

Legislative History for Connecticut Act

PA 16-91

SB267

Senate	1627-1629, 1637-1645, 1699-1701	15
Appropriations	4196-4197, 4199	3
House Transcripts have not been received. They are available on CGA website, but are not the Official copy. Contact House Clerk for assistance (860) 240-0400		18

Transcripts from the Joint Standing Committee Public
Hearing(s) and/or Senate and House of Representatives
Proceedings

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2016**

**VOL. 59
PART 5
1368 – 1703**

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Aye.

THE CHAIR:

Those against, please say Nay. The motion passes;
Senate "A" is adopted. Will you remark further on
the bill? Will you remark further on the bill?

SENATOR FLEXER (29TH):

Thank you, Madam President. If there is no
objection, I move we place this item on our Consent
Calendar.

THE CHAIR:

Seeing no objection, so ordered, ma'am. Mr. Clerk.

THE CLERK:

On Page 17, Calendar 438, S.B. No. 267, AN ACT
MAKING CHANGES TO THE TEACHERS' RETIREMENT SYSTEM TO
ALLOW RETENTION OF THE PLAN D COPARTICIPANT OPTION
AFTER DIVORCE AND TO CEASE CREDITING INTEREST ON
CERTAIN INACTIVE, NONVESTED MEMBERS, AND ELIMINATING
CERTAIN OBSOLETE LANGUAGE. There are amendments.

THE CHAIR:

Good morning, Senator Bye.

SENATOR BYE (5TH):

Good morning, Madam President. Madam President, I
move acceptance of the Joint Committee's favorable
report and passage of the bill.

THE CHAIR:

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The motion is on acceptance and passage. Will you remark, ma'am?

SENATOR BYE (5TH):

Madam President, the Clerk is in possession of an amendment, 5344. I'd like to have that called and then explain the bill.

THE CHAIR:

Mr. Clerk.

The amendment is on its way.

SENATOR BYE (5TH):

Madam President, if I may describe the underlying bill while we wait for the amendment and then call the amendment? Would that be proper?

THE CHAIR:

I see no objection, ma'am, please proceed.

SENATOR BYE (5TH):

Okay. Madam President, the underlying bill makes changes to the teacher retirement system that allows a member to retain the coparticipant option upon divorce, if mutually agreed upon.

This has been before us before, and I think it's an important change in the system to allow for this. And I will continue on the amendment when it arrives. Thank you, Madam President.

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THE CHAIR:

The Senate will stand at ease for a moment.

Oops, Senator Duff. Senator Duff? Oops.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. In order to continue to move along, why don't we PT this bill and we'll come back to it, and ask the Clerk to call the next.

THE CHAIR:

Mr. Clerk.

SENATOR DUFF (25TH):

Madam --

THE CHAIR:

Whoops, sorry.

SENATOR DUFF (25TH):

Madam President?

THE CHAIR:

Yes.

SENATOR DUFF (25TH):

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Thank you, Madam President. If the Clerk can call previously bill marked PT; Calendar Page 17, Calendar 438, S.B. No. 267.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 17, Calendar 438, S.B. No. 267, AN ACT MAKING CHANGES TO THE TEACHERS' RETIREMENT SYSTEM TO ALLOW RETENTION OF THE PLAN D COPARTICIPANT OPTION AFTER DIVORCE AND TO CEASE CREDITING INTEREST ON CERTAIN INACTIVE, NONVESTED MEMBERS, AND ELIMINATING CERTAIN OBSOLETE LANGUAGE. There are amendments.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President. Earlier, Senator Kennedy asked me that all obsolete language be removed from every bill heard in this Chamber. I thought that was a good suggestion.

So, Madam President, is it proper now to call the amendment again?

THE CHAIR:

Please.

SENATOR BYE (5TH):

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Okay. So, Madam President, the Clerk is in possession of an amendment, LCO No. 5344. I ask that it be called and I be granted leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO No. 45 -- 5344, Senate "A", offered by Senators
Bye, Moore, Coleman, et al.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President. I will briefly describe what this amendment does.

This amendment does several things. It allows teachers, or superintendents for that matter, who are working in an alliance district to have a limited ability to continue service from July 1, 2016 to June 30, 2018.

The Attorney General made a ruling that challenge the ability for superintendents to come back in priority areas. This has a very limited scope, and allows some very successful superintendents in alliance districts to continue.

To take care of the problem going forward, this bill also now sets it up so that a teacher or superintendent may un-retire, without penalty, and

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come back at the pay -- at the teacher's pay without both the retirement and pay, and it also allows teachers or superintendents who come back to work with the 45 percent rule to get health benefits equal to that of the teacher unit in that district, but not to get other benefits that may bring the compensation over and above that 45 percent.

Through you, Madam President.

THE CHAIR:

Will you remark on the amendment? Will you remark on the amendment?

If not, all those in favor -- let me try your minds. All those in favor of Senate "A", please say Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" is adopted. Senator Kane.
Good morning, sir.

SENATOR KANE (32ND):

Good morning, Madam President. Reminded me of that movie.

I rise for a couple questions to the proponent of the bill?

THE CHAIR:

Please proceed, sir.

