

PA10-066

SB215

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

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Those absent and not voting 1

DEPUTY SPEAKER GODFREY:

The bill as amended is passed in concurrence
with the Senate.

(Deputy Speaker O'Rourke in the Chair.)

DEPUTY SPEAKER O'ROURKE:

Mr. Clerk, please call Calendar 403.

THE CLERK:

On page 18, Calendar 403, Substitute for
Senate Bill Number 215, AN ACT CONCERNING VETERAN
TUITION WAIVERS, favorable report of the Committee
on Higher Education and Employment Advancement.

DEPUTY SPEAKER O'ROURKE:

Representative Graziani.

REP. GRAZIANI (57th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I move for the acceptance of the
joint committee's favorable report and passage of
the bill.

DEPUTY SPEAKER O'ROURKE:

Motion is on acceptance of the committee's
favorable report and passage of the bill.

Will you remark, sir?

REP. GRAZIANI (57th):

Yes, thank you very much.

Mr. Speaker, the Clerk has Senate Amendment Schedule "A," LCO 3239 and I would ask the Clerk to please call the amendment and I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER O'ROURKE:

Mr. Clerk, please call LCO 3239, designated Senate Amendment "A."

THE CLERK:

LCO Number 3239, Senate "A," offered by Senator Maynard.

DEPUTY SPEAKER O'ROURKE:

The gentleman has asked leave of the chamber.

Please proceed, Representative Graziani.

REP. GRAZIANI (57th):

Thank you very much, Mr. Speaker.

Members of the chamber, what the amendment does is it accomplishes two things. Number one it keeps in the training aspect of it and secondly on the second section of it, it requires the board of trustees for UConn, the community technical colleges and the Connecticut state universities

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system to in fact review the applicants in 30 days upon passage of the bill and I move adoption of Senate Amendment "A."

DEPUTY SPEAKER O'ROURKE:

Motion is on adoption.

Will you remark on Senate "A?" Will you remark?

If not, I'll try your minds.

All those in favor of adoption of Senate "A," signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER O'ROURKE:

Those opposed nay.

The ayes have it. Senate "A" is adopted.

Will you remark on the bill as amended?

REP. GRAZIANI (57th):

Yes, members of the Chambers, I move adoption of this bill and this bill quite frankly excludes any service time during military training academies or going to any military academy. The intent of the bill that we passed some years back is to help veterans obtain tuition free, in-state tuition. By that I mean they are asked to serve their country

and get something in return for it.

The people who have attended the academies, and quite frankly have not completed their obligation or duty in any of the academies, do not subsequently qualify for free in-state tuition as defined by the definition of a veteran in section 27-103. During the public hearing, Mr. Speaker and my fellow colleagues, we've heard not only from our Department of Veterans' Affairs Commissioner Linda Schwartz, but we also heard from a navy mother who served ten years in this country in the Navy loading and unloading bombs on an F-18 fighter pilot.

Of those ten years in the Navy, she spent five -- five of them on sea. She was very disappointed to know that the State of Connecticut was offering in-state tuition free rates for those who haven't qualified or met their military obligation.

So with that, Mr. Speaker, I move for adoption of the bill as amended by Senate "A."

DEPUTY SPEAKER O'ROURKE:

The motion is on passage in concurrence with the Senate.

Will you remark? Will you remark?

Representative Coutu.

REP. COUTU (47th):

Thank you, Mr. Speaker.

Mr. Speaker, through you, a couple of questions to the proponent of the bill.

DEPUTY SPEAKER O'ROURKE:

Please proceed.

REP. COUTU (47th):

First I know there was some feedback from Higher Education on this. Exactly they're in support of this obviously.

DEPUTY SPEAKER O'ROURKE:

Representative Graziani.

REP. GRAZIANI (57th):

Through you, Mr. Speaker, that is correct and by any stretch of the imagination it is through nobody's fault that the Central Connecticut State University System, UConn or the community technical colleges. They were going, quite frankly, on the DD214 that was presented to them and, in fact, it said they had honorable discharges and they had no choice, as Representative Coutu is aware of the DD214s, but have no choice but to offer them and grant them in-state tuition.

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Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Coutu.

REP. COUTU (47th):

Through you, Mr. Speaker. And I assume this will have no impact on the National Guard soldiers or other active duty soldiers who are currently in the military.

REP. GRAZIANI (57th):

Through you, Mr. Speaker, that is correct,
Representative Coutu.

DEPUTY SPEAKER O'ROURKE:

Representative Coutu.

REP. COUTU (47th):

Through you, Mr. Speaker, will this have a positive financial impact for the State of Connecticut?

DEPUTY SPEAKER O'ROURKE:

Representative Graziani.

REP. GRAZIANI (57th):

Great question, Representative Coutu.
Absolutely it will save the taxpayers of Connecticut the cost of funding these individuals who likely have not qualified for in-state tuition.

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Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Coutu.

REP. COUTU (47th):

And on lines 76 through 78, I know the amendment removed in training throughout the bill and I just was curious is there a reason for that?

REP. GRAZIANI (57th):

That is correct because training will, in fact, automatically be covered through this bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Coutu.

REP. COUTU (47th):

I thank the chairman of the Veteran Affairs Committee and I -- I just want to follow up and say that this bill did receive a lot of press and, as many of you know, our military academies and installations there's an honor code and the idea that a soldier or somebody who's in training, in this case, could literally break the honor code almost deliberately and then be rewarded with a full pass through one of our institutions such as the University of Connecticut is just wrong.

And the real definition of a veteran it doesn't include, many times, officer cadets and cadets in general. So until they actually enlist and start their military career they don't have these rights. And over the course of the past ten years -- twenty -- as long as we've had this bill on the record we've had probably not hundreds but definitely dozens of students who have literally, for one reason or another, not completed their obligation, which is complete OCS, but they were rewarded with the same benefits as somebody who came back from the wartime or some other in theater activity.

