

Legislative History for Connecticut Act

HB 7614	PA 484	1987
House 9597-9618		22
Senate 4758-4760		3
Appropriations 0		
		25

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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H-475

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1987

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9421-9786

hnm

176

House of Representatives

Tuesday, May 26, 1987

DEPUTY SPEAKER LAVINE:

Representative Krawiecki in the affirmative. Clerk please announce the tally.

CLERK:

Senate Bill 888 in concurrence.

Total Number Voting	140
Necessary for Passage	71
Those Voting Yea	140
Those Voting Nay	0
Absent and not Voting	11

DEPUTY SPEAKER LAVINE:

The Bill is passed.

CLERK:

On page 16, Calendar 865, substitute for House Bill 7614, AN ACT MAKING TECHNICAL CHANGE TO THE STATE EMPLOUEES RETIREMENT SYSTE, AMENDING DEATH BENEFIT PROVISIONS FOR BENEFICIARIES OF RETIRED MEMBERS OF THE SYSTEM TO REFLECT CHANGES IN FEDERAL LAW CONCERNING THE CALCULATION OF TAX DEDUCIBLE AMOUNTS OF PENSIONS, ALLOWING CERTAIN MEMBERS OF THE SYSTEM WHO ARE ELECTED TO THE GENERAL ASSEMBLY TO MAKE AN ELECTION TO RECEIVE RETIREMENT BENEFITS, PROVIDING LIFE INSURANCE PACKAGE TO E. O.

hbm

House of Representatives

Tuesday, May 26, 1987

SMITH SCHOOL TEACHERS, AND REQUIRING WRITTEN POLICIES CONCERNING MANDATORY RETIREMENT FOR CERTAIN TENURED FACULTY MEMBERS. Favorable report of the Committee on APPROPRIATIONS.

REP. ADAMO: (116th)

DEPUTY SPEAKER LAVINE:

You win the longest title award Representative Adamo.

REP. ADAMO: (116th)

Mr. Speaker, I didn't write it. Any Bill with a title that long had to pass by consent, but nonetheless, I move acceptance of the joint Committee's favorable report and passage of the Bill.

DEPUTY SPEAKER LAVINE:

Motion is on acceptance of joint Committee's favorable report, and passage of the Bill. Will you remark Sir.

REP. ADAMO: (116th)

Yes, Mr. Speaker, before I move with the Bill I would like to yield to Representative Pelto for the adoption of an Amendment please.

hbm

178

House of Representatives

Tuesday, May 26, 1987

DEPUTY SPEAKER LAVINE:

Representative Pelto, do you accept the yield?

REP. PELTO: (54th)

Yes, Mr. Speaker, thank you. The Clerk has an Amendment LCO 7293, if the Clerk will please call, and I have leave to summarize.

DEPUTY SPEAKER LAVINE:

The Clerk will please call 7293, designated House Amendment "A".

CLERK:

LCO 7293 designated House Schedule "A" offered by Representatives Pelto and Wyman.

DEPUTY SPEAKER LAVINE:

Gentleman is seeking leave to summarize. Is there objection, if not, you may proceed.

REP. PELTO: (54th)

Thank you, Mr. Speaker, this Amendment makes two changes to the Bill. In Section 8 it makes some technical language changes to the provisions concerning teachers at the E. O. Smith High School. Changes that were recommended to us from the State Retirement Division. It

hnm

179

House of Representatives

Tuesday, May 26, 1987

also in Section 9 of the Bill concerning mandatory retirement for certain tenured faculty members. It makes this section effective as of January 1, 1988, rather than upon passage so that the constituent units of higher education have time to develop these, and it does not affect present guidelines, therefore it would then take effect, January 1, 1988, and I move passage.

DEPUTY SPEAKER LAVINE:

You are moving adoption of the Amendment, Sir.

REP. LAVINE: (100th)

I am sorry, I move adoption, Sir.

DEPUTY SPEAKER LAVINE:

Motion is on adoption, will you remark. Will you remark, if not, I will try your minds. All in favor of the Amendment will signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LAVINE:

Those oppose, nay. The Amendment is adopted, ruled technical.

hnm

180

House of Representatives

Tuesday, May 26, 1987

House Amendment Schedule "A"

In line 270, delete "eligibility under subsection (d) of"

In line 271, delete "; (2) such teachers who" and insert ". Eligibility for benefits pursuant to this section shall be treated in accordance with the provisions of said section 5-257."

