



General Assembly

Substitute Bill No. 5360

January Session, 2003

AN ACT CONCERNING DEATH BENEFITS FOR SURVIVING SPOUSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-144 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 If any state employee, state officer or member of the General
4 Assembly serving with compensation or remuneration sustains an
5 injury while acting within the scope of [his] employment, which injury
6 is not the result of [his] such employee's or officer's or member's own
7 wilful or wanton act, and dies as a result of such injury, and a spouse
8 and a dependent child or children under eighteen years of age survive
9 [him] such employee or officer or member, the Comptroller, upon the
10 recommendation of the appointing authority, and with the approval of
11 the Attorney General, shall draw [his] an order on the Treasurer for the
12 sum of one hundred thousand dollars, payable in equal monthly
13 installments over a period of not less than ten years to such employee's
14 or officer's or member's spouse, provided any such payments shall
15 terminate on the death [or remarriage] of such spouse within said ten-
16 year period, and the Comptroller, upon the recommendation of the
17 appointing authority and with the approval of the Attorney General,
18 shall also draw an order on the Treasurer for monthly payments of
19 fifty dollars for each dependent child under eighteen years of age,
20 payable to such spouse or the guardian of such child or children until

21 such child or children reach eighteen years of age. If such employee or
22 officer or member leaves a spouse and no child or children under
23 eighteen years of age, the Comptroller, upon the recommendation of
24 the appointing authority and with the approval of the Attorney
25 General, shall draw an order on the Treasurer for the sum of fifty
26 thousand dollars payable in equal monthly installments over a period
27 of not less than ten years, to such spouse, provided any such payments
28 shall terminate on the death [or remarriage] of such spouse within
29 such ten-year period. If such employee or officer or member leaves no
30 spouse and no child or children under eighteen years of age but leaves
31 a parent or parents dependent upon [him] such employee or officer or
32 member, the Comptroller, upon recommendation of the appointing
33 authority and with the approval of the Attorney General, shall draw an
34 order on the Treasurer for the sum of fifty thousand dollars, payable to
35 such employee's or officer's or member's parent or parents in equal
36 monthly installments over a period of not less than ten years,
37 provided, on the death of one such parent, the surviving parent shall
38 continue to receive the entire monthly payments under the provisions
39 of this section and provided such payments shall cease on the death of
40 both such parents during such ten-year period. As used in this section
41 and section 5-145, the appointing authority for members of the General
42 Assembly shall be the president pro tempore of the Senate and the
43 speaker of the House of Representatives. The appointing authority for
44 state officers shall be the Governor.

45 Sec. 2. Subsection (a) of section 31-306 of the general statutes is
46 repealed and the following is substituted in lieu thereof (*Effective*
47 *October 1, 2003*):

48 (a) Compensation shall be paid to dependents on account of death
49 resulting from an accident arising out of and in the course of
50 employment or from an occupational disease as follows:

51 (1) Four thousand dollars shall be paid for burial expenses in any
52 case in which the employee died on or after October 1, 1988. If there is
53 no one wholly or partially dependent upon the deceased employee, the

54 burial expenses of four thousand dollars shall be paid to the person
55 who assumes the responsibility of paying the funeral expenses.

56 (2) To those wholly dependent upon the deceased employee at the
57 date of the deceased employee's injury, a weekly compensation equal
58 to seventy-five per cent of the average weekly earnings of the deceased
59 calculated pursuant to section 31-310, after such earnings have been
60 reduced by any deduction for federal or state taxes, or both, and for
61 the federal Insurance Contributions Act made from such employee's
62 total wages received during the period of calculation of the employee's
63 average weekly wage pursuant to said section 31-310, as of the date of
64 the injury but not more than the maximum weekly compensation rate
65 set forth in section 31-309 for the year in which the injury occurred or
66 less than twenty dollars weekly. (A) The weekly compensation rate of
67 each dependent entitled to receive compensation under this section as
68 a result of death arising from a compensable injury occurring on or
69 after October 1, 1977, shall be adjusted annually as provided in this
70 subdivision as of the following October first, and each subsequent
71 October first, to provide the dependent with a cost-of-living
72 adjustment in the dependent's weekly compensation rate as
73 determined as of the date of the injury under section 31-309. If the
74 maximum weekly compensation rate, as determined under the
75 provisions of said section 31-309, to be effective as of any October first
76 following the date of the injury, is greater than the maximum weekly
77 compensation rate prevailing at the date of the injury, the weekly
78 compensation rate which the injured employee was entitled to receive
79 at the date of the injury or October 1, 1990, whichever is later, shall be
80 increased by the percentage of the increase in the maximum weekly
81 compensation rate required by the provisions of said section 31-309
82 from the date of the injury or October 1, 1990, whichever is later, to
83 such October first. The cost-of-living increases provided under this
84 subdivision shall be paid by the employer without any order or award
85 from the commissioner. The adjustments shall apply to each payment
86 made in the next succeeding twelve-month period commencing with
87 the October first next succeeding the date of the injury. With respect to

