

**PA13-153**

HB6596

House	3388-3431	44
Public Safety	2067, 2109-2110	3
Senate	4195-4197, 4250-4252	6
		<b>53</b>

**H - 1159**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

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members have voted, the machine will be locked and the Clerk will take a tally.

Representative Fleishmann, for what purpose do you rise?

REP. FLEISHMANN (18th):

To be registered in the affirmative, Madame.

DEPUTY SPEAKER RITTER:

Thank you. Representative Fleishmann will be registered in the affirmative.

The Clerk will please announce the tally.

THE CLERK:

Bill Number 6523, as amended by House "A".

Total number voting	137
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Necessary for passage	69
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Those voting Yea	137
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Those voting Nay	0
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Those absent and not voting	13
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DEPUTY SPEAKER RITTER:

The Bill as amended passes.

Will the Clerk please call Calendar 276?

THE CLERK:

On Page 46, Calendar 276, favorable report of the Joint Standing Committee on Planning and Development, House Bill 6596, AN ACT CONCERNING POLICE OFFICERS AND

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FIREFIGHTERS.

DEPUTY SPEAKER RITTER:

Representative Verrengia, for what purpose do you rise?

REP. VERRENGIA (20th):

Mrs. Speaker, I rise to recuse myself for a possible conflict of interest. Madame Speaker, I'm sorry.

DEPUTY SPEAKER RITTER:

Thank you, Representative.

Representative Dargan.

REP. DARGAN (115th):

Thank you, Madame Speaker. I move for acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER RITTER:

The question is acceptance of the Joint Committee's favorable report and passage of the bill.

Representative Dargan, you have the floor.

REP. DARGAN (115th):

Thank you very much, Madame Speaker. Moving on another police firefighter bill. Now, the Clerk has an amendment, LCO Number 6415. May he please call and I be allowed to summarize?

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DEPUTY SPEAKER RITTER:

Will the Clerk please call LCO 6415 which will be designated House Amendment Schedule "A".

THE CLERK:

Yes, Madame Speaker. LCO Number 6415, House Amendment designated Schedule House "A", House Schedule "A" offered by Representatives Dargan, et al.

DEPUTY SPEAKER RITTER:

The Representative seeks leave of the chamber to summarize the Amendment.

Is there objection to summarization? Is there objection? Hearing none, Representative Dargan, you may proceed with summarization.

REP. DARGAN (115th):

Thank you very much, Madame Speaker. The underlying bill now which is the Amendment, it deals with some issues with some communities within our state that deal with social security and Medicare. And, federal law changed on August 15, 1994 and this really conforms to federal law and on the federal level the social security administrator thought that this would be the best way to go forward with different unions or bargaining units within our respective communities, police or fire to opt into

Medicare and/or social security because prior to 1994, they were exempt from doing that.

Since a number of pension plans have changed since that time, there's some of our local municipal departments that come underneath the state, the employee program -- there's some cities now that have done away with their pensions and gone to 401K and this gives the firefighters and law enforcement within those respective communities through their respective collective bargaining groups through their own referendum through their own bargaining group to opt in if they so please. And, I move adoption.

DEPUTY SPEAKER RITTER:

The question before the chamber is adoption of House Amendment Schedule "A".

Will you remark on the amendment?

Representative Cafero, you have the floor, sir.

REP. CAFERO (142nd):

Thank you, Madame Speaker. Madame Speaker, a question or two to the proponent of the Amendment?

DEPUTY SPEAKER RITTER:

Please proceed.

REP. CAFERO (142nd):

Thank you, Madame Speaker. Through you,

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Representative Dargan has indicated to the chamber that the purpose of this bill is to codify or confirm with the federal law that was adopted in 1994. I guess, through you, Madame Speaker, I would ask being that that was 19 years ago, was there any reason why we as a state had not conformed with that federal law earlier than this point? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, why it has not been brought to our attention because none of the bargaining units prior to the year 2009, I guess, there was two communities -- one was West Haven, one was Westport, that needed to the ability to reflect the change in state law in order to opt into this is they so please. Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madame Speaker. If -- without this Amendment, is there any municipal police or firefighters that are allowed to opt into social security? Through you, Madame Speaker.

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DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, I believe the answer is no.

DEPUTY SPEAKER RITTER:

Representative Cafero.

REP. CAFERO (142nd):

And, I'm just wondering, again, since the federal law has -- without being preempted by the state which obviously in this case it was, did allow that, was there a purpose on the part of say local firefighters or police officers that they chose not to opt into social security or Medicare and therefore found no reason to overturn our state laws prohibition?

Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, I think what has happened is that prior to that, police and fire were not able to get at time of retirement to go into the social security fund. They were able to just to get whatever their fire or police pension was at that time

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and then language came from the comptroller's office in order to clarify this language and this Amendment basically after having discussion on a federal level with the social security administration, they thought it was a better way to lift that restriction so that police and fire when allowing them, will be allowed to participate through social security and Medicare. Through you.

