

PA12-052

SB0241

Higher Education	907-915, 972-974, 980-983	16
House	6154-6163	10
<u>Senate</u>	<u>898-901, 924-925</u>	<u>6</u>
		32

**JOINT
STANDING
COMMITTEE
HEARINGS**

**HIGHER EDUCATION
AND
EMPLOYMENT ADVANCEMENT
PART 3
736 - 1104**

2012

something that should be investigated and perhaps expanding the program as well. But unfortunately the language that's before us now is still with those limitations. You know, would the committee consider perhaps adding language to do -- do what you're asking for? I don't think that we'd be adverse to it because really our goal to it, this program, is to keep young people here in the state of Connecticut. And if we can do that by capturing some of these people that want to out-of-state schools as well, perhaps that's something that we should definitely look into.

SENATOR BYE: Thank you, Representative Rovero. Interesting point that you raised on that.

Well thank you so much for coming before our committee and we appreciate your testimony and will give it due consideration.

REP. DAVIS: Thank you, Senator Bye.

SENATOR BYE: Representative Aman followed by Senator Cassano.

REP. AMAN: For the record, I'm State Representative Bill Aman, the Representative from the 14th District. I'm here today to talk to you about Senate Bill 241, AN ACT ALLOWING ADJUNCT FACULTY MEMBERS OF THE REGIONAL COMMUNITY-TECHNICAL COLLEGE SYSTEM TO WAIVE MEMBERSHIP IN A STATE RETIREMENT PLAN.

This particular Bill, concept, was brought to me by a friend and it's a result of responsible legislation done on the federal level and responsible legislation done on the state level which unfortunately comes in conflict with each other.

The federal level -- says that if you're -- a participant in a pension plan, you may not make a deductible contribution to your IRA which makes all the sense in the world. On the state level, we have a law that says if you're a State employee, you must join the State retirement plan, which also makes all the sense in the world.

The problem comes in for the smaller courses. My particular acquaintance is an attorney, he teaches some of the title search courses, some of the other real estate courses. The most he has ever made as an adjunct professor in a year is \$3,000, some years he makes as little as \$300. Because of the federal law and the fact that he must be part of the State pension plan, he cannot fund his own pension plan with a deductible contribution. He's also been audited and proceeded to be fined for taking an illegal deduction on his tax return.

This has a obviously a chilling result on someone who is teaching these courses, especially now when we're looking forward going into the community college system and saying we need people to do job retraining. The best people to do job retraining is very often the owner of a small company of -- or a sole proprietorship and how do you tell them we're going to give you \$500 for teaching this course and you're not going to be able to deduct your \$12,000 contribution to your pension plan, we're not going to get teachers. And Manchester Community College has said now that the federal government is starting to audit this sort of thing, that more and more often people who realize it are saying I'd love to teach but I can't do it.

One of the other things that's strange about the legislation is if you teach at the branch here of the University of Connecticut in West Hartford, there's a carve-out that says you don't have to join the State pension plan. If you teach at the Manchester Community College or at Capital Community College the carve-out does not exist, you must teach -- join the plan. So this Bill basically just says that someone who is an adjunct professor has the same rights at the -- as a community college that they would have at a State university as saying I just don't want to participate in your pension plan. I don't want to make any contributions to it, I don't want you to make any contributions to it, and especially I don't want you to check that little box on my W-2 that says I'm eligible for a pension plan because it costs me way, way too much money.

So I ask this to go forward. I think the language in the Bill -- I was a little bit concerned about it in my testimony, I mention it. But if that is, I'm sure when the LCOs take it from this -- committee and goes to the other ones that if there are some problems in the way the language is written they can be straightened out. But the concept I think is pretty easy to understand.

And again I thank you for bringing forward the Bill and bringing it in to the committee. There were people that were going to also testify that sent in written testimony, but they've got to work for a living. You can't sit around here all day long and when they talk to me about it I said no just send it in in writing, the committee will look at that just as well.

SENATOR BYE: Yes, thank you so much. It's nice to have you before our committee, Representative Aman. And I want to also thank you for bringing this sort of conflict in the way we're doing things to our attention. It even took us a while in screening with the expert folks we have here from upstairs to figure it out and so we're going to make sure we get the language right. But I think there's wide agreement with your sentiment and you've done a really nice job explaining the problem. So I thank you for coming before us.

Are there questions?

Representative Ackert.

