of  
45 compensation received by attorneys employed by government  
46 agencies, academic institutions and private and nonprofit  
47 organizations; (5) the state's interest in attracting highly qualified and

48 experienced attorneys to serve in judicial capacities; (6) compensation  
49 adjustments applicable to employees of the state during applicable  
50 fiscal years; and (7) the state's ability to fund increases in  
51 compensation.

52 (d) Not later than January 2, 2013, and every four years thereafter,  
53 the commission shall submit a report on its findings, in accordance  
54 with section 11-4a of the general statutes, to the Governor, the General  
55 Assembly and the Chief Justice of the Supreme Court.  
56 Notwithstanding sections 46b-231, 46b-236, 51-47, 51-47b and 52-434 of  
57 the general statutes, each recommendation made in such report  
58 regarding changes in compensation shall have the force of law and  
59 shall become effective July first of the year in which the report was  
60 due, unless modified or abrogated by statute or resolution prior to  
61 May first of the year in which the report was due.

62 Sec. 2. Section 2-9a of the general statutes is repealed and the  
63 following is substituted in lieu thereof (*Effective July 1, 2012*):

64 (a) (1) There is created a Compensation Commission consisting of  
65 eleven members, three of whom shall be appointed by the Governor,  
66 two of whom shall be appointed by the president pro tempore of the  
67 Senate, two of whom shall be appointed by the speaker of the House of  
68 Representatives, two of whom shall be appointed by the minority  
69 leader of the Senate and two of whom shall be appointed by the  
70 minority leader of the House of Representatives. All members of said  
71 commission shall be appointed on or before July 1, 1971, and  
72 quadrennially thereafter, to serve for a term of four years. No person  
73 shall be appointed to said commission who is an official or employee  
74 of the state of Connecticut or any department, agency or political  
75 subdivision thereof, or who is an official or employee of any agency or  
76 institution more than ten per cent of the gross annual income of which  
77 is from state funds. Members shall not be compensated for their  
78 services as such but shall be reimbursed for all necessary expenses  
79 incurred in the performance of their duties. (2) On or before July 15,  
80 1971, and biennially thereafter, the commission shall elect a chairman

81 from its members. A majority of the members of said commission shall  
82 constitute a quorum for the transaction of any business. Any action  
83 taken by said commission shall be by majority vote of those present.

84 (b) The Compensation Commission shall recommend to the General  
85 Assembly, on or before February fifteenth, in odd-numbered years,  
86 legislative proposals for salary, expenses, pension, workers'  
87 compensation and any other benefits to be paid to the Governor,  
88 Lieutenant Governor, Secretary of the State, Attorney General,  
89 Treasurer, Comptroller [.] and members of the General Assembly. [and  
90 judges of the courts of the state, except judges of probate.] In its  
91 discretion, the commission also may submit its recommendation for  
92 such legislative proposals, on or before February fifteenth in even-  
93 numbered years. The General Assembly shall take action on such  
94 proposals at the session to which they are submitted. No proposals for  
95 legislative salary, if enacted by the General Assembly, shall become  
96 effective until the first Wednesday following the first Monday of the  
97 January succeeding the next election of members of the General  
98 Assembly. No proposals for salaries shall be effective as to the  
99 Governor, Lieutenant Governor, Secretary of the State, Attorney  
100 General, Treasurer and Comptroller until the first Wednesday  
101 following the first Monday of the January succeeding the next election  
102 of said officers. Any other proposals of benefits, if enacted, shall be  
103 applicable with respect to the incumbents in the offices covered. Said  
104 commission may recommend different rates of salary, expenses and  
105 allowances for members of the General Assembly for session and  
106 interim periods and may recommend rates of salary, expenses and  
107 allowances for members of the General Assembly who are officers  
108 which are different from that established for other members.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2012	New section
Sec. 2	July 1, 2012	2-9a

**JUD**      *Joint Favorable Subst.*

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.

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**OFA Fiscal Note**

**State Impact:** See Below

**Municipal Impact:** None

**Explanation**

The bill establishes the Commission on Judicial Compensation and gives the Commission's recommendations the force of law. The Commission is required to make compensation recommendations, beginning January 2, 2013 (effective July 1 2013) every four years. While there is no fiscal impact associated with the creation of the Commission, the impact of the Commission's recommendations are unknown. If the Commission recommends increasing the compensation for judges and workers' compensation commissioners, this would result in a cost to the Judicial Department (salary), Workers' Compensation Commission (salary), and to the Office of the State Comptroller (fringe benefits).

