



General Assembly

February Session, 2020

Raised Bill No. 454

LCO No. 2820



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE ADMINISTRATION OF THE SANDY HOOK WORKERS ASSISTANCE PROGRAM AND FUND.

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

1 Section 1. Section 1 of special act 13-1 is amended to read as follows
2 (*Effective from passage*):

3 (a) As used in this section and sections 2 and 3 of [this act] special act
4 13-1, as amended by this act:

5 (1) "Sandy Hook Workers Assistance program" or "program" means
6 the mechanism for providing monetary assistance to affected persons in
7 accordance with the provisions of this section.

8 (2) "Affected person" means (A) any person who was or was
9 scheduled to be at the affected area during the time of crisis for purposes
10 of such person's employment or by virtue of such person's status as a
11 volunteer who (i) was at the time of crisis (I) a salaried officer or paid
12 member of a police department, fire department or state police troop;
13 (II) a volunteer police officer or firefighter, whether the officer or
14 firefighter is designated as special or auxiliary, upon vote of the

15 legislative body of the town, city or borough in which the officer or
16 firefighter serves; (III) a volunteer who is a member or an auxiliary
17 member of any police or fire department; (IV) a licensed medical
18 professional, including, but not limited to, a physician, physician
19 assistant, nurse, emergency medical technician or paramedic; (V) a
20 teacher or paraprofessional employed by the town of Newtown or the
21 board of education of the town of Newtown; (VI) employed at the Sandy
22 Hook Elementary School in an administrative or service capacity,
23 including, but not limited to, as a secretary, food service provider or
24 janitor; (VII) a therapist or counselor employed by a state agency or
25 licensed under chapter 370, 371, 382a, 383b or 383c of the general
26 statutes; or (VIII) a response coordinator employed by the Department
27 of Public Health or the Department of Emergency Services and Public
28 Protection, and (ii) suffered mental or emotional impairment as a result
29 of (I) his or her perception of and proximity to the affected area at the
30 time of crisis, or (II) his or her absence from the affected area at the time
31 of crisis; (B) a licensed medical examiner, forensic technician, laboratory
32 assistant, principal physician, special investigator or forensic science
33 examiner employed by or working at the direction of the Chief Medical
34 Examiner or the Department of Emergency Services and Public
35 Protection, who suffered mental or emotional impairment as a result of
36 performing his or her duties necessitated by the events that occurred at
37 the affected area during the time of crisis; (C) an emergency service
38 dispatcher who suffered mental or emotional impairment as a result of
39 performing his or her duties necessitated by the events that occurred at
40 the affected area during the time of crisis; or (D) a Department of Mental
41 Health and Addiction Services employee providing mental health
42 services who suffered mental or emotional impairment as a result of
43 performing his or her duties necessitated by the events that occurred at
44 the affected area during the time of crisis.

45 (3) "Affected area" means (A) from 8:00 a.m. until 11:59 p.m. on
46 December 14, 2012, the Sandy Hook Elementary School, its grounds and
47 the immediate vicinity, including the Sandy Hook Volunteer Fire

48 Department, and (B) from 12:00 a.m. until 11:59 p.m. on December 15,
49 2012, the Sandy Hook Elementary School and its grounds.

50 (4) "Time of crisis" means from 8:00 a.m. on December 14, 2012, until
51 11:59 p.m. on December 15, 2012.

52 (5) "Administrator" means (A) the Office of Victim Services, or (B) a
53 charitable trust or entity authorized pursuant to subsection (e) of section
54 2 of special act 13-1, as amended by this act.

55 (6) "Victim compensation commissioner" or "commissioner" means
56 any individual appointed by the Governor pursuant to section 54-202 of
57 the general statutes who has agreed to review claims of affected persons
58 pursuant to this section.

59 (7) "Assistance" means moneys payable by the State Treasurer, or a
60 charitable trust or entity authorized pursuant to subsection (e) of section
61 2 of special act 13-1, as amended by this act, from the Sandy Hook
62 Workers Assistance Fund, established pursuant to section 2 of [this act]
63 special act 13-1, as amended by this act, to assist affected persons
64 pursuant to this section.

