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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.