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sSB 31*****AN ACT ESTABLISHING A COMMISSION ON JUDICIAL COMPENSATION.*****SUMMARY:**

This bill creates a nine-member Commission on Judicial Compensation to make recommendations on judicial compensation that are to have the force of law unless changed by statute or resolution.

Specifically, the bill requires the commission to:

1. examine the adequacy of and need for adjustments to compensation for judges, family support magistrates, senior judges, judge trial referees, and family support referees;
2. make compensation recommendations every four years, beginning by January 2, 2013; and
3. report its findings to the governor, legislature, and chief justice.

Regardless of compensation set in statute, the bill gives the report's compensation recommendations the force of law, effective on July 1 of the year its report is due unless modified or abrogated by statute or resolution before May 1 of the year the report is due. (A resolution, unlike a statute, does not require the governor's approval after adoption by the legislature.)

The bill would also affect the pay of workers' compensation commissioners whose salaries are tied to those paid to Superior Court judges without reference to the current judges' salary statute (CGS § 31-277).

But the salaries of the probate court administrator and probate court judges and the cap on compensation of senior judges and referees are tied to the Superior Court judges' salaries as set in CGS § 51-47 (see CGS §§ 45a-75, 45a-95a, and 51-47b). Since the bill does not change the Superior Court judges' salary statute but provides a procedure to override the statute, the bill's provisions do not appear to affect the probate court administrator's or probate judges' salaries or the maximum compensation for senior judges or referees.

The bill removes the existing Compensation Commission's responsibility to make recommendations for judges' compensation, pensions, workers' compensation, and other benefits, leaving it responsible for making recommendations regarding compensation for legislators and constitutional officers. By law, this commission's recommendations are advisory and require enactment.

EFFECTIVE DATE: July 1, 2012

## **MEMBERS**

The bill requires commission members to be appointed as follows:

1. three by the governor;
2. one each by the Senate president pro tempore, House speaker, the Senate minority leader, and the House minority leader; and
3. two by the Supreme Court chief justice.

The bill requires appointing authorities to attempt to appoint members with experience in financial management, human resources administration, or determining executive compensation.

The bill limits members to only one four-year term, but they may serve until a successor is appointed and qualified. Appointing authorities can fill a vacancy for the unexpired portion of the term.

The bill requires the commission to elect its chairperson from among the members. A majority is a quorum.

## FACTORS TO CONSIDER FOR RECOMMENDATIONS

The bill requires the commission to consider all appropriate factors when making compensation recommendations, including the:

1. state's overall economic climate;
2. inflation rate;
3. compensation of other states' and federal judges;
4. compensation of attorneys employed by government agencies, academic institutions, and private and nonprofit organizations;
5. interest in attracting highly qualified and experienced attorneys to serve in judicial capacities;
6. compensation adjustments for state employees during the applicable fiscal years; and
7. state's ability to fund compensation increases.

## JUDICIAL OFFICIALS AND COMPENSATION

The table below lists the judicial officials for which the commission must make compensation recommendations and their compensation under current law.

<i>Position</i>	<i>Current Compensation</i>
Supreme Court Chief Justice	\$175,645
Chief Court Administrator (if a judge or justice)	\$168,783
Supreme Court Associate Justice	\$162,520
Appellate Court Chief Judge	\$160,722
Appellate Court Judge	\$152,637
Deputy Chief Court Administrator (if a judge)	\$149,853
Superior Court Judge	\$146,780
Appellate, Judicial District, or Chief Administrative Judge	\$1,000 in addition to judicial salary
Senior Judge or Judge Trial Referee	\$220 per day

Chief Family Support Magistrate	\$127,782
Family Support Magistrate	\$121,615
Family Support Referee	\$190 per day

Under the bill, the commission’s recommendations would have no affect on judges’ and family support magistrates’ retirement contributions and benefits (under CGS §§ 51-49f, 51-50b, and 46b-233a) because they are based on the salaries set in statute (CGS §§ 51-47 and 46b-231 respectively).

It appears the commission’s compensation recommendations under the bill can affect judges’ longevity payments provisions as set in statute but not those in statute for family support magistrates (see CGS § 46b-233).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 8 (03/26/2012)