REP. ACKERT: Thank you, Madam Chair.

Thank you, Representative, for your testimony and bringing this forward. I was curious, if -
- you said there's a carve-out for the University of Hartford -- is it University -- UConn in Hartford?

REP. AMAN: No, it's any part -- any part of the university system. So I mean I just used that as example because they're both -- both local. But yes, if you're teaching at any one of the university systems there's a carve-out which I imagine the adjunct professors years ago said I'm not going to do this unless it came up.

I think it may have been brought to a head in the last couple years because the IRS had the capability now of putting the W-2s together. But someone like yourself, if you were going to teach a course in electrical at the community college level, you would lose your pension plan.

REP. ACKERT: Thank you for that clarification.

Thank you, Madam Chair.

SENATOR BYE: Sure, thank you for your question.

Representative Janowski.

REP. JANOWSKI: Just a quick question. There is no cost to the State for doing this, correct?

REP. AMAN: No, it actually could save the State money because what happens now is they have to put money into the retirement fund and most of these professor -- people probably won't make the five years anyhow as they come in and out. So they'll never be vested in the -- in the program, then the State has to return a certain amount of money and I think my friend figured it out that if he did stay here 20 years he would get something under \$20 a month from the State for retirement. It's -- so it's -- it may even save the State money because they don't have to do the bookkeeping on it.

REP. JANOWSKI: And just a -- just a point of clarification for myself. If they do go into the State plan, they're prohibited from going into their own plan at the federal level? Or -

REP. AMAN: Right, on the federal level, if -- you're only allowed to belong to one pension plan. And so you can either have your deductible personal pension plan or you can be part of a corporate plan or the State plan. With the State making it mandatory, that trumps the private one and therefore he's not allowed to make a deductible contribution into the regular pension plan that he has to make.

REP. JANOWSKI: But the deductible contribution is based on income, correct?

REP. AMAN: Yes, there's a whole series of regulations about it. The other thing that's strange about this, if he -- I would go back to him being an attorney. If he worked for a major law firm that had its own retirement plan, he wouldn't have any problem. The problem is because he's a sole proprietor is when it comes in.

REP. JANOWSKI: Very good, thank you.

SENATOR BYE: Thank you so much for your testimony.

Oh, Representative Rovero.

REP. ROVERO: Sorry about that, Madam Chair.

Quick question. I think it's a great idea, but down the line, you're not going to come back asking for the State to match these funds, are you? Like with -- right now you're saying that you can turn around and come back and say, well they're not on the State plan, now we want you to match the amount we're putting in the IRAs?

REP. AMAN: I would not come -- forward for this -- for it because these people are making so little money that even the time and effort it would make to take an application for the amount that the State puts away, I don't think would make economic sense for someone to even bother trying to do that.

Also, under the State rules, it's a five-year vesting before the money counts at all so you'd have to have somebody here that would even think about doing that would have had to be

teaching for at least five years at a token amount of money. So I don't think that's a -- anything I would support.

REP. ROVERO: I'm just worried about someone coming back later and saying look it, I'm not in the State retirement plan so it doesn't cost the State anything but they should match some of the amount I put into my IRA like a lot of companies do.

REP. AMAN: I -- I can understand how you could say that could be possible, but the way we're set up with the *C-back agreements and stuff, I would find that very -- very unlikely that anything like that could ever actually happen. I'm not going to say that you won't have a bill, somebody may submit it to you, but I can't imagine it coming out of a committee.

SENATOR BYE: Thank you. Thank you.

Oh, Representative LeGeyt.

REP. LEGEYT: Thank you, Madam Chair and welcome, Representative Aman.

It appears to me and I'm wondering if you'll agree that as we look at this situation that's occurred, A, it may not have been intentional that -- that the setup is the way it is, and B, could certainly have been an oversight initially. And I would love to be able to characterize this as a technical change because it's not -- it's not -- it's not going to generate any fiscal note, it's not going to close a loophole that exists. Do you have any comment about that?

REP. AMAN: I think I probably agree with you. I know that when my friend first started doing this, when it got down to the part of his employment application that said what type of retirement plan do you want, he didn't bother checking any of the boxes because he didn't -- he knew he wasn't eligible for anything. But also there's a subchapter of the State law that says if you as an employee don't say what you want for a retirement plan we put you in to this particular one.

