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Will the members please check the board to determine if your vote has been properly cast?

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

The Clerk will please announce the tally.

THE CLERK:

Madam Speaker, on House Bill 5799, as amended by House A

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	145
Those voting Nay	0
Absent and not voting	5

DEPUTY SPEAKER SAYERS:

The bill as amended passes.

Will the Clerk please call House Calendar 52?

THE CLERK:

Yes, Madam Speaker.

House Calendar 52, favorable report of the Joint Standing Committee on Labor and Public Employees, AN ACT CONCERNING STATE MILITARY SERVICE.

HB 6348

DEPUTY SPEAKER SAYERS:

Representative Hennessy.

REP. HENNESSY (127th):

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

DEPUTY SPEAKER SAYERS:

The question is acceptance of Joint Committee's favorable report and passage of the bill.

Representative Hennessy, you have the floor, sir.

REP. HENNESSY (127th):

Thank you, Madam Speaker.

Madam Speaker, this is National Guard's bill that updates a lot of different aspects regarding personnel and -- and pay and coverage of workman's comp. It gives the military the ability to call retired personnel and -- and active personnel to come out and provide service without pay and of course is -- is with their -- with the servicemen's agreement.

And Madam Speaker, the Clerk has an amendment LCO 5313. I would ask the Clerk to please call the amendment and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER SAYERS:

Will the Clerk please call LCO 5313, which will be designated House Amendment Schedule A?

THE CLERK:

Calendar 52, House A, House Bill 6348, LCO 5313, as offered by Representative Hennessy, et al.

DEPUTY SPEAKER SAYERS:

The Representative seeks leave of the Chamber to summarize the amendment. Is there any objection to the summarization? Is there any objection?

Hearing none, Representative Hennessy, you may proceed with summarization.

REP. HENNESSY (127th):

Thank you, Madam Speaker.

Madam Speaker, this is a technical -- series of technical changes that LCO requested. I move adoption.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is adoption of House Amendment Schedule A. Will you remark on the amendment?

Representative Yaccarino of the 87th.

REP. YACCARINO (87th):

Thank you, Madam Speaker.

I was just reading the amendment. Just a question to the proponent, the good -- the good Chair of Veteran's Committee.

DEPUTY SPEAKER SAYERS:

Representative Hennessy, please prepare yourself.

REP. YACCARINO (87th):

Representative Hennessy, I was just reading the amendment, could you just clarify what this actually does please?

DEPUTY SPEAKER SAYERS:

Representative --

REP. YACCARINO (87th):

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

-- Representative Hennessy.

REP. HENNESSY (127th):

Through you, Madam Speaker.

This amendment, like I said, is -- is a number of technical changes to the underlying bill changing statute and -- and is basically to upgrade and modernize the language.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Yaccarino.

REP. YACCARINO (87th):

Thank you, Madam Speaker.

So basically to clarify the bill and make it easier to digest and -- and to interpret; is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Madam Speaker.

Yes.

REP. YACCARINO (87th):

Thank you.

Thank you, Madam Speaker.

And I support the amendment and thank you.

DEPUTY SPEAKER SAYERS:

Representative Alberts of the 50th.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

If I may, a question to the proponent of the amendment?

DEPUTY SPEAKER SAYERS:

Please proceed, sir.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

I'm looking at the amendment in lines 97 through 105, it actually looks like it might be substantive and I just wanted to give the proponent the opportunity to address what the removal of these lines will do. It constitutes a full paragraph in the underlying bill.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Hennessy.

REP. HENNESSY (127th):

Madam Speaker, if I could have a moment just to look at it.

DEPUTY SPEAKER SAYERS:

The Chamber please stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER SAYERS:

Representative Hennessy.

REP. HENNESSY (127th):

Thank you, Madam Speaker.

This basically -- in line of what I was saying that it's updating the language. This changes the designation of a service member from being a state employee.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

So do I understand then that they wouldn't be considered a state employee? Would they be -- would they see -- come under the jurisdiction of the Workers' Compensation Commission?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Madam Speaker.

Yes. In fact, that -- that is the thrust of this legislation.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

So there is nothing in these lines 97 through 105 the removal of which will somehow lessen the potential for our service members who are serving in state military duty to receive benefits; is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Madam Speaker.

Yes, this -- this came from the Adjunct General and -- and it definitely improves the state's ability to protect our service members when they are serving the Governor. They are not being considered a state employee. They -- they -- they are -- they are serving and being indemnified by the -- their military.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

I thank the proponent for his remarks.

DEPUTY SPEAKER SAYERS:

Representative Candelora of the 86th.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

As I read this -- this section that we are deleting, it -- it seems as if the underlying bill --

I think that's what was pointed out that we're attempting to assure that our armed service -- services are covered under the Workers' Compensation statute. And as I'm reading that section that's being removed it states that any member of the armed force -- forces who performs duties pursuant to 27-17 and 27-18 shall be construed to be an employee of the state and so we're taking that language out and as I read this I think those sections seem to reference our statutes that involve having the armed forces being called in, in cases of riot or if they're called into duty without the Governor's order and those type of circumstances workers' compensation would not cover them.