So this is the right thing to do. And furthermore the -- the big organization that was sort of put in the spotlight was our great Coast Guard Academy and -- and I just want people to realize this was really nothing to do with them. It was just generally a clause that was passed and the Coast Guard Academy has a long tradition of working with our National Guard, the Groton SUBASE and they're a great organization and we just want to make sure everyone knows this had absolutely nothing to do with them, it was just a minor defect

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in our law.

So thank you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Thank you, Representative Coutu.

Representative Sawyer.

REP. SAWYER (55th): Thank you, Mr. Speaker.

One quick question to the proponent of the amendment.

DEPUTY SPEAKER O'ROURKE:

Please proceed.

REP. SAWYER (55th):

Thank you.

Through you, Mr. Speaker, in looking at the requirement that not later than 30 days in Section 501 that the board of trustees for the three sets of institutions shall review current and prospective student eligibility for the waiver, could you please tell me if that is a timetable that the institutions feel that they are able to achieve?

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Graziani.

REP. GRAZIANI (57th):

Through you, Mr. Speaker, yes we met with the university systems and right now, the way it stands now, they review the DD214 only once and they never revisit it. This will give them the opportunity and mandate them, which they rightfully should, to review, within 30 days, whether or not he or she qualifies for in-state tuition. So the long -- the short response, through you, is yes it is definitely doable.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Sawyer.

REP. SAWYER (55th):

Mr. Speaker, I thank the gentleman for his answer. Yes it is a mandate but in this case we are looking at eligibility for free tuition and these seats that are being held should be justly held for our veterans who honorably deserve them. It is, I believe, just and fitting that we provide this education for them but it is expensive and it is something that should be held I believe and given out with care.

So I appreciate that the institutions have moved forward and that they are agreeing to this

and they -- they will do this and that those seats will be given to those people who deserve it and we thank them for their patriotism. I'd like to thank the chairman of the committee and the ranking member as well for their work on this.

DEPUTY SPEAKER O'ROURKE:

Thank you, Representative.

Representative Kirkley-Bey.

REP. KIRKLEY-BEY (5th):

Thank you, Mr. Speaker.

I have a question for Representative Graziani and my question is - is there any benefits or anything being done for the widows of these soldiers who are left to raise children to be by themselves and to have to take on that responsibility? And having been there, done that, I'm just wondering what we're doing for them.

Are we doing anything, sir, in any legislation?

DEPUTY SPEAKER O'ROURKE:

Representative Graziani.

REP. GRAZIANI (57th):

Through you to the esteemed Marie Kirkey-Bey, it is not covered under this bill or subject

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matter. But to answer your question, there are programs out there for widows as well as their families.

Through you, Mr. Speaker, this is nothing -- this is nothing new. We try to reach out. There are -- you call up any veteran service organization, you can contact the Department of Veterans' Affairs, you can contact any allegiant VFW or Vietnam Veterans/Korean War Veterans organization and they can point you to the right direction.

Through you, Mr. Speaker..

DEPUTY SPEAKER O'ROURKE:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY (5th):

Well I called -- thank you, sir -- I called the Sailors' Soldiers' and Marine's Fund and, as a widow of a veteran who served in the Korean War, there was nothing they could do for me and I was very upset about that. And my mother, prior to her death, was a -- a widow of a World War II veteran that was honorably discharged and there was nothing I could get for her in her waning years.

REP. GRAZIANI (57th):

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Through you, Mr. Speaker, if I may make a comment.

DEPUTY SPEAKER O'ROURKE:

Representative Graziani.

REP. GRAZIANI (57th):

Particularly going through the Soldiers', Sailors' and Marine's Fund, there is a means test that's involved. The purpose of the Soldiers', Sailors' and Marine's Fund it's not an entitlement program. It's a one-shot deal when the veterans or their family hits the wall financially. For example, one month of fuel assistance, one month of electricity. It doesn't go on and on. It's not an entitlement program.

So each set of circumstances that a veteran or the veteran's family might have has to be evaluated and the decision is made accordingly.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Thank you, Representative Graziani.

Will you remark? Will you remark?

Representative Miller.

REP. MILLER (122nd): Thank you, Mr. Speaker.

I rise in support of the bill as amended.

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After listening to the conversation last week from Representative Graziani and Nicastro and Sawyer and Hetherington, it was really heartwarming to -- not heartwarming -- it was really a disaster the way they treated our veterans from Vietnam and I think this is, at least, a little bit that we can give them for all they've done to preserve our freedom and fighting for our country.

I was listening to a station I guess on the radio where a Marine Corps group gave a young Marine from the Middle East a \$60,000 a year masters degree program, so it's two years, \$120,000. They had no problem giving that away and what we're giving here today is not really a lot of money but it's -- it's from the heart and that's what counts.

So I urge everybody to support it. Thank you.

DEPUTY SPEAKER O'ROURKE:

Good and the motion is on passage.

Will you remark? Representative Nicastro.

REP. NICASTRO (79th):

Thank you, Mr. Speaker.

Mr. Speaker, I stand in strong support of this bill as amended. Basically -- and I don't want to

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be repetitive here because my chairman said it very clearly -- basically it closes some of the loopholes that existed before and it's very clear if you take the time to read the bill.

It's a strong bill. It solves problems and it helps our veterans and their families so I urge my colleagues to support it.

Thank you.

DEPUTY SPEAKER O'ROURKE:

Thank you, sir.

Will you remark on the bill as amended?

If not, staff and guests to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

DEPUTY SPEAKER O'ROURKE:

Have all members voted? Please check the board and ensure your vote is properly recorded. If all members have voted the machine will be locked and the Clerk will take a tally.

