

Act Number: 09-054

Bill Number: 6410

Senate Pages: 2075, 2146-2147 **3**

House Pages: 2308-2322 **15**

Committee: Veterans: 195-196, 197, 202-
203, 225, 226-228 **9**

Page Total: **27**

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 7
2006 - 2343**

ch/pw
SENATE

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May 13, 2009

281, Senate Bill 148 was marked for reference to the Appropriations Committee, that bill has -- has already been to the Appropriations Committee, has come back on our calendar so it should just be marked PR.

THE CHAIR:

A motion is to mark it PR and it will be changed.

SENATOR LOONEY:

Thank you Mr. President. Also Mr. President Calendar page nine, an item previously marked go, Calendar 503, Senate Bill 755 should be marked PR.

And then we have three items for Consent Calendar Mr. President. First on Calendar page 10, Calendar 538, House Bill 5277, Mr. President would move to place that item on the Consent Calendar.

THE CHAIR:

Motion is on the floor to place item on the Consent Calendar, seeing no objection so ordered sir.

SENATOR LOONEY:

Thank you Mr. President. Moving to Calendar page 13, Calendar 585, House Bill 6410, move to place this item also on the Consent Calendar.

THE CHAIR:

Motion is on the floor place the item on Consent, seeing no objection so ordered sir.

Will the Clerk please call the Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the consent calendar, will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar, will all Senators please return to the chamber. Mr. President, those items placed on the first Consent Calendar begin on Calendar Page 9, Calendar Number 524, Substitute for Senate Bill 876, Calendar Page 10, Calendar 538, House Bill 5277, Calendar Page 11, Calendar 543, Substitute for Senate Bill 981, Calendar Page 13, Calendar 585, House Bill 6410, Calendar 590, House Bill 5674 and Calendar Page 27, Calendar Number 191, Substitute for Senate Bill 809. Mr. President, that completes those items placed on the first Consent Calendar.

THE CHAIR:

Members have heard those items identified as on the Consent Calendar. The machine will be open.

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber? The Senate is now voting by roll on the Consent Calendar. Will all Senators please return to the chamber?

THE CHAIR:

Members, please check the board to see that your vote is properly recorded. If all members have voted the machine will be closed. Would the Clerk please take a tally and announce the tally.

THE CLERK:

The motion is on adoption of Consent Calendar #1: total number voting 35, those voting yea, 35, those voting nay, zero, those absent/not voting one.

THE CHAIR:

Consent Calendar #1 is passed.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President. Mr. President, I believe the Clerk is in possession of Senate Agenda #1 for today's session.

THE CHAIR:

Is the Clerk in possession of Senate Agenda #1?

THE CLERK:

Mr. President, the Clerk is in possession of Senate Agenda #1, dated Wednesday, May 13, 2009, copies have been distributed.

THE CHAIR:

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HOUSE**

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Thank you, Mr. Speaker. It is my pleasure this afternoon to welcome a group of students from the Town of Lebanon who are in the balcony today, that come to visit and see how our process works, and I'd like to ask my colleagues to stand and welcome in our usual manner.

Thank you.

(APPLAUSE)

SPEAKER DONOVAN:

Representative Hewett.

REP. HEWETT: (39th)

Mr. Speaker, I wish my vote to be voted in the affirmative if it's not too late.

SPEAKER DONOVAN:

Representative, it will be noted in the transcript.

Coming back to the Calendar, will the Clerk please call Calendar Number 272.

CLERK:

On Page 10, Calendar Number 272, House Bill Number 6410 AN ACT CONCERNING THE USE OF HAND HELD MOBILE TELEPHONES BY MEMBERS OF THE ARMED FORCES WHILE OPERATING A MOTOR VEHICLE. Favorable Report of the Committee on Transportation.

SPEAKER DONOVAN:

Representative Graziani.

REP. GRAZIANI: (57th)

Thank you, Mr. Speaker, and good afternoon.

SPEAKER DONOVAN:

Good afternoon, Representative.

