OLR BILL ANALYSIS

SB 31 (LCO 544),

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 submitted unless modified or abrogated by statute or resolution before May 1 of the year the report is submitted. (A resolution, unlike a statute, does not require the governor's approval after adoption by the legislature.) Because a report may be submitted at any time before it is due, the bill may result in retroactive applications. For example, a report submitted in December 2012 to meet the January 2, 2013 deadline would have a deadline for legislative action of May 1, 2012 with the recommendations effective July 1, 2012.

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 bill does not appear to affect probate court judges whose salaries are tied to those set in CGS § 51-47 for Superior Court

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judges (CGS § 45a-95a). Since the bill does not change the Superior Court judges' salary statute but provides a procedure to override the statute, the bill's provisions have no affect on probate judges' salaries.

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 by the Senate president pro tempore,
3. one by the House speaker,
4. one by the Senate minority leader,
5. one by the House minority leader, and
6. 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;

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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.

Position	***Current Compensation***
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 salaries because they are linked to the salaries set in statute (CGS §§ 51-47 and 46b-233a respectively).

It appears the commission's compensation recommendations under the bill can affect judges' longevity payments provisions as set in

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statute but not those in statute for family support magistrates (see CGS § 46b-233).

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