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SENATOR KANE (32ND):

Thank you, Madam President. Through you to Senator Bye.

Senator Bye, as you are painfully aware, this bill comes to the Appropriations Committee many years, and each year we pass this out of Committee, unfortunately, and it does not get passage through the General Assembly. But if you could explain to me the amendment that has changed the bill, because we've never seen this before. This is something new.

Through you to Senator Bye, please.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Through you, Madam President. This amendment came to us because of the situation in both Bloomfield and Bridgeport where there are highly successful superintendents in districts that have had big challenges over the years, who are making great progress.

In the process of their service post-retirement, the Attorney General made a ruling impacting their ability to continue in those roles. And so this bill is an attempt to deal with that problem in the teacher retirement system on the short term, and then for any future superintendents or teachers who wish to come back after retirement, it makes it much simpler for them to do so. They are able to simply

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un-retire, get a salary as they were if they were a teacher, any teacher or any superintendent, and then they can retire again, but they don't continue to gain years of service and bump up their pension, it's simply a return from retirement without enhanced benefits.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. So, Section 2 is a fix narrowly drawn for the towns of Bloomfield and Bridgeport, is that true?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Madam President, while we know that these two superintendents were in this position, there may be other alliance districts who have superintendents in this position that we do not know about, who were employed while the Attorney General made that ruling, who this will cover as well.

But we know, Senator Moore and Senator Coleman and I, working with our districts who were very concerned that they were going to lose successful superintendents, worked to -- for this fix for those

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towns that are finally making progress in the face of big challenges.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

And the underlying bill -- Thank you, Madam President. And the underlying bill would not have encompassed these individuals from these two towns if not for this change?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Through you, Madam President, no. The underlying bill is about the teacher retirement system, and is designed to help with the problem of teachers who retire whose co -- who subsequently get divorced, and have a coparticipant that they may continue to receive the benefit.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

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Thank you, Madam President. In Section 3, this is a fix for all individuals who may be retired and choose to un-retire as you put it earlier, throughout the state of Connecticut?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Yes, through you, Madam President, that is correct. That is what that is for, and it seems like a fair fix for others going forward since the ruling, and it also will prevent what goes on now, where sometimes superintendents return, and they get a retirement plus a salary.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. And lastly, would this amendment, and the underlying bill, have a positive fiscal note, or potentially a negative fiscal note; because it -- first of all, for the underlying bill, and the change to the underlying bill?

Through you, Madam President.

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Senator Bye.

SENATOR BYE (5TH):

Through you, Madam President, no, we had an extensive meeting today with interested parties to talk this through with OFA. It does not have a significant fiscal note, because it simply allows the returning retiree to take a position as they would, and in the case of Section 2, it simply allows what is happening today to continue in those districts.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. I probably shouldn't have said lastly, because second to lastly.

The fix, if you will, would potentially have a savings to the fund, but could there then be a cost to the municipality?

Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

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Through you, Madam President. In our conversations with Fiscal Analysis, there can always be slight ups and downs with health benefits, et cetera, but it was the opinion of the Office of Fiscal Analysis, and in our meeting, that this would have a minimal, if no impact, and may also just as easily have a savings to the districts.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. And I thank the good Chair of the Appropriations Committee for answering my questions. Thank you.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Bye.

SENATOR BYE (5TH):

Madam President, if there's no objection, I ask that this be placed on the Consent.

THE CHAIR:

Seeing no objection, so ordered. Mr. Clerk. Oh -- yeah, Mr. Clerk.

THE CLERK:

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SENATOR DUFF (25TH):

Thank you, Madam President. And on Calendar Page 9, Calendar 359, S.B. 455; I'd like to place that item on our Consent Calendar.

THE CHAIR:

So ordered. Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. And if the Clerk can now call the items on the Consent Calendar, followed by a vote of our Consent Calendar tonight.

THE CHAIR:

Mr. Clerk, when you can, please call the Consent Calendar.

THE CLERK:

On Page 1, Calendar 83, S.B. No. 183; Page 2, Calendar 132, S.B. No. 205; on Page 4, Calendar 237, S.B. No. 298; Page 5, Calendar 285, S.B. No. 317; on Page 8, Calendar 346, S.B. No. 338; Page 9, Calendar 372, S.B. No. 346; also on Page 9, Calendar 359, S.B. No. 455; on Page 10, Calendar 374, H.B. No. 5327; Page 12, Calendar 386, H.B. No. 5379; on Page 14, Calendar 405, S.B. No. 365; Page 17, Calendar 434, S.B. No. 401; Page 17, Calendar 438, S.B. No. 267; Page 32, Calendar 69, S.B. No. 186; and on Page 33, Calendar 85, S.B. No. 187; also on Page 33, Calendar 129, S.B. No. 202; Page 34, Calendar 138, S.B. No. 137; also on Page 34, Calendar 139, S.B. No. 140; on Page 35, Calendar

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186, S.B. No. 262; Page 36, Calendar 203, S.B. No. 240; Page 36, Calendar 222, S.B. No. 301; Page 36, Calendar 226, S.B. No. 179; on Page 37, Calendar 249, S.B. No. 122; Page 38, Calendar 257, S.B. No. 139; on Page 40, Calendar 333, S.B. No. 289; and on Page 41, Calendar 349, S.B. No. 300.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote on Consent Calendar 1. The machine is open.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar for today. Immediate roll call in the Senate.