Delete lines 272 to 274, inclusive, in their entirety

In line 275, delete "benefits"

In line 276, after "continue" insert "in accordance with the provisions of said section 5-257."

Delete lines 277 to 280, inclusive, in their entirety

In line 305, after "passage" insert ", except that section 9 shall take effect January 1, 1988"

DEPUTY SPEAKER LAVINE:

Representative Adamo.

REP. ADAMO: (116th)

Thank you, Mr. Speaker, with the adoption of Amendment, I would move passage of the Bill. It makes numerous technical and clarifying changes to the employee retirement system, etc., and I would move passage.

DEPUTY SPEAKER LAVINE:

Will you remark further, Representative Emmons.

REP. EMMONS: (101st)

Mr. Speaker, I have a question to the proponent of the Bill.

hnm

181

House of Representatives

Tuesday, May 26, 1986

DEPUTY SPEAKER LAVINE:

Will you proceed.

REP. EMMONS: (101st)

Thank you, Mr. Speaker. In the OFA Bill analysis it makes a comment, and this permit members of the state employees retirement system who are elected to the General Assembly to elect to receive their pension while serving in the General Assembly, instead of accruing their General Assembly service. My question through you is, why do we need to have an Amendment such as that?

DEPUTY SPEAKER LAVINE:

Representative Adamo.

REP. ADAMO: (116th)

Through you, Mr. Speaker, the indulgence of the Chamber, let me just take a quick look at that. That was not the language that came out of the Labor Committee, it certainly came out of Appropriations. Just one moment please, Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Adamo.

REP. ADAMO: (116th)

Mr. Speaker, the only example that comes to mind

9603

hnm

182

House of Representatives

Tuesday, May 26, 1987

would be a member that could feasibly be sixty-five years of age or better, who is continuing to serve in the Chamber. That person could opt because of his reaching the proper age sixty-five or thereabouts to collect the pension, while he continues to search. In fact, I believe the report indicates that it probably result in a cost of less than \$5,000 per year, because its a very small number of individuals who would be affected.

DEPUTY SPEAKER LAVINE:

Representative Emmons, you have the floor.

REP. EMMONS: (101st)

Mr. Speaker, through you, I think this follows up on my question of before. If you were sixty-five years or older, and have been working for General Electric, and got elected to the General Assembly, you will be able to collect your General Assembly salary, as well as, your pension benefits. So why do we have to have this particular language in this statute?

DEPUTY SPEAKER LAVINE:

Representative Adamo.

REP. ADAMO: (116th)

As I related earlier, this is not a Labor Committee

hnm

183

House of Representatives

Tuesday, May 26, 1987

Bill, it came out of Appropriations, I will ask the indulgence one more time please.

DEPUTY SPEAKER LAVINE:

Representative Adamo.

REP. ADAMO: (116th)

Thank you, Mr. Speaker, Representative Emmons the need for this particular portion of the language is exactly this. If a person was a state employee, and reaches his retirement age and then retires, and then becomes a member of this Chamber, what this Bill basically says, is that person could collect his state pension while serving in this Chamber.

DEPUTY SPEAKER LAVINE:

Representative Emmons.

REP. EMMONS: (101st)

Thank you, Mr. Speaker, is there anything that prohibits that member from collecting his General Assembly salary?

REP. ADAMO: (116th)

Mr. Speaker, through you, Sir. This has nothing to do with his getting his salary, what it basically says is while he is here working in the Chamber and drawing his

hnm

184

House of Representatives

Tuesday, May 26, 1987

salary he is permitted to take his state pension, and collect his state pension because he has earned it.

DEPUTY SPEAKER LAVINE:

Representative Emmons.

REP. EMMONS: (101st)

Through you, Mr. Speaker, is there anything in the Statutes right now that prohibits him from collecting his pension and being a member of the General Assembly?

DEPUTY SPEAKER LAVINE:

Representative Polinsky.

REP. POLINSKY: (38th)

Thank you, Mr. Speaker, through you Mr. Speaker, I think more accurately as I understand this, if you became elected to the General Assembly then retired under the age of fifty-five, you could not collect a pension, that would prohibit it. This portion of the Bill is necessary in order to collect it. Through you, Sir, it makes it consistent with those who are elected after retiring and are collecting their pensions.