REP. GRAZIANI: (57th)

Mr. Speaker, I move for the acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, Sir?

REP. GRAZIANI: (57th)

Mr. Speaker, the Clerk has an amendment, LCO Number 5785. I would ask the Clerk to please call the Amendment and that I be granted leave of the Chamber to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO Number 5785, which will be designated House "A".

CLERK:

LCO Number 5785, House "A" offered by
Representatives Graziani and Harkins.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to summarize the Amendment. Is there objection to summarization? If not, Representative Graziani, you may proceed.

REP. GRAZIANI: (57th)

Mr. Speaker, what this Amendment does is basically clarifies the language on Line 27. We're striking the word including and inserting the definition of 27-103, which includes the National Guard automatically, and therefore on Line 28 we're striking out the Connecticut National Guard.

As I just alluded to, it's already defined by Section 27-103, Mr. Speaker, and I move adoption.

SPEAKER DONOVAN:

The question before the Chamber is adoption of House Amendment Schedule "A". Remark on the Amendment? Remark on the Amendment?

If not, let me try your minds. All those in favor of the Amendment please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, Nay. The Ayes have it. The
Amendment is adopted.

Will you remark further on the bill as amended?

REP. GRAZIANI: (57th)

Mr. Speaker.

SPEAKER DONOVAN:

Representative Graziani.

REP. GRAZIANI: (57th)

Sorry, Mr. Speaker, I'm just getting excited
here. Mr. Speaker, the Clerk has another amendment,
LCO Number 6225. I would ask the Clerk to please call
the Amendment and I be granted leave of the Chamber to
summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO Number 6225, which
will be designated House Amendment Schedule "B".

CLERK:

LCO Number 6225, House "B", offered by
Representatives Graziani, McCluskey and Olson.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to
summarize. Any objection? Hearing none,
Representative, you may proceed with summarization.

REP. GRAZIANI; (57th)

Thank you, Mr. Speaker. On Line 28 we're inserting was operating a military vehicle.

What this does is clarify the language on the bill, and Mr. Speaker, I move adoption, and if I can, I'd like to summarize the bill as amended or do have to wait until the bill is, oh, as amended.

SPEAKER DONOVAN:

Representative, it makes sense we're speaking on the amendment right now. The question before the Chamber is on adoption of House Amendment Schedule "B". Will you remark on the Amendment?

Representative Sawyer.

REP. SAWYER: (55th)

Thank you, Mr. Speaker. In the issue here where my computer is frozen and I can't see what's on that particular line, I guess I would ask that the good Representative explain how this Amendment really does impact that whole section?

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Graziani.

REP. GRAZIANI: (57th)

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Well, this Amendment was required, because they were afraid by not inserting the military vehicles, that would be open to individuals that were called to duty in their private vehicles. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sawyer. Representative Sawyer.

REP. SAWYER: (55th)

Thank you, Mr. Speaker. So, in describing a military vehicle, would that be perhaps some of the vehicles that we see on the road that have a government plate on it. Is that what you would consider a military vehicle?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Graziani.

REP. GRAZIANI: (57th)

Mr. Speaker, that is my understanding. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER: (55th)

Thank you, Mr. Speaker. Would you also conclude that it might be a passenger vehicle, though, not what

we normally consider say, a troop transport, but also a passenger vehicle that could also have a military license plate on it. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Graziani.

REP. GRAZIANI: (57th)

Mr. Speaker, I would say so. We have to remember that the purpose of this bill, and I'm going to elaborate it because I feel it's very important to those questions that are being asked of me.

This bill would in fact allow the members of the Connecticut National Guard in time of an emergency, to use a cell phone.

Because the last thing we want to do, Mr. Speaker, is in case of emergency, is have, when they're on a convoy or the vehicle you describe, Representative Sawyer, is put the right directional signal on as they're responding to, going to an armory or to a disaster mode, pull off the highway, pick up the hand-held cell phone, put the left directional on, make sure it's clear and then enter the highway once again and lose valuable time.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

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.Representative Sawyer.