88 any dependent receiving benefits on October 1, 1997, with respect to
89 any injury occurring on or after July 1, 1993, and before October 1,
90 1997, such benefit shall be recalculated to October 1, 1997, as if such
91 benefits had been subject to recalculation annually under this
92 subparagraph. The difference between the amount of any benefits that
93 would have been paid to such dependent if such benefits had been
94 subject to such recalculation and the actual amount of benefits paid
95 during the period between such injury and such recalculation shall be
96 paid to the dependent not later than December 1, 1997, in a lump-sum
97 payment. The employer or its insurer shall be reimbursed by the
98 Second Injury Fund, as provided in section 31-354, for adjustments,
99 including lump-sum payments, payable under this subparagraph for
100 deaths from compensable injuries occurring on or after July 1, 1993,
101 and before October 1, 1997, upon presentation of any vouchers and
102 information that the Treasurer shall require. (B) The weekly
103 compensation rate of each dependent entitled to receive compensation
104 under this section as a result of death arising from a compensable
105 injury occurring on or before September 30, 1977, shall be adjusted as
106 of October 1, 1977, and October 1, 1980, and thereafter, as provided in
107 this subdivision to provide the dependent with partial cost-of-living
108 adjustments in the dependent's weekly compensation rate. As of
109 October 1, 1977, the weekly compensation rate paid prior to October 1,
110 1977, to the dependent shall be increased by twenty-five per cent. The
111 partial cost-of-living adjustment provided under this subdivision shall
112 be paid by the employer without any order or award from the
113 commissioner. In addition, on each October first, the weekly
114 compensation rate of each dependent as of October 1, 1990, shall be
115 increased by the percentage of the increase in the maximum
116 compensation rate over the maximum compensation rate of October 1,
117 1990, as determined under the provisions of section 31-309 existing on
118 October 1, 1977. The cost of the adjustments shall be paid by the
119 employer or its insurance carrier who shall be reimbursed for such cost
120 from the Second Injury Fund as provided in section 31-354 upon
121 presentation of any vouchers and information that the Treasurer shall
122 require.

123 (3) If the surviving spouse is the sole presumptive dependent,
124 compensation shall be paid until death. [or remarriage.]

125 (4) If there is a presumptive dependent spouse surviving and also
126 one or more presumptive dependent children, all of which children are
127 either children of the surviving spouse or are living with the surviving
128 spouse, the entire compensation shall be paid to the surviving spouse
129 in the same manner and for the same period as if the surviving spouse
130 were the sole dependent. If, however, any of the presumptive
131 dependent children are neither children of the surviving spouse nor
132 living with the surviving spouse, the compensation shall be divided
133 into as many parts as there are presumptive dependents. The shares of
134 any children having a presumptive dependent parent shall be added to
135 the share of the parent and shall be paid to the parent. The share of any
136 dependent child not having a surviving dependent parent shall be
137 paid to the father or mother of the child with whom the child may be
138 living, or to the legal guardian of the child, or to any other person, for
139 the benefit of the child, as the commissioner may direct.

140 (5) If the compensation being paid to the surviving presumptive
141 dependent spouse terminates for any reason, or if there is no surviving
142 presumptive dependent spouse at the time of the death of the
143 employee, but there is at either time one or more presumptive
144 dependent children, the compensation shall be paid to the children as a
145 class, each child sharing equally with the others. Each child shall
146 receive compensation until the child reaches the age of eighteen or dies
147 before reaching age eighteen, provided the child shall continue to
148 receive compensation up to the attainment of the age of twenty-two if
149 unmarried and a full-time student, except any child who has attained
150 the age of twenty-two while a full-time student but has not completed
151 the requirements for, or received, a degree from a postsecondary
152 educational institution shall be deemed not to have attained age
153 twenty-two until the first day of the first month following the end of
154 the quarter or semester in which the child is enrolled at the time, or if
155 the child is not enrolled in a quarter or semester system, until the first
156 day of the first month following the completion of the course in which

157 the child is enrolled or until the first day of the third month beginning
158 after such time, whichever occurs first. When a child's participation
159 ceases, such child's share shall be divided among the remaining
160 eligible dependent children, provided if any child, when the child
161 reaches the age of eighteen years, is physically or mentally
162 incapacitated from earning, the child's right to compensation shall not
163 terminate but shall continue for the full period of incapacity.

164 (6) In all cases where there are no presumptive dependents, but
165 where there are one or more persons wholly dependent in fact, the
166 compensation in case of death shall be divided according to the
167 relative degree of their dependence. Compensation payable under this
168 subdivision shall be paid for not more than three hundred and twelve
169 weeks from the date of the death of the employee. The compensation,
170 if paid to those wholly dependent in fact, shall be paid at the full
171 compensation rate. The compensation, if paid to those partially
172 dependent in fact upon the deceased employee as of the date of the
173 injury, shall not, in total, be more than the full compensation rate nor
174 less than twenty dollars weekly, nor, if the average weekly sum
175 contributed by the deceased at the date of the injury to those partially
176 dependent in fact is more than twenty dollars weekly, not more than
177 the sum so contributed.

178 (7) When the sole presumptive dependents are, at the time of the
179 injury, nonresident aliens and the deceased has in this state some
180 person or persons who are dependent in fact, the commissioner may in
181 the commissioner's discretion equitably apportion the sums payable as
182 compensation to the dependents.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

LAB

Joint Favorable Subst. C/R

APP

