



General Assembly

February Session, 2006

Amendment

LCO No. 5402

SB0011005402HDO

Offered by:
REP. MCCLUSKEY, 20th Dist.

To: Subst. Senate Bill No. 110 File No. 30 Cal. No. 461

"AN ACT CONCERNING AN EMERGENCY PROTOCOL."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 5-165a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2006*):

5 (a) If a member who is continuing to accrue state service or who is
6 on a leave authorized by the state, or otherwise granted pursuant to
7 the terms of the appropriate collective bargaining agreement, dies after
8 July 1, 1982, and (1) after completion of the age and service
9 requirements for retirement under section 5-162, 5-163a, 5-173 or 5-188,
10 or (2) completing twenty-five years of service, [his] such member's
11 spouse, provided they have been lawfully married for at least the
12 twelve months preceding [his] such member's death, shall receive a
13 lifetime income in [an amount equal to fifty per cent of the average of]
14 the amount payable to a contingent annuitant under the options
15 specified in subdivision (2) or (3) of subsection (a) of section 5-165, as

16 amended, as elected by such spouse, based on the retirement income
17 that the member would have been entitled to if [he] such member had
18 retired [the day he died had his benefits been paid under the option
19 specified in subdivision (4) of subsection (a) of section 5-165 and the
20 retirement income that the member would have been entitled to if he
21 had retired the day he died and had his benefit been paid under the
22 option specified in subdivision (1) of said subsection] on the date of
23 death. The first payment shall be made as of the first day of the month
24 coincident with or, otherwise, next following [his] such member's date
25 of death. If such member was not eligible to retire at the time of [his]
26 death, such benefit shall be calculated as if [he] such member had
27 reached age fifty-five, but based on [his] such member's service and
28 final average earnings at [his] the date of death.

29 (b) If a member who has terminated with at least twenty-five years
30 of service or retired pursuant to section 5-162, 5-163a, 5-173 or 5-188,
31 but whose benefits in either event are not yet being paid, dies prior to
32 the commencing date of [his] such benefits, [his] such member's
33 spouse, provided they have been lawfully married for at least the
34 twelve months preceding [his] such member's death, shall receive a
35 lifetime income [equal to fifty per cent of the average of] in the amount
36 payable to a contingent annuitant under the options specified in
37 subdivision (2) or (3) of subsection (a) of section 5-165, as amended, as
38 elected by such spouse, based on the retirement income that the
39 member would have been entitled to if [his] such member's benefits
40 had commenced [the date he died had his benefit been paid under the
41 option specified in said subdivision (4) and the retirement income that
42 the member would have been entitled to with such benefits being paid
43 under the option specified in said subdivision (1)] on the date of death.
44 If such member was not eligible to retire at the time of [his] death, such
45 benefit shall be calculated as if [he] such member had reached age
46 fifty-five. The first payment shall be made as of the first day of the
47 month coincident with or, otherwise, next following [his] the date of
48 death.

49 (c) If a member who has completed the age and service

50 requirements for retirement under section 5-162, 5-163a, 5-173 or 5-188,
51 and who has elected to receive [his] retirement benefits under
52 subdivision (2) or (3) of subsection (a) of section 5-165, as amended,
53 dies prior to the effective date of commencement of benefits but within
54 ninety days after [he] such member first elects to receive [his]
55 retirement benefits under subdivision (2) or (3) of said subsection (a),
56 then [his] such member's beneficiary or contingent annuitant shall
57 receive an income in an amount equal to the benefit that would have
58 been payable to the survivor had the member retired [the day he died]
59 on the date of death and had [his] such benefit been paid under the
60 option [he had] such member elected at the time of [his] death. This
61 subsection shall not apply after ninety days after the date the member
62 first elects to receive [his benefit] benefits under subdivision (2) or (3)
63 of subsection (a) of section 5-165, as amended. In the event that income
64 payments to a surviving beneficiary or contingent annuitant are
65 payable under this subsection, such payments shall be in lieu of
66 payments under subsections (a) and (b) of this section.

67 Sec. 502. Section 5-192r of the general statutes is repealed and the
68 following is substituted in lieu thereof (*Effective October 1, 2006*):

69 (a) If a member of tier II who is continuing to earn vesting service or
70 who is on a leave authorized by the state or otherwise granted
71 pursuant to the terms of the appropriate collective bargaining
72 agreement, dies after either (1) completion of the age and service
73 requirements for retirement under section 5-192l, 5-192m or 5-192n, or
74 (2) completion of twenty-five years of vesting service, [his] such
75 member's spouse, provided they have been lawfully married for at
76 least the twelve months preceding [his] such member's death, shall
77 receive a lifetime income in [an amount equal to fifty per cent of] the
78 amount payable to a contingent annuitant under the options specified
79 in subdivision (2) or (3) of subsection (a) of section 5-192q, as elected
80 by such spouse, based on the retirement income that the member
81 would have been entitled to if [he] such member had retired [the day
82 he died, and had his benefit been paid under the option specified in
83 subdivision (1) of subsection (a) of section 5-192q] on the date of death.

84 If such member was not eligible to retire at the time of [his] death, such
85 benefit shall be calculated as if [he] such member had reached age
86 fifty-five, but based on [his] such member's credited service and final
87 average earnings at [his] the date of death. The first payment shall be
88 made as of the first day of the month coincident with or, otherwise,
89 next following [his] the date of death.

90 (b) If a member who has either terminated with at least twenty-five
91 years of service or retired pursuant to section 5-192l, 5-192m or 5-192n,
92 but whose benefits in either event are being deferred, dies prior to the
93 commencement date of [his] such benefits, [his] such member's spouse,
94 provided they have been lawfully married for at least the twelve
95 months preceding [his] such member's death, shall receive a lifetime
96 income [equal to fifty per cent of] in the amount payable to a
97 contingent annuitant under the options specified in subdivision (2) or
98 (3) of subsection (a) of section 5-192q, as amended, as elected by such
99 spouse, based on the retirement income that the member would have
100 been entitled to if [his] such member's benefits had commenced [the
101 day he died, with such benefits being paid under the option specified
102 in subdivision (1) of subsection (a) of section 5-192q] on the date of
103 death. If such member had not reached age fifty-five at the date of [his]
104 death, such benefit shall be calculated as if [he] such member had
105 reached age fifty-five. The first payment shall be made as of the first
106 day of the month coincident with or, otherwise, next following [his]
107 the date of death.

108 (c) If a member who has completed the age and service
109 requirements for retirement under section 5-192l, 5-192m or 5-192n and
110 who has elected to receive [his] retirement benefits under subdivision
111 (2) or (3) of subsection (a) of section 5-192q, dies prior to the effective
112 date of commencement of benefits but within ninety days after [he]
113 such member first elects to receive [his] retirement benefits under
114 either of said subdivisions, then [his] such member's beneficiary or
115 contingent annuitant shall receive an income in an amount equal to the
116 benefit that would have been payable to the survivor had the member
117 retired [the day he died] on the date of death and had [his] such

118 member's benefit been paid under the option [he had] elected at the
119 time of [his] death. This subsection shall not apply after ninety days
120 after the date the member first elects to receive [his] such member's
121 benefit under either of said subdivisions. In the event that income
122 payments to a surviving beneficiary or contingent annuitant are
123 payable under this subsection, such payments shall be in lieu of
124 payments under subsections (a) and (b) of this section."