REP. SAWYER: (55th)

I thank the gentleman for his answers, and I certainly appreciate that description, and I will be discussing the underlying bill.

But I wanted to make it very clear that the intent here on this particular Amendment was while operating a military vehicle that perhaps is in a convoy situation, but could also be in an individual situation, but should not be abused and used except outside of the emergency situation.

We can discuss that after this Amendment passes.
Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Will you remark further on the Amendment? Representative Coutu.

Will you remark further on the Amendment? House Amendment Schedule "B". Will you remark further on House Amendment Schedule "B"?

If not, let me try your minds. All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

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All those opposed, Nay. The Ayes have it. The
Amendment is adopted.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

Representative Coutu.

REP. COUTU: (47th)

Thank you, Mr. Speaker. I just want to say, we have a lot of honorable soldiers that serve, and this bill us just to ensure that when we utilizing a phone as a second form of communication, such as in the Army, it doesn't have to just be in a convoy. It can be in a training environment, on a military installation. There's plenty of them around the State of Connecticut.

We want to comply and be within the laws of our state. This is all this law is really meant to do and modify it so then we will be in compliance with the state laws, and our soldiers will continue to serve honorably and not break a law.

So this is a good bill and I support it, and thank you, Mr. Chairman.

SPEAKER DONOVAN:

Thank you, Representative. Will you remark further on the bill as amended? Representative Harkins.

REP. HARKINS: (120th)

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the bill. We already exempt people who are peace officers, firefighters, drivers of ambulances and other authorized emergency vehicles.

This just goes ahead and seals the deal. Here we have National Guardsmen that perform duties that may be called into an emergency situation. They also should be classified under the statute. Therefore, I support the underlying bill. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Representative Nicastro.

REP. NICASTRO: (79th)

Thank you, Mr. Speaker. Mr. Speaker, I stand in support of the bill as amended. Quite frankly and quite honestly, as we well know, the National Guard of today has sprung out in many facets.

I mean, you could think back in between times of war, the National Guard has been considered, they

called it a part-time service, part time. That's so untrue today.

Our National Guardsmen are being called out for everything, from hurricanes to tornadoes, to everything; and quite frankly and honestly, I would have supported this bill without the Amendments because they need to be able to use their cell phones.

We have over 1,200 National Guardsmen that are leaving this state to go to Iraq and Afghanistan in the next nine months. That shows you how important the National Guard is today in this great state. They're being called out on everything.

The least we can do is allow them to use their cell phones in times of emergency. It's something that we should do. It's a responsibility that we have to give to them because they need to communicate back and forth from one vehicle to another.

I strongly support this bill and I urge my colleagues to do so, too. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Representative Sawyer.

REP. SAWYER: (55th)

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Thank you, Mr. Speaker. A question to
Representative Graziani please.

SPEAKER DONOVAN:

Representative Graziani. Representative Sawyer,
you may proceed.

REP. SAWYER: (55th)

Thank you, Sir. Representative Graziani, these,
the way this is written, having looked at how the
Amendment affects it, would you conclude then, would
you say that National Guardsmen and woman, are they
expected to have a hands free device when they are on
the road traveling in their private vehicles? Through
you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Graziani.

REP. GRAZIANI: (57th)

Through you, Mr. Speaker, I don't know what the
orders are. I'm not familiar with the disbursement of
it, or the rules and regulations. That would have to
be answered, quite frankly, from across the street in
the Armory, but I can get an answer to that.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER: (55th)

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I apologize. Perhaps he didn't quite hear what I was asking. Would someone in the military when they are in civilian life, would they be required to use a hands free device? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Graziani.

REP. GRAZIANI: (57th)

I have no idea if they are required to use a handset. Is that what you're asking me, like a Blue? I have no idea if they should or not. Through you.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER: (55th)

Thank you, Mr. Speaker. I fully appreciate what the military does for this country, and certainly the National Guard as my husband is now retired from the National Guard.

So I truly appreciate what they do.

