

PA12-200

SB0116

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 25
8215 - 8555**

mr/ch/rgd/gdm/gbr
HOUSE OF REPRESENTATIVES

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May 9, 2012

Representative Brendan Sharkey, House Majority
Leader, sir, for what reason do you rise?

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Mr. Speaker, just to be safe, I move that we
immediately transmit all items that we've taken up here
in the House that require additional action in the Senate.

SPEAKER DONOVAN:

The motion is to immediately transmit all items that
need any further action to the Senate.

Any objection?

Hearing none, all items are immediately transmitted.

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Mr. Speaker, we're going to now do -- begin our work
on a consent calendar. There are a number of bills that
will not require amendments and I'd like to read them now
by calendar number.

They would be Calendar Number 204, Calendar Number
412, Calendar Number 425, Calendar 426, Calendar 442,
Calendar 460, Calendar 495, Calendar 507, and Calendar
508.

SPEAKER DONOVAN:

HB 308

SB 157

SB 339

SB 340

SB 41

SB 116

SB 188

SB 371

SB 391

Motion is to place these items on the consent calendar.

Is there any objection?

Any objection?

Hearing none, those items are placed on the consent calendar.

Will the Clerk please call Calendar 71.

THE CLERK:

On page 2, Calendar 71, Substitute for House Bill Number 5025, AN ACT CONCERNING THE OWNERSHIP OF PUBLIC ACCOUNTING FIRMS, favorable report by the Committee on Government Administration and Elections.

SPEAKER DONOVAN:

Representative Russ Morin.

REP. MORIN (28th):

Good evening, Mr. Speaker.

SPEAKER DONOVAN:

Good evening, sir.

REP. MORIN (28th):

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

SPEAKER DONOVAN:

The question is on acceptance and passage.

Will you remark?

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HOUSE OF REPRESENTATIVES

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calendar.

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker..

Mr. Speaker, I'm about to call the items again that are on the consent calendar, but I would like to alert the Clerk to two bills that we will be taking off the consent calendar. They are Calendars 380, and Calendars 431. Those are Calendars 380 and Calendar 431.

HB5333
SB130

SPEAKER DONOVAN:

Will the Clerk please call Calendar 204.

THE CLERK:

On page 6, Calendar 204, Substitute for House Bill Number 530, AN ACT CONCERNING THE BOARD IN CONTROL OF THE CONNECTICUT AGRICULTURAL EXPERIMENT STATION, favorable report by the Committee on Government Administration and Elections.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

With that, let me -- I was looking to just list the calendar numbers again that we are planning to put on the consent calendar before I move them. I'll be doing this

in numerical order by calendar number.

They are Calendar Number 71, Calendar 204, Calendar 205, Calendar 287, Calendar 292, Calendar 330, Calendar 402, Calendar 407, Calendar 412, Calendar 417, Calendar 425, Calendar 426, Calendar 442, Calendar 458, Calendar 460.

Calendar 463, Calendar 492, Calendar 495, Calendar 499, Calendar 500, Calendar 501, Calendar 506, Calendar 507, Calendar 508, Calendar 512, Calendar 515, Calendar 516, Calendar 530, Calendar 538 and Calendar 545.

And I'd also like to add to that -- I'm sorry. I omitted one which is Calendar 275.

SPEAKER DONOVAN:

The question before us is passage of the bills on today's consent calendar.

Will you remark? Will you remark?

If not, staff and guests please come 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 the consent calendar by roll call. Members to the Chamber, please.

HB5025
HB5368
HB5326
HB5539
HB5146
SB328
HB5534
HB5555
SB157
SB232
SB339
SB340
SB41
SB98
SB116
SB196
SB97
SB188
SB234
SB237
SB299
SB347
SB371
SB391
SB345
SB383
SB384
SB29
SB354
HB5320
SB254

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SPEAKER DONOVAN:

Have all the members voted? Have all the members voted?

Please check the roll call board to make sure your vote has been properly cast.

If all the members have voted the machine will be locked. The Clerk will please take a tally.

The Clerk please announce the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	150
Necessary for Adoption	76
Those Voting Yea	150
Those Voting Nay	0
Those Absent and Not Voting	1

SPEAKER DONOVAN:

The consent calendar passes.

Will the Clerk please call Calendar 443.

THE CLERK:

On page 20, Calendar 443, Senate Bill Number 60, AN ACT PROHIBITING PRICE GOUGING DURING SEVERE WEATHER EVENTS, favorable report by the Committee on the Judiciary.

