



# Senate

General Assembly

**File No. 60**

January Session, 2007

Substitute Senate Bill No. 1259

*Senate, March 15, 2007*

The Committee on Public Safety and Security reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING BENEFITS FOR SURVIVORS OF POLICE OFFICERS, FIREFIGHTERS AND CONSTABLES KILLED IN THE LINE OF DUTY.***

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

1 Section 1. Section 7-433b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Notwithstanding the provisions of any general statute, charter or  
4 special act to the contrary affecting the noncontributory or  
5 contributory retirement systems of any municipality of the state, or  
6 any special act providing for a police benefit fund or other retirement  
7 system, the survivors of any uniformed or regular member of a paid  
8 fire department or any regular member of a paid police department  
9 whose death has been suffered in the line of duty shall be eligible to  
10 receive such survivor benefits as are provided for in the Workers'  
11 Compensation Act, and, in addition, they shall receive such survivor  
12 benefits as may be provided for in the retirement system in which such

13 department member was a participant at the time of his death;  
14 provided such pension benefits (1) shall not terminate upon the  
15 remarriage of the spouse of such member, and (2) shall be adjusted so  
16 that the total weekly benefits received by such survivors shall not  
17 exceed one hundred per cent of the weekly compensation being paid,  
18 during their compensable period, to members of such department [in]  
19 at the maximum rate for the same position which was held by such  
20 deceased at the time of his or her death. Nothing contained [herein] in  
21 this subsection shall prevent any town, city or borough from paying  
22 money from its general fund to any such survivors, provided total  
23 weekly benefits paid shall not exceed said one hundred per cent of the  
24 weekly compensation.

25 (b) Notwithstanding the provisions of any general statute, charter or  
26 special act to the contrary affecting the noncontributory or  
27 contributory retirement systems of any municipality of the state, or  
28 any special act providing for a police or firemen benefit fund or other  
29 retirement system, the cumulative payments, not including payments  
30 for medical care, for compensation and retirement or survivors  
31 benefits under section 7-433c shall be adjusted so that the total of such  
32 cumulative payments received by such member or his dependents or  
33 survivors shall not exceed one hundred per cent of the weekly  
34 compensation being paid, during their compensable period, to  
35 members of such department in the same position which was held by  
36 such member at the time of his death or retirement. Nothing contained  
37 [herein] in this subsection shall prevent any town, city or borough  
38 from paying money from its general fund to any such member or his  
39 dependents or survivors, provided the total of such cumulative  
40 payments shall not exceed said one hundred per cent of the weekly  
41 compensation.

42 Sec. 2. (NEW) (*Effective October 1, 2007*) Notwithstanding any  
43 provision of the general statutes, or any municipal charter or special  
44 act affecting the noncontributory or contributory retirement systems of  
45 any municipality of the state, or any special act providing for a police  
46 benefit fund or other retirement system, the surviving spouse of any

47 regular member of a paid municipal police department killed in the  
48 line of duty may receive, at the option of the municipality, such  
49 member's base salary up to the date on which such member would  
50 have been eligible to retire from service in the paid police department,  
51 provided such salary shall be reduced by the amount of any worker's  
52 compensation benefits payable to such surviving spouse. On and after  
53 such date, the surviving spouse of such member may receive, at the  
54 option of the municipality, the retirement benefits such member would  
55 have been entitled to receive and as are provided for in the retirement  
56 system in which such member was a participant at the time of his or  
57 her death. The payment of such benefits provided under this section  
58 shall be approved by the municipality by resolution of its legislative  
59 body.

60 Sec. 3. (NEW) (*Effective October 1, 2007*) Notwithstanding any  
61 provision of the general statutes or any special act, the surviving  
62 spouse of any state employee employed as a firefighter or police officer  
63 killed in the line of duty shall be eligible to receive such member's base  
64 salary at the maximum rate for the position held by such member until  
65 the date on which such member would have been eligible to retire  
66 from service, provided such salary shall be reduced by the amount of  
67 any workers' compensation benefits payable to such surviving spouse.  
68 On and after such date, the surviving spouse of such member shall be  
69 eligible to receive the benefits such member would have been entitled  
70 to receive and as are provided for in the retirement system in which  
71 such member was a participant at the time of his or her death.

72 Sec. 4. (NEW) (*Effective October 1, 2007*) Notwithstanding any  
73 provision of the general statutes, or any municipal charter or special  
74 act affecting the noncontributory or contributory retirement systems of  
75 any municipality of the state, or any special act providing for a police  
76 benefit fund or other retirement system, the surviving spouse of any  
77 appointed constable who performs criminal law enforcement duties  
78 killed in the line of duty may receive, at the option of the municipality,  
79 such constable's base salary up to the date on which such constable  
80 would have been eligible to retire from such appointment, provided

81 such salary shall be reduced by the amount of any worker's  
 82 compensation benefits payable to such surviving spouse. On and after  
 83 such date, the surviving spouse of such constable may receive, at the  
 84 option of the municipality, the retirement benefits such constable  
 85 would have been entitled to receive and as are provided for in the  
 86 retirement system in which such constable was a participant at the  
 87 time of his or her death. The payment of such benefits provided under  
 88 this section shall be approved by the municipality by resolution of its  
 89 legislative body.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	7-433b
Sec. 2	October 1, 2007	New section
Sec. 3	October 1, 2007	New section
Sec. 4	October 1, 2007	New section

**PS**            *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 chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 08 \$</b>	<b>FY 09 \$</b>
Dept. of Administrative Services - Workers' Comp. Claims; Public Safety, Dept.; Various State Agencies	GF - Cost	Significant	Significant
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	Significant	Significant

Note: GF=General Fund

#### **Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 08 \$</b>	<b>FY 09 \$</b>
All Municipalities	Cost	See Below	See Below

### **Explanation**

This bill, which makes benefit changes impacting the surviving spouses of police officers and firefighters killed in the line of duty, may result in significant costs to the state and municipalities.