And in the State of Connecticut, National Guardsmen, as everyone else in the state is required to use a hands free device in their personal vehicle. They are expected to own one. They are expected to use one, or they are expected to pull off to the side of the road to be able to use it.

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So my hope is that this does not lead to an abuse and that it is understood that when they are acting in civilian capacity, and when they are in the National Guard circumstance, it is only under an emergency situation that they would not be using their hands free device.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative Sawyer. Will you remark further on the bill as amended? Remark further on the bill as amended?

If not, staff and guests come to the Well of the House. Members take their seats. The machine will be opened.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber.

The House is taking a Roll Call Vote. Members to the Chamber, please.

SPEAKER DONOVAN:

Have all the Members voted? Have all the Members voted? Members please check the board to make sure your votes are properly cast.

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If all the Members have voted, the machine will be locked and the Clerk will please take a tally.

Will the Clerk please announce the tally.

CLERK:

House Bill Number 6410 as amended by House "A"
and
"B".

Total Number Voting	143
Necessary for Passage	73
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	8

SPEAKER DONOVAN:

The bill as amended is passed.

Are there any announcements or introductions?

Representative Fritz.

REP. FRITZ: (90th)

Thank you, Mr. Speaker. We have been joined today by the Fire Chief of the North Farms Volunteer Fire Department in Wallingford, who has worked tirelessly in the fire service not only in the Town of Wallingford, but also throughout the state.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**SELECT
COMMITTEE
ON VETERANS'
AFFAIRS
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that's -- that's what we need.

JOHN HOLLIS: Yeah. He don't --

REP. GRAZIANI: That's what we need.

JOHN HOLLIS: He don't sugarcoat it. (Inaudible) ship as well yours, I might add.

REP. GRAZIANI: Thank you. Thank you very much.

Any questions for Mr. Hollis?

If not, always a pleasure my friend.

JOHN HOLLIS: Thank you, again, or as in the Navy we did (whistling) sweepers, sweepers, start your brooms, give a clean sweep, done four and half, take all trash and garbage to the fan tail.

REP. GRAZIANI: Dismissed, John.

Is there anyone else from the public?

Debbi would you please step forward, Debbi Newton.

DEBBI NEWTON: I'm not sure I want to follow that. My eloquence is just gone at this point.

SB 860

SB 863

HB 6405

SB 861

HB 6406

Good morning, Representative Graziani, and members of the Select Committee on Veterans affairs.

HB 6394

HB 6410

SB 862

HB 6408

For the record, I am Debbi Newton, legislative chair and past president of the National Guard Association of Connecticut, and a 29-year member of the Connecticut Army/National Guard.

You have several bills before you today that

hl/gbr SELECT COMMITTEE ON VETERANS' AFFAIRS 10:00 A.M.

NGACT supports, many of which provide clarifications of language in existing statute. Senate Bill 860, An Act Concerning False Representation of Military Status adds the physical display of rank to the list of items made illegal in legislation either last year or the year before.

Senate Bill 863 and House Bill 6405 also clarify language of existing law.

Senate Bill 861, An Act Concerning Retirement from Military Service expands eligibility to enlisted members to apply for the next higher rank within state upon retirement. Officers have been eligible to do this for many years, and they were able to make application to the state to be promoted to Brigadier General if they retired as colonel. This bill would allow enlisted people that qualified to apply for state promotion to the next higher grade upon retirement.

House Bill 6406, An Act Concerning Military Support Program seeks to formalize a relationship between Department of Mental Health and Addiction Services, the Department of Child and Family Services, and the Department of Veterans Affairs. By adding the Department of veterans Affairs to existing law we support this.

House Bill 6394, An Act Concerning Military Family Relief Fund, seeks to expand the pool of those eligible to apply for the assistance from the fund. As you heard Russell speak about this earlier, he mentioned that there were 25 applications that were denied because the military member of the family was not still currently deployed. Expanding it would probably have allowed most of those 25

hl/gbr SELECT COMMITTEE ON VETERANS' AFFAIRS 10:00 A.M.

applications to have been granted.