SPEAKER DONOVAN:

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GENERAL ASSEMBLY
SENATE**

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SENATOR LEONE:

Thank you.

I would offer this on Consent.

THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

On page 13, Calendar 343, Substitute for Senate Bill Number 116, AN ACT CONCERNING A STATE MILITARY ACCOUNT FOR MORALE, WELFARE AND RECREATION PROGRAMS, favorable report of the Committee on Appropriations.

THE CHAIR:

Senator Leone.

SENATOR LEONE:

Thank you, Madam Governor.

I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

It's on acceptance and passage of the bill.

Please proceed, sir?

SENATOR LEONE:

Thank you.

This is AN ACT CONCERNING A STATE MILITARY ACCOUNT FOR MORALE, WELFARE AND RECREATION PROGRAMS. This is a military department bill and it establishes a separate non-lapsing Army National Guard state morale, welfare and recreation account in the general fund to hold any money the law requires including proceeds of state

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SENATE

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April 26, 2012

military morale, welfare and recreation programs.

The Adjutant General must spend the funds to operate these programs and this is, in effect, sort of a technical change. They are doing the services already. It was a way to establish a fund in order to spend down the money.

Through you, Madam Governor.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

If not --

SENATOR LEONE:

If not, I would offer this on Consent as well.

THE CHAIR:

Seeing no objection so ordered, sir.

Mr. Clerk.

THE CLERK:

On page 14, Calendar 350, Substitute for Senate Bill Number 198, AN ACT CONCERNING DESECRATION OF WAR OR VETERANS' MEMORIALS, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator Leone, this is the trifecta.

SENATOR LEONE:

Well hopefully three is a charm, Madam President.

THE CHAIR:

I hope so.

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Bill 5096; on page 9, Calendar 3 -- 312, Senate Bill Number 114; page 11, Calendar 327, Senate Bill Number 378; page 13, Calendar 344, Senate Bill Number 143. Also on page 13, Calendar 343, Senate Bill 116; page 14, Calendar 350, Senate Bill Number 198; page 26, Calendar 74, Senate Bill Number 196. On page 27, Calendar 83, Senate Bill Number 263. On page 31, Calendar 184, Senate Bill Number 94; page 31, 1 -- Calendar 166, Senate Bill Number 62. Also on page 31, Calendar 167, Senate Bill 64; page 32, Calendar 185, Senate Bill 190; page 33, Calendar 220, Senate Bill 351.

THE CHAIR:

Are those all the bills on the -- oh, Agenda 3, sir. The last one on Agenda 3. I think it --

Senator Looney.

SENATOR LOONEY:

Just wanted to -- just to reconfirm that the item from Senate Agenda Number 3 --

THE CHAIR:

Was not called.

SENATOR LOONEY:

-- is on the Consent Calendar that we had taken up under suspension, substitute House Bill Number 5445.

THE CLERK:

Yes, sir.

THE CHAIR:

Thank you.

Are there any questions?

If not, Mr. Clerk, I will call for a roll call vote. Will you call for a roll call vote and I'll open the machine for the Consent Calendar.

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THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber.

Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted? Have all members voted. The machine will be closed. And, Mr. Clerk, will you call the tally on the Consent Calendar, please.

THE CLERK:

On today's Consent Calendar,

Total number voting	35
Necessary for Passage	19
Those Voting Yea	35
Those Voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, would move for a suspension for immediate transmittal to the Governor of Substitute House Bill Number 5445, AN ACT CONCERNING SUPPLEMENTAL PAYMENTS UNDER THE CONNECTICUT ENERGY ASSISTANCE PROGRAM, which was just adopted as part of our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

**JOINT
STANDING
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12:00

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SENATOR WELCH: Got it. Fair enough. Thank you.

BOB HUNTER: Thank you.

REP. HENNESSY: Thank you, Senator.

Thank you, Bob.

BOB HUNTER: Thank you, Mr. Chairman.

REP. HENNESSY: Debbie Newton.

DEBBIE NEWTON: Good afternoon, Senator Leone, Representative Hennessy and members of the Select Committee on Veterans' Affairs. I am Debbie Newton, Legislative Chair of the National Guard Association of Connecticut. I have served in that position for nine years and have been a member of the Connecticut National Guard for going on 32 years.

SB115 SB116
HB5171 HB5172
HB5173 HB5296
HB5297

I also served as the National Legislative Chair for the Enlisted Association of the National Guard of the United States and Legislative Liaison for the Connecticut Veterans and Military Coalition.