Since I'm ready the effect of this amendment what the attempt here is, is that only to have our military services covered for workers' compensation when they're performing duties for the -- the state -- these general duties, but under these unique specific circumstances where there might be a riot or they're called without government authority that they would not be covered under workers' compensation?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Madam Speaker.

Under the circumstances that I believe the Representative is speaking of, the service member would be covered under federal jurisdiction.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

So through you, Madam Speaker.

Then I guess that would then therefore, make sense why we're removing this section from state law -- or removing this section from the bill because they would otherwise be covered?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Hennessy.

REP. HENNESSY (127th):

Thank you, Madam Speaker.

Through you.

Yes. As -- as has been stated, this is to - to clarify the -- the language that really isn't accurate

and this will make -- will make it accurate and to lineate between federal jurisdiction and state jurisdiction, especially when the governor is calling the National Guard out on say on a national -- a state emergency.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Candelora.

REP. CANDELORA:

Thank you, Madam Speaker.

I think that helps clarify the issue for me and I appreciate the answers to my questions.

Thank you.

DEPUTY SPEAKER SAYERS:

Representative Yaccarino for the second time.

REP. YACCARINO (87th):

Thank you very much, Madam -- Madam Speaker.

One question to the proponent, the good Rank -- the good Chair, the people that fall under this bill it's just National Guard, not all -- all armed services? Is it just the Connecticut National Guard?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Madam Speaker.

Yes. This -- this is National Guard.

DEPUTY SPEAKER SAYERS:

Representative Yaccarino.

REP. YACCARINO (87th):

Thank you.

That's all I wanted to know.

Thank you very much.

I support the amendment and just wanted to make that clear.

Thank you.

DEPUTY SPEAKER SAYERS:

Will you remark further? Will you remark further on the amendment that is before us?

If not, I will try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SAYERS:

Those opposed, nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER SAYERS:

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 Mushinsky.

STOP 02:55:32

REP. MUSHINSKY (85th):

Thank you Madam Speaker.

The Clerk has an Amendment LCO 5039. If the Clerk would please call and may I be allowed to summarize?

DEPUTY SPEAKER SAYERS:

Will the Clerk please call LCO Number 5039 and it will be designated as House Amendment Schedule B.

THE CLERK:

Calendar 52, House Amendment, Schedule B, House Bill 6348, LCO 5039, introduced by Representative Mushinsky.

DEPUTY SPEAKER SAYERS:

The Representative seeks leave of the Chamber to summarize the amendment. Is there any objection to summarization? Is there any objection?

Hearing none, Representative Mushinsky, you may proceed with summarization.

REP. MUSHINSKY (85th):

Thank you, Madam Speaker.

This amendment does not have any physical impact. It simply adds a new section, which allows retired members of the Armed Services of the United States who served for at least 20 years in the Armed Services, did not apply for retirement from the Armed Services prior to -- of the State, prior to serving in the Armed Services of the United States, and was not honorably discharged to apply for the highest grade they would have had held while enlisted. I offer this Amendment on behalf of a Wallingford constituent who did serve 27 years honorably in the National Guard and then he switched to the Army Reserves for the end of his career. He seeks an honorary promotion, at no cost to the State, from the National Guard, but he has found that he is disallowed because his final years were not in the National Guard, but in the Reserves. This amendment would allow him to apply for the honorary promotions.

I move adoption of the amendment.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is adoption of House Amendment Schedule B.

Will you remark on the amendment?

Representative Hennessy.

REP. HENNESSY (127th):

Thank you, Madam Speaker.

Madam Speaker, it is regret that I stand in opposition to this amendment. This amendment was a bill presented to the Veterans' Committee in the beginning of the session and we, under consideration, considered that we should not go forward with this, because what we're doing is changing the rule for one individual and the National Guard has a policy to promote people that have finished their careers and it's an honorary position and it's not mandatory. It's an honor that can be given by Committee. This person retired from the Army Reserves, not the National Guard. Therefore, he was not eligible and now he's seeking to change State law, so that it could make him eligible and, you know, unfortunately, he made a decision to leave the National Guard for the Army Reserves and when he did, he, in fact, got a promotion, which he would not have gotten if he stayed in the National Guard, so basically, this is a case of double-dipping, in which he -- he got one promotion in another component of the military and then he's asking for another promotion

and I just can't support that and I urge that the Chamber to vote it down.

Thank you.

DEPUTY SPEAKER SAYERS:

Representative Yaccarino of the 87th.

REP. YACCARINO (87th):

Thank you, Madam Speaker.

I rise in all due respect to oppose this amendment. Basically what the Chair of the Veterans' Committee stated, it leapfrogs or jumps the protocol of the military and I don't think we should make an exception for one person. They served honorably and that's great and commendable, but this is against military protocol and I think it will be setting a bad standard, so I urge rejection of this amendment.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

I too urge my colleagues to oppose the amendment. I understand the rationale that the proponent seeks to provide this recognition, but it is a breach of

military etiquette and it would be the wrong thing to do.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Will you remark further? Will you remark further on the amendment before us? If not, I will try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SAYERS:

All those opposed.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER SAYERS:

The nays have it.