Mr. Clerk please announce the tally.

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THE CLERK:

Senate Bill Number 215 as amended by Senate "A"
in concurrence with the Senate.

Total number voting	149
Necessary for passage	75
Those voting Yea	149
Those voting Nay	0
Those absent and not voting	2

DEPUTY SPEAKER O'ROURKE:

The bill as amended is passed.

Mr. Clerk, please call Calendar 418.

THE CLERK:

On page 21, Calendar 418, Substitute for
Senate Bill Number 310, AN ACT CONCERNING THE
LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR
TECHNICAL CORRECTIONS TO THE PUBLIC SAFETY STATUTES
AND AN EFFECTIVE DATE CHANGE, favorable report by
the Committee of Public Safety and Security.

DEPUTY SPEAKER O'ROURKE:

The Chair recognizes the chairman of the
Public Safety Committee, Representative Dargan.

REP. DARGAN (115th): Thank you, Mr. Speaker, I
move acceptance of the joint committee's favorable
report and passage of the bill in concurrence with

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Seeing no objections? This will be moved to the
consent calendar, Senator.

SENATOR PRAGUE:

Thank you.

THE CHAIR:

Thank you.

THE CLERK:

Calendar Number 124, File Number 167, substitute
for Senate Bill 251, AN ACT CONCERNING THE LONG TERM
CARE ADVISORY COUNCIL, favorable report of the
Committee on Human Services.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President, that item might be passed
temporarily?

THE CHAIR:

It'll be passed -- passed over temporarily.

Mr. Clerk.

THE CLERK:

Calendar Number 127, File Number 164, substitute
for Senate Bill 215, AN ACT CONCERNING VETERAN TUITION

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WAIVERS, favorable report of the Committees on Veteran Affairs and Higher Education.

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Thank you, Mr. President. I move the joint committee's favorable report and passage of the bill.

THE CHAIR:

The motion is on passage.

SENATOR MAYNARD:

Yes, Mr. President.

This bill is recredible -- regrettably required because a bill that we passed previously that would guarantee a veteran's benefit to people in active service was being misused by, in our view, by folks who were separated from service academies but were being rewarded with multiple years of tuition benefit that they were frankly not intended to receive. So this bill corrects that problem and will actually end any tuition benefit even for those who have been receiving it. I, frankly, think they ought to be grateful that we're not asking for our money back. They were not entitled to this. They shouldn't be receiving it and we're ending that proc -- that

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practice.

I want to say that the University of Connecticut was not responsible for that decision. It is coming directly from the Veterans Committee and the chairs agree on that measure. We want to make sure that no person who is not intended to receive a tuition benefit should receive one. And I hope we can add this to the consent calendar without objection.

THE CHAIR:

Thank you, Senator.

Are there further remarks on the bill? If not, there's a motion to move this to the consent calendar.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

We might stand at ease for just a moment?

THE CHAIR:

The chamber will be at ease.

(At ease.)

THE CHAIR:

Senator Looney.

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SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, if there is no objection, move to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, the item is placed on the consent calendar.

SENATOR LOONEY:

Mr. President, if we might return to the immediately previous item that was passed temporarily. If the Clerk would call calendar page -- calendar page 10, Calendar 124, Senate Bill 251.

THE CLERK:

Calendar 124, File Number 167, substitute for Senate Bill 251, AN ACT CONCERNING THE LONG TERM CARE ADVISORY COUNCIL, favorable report of Committee on Human Services.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

There it is.

Thank you, Mr. President. I move acceptance of the joint committee's favorable report and passage of the bill.

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Thank you once again for your yeoman service in the Chair this afternoon, Mr. President.

..And there was an item --

THE CHAIR:

That was very thoughtful of you, Senator. I appreciate it.

SENATOR LOONEY:

An experien -- an experience hand having presided in both chambers, a valuable asset for us, sir. And, Mr. President, an item that was previously place on a consent calendar, I would like to -- to remove, because it will need to be -- to be amended later on, and that is -- was on cal -- an item on calendar page 10, Calendar 127, Senate Bill 215, if that item might be removed from the consent calendar, it will need to be amended when it is offered separately.

Thank you, Mr. President. Also for some additional markings --

THE CHAIR:

Excuse me, Senator.

Without objection, Calendar 127 will be removed from the consent calendar.

SENATOR LOONEY:

Thank you, Mr. President.

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SENATOR LEBEAU:

Thank you, Mr. President.

I would like to announcement that the Commerce Committee will be meeting tomorrow 15 minutes before -- before the start of the first session whether it's the House or the Senate to take up bills that have been referred to the Commerce Committee today.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator LeBeau.

Are there further announcements or points of personal privilege? Further announcements or points of personal privilege? Seeing none, Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if we might return to the item that we had removed from the consent calendar and that was calendar page 10, Calendar 127, Senate Bill 215.

THE CHAIR:

The Chair would ask the Clerk to call Calendar 127, Senate Bill 215.

THE CLERK:

Return to calendar page 10, Calendar Number 127, File Number 164, substitute for Senate Bill 215, AN

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ACT CONCERNING VETERAN TUTION WAIVERS, favorable report of the Committees on Veterans Affairs and Higher Education.

The Clerk is in possession of the amendment.

THE CHAIR:

The Chair would recognize Senator Maynard.

SENATOR MAYNARD:

Yes, thank you, Mr. President. I thank the Chair for an indulgence here.

I'm afraid that I tried to wing it earlier without my bill folder in front of me, and I neglected to enter an amendment.

THE CHAIR:

Happens to the best of us, Senator.

SENATOR MAYNARD:

Thank you, sir. Mr. President, the Clerk is in possession of LCO Amendment Number 3239. I move the amendment and seek leave to summarize.