65 (b) There is established the Sandy Hook Workers Assistance
66 program. The program shall be administered by the administrator and
67 shall offer assistance, within available funds, to affected persons eligible
68 for assistance under this section and section 2 of [this act, provided no
69 assistance shall be paid to any affected person after August 31, 2015]
70 special act 13-1, as amended by this act. The [administrator] Office of
71 Victim Services shall accept applications for assistance on and after
72 [April 1, 2013] the date the office recovers moneys pursuant to
73 subdivision (2) of subsection (a) of section 2 of special act 13-1, as
74 amended by this act, for deposit in the Sandy Hook Workers Assistance
75 Fund established under section 2 of special act 13-1, as amended by this
76 act, provided a charitable trust or entity authorized pursuant to
77 subsection (e) of section 2 of special act 13-1, as amended by this act,
78 shall accept applications for assistance on and after the effective date of

79 such authorization. For the purposes of this section and section 2 of [this
80 act] special act 13-1, as amended by this act, the administrator shall have
81 the power to (1) determine whether an affected person meets the
82 requirements for eligibility for assistance under this section; (2) summon
83 and examine under oath such witnesses as may provide information
84 relevant to the eligibility of an affected person, and direct the production
85 of, and examine or cause to be produced or examined, such books,
86 records, vouchers, memoranda, documents, letters, contracts or other
87 papers in relation to any matter at issue as the administrator may find
88 proper; and (3) take or cause to be taken affidavits or depositions within
89 or without the state.

90 (c) An affected person shall be eligible to receive assistance from the
91 Sandy Hook Workers Assistance Fund established pursuant to section
92 2 of [this act] special act 13-1, as amended by this act, provided the
93 affected person meets the following requirements:

94 (1) The affected person shall provide an opinion written by a medical
95 professional providing mental health services and licensed pursuant to
96 title 20 of the general statutes, that such affected person has a mental or
97 emotional impairment (A) causing partial or total disability preventing
98 such affected person from performing his or her volunteer or
99 employment duties, or (B) requiring medical and surgical aid or hospital
100 and nursing service, including, but not limited to, medical rehabilitation
101 services, mental health therapy services and prescription drugs;

102 (2) Such opinion shall include a finding that such mental or emotional
103 impairment is directly attributable to the affected person's (A)
104 perception of and proximity to or absence from the affected area during
105 the time of crisis, or (B) performance of his or her duties necessitated by
106 the events that occurred at the affected area during the time of crisis;

107 (3) The affected person shall have suffered such mental or emotional
108 impairment because (A) the affected person's employment or volunteer
109 responsibilities necessitated or, if such person was absent, would have

110 necessitated, the affected person's presence in the affected area during
111 the time of crisis, or (B) the affected person was (i) a licensed medical
112 examiner, forensic technician, laboratory assistant, principal physician,
113 special investigator or forensic science examiner, employed by or
114 working at the direction of the Chief Medical Examiner or the
115 Department of Emergency Services and Public Protection, or (ii) an
116 emergency services dispatcher or Department of Mental Health and
117 Addiction Services employee providing mental health services, and the
118 performance of his or her duties was necessitated by the events that
119 occurred at the affected area during the time of crisis; and

120 (4) The affected person has submitted, in writing, a notice of claim, in
121 such form as required by the administrator, to the administrator [on or
122 before June 30, 2014,] that shall include: (A) A certificate issued by the
123 medical professional documenting the opinion, required under
124 subdivision (1) of this subsection detailing the mental or emotional
125 impairment (i) preventing such affected person from performing his or
126 her volunteer or employment duties, or (ii) requiring medical and
127 surgical aid or hospital and nursing service, including, but not limited
128 to, medical rehabilitation services, mental health therapy services and
129 prescription drugs; (B) if the affected person is requesting assistance for
130 uncompensated leave, evidence of such affected person's weekly
131 earnings during the fifty-two calendar weeks immediately preceding
132 the time of impairment; and (C) any additional information as requested
133 or required by the administrator.