DEPUTY SPEAKER LAVINE:

Representative Emmons.

hhm

185

House of Representatives

Tuesday, May 26, 1987

REP. EMMONS: (101st)

Thank you, Mr. Speaker, I guess through you, to Representative Polinsky. What you are then saying is somebody who is less than fifty-five and has some vesting runs for the General Assembly, and wins, then we may collect his or her pension from the state even though normally you would not be allowed to collect that pension?

DEPUTY SPEAKER LAVINE:

Representative Polinsky.

REP. POLINSKY: (38th)

Through you, Mr. Speaker. The way you are allowed to collect a pension, is if you retired, run and win. No problem, you collect the pension. But if you run, win, retire, you cannot.

DEPUTY SPEAKER LAVINE:

Representative Emmons.

REP. EMMONS: (101st)

I didn't understand that Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Polinsky, do you want to run through that once more?

hhm

186

House of Representatives

Tuesday, May 26, 1987

REP. POLINSKY: (38th)

Right now, an individual who is retired and runs for the General Assembly and wins, he can collect the pension, no problem. An individual who runs, wins, retires, cannot.

DEPUTY SPEAKER LAVINE:

Representative Emmons.

REP. EMMONS: (101st)

Mr. Speaker, I guess the question is, is that through statute that the fact that one is retired versus one that isn't retired, makes the difference?

DEPUTY SPEAKER LAVINE:

Representative Polinsky.

REP. POLINSKY: (38th)

I think there is an age cut off at fifty-five, but I think that's the thing that probably puzzles you. I think the person who is retired and runs and wins is over fifty-five, this goes to the individual who is not.

DEPUTY SPEAKER LAVINE:

Representative Emmons.

REP. EMMONS: (101st)

Now we getting then to the differences between

hnm

187

House of Representatives

Tuesday, May 26, 1987

whether you are fifty-five or not fifty-five. Let me as you, through you, Mr. Speaker. If you were under fifty-five, and want to do something else, besides running from General Assembly, would you be able to collect your pension from the State Employees Retirement Fund.

DEPUTY SPEAKER LAVINE:

Representative Polinsky.

REP. POLINSKY: (38th)

Through you, Mr. Speaker, when you turn fifty-five, yes you could.

DEPUTY SPEAKER LAVINE:

Representative Emmons.

REP. EMMONS: (101st)

Let me just try and ask you, Representative Polinsky, it seems to me that the person you and I are trying to talk about is the individual who is a state employee, has taken a leave of absence, has run, is elected, and during his term he turns fifty-five, and he wants to collect his pension.

DEPUTY SPEAKER LAVINE:

Representative Polinsky.

hnm

188

House of Representatives

Tuesday, May 26, 1987

REP. POLINSKY: (38th)

I don't know about the leave of absence, but they did run, win and then retire, and at the point that they turned fifty-five without the language in this Bill, if they were serving in the General Assembly, no pension would be paid.

REP. EMMONS: (101st)

Mr. Speaker, through you.

DEPUTY SPEAKER LAVINE:

Representative Emmons.

REP. EMMONS: (101st)

Thank you, I do not understand, why if the person has fulfilled his commitment, has run, worked to fifty-five or come to that point, and once to collect his pension, why being a member of the General Assembly should preclude him. Suppose the employee had gone to work for G.E.?

REP. POLINSKY: (38th)

Through you, Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Polinsky.

hhm

189

House of Representatives

Tuesday, May 26, 1987

REP. POLINSKY: (38th)

I think she has got it. You see without this language, I don't understand why, we need this language, and believe me, I did not wish to do an extra Bill or an extra portion of a Bill so we checked and checked again. This language must be there to allow that pension to be collected when the individual reaches fifty-five. We are absolutely correct, if it inconsistent, I don't know how it happened, but it happened that way, but we are trying to do is correct it.

REP. EMMONS: (101st)

Thank you, Mr. Speaker, I am sorry I took so long, Mr. Speaker, but I think this gets back to my question on the Bill before. There is a part in our pension plan that says a state employees pension plan says that you are a state employee and you finally collect your pension, you can only work for the say ex number of months and then you no longer receive your pension benefits. And so many of the state employees when they come back to work for the state, come as consultants rather than as employees. So my feeling is that this language is put in there because being a member of the

hnm

190

House of Representatives

Tuesday, May 26, 1987

General Assembly is taking to mean a state employee, and so if a retired state employee was in the General Assembly, that other statute would be operative and they wouldn't be able to collect their pension. Mr. Speaker, thank you.

DEPUTY SPEAKER LAVINE:

Will you remark further, will you remark further. Representative Torpey.

