
OLR Bill Analysis**sHB 6348*****AN ACT CONCERNING STATE MILITARY SERVICE.*****SUMMARY:**

This bill updates and changes several laws pertaining to the state's armed forces personnel and Military Department. It:

1. permits unpaid state military duty for the state's armed forces and its retirees with the consent of both the governor and member;
2. makes changes concerning pay, including the elimination of additional state remuneration beyond salary for certain members;
3. gives the state's armed forces, and its retirees when performing state military duty, the same workers' compensation, liability, and immunity protections as state employees;
4. repeals two death benefit statutes;
5. changes how certain military service is defined for state employees' benefits; and
6. removes the Military Department from the Department of Emergency Services and Public Protection, where it is currently housed for administrative purposes only.

It also makes a change concerning memorials to veterans as well as technical and conforming changes.

EFFECTIVE DATE: October 1, 2013, except the provision concerning veteran's memorials, which is effective upon passage.

STATE'S ARMED FORCES

The law defines the state's armed forces as the (1) National Guard; (2) organized militia (i.e., the governor's guards, the State Guard, and other military forces the governor as commander-in-chief may designate); and (3) naval militia and marine corps branch of the naval militia, whenever organized (CGS § 27-2). The bill expands this definition to include retired members of the state's armed forces, who are detailed to duty by state military orders.

Unpaid State Service

The bill creates a two-track system of paid and unpaid service. It allows a member or retiree of the state's armed forces to be ordered to state military duty, including training, with or without pay, if both the member or retiree and the governor consent.

The bill specifies that, before being ordered to perform unpaid service, the member or retiree must be notified of the right to refuse to serve unpaid. Unpaid service still counts for purposes of receiving credit toward retirement and any other benefits, as applicable.

Paid Service

The bill specifies that the state's armed forces, including retirees, when ordered out by the governor are paid at the same rate as if they were ordered out by federal authority, including, for the National Guard and organized militia, longevity pay and allowances. It eliminates additional state payments of \$10 for most enlisted members and \$5 for chief petty officers, warrant officers, and junior commissioned officers.

It also specifies that the adjutant general determines the corresponding grades (pay according to rank) for the state's armed forces, including federally recognized National Guard units, to conform pay with federal rates, which is the current practice.

Under current law, Connecticut National Guard members must be paid for travel and expenses when attending schools, conferences, staff, or ceremonial exercises ordered by the governor. Commissioned officers serving on boards or military commissions or attending

conferences that higher headquarters call must receive pay and allowances according to their grade (rank), plus expenses. The bill eliminates these requirements.

Workers' Compensation and Personal Liability Immunity

The bill eliminates a step in current law's state armed forces worker's compensation process, which requires an inquiry and report by the injured or killed member's commanding officer.

The bill also makes members of the state's armed forces, and retirees detailed to duty, including unpaid members and retirees, state employees for purposes of (1) the existing civilian workers' compensation process and (2) immunity from personal liability. By law, state employees and officers are not personally liable for damage or injury that is caused within the scope of their employment or by the discharge of their duties as long as they are not wanton, reckless, or malicious (CGS § 4-165).

These protections apply to members and detailed retirees (1) performing under the governor's orders or (2) called out to assist in containing a riot or civil commotion, whether by the governor or by another civil authority when the governor cannot be reached. They do not cover paid federal duty.

The bill eliminates an obsolete provision that provides disability compensation to a member of the state's armed forces who has (1) been temporarily or permanently disabled incident to state service prior to June 6, 1977, (2) made application for disability compensation and has a claim pending before the Adjutant General, and (3) not signed a written release of his or her claim for such disability. No such service member exists.

Compensation Rate. Under the bill, any of the state's armed forces members or detailed retirees performing state military duty may collect workers' compensation benefits based on his or her civilian salary or the average production wage in the state, whichever is greater, if the member or retiree is injured while engaged in military

duties. This applies only if the member or retiree is unable to perform his or her regular employment duties.

The bill prohibits prorating any compensation to members of the state's armed forces injured, disabled, or killed while performing state military duties, due to that member's other employment.

Certain Death Benefits

The bill eliminates a \$20,000 death benefit payment to the beneficiary or next of kin of a state armed forces member who is killed in the line of duty while in state active service.

It also eliminates an obsolete death benefit the legislature enacted in 2005 intended for certain surviving dependents of Connecticut-domiciled armed forces members, including guard members and reservists, who were killed in action or died from illness or accident suffered while deployed and performing active-duty service in Southwest Asia in support of Operation Enduring Freedom (Afghanistan) or Operation Iraqi Freedom (Iraq) between September 11, 2001 and July 1, 2006. Current law requires that this benefit be reduced by the amount paid for any federal death benefit. Since federal death benefits exceed state benefits, this provision is obsolete (see BACKGROUND).

State Employees Serving in the National Guard or Reserves

Under current law, state employees who are reservists or National Guard members called to federal active-duty service in support of (1) Operation Enduring Freedom, (2) military action against Iraq, (3) Operation Noble Eagle (anti-terrorism actions within the U.S.), (4) federal or state action in support of Operation Liberty Shield or other anti-terrorism efforts in the U.S., and (5) Operation Jump Start (duty at the U.S. and Mexican border) receive up to 30 days' paid leave. After 30 days, they receive payment of the difference between the employee's state pay (including longevity) and his or her military pay. They are also entitled to other fringe benefits, including continued state health insurance coverage for the employee and any dependents for the duration of active-duty service, as long as the employee

continues to make the same insurance payments required before activation.

The bill extends these benefits to state employees called to federal active-duty as reservists or National Guard members for any military operation, war, or national emergency.

MEMORIALS

Under current law, cities, towns, or boroughs may place memorials to veteran soldiers, sailors, and marines in state armories and on the ground around the armories, subject to the adjutant general's approval and without cost to the state. The bill specifies that memorials to veterans of the U.S. armed forces may be placed in state military facilities or on state-owned or controlled military property under the same conditions.

BACKGROUND

SGLI

Service members' Group Life Insurance (SGLI) is a U.S. Department of Veterans' Affairs term life insurance plan that provides up to \$400,000 of coverage, in increments of \$10,000, to service members. Coverage of \$400,000 is automatic, but members may decline it or elect reduced coverage, in writing. Proceeds are payable to beneficiaries on the service member's death. The coverage level increased from \$250,000 to \$400,000, on September 1, 2005.

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable

Yea 11 Nay 0 (02/22/2013)