DEPUTY SPEAKER RITTER:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madame Speaker. I guess I remember and forgive me because I don't know the current status, although I still think it's the case, teachers for instance in the State of Connecticut do not participate in the social security system and are reliant upon their teachers retirement plan for their retirement benefits solely and of course, as a result, social security is not taken out of their pay. Obviously if you don't get the benefit, you don't have to pay into it. Is that the same situation with regard to local police and fire or was it at a certain time and has that now changed? Through you, Madame Speaker.

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DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Thank you very much, Madame Speaker. That is correct. The example that the Minority Leader gave is 100 percent correct. What's happening now, there's a number of municipalities that are negotiating -- fire or police contracts without the ability of having some form of a pension there.

Some communities now have opted into our state employee -- and that's changed, the bargaining unit locally usually was 20 years of service for someone that was in first responder, but if the chief elected official of that community, Mayor, First Selectman, wanted his or her first responders to opt in, they would come underneath our state employee contract which would be a minimum of 25 years.

So, that has changed and then a number of entry level fire service personnel do not have the opportunity to be within that specific pension plan within that community. They might start another tier system. So, in that case, that the fire service personnel or law enforcement personnel will be able to go through social security and Medicare. Through you.

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DEPUTY SPEAKER RITTER:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madame Speaker. Madame Speaker, through you, would the underlying bill only affect the towns of West Haven and Westport or would it be applicable to all towns and municipalities throughout the state? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Madame Speaker. Those are two communities that have come forth to the comptroller's office, but since then, there's some other communities that have come forth. So, from a federal level, the social security administration thought that this would be the best way to handle this to go forward with this language that is before us. Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madame Speaker. And, obviously being that it is an Amendment, and it's a strike all

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Amendment, it is quite different than what the underlying bill was. If the good gentleman could give some background as to why the necessity for the Amendment in that I note that the underlying bill was certainly a far different bill at least as far as the language, than the Amendment that's before us.

Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, it was not workable so we thought that talking to people that were involved with this, that this put it into -- made more sense the way that it was put forth with this Amendment. Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Cafero.

REP. CAFERO (142nd):

Thank you. Through you, Madame Speaker, was the underlying bill the one that was -- had the public hearing -- well, did it have a public hearing, public safety and was that the bill that was voted out of Public Safety? Through you, Madame Speaker.

DAR:

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Representative Dargan.

REP. DARGAN (115th):

Through you, yes, it did have a public hearing and it was voted out of Committee. Through you.

DEPUTY SPEAKER RITTER:

Representative Cafero.

REP. CAFERO (142nd):

Thank you. Through you, Madame Speaker, did whomever determine that the underlying bill was not workable, did that agency or individual, make that known to the Committee during the public hearing on the underlying bill? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, it was not; it was after that we voted the bill out that we've had further discussions with the comptroller's office and with our good people on the fifth floor, our Legislative Commissioner's office to go forward with language that makes some sort of sense that we had before us here tonight. Through you.

DEPUTY SPEAKER RITTER:

Representative Cafero.

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REP. CAFERO (142nd):

Thank you. Through you, Madame Speaker, I note that the underlying bill I guess, tried to handle the situation by carving out certain exceptions which would lead me to believe that when you carve out certain exceptions, there are still a group or groups that would still fall under the old law. The Amendment seems to me, to remove all restrictions. First of all, am I accurate in that analogy? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, I think that the two examples that I could give are -- would be example of a municipality who participates what I talked about before, the Connecticut Municipal Employee Retirement System, and that employer contribute rates for non-hazard duty employees covered by social security is at 11.79 percent and for those not covered by social security, is at 13 percent.

So, and it also talks about federal law and Medicare overage prior to that year of 1991. So, what basically really has changed, to the good Minority

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Leader, is the way that a number of our municipalities have entered into contractual obligations with our first responders when they finalize these contracts and this was something that gives them an opportunity to opt in if they so want to. Through you.

DEPUTY SPEAKER RITTER:

Representative Cafero.

REP. CAFERO (142nd):

Thank you and I certainly understand and respect that answer. I guess my question is, however, in the first go around in the bill that was pass out of Committee that this Amendment strikes, there seem to be just certain carve outs, if you will, which meant to me that the underlying prohibition against opting in the social security, still applied for certain organizations or people.

Subsequently after conversations with the comptroller's office and the fifth floor, it's been discovered that maybe it's best to just remove all restrictions on everybody. So, I'm wondering, under the first version of the bill, who were those organizations that were not exempted, if you will, that still would have been living under the old law but for this Amendment? Through you, Madame Speaker.

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DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Thank you, very much, Madame Speaker. I think that the two examples that I gave, the two that came to our attention were West Haven and Westport and we realized that we don't want to be exclusionary to any other community that might come forward to give them the opportunity to hold that referendum in order to opt in. Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Cafero.