Section 1 of the bill eliminates the 'remarriage penalty' that terminates pension benefits for surviving spouses of firefighters and police officers killed in the line of duty if they remarry. This provision will preclude municipalities from achieving a survivor benefit cost savings that would have been realized if the surviving spouse remarried. Under the bill, municipalities must continue to pay survivor benefits after a surviving spouse remarries. The fiscal impact of this provision depends upon the number of firefighters and police officers killed in the line duty, the marital status of those employees, the age of the surviving spouse and whether the surviving spouse chooses to remarry.

Section 2 & 4 allows municipalities, at their option, to provide the

surviving spouse of a police officer or appointed constable killed in the line of duty such member's base salary until the date the member would have been eligible to retire. Further, the bill allows municipalities, at their option, to provide the surviving spouse the retirement benefits the member would have been entitled to receive from the retirement system.

As this provision is permissive, there will be a cost to municipalities only to the extent that municipalities approve this survivor benefit. The cost would be the difference between the member's base salary and the workers' compensation death benefit award. Spouses of employees killed during the course of employment are eligible for a weekly workers' compensation death benefit of up to \$1,038 (\$53,976 annual maximum). The average salary for a municipal police officer is approximately \$64,890. There would also be additional pension benefits costs which will vary depending on the member's age, salary, service and by municipality.

Section 3 makes the surviving spouse of any state employee employed as a firefighter or police officer killed in the line of duty eligible to receive the member's base salary (at the maximum rate for the position held by such member) until such member would have been eligible to retire. The salary must be reduced by the amount of workers' compensation benefits payable to the surviving spouse. Further, the surviving spouse is eligible to receive the retirement benefits that the member would have been entitled to receive from the retirement system.

This provision will result in significant costs to the state if a firefighter or police officer dies in the line of duty. The cost would be the difference between the member's maximum position salary rate and the workers' compensation death benefit award. Spouses of employees killed during the course of employment are eligible for a weekly workers' compensation death benefit of up to \$1,038 (\$53,976 annual maximum). The average salary for a state trooper is approximately \$68,980. The average salary for a paid firefighter is

approximately \$60,770.

This provision will result in increased costs to the State Employees Retirement System (SERS) and the state health insurance accounts that are anticipated to be significant if a firefighter or police officer dies in the line of duty. The cost of SERS benefits will vary by the member's age, salary and service and must be calculated by the SERS actuary. The average annual SERS benefit was \$25,500 in FY 06. The average health insurance cost per state employee is \$11,000 in FY 08 and \$12,000 in FY 09.

Under existing state collective bargaining agreements, hazardous duty members contribute toward their pension and health insurance. It is unclear from the bill whether or not such payments would be made by the surviving spouse during the period of time they are receiving the salary.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 1259*****AN ACT CONCERNING BENEFITS FOR SURVIVORS OF POLICE OFFICERS, FIREFIGHTERS AND CONSTABLES KILLED IN THE LINE OF DUTY*****SUMMARY:**

This bill makes the surviving spouse of certain state and municipal employees killed in the line of duty eligible for the employee's base salary until the date the employee would have been eligible to retire, (1) less any amount of workers' compensation benefit payable to the surviving spouse and (2) in the case of state employees, at the maximum rate for the position the employee held. After this date, the surviving spouse is eligible to receive the benefits the employee would have been entitled to receive from the retirement system in which he was participating when he died. (It is unclear if the period during which the surviving spouse receives the member's base salary counts towards the retirement benefits.)

The bill applies to state and municipal police, state firefighters, and appointed constables who perform law enforcement duties. In the case of local police and constables, (1) the bill supersedes any statute, charter, or special act affecting any municipal retirement system or any special act providing for a police benefit fund or other retirement system, (2) the payments are at the municipality's discretion, and (3) the municipality's legislative body must approve the payments by resolution.

The bill also eliminates the "remarriage penalty" that terminates pension benefits for surviving spouses of firefighters and police officers killed in the line of duty if they remarry. It also requires that the benefits be paid at the maximum rate for the position that the firefighter or officer held when he died.

EFFECTIVE DATE: October 1, 2007

### **REMARRIAGE PENALTY**

By law, a survivor of any uniformed or regular member of a paid fire department or regular member of a police department who dies in the line of duty is eligible to receive workers' compensation survivor benefits and any survivor benefits provided for in the retirement system in which the member was participating when he died. Under current law, the pension benefits end if the surviving spouse remarries. The bill bars termination of the benefits because the spouse remarries.

### **BACKGROUND**

#### ***Related Bill***

HB 6137, reported favorably by the Public Safety and Security Committee, contains similar provisions for police and firefighters, but not constables. It does not address the remarriage penalty.

### **COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/06/2007)