



House Bill No. 6565

Public Act No. 05-236

AN ACT PROVIDING WORKERS' COMPENSATION BENEFITS FOR MEMBERS OF THE STATE ARMED FORCES CALLED TO ACTIVE DUTY.

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

Section 1. Section 27-67 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

The commanding officer of any officer, soldier or sailor wounded, disabled or killed, when such disability or death is incident to the service, shall immediately make or cause to be made, by one or more officers detailed for the purpose, full inquiry and report concerning such injury or death, in writing, through channels to the Adjutant General, with the names and addresses of qualified witnesses and a full statement of the testimony of each concerning the nature and extent of the injury and the manner of its occurrence. Each member of the armed forces of the state who, when on duty or assembled therefor, in accordance with orders of competent authority, or when called in aid of any civil authority, is injured or contracts any disease while in the performance of his or her duty or assembly therefor, without fault or neglect on his or her part, and thereby is temporarily or permanently disabled from continuing to perform his or her usual duties or occupation, shall, during the period of [his] disability, receive

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[such compensation as may be determined consistent with] benefits in accordance with the provisions of chapter 568. [and actual necessary expenses for care and medical attendance. The Adjutant General may cause examination of each claimant under the provisions of this section to be made from time to time by a medical officer or officers designated for the purpose by the Adjutant General, and he may direct the removal of any claimant to and his treatment in a hospital designated by the Adjutant General and, if the claimant refuses to permit any such examination or if he refuses to go to such hospital or to follow the direction of the Adjutant General or the treatment so prescribed for him, he shall forfeit all right to any claim or allowance under this section. The Adjutant General may appoint a medical examiner or a board of three officers, at least one of whom shall be a medical officer, to inquire into the merits of any claim, who shall fix the amount to be allowed under this section. A medical examiner or board, appointed under this section, shall have the same power to take evidence, administer oaths, issue subpoenas and compel witnesses to attend and testify and produce books and papers and to punish for failure to do so as possessed by a general court-martial. The findings of the medical examiner or board shall be subject to the approval of the Adjutant General, who may return the proceedings of the medical examiner or board for revision and for further testimony. The amount found due any member by such medical examiner or board and approved by the Adjutant General shall be paid by the Comptroller upon the order of the Adjutant General. The Adjutant General may disapprove the report of any medical examiner or board appointed under the provisions of this section and may thereupon determine the amount of any such claim. He may, upon the application of any claimant made within six months after the service of notice upon such claimant or his attorney of the disapproval or disallowance of his claim or any part thereof, reopen such claim and order a rehearing before another medical examiner or board. Any person making any claim under the provisions of this section may appeal to the Adjutant

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General from the decision or finding of any medical examiner or board within six months after notice of such decision or finding has been served on him or his attorney, and the Adjutant General shall hear and determine such appeal on its merits and may take testimony in the same manner as upon an original application and may approve, disapprove or modify the findings and decisions of any medical examiner or board.]

Sec. 2. Subparagraph (A) of subdivision (9) of section 31-275 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(9) (A) "Employee" means any person who:

(i) Has entered into or works under any contract of service or apprenticeship with an employer, whether the contract contemplated the performance of duties within or without the state;

(ii) Is a sole proprietor or business partner who accepts the provisions of this chapter in accordance with subdivision (10) of this section;

(iii) Is elected to serve as a member of the General Assembly of this state;

(iv) Is a salaried officer or paid member of any police department or fire department;

(v) Is a volunteer police officer, whether the officer is designated as special or auxiliary, upon vote of the legislative body of the town, city or borough in which the officer serves; [or]

(vi) Is an elected or appointed official or agent of any town, city or borough in the state, upon vote of the proper authority of the town, city or borough, including the elected or appointed official or agent,

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irrespective of the manner in which he or she is appointed or employed. Nothing in this subdivision shall be construed as affecting any existing rights as to pensions which such persons or their dependents had on July 1, 1927, or as preventing any existing custom of paying the full salary of any such person during disability due to injury arising out of and in the course of his or her employment; or

(vii) Is an officer or enlisted person of the National Guard or other armed forces of the state called to active duty by the Governor while performing his or her active duty service.

Sec. 3. Section 27-68 of the general statutes is repealed. (*Effective July 1, 2005*)

Approved July 8, 2005