House Bill 6410, An Act Concerning Use of Handheld Mobile Telephones by Members of the Armed Forces While Operating a Motor Vehicle does not give carte blanche to any one of us in the military to use our cell phone whenever we feel like it when we're driving. What it does do is it allows us, in the course of our duties, to be able to communicate with higher headquarters. If we're in an emergency situation and we're being sent out to one certain area, something changes, the only way they can get ahold of us is by a cell phone to redirect us to another area where we're needed more, that's what this would allow. It would allow conducting of business. Not us calling home say, hey, we're stopping with the guys to have a couple of beers after work. This is specifically work related.

The two bills I'd like to speak a bit more about are Senate Bill 862, An Act Concerning Members of the National Guard Called to State Active Duty, and House Bill 6408, An Act Concerning Professional Liability Insurance Policies and Members of the National Guard Called to Active Duty.

When a National Guardsman is called to state active duty under current law, most receive their daily military pay plus a \$10 stipend. For some of our more junior soldiers and airmen, this could be as low as \$64.99 per day. Those could be the same citizens of Connecticut that make 20 to 30 dollars an hour at a job as a construction worker or many other areas. These are the same citizens that may receive only a few hours notice that they're being called to state active duty, and have to spend that time getting ready for

hl/gbr SELECT COMMITTEE ON VETERANS' AFFAIRS 10:00 A.M.

active members, if you have an issue with your employer, they have ombudsman. You can contact them. They provide mediate -- mediation with the employee, they also do a lot of things to promote the Guard and Reserves to the employers by having the boss (inaudible), where they take leaders who have employees within the community, they take them to other bases around the country and other things like that. So they're a great organization, and anything you need about them, I can help you with it.

REP. GRAZIANI: I appreciate that. Thank you for sharing that.

You know, you brought up about the cell phone issue. I can't fathom that in time of an emergency that you would have to pull off on the side of the road, you know, for five minutes while you're on the cell phone, while you know, there's a national emergency going on. To me, this is a no brainer, maybe oversimplified, but I don't know what the downside is of passing this, and I know we visited this last year, I believe.

HB 6410

DEBBI NEWTON: We did.

REP. GRAZIANI: So does any one serve on transportation here?

Peggy, do you recall this by any chance? I hate to put you on the spot. Do you recall what transpired or --

REP. SAYERS: And I wasn't on transportation last year, so...

REP. GRAZIANI: Okay. All right, I'll -- we'll, we'll, ll touch base with the Chairperson

(inaudible).

REP. HARKINS: Sure. And Representative Graziani, the other thing I'm -- I'm wondering is, I think, right now, like, the state police can use -- I don't think cell phones, so there -- there is precedence.

REP. GRAZIANI: Well, that's good. All right. Representative Sayers, you're on transportation, you'll convey that message and I'll get a hold of Tony and (inaudible), right after this.

A VOICE: Any help we can get, we appreciate.

REP. GRAZIANI: Thank you. And before you go, do you have any idea, I know, when you plan on sitting down, setting a meeting up with the insurance industry to go over those policies, because timing is very, very critical, as you know. And if something could be done this year. I know, they're not here. But if you were willing to outreach them in contact, you know, obviously I would like to see at least an initial meeting done, you know, no later than mid-next week, because you have to remember, as you well know, there are so many bills that are going through this building now, and I would like to see something, at least, established for this year, so we can build upon that foundation going forward next year. Do you think that is doable?

DEBBI NEWTON: Sure. I think so. Did she leave? Did Sue leave contact information?