134 (d) The level of assistance offered to affected persons shall be
135 calculated as follows, subject to available funds, and payable on a
136 retroactive and prospective basis at the discretion of the administrator:
137 (1) If the mental or emotional impairment suffered by an affected person
138 results in total incapacity to work, such person shall be eligible to receive
139 weekly assistance for all uncompensated leave, whether such person
140 has exhausted his or her compensated leave or elected to take
141 uncompensated leave from his or her employment, equal to seventy-
142 five per cent of such person's average weekly earnings during the fifty-

143 two calendar weeks immediately preceding the date of the impairment
144 after such earnings have been reduced by any deduction for federal or
145 state taxes, or both, and for the federal Insurance Contributions Act,
146 provided such assistance shall not exceed the average weekly earnings
147 of all workers in the state as calculated by the Labor Commissioner
148 pursuant to section 31-309 of the general statutes; (2) if the mental or
149 emotional impairment suffered by an affected person results in partial
150 incapacity to work, or requires such person to be absent from work for
151 medical treatment for such impairment, such person shall be eligible to
152 receive weekly assistance for all uncompensated leave, whether such
153 person has exhausted his or her compensated leave or elected to take
154 uncompensated leave from his or her employment, equal to seventy-
155 five per cent of the difference between (A) such person's average weekly
156 earnings during the fifty-two calendar weeks immediately preceding
157 the date of impairment, after such earnings have been reduced by any
158 deduction for federal or state taxes, or both, and for the federal
159 Insurance Contributions Act; and (B) the amount such affected person
160 is able to earn after the impairment, after such amount has been reduced
161 by any deduction for federal or state taxes, or both, and for the federal
162 Insurance Contributions Act, provided such assistance shall not exceed
163 the average weekly earnings of all workers in the state as calculated by
164 the Labor Commissioner pursuant to section 31-309 of the general
165 statutes; and (3) if the mental or emotional impairment suffered by an
166 affected person requires, in the opinion of a medical professional
167 providing mental health services and licensed pursuant to title 20 of the
168 general statutes, medical and surgical aid or hospital and nursing
169 service, including, but not limited to, medical rehabilitation services,
170 mental health therapy services and prescription drugs, such person
171 shall be eligible for weekly assistance equal to the costs of such aid or
172 services, including deductibles and copayments, not covered under any
173 benefit plan applicable to such affected person during the calendar year.
174 For purposes of this section, the average weekly wage of an affected
175 person working as a volunteer at the time of crisis shall be construed to
176 be not less than the average production wage in the state as determined

177 by the Labor Commissioner under the provisions of section 31-309 of
178 the general statutes.

179 (e) (1) In calculating the level of assistance offered to an affected
180 person under subsection (d) of this section, the administrator may
181 consider special circumstances that may have decreased such affected
182 person's average weekly earnings during the fifty-two calendar weeks
183 immediately preceding the date of impairment, including, but not
184 limited to, maternity or paternity leave or other compensated or
185 uncompensated leave, periods of disability, seasonal employment and
186 voluntary or involuntary periods of unemployment.

187 (2) In calculating the level of assistance offered to an affected person,
188 if, under the terms of an applicable collective bargaining agreement, the
189 affected person is entitled to receive a greater amount for such person's
190 total or partial incapacity to work than the maximum weekly
191 compensation calculated by the Labor Commissioner pursuant to
192 section 31-309 of the general statutes, the administrator shall offer
193 additional assistance in the amount provided for under the terms of
194 such agreement.

195 (f) The administrator shall promptly review all claims submitted
196 pursuant to the provisions of subdivision (4) of subsection (c) of this
197 section. The administrator shall evaluate each claim and determine, on
198 the basis of information provided by the affected person, or additional
199 information provided at the request of the administrator, whether or not
200 such claim should be approved and, if approved, the weekly amount of
201 assistance offered and the duration thereof, provided such duration
202 shall not exceed fifty-two weeks, inclusive of any retroactive assistance,
203 or the solvency of the fund. For purposes of this section, a pending
204 worker's compensation claim submitted by an affected person shall not
205 prevent the administrator from approving such person's claim for
206 assistance. The administrator shall provide such determination, in
207 writing, to such affected person not later than ten business days after
208 having received the notice of claim, or, if the administrator requested