And so he was not even aware that he was in a retirement plan until the W-2 had the little box checked on the bottom. He looked at it and said who cares, and then he got audited.

REP. LEGEYT: And there is a 60- or 90-day window for people who are -- who teach or are employees of the -- the university system, they have to -- they can -- they can waive the pension plan but there's a certain window that they have to abide by and so people who teach for community college, not only do they not have the opportunity but that window doesn't exist as well. So this seems like it wasn't intended to be and was overlooked for some reason and so I'm hoping that this can be put in the category of a technical change and -- and move forward on that basis.

REP. AMAN: I would not -- couldn't be happier if it was in the midst of your big educational technical change bill.

REP. LEGEYT: Thank you.

SENATOR BYE: Thank you, Representative LeGeYT.

I want to thank you for this. I also want committee members to note, I don't know if you say Representative Aman that Kevin Lembo sent testimony supporting the Bill saying it would help them as well in the comptroller's office, that this seems like it has to be an issue that --

REP. AMAN: No, I had not. The only other people I had talked to was the union representatives that I know through the Labor Committee and they did not have any instinctive objection to this.

SENATOR BYE: Right. But I think our comptroller says this is a good idea, so he's gone out of his way to --

REP. AMAN: I'm sure he's looking at the bookkeeping charge* --

SENATOR BYE: Exactly right.

REP. AMAN: -- around this and saying I don't want to do this, it's too much effort.

SENATOR BYE: Exactly. Exactly. Well thank you so much for bringing this to our attention.

REP. AMAN: Okay, thank you.

SENATOR BYE: Have a great day.

Senator Cassano, you've been very patient. I'm sorry, I called you -- called you right early but you had other business in the building so I apologize for the wait. Good morning.

So with that, I entertain any questions
(inaudible) and thank you.

SENATOR BYE: Thank you.

I'm very sympathetic to your point of view so
I'll just say that. I certainly understand it
and it does seem targeted and so.

TODD ANDREWS: Thank you.

SENATOR BYE: I appreciate you coming and telling
us. There may be others who have questions.

Okay. Thank you. I'm glad you came. Don't
take the lack of questions as a bad thing, it's
more a sense of agreement.

TODD ANDREWS: Thank you.

REP. WILLIS: Professor Steven Cohen, please, from
the Four Cs.

Welcome, nice to see you again.

STEVEN COHEN: It's a pleasure, Chair Willis and
other members of the committee. I'm Steven
Cohen, I'm here in my capacity as president of
the Congress of Connecticut Community Colleges.
You don't have any written testimony from me
because I didn't plan on testifying today and
in fact I really am just here to ask a question
of you given that you are the legislative
experts.

And the only laws that I really have expertise
regarding are Murphy's law and the Law of
Unintended Consequences. So with the latter in
mind, I want to ask you about Senate Bill 241
THE ACT ALLOWING ADJUNCT FACULTY MEMBERS OF THE

REGIONAL COMMUNITY-TECHNICAL COLLEGE SYSTEM TO
WAIVE MEMBERSHIP IN A STATE RETIREMENT PLAN.

The Four Cs represents 800 full-time faculty members and 2,000 adjunct faculty members and we have contract language that guarantees qualified adjuncts the ability to be interviewed for available full-time openings. And in fact we do hire a lot of adjuncts into full-time positions. And what those adjuncts find is that the pension choice they make as an adjunct follows them when they become a full-timer if in fact they are hired into a full-time position be what they're told is that pension choices are irrevocable and that's the language in the bill as well.

So my question for you is given that the language has been crafted to indicate that this irrevocability is focused on part-time employment, what would happen to that part-timer who has waived participation in a pension plan if that person is subsequently hired full-time? Would that waiver follow the person? And would they be ineligible to participate in the pension plan at that point as well?

And I suppose I should also point out that we do have lots of folks, as I'm sure you know, who come to us to teach full-time after working for us not only as part-timers but after having careers in business and law and criminal justice and other professions. They don't come as 20- or 30-somethings out of grad school, they come as 50-somethings to join us a full-timers so.

REP. WILLIS: I don't have that answer for you. The only thing I can point you to is UConn and the state universities have this option and so the

question is how does it work for them because obviously at University of Connecticut and at the State University System this must be something that happens regularly for them as well. So I think this committee should look at that, it's a good point that you raised, but there must be some sort of provision for making that happen, otherwise I'm sure we would have heard from them.