THE CHAIR:

The gentleman has requested LCO 3239. Would the Clerk please call that amendment and designate it Senate "A."

THE CLERK:

LCO 3239 which has been designated Senate

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Amendment Schedule "A." It is offered by Senator
Maynard of the 18th District.

... THE CHAIR:

LCO 3239 is before us. Senator Maynard, what is
your pleasure?

SENATOR MAYNARD:

Yes, thank you, Mr. President, to summarize the
first part of this amendment --

THE CHAIR:

Gentleman's requesting leave to summarize Senate
"A." Is there objections? Seeing none, you may
proceed, Senator Maynard.

SENATOR MAYNARD:

Thank you, sir. The first part of the amendment
removes a portion of the prohibition on the tuition
waiver where a service member is in training. It was
necessary to make a modest adjustment to this, Mr.
President, because National Guard members are -- in
general, most of their time is spent in training. And
we certainly didn't want to exclude National Guard
members or others who receive special training, such
as Navy SEALs or Special Forces from receiving the
tuition benefit. This ame -- this portion of the
amendment would correct that.

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The second portion of the amendment directs the Connecticut State University system and UCONN and the community colleges to review within 30 days of passage of the bill, a student's eligibility to receive the tuition waiver. So those two items were necessary, and I thank you, Mr. President, for the opportunity to amend this.

THE CHAIR:

Senator Maynard, I'm not sure that I heard a motion to adopt Senate "A."

SENATOR MAYNARD:

S. I apologize. I move adoption.

THE CHAIR:

There is a motion before the Senate to adopt Senate "A." Will you remark further? Will you remark further?

SENATOR MAYNARD:

Mr. President, if there's no objection -- will we vote on the bill -- the amendment first --

THE CHAIR:

We'll have to vote on the amendment first, yes.

SENATOR MAYNARD:

Thank you.

THE CHAIR:

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Any remarks to be made on Senate "A"? If not, the Chair will try the minds of the Senate. The question before the changer -- chamber is the adoption of Senate "A." All in favor of Senate "A" please indicate by saying aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed to Senate "A" say nay.

The ayes have it. Senate "A" is adopted.

Do you care to remark further on the bill as amended?

SENATOR MAYNARD:

Yes, thank you, Mr. President --

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

If there's no objection, I would move now to place this item on the Consent bill --

SENATOR LOONEY:

Mr. President, for appointment inquiry. Mr. President, please.

THE CHAIR:

Senator Looney.

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SENATOR LOONEY:

Yes, thank you, Mr. President. Just to inquire because the board did not reflect the amendment. I just wanted to make sure that it -- that it is, in fact, recorded as having been adopted.

THE CHAIR:

Would the chamber please stand at ease?

(At ease.)

THE CHAIR:

Senator Looney, staff has informed me that the machine was locked. The board did not reflect that Senate "A" was before us, but, in fact, according to the staff that the vote was properly recorded. And I believe the machine is reflecting our action on Senate "A" now.

SENATOR LOONEY:

Thank you, Mr. President, just wanted to clarify that for the record. Thank you.

THE CHAIR:

Thank you, Senator.

SENATOR MAYNARD:

Mr. President, I would ask if there's no objection that the item be placed on the consent calendar.

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THE CHAIR:

Is there objection? Is there objection to place
this item on our consent calendar? Seeing none, so
ordered.

SENATOR MAYNARD:

I thank you, Mr. President. And I thank the
members of the Senate for their indulgence. I won't
introduce a bill without my folder in the future.

Thank you very much.

THE CHAIR:

Thank you, Senator.

Mr. Clerk:

THE CLERK:

Returning to the calendar matters returned from
committee, calendar page 34, Calendar Number 60, file
number 42, Senate Bill 130, AN ACT CONCERNING
CANCELLED DOCTORS APPOINTMENTS, favorable report of
the Committee on General Law and Public Health.

THE CHAIR:

Senator Colapietro.

SENATOR COLAPIETRO:

Thank you, Mr. President. I move the joint
committee's favorable report and passage of the bill.

THE CHAIR:

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Calendar page 34, Calendar Number 60, Senate Bill 130.

And calendar page 36, Calendar 85, substitute for Senate Bill 125.

A correction, Mr. President, on the first item I -- on page 10, it's Calendar 127, substitute for Senate Bill 215.

That completes the items placed on the second consent calendar.

THE CHAIR:

Thank you, Mr. Clerk.

If members are prepared to vote, the machine will be open. The question before the chamber is adoption of the second consent calendar.

THE CLERK:

The Senate is now voting by roll call on the second consent calendar. Will all Senators please return to the chamber. The Senate is now voting by roll call on the second 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 and all members' votes are properly recorded, the

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machine will be locked. The Clerk may take a tally.

THE CLERK:

Motion is on adoption Consent Calendar Number 2.

Total Number Voting	34
Those voting Yea	34
Those voting Nay	0
Those absent and not voting	2

THE CHAIR:

Consent Calendar Number 2 is adopted.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

We have one final item for reconsideration, also, Calendar 232, Senate Bill 296. I was in the prevailing side on that vote, and I would move to reconsider that item and that Senator Musto then be recognized for purposes of moving the item once again.

THE CHAIR:

Senator Looney has moved reconsideration. Is there objection? Is there objection? Without objection -- without objection, Calendar 232, Senate Bill 296 is before us.

Would the chamber please stand at ease.

[At ease.]

**JOINT
STANDING
COMMITTEE
HEARINGS**

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STATE OF CONNECTICUT
DEPARTMENT OF VETERANS' AFFAIRS
OFFICE OF THE COMMISSIONER
287 West Street
Rocky Hill, Connecticut 06067

Dr. Linda S. Schwartz, RN, MSN, DrPH, FAAN
Commissioner

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**TESTIMONY OF COMMISSIONER LINDA S. SCHWARTZ,
RN, MSN, DrPH, FAAN**
Connecticut Department of Veterans' Affairs
Presented to the Higher Education and Employment Advancement Committee
March 9, 2010

RHB 5367: AN ACT CONCERNING VETERAN TUITION WAIVERS

Chairwoman Handley, Chairwoman Willis and distinguished members of the Higher Education and Employment Advancement Committee, I am Commissioner Linda Schwartz of the Connecticut Department of Veterans' Affairs and I am pleased to offer this testimony in support of RHB 5367, An Act Concerning Veteran Tuition Waivers. I have recently provided similar testimony before the Select Committee on Veterans' Affairs on parallel legislation contained in RSB 215.

This legislation provides important clarifying language to the state statutes regarding veterans' eligibility for tuition waivers at our state colleges and universities. The lifetime benefit of free tuition for state residents who have earned veteran status for service in a time of war is a substantial and valuable benefit. In this difficult time of reduced budgets and limited resources – faced by all state agencies to include the college and university systems – it is more important than ever that we work together to ensure that benefits are reaching those for whom they were intended.

There are several types or categories of active duty utilized by the Department of Defense. These different categories can cause great confusion when attempting to identify an individual as being a veteran. For purposes of Federal veterans' benefits, the military service that qualifies an individual as being a veteran is defined in Title 38, Chapter 101 of the United States Code.

RHB 5367 brings the state definition of veteran for the purposes of the tuition waiver benefit appropriately in line with Title 38.

The additional legislative language contained in RHB 5367 makes it clear that what is known as "active duty for training" - the primary category that service members are in when they attend formal military schools and training, to include attendance at the U.S. service academies –

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does not qualify an individual as a veteran and therefore, does not make him eligible for free tuition at state colleges and universities.

Simply put, under Federal law, being in a training status on active duty does not qualify an individual as being a veteran. You must serve on regular active duty – outside of a training status – or receive an injury during training that leads to a disability rating to be recognized as a United States veteran. It is only appropriate that the same standards should apply under state law.

The intent of the Connecticut veterans' tuition waiver is to encourage veterans who have returned to our state after having served their country on regular active duty during a period of war to pursue higher education. It is a significant benefit that recognizes the sacrifices of being away from family and friends serving in uniform, often under difficult, life-threatening conditions. Like the Federal GI Bills throughout our nation's history, the tuition waiver is designed to assist those who have had to delay or suspend their educational goals to serve in uniform the opportunity to achieve equality with their peers who have not served.

This eligibility clarification is not meant to take away from the dedication and patriotism of the majority of young service academy cadets and graduates of basic and individual training who have made the patriotic decision to serve their country. In fact, with our nation still at war, the large majority of these young trainees will go on to serve on regular active duty and earn veteran status. However, pursuing a college degree at a military academy or completing basic training at a base in the United States simply does not equate to serving overseas in a combat zone – and does not legally make you a veteran.

I support the clarifying language contained in RHB 5367 and RSB 215. It will greatly assist college and university officials in determining eligibility for the tuition waiver benefit. In turn, the finite resources of our state will be appropriately used to support those who have sacrificed and earned the right to be called an American veteran.

Thank you for your consideration of support for this legislation and I would be happy to address any questions that you may have.

**JOINT STANDING
COMMITTEE HEARINGS**

**SELECT COMMITTEE ON
VETERANS' AFFAIRS**

1 – 181

2010

February 25, 2010

cp/gbr SELECT COMMITTEE ON VETERANS'
AFFAIRS

9:30 A.M.

CHAIRMEN: Representative Graziani

VICE CHAIRMEN: Representative Nicastro

MEMBERS PRESENT:

SENATORS: Slossberg, Fasano

REPRESENTATIVES: Guerrera, Sayers,
Conroy, Coutu

REP. GRAZIANI: We'll start with the Commissioners, Deputy Commissioners and then Legislator -- Legislators. Then we will be followed by members of the public. And then, after that list is done, we do have a special guest here from Washington, D.C.'s Department of Defense, Harold Cooney, who I invited, and he was gracious enough to make arrangements to visit Connecticut.

So with that in mind, we'll start off with Commissioner Schwartz.

SB215

Commissioner, it's all yours.

COMMISSIONER LINDA SCHWARTZ: Oops -- and that act concerning criminal cases for persons who have returned from service from the Armed Forces.

SB211

As you know, last year, we attempted to get this through with the concept of a special docket rather than a veteran's court, because we really didn't know the -- the utilization we would get by setting aside a special court. I think there was some confusion about the fact that there are existing resources, both from the federal VA and from our State Department of Mental Health and Addiction Services and the Department of Veterans' Affairs.

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learned a lot about many judges -- I -- I guess it's a comfort to know there was a -- a veteran is given a decision whether to go to jail or to come to Rocky Hill, that they choose to come to see us and to work with us rather than going to jail.

But this morning, I was coming out to my car to come here, and a gentleman who was faced with that issue several years ago came to Rocky Hill, got his substance abuse, got a good job and is now being discharged today. So that's the kind of work that we can do together without duplicating resources.

The second bill that we are bringing before you today is, of course, the tuition waiver issue. Let me say for the record, the last time we met on this issue, Jack Monahan, from the Soldiers and Sailors Marine Fund, brought up the issue of the fact that the DD214's provided to cadets who will leave the -- the Coast Guard Academy, has a notation about the Department of Veterans Affairs, that they are eligible for veterans' affairs but for nothing else, not for enlistment, not towards a retirement and not for pay.

SB215

Since that time, I've had discussions with the Board of Governors at Annapolis and with West Point. We -- as you know, the Department of Veterans' Affairs is the repository for discharge papers, DD214's, and so we looked in our records, and we noticed that this -- an annotation being eligible for veterans' benefits is really only specific to Coast Guard Academy veterans. The other academies do not make that annotation and do not have that at all -- on there at all.

So I think that the approach that has been used

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by this committee to kind of close that gap is certainly one that will stand the test of time. It allows for individuals who may have been injured in the line of duty as a cadet or someone who may have had enlistment which qualifies them for the -- for veterans' benefits.

And I am here to answer any questions you may have.

REP. GRAZIANI: Thank you very much, Commissioner Schwartz.

Any questions?

Vice chair.

REP. NICASTRO: Thank you, Mr. Chairman.

Now I just note looking at the -- the ACT CONCERNING CRIMINAL CASES ON VETERANS THAT ARE RETURNING HOME, I think that the way the bill has been redrafted right now, I think it stands, you know, a much better chance, because it clearly calls out during a time of war, and so it makes a difference there, like we are now, where --

SB 211

COMMISSIONER LINDA SCHWARTZ: Right.

REP. NICASTRO: -- our men and women, like you said, 1200 National Guardsmen and women, Iraq, Afghanistan. And it's clear. I think it stands a much better chance of moving through and with less, you know, roadblock and detour, so I'm very pleased to see that. I'd like to commend you for all the hard work that you've done on the bills that you're talking about.

COMMISSIONER LINDA SCHWARTZ: Well, it is very

ROBERT KIMBALL: And thank you for your support,
Representative Coutu.

REP. COUTU: Thank you.

Thank you Mr. Chairman.

REP. GRAZIANI: Thank you.

Heather Sandler, to be followed by Rusty Meek.

Good morning, Heather.

HEATHER SANDLER: Good morning. Good morning,
Representative, members of the committee.

My name is Heather Sandler. I'm a wife, a mother of a two-year old, a full-time graduate student at the University of Connecticut School of Social Work, an intern at the Commission on Aging, and a veteran of the United States Navy.

I served ten-plus years on active duty loading bombs and missiles on F-18 fighter jets. I was deployed four different times for six months at a time. I am a veteran of Operation Iraqi Freedom -- excuse me -- Operation Enduring Freedom, and I served at the Naval Station Pax River during September 11th of 2001.

I am here to ask you to close the loopholes in S.B. 215, AN ACT CONCERNING THE TUITION WAIVER. I attended the public hearing that you had in February. I need to be here today to testify -- I needed to be here to testify on the tuition waiver. I wanted to make comments that day, but wasn't prepared to keep my outrage over the abuse of the system to myself.

So when I was honorably discharged from active

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9:30 A.M.

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duty, I left with minimal benefits. No health insurance, no privileges to facilities. But I did have my educational benefits. The benefits that I believe I earned. When I decided that I wanted to get out of the Navy and start a life in Connecticut with my now husband, I was thrilled to learn about the tuition waiver.

I changed my home of record and became a resident of Connecticut, left a tax-free income state to change the residency and do things the right way. I believe that honor and respect are a way of life in the military, and it was important for me to ensure to not break those values I served by.

I am insulted and outraged when I hear of the abuses people are taking with the Tuition Waiver and how they are slipping through loopholes. I earned my benefits serving on active duty and believe I followed the rules so I could receive this benefit. They were paid for with ten years of my life giving honorably -- serving honorably, two years deployed away from home, countless missed birthdays, weddings, funerals and holidays.

I will gladly show anyone who asks my discharge papers -- my 214. I have even highlighted to you where I served on active duty for exactly ten years, three months and 25 days, and I was deployed to sea -- at sea for five years, five months and ten days. Since I have gotten out of the Navy, I have exhausted all of my Montgomery G.I. Bill benefits with one semester to complete before gradation. I am receiving the 9/11 benefits, as well as my tuition waiver. If not, I wouldn't be graduating.

As a veteran, a resident of Connecticut and a student, I urge you to keep the loopholes

closed in the Tuition Waiver and stop the abuse of this privileged program. Veterans like me who earned it deserve to have these changes made.

Sorry for my emotions, and thank you very much.

REP. GRAZIANI: Well, first of all, Heather, you don't have to apologize for your emotions. You're speaking from the heart.

And, first of all, I personally want to thank you for your service to our country. I know you told -- you made many, many sacrifices --

HEATHER SANDLER: Thank you.

REP. GRAZIANI: -- and you played by the rules.

HEATHER SANDLER: Thank you.

REP. GRAZIANI: No, no. Thank you. We owe you a great deal of gratitude. You did fine. You did fine; spoke from the heart. You got your message across to each and every one of us. It took some courage to get up there, but you prevailed.

HEATHER SANDLER: You wouldn't know this is not my first time testifying, but I'm very passionate about this.

REP. GRAZIANI: And -- and that's terrific. And that's terrific. That's what this world needs, passionate people willing to stand up and say what they believe in no matter how difficult it may seem.

But thank you very much for your service, once again, to our country.

Any questions from the committee members?

Absolutely.

REP. COUTU: Thank you, Mr. Chairman.

What were you, a load master?

HEATHER SANDLER: I was called an aviation ordinance man.

REP. COUTU: Oh, okay. Different name, by branch, huh?

HEATHER SANDLER: Different name, yes.

REP. COUTU: I haven't been in the Navy yet, so I don't know if the Navy (inaudible). Good job.

I personally feel the same passion on this issue too. For those of us who have deployed and have served, something is not right, and we've really clarified this rule, and what this -- this is a situation where this bill has brought to light the way to communicate this better.

Sometimes there is some confusion, and you -- I always thought if you had a DD214, that meant you served. You don't even think twice about it. So now we've all been enlightened, and we're going to make sure the rest of the organizations of the state understand exactly what the rules are.

So thank you for your testimony. It's nice to hear it from somebody firsthand who's been there and served honorably.

HEATHER SANDLER: If -- and if there's any questions, I do have my composure.

REP. GRAZIANI: Heather, just let me share this with you, you're not alone in this crusade.

HEATHER SANDLER: Thank you.

REP. GRAZIANI: So -- but thank you very much.

HEATHER SANDLER: Thank you very much.

REP. GRAZIANI: I'm going to turn it over to my vice chair. I have to step out briefly for a committee meeting, but I shall return as (inaudible).

REP. NICASTRO: Thank you, Mr. Chairman.

Next person to speak? Rusty Meek.

Rusty.

RUSTY MEEK: Good morning.

REP. NICASTRO: Good morning.

RUSTY MEEK: Thank you for allowing me to talk before your committee.

HB 5267
SB 209

My name is Rusty Meek. I'm retired United States Navy Submarine Force, and I am the Past State Commander for the Veterans of Foreign Wars, Department of Connecticut. I would like to testify on the following bills in front of this committee. And I'm going to read it for a change.

I highly support Bill S.B. 215. We have some people getting into the system who are ineligible. The term "veteran" should be more specific to include "Active Duty," "National Guard," "Reservists," et cetera. ROTC's at

colleges, universities or academies should not count towards getting a tuition waiver in the state of Connecticut unless they have served on active duty or at past reservist time.

H.B. 5267, I highly agree with this bill. This building has a lot of history, not only in the community, but in the state. I have fine memories of the circus being held there, and that is telling my age. They used to hold a home show there in Hartford, too. Just walk through the building and look at the pictures tell the story, and the story and the history of the National Guard and some history of the state of Connecticut. But most recently, we honor our today's veterans when they depart into harms way.

S.B. 209. This is an excellent bill except for one thing, "survivor spouse of members of the Armed Forces who die on active duty" should have something like "until she remarries." If she remarries a veteran, they will pick up the tax break. If she remarries -- if she remarries a civilian with no military background, they are not entitled to that exemption, even if the house is in her name. Too many people find loopholes to get into the veterans' benefits, which we have earned, every one of us.

I would like to thank this committee for all the things you are doing for the veterans in the state of Connecticut, and if there are any questions, I'd be glad to answer.

REP. NICASTRO: Rusty, once again, thank you for testifying this morning.

Do we have any questions of Rusty at the present time?



STATE OF CONNECTICUT
DEPARTMENT OF VETERANS' AFFAIRS
OFFICE OF THE COMMISSIONER
287 West Street
Rocky Hill, Connecticut 06067

Dr Linda S Schwartz, RN, MSN, DrPH, FAAN
Commissioner

**TESTIMONY OF COMMISSIONER LINDA S. SCHWARTZ,
RN, MSN, DrPH, FAAN**
Connecticut Department of Veterans' Affairs
Presented to the Select Committee on Veterans' Affairs
February 25, 2010

RSB 215: AN ACT CONCERNING TUITION WAIVERS FOR VETERANS

Senator Maynard, Representative Graziani and distinguished members of the Select Committee on Veterans' Affairs, I am pleased to offer this testimony in support of RSB 215, *An Act Concerning Tuition Waivers for Veterans*.

This legislation provides important clarifying language to the state statutes regarding veterans' eligibility for tuition waivers at our state colleges and universities. The lifetime benefit of free tuition for state residents who have earned veteran status for service in a time of war is a substantial and valuable benefit. In this difficult time of reduced budgets and limited resources – faced by all state agencies to include the college and university systems – it is more important than ever that we work together to ensure that benefits are reaching those for whom they were intended.

There are several types or categories of active duty utilized by the Department of Defense. These different categories can cause great confusion when attempting to identify an individual as being a veteran. For purposes of Federal veterans' benefits, the military service that qualifies an individual as being a veteran is defined in Title 38, Chapter 101 of the United States Code.

RSB 215 brings the state definition of veteran for the purposes of the tuition waiver benefit appropriately in line with Title 38.

The additional legislative language contained in SB 215 makes it clear that what is known as "active duty for training" - the primary category that service members are in when they attend formal military schools and training, to include attendance at the U.S. service academies –

does not qualify an individual as a veteran and therefore, does not make him eligible for free tuition at state colleges and universities.

Simply put, under Federal law, being in a training status on active duty does not qualify an individual as being a veteran. You must serve on regular active duty – outside of a training status – or receive an injury during training that leads to a disability rating to be recognized as a United States veteran. It is only appropriate that the same standards should apply under state law.

The intent of the Connecticut veterans' tuition waiver is to encourage veterans who have returned to our state after having served their country on regular active duty during a period of war to pursue higher education. It is a significant benefit that recognizes the sacrifices of being away from family and friends serving in uniform, often under difficult, life-threatening conditions. Like the Federal GI Bills throughout our nation's history, the tuition waiver is designed to assist those who have had to delay or suspend their educational goals to serve in uniform the opportunity to achieve equality with their peers who have not served.

This eligibility clarification is not meant to take away from the dedication and patriotism of the majority of young service academy cadets and graduates of basic and individual training who have made the patriotic decision to serve their country. In fact, with our nation still at war, the large majority of these young trainees will go on to serve on regular active duty and earn veteran status. However, pursuing a college degree at a military academy or completing basic training at a base in the United States simply does not equate to serving overseas in a combat zone – and does not legally make you a veteran.

I support the clarifying language contained in RSB 215. It will greatly assist college and university officials in determining eligibility for the tuition waiver benefit. In turn, the finite resources of our state will be appropriately used to support those who have sacrificed and earned the right to be called an American veteran.

Thank you for your consideration of support for this legislation and I would be happy to address any questions that you may have.

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Heather L. Sandler
17 Firethorn Drive
Glastonbury, CT 06033
heatherlbel@hotmail.com

Good Afternoon, Senator Maynard and Representative Graziani. My name is Heather Sandler. I am a wife, mother of a two year old son, a full time graduate student at UCONN School of Social Work, an Intern at the Connecticut Commission on Aging and a Veteran of the United States Navy.

I served ten plus years on active duty loading bombs and missiles on F/A-18 fighter jets. I was deployed four different times for six months at a time. I am a Veteran of Operation Enduring Freedom, and Operation Iraqi Freedom. I served at Naval Air Station Paxtuent River, Maryland during September 11, 2001 and stood guard for 18 hours that day (9/11/2001).

I am here to ask you to close the loopholes in SB 215, An Act Concerning Tuition Waivers for Veterans. I attended the public hearing that you held on February 11, 2010 and I needed to be here today to testify on the Veterans Tuition waiver. I wanted to make a comment that day but was not prepared to control my outrage over the abuse of the Veterans tuition waiver. When I was **HONORABLY** discharged from **ACTIVE DUTY**, I left with minimal benefits, no health insurance, and no privileges to facilities, but I did have my educational benefits. I had the benefits that I **EARNED**. When I decided that I wanted to get out of the Navy to start a life in Connecticut with my now husband I was thrilled to learn about the tuition waiver. I changed my home of record and became a resident of Connecticut one year before my actual discharge date; I left an income tax free state to become a resident of Connecticut, because I wanted to ensure that there was not a question about my residency and eligibility for the program. I wanted to do the right thing; honor and respect are a way of life in the military and it was important for me to ensure that I was not breaking any rules or abusing the privileges that were being provided to me with the tuition waiver.

I am insulted and outraged when I hear of the abuses that people are taking with the Veterans Tuition Waiver and how they are slipping through the loopholes. I know that I **EARNED** my educational benefits serving on active duty and believe that I followed the rules so that I could receive this benefit. They were paid for with 10 years of my life given to honorably serving, two years deployed away from home, countless missed birthdays, weddings, funerals and holidays. I will gladly show anyone who asks my discharge papers (DD214) and even highlight to them that I was actually on active duty for 10 years 3 months and 25 days, and deployed to sea for five of the ten. Since I have gotten out of the Navy in 2005 I have exhausted all of my Montgomery GI Bill benefits with one semester to complete before graduation, I am currently receiving the Post 9/11 benefits as well as the tuition waiver. If not for these programs I would not be graduating in May with a Masters degree in Social Work.

As a Veteran, a resident of Connecticut, and a student I urge you to close the loopholes in the Veterans Tuition Waiver and stop the abuse of a privileged program. Veterans like me who earned it deserve to have these changes made.

Thank you for taking the time to hear my testimony and thank you for taking the time to consider this important issue.

I am open to answer any questions.

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Good Morning, My name is A. "Rusty" Meek, and I am Past State Commander for the Veterans of Foreign Wars, Department of Connecticut. I would like to testify on the following bills before this committee.

SB 215: I highly support this bill. We have had some people get into the system who are ineligible. The term "Veteran" should be more specific to include "Active Duty", "National Guard", etc. ROTC at colleges, universities or academies should not count towards getting a tuition waiver in the State of Connecticut, unless they have served on active duty.

HB 5267: Again, I highly agree with this bill. This building has a lot of history, not only in the community but the state. I have some fine memories of the circus being held here. They had a few "Home Shows" here too. Just walk through the building and look at all the picture telling her story and the story of the history of the Connecticut National Guard and some history of the State of Connecticut. But most of all recently, we honored our today's veterans when they departed to go into harm way.

SB 209: This is a very good bill except, after "Surviving spouses of members of the armed forces who died on active duty" should have something like "until she remarries". If she remarries a veterans, he will pick up the tax break. If she remarries a civilian, with no military background, they are not entitles to the exemption, even if the house is in her name.

I would like to thank the committee and if there are any questions, I would be glad to answer them.



Gary E Waterhouse
Legislative Chair & Judge Advocate
3rd District Veterans of Foreign Wars
February 25, 2010
Select Committee on Veterans Affairs Public Hearing

S.B. No. 215 (RAISED) AN ACT CONCERNING TUITION WAIVERS FOR VETERANS.

The changes to the statute proposed in this bill are well received by the veteran community and address and issue that are offensive to the sense of honor of the veteran's community. We support the language "service in time of war" shall not include time spent in training or in attendance at a military service academy.

H.B. No. 5261 (RAISED) AN ACT CONCERNING FALSE REPRESENTATION OF MILITARY STATUS.

No veteran can abide a person wearing uniforms and medals they did not earn, especially if they are used to gain celebrity or political office. There is concern in the veteran community that DD214s are often incomplete and do not reflect awards and badges duly and properly awarded. We believe there must be a clear malice aforethought for the wearing of military metals or rank to rise to the level of a crime. I have personally viewed DD214s that did not show a Purple Heart award, yet the veteran has a signed Purple Heart certificate dated after his DD214.

H.B. No. 5262 (RAISED) AN ACT CONCERNING DEATH CERTIFICATE FEES FOR VETERANS.

The veteran's community supports the proposal; "To waive the fee for a death certificate when the deceased was a veteran and the person requesting the certificate is an immediate family member." The courtesy is a simple recognition of the value our country places in veterans, and our respect for military families.

H.B. No. 5265 (RAISED) AN ACT CONCERNING THE EXPIRATION OF DRIVER'S LICENSES ISSUED TO MEMBERS OF THE ARMED FORCES.

The veteran's community supports this bill as a courtesy to service members who has been out of the country on military orders, the bill provides a reasonable time frame to renew the license.