REP. TORPEY: (11th)

Thank you, Mr. Speaker, a question to Representative Polinsky. As I understand what you were saying, if a person retired, ran and got elected, he could collect his retirement and his salary.

REP. POLINSKY: (38th)

Correct.

REP. TORPEY: (11th)

But if he did not retire, got elected, then he could not collect his salary.

DEPUTY SPEAKER LAVINE:

Representative Polinsky.

REP. POLINSKY: (38th)

Through you, once more, and let me see if I get

hnm

200

House of Representatives

Tuesday, May 26, 1987

it right. If an individual is retired, decides to run for the General Assembly, and is collecting his pension because he is retired, decides to run for the General Assembly has the good fortune of getting elected, no problem, he continues to collect his salary. It is the person who hasn't retired yet, a state employee, chooses to run for the General Assembly, wins, retires because he wins, because you can't be both a state employee and a General Assembly member, and then a year or so, or two years later when he turns fifty-five, without this Bill the way its drafted, that individual could not collect his pension, and don't ask me how that happens. I have no idea.

REP. TORPEY: (11th)

Through you, Mr. Speaker, then the thing is when he is fifty-five or above, he can't collect both.

DEPUTY SPEAKER LAVINE:

Representative Polinsky.

REP. POLINSKY: (38th)

Through you, Mr. Speaker, if this Bill goes through, yes.

hhm

House of Representatives

Tuesday, May 26, 1987

DEPUTY SPEAKER LAVINE:

Representative Torpey.

REP. TORPEY: (11th)

Thank you, Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Will you remark further.

REP. O'NEILL: (98th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative O'Neill.

REP. O'NEILL: (98th)

Question to Representative Polinsky, please.

DEPUTY SPEAKER LAVINE:

Representative O'Neill, will you proceed, Sir.

REP. O'NEILL: (98th)

After to listening to the explanations then, would you say that Connecticut General Assembly members are state employees?

DEPUTY SPEAKER LAVINE:

Representative Polinsky.

REP. POLINSKY: (38th)

Through you, Mr. Speaker, I don't think I could

hnm

202

House of Representatives

Tuesday, May 26, 1987

give you a definition. I think we are betwixt and between. I know sometimes when I have to fill out forms that say who do you work for, I don't know what to say, sometimes, I put down the people of Connecticut. Sometimes, I put down the State of Connecticut, I don't know, there may be a legal definition, I can't answer that.

DEPUTY SPEAKER LAVINE:

Representative O'Neill.

REP. O'NEILL: (98th)

Through you, Sir. As the Chairman of the Appropriations Committee, if somebody came to you and as you if you are a state employee or not, who would you refer them to for a definitive answer so we will all know once and for all.

DEPUTY SPEAKER LAVINE:

Representative Polinsky.

REP. POLINSKY: (38th)

I suppose the Attorney General, but I don't think I am any more learned at answer that question, than I was at the question before. Through you, Mr. Speaker.

hhm

203

House of Representatives

Tuesday, May 26, 1987

DEPUTY SPEAKER LAVINE:

Representative O'Neill.

REP. O'NEILL: (98th)

Thank you.

DEPUTY SPEAKER LAVINE:

Will you remark further, Representative Torpey.

REP. TORPEY: (11th)

I think I can clear this up and you will have the best of my knowledge of this subject because I am the smartest in the room on this matter (laughter). About a year and a half or so ago, the state start taking Social Security, and I think up to that point, or maybe a couple of years ago, up to that point we were considered self-employed. I think when they started taking Social Security we then became employees because they are taking out Social Security, we have to be an employee for them to do this. So you can thank me at a later for sharing this knowledge with you. (laughter).

REP. ADAMO: (116th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Adamo.

hnm

204

House of Representatives

Tuesday, May 26, 1987

REP. ADAMO: (116th)

Thank you, Mr. Speaker, I just wanted to read to the body if I might, the definition of an employee or state employee it means "any person holding a position in state service, subject to appointment by an appointing authority" I would think that that definition says that we are not employees of the state because we don't have the appointing authority appointing us we are elected. Someone tells me that there is possibly a case out there or a court case where someone had said yes, you are a state employee, frankly, I am not sure either.

REP. MARKHAM: (34th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Markham.