STEVEN COHEN: My only concern is I'm guessing that we in the community colleges hire more of our part-timers into full-time positions than does the CSU or UConn. That would be my guess so.

REP. WILLIS: Well, I could argue that we don't do it enough.

STEVEN COHEN: Well, I'm not disagreeing with you, but certainly we do this --

REP. WILLIS: We need more full-time faculty at our community colleges. It's way too low at this point in time. So we'll look into it. Thank you for raising it and sorry we couldn't answer that specific question but I saw a lot of nodding heads not saying -- don't have a clue.

STEVEN COHEN: I appreciate your looking into it.

REP. WILLIS: Thanks, take care.

That is the last person who signed up to testify. I will ask that anyone who did not sign up but would like to testify, please step forward.

Once again, if there's anyone out there that didn't have an opportunity to sign up and would like to testify, you may do so now.



State of Connecticut

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LABOR AND PUBLIC EMPLOYEES COMMITTEE

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT COMMITTEE THURSDAY, MARCH 8, 2012

PUBLIC HEARING TESTIMONY IN SUPPORT OF

SENATE BILL 241 "AN ACT ALLOWING ADJUNCT FACULTY MEMBERS OF THE REGIONAL COMMUNITY-TECHNICAL COLLEGE SYSTEM TO WAIVE MEMBERSHIP IN A STATE RETIREMENT PLAN."

Good Morning Chairwoman Bye, Chairwoman Willis, Ranking Member Boucher, Ranking Member Legeyt, and members of the Higher Education and Employment Advancement Committee. I am truly appreciative of your action to raise this concept for public hearing and welcome the opportunity to express my support for this effort.

I became aware of this issue when I was contacted by a state resident regarding the effect his part-time employment at Manchester Community College will have on his personal retirement account. As party of the collective bargaining agreement for community college staff and faculty, he is mandated to participate in the retirement program. As a result of this mandated participation, his ability to make contributions to his personal IRA, the way he as a sole proprietor funds his pension plan, is prohibited. The IRS will not allow someone who is part of a retirement plan to also make contributions to a deductible IRA.

The end result is that while the individual truly enjoys teaching within the Community College System, it does not bring him sufficient income to offset the tax penalties he will incur if the IRS disallows his IRA contribution. If there is ultimately no way to disavow any retirement benefit that the State may afford him, or change the requirement specific to the Community College System, he will be unable to continue to teach within that system.

Upon research we learned that:

1) Unlike the Community College System, the State College system does not mandate such coverage, he therefore is penalized by choosing to provide the same course he could teach at UConn, at Manchester Community College.

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- 2) Based on IRS regulation, if an individual works for a corporation, he or she is allowed to belong to two retirement plans, both of which are deductible as expenses to the sponsoring organization.
- 3) That even though the State is willing to verify that the individual is not vested in the retirement system, and unable to collect benefits, the fact that he is considered part of the program under IRS rules will not permit him to make the deductible IRA payment he needs for his actual, drawable retirement fund.
- 4) This problem has arisen many times and resulted in the Community College System losing out on experienced, specialized and high quality teachers.

Ann L. Bonney, Director of Credit-Free Programs at Manchester Community College, said that if you work for Credit-Free, it has to be as an individual employee and "we still toil under the rule that you have to participate in an employee retirement plan." The college does not feel that instructors can be hired as independent contractors. She has stated that she has lost other good instructors over this issue and she hopes it will be resolved in the future now that MCC has merged with the state universities, but there has been no movement yet.

The State is in the process of encouraging job retraining. The best teachers for this are often individuals who own their own small businesses. Unless a change is made, very few of these potential instructors will be able to afford to teach these very specialized classes. The bill as proposed would allow part-time instructors as Community Colleges to be able to waive their right to be part of the pension plan as are part-time, adjunct faculty members employed at the University of Connecticut or one of the four State Universities.

Again, I thank the committee for raising this important effort to retain professional, experienced instructors within our Community College System. I stand ready to answer any questions that the membership may have in this regard.