REP. CAFERO (142nd):

Thank you. And, therefore, I think that answers my question, I just want to verify. Therefore, through you, Madame Speaker, the first version of the bill the way written really only applied to Westport and West Haven and now this opt out or opt in provision applies to everyone, is that accurate?

Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, that is accurate, yes.

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DEPUTY SPEAKER RITTER:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madame Speaker and I thank the gentleman for his answers.

DEPUTY SPEAKER RITTER:

Representative Shaban of the 135th District, you have the floor, sir.

REP. SHABAN (135th):

Thank you, Madame Speaker. If I may, a few questions through you?

DEPUTY SPEAKER RITTER:

Please proceed.

REP. SHABAN (135th):

Thank you. I'm scrambling around here trying to go through the Amendment after I've already read the bill and I'll try not to be duplicative of the Minority Leader. But, I guess I'm just trying to figure out who's in and who's out. I think you guys just kind of covered that in the last back and forth, it sounds like all towns would be under this strike all.

But, whatever the referendum may or may not say, through you, Madame Speaker, I'm trying to figure out

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if towns or if you know, firefighters or police officers decide to opt in or do whatever they need to do to get -- I guess now would be eligible for Medicare and social security, is it prospective, is it retroactive, do they have to pay in? I mean, how does it work with what they've already paid into their public retirement system? Through you.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

That's a very good question. The best answer that I could give, if a community or that union opts in, there might be a cost to the municipalities to pay the social security taxes for those individuals who opt to participate.

However, there also might be a savings to municipalities who pay a lower pension contribution rate for employees who are eligible for the social security and/or Medicare versus those who are not pursuant to our state law. Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madame Speaker. Well, I think I understood that answer. I mean, really what I'm trying to drill down on, if they opt in and if these are folks -- what's the date you add it, I think whatever the new service date is, the strike all just disappeared from my screen, but if they opt in, do the folks -- what if they're already retired? I mean, can they still opt in? Through you.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, I would say the answer would be yes, yes.

DEPUTY SPEAKER RITTER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madame Speaker. So, if they're already retired and they're already receiving benefits under the existing municipal or whatever their existing pension plan is, they can now also receive social security and Medicare benefits? Through you.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, the answer would be yes. That has been one key argument that I hear -- heard from law enforcement, fire service personnel that might have worked in the profession of being a first responder but if they worked in another job of some sort and they weren't eligible, the monies that they paid in to social security the way the law was, that they weren't able to receive any of that, similar to what our good Minority Leader said earlier with teacher's retirement. Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madame Speaker. Well, I guess with the new date here for folks hired for work before, I guess it's, services performed prior to August 16, 1994, so 20 years from that would August 16th -- well, it will be coming up, 2014, I guess -- if this law is passed -- and, forgive me, I'm just trying to figure out how this all piecing together because if folks are retiring, whether it's after 15 years or 20 years, whatever their bargaining unit allows them to do, I'm trying to figure out whether this enables our firefighters or anyone who opts in, a double dip.

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That's really what I'm trying to drive at here.  
How are we as tax payers whether it be federal or  
state or municipal or whatever, protected against  
folks from double dipping? Through you.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, they -- again, I  
respect that opinion, the double dipping -- what they  
would be able to do, they'd be able to opt in the  
Medicare side of that. Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Shaban.

REP. SHABAN (135th):

All right. Thank you, Madame Speaker. So, if  
they opt in and, again, I'm not trying to be  
duplicative, I'm trying to work my way through this,  
it's a little complicated. So, they opt in on the  
Medicare side, but they haven't been paying Medicare -  
- paying in, so to speak for the last 20 or 30 years  
or whatnot, is it -- do we have an understanding  
whether or not there's going to have to be sort of a  
back payment?

You know, because they can't just kind of step

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in, saying we haven't been paying for 20, 30 years, but okay we're in. So, I'm assuming, and I think the gentleman touched upon this a minute ago, I'm assuming the municipality or whoever the bargaining unit or whoever, is going to have to pay in to be able to trigger those Medicare benefits. Am I correct, through you?

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, I agree with that, yes.

DEPUTY SPEAKER RITTER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madame Speaker. All right. I'm going to continue to read and listen and work my way through this. I mean, that's -- it sounds like a good idea at first blush, prospectively, but with the opportunity I think, either double dipping which may or may not be true, I'm trying to work through that and that might not be the right metaphor or this could actually be an unforeseen cost to our municipalities if they dive in.

I suppose perhaps they could choose not to go in, but if the bargaining unit forces them to go in

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through collective bargaining, this might give them an unwarranted heavy hammer against our municipalities.

So, I have a bit of a concern. I thank the gentleman for his responses and I'll continue to listen to the debate. Thank you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Gail Lavielle of the 143rd, you have the floor, Madame.

REP. LAVIELLE (143rd):

Thank you very much, Madame Speaker. Good evening to you. I have a couple of questions for clarification to the proponent of the Amendment, if I may?