REP. MARKHAM: (34th)

Mr. Speaker, I don't believe we are state employees if the true definition of the people referred to. Representative Torpey brought out an interesting point, but I think the reason for his point was something that we created statutorily when we allowed ourselves to be

hhm

205

House of Representatives

Tuesday, May 26, 1987

included in the pension plan, and I believe under the particular cares of the pension plan they are integrated with Social Security so for us to qualify for those particular provisions we had to have Social Security withheld from our pay. Therefore, that provision in of itself did not make us employees, we just qualified ourselves for participation under the pension plan. Thank you.

DEPUTY SPEAKER LAVINE:

Will you remark further, if not, staff and guest will come to the Well of the House, and the machine will be opened.

CLERK:

The House of Representatives is voting by roll call, will members please return to the Chamber. The House is taking a roll call vote, members you are needed in the Chamber.

DEPUTY SPEAKER LAVINE:

Will you please check and see that your vote is properly cast, if so, the machine will be locked, and the Clerk will take a tally. Clerk please announce the tally.

CLERK:

House Bill 7614 as amended by House "A".

Total Number Voting	146
Necessary for Passage	74
Those Voting Yea	146
Those Voting Nay	0
Those Absent and not Voting	5

DEPUTY SPEAKER LAVINE:

The Bill is passed. Are they introductions, or points of personal privilege. Representative Betkoski.

REP. BETKOSKI: (105th)

Mr. Speaker for purposes of introduction,

DEPUTY SPEAKER LAVINE:

Will you proceed, Sir.

REP. BETKOSKI: (105th)

Yes. Mr. Speaker, it gives me great pleasure this afternoon to introduce a group of Fourth Graders from the LaPreste School in Seymour, Connecticut, and they are here with Miss Rosemary Wilson, who I might add was Representative Tonucci's Seventh Grade teacher, and also accompanying her is visiting teacher from Japan, and also Mrs. Cole from the Fourth Grade class in Seymour.

S-274

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1987

VOL. 30
PART 13
4478-4815

THURSDAY
MAY 28, 1987

118
LFU

4758

that this be moved to the Consent Calendar.

THE CHAIR:

Without objection so ordered. Clerk please call the next item.

THE CLERK:

Calendar 812, File 1093, Substitute for House Bill 7614, AN ACT MAKING TECHNICAL CHANGES IN THE STATE EMPLOYEES RETIREMENT SYSTEM, ETC., as amended by House Amendment, Schedule A, Favorable Report of the Committee on Appropriations.

THE CHAIR:

Very expeditious reading of that, Mr. Clerk. Senator Harper. Senator Sullivan.

SENATOR THOMAS SULLIVAN:

Mr. President, I'd like to exempt myself from the chamber under Rule 15 please.

THE CHAIR:

Clerk will so note. Senator Atkin.

SENATOR ATKIN:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill in concurrence with the House.

THE CHAIR:

You may proceed.

THURSDAY
MAY 28, 1987

119
LFU

4759

SENATOR ATKIN:

Thank you Mr. President. Basically what this Bill does is make a number of clarifying and technical changes to the State Employees Retirement System and it also allows that E. O. Smith employees retain group life insurance. The House amended that to clarify language that says that those teachers who were grandfathered in last year, would qualify to receive the life insurance benefits that they had earned.

Additionally it permits people who are elected to the General Assembly to receive pension while serving instead of accruing General Assembly services. It changes the death benefit provisions from a fixed percentage formula to a variable percentage formula based on the federal tax deductibilities and finally requires a written policy regarding mandatory retirement with regard to state higher education institutions. I would urge its adoption.

THE CHAIR:

Remark further? It cannot go on the Consent Calendar under Rule 15. Clerk please make an announcement for a Roll Call in the Senate.

THURSDAY
MAY 28, 1987

120
LFU 4760

THE CLERK:

An immediate Roll Call has been ordered in the Senate.
Will all Senators please return to the chamber. An immediate Roll Call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

The item before us is Calendar 812, Substitute for House Bill 7614, File 1093. The machine is open. Please cast your vote. Senator Owens. The machine is closed. Clerk please tally the vote.

The result of the vote:

32 YEA

0 NAY

The Bill is passed. Clerk please call the next item.

THE CLERK:

Calendar page 7, Calendar 813, File 1066, Substitute for House Bill 7642, AN ACT CONCERNING GRANTS IN AID TO NON PROFIT CORPORATIONS INVOLVED IN THE DEVELOPMENT OF HOUSING, as amended by House Amendment, Schedule A, Favorable Report of the Committee on Appropriations.

THE CHAIR:

Senator Upson first. Then we'll--