REP. GRAZIANI: Well, Sue, I know, she has to go to general law and a couple other things but --

DEBBI NEWTON: Well, if she left her phone number



STATE OF CONNECTICUT

MILITARY DEPARTMENT
 THE WILLIAM A. O'NEILL ARMORY
 360 BROAD STREET
 HARTFORD, CONNECTICUT 06105-3795

February 19, 2008

Honorable Andrew M. Maynard
 Honorable Ted C. Graziani
 Chairpersons
 Select Committee on Veterans' Affairs
 Room 509A, Capitol
 Hartford, CT 06106

RE: Senate Bill 860, "An Act Concerning False Representation of Military Status"
Senate Bill 861, "An Act Concerning Retirement from Military Service"
House Bill 6410, "An Act Concerning the Use of Hand-held Mobile Telephones by
 Members of the Armed Forces while Operating a Motor Vehicle"
House Bill 6409, "An Act Concerning the Military Family Relief Fund" (Governor's Bill)

The Connecticut Military Department (CTMD) supports the passage of these four bills. CTMD requested the Select Committee on Veterans Affairs raise these bills as each facilitates equitable and efficient military operations. The bills, once passed into law, would have nominal fiscal impact but would correct weaknesses in the manner in which CTMD currently conducts certain operations. I ask for your favorable consideration and for the passage of these bills.

Senate Bill 860 seeks to correct a technical deficiency in our state "Stolen Valor" statute, a law that criminalizes the unauthorized wear of and claim to military medals and decorations. The bill clarifies that the unauthorized wear or claim to military rank is also a wrongful act. Unfortunately, we have had instances where members of our community pin on medals and rank to which they are not entitled. To members of the armed forces, veterans and patriotic citizens, this behavior is highly offensive, as we know the dedication and sacrifice that is inherent in obtaining rank. This bill ensures that those who wear rank without authorization do so at their own peril and risk prosecution.


Senate Bill 861 clarifies the process an officer of the armed forces of the state must use to request promotion upon retirement. Additionally, it extends the retirement promotion consideration to our enlisted members. The fact that officers can get promoted upon retirement but enlisted members cannot is an inequity that has existed for decades. In the interests of equity, if officers can be promoted into retirement, so should enlisted members. With our lack of authorizations for senior officer and enlisted ranks, many qualified and well deserving members of our armed force cannot be promoted during their military careers. This provision of law would provide some relief to allow a state retirement promotion ("honorary"), without the benefit of receiving the associated compensation or benefits. Such recognition upon promotion for deserving members of the armed forces of Connecticut is merited.

House Bill 6410 corrects a deficiency in the restriction on use of a mobile phone by vehicle operators. CTMD has raised this issue to the General Assembly in the past. Our members are emergency response personnel, who, when conducting operations or training therefore, may have to utilize a hand-held communication device while operating a vehicle. Although we are largely assured that our members would not likely be prosecuted for this activity while conducting operations, we, as good Soldiers and Airmen, do not want to run afoul of the law – or expose ourselves to prosecution – when the law can be modified to protect us. This bill will allow our military operations to be conducted without risk of our members violating the law relative to the use of cell phones while operating a vehicle.

House Bill 6409 provides equitable relief to family members of qualified members the armed forces who, due to military service, encounter financial hardship by providing access to the Military Family Relief Fund (MFRF). Over the last three years of operation, the MFRF has provided a safety net to ensure our families do not suffer unduly as a result of the military service of a family member. The fund has provided nearly \$100,000 in grants and is primarily funded through charitable giving by our state income tax filers. The fund highlights Connecticut's dedication to and recognition of our service members and military families.

The CTMD is thankful for the SCVA's support of our legislative initiatives and welcomes the opportunity to answer any questions the committee may have concerning these bills. My legislative liaison Major Timothy Tomcho is available to discuss these bills with you. He may be contacted at (860) 548-3203 or via email at timothy.tomcho@us.army.mil.

Sincerely,


THADDENS J. MARTIN
Major General
The Adjutant General



National Guard Association of Connecticut

360 Broad Street, Hartford, CT 06105-3795
 www.ngact.com ngact2005@yahoo.com (860) 247-5000

Feb 19, 2009

Testimony in regards to Senate Bills 860, 861, 862 and 863 and House Bills 6405, 6406, 6409, 6410 and 6394

Good morning Senator Maynard, Representative Graziani and members of the Select Committee on Veterans Affairs. Thank you for the opportunity to speak today. I am Debbi Newton, Legislative Chair and past-president of the National Guard Association of Connecticut and a 29 year member of the Connecticut Army National Guard.