The amendment is not adopted.

Will you remark further? Will you remark further on the bill as amended before us?

Representative Nicastro of the 79th.

REP. NÍCASTRO (79th):

Thank you, Madam Speaker.

Madam. Speaker, this bill as amended is a good bill. I urge my colleagues to support it. Basically, it's been handled well by the Chairman. It removes bill -- it removes paragraphs that should have been removed years ago. It takes out language that we approved back in 2005 that is outdated by Federal law and things like that. It's done -- it -- it should be approved because it brings us up to date with Federal law and State law.

Thank you, Madam Chair.

DEPUTY SPEAKER SAYERS:

Representative Yaccarino.

REP. YACCARINO (87th):

Thank you, Madam Chair.

I rise in support -- strong support of this bill, but for full -- first of all I'd like to thank the Chair and the Members of the Committee for working hard on this bill, but for full-disclosure, there is a minimal fiscal note for the men and women that serve under the National Guard, but I do rise in support of it. It's a bill much needed and I -- I urge my colleagues to support it.

Thank you.

DEPUTY SPEAKER SAYERS:

Will you remark further? Will you remark further on the bill as amended? If not, will staff and guests please come to the Well of the House? Will members please take your seats? And the machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representative is voting by roll. Will the members please return to the chamber immediately.

DEPUTY SPEAKER SAYERS:

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

Will the members please check the board to determine if your vote is properly cast?

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

The Clerk will announce the tally.

THE CLERK:

Bill Number 6348 as amended by House A

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	144
Those voting Nay	0
Absent and not voting	6

DEPUTY SPEAKER SAYERS:

The bill as amended passes.

Will the Clerk please call Calendar Number 266?

CLERK:

House Calendar 266, favorable report of the Joint Standing Committee on Public Safety and Security, on act House Bill 6007, AN ACT CONCERNING BLUE ALERTS.

DEPUTY SPEAKER SAYERS:

Representative Genga.

REP. GENGA (10th):

Thank you, Madam Speaker.

Madam Speaker, I ask that the acceptance of the Joint Committees favorable report in passage of the bill.

DEPUTY SPEAKER SAYERS:

The question is accepting the Joint Committees favorable report in passage of the bill.

Representative Genga, you have the floor sir.

REP. GENGA (10th):

Thank you, Madam Speaker.

Madam Speaker, this bill, commonly called Blue Alerts, is used whenever there's an emergency situation to inform the public that a police -- that a law enforcement officer has been killed, seriously injured, or is missing and there's an imminent threat

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THE CLERK:

Page 26, Calendar 509, Substitute for House Bill Number 6348, AN ACT CONCERNING STATE MILITARY SERVICE, Favorable Report of the Committee on (inaudible).

THE CHAIR:

Sen -- Senator Leone.

SENATOR LEONE:

Thank you, Madam President.

I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House of Representatives.

THE CHAIR:

The motion is on passage. Will you remark, sir?

SENATOR LEONE:

Thank you, Madam.

This bill before us it's an act concerning state military service. This is a military department bill and what this does is it authorizes the placement of the memorial to veterans in military facilities and on military property owned or controlled by the state and to clarify the statutory provisions pertaining to military service performed by members of the Armed Forces of the state including those controlling pay and allowances, death, disability and injury benefits and special benefits provided to state employees who perform ordered military duty.

So it's an -- it's a all-purpose bill flushed out by the military department to do some -- bringing the statutory language up to present day and it passed through the House and through the Chambers and I would urge my colleagues to support the underlying bill.

THE CHAIR:

Thank you.

Will you remark? Will you remark? Will you remark? If not, Senator Leone.

SENATOR LEONE:

Thank you, Madam President.

If there is no objection, I would move to place this item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Thank you, thank you, Madam President.

Madam President, if the Clerk would call as the next item Calendar Page 26, Calendar 512, House Bill 6392.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Page 26, Calendar 512, Substitute for House Bill Number 6392, AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES' REPORTING REQUIREMENTS, Favorable Report of the Committee on Public Health.

THE CHAIR:

Senator Gerratana, good afternoon.

SENATOR GERRATANA:

Good afternoon, Madam President, nice to see you there.

THE CHAIR:

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The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk might now call the items on the Consent Calendar before proceeding to a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 1, Calendar 545, Senate Resolution Number 27; also on Page 1, Calendar 546, Senate Resolution Number 28. On Page 2, Number 547, Senate Resolution Number 29. On Page 2, Number 549, Senate Resolution Number 31. On Page 5, Number 184, Senate Bill 1026. On Page 7, Calendar Number 253, Senate Bill Number 763. On Page 16, Calendar Number 412, Senate Bill Number 962. On Page 17, Calendar Number 436, Senate Bill Number 673. On Page 18, Calendar Number 438, Senate Bill Number 761. Also on Page 18, Calendar Number 443, Senate Bill Number 1056. On Page 19, Calendar Number 449, Senate Bill Number 828. On Page 20, Calendar Number 461, House Bill Number 6540.

On Page 21, Number 469, House Bill Number 6574. On Page 23, Number 480, Senate Bill Number 238. On Page 25, Calendar Number 501, House Bill Number 5799. Also on Page 25, Number 507, House Bill Number 5117. On Page 26, Calendar Number 508, House Bill Number 6571. On Page 26, Calendar Number 509, House Bill Number 6348. Also on Page 26, Calendar Number 510, House Bill Number 6007 and on Page 26, Calendar Number 512, House Bill Number 6392.

On Page 40, Calendar Number 48, Senate Bill Number 519. On Page 40, Calendar Number 60, Senate Bill Number 859. Also on Page 40, Calendar Number 104, Senate Bill Number 833.

On Page 41, Calendar Number 107, Senate Bill Number 917. On Page 42, Calendar Number 123, Senate Bill Number 434. On Page 43, Calendar Number 129, Senate Bill Number 898. Also on Page 43, Calendar Number 139, Senate Bill Number 158. On Page 43, Calendar Number 167, Senate Bill Number 879.

On Page 45, Calendar Number 195, Senate Bill Number 816. Also on Page 45, Calendar Number 204, Senate Bill 652. On Page 47, Calendar Number 241, Senate Bill 1040. On Page 48, Calendar Number 269, Senate Bill 1003. Also on Page 48, Calendar Number 270, Senate Bill Number 1007.

On Page 50, Calendar Number 304, Senate Bill 1019. Also on Page 50, Calendar Number 310, Senate Bill 903. And finally on Page 53, Calendar Number 399, Senate Bill 1069.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote. The machine will be open on the Consent Calendar.

THE CLERK:

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

THE CHAIR:

If all members have voted, if all members have voted the machine will be locked. Mr. Clerk, will you please call the tally.

THE CLERK:

On Consent Calendar Number 1.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and not Voting	0

THE CHAIR:

Consent Calendar is passed.

Are there any points of personal privilege?

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

Yeah for a point of information for the Chamber.

THE CHAIR:

Please proceed, sir.

SENATOR DOYLE:

Yes, thank you, Madam President.

Tomorrow the General Law Committee will be meeting at 11:15 outside the Hall of the House. The bulletin said 15 minutes before the early session so now we're making it definitive. Tomorrow at 11:15 outside the Hall of the House the General Law Committee will be considering one bill that was referred to us.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Duff next.

SENATOR DUFF:

Thank you, Madam President.

For the point of announcement please.

THE CHAIR:

Please proceed, sir.

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meetings in the buildings. Some of these elected officials also chair or are -- are vice-chairs of those committees, so if -- if you see someone depart, it's not for not wanting to hear your testimony; they just have to fulfill your other duties, and many of them do come back, or they will catch up on any written testimony.

With that, we'll start with the -- within the first hour with the Public Officials. If we get through that quickly, then we can move into the -- the general public.

With that, first up for our Public Hearing, Senator France. He is up in Finance. He will be back as soon as he can, so I will move on to Senator Kane if he is here. See, this is going to be easy. They're not here. Senator Kane is also probably doing the same.

Next up is Tim Tomcho from the Military Department. And forgive me, that's Lieutenant Colonel Tomcho, correct? Thank you, sir.

SB 835
SB 836
HB 6348
HB 6349

LT. COL. TIMOTHY TOMCHO: Senator Leone, Representative Hennessy, I'm Tim Tomcho. I'm the Judge Advocate of the Military Department. I'm here today on behalf of Major General Martin. Unfortunately he couldn't come today to testify on his bills, on these bills that we'll testify on due to the fact that a unit was leaving the state, and he had to be there for that.

SENATOR LEONE: Regards. Please give him our regards.

LT. COL. TIMOTHY TOMCHO: He sends his regards as well. I'm here to testify on four bills: Senate Bill 835, AN ACT CONCERNING MILITARY LEAVE FROM EMPLOYMENT, Senate Bill 836, A MILITARY RECRUITER ACCESS TO MILITARY RECORDS, House Bill 6348, STATE MILITARY SERVICE, and House Bill 6349, THE STATE MILITARY RELIEF FUND.

Rather than read General Martin's testimony into the record, I'll make a few brief statements on each bill and entertain any questions you may have.

Senate Bill 835. The military's ability to accomplish missions is dependent upon its personnel. When units are called up for emergency operations, commanders must muster their force, often requiring members to report within hours of call. Military personnel are obliged to set aside their personal matters and civic responsibilities in order to attend military obligations. When military personnel are ordered to perform military duties, most employers honor that. However, some do not. They require the employee either to take personal leave, possibly switch hours with somebody else, or even require them to go into an unauthorized leave status.

That puts a hardship on our state military personnel. It requires them to choose between the lesser of two evils, either to attend military duties, or to attend their employment. That's an undue hardship, and this -- this bill

documents under federal law, including the Privacy Act, and the Freedom of Information Act, and they are all schooled in document retention and handling procedures. There is very little chance that that information would lend itself to identity theft in the hands of a military recruiter.

House Bill 6348 facilitates military service by codifying practices to place military personnel in this state in a voluntary or paid status. Our statutes have not been updated in many years concerning this, and it draws upon the historic distinction in government employment between civil service and military service.

The bill also allows the Workers' Compensation Act to cover our members in a state active-duty status. We are covered today when we are out performing military duties. However, it uses the military standard which is not something that's familiar to the Workers' Compensation Commission. In the military, if a member gets injured, we do what's called a -- a line of duty investigation to determine whether or not negligence or misconduct was involved in the injury. This act is a military standard. Worker's Compensation, of course, is a no-fault standard, and it should apply to military personnel when called out by the state.

It also uses the same coverage the volunteer fire department personnel and EMS personnel receive. So if our member cannot show a loss of income, it would use a base standard to

allow compensation during that person's recovery.

This bill would also authorize the Adjutant General to erect monuments for military and veteran members on state military property without cost to the state. The Adjutant General already has that authority, but it streamlines it, and it provides a provision for military monuments as well as veterans.

And finally House Bill 6349, which is the Military Family Relief Fund. This fund has been very instrumental to assist military families since 2001, and the amount of deployments we've had. The original funds stood up in 2005, and there was some state seed money. But over the years, through contributions through the check off on the state income tax form, the Connecticut tax payers have funded this. What we would like to do is expand that fund to allow not only family members of qualified service members to apply for grants, but also the service member him or herself. It makes sense, and the fund, which is currently funded at approximately $800,000 is sufficient, we believe, to -- to handle the expansion.

Thank you on behalf of General Martin for your support of our military personnel and our veterans. If you have any other questions, I'd be happy to answer them.

SB836

SENATOR LEONE: Thank you, Colonel. Yeah, I just -- I thank you for the testimony on these

curious as to what the language is that you would say draws that distinction that provides this protection which currently isn't available to members other than with respect to the Footguard.

LT. COL. TIMOTHY TOMCHO: Well what it is does is it expands, so what you have in the old bill is language primarily for military reserve or National Guard. What the bill does is update the language to include the Armed Forces of the state, or any reserve component in the Armed Forces of the United States. With that language, you do expand it to cover those other state military forces which right now encompass the State National Guard, as well as the Governor's Guard.

The statutes also allow for the Governor to order up other military forces as necessary, so that -- that changed there expands it to -- to those other military organizations.

SENATOR WELCH: Then if I can, Colonel, turning to House Bill 6348, I think I understand what you're trying to do there, but I'm hoping you can just maybe even make it a little bit more clear for me, and that is if, so if I were on reserve drill this weekend and I get injured, and it precludes me from going to work at my civilian job the following week, what -- what would be the remedy available to me under the current law versus as opposed to what you're proposing here?

LT. COL. TIMOTHY TOMCHO: Well, if it's a Reserve weekend, sir, you would be covered by the Federal Government. So the Federal Government would do a line of duty, and you could get incapacitation pay and the Kept-on Order. So if it's a Reserve issue, it's not a problem because the Feds cover down on that. If you're called out for a snowstorm, and you're shoveling snow off of a school roof and you fall off and hurt yourself, right now we are covered under Worker's Comp, State Workers' Comp, because that's the distinction. The National Guard is called up by the State, paid for in a State status. Federal Government has no -- well it has an interest, but it does not control or cover personnel when working for the state. So in a state status, if they get injured, we now have to try to apply the statute which would be a military standard of negligence of misconduct, and if the service member is a student and can't show a loss of income, then they would not be compensated during that period of convalescence. Under this bill, what it would do is use the Department of Labor standard for Workers' Compensation which is production -- the average pay of a production worker within the state. Those figures are updated annually.

SENATOR WELCH: Yeah, got it. Thank you, Colonel.

LT. COL. TIMOTHY TOMCHO: You're welcome.

SENATOR WELCH: Thank you, Mr. Chair.

SENATOR LEONE: Thank you.

some of the credentials from just a different state --

DEBBI NEWTON: Correct.

REP. ALEXANDER: -- just a different (inaudible).

Thank you, Mr. Chair.

SENATOR LEONE: Thank you. Any questions?

Thank you.

DEBBI NEWTON: Thank you.

SENATOR LEONE: I appreciate your testimony.

Next up, Representative Mushinsky.

HB6062

REP. MUSHINSKY: Mr. Chairman, Members of the Veterans' Affairs Committee, Mary Mushinsky from the 85th District in Wallingford, speaking in support of House Bill 6348, AN ACT CONCERNING STATE MILITARY SERVICE.

Specifically I'm trying to ask the Committee to do an amendment to the bill. The bill concerns benefits connected with prior military service, and I'm seeking clarification of an unclear statute regarding honorary promotions for residents who have served in the National Guard.

In my constituent's case, he served nearly his entire career in the National Guard and then at the end of his career switched to the Army

Reserves. He now finds he is disallowed from Honorary Promotion in the National Guard because his final retirement years were with the Reserves.

He did not expect this. It is an unexpected and unwelcome interpretation of retired member of the Connecticut National Guard, and the legislative history does not discuss the issue to clarify what the legislature meant. As a result, many decades of service by my constituent have been disregarded.

I have attached the OLR Report to my testimony, as well as my Proposed Bill, House Bill 6062, which the Committee chose not to raise.

I request the Committee amend House Bill 6348 to add language per House Bill 6062 to allow a veteran with more than 20 years of service to the National Guard to qualify for Honorary Promotions whether or not he concluded his final years in the Guard, or switched from the Guard to another branch of the service.

Thank you for any consideration you can provide my constituent, and any other veteran that might be in this situation.

SENATOR LEONE: Thank you, Representative. I appreciate your comments. I would maybe like to speak with you a little bit more to fully understand the issue. Did the person serve a full 20 years with the National Guard?

REP. MUSHINSKY: I believe so, but I'm going to double check to make sure. I believe he did, but I will -- I will call the constituent to double check that.

SENATOR LEONE: And then the person joined the Army Reserve after that?

REP. MUSHINSKY: I think so, but I -- I'll double-check and get back to you.

SENATOR LEONE: Okay. I'd be happy to work with you on the issue to see if we can come to some sort of conclusion.

REP. MUSHINSKY: Okay.

SENATOR LEONE: Any questions. Thank you.

Thank you, Representative Mushinsky.

REP. MUSHINSKY: Thank you.

SENATOR LEONE: Next up, Daniel Morales.

SB 185
SB 384

BRETT MCCOY: Good evening. I'd just like to thank the Chairs and the remaining Members for the opportunity to speak tonight. I'll be as brief as possible because I know it's getting late.

First, I'd just like to introduce myself.

SENATOR LEONE: Go ahead and introduce yourself.

BRETT MCCOY: My name is Brett McCoy. I'm a Sergeant at the Marine Corps. I've been out

JOINT
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STATE OF CONNECTICUT

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

February 19, 2013

Honorable Carlo Leone, State Senator
Honorable Jack F. Hennessy, State Representative
Co-Chairmen, Veterans' Affairs Committee
Hartford, CT 06106

SB 835, "AAC Military Leave From Employment"
SB836, "AAC Military Recruiter Access to Military Record"
HB 6348, "AAC State Military Service"
HB 6349, "AAC the State Military Relief Fund"

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 military operations, this legislation is required to facilitate the efficient use of and access to government resources and to ensure effective military service by our citizen soldiers and airmen. I ask the members of the Veterans' Affairs Committee to support the enactment of these bills.

Connecticut consistently leads the way in many areas in her efforts to support our armed forces and to honor our veterans. Initiatives such as the Military Family Relief Fund, the Military Support Program, the Military Funeral Honors Program, the Wartime Service Medal and the recently activated state website (http://www.veterans.ct.gov) underscore Connecticut's commitment to military service and to the men and women who serve and have served in the military. Even with the progress we have made, many State statutes which govern the military have not kept pace with the development of our armed forces. As a result, various sections of the General Statutes of Connecticut, especially those within Chapter 504, "Militia," require revision.

Raised Bill No. 835 revises Section 27-33a of the General Statutes to ensure that each member of the armed forces of the state is permitted to take a leave of absence from work to attend all types of ordered military duty, including drills, meetings, specialized training and recruiting events, without being subjected to adverse employment repercussions. The revised statute provides a service member to take military leave without pay from their civilian job rather than to have to take paid leave or try to find someone to fill in for them (switch their hours). In extreme cases, a member may be forced into an unauthorized absence to attend military duty.

This statutory revision clarifies the authority of the state to order members of its armed forces to duty without causing an undue burden on the member or on the employer. It is akin to federal law which protects federal Reservists from employment discrimination (Uniform Services Employment Reemployment Rights Act). Most ordered duty is known well in advance, so that the employee may schedule around military obligations. However, in the case of emergency call-ups, when forces are ordered out to respond to exigent circumstances, the military member may absent him or herself from work without reprisal. This revision underscores the proposition that service members should not suffer employment discrimination due to military service obligations, whether those obligations are required by the state or federal government.

Raised Bill No. 836 revises Section 27-33a of the General Statutes to allow military recruiters to access military records that veterans file with town clerks or public agencies. Prior to the passage of Public Act 2-137, an act pertaining to the confidentiality and retention of military discharge documents (which addressed concerns of identity theft), such records were public documents. Military recruiters routinely accessed the documents to generate leads for military recruiting. The practice was a proven source of leads. Many prior-service members (a.k.a. "veterans") rejoin the ranks of the military after completing an initial tour or a period of active service. Approximately 30% of National Guard accessions are prior service. Access to military records held by our state and municipal agencies by recruiters does not pose a risk of identity theft. Documents in the possession of military recruiters are protected by federal law, including the Privacy Act and the Freedom of Information Act. Military recruiters must have a security clearance and are training in document handling and retention procedures. Passage of this act facilitates military recruiting in the state while protecting military personnel and veterans from the release of their personally identifying information.

