



# House of Representatives

General Assembly

**File No. 761**

*January Session, 2005*

Substitute House Bill No. 5434

*House of Representatives, May 16, 2005*

The Committee on Appropriations reported through REP. MERRILL of the 54th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT PROVIDING BENEFITS FOR SURVIVING SPOUSES OF POLICE OFFICERS AND FIREFIGHTERS KILLED IN THE LINE OF DUTY.***

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

1 Section 1. (NEW) (*Effective October 1, 2005*) Notwithstanding the  
2 provisions of any general statute, charter or special act affecting the  
3 noncontributory or contributory retirement systems of any  
4 municipality of the state, or any special act providing for a police  
5 benefit fund or other retirement system, the surviving spouse of any  
6 uniformed or regular member of a paid fire department or any regular  
7 member of a paid state or municipal police department killed in the  
8 line of duty shall be eligible to receive such member's base salary until  
9 the date on which such member would have been eligible to retire  
10 from service in the paid fire department or paid police department, as  
11 the case may be, provided such salary shall be reduced by the amount  
12 of any workers' compensation benefits payable to such surviving  
13 spouse. On and after such date, the surviving spouse of such member

14 shall be eligible to receive the benefits such member would have been  
15 entitled to receive and as are provided for in the retirement system in  
16 which such member was a participant at the time of his or her death.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section

**APP**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Public Safety, Dept.	GF - Cost	See Below	See Below

Note: GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 06 \$	FY 07 \$
Municipal Police and Fire Departments	STATE MANDATE - Cost	See Below	See Below

### **Explanation**

The bill will result in a cost to state and local police and fire agencies relating to the bill's requirement that compensation be provided in the amount of the base salary, reduced by the amount of any workers' compensation benefits, to the spouse of a police officer or firefighter killed in the line of duty, until the date that the member would have been eligible to retire. Spouses of employees who are killed as a result of an accident during the course of employment are eligible for a weekly workers' compensation death benefit of up to \$931 (\$48,412 annual maximum).

From FY 04 to date, no sworn state troopers have been killed in the line of duty. The average salary for troopers in Connecticut is approximately \$64,500. This average includes Troopers, Sergeants, and Master Sergeants. Since January of 2003 there have been two municipal police officers killed in the line of duty. The average salary for municipal police officers in Connecticut is approximately \$62,970<sup>1</sup>.

Since March 2003 there have been four firefighters killed in the line

<sup>1</sup> <http://ftp2.census.gov/govs/apes/03locct.txt>, Police with power of arrest

of duty. Three of the deaths occurred in volunteer departments, and would not meet the criteria for reimbursement. The fourth death was a federal firefighter stationed at the Groton sub-base, and it is unclear if the individual would meet the criteria for reimbursement. The average salary for paid firefighters in Connecticut is \$58,345<sup>2</sup>.

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<sup>2</sup> <http://ftp2.census.gov/govs/apes/03locct.txt>, Firefighters

**OLR Bill Analysis**

sHB 5434

***AN ACT PROVIDING BENEFITS FOR SURVIVING SPOUSES OF POLICE OFFICERS AND FIREFIGHTERS KILLED IN THE LINE OF DUTY*****SUMMARY:**

This bill makes the surviving spouse of any uniformed or regular member of a paid fire department or regular member of a state or local police department killed in the line of duty eligible to receive the member's base salary, minus any workers' compensation benefits payable to the surviving spouse, until the date the member would have been eligible to retire. After this date, the bill makes the surviving spouse eligible to receive any benefits the member would have been entitled to receive from the retirement system in which he was participating when he died. (It is not clear if the period during which the surviving spouse receives the member's base salary counts toward the retirement benefits.)

The bill supersedes any statute, charter, or special act affecting the noncontributory or contributory retirement systems of any municipality, or any special act providing for a police benefit fund or other retirement system.

EFFECTIVE DATE: October 1, 2005

**BACKGROUND*****Workers' Compensation Death Benefits***

By law, surviving spouses of any employee, including firefighters and police officers, whose death results from an accident arising in the course of employment or from an occupational disease get a weekly benefit of up to \$931 for life or until they remarry, after which the members' surviving dependent children receive the benefit until age 18 or 22, depending on whether they attend school full-time (CGS § 31-306).

***Survivor Health Insurance***

By law, surviving spouses and dependent children, under age 18, of municipal and state employees, including firefighters and police officers, who die from injuries received in the course of their employment get state health insurance coverage, provided they are not otherwise eligible for another health insurance plan (CGS § 5-259).

***Police Association of Connecticut Benefits***

The state comptroller must pay relief to the surviving spouse, child, or dependent mother of any police officer killed in the line of duty who is eligible for relief under the provisions of the constitution and bylaws of the Police Association of Connecticut (CGS § 3-122). There is a similar provision for dependents of deceased firefighters deemed eligible by the Connecticut Firefighters Association (CGS § 3-123).

***Policemen and Firemen Survivors' Benefit Fund***

This fund, which the State Retirement Commission administers, provides income for dependents of deceased policemen and firemen in municipalities that elect to join. Participating officers contribute 1% of their pay to the fund (CGS §§ 7-323c to 7-323e).

***Legislative History***

The House referred the bill to the Planning and Development and Appropriations committees on April 13 and 26 respectively. Both reported it favorably. The Appropriations Committee added the workers' compensation offset provision and specifies that the bill applies to state and local police departments (thereby possibly eliminating its applicability to an independent police department, such as Yale University Police Department).

***Related Bill***

sHB 5159 (File 281) makes survivors of correction officers killed in the line of duty eligible to receive workers' compensation benefits and survivor benefits provided for in any retirement system the officer participated in when he died. Also, under the bill, workers' compensation benefits for surviving spouses of policemen and firefighters who die in the line of duty cannot be terminated because of remarriage.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Change of Reference  
Yea 22 Nay 0

Labor and Public Employees Committee

Joint Favorable Report  
Yea 11 Nay 0

Planning and Development Committee

Joint Favorable Report  
Yea 11 Nay 4

Appropriations Committee

Joint Favorable Substitute  
Yea 40 Nay 1