FROM STATE CONTROLLER'S RETIREMENT WEBSITE

New Employees Only (No Prior State Employment)

State statutes require that each State of Connecticut employee be covered by a retirement system. **This is a mandatory requirement.**

If you are employed in a position statutorily defined as a state teacher or a professional staff member in higher education you may elect membership in the State Employees Retirement System (SERS) Tier III retirement plan, the SERS Hybrid Plan, the Alternate Retirement Program (ARP), or, if eligible, the Teachers Retirement System (TRS) within 60 days of your employment. **This is a one-time, irrevocable election.** If you do not make an election within the 60 day period you will automatically become a member of SERS Tier III. **No change to an employee's retirement plan membership is permitted after initial election or following 60 day default.** However, if you elect SERS Hybrid Plan or ARP membership and are subsequently employed in a position not eligible for SERS Hybrid Plan or ARP participation, you must be enrolled in SERS Tier III.

Classified employees automatically become members of SERS Tier III

**Special Note: Certain part-time, adjunct faculty members employed at the University of Connecticut or one of the four State Universities also have the one-time, irrevocable option of waiving membership in a retirement plan within 60 days of their employment. Once membership in a retirement plan is waived an employee is no longer eligible to elect to participate in a retirement plan in any subsequent part-time employment with that agency or the Board of Governors of Higher Education or any other of its constituent units within the State of Connecticut including the Community Colleges*



STATE OF CONNECTICUT
OFFICE OF THE STATE COMPTROLLER
55 ELM STREET
HARTFORD, CONNECTICUT
06106-1775

Kevin Lembo
State Comptroller

Martha Carlson
Deputy Comptroller

WRITTEN TESTIMONY
Kevin Lembo
State Comptroller

Concerning
**SB 241 AA Allowing Adjunct Faculty Members of the Regional Community-
Technical College System to Waive Membership in a State Retirement Plan**

March 8, 2012

Senator Bye, Representative Willis, Senator Boucher, Representative LeGeyt and
Members of the Committee:

Thank you for the opportunity to express my support for S.B. 241 AA Allowing Adjunct
Faculty Members of the Regional Community-Technical College System to Waive
Membership in a State Retirement Plan.

Currently, part-time adjunct faculty at UCONN and the state universities have the option
to waive their membership in the state retirement program, which was granted through
individual collective bargaining agreements. However, this provision has not been
extended to part-time adjunct faculty at community colleges, who teach on a limited
basis, may have other full-time jobs, and may contribute to other retirement savings
programs.

As a result of the combined participation in retirement programs, these faculty
members, depending on their individual tax situation, can experience complications with
the Internal Revenue Service. This legislation will help alleviate those issues in the
future, and provide flexibility to adjunct faculty.

Thank you for your consideration.

Testimony of Attorney Elton B. Harvey, III in support of Raised S.B. No. 241 *An Act Allowing Adjunct Faculty Members of the Regional Community-Technical College System to Waive Membership in a State Retirement Plan* before the Education Committee on March 8, 2012

Senator Stillman, Representative Fleischmann, Committee Members, thank you for the opportunity to present testimony in support of Raised S.B. No. 241 *An Act Allowing Adjunct Faculty Members of the Regional Community-Technical College System to Waive Membership in a State Retirement Plan*.

I am an attorney whose has over 40 years of experience in Connecticut Real Estate law. I have been a title searcher, title insurance counsel, and, for the last 25 years, a lawyer in private practice. I currently teach real estate law-related classes as an adjunct faculty member at Manchester Community College and Naugatuck Valley Community College. In any given year my income from teaching is probably not more than \$2000.00. As an adjunct faculty member, I am a part time employee of the State of Connecticut, and, pursuant to the present collective bargaining agreement, required to participate in the retirement program available to State employees.

As a private practicing attorney, however, my actual retirement is whatever I can deposit on a yearly basis into my IRA retirement account. My situation is similar to other adjunct instructors. We teach, not for the money, but for the enjoyment. We bring a wealth of experience to the table but have full time jobs elsewhere.

Here is the problem. The IRS, each year, disallows the IRA payment that I make because I am a member of the State of Connecticut retirement plan. I do not contribute to the plan and, if I were to live to be 150 years old, I would probably not be able to participate in the plan because I do not earn sufficient income. The present requirement penalizes sole proprietors and people like myself, whose main source of income does not come from their State employment.

I would ask that this Committee vote favorably on this bill to permit those of us, who truly enjoy teaching and who have expertise to share, to do so without jeopardizing our existing retirement plans. Additionally, permitting us to opt-out of the State retirement plan will not have an adverse economic affect on those adjunct faculty who wish to participate in such a plan.

Thank you for your consideration.