DEPUTY SPEAKER RITTER:

Please proceed.

REP. LAVIELLE (143rd):

I apologize for this. I have been following the discussion, but I am still not clear and really do want to be sure that I understand what the Amendment changes in terms of who is covered by what the Amendment changes.

I understand that the original bill addressed the question of pre-1986 hires, which was raised by the Town of Westport, which I represent. But, I just want

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to be sure I understand exactly what else the Amendment throws in. I didn't entirely understand what came out of the previous discussion. Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker. The Amendment just removes the restrictions and gives them the opportunity to opt in if they so please, through you.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

REP. LAVIELLE (143rd):

That's probably why it's unclear to me because I had the impression that there was an opportunity to opt in before for people hired after 1986. Am I mistaken? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, that is correct. This would deal with people hired before that year that she talks about. Through you.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you. But, my impression was that the pre-86 people were dealt with in the underlying bill and I'm always ready to accept that I'm wrong. I'm just trying to clarify that I understand this properly. I though the underlying bill dealt with the people before '86 and I'm asking about the Amendment.

Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Thank you very much to the good Representative. Yes, that is correct and it just expands what that definition is. Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madame Speaker. That's exactly the sense of my question. To what does it expand? Who else does it include through the Amendment, who was not included in the underlying bill? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, it would just deal with any other police or fire service personnel that would like to opt in. Through you.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

REP. LAVIELLE (143rd):

So, those who were -- before the underlying bill was even proposed, was anyone who was hired after 1986 allowed to opt in or not? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, I would have to say yes because depending on what contract that they have within their respective community and if they've done away with some form of pension that they might have had within that respective municipality, they would have the right to opt into that social security, Medicare side of it.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

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REP. LAVIELLE (143rd):

Thank you: So, in other words there is -- apart from those who were hired after 1985, and those who were hired who were already covered by law, and those who were hired before 1986 who are covered by the underlying bill, who's left for the Amendment?

Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

I think who would be left, Through you, Madame Speaker, would be whoever now would want to opt into that social security side of it. Through you.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Okay. I still feel I'm missing something. Let me ask another question. I thank the Representative for his answers. The other question I have is I'd just like some clarification on the fiscal note, if I may. The fiscal note for the Amendment says it strikes the underlying bill and its associated fiscal impact.

Then it goes on to say that for those individuals

who opt to participate, there would be a social security tax to pay but on the other hand, they wouldn't be paying for associated coverage because social security would take care of that. I just want to be sure that I understand exactly the fiscal impact of the strike all Amendment. So, if Representative Dargan could help us by explaining that. Thank you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Thank you very much, Madame Speaker. Just for a little clarification too. In 1994, the feds let them -- the federal law let them opt into social security and Medicare, but on a state level, our state statute did not allow them to do that. So, that's what we're doing here tonight. So, that's the best that I could explain it through you, to the good Representative.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Then perhaps I could extend it a bit farther. We're a -- if I understand this correctly, there is a referendum by the affected employees or by the --

well, I'll get to that in a minute, but after a referendum and a town decides on behalf of its employees to allow them to opt in, what then is the fiscal impact to the town? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:]

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, just the clarification on that. When I talked about referendum, it wouldn't be within that respective town or city, it's the referendum would be to the individuals that are in that collective bargaining unit whether or not they collectively want to opt into the social security, Medicare. Through you.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madame Speaker. I understand that, but let us assume that elect to opt in through the referendum. Then, what is the fiscal impact to the town? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

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REP. DARGAN (115th):

Through you, Madame Speaker, to the best of my knowledge from what I've read, there was one side of it might say that municipalities will have to pay that social security taxes on that individual who opted to participate. But, then on the other hand, there's probably a savings to the municipalities because they'll pay a lower pension contribution because that individual will not be in a pension program within that respective community which is a big cost usually to our municipalities and our state. Through you.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madame Speaker. And, there would be no case in which any employer would be doing both? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, I'm not really sure. I really need a clarification on both.

DEPUTY SPEAKER RITTER:

Representative Lavielle, would you be able to

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clarify?

REP. LAVIELLE (143rd):

I'm sorry. I'd be happy to. Would there be any case in which an employee might be both enrolled in a pension plan and opting into social security? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, the complexity of that is that for years first responders who worked a secondary job have not been able to collect through social security. If that individual group through that referendum through their own, not even through collective bargaining, decide to opt into social security, that individual would just collect social security.