I'm here today to speak in favor of several bills currently before you. You've heard a lot of testimony. You have my written testimony. I'll try to keep it short for you. Raised Senate Bill 113, An Act Concerning Service Members Civil Relief Act Proceedings allows for members of the military who are unable to attend court proceedings because of their deployments for tele-conferencing, tele-video conferencing testimony.

Without being present a soldier might have to hire somebody. And they may be in a situation where they cannot get to a place where they

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12:00

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can afford to hire someone. They might not be able to find legal representation to be in the court for them. Specifically, hiring a lawyer to be present to ask for a continuance in a divorce proceeding. It may have been initiated after they deployed.

This type of program will allow them to offer some testimony and it has to be approved by the judge. So there shouldn't really be an issue with that. Raised Senate Bill 115, An Act Concerning the Military Sexual Assault Prevention and Response Program gives the same recognition to the confidential communications between military members and military sexual assault counselors as is federally recognized.

It is a further protection for victims of sexual assault to feel free to seek help within the military community within the State of Connecticut. Senate Bill 116, An Act Concerning State Military Accounts brings several accounts in line with federal law. It makes them auditable. It creates four non-lapsing accounts within the General Fund for monies being collected through various sources and provides accounts and oversight for those funds that are used for such things as maintenance of billeting facilities and M.W.R. programs for our soldiers and airmen.

5171, An Act Concerning the Disposition of Remains of Military Personnel. When a member of the military dies or is killed in action, it becomes very emotional obviously for family members. All service members complete a DD Form 93, which I've attached to my testimony. And generally it's updated on an annual basis. The form provides for beneficiaries of any unpaid pay and allowances, death gratuities and names a person authorized by the military



National Guard Association of Connecticut
360 Broad Street, Hartford, CT 06105-3795
www.ngact.org

Feb. 28, 2012

**Testimony in Favor of Raised Bills 113, 115, 116, 5171, 5172,
5173, 5296 and 5297**

Good Morning Sen. Leone, Representative Hennessy and members of the Select Committee on Veterans Affairs. I am Debbi Newton, Legislative Chair of the National Guard Association of Connecticut (NGACT). I have served in that position for nine years and have been a member of the Connecticut National Guard for 31 years.

I am here today to speak in favor of several bills currently before you.

Raised Senate Bill 113, An Act Concerning Servicemembers Civil Relief Act Proceedings allows for Members of the Military who are unable to attend court proceedings because of deployments and other military duty to provide video-conferencing testimony in certain cases with approval of the judge. Many other states around the country already allow this. For example, a deployed Soldier needs to request a continuance in a divorce case. Without being present, he/she cannot make that request without hiring a lawyer to be present for them. This could present an undue financial hardship on someone in a combat zone who may or may not even have the time and ability to find someone to hire.

Raised Senate Bill 115, An Act Concerning the Military Sexual Assault Prevention and Response Program gives the same recognition to the confidential communications between Military members and military sexual assault counselors as is federally recognized. It is a further protection for victims of sexual assault to feel free to seek help within the military community.

Raised Senate Bill 116, An Act Concerning State Military Accounts brings several accounts in line with federal law and makes them auditable. It creates four non-lapsing accounts within the General Fund for monies being collected through various sources and provides accounts and oversight for those funds that are used for such things as maintenance of billeting facilities at Camp Niantic, and Morale, Welfare and Recreation, or MWR, for our Soldiers and Airmen.

Raised House Bill 5171, An Act Concerning the Disposition of Remains of Military Personnel. When a member of the military dies or is killed in action, it is a very emotional time for the family members. All Servicemembers complete a DD Form 93 and generally update it annually. The form provides for beneficiaries of unpaid pay and allowances, death gratuities and names the person authorized by the military member to dispose of the body. We are asking that the State of Connecticut legally recognize the



STATE OF CONNECTICUT

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

February 28, 2012

Honorable Carlo Leone, State Senator
 Honorable Jack F. Hennessy, State Representative
 Co-Chairs, Select Committee on Veterans' Affairs
 Room 509A, Capitol
 Hartford, CT 06106

SB 113, "AAC Servicemembers Civil Relief Act Proceedings"

SB 115, "AAC the Military Sexual Assault Prevention and Response Program"

SB 116, "AAC State Military Accounts"

HB 5171, "AAC the Disposition of Remains of Military Personnel"

HB 5172, "AAC State Military Service"

HB 5173, "AAC State Military Facilities"

I write to express the Military Department's support for the above-noted bills. With the continuing reliance upon members of Connecticut's Armed Forces to conduct both federal and State operations, legislation is required to ensure the efficient use of government resources and to facilitate military service by our citizen Soldiers and Airmen. Connecticut consistently leads the way in many areas in her efforts to support our armed forces and to honor our veterans (e.g., the Military Family Relief Fund, the Military Support Program, the Military Funeral Honors Program and the Wartime Service Medal). However, many State statutes which govern the military establishment of the State have not kept pace with the development of our armed forces. As a result, many sections of the General Statutes of Connecticut, especially those contained in, Chapter 504, "Militia," require revision. I ask for your favorable consideration of the six bills raised by the Select Committee on Veterans Affairs.