/s/ Elton B. Harvey, III

Elton B. Harvey, III
Commissioner of the Superior Court

H – 1140

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 18
5829 – 6187**

Senate Bill 337 in concurrence with the Senate.

Total Number voting	140
Necessary for adoption	70
Those voting Yea	140
Those voting Nay	0
Those absent and not voting	11

DEPUTY SPEAKER RYAN:

The bill passes. Are there any announcements of points of introduction? Any announcements? Hearing none, will the Clerk please call calendar number 327.

THE CLERK:

On page 15, calendar 327 Senate Bill number 241,
AN ACT ALLOWING AD JUNCT FACULTY MEMBERS OF THE
REGIONAL COMMUNITY TECHNICAL COLLEGE SYSTEM TO WAIVE
MEMBERSHIP FROM THE STATE RETIREMENT PLAN. Favorable
report by the committee on labor.

DEPUTY SPEAKER RYAN:

Representative Willis of the 64th, you have the floor, Ma'am.

REP. WILLIS (64th):

Thank you very much, Mr. Speaker, and good evening. Mr. Speaker, I move for the acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

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HOUSE OF REPRESENTATIVES

397
May 4, 2012

DEPUTY SPEAKER RYAN:

The question is of acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate. Representative Willis, will you remark?

REP. WILLIS (64th):

Yes. Mr. Speaker, this bill will allow part time adjunct faculty at the community college system to waive participation in the State retirement plan like those faculty members in the -- in the State university system and at the University of Connecticut.

The inability to opt out of the retirement program can create adverse tax consequences for those who contribute to other retirement savings programs. This bill would alleviate that problem. Mr. Speaker, the Clerk has an amendment LCO 3180. I move that the reading of the amendment be waved and that I be allowed to summarize.

DEPUTY SPEAKER RYAN:

Will the Clerk please call LCO 3180 which will be designated Senate Amendment Schedule A.

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398
May 4, 2012

THE CLERK:

LCO 3180 Senate A offered by Senator Bye.

DEPUTY SPEAKER RYAN:

The Representative seeks leave of the Chamber to summarize the amendment is there objection to summarization?

DEPUTY SPEAKER GODFREY:

And it appears that the amendment has been distributed. Representative Willis.

REP. WILLIS (64th):

Thank you, Mr. Speaker. May I continue?

DEPUTY SPEAKER GODFREY:

You certainly may.

REP. WILLIS (64th):

Thank you so much. So kind of you. This amendment strikes accepting and inserts commencing in line four of the bill and what that does it changes the frame -- timeframe in which an adjunct faculty member may waive participation in the State employee retirement plan to within 60 days after beginning

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HOUSE OF REPRESENTATIVES

399
May 4, 2012

rather than accepting employment. I move adoption. I
knew that.

DEPUTY SPEAKER GODFREY:

Question on adoption of Senate Amendment Schedule
A. Would you remark further? Would you remark
further? If not, let me try your minds. All those in
favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed nay. The ayes have it. The amendment is
adopted. Will you remark on the bill as amended?
Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Mr. Speaker. I rise in strong support
of this bill. This -- the impetus of this bill came
to our committee through the awareness of
Representative Aman who realized that there -- a
situation existed where members of the adjunct faculty
staff of the -- the CSUS system in UConn had an
opportunity to waive the State retirement benefits and

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

400
May 4, 2012

the community colleges' adjuncts did not and therefore because they couldn't waive the retirement benefits as community college adjuncts they were subjected to a tax consequence by the IRS for their own IRAs that they may have put together privately.

And so this bill gives them the opportunity opt out and therefore preserve the preferential tax status for their own personal IRAs. I encourage my colleagues to support this bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Representative Carter.

REP. CARTER (2nd):

Thank you. Good evening, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good evening.

REP. CARTER (2nd):

A question or two the proponent of the amendment-

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DEPUTY SPEAKER GODFREY:

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HOUSE OF REPRESENTATIVES

401
May 4, 2012

Proceed.

REP. CARTER (2nd):

-- the bill, sorry. Through you, Mr. Speaker. Through you, Mr. Speaker, with this -- this bill as amended I understand this will only affect part time employment now or in the future? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Willis.

REP. WILLIS (64th):

Through you, Mr. Speaker, yes. It is only for part time adjunct faculty.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. If -- if somebody applies -- through you, Mr. Speaker. If someone is an adjunct faculty member and in the future applies for a part time position other than faculty at a regional, community or technical college system would it also

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HOUSE OF REPRESENTATIVES

402
May 4, 2012

preclude them from the retirement then? Through you,
Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Willis.