You have several bills before you today that NGA CT supports, many of which provide clarifications of language in existing statute. Senate Bill 860, An Act Concerning False Representation of Military Status adds the physical display of rank to the list of items made illegal in legislation last year. Senate Bill 863 and House Bill 6405 also clarify language of existing law.

Senate Bill 861, An Act Concerning Retirement from Military Service expands eligibility to enlisted members to apply for the next higher rank upon retirement. Officers have been eligible to do this for many years and can make application to the state to be promoted to the next higher grade, or rank, not to exceed Brigadier General. This bill would allow enlisted people that qualify to apply for state promotion to the next higher grade upon retirement.

House Bill 6406, An Act Concerning the Military Support Program seeks to formalize the relationship between the Department of Mental Health and Addiction Services, the Department Of Child and Family Services and the Department of Veterans Affairs when providing services to Connecticut Veterans by adding the Department of Veterans Affairs to existing law.

House Bills 6409, An Act Concerning Military Families and 6394, An Act Concerning the Military Family Relief Fund both seek to expand the pool of those eligible to apply for assistance from the Fund.

House Bill 6410, An Act Concerning the use of hand Held Mobile Telephones by members of the Armed Forces while Operating a Motor Vehicle does not give members of the armed services carte blanche to use cell phones and other hand held devices while driving whenever they want to. What it does do is give members of the Armed Forces the flexibility of communications while in an official status. Many times we have emergency

situations where one of us may be driving and have to have communications with headquarters because a situation has changed and we have to go to a different location. This legislation will allow us to be able to communicate with emergency staff on site or in the operations center or the headquarters when necessary.

Two bills that I would like to speak to a bit more are Senate Bill 862, An Act Concerning Members of the National Guard Called to State Active Duty, and House Bill 6408, An Act Concerning Professional Liability Insurance Policies and Members of the National Guard Called to Active Duty.

When a National Guardsman is called to state Active Duty, under current law, most receive their daily military pay plus \$10. For some of our more junior Soldiers and Airmen, that could be as low as 64.99 per day. These could be the same citizens of Connecticut that make \$20 to \$30 per hour at a job as a construction worker. These are the same citizens that may receive only a few hour notice that they are going on State Active Duty and have to spend that time getting ready for duty, traveling to their duty station, telling their civilian employers they have to leave work for a sometimes unspecified amount of time, have to get their families and daycare in order and so on. They do this without question because that is why they choose the National Guard over other military service components. Senate Bill 862 seeks to raise that minimum daily pay to \$125 and to exempt it from the state income tax.

We realize that anything that takes revenue away from the state is not going to be looked upon favorably, but at the same time, we need to make sure that our Soldiers and Airmen that are answering our Governor's call in emergencies are taken care of. Some State Active Duty can be as short as one day, while others have lasted months, such as the airport security, rail security, bridge, nuclear plant and fuel farm security missions. In case such as these, a hardship is created for our Soldiers and Airmen when they leave well-paying civilian sector jobs to go on State Active Duty. Many states pay 200% of the base military pay; others pay as follows:

Iowa, West Virginia and New Jersey pay a minimum of \$100 per day
New Hampshire pays a minimum of \$109 per day
New York pays a minimum of \$125 per day
South Dakota pays a minimum of \$144 per day.

This bill also proposes exempting emergency State Active Duty pay from the state income tax. Imagine being a Soldier or Airman on State Active Duty, making much less in many cases than they do in their civilian jobs, and having some of that money taken back by the state in the form of income taxes. NGACT urges passage of this proposed legislation.

The final bill is House Bill 6408. Two years ago the Connecticut General Assembly passed into law protections of Professional Licenses and teaching credentials for Guardsmen deploying. This year we are asking that you pass similar legislation that would protect Professional Liability Insurance. When CPAs, doctors, nurses, contractors and other professionals contract for liability insurance, they may not know they are being