THE CHAIR:

Senator Gomes; Consent Calendar. Senator Hartley; thank you.

All members have voted. All members have voted. The machine will be closed. Mr. Clerk, will you call the tally, please?

THE CLERK:

On today's Consent Calendar

Total Number of Voting	36
Those Voting Yea	36
Those Voting Nay	0
Absent and Not Voting	0

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THE CHAIR:

The Consent Calendar passes. (Gavel)

Are there any points of personal privilege? Senator Leone. Senator Leone?

SENATOR LEONE (27TH):

Yes. Yes, Madam President, just for a purpose of an announcement?

THE CHAIR:

Please proceed, sir.

SENATOR LEONE (27TH):

For just -- for the General Law Committee, we'll have a meeting for a referral 15 minutes prior to the start of the first session tomorrow. Thank you.

THE CHAIR:

Thank you; so noted. Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. The Housing Committee will be meeting at 10:30 outside the House Chamber.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

**JOINT
STANDING
COMMITTEE
HEARINGS**

**APPROPRIATIONS
PART 8
3960 - 4681**

2016

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TESTIMONY OF
PETER M. GIOIA
VICE PRESIDENT AND ECONOMIST
CONNECTICUT BUSINESS AND INDUSTRY ASSOCIATION
SUBMITTED TO THE
APPROPRIATIONS COMMITTEE
MARCH 4, 2016
LEGISLATIVE OFFICE BUILDING
STATE CAPITOL
HARTFORD, CONNECTICUT

Good day. My name is Pete Gioia. I am the economist for the Connecticut Business and Industry Association (CBIA). CBIA represents thousands of firms, which employ hundreds of thousands of women and men in Connecticut. Our membership includes firms of all sizes and types, the vast majority of which are small businesses with fewer than 50 people.

CBIA would like to comment upon the following bills: HB 5086, HB5417, and SB 269.

HB 5086

The bill asks the General Assembly to formally implement the cap approved by 81% of the electorate. We support it.

However, it must do more than just defines the general budget expenditures, which solves one part of the problem with the original constitutional amendment. It also needs to be clear on how a violation of the statute could be enforced. We need to be clear on who would have standing to go into court and enforce a violation of the constitutional spending cap. If not, the court would dismiss any lawsuit on either standing or, if not standing, political question doctrine. So, we suggest you amend the bill to have some kind of enforcement mechanism created by the law. A statement in the statute saying that any taxpayer has the authority to seek to enjoin certain payments if this provision is violated may be needed like that. And the specific remedy (what's being enjoined) must be stated in the bill to avoid the political question doctrine problem.

HB 5417

This bill provides greater accountability and calls for reporting and efforts to reduce overtime. We support it.

SB 269

The bill calls for a study of a 40 hour state employee work week. We feel such an effort could permit more reasonable staffing of 24/7 operations, like prisons. We feel properly implemented it should reduce overtime. We support the bill.

Thank you for the opportunity to present this testimony.

**TESTIMONY PRESENTED TO THE APPROPRIATIONS COMMITTEE
MARCH 4, 2016**

*Benjamin Barnes
Secretary
Office of Policy and Management*

Testimony Regarding Various Bills

Senator Bye, Representative Walker and distinguished members of the Appropriations Committee, thank you for the opportunity to offer testimony on several bills under consideration by the committee.

The Office of Policy and Management fully supports Senate Bill 267, An Act Making Changes to the Teachers' Retirement System to Allow Retention of the Plan D Coparticipant Option After Divorce and to Cease Crediting Interest on Certain Inactive, Nonvested Members, and Eliminating Certain Obsolete Language. This bill was submitted by the Teachers' Retirement Board and accomplishes several things. Currently, the Plan D co-participant option is terminated upon divorce. Allowing retention of the co-participant option eases the burden to retired members who must divide the pension asset during a divorce. Section 2 of the bill eases administrative burdens for the agency. Currently the Teachers' Retirement Board must credit interest on pension contributions and issue annual statements for at least 25 years before an account can be deemed abandoned. This legislation would reduce the period of inactivity from 25 to 10 years for non-vested members only; the period for vested members would remain at 25 years. Section 2(b) eliminates references to the pension reserve account which ceased to exist decades ago.

The Office of Policy and Management is opposed to the following bills:

- Senate Bill 269, An Act Requiring the Secretary of the Office of Policy and Management to Study the Impact of Implementing a Forty-Hour Work Week for State Employees. OPM is currently negotiating contracts with the unionized workforce. New and additional reporting requirements are not supported.
- House Bill 5417, An Act Creating an Office of Overtime Accountability. We are opposed to creation of new entities and reporting requirements.
- House Bill 5418, An Act Concerning Establishing the Anticipated Rate of Return for Investments in State Retirement Plans. The State Employees Retirement Commission and the Teachers' Retirement Board are currently

HB5420