REP. WILLIS (64th):

Through you, Mr. Speaker, I'm not sure I
understand the Gentleman's question.

DEPUTY SPEAKER GODFREY:

Representative Carter, could you rephrase your
question please?

REP. CARTER (2nd):

Certainly, Mr. Speaker. Through you, Mr.
Speaker, if I seek out employment and I get hired as
an adjunct professor teaching a class with a community
college.

And for whatever reason if I leave that community
college but then I come back maybe in a different
capacity, like a nonfaculty position be it part time,
could I go after a retirement at that point? Through
you, Mr. Speaker.

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

403
May 4, 2012

DEPUTY SPEAKER GODFREY:

Representative Willis.

REP. WILLIS (64th):

Through you, Mr. Speaker, no I don't think that's applicable.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. And through you, when we're looking in line 10 of the bill as amended -- thank you, Mr. Speaker, looking at line 10 of this bill as amended it talks about other constituent units. Through you, Mr. Speaker, could the -- could the good lady maybe enlighten what those other constituent units would be? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Willis.

REP. WILLIS (64th):

Through you, Mr. Speaker, constituent units would be the University of Connecticut, the State university

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

404
May 4, 2012

system which is the four State universities and
Charter Oak College.

DEPUTY SPEAKER GODFREY:

Representative Carter. Thank you. And a final
question through you, Mr. Speaker. Does it -- does it
affect any other kind of State employment whatsoever?
It's only part time employment with a education
constituent unit in the State of Connecticut. Through
you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Willis.

REP. WILLIS (64th):

Through you, Mr. Speaker, it's even more specific
than that. It is -- this only applies to adjuncts
being employed at a community college in the State of
Connecticut.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

405
May 4, 2012

Thank you very much, Mr. Speaker and thank you to the good lady for her answers.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Will you remark further on the bill as amended? Will you remark further on the bill as amended? If not, staff and guests please come to the well of the House. Members please take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is taking a roll call vote. Members to the Chamber please.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted? If all the members have voted the machine will be locked. The Clerk will take a tally. And the Clerk will announce the tally.

THE CLERK:

Senate Bill 241 as amended by Senate A in concurrence with the Senate.

Total Number voting

140

S - 638

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2012**

**VOL. 55
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617 - 941**

rgd/md/gbr
SENATE

71
April 11, 2012

THE CLERK:

On Senate Bill Number 146.
Total Number voting 36
Necessary for adoption 19
Those voting Yea 26
Those voting Nay 10
Those absent and not voting 0

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

On page 17, Calendar 212, Senate Bill Number 241, AN ACT ALLOWING ADJUNCT FACULTY MEMBERS OF THE REGIONAL COMMUNITY-TECHNICAL COLLEGE SYSTEM TO WAIVE MEMBERSHIP IN A STATE RETIREMENT PLAN, favorable report of the Committee on Labor and Public Employees.

THE CHAIR:

Senator Bye, good afternoon.

SENATOR BYE:

Good evening, Madam President.

THE CHAIR:

Afternoon.

SENATOR BYE:

Afternoon.

I move acceptance of the Joint Committee's favorable report and move passage of the bill, waive it's reading and seek leave to summarize.

THE CHAIR:

On acceptance and passage, will you remark, ma'am?

rgd/md/gbr
SENATE

72
April 11, 2012

SENATOR BYE:

Yes. Madam President, I believe the Clerk is in possession of an amendment, LCO 3079. I move that amendment.

THE CHAIR:

Mr. Clerk.

The Clerk is not in possession of the amendment at this time.

Senator Looney.

SENATOR LOONEY:

Yes, Madam President.

I believe the amendment might be 3180, that we might be looking for on this, on this bill.

THE CHAIR:

Mr. Clerk, will you call that amendment?

THE CLERK:

LCO Number 3180, Senate "A," offered by Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Thank you, Madam President.

I'd ask the Clerk to keep that other amendment close by for a different bill.

This amendment simply changes in line 4, strikes the word "accepting" and inserts the word "commencing."

THE CHAIR:

You had moved for it to be adopted.

rgd/md/gbr
SENATE

73
April 11, 2012

SENATOR BYE:

I move it. I move that amendment. Thank you for your coaching, Madam President.