209 additional information, not later than ten business days after receiving
210 such additional information, and shall direct the State Comptroller and
211 the State Treasurer to pay, or directly pay, if the administrator is a
212 charitable trust or entity authorized pursuant to subsection (e) of section
213 2 of special act 13-1, as amended by this act, any such assistance offered
214 to such affected person in the amount and for the duration determined
215 by the administrator, if applicable. Assistance shall continue to be
216 offered to the affected person for the duration determined by the
217 administrator, provided such affected person submits to the
218 administrator, in writing and prior to the first day of each month,
219 beginning after the completion of the first full month that assistance has
220 been provided, (1) a certificate issued by a medical professional
221 providing mental health services and licensed pursuant to title 20 of the
222 general statutes describing such affected person's continued incapacity
223 to work, and (2) documentation of any uncompensated expenses
224 relating to medical and surgical aid or hospital and nursing service,
225 including, but not limited to, medical rehabilitation services, mental
226 health therapy services and prescription drugs. Upon receiving such
227 submissions, the administrator may, within his or her discretion, modify
228 the amount of assistance as appropriate.

229 (g) An affected person may request that a determination made
230 pursuant to subsection (f) of this section be reviewed by a victim
231 compensation commissioner by filing a request for review with the
232 administrator, on a form prescribed by the administrator, not later than
233 twenty business days after mailing of the notice of such determination.
234 The administrator, not later than three business days after receipt of
235 such request for review, shall designate a victim compensation
236 commissioner to hear such review and shall submit to such designated
237 commissioner all documents relating to such affected person's claim.
238 The commissioner shall hear any request for review filed by an affected
239 person not later than twenty business days after such commissioner's
240 designation. Not later than twenty business days after the request for
241 review was heard by the commissioner, the commissioner shall issue his

242 or her decision, affirming, modifying or reversing the decision of the
243 administrator, based on a de novo review of all relevant evidence,
244 including holding hearings and taking such testimony as such
245 commissioner may deem advisable, and shall submit such decision in
246 writing to the administrator and the affected person. The decision shall
247 include a short statement of findings and shall specify any assistance to
248 be paid to the affected person in accordance with subsection (f) of this
249 section.

250 (h) Any statement, document, information or matter may be
251 considered by the administrator or, on review, by a victim
252 compensation commissioner, if in the opinion of said administrator or
253 commissioner, it contributes to a determination of the claim, whether or
254 not the same would be admissible in a court of law.

255 (i) There shall be no right of appeal by any person claiming assistance
256 under this section following the final decision of the commissioner
257 issued pursuant to subsection (g) of this section.

258 (j) Each victim compensation commissioner shall be compensated at
259 a rate not to exceed one hundred twenty-five dollars for each day of
260 service pursuant to this section.

261 (k) Any assistance provided to an affected person under this section
262 shall not be considered income for the purposes of the state's personal
263 income tax law, corporation tax or other tax laws.

264 (l) Notwithstanding any general statute, charter or special act to the
265 contrary affecting the Connecticut teachers' retirement system, or any
266 special act providing for a teachers' retirement system or other
267 retirement system, the eligibility for a retirement benefit for a spouse,
268 dependent or other survivor of a member of the Connecticut teachers'
269 retirement system who dies on or after December 1, 2012, but prior to
270 December 31, 2012, as a result of injuries received while acting within
271 the scope of such member's employment and not as a result of illness or
272 natural causes, but whose retirement benefits were not yet being paid

273 on the date of such member's death, shall be calculated as if the member
274 had worked to the completion of the 2012-2013 school year.

275 Sec. 2. Section 2 of special act 13-1 is amended to read as follows
276 (*Effective from passage*):

277 (a) (1) There is established a fund to be known as the Sandy Hook
278 Workers Assistance Fund. [Amounts] Except as provided in subdivision
279 (3) of this subsection, (A) amounts in said fund shall be paid by the State
280 Comptroller and the State Treasurer at the discretion of the
281 administrator for [(1)] assistance offered under the Sandy Hook
282 Workers Assistance program established in section 1 of [this act, and (2)
283 costs and expenses of operating the program. Moneys] special act 13-1,
284 as amended by this act, and (B) moneys received by the fund shall be
285 accounted for separately and apart from all other state moneys, and (C)
286 the full faith and credit of the state of Connecticut is pledged for their
287 safekeeping. The moneys of the fund shall be credited with interest by
288 the State Treasurer in accordance with applicable law. [Not more than
289 five per cent of the total moneys received by the fund in any calendar
290 year shall be used for any administrative or other costs or expenses
291 incurred by the administrator, State Comptroller or State Treasurer in
292 connection with carrying out the provisions of this section and section 1
293 of this act, including the hiring of necessary employees and the expense
294 of public outreach and education regarding the program and fund.]

295 (2) The Office of Victim Services, with the assistance of the Attorney
296 General, shall seek to recover any moneys transferred to a charitable
297 trust or entity from the fund prior to January 1, 2020, that have not been
298 used to pay claims for assistance under the program. The office shall
299 deposit any recovered moneys in the fund established under
300 subdivision (1) of this subsection.

301 (3) If the fund established under subdivision (1) of this subsection and
302 the moneys in such fund is transferred to a charitable trust or entity at
303 any time, the charity or trust shall (A) pay moneys from the fund for

304 assistance offered under the program if the charitable trust or entity is
305 authorized pursuant to subsection (e) of this section; (B) cooperate with
306 recovery efforts under subdivision (2) of this subsection, if applicable;
307 and (C) account for moneys received by and paid from the fund
308 separately and apart from all other moneys of the charitable trust or
309 entity.

310 (b) The State Treasurer, or a charitable trust or entity authorized
311 pursuant to subsection (e) of this section to operate the fund, is
312 authorized to accept gifts, donations and grants from the state or federal
313 government or other public or private sources to be held in the fund and
314 distributed as directed by the administrator for the purposes
315 enumerated in subsection (a) of this section. In the event the moneys in
316 the fund are insufficient to provide full assistance, as calculated under
317 subsection (d) of section 1 of [this act] special act 13-1, as amended by
318 this act, to all affected persons, such assistance shall be provided on a
319 pro rata basis at the discretion of the administrator.

320 (c) On or before [April 1, 2013] July 1, 2020, and [monthly] quarterly
321 thereafter, and at any other time at the request of the administrator,
322 unless a charitable trust or entity is authorized to operate the fund
323 pursuant to subsection (e) of this section, the State Treasurer shall
324 submit a report to the administrator and the General Assembly, in
325 accordance with section 11-4a of the general statutes, indicating the
326 fund's value at the time of the report. Such report shall not include the
327 identity of any person who has made a gift or donation to the fund.

328 (d) On or before [April 1, 2013] July 1, 2020, and at least quarterly
329 thereafter, the administrator shall submit to the General Assembly, in
330 accordance with section 11-4a of the general statutes, a report on the
331 financial condition of the Sandy Hook Workers Assistance Fund. Such
332 report shall include (1) an estimate of the fund's value as of the date of
333 the report; (2) the effect of scheduled payments on the fund's value; (3)
334 [an estimate of the monthly administrative costs necessary to operate
335 the program and] the amount of additional gifts or donations to the

336 fund; (4) a list of disbursements for claims from the fund; and [(4)] (5)
337 any recommendations for legislative change to improve the operation
338 or administration of the program and the fund. [On or before May 1,
339 2015, such report shall include recommendations to distribute any
340 moneys remaining in the fund to such other charitable trusts or entities,
341 including any community trust or foundation, as the administrator may
342 determine will best fulfill the purposes of the program upon the
343 termination of the program.]

344 (e) At any time after the Office of Victim Services recovers moneys
345 pursuant to subdivision (2) of subsection (a) of this section, the office
346 may submit a report to the General Assembly, in accordance with
347 section 11-4a of the general statutes, to recommend (1) transfer of the
348 moneys in the fund described in subdivision (1) of subsection (a) of this
349 section to an identified charitable trust or entity, including any
350 community trust or foundation, and (2) operation of the fund and
351 provision of assistance under sections 1 to 3, inclusive, of special act 13-
352 1, as amended by this act, by such trust or entity, with such trust or
353 entity acting as administrator. No transfer of moneys or transfer of
354 authority to operate the fund or provide assistance under this section
355 and section 1 of special act 13-1, as amended by this act, may occur
356 pursuant to this subsection unless authorized by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	SA 13-1, Sec. 1
Sec. 2	<i>from passage</i>	SA 13-1, Sec. 2

Statement of Purpose:
To (1) eliminate time restrictions on requests for assistance from the Sandy Hook Workers Assistance program, (2) seek to recover funds from a charitable trust or entity currently operating the program, (3) provide additional reports to the General Assembly on the fund's operation, and (4) provide a mechanism for future transfers of the fund to a charitable trust or entity.

[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.]