If that individual was an employee for say 15 or 20 years before this group decided to opt out, that individual depending on the labor clause that they had, might be eligible to be compensated to whatever that collective bargaining agreement was and the years of service he or she might have to collect any monies through that fund. So, in that case I would say that

they could collect, but I don't think the issue of double dipping would be there on a constant basis and that's not the intent of this bill before us. Through you.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madame Speaker. I thank the Representative for that answer. Just a question about the referendum that's referred to here, is it the decision of the town to allow the referendum by the bargaining unit or is it exclusively the bargaining unit's decision? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, right now it would be the units of people that are there and that's underneath the current statute right now. Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

REP. LAVIELLE (143rd):

I see. So, the decision to hold the referendum

is allowed now for certain groups of people and that ability to make the decision exclusively by the bargaining units does not change, it's just who the referendum might cover? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, that is true. Similar to this legislative body we debate a lot of different issues and I'm sure within that collective group that there might be some differences of opinion within that respective group too. Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you. It's my concern is simply that this has never been up to the town to decide and never will be, that will not change as a consequence of the Amendment as it stands. Through you, Madame Speaker, is that correct?

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

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That is correct, yes. Through you.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madame Speaker. One last question, just -- I would like to know in the opinion, in the best opinion of Representative Dargan, whether there is any way that the passage of this Amendment might be disadvantageous to a town once its collective bargaining units might decide to hold a referendum? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, I would say the answer would be no. I really don't think that there -- from what I know about this and I'm not an expert in this field, but from what I've read it seems to be -- in most instances, it would be a cost savings to a community if in fact that their collective bargaining agreement expired and they didn't come to any sort of agreement and the union decided to opt into this, that it might actually save -- well, it would save the communities monies because that municipality would not

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have to pay into the pension program. Through you.

DEPUTY SPEAKER RITTER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you very much, Madame Speaker and I thank the Representative for his answers. Thank you.

DEPUTY SPEAKER RITTER:

Thank you. Representative Arthur O'Neill of the 69th District, you have the floor, sir.

REP. O'NEILL (69th):

Thank you, Madame Speaker. If I may, a few questions, through you, to the proponent of the Amendment?

DEPUTY SPEAKER RITTER:

Please proceed.

REP. O'NEILL (69th):

I noticed that the title of the bill that we are discussing and to which this Amendment is to be attached, is an act concerning police officers and firefighters. And, in looking at the Amendment, I notice that the change in language occurs in line 15, performed prior to August 16, 1994 and it goes on to say, this is apparently preexisting language, of individuals and policemen's or firemen's positions

covered under Fund A or Fund B, and it goes on.

Through you, Madame Speaker, I guess the question that I would put to the Chair, is when this Amendment was being crafted, was there a reason why the words policemen's and firemen's were not changed to what is obviously the more modern terminology that we have been utilizing of police officer and firefighter? Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, I do not have the answer to that -- to that question. Through you.

DEPUTY SPEAKER RITTER:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. I guess it never cropped up during the course of the discussion about the Amendment because I had thought that it was pretty much routine for the legislative Commissioner's office when they see a section that's going to be amended and it contains this kind of old language which has gender distinctions drawn to pretty much routinely change it and I'm just wondering if there was -- if there was a

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reason for that?

Because I went back and I noticed that the language was policemen's and firemen's in the underlying bill and the final copy and the raised bill and it seems to have been consistently used throughout and I'm just, as I say, curious as to why this never got caught by LCO and I obviously have the answer which is that the Chair of the Public Safety and Security Committee doesn't know why it wasn't picked up on.

I guess my question to you, Madame Speaker, and that is, is this the kind of thing that the LCO in codifying this, assuming that it becomes part of the bill and eventually the bill passes, is this kind of a change to use the gender neutral language something that LCO can accomplish without a specific explicit amendment adopted by the House? So, to you, Madame Speaker, I would put that as a parliamentary inquiry.

REP. DARGAN (115th):

Through you, Madame Speaker --

DEPUTY SPEAKER RITTER:

Representative Dargan, one moment please.  
Representative O'Neill, was that addressed to the Chair or to Representative Dargan? Excuse me for

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clarification.

DEPUTY SPEAKER RITTER:

It was intended to be addressed to the Chair, I believe.

DEPUTY SPEAKER RITTER:

Thank you, Representative O'Neill and I'd ask the House to stand at ease for just a moment.

(House stands at ease)

DEPUTY SPEAKER RITTER:

Will the Chamber return to order?

Representative O'Neill, it is the opinion of the Chair that this is not a fix that the LCO can simply make. However, this could be made in the future in another bill.

REP. O'NEILL (69th):

Thank you, Madame Speaker. Well, perhaps we can take care of even this evening. But, thank you very much and I wait to see the Amendment move forward.

Thank you.

DEPUTY SPEAKER RITTER:

Representative Giegler of the 138th.

REP. GIEGLER (138th):

Thank you, Madame Speaker.

DEPUTY SPEAKER RITTER:

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You have the floor, Madame.

REP. GIEGLER (138th):

Thank you Madame Speaker. Just a couple of points of clarification from the Chairman of the Public Safety Committee, please?

DEPUTY SPEAKER RITTER:

Please proceed.

REP. GIEGLER (138th):

Thank you very much. According to state law, in order for municipal employees to opt into the program, an employee referendum and federal approval is required. Does this provision remain unchanged in this Bill?

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, to the best Ranking Member in the General Assembly, the answer is no.

DEPUTY SPEAKER RITTER:

Representative Giegler. How would you care to respond to that, Representative Giegler?

REP. GIEGLER (138th):

I'll pass. And, also Madame Speaker, the language that we are submitting within this Amendment,

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will it reflect the federal change in the state  
statute?

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, yes, the answer is  
yes.

DEPUTY SPEAKER RITTER:

Representative Giegler.

REP. GIEGLER (138th):

I thank the Chairman for his answer. Will this  
legislation be necessary in order for the comptroller  
to process the paperwork for the town of Westport for  
a referendum which will allow the police officers and  
firefighters to gain their Medicare coverage?

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Thank you very much, Madame Speaker. Yes, it  
will not only address Westport, but any other  
community that makes the determination to opt in.  
Through you, Madame Speaker.

DEPUTY SPEAKER RITTER:

Representative Giegler.

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REP. GIEGLER (138th):

Thank you, Madame Speaker and through you, Madame Speaker to the Chairman, does this language -- was it suggested by the social security administration as a better way to lift the restrictions that the police and fire face when they are participating in social security and Medicare?

DEPUTY SPEAKER RITTER:

Representative Dargan.

REP. DARGAN (115th):

Through you, Madame Speaker, the answer is yes.

DEPUTY SPEAKER RITTER:

Representative Giegler.

REP. GIEGLER (138th):

Thank you, Madame Speaker and I want to thank the Chairman for his answers. I think this clarifies and maybe possibly summarizes some of the highlights of why this Amendment is so important to this Bill and I thank him for his answers.

DEPUTY SPEAKER RITTER:

Thank you, Representative.

Will you remark further?

Representative Dargan, would you like to remark further on the Amendment that is before us?

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REP. DARGAN (115th):

To the Amendment, no.

DEPUTY SPEAKER RITTER:

Thank you, Representative Dargan.

Will you remark further on the Amendment that is before us? Will you remark further? Will you remark further?

If not, I try your minds. All of those in favor of the Amendment before us, please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RITTER:

Opposed?

The Ayes have it and the Amendment is adopted.

Will you remark further on the Bill as amended?

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madame Speaker. As I indicated earlier, I noticed that the language in line 15 of the original Amendment and now the Bill, included the non-gender neutral or the old fashioned way of expression of policeman and fireman or firemen and that I thought that it should be corrected and as you indicated, it

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cannot be corrected by LCO, we have to do some sort of an amendment and to that end, I have -- the Clerk rather, has an amendment, I hope, LCO Number 6786 and I would ask that he call and I be allowed to summarize.

DEPUTY SPEAKER RITTER:

The Clerk has an Amendment, LCO Number 6786. I would ask the Clerk to please call the Amendment -- excuse me -- I would ask an Amendment LCO Number 6786 to be designated House Amendment Schedule "B".

THE CLERK:

House Amendment "B", LCO 6786, introduced by Representative O'Neill.

DEPUTY SPEAKER RITTER:

Thank you. The Representative seeks leave of the Chamber to summarize the Amendment. Is there objection to summarization? Is there objection to summarization? Hearing none, Representative O'Neill, you may proceed with summarization.

REP. O'NEILL (69th):

Thank you, Madame Speaker. The affect of this amendment is to change the language, replace the policemen's or firemen's language that began in -- begins in line 14 and continues to line 15 with police

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officers and firefighters instead which is the modern version of language and I would move adoption.

DEPUTY SPEAKER RITTER:

The question before the Chamber is adoption of House Amendment Schedule "B". Representative Dargan.

REP. DARGAN (115th):

Thank you very much, Madame Speaker. As Representative O'Neill and myself are two dinosaurs, this makes the bill much better and I agree that it's a friendly Amendment. Through you.

DEPUTY SPEAKER RITTER:

Will you remark further? Will you remark further?

Representative O'Neill, you have the floor.

REP. O'NEILL (69th):

Yes, thank you, Madame Speaker. I thank the Chair for his support of this Amendment. Dinosaurs are beautiful too. Thank you.

DEPUTY SPEAKER RITTER:

Will you remark further on the Amendment before us? Will you remark further?

If not, I try your minds. All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RITTER:

All those opposed Nay.

The Amendment is adopted.

Will you remark further on the Bill as amended?

Will you remark further on the Bill as amended?

If not, will members and guests please come to the well of the House? Will members please take your seats? The machine will be opened.

THE CLERK:

The House of Representatives is voting roll. The House of Representatives is voting by roll. Will members please return to the Chamber immediately?

DEPUTY SPEAKER RITTER:

Have all the members voted? Have all the members voted? Will the members please check the board to determine if your vote is properly cast? If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

Yes, Madame Speaker. Bill Number 6596, as amended by House "A" and "B".

Total number voting 133

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Necessary for passage	67
Those voting Yea	133
Those voting Nay	0
Those absent and not voting	17

DEPUTY SPEAKER RITTER:

The Bill as amended is passed.

Will the Clerk please call Calendar Number 214?

THE CLERK:

Calendar Number 214 on page 10 of today's calendar. Favorable report of the Joint Standing Committee on Insurance and Real Estate. Substitute House Bill 6549, AN ACT ESTABLISHING A MEDIATION PROGRAM FOR CERTAIN INSURANCE POLICY CLAIMS ARISING FROM A CATASTROPHIC EVENT.

DEPUTY SPEAKER RITTER:

Representative Megna.

REP. MEGNA (97th):

Thank you, Madame Speaker. Madame Speaker, I move acceptance of the Joint Committee's favorable report and passage of the Bill.

DEPUTY SPEAKER RITTER:

The question is acceptance of the Joint Committee's favorable report and passage of the Bill.

Representative Megna, you have the floor.

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2013**

**VOL. 56  
PART 14  
4130 - 4472**

On Calendar page 20, Calendar Number 594, House Bill Number 6596, AN ACT CONCERNING POLICE OFFICERS AND FIREFIGHTERS, as amended by House Amendment Schedules "A" and "B", Favorable Report of the Public Safety Committee.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Thank you, again, Madam President.

And I move acceptance of the Joint Committee's Favorable Report, passage of the bill in concurrence with the House as amended by House "A" and House "B", Madam.

THE CHAIR:

The motion is on acceptance and adoption, and passage, rather, in concurrence with the House. Will you remark, ma'am?

SENATOR HARTLEY:

Yes, thank you, Madam President.

This is also a strike-all, and it is, it, essentially, it's technical with regard to a series of dates, but it essentially amends our state statute so that we are in compliance with the federal Social Security Act and in so doing to allow municipalities to initiate the process to allow police and fire to proceed to opt into the Social Security Medicare system.

Thank you, Madam.

THE CHAIR:

Will you remark further? Will you remark further? Seeing not, Senator Hartley. You're batting a thousand. Keep going, lady.

SENATOR HARTLEY:

Thank you.

THE CHAIR:

Whoops, I'm sorry. I just saw Senator McKinney come up. We were doing so well.

Senator McKinney.

SENATOR MCKINNEY:

I apologize, Madam President. I thought we were --

THE CHAIR:

Don't even apologize.

SENATOR MCKINNEY:

I thought we were voting on an amendment, because I was reading my notes, and it said, but it was amended by the House with House Amendment "A" and House Amendment "B". And that's why I was waiting for your call. I, I just wanted to rise simply -- others may comment on the bill, but I wanted to rise in support of the bill and to thank Senator Hartley and Senator Witkos and others who've worked on this in the Public Safety Committee in the Senate and in the House as well.

Thank you.

THE CHAIR:

Thank you. Now will you remark further?

Senator Hartley.

SENATOR HARTLEY:

Yes, thank you, Madam President.

I appreciate the kind words of the minority leader. And if there is not objection, I would ask that this be moved to the Consent Calendar.

THE CHAIR:

Is there any objection?

Seeing no objection, so ordered, ma'am.

SENATOR HARTLEY:

Thank you.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 26, Calendar 638, House Bill Number 6373, AN  
ACT CONCERNING THE POLICING OF INDIAN TRIBAL LAND,  
Favorable Report of the Committee on Public Safety.

THE CHAIR:

Senator Hartley.

A VOICE:

(Inaudible).

THE CHAIR:

Let the Senate stand at ease for a moment, please.

(Chamber at ease.)

SENATOR LOONEY:

Okay. Good. Okay.

THE CHAIR:

Thank you.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the other items marked go would now be marked passed retaining their place on the Calendar, and if the Clerk would read the items on the second Consent Calendar so that we might proceed to a vote on that second Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On the second Consent Calendar for the day, page 6, Calendar 348, House Bill 5767; Calendar 352, House Bill Number 6452; also on page 6, Calendar 354, House Bill 6388; on page 7, Calendar 368, Senate Bill 900; page 18, Calendar 573, House Bill 6524; page 20, Calendar 591, House Bill 5727; Calendar 592, House Bill 5979; Calendar 593, House Bill 6523; Calendar 594, House Bill 6596; page 21, Calendar 605, House Bill 6567; page 23, Calendar 615, House Bill 6638; on page 24, Calendar 618, House Bill 6433; and Calendar 619, House Bill 6482; on page 33, Calendar 125, Senate Bill 906; and page 39, Calendar 422, House Bill 5718.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote. Oops, hold on a moment.

Senator Looney.

SENATOR LOONEY:

Yes, Madam President.

Just I wanted to indicate did we get the item on Calendar page 33 --

THE CHAIR:

Yes, sir.

SENATOR LOONEY:

-- Calendar 125, Senate Bill 906?