THE CHAIR:

Are there any comments? Will you remark? Will you remark on Amendment "A"? Seeing none, all in favor of Amendment "A," please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed?

Amendment "A" is adopted.

Senator Bye.

SENATOR BYE:

Thank you, Madam President.

What this bill does is it allows -- it does just what it says. It allows adjunct faculty members of the regional community technical college system to waive membership in the state retirement plan.

It's come to our attention from Representative Aman, he has a constituent and it brought up this issue where adjunct faculty at UConn and the CSU are already allowed to waive out of this, to waive out of membership. And this simply allows adjuncts at community technical colleges to do the same.

Thank you, Madam President.

THE CHAIR:

Will you remark? Will you remark?

SENATOR BYE:

Madam Clerk, I ask that we move it to consent.

THE CHAIR:

Seeing no objection, so ordered.

Mr. Clerk.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might return to an item that was marked passed temporarily a little while ago. And that is calendar page 15, Calendar 198.

THE CHAIR:

Mr. Clerk.

Senator -- oh, Mr. Clerk, first.

THE CLERK:

On page 15, Calendar 198, Substitute for Senate Bill Number 28, AN ACT IMPLEMENTING THE GOVERNOR'S RECOMMENDATION CONCERNING AN ANNUAL REPORT ON HIGHER EDUCATION, favorable report of the Committee on Higher Education.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Good evening, Madam President.

I hope the Clerk has that amendment close by, and I move acceptance of the joint committee favorable report, move passage of the bill and waive its reading and seek leave to summarize.

THE CHAIR:

rgd/md/gbr
'SENATE

97
April 11, 2012

THE CLERK:

Page 1, Calendar 214, Senate Resolution Number 11; also page 1, Calendar 215, Senate Resolution Number 12; page 2, Calendar 216, Senate Joint Resolution Number 24; page 2, Calendar 217, Senate Joint Resolution Number 25.

Also on page 2, Calendar 244, House Joint Resolution Number 71; page 2, Calendar 245, House Joint Resolution Number 72; page 3, Calendar 246, House Joint Resolution Number 73; Calendar 247, House Joint Resolution 74; Calendar 248, House Joint Resolution Number 75; and Calendar 249, House Joint Resolution Number 76.

On page 4, House Joint Number -- Calendar 250, House Joint 77; Calendar 251, Senate Joint Resolution Number 26; also on page 4, Calendar 252, Senate Joint Resolution Number 27; on page 5, Senate Bill Number 53 -- I'm sorry, Calendar 53, Senate Bill Number 20; Calendar 56, Senate Bill 71; Calendar 57, Senate Bill 105.

On page 6, Calendar 75, Senate Bill 200; page 7, Calendar 80, Senate Bill Number 42; on page 9, Calendar 105, Senate Bill 252; on page 10, Calendar 111, Senate Bill 328; on 13, Calendar 164, Senate Bill Number 205; and on page 13, Calendar 168, Senate Bill 106.

On page 14, Calendar 181, Senate Bill 98; and Calendar 186, Senate Bill 191.

THE CHAIR:

Mr. Clerk, I think that's Senate Bill 88.

THE CLERK:

Senate Bill 88, stand corrected.

Also Calendar 186, Senate Bill 191; on page 15, Calendar 198, Senate Bill Number 28; on page 17, Calendar 212, Senate Bill 241; and Calendar 213, Senate Bill 139.

On page 18, Calendar 227, Senate Bill 99.

THE CHAIR:

At this time, please, the machine will be open and please

rgd/md/gbr
SENATE

98
April 11, 2012

call for a roll call vote.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll
call has been ordered in the Senate.

THE CHAIR:

Have all members voted? If all members have voted, the
machine will be locked. And Mr. Clerk, will you call the
tally?

THE CLERK:

Total Number voting	36	
Necessary for adoption	19	
Those voting Yea		36
Those voting Nay		0
Those absent and not voting	0	

THE CHAIR:

The consent calendar has been adopted.

Senator Gerratano -- Gerratana, sorry.

SENATOR GERRATANA:

Thank you, Madam President.

Just for a journal notation. I missed, not this vote, but
the previous vote on the legislation. I was out of the
Chamber on legislative business, but I would have voted
affirmative.

THE CHAIR:

It will be noted.

SENATOR GERRATANA:

Thank you, madam.

THE CHAIR: