

**PA13-44**

HB6457

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the Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

Bill Number 6380 as amended by House "A."

Total Number Voting 138

Necessary for Passage 70

Those voting Yea 138

Those voting Nay 0

Those absent and not voting 12

DEPUTY SPEAKER SAYER:

The bill, as amended, passes.

Will the Clerk please call Calendar Number 118.

THE CLERK:

Yes, Madam Speaker.

Calendar 118, on page 4 of the journal, favorable report of the joint standing committee on Veterans' Affairs, House Bill 6457, AN ACT CONCERNING THE DISPLAY OF THE STATE OR NATIONAL FLAG AT HALF-STAFF.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Good evening, Madam Speaker.

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

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DEPUTY SPEAKER SAYER:

The question is acceptance of the joint committee's favorable report and passage of the bill.

Representative Nicastro, you have the floor, sir.

REP. NICASTRO (79th):

Madam Speaker, what -- basically what this bill does it allows the Governor to fly the state flag at half mast without having to fly the United States American flag at half mast, also. That's basically what the bill does.

Madam Speaker, I have an amendment, LCO 6089. I would ask the Clerk to please call the amendment and that I be granted leave to the chamber to summarize.

DEPUTY SPEAKER SAYER:

Will the Clerk please call LCO Number 6089 which will be designated House Amendment "A."

THE CLERK:

House "A," LCO 6089, introduced by Representative Hennessy, et al.

DEPUTY SPEAKER SAYER:

The representative seeks leave of the chamber to summarize the amendment.

Is there objection to summarization? Is there objection?

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

REP. NICASTRO (79th):

Thank you, Madam Speaker.

In line 14, basically strike the word "celebrity" and insert the word "prominent citizen." That's the amendment. And I move -- I move for approval -- adoption, I beg your pardon.

DEPUTY SPEAKER SAYER:

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 rise in support of the amendment. What it does basically is take the word "celebrity" out and places "prominent figure" somebody that contributes to society in a beneficial way, so I rise in strong support of this amendment. Thank you.

DEPUTY SPEAKER SAYER:

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

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favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SAYER:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

Representative Perillo of the 113th.

REP. PERILLO (113th):

Madam Speaker, thank you very, very much.

I rise in support of the bill before us today. I think it's a very, very important step, and in fact I think we have an opportunity to make this bill better and more meaningful for veterans here in the state of Connecticut, particularly as we move toward Memorial Day.

And with that, Madam Speaker, the Clerk is in possession of an amendment, LCO 6390. I ask that he please call that amendment, and I be given leave of the chamber to summarize.

DEPUTY SPEAKER SAYER:

Will the Clerk please call LCO Number 6390, which will be designated House Amendment Schedule "B."

THE CLERK:

House "B," LCO 6390, represented by -- or  
introduced by Representative Perillo, et al.

DEPUTY SPEAKER SAYER:

The Representative seeks leave of the chamber to summarize the amendment.

Is there any objection to summarization? Is there any objection?

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

REP. PERILLO (113th):

Thank you, Madam Speaker.

Here in the state of Connecticut veterans groups and other nonprofit organizations, the Boy Scouts and whatnot, are allowed to place American flags at the gravestones of veterans beginning on the Saturday before Memorial Day