



General Assembly

February Session, 2006

Raised Bill No. 652

LCO No. 3065

03065_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING THE DEFINITION OF PRESUMPTIVE
DEPENDENTS UNDER THE WORKERS' COMPENSATION ACT.***

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

1 Section 1. Subdivision (6) of section 31-275 of the 2006 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2006, and applicable to any dependency*
4 *claims arising on or after October 1, 1996*):

5 (6) "Dependent" means a member of the injured employee's family
6 or next of kin who was wholly or partly dependent upon the earnings
7 of the employee at the time of the [injury] employee's death.

8 Sec. 2. Subdivision (7) of section 31-275 of the 2006 supplement to
9 the general statutes is repealed and the following is substituted in lieu
10 thereof (*Effective October 1, 2006, and applicable to any dependency claims*
11 *arising on or after October 1, 1996*):

12 (7) "Dependent in fact" means a person determined to be a
13 dependent of an injured employee, in any case where there is no
14 presumptive dependent, in accordance with the facts existing at the

15 date of the [injury] employee's death.

16 Sec. 3. Subdivision (19) of section 31-275 of the 2006 supplement to
17 the general statutes is repealed and the following is substituted in lieu
18 thereof (*Effective October 1, 2006, and applicable to any dependency claims*
19 *arising on or after October 1, 1996*):

20 (19) "Presumptive dependents" means the following persons who
21 are conclusively presumed to be wholly dependent for support upon a
22 deceased employee: (A) A wife upon a husband with whom she [lives]
23 lived at the time of [his injury] the husband's death or from whom she
24 [receives] received support regularly; (B) a husband upon a wife with
25 whom he [lives] lived at the time of [her injury] the wife's death or
26 from whom he [receives] received support regularly; (C) any child
27 under the age of eighteen, or over the age of eighteen but physically or
28 mentally incapacitated from earning, upon the parent with whom he is
29 living or from whom he is receiving support regularly, at the time of
30 the injury of the parent; (D) any unmarried child who has attained the
31 age of eighteen but has not attained the age of twenty-two and who is
32 a full-time student, upon the parent with whom he is living or from
33 whom he is receiving support regularly, provided, any child who has
34 attained the age of twenty-two while a full-time student but has not
35 completed the requirements for, or received, a degree from a
36 postsecondary educational institution shall be deemed not to have
37 attained the age of twenty-two until the first day of the first month
38 following the end of the quarter or semester in which he is enrolled at
39 the time, or if he is not enrolled in a quarter or semester system, until
40 the first day of the first month following the completion of the course
41 in which he is enrolled or until the first day of the third month
42 beginning after such time, whichever occurs first.

43 Sec. 4. Subsection (a) of section 31-306 of the 2006 supplement to the
44 general statutes is repealed and the following is substituted in lieu
45 thereof (*Effective October 1, 2006, and applicable to any dependency claims*
46 *arising on or after October 1, 1996*):

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

50 (1) Four thousand dollars shall be paid for burial expenses in any
51 case in which the employee died on or after October 1, 1988. If there is
52 no one wholly or partially dependent upon the deceased employee, the
53 burial expenses of four thousand dollars shall be paid to the person
54 who assumes the responsibility of paying the funeral expenses.

55 (2) To [those wholly dependent upon the deceased employee at the
56 date of the deceased employee's injury] a presumptive dependent, a
57 weekly compensation equal to seventy-five per cent of the average
58 weekly earnings of the deceased calculated pursuant to section 31-310,
59 as amended, after such earnings have been reduced by any deduction
60 for federal or state taxes, or both, and for the federal Insurance
61 Contributions Act made from such employee's total wages received
62 during the period of calculation of the employee's average weekly
63 wage pursuant to said section 31-310, as amended, as of the date of the
64 injury but not more than the maximum weekly compensation rate set
65 forth in section 31-309 for the year in which the injury occurred or less
66 than twenty dollars weekly. (A) The weekly compensation rate of each
67 dependent entitled to receive compensation under this section as a
68 result of death arising from a compensable injury occurring on or after
69 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, as amended, for
99 adjustments, including lump-sum payments, payable under this
100 subparagraph for deaths from compensable injuries occurring on or
101 after July 1, 1993, and before October 1, 1997, upon presentation of any
102 vouchers and information that the Treasurer shall require. No claim
103 for payment of retroactive benefits may be made to the Second Injury
104 Fund more than two years after the date on which the employer or its
105 insurer paid such benefits in accordance with this subparagraph. (B)
106 The weekly compensation rate of each dependent entitled to receive
107 compensation under this section as a result of death arising from a
108 compensable injury occurring on or before September 30, 1977, shall be
109 adjusted as of October 1, 1977, and October 1, 1980, and thereafter, as
110 provided in this subdivision to provide the dependent with partial
111 cost-of-living adjustments in the dependent's weekly compensation
112 rate. As of October 1, 1977, the weekly compensation rate paid prior to
113 October 1, 1977, to the dependent shall be increased by twenty-five per

114 cent. The partial cost-of-living adjustment provided under this
 115 subdivision shall be paid by the employer without any order or award
 116 from the commissioner. In addition, on each October first, the weekly
 117 compensation rate of each dependent as of October 1, 1990, shall be
 118 increased by the percentage of the increase in the maximum
 119 compensation rate over the maximum compensation rate of October 1,
 120 1990, as determined under the provisions of section 31-309 existing on
 121 October 1, 1977. The cost of the adjustments shall be paid by the
 122 employer or its insurance carrier who shall be reimbursed for such cost
 123 from the Second Injury Fund as provided in section 31-354, as
 124 amended, upon presentation of any vouchers and information that the
 125 Treasurer shall require. No claim for payment of retroactive benefits
 126 may be made to the Second Injury Fund more than two years after the
 127 date on which the employer or its insurance carrier paid such benefits
 128 in accordance with this subparagraph.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006, and applicable to any dependency claims arising on or after October 1, 1996</i>	31-275(6)
Sec. 2	<i>October 1, 2006, and applicable to any dependency claims arising on or after October 1, 1996</i>	31-275(7)
Sec. 3	<i>October 1, 2006, and applicable to any dependency claims arising on or after October 1, 1996</i>	31-275(19)
Sec. 4	<i>October 1, 2006, and applicable to any dependency claims arising on or after October 1, 1996</i>	31-306(a)

Statement of Purpose:

To change the definition of presumptive dependent under the Workers' Compensation Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]