THE CHAIR:

Yes, sir.

SENATOR LOONEY:

Good. Thank you very much, Madam President.

THE CHAIR:

Yeah.

SENATOR LOONEY:

I appreciate it and move that we vote the Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll call on Consent Calendar 2 has been ordered in the Senate.

THE CHAIR:

The machine is open.

THE CHAIR:

Senator Boucher.

No problem.

Senator Maynard.

Thank you.

If all members have voted, all members have voted, the machine will be closed.

Mr. Clerk, will you call the tally.

THE CLERK:

On the second Consent Calendar for today,

Total Number Voting	34
Necessary for Adoption	18
Those voting Yea	34
Those voting Nay	0
Those absent and not voting	2

THE CHAIR:

Thank you. The Consent Calendar, second Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President, first of all for a, a journal notation.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, Senator Coleman was absent today due to illness. We hope that he will be back with us next week, missed votes today. And also for a point of personal privilege, Madam President.

THE CHAIR:

Please proceed.

SENATOR LOONEY:

Thank you.

Madam President, two of our wonderful caucus colleagues on the, the Democratic staff in great

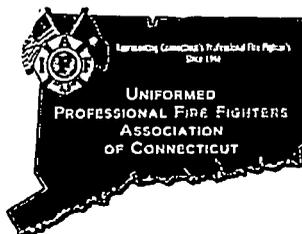
**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PUBLIC  
SAFETY AND  
SECURITY  
PART 6  
1768 - 2112**

**2013**

**UNIFORMED PROFESSIONAL FIRE FIGHTERS ASSOCIATION OF CONNECTICUT**  
 AFFILIATED WITH INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS  
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**PAUL J. RAPANAULT**  
 DIRECTOR  
 Legislative/Political Affairs

March 18, 2013

Good afternoon Senator Hartley, Representative Dargan and members of the Public Safety and Security Committee. My name is Paul Rapanault. I am the Director of Legislation/Political Affairs of the Uniformed Professional Fire Fighters of Connecticut. The UPFFA represents 4,000 career fire fighters, Emergency Medical Technicians and dispatchers in nearly 60 municipal and state local unions.

I am here today in support of two bills before you.

**S.B. No. 1094 (RAISED) AN ACT CONCERNING EMERGENCY SERVICES AND PUBLIC PROTECTION.** This bill makes statutory updates that are necessary due to the reorganization of the Department of Emergency Services and Public Protection. **We SUPPORT THIS BILL.**

**H.B. No. 6596 (RAISED) AN ACT CONCERNING POLICE OFFICERS AND FIREFIGHTERS.** This bill authorizes a referendum to determine if certain municipal police officers and firefighters may be covered by Medicare. In some cases, police and fire fighters may not be covered by Medicare. According to federal rules, before such employees can be considered for coverage, there must be a referendum of employees to permit participation. **We SUPPORT THIS BILL.**

Thank you for your consideration of this issue.

Paul J Rapanault  
 DIRECTOR  
 Legislative/Political Affairs



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  
Comptroller Kevin Lembo  
March 18, 2013

Concerning  
RB 6596 An Act Concerning Police Officers and Firefighters

Senator Hartley, Representative Dargan, Senator Guglielmo and Representative Giegler:

Thank you for raising and the opportunity to provide testimony on Raised Bill 6596 An Act Concerning Police Officers and Firefighters.

Beginning July 2, 1991, Social Security and Medicare coverage became mandatory for police officers and firefighters not covered by a public retirement system. In most cases, Medicare coverage is available and continues for police and firefighters hired *after* March 31, 1986.

An issue arises, however, for those police officers and firefighters who are members of a retirement system and were hired prior to April 1, 1986.

Through an agreement with the Commissioner of Social Security that is based on Section 218 of the Social Security Act, states may provide Medicare-only coverage for police and firefighters who are members of a retirement system and were hired *prior to April 1, 1986*. But, there are a number of steps to acquire the coverage, including conducting a coverage referendum, which is a vote taken among those affected members.

Acting on behalf of the state, my office periodically receives requests to conduct a coverage referendum. While my office previously encountered no issues with this practice, the Social Security Administration's (SSA) Office of General Counsel recently inquired about the state's legal authority for entering into a contract with Westport police and firefighters for Medicare-only coverage for the pre-1986 members. Our counsel has made the argument that it is implicit in the statutes and has relied on SSA acceptance of past referendums but SSA refused to approve the referendum performed by the Town of Westport for the pre-1986 firefighters and

police because the statute is silent. There is no specific legal authority primarily because the relevant statute has not been amended since 1979.

This legislation will update the statute and correct the situation, which will enable my office to reprocess the paperwork for the Westport coverage referendum and the Westport police officers and firefighters hired prior to 1986 to be covered by Medicare. It will also clarify the statute for future referendums conducted by my office.

Once again, thank you for raising this bill. I hope you will support this legislation.