Raised Bill No. 113 provides servicemembers, who are unable to attend civil actions due to their military service, primarily out-of-state deployments, opportunity to move their civil matters forward through the presentation of evidence by electronic media. Many of our members, when deployed to remote locations, are unable to schedule leave or obtain transportation to attend hearings or proceedings in person. Servicemembers, under State and federal law (Servicemember's Civil Relief Act) may stay proceedings (see enclosure 1, "Option of Electronic Hearing"), delaying civil actions until returning to the United States or to the State when they are able to personally attend court proceedings. Although a stay is a useful mechanism to ensure due process, the delay may cause personal hardship to either or both parties to the action. Although deployed to remote locations, many servicemembers have access to electronic media, including video teleconferencing capabilities, which, if permitted to by the court, could be used to introduce evidence and move civil matters forward. State law should permit the use of modern communication devices to present evidence, subject to the approval of the presiding judge. This bill facilitates access to the courts by deployed members of our armed forces and allows them to participate in civil actions while deployed to remote locations.

Raised Bill No. 115, "AAC the Military Sexual Assault Prevention and Response Program" revises section 52-146k of the General Statutes to provide for the confidentiality of disclosures made by military personnel who are victims of sexual assault to military sexual assault advocates. The Department of Defense Sexual Assault Prevention and Response Program (SAPR) reinforces the Armed Service's commitment to eliminate incidents of sexual assault through a comprehensive policy that centers on awareness and prevention, training and education, victim advocacy, response, reporting, and accountability. (See enclosure 2, "DOD Directive 6495.01") For example, the policy promotes sensitive care and confidential reporting for military victims of sexual assault. For the purposes of this policy, confidentiality or confidential reporting is defined as allowing a Soldier to report a sexual assault to specified individuals. This reporting option gives the Soldier access to military medical care, counseling, and victim advocacy, without initiating the investigative process. This bill will ensure that the confidentiality of communications is honored by Connecticut for disclosures made to military victim advocates or military sexual assault prevention coordinators.

SB 116, "AAC State Military Accounts" establishes Military Department accounts in the General Fund for the purposes of (1) billeting members of the armed forces, (2) operating military morale, welfare and recreation (MWR) programs, (3) supporting the activities of the Governor's Guards, and (4) offsetting the cost of maintaining Governor's Guards' horses. Due to the nature of the funds used to facilitate diverse military activities, non-lapsing military accounts are necessary. The State military billets at Camp Niantic may receive federal military funds for the lodging of person affiliated with the armed forces for temporary lodging, usually paid directly from the person by use of a government travel card. The federal government requires states to account for these funds, which are received throughout the federal fiscal year and disbursed based upon the operational needs of the billeting facility (e.g., linen services, cleaning services). A non-lapsing account provides the mechanism to receive and disburse funds, based on actual use of the billets, while being subject to State auditing.

Military MWR programs, which may receive funding from federal Non-appropriated fund instrumentalities (NAFIs), could also benefit from the use of a non-lapsing account. Federally derived MWR funds may be provided to the State military, so long as the State uses the funds specifically for military MWR programs. Federal MWR funds are generated from federal military activities, such as from Army and Air Force Exchange Service profits. The funds must be used for the specific purposes of state military MWR programs, which include activities as diverse as programs related to entertainment, arts, crafts and youth services (See Army Regulation 215-1). A non-lapsing account provides a mechanism for the Military Department to receive, use and account for these funds.

The Military Department also has the potential to generate funds for facilitating the operations of the Governor's Guards. The Governor's Guards are composed of two horse guard units and two foot guard units. The units have a unique heritage and provide voluntary civic services to the State. As funding for the participation of the Governor's Guards in civic events is minimal, the Military Department seeks alternate means to facilitate their activities, including reimbursement for services, nonprofit organization fundraisers and private donations: fiscal activities which may be realized through non-lapsing accounts.