HB 6348, "AAC State Military Service" revises the General Statutes to clarify statutory provisions pertaining to military service, including provisions pertaining to military pay and allowances, including provisions for voluntary gratuitous service; death, disability and injury benefits; special benefits provided to State employees who perform military duty; and for the erection of memorials to veterans and service members on State military property. Members of the State Armed Forces, whether in a National Guard or the Governor's Guards may perform gratuitous military service by performing duty without pay. Federal military pay statutes permit this for members of the National Guard (see 32USC502). State statutes permit the practice, but by reference to the federal statute. This bill revises the military pay statute to permit voluntary military service without reference to the federal statutes and updates the pay statute by deleting obsolete language. No member will be coerced to perform military duty without pay. To ensure informed consent, each member volunteering for gratuitous service is required to sign an acknowledgement apprising the member of his or her right to decline voluntary service.

In addition, the bill ensures that members of the armed forces are adequately covered by the Workers Compensation Act, applying coverage similar to that provided to members of volunteer fire companies. State military personnel performing state duty (i.e., paid for by comptroller) are already covered by Workers Compensation under 27-67 and 27-67a. This legislation clarifies the nature of coverage, aligning it with the coverage provided to other emergency response personnel (e.g., volunteer fire personnel or ambulance drivers). This revised coverage applies the no-fault coverage standard (as opposed to the military's negligence or misconduct standard) and includes a baseline income for coverage of members who cannot show lost wages (e.g., a college student who is a member of the state armed forces). To perfect the coverage, the bill considers state military personnel (while performing State Active Duty) as state employees for the sole purpose of coverage under Chapter 568 (Worker's Compensation Act) of the General Statutes. The coverage will apply to state military personnel whether they are performing state military duty with or without pay, so long as the member is performing ordered military duty.

The state of emergency caused by Winter Storm Nemo (February 8-9, 2013) required the state to call up over 200 Connecticut National Guard members in a State Active Duty status. Response operations required the performance of approximately 2,000 "man days" of duty, during which two members sustained injury that required reporting to worker's compensation. In response to

the emergency caused by Storm Sandy (October 29, 2012), the state ordered out over 1,000 Connecticut Guard members, who performed approximately 4,150 man days of State Active Duty. Seven members sustained injury during Storm Sandy operations that required worker's compensation reporting.

In response to state emergencies, Connecticut's armed forces are called up within hours and ordered out to perform a wide array of missions to be performed in virtually every community throughout the state. Whether the call to duty requires members to engage in snow removal, distribution of FEMA-supplied commodities, infrastructure protection, high water rescue, debris clearance or security patrol activities throughout the state, the risk of injury and death is a stark reality of military service. Revising the statutes to ensure our armed forces are adequately covered by worker's compensation is necessary, proper and timely.

This bill also revises section 27-75 of the General States to permit the Adjutant General to authorize the erection of military and veteran memorials on state military property. The proposal requires the memorial to be erected at no cost to the state. The Military Department possesses the resources to fully review and authenticate initiatives or requests for military and veteran memorials. Whether the memorial is a bronze plaque to memorialize a classroom in a military facility, a bench at a military training site or a statue to honor a fallen military hero, each request will be subject to review, authentication and approval by the Adjutant General. This provision continues the State's effort to honor and facilitate military service.

HB 6349 revises Section 27-100a by transitioning the Military Family Relief Fund (MFRF) into the Military Relief Fund (MRF). As currently designed, only family members (with cognizable hardships arising from the military service) of Connecticut's service members may apply for grants from the fund. This bill will permit Connecticut service members, who are enduring hardship due to their military service, to apply for grants as well. Since its inception, the MFRF has issued over 80 grants, totaling approximately $200,000. To support the funding of the MFRF, Connecticut residents have donated almost $500,000 through the state's income tax return charitable contribution program. The current balance of MFRF is approximately $800,000. Based on application volume and the provision to limit grants to $5,000, the MFRF appears more than adequate to support its transition to the MRF.

On behalf of Connecticut's nearly 5,000 citizen soldiers and airmen, their families and our veterans, I ask the Veterans' Affairs Committee to take favorable action on these bills and to work for their passage into law during this legislative session.

Sincerely,

THADDEUS J. MARTIN
Major General
The Adjutant General

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Governor's Office

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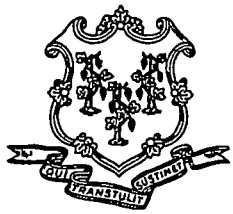

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Testimony of Rep. Mary Mushinsky (85th) in Support of HB 6348, An Act Concerning State Military Service

Before the Veterans'Affairs Committee
Tuesday, February 19, 2013 1:00 p.m. in Room 1E

I seek the committee's assistance in amending this bill, which concerns benefits connected with prior military service, to clarify an unclear statute regarding honorary promotions for residents who have served in the National Guard. In my constituent's case, he served nearly his entire career in the National Guard, then at the very end switched to the Army Reserves. He now finds he is disallowed from honorary promotion in the National Guard because his final retirement year was from the Reserves.

This is an unexpected and unwelcome interpretation of "retired member of the Connecticut National Guard or the governor's military staff," and the legislative history does not discuss the issue. As a result, many decades of service by my constituent have been disregarded. I have attached the OLR report on this definition as well as my proposed bill HB 6062. I request the committee amend HB 6348 to add language per HB 6062 to allow a veteran with more than 20 years of service to the National Guard to qualify for honorary promotions.

Thank you for any consideration you can provide my constituent and other veterans in his situation.

OLR RESEARCH REPORT

September 27, 2012 2012-R-0452

NATIONAL GUARD HONORARY RETIREMENT

By: Veronica Rose, Chief Analyst

You asked us to explain the law governing Connecticut National Guard honorary retirement promotions, particularly as it relates to promotions for members who apply after they retire. Your constituent was denied retirement promotion on the grounds that he is not a retired Connecticut National Guard member.

This office is not authorized to give legal opinions and this response should not be construed as such.

SUMMARY

By law, a retired member of the Connecticut National Guard or governor's military staff who meets specified criteria is eligible for an honorary promotion to one grade above the highest grade in which he served while in the state or U.S. Armed Forces or on the governor's military staff. The law does not define "retired member of the Connecticut National Guard or the governor's military staff," and the legislative history of the bill, which became law, does not discuss the issue. But a plain reading of the statute suggests that retiring from a branch of the armed services other than the Connecticut National Guard does not qualify an applicant for retirement promotion.

According to Lieutenant Colonel Timothy Tomcho, your constituent did not retire from the Connecticut National Guard; instead, he transferred from the National Guard to the U.S. Army Reserves and retired while serving as a reservist. Thus, he is a retired member of the Reserves, not a retired National Guard member. And because he is not a retired National Guard member, he is not eligible for retirement promotion.

RETIREMENT PROMOTION LAW

By law, members of the Connecticut National Guard or governor's military staff who have 10 years of honorable service may, before retiring from active service, apply to the adjutant general of the National Guard to be placed on a list of retirees maintained by the National Guard (retired list) in the highest grade in which they ever served. Members who have 20 or more years of service may

apply to be commissioned or promoted and placed on the list at one grade above the highest grade in which they ever served in the U.S. Armed Forces, in the Connecticut National Guard, or on the governor's military staff, but not above brigadier general or sergeant major (CGS § 27-53).

The law also allows retired members of the armed forces of the state (i.e., Connecticut National Guard) or governor's military staff (1) who served for 30 or more years, (2) whose service was honorable, and (3) who did not apply for retirement promotion while in service to apply and be promoted on the same terms as applicants with 20 years of service.

The statute does not define "retired member of the armed forces of the state or governor's military staff." And the legislative history of the legislation is not helpful in this regard. But "in the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, must be construed and understood accordingly" (CGS § 1-1).

A plain reading of the honorary retirement statute appears to indicate that the baseline qualification for the retirement promotion is that the applicant must have retired from the Connecticut National Guard or the governor's military staff, not just meet the 30-year service requirement. An applicant who retires from a branch of the armed services other than the Connecticut National Guard does not meet the baseline qualification and does not qualify, even with 30 or more years of service in the armed services.

RETIREMENT VERSUS TRANSFER

Based on a review of the documentation your constituent submitted and my conversations with Lieutenant Colonel Tomcho, your constituent's service record is not in question. What is at issue is whether he is a retired member of the Connecticut National Guard, given that when he retired, he was a member of the U.S. Army Reserves, not the Connecticut National Guard.

A Connecticut National Guard member may either request retirement or be required to retire (e.g., based on age or medical condition). In such cases, the National Guard issues retirement orders and the member is removed from active duty and placed on the retired list. Retired members are placed on the retired list. They are kept on the National Guard register and are subject to the National Guard's rules and regulations but are withdrawn from command, line of promotion, and unit rosters. They may, subject to law and regulations, wear the uniform of the rank at which they retired. They serve without pay but may consent to be detailed from the list and placed on active duty on the governor's order. In such cases, they are entitled to the same pay and allowances as officers of a similar grade on the active list (CGS § 27-54).

A Connecticut National Guard member who transfers to another branch of the service relinquishes his National Guard commission and becomes a member of, and is commissioned in, the branch of the service to which he transfers. A member who wishes to transfer must submit a written request for official processing.

According to Tomcho, the constituent, after many years of Connecticut National Guard service, transferred to the U.S. Army Reserves in February 1996. Once he transferred, he was no longer a National Guard commissioned officer; rather, he became a commissioned officer in the Reserves. In December 1996, the Reserves promoted him to colonel, and in June 2000, he retired from the Reserves. The constituent is therefore a retired member of the Reserves, not a retired member of the Connecticut National Guard. And because he did not retire while serving as a National Guard member, he is ineligible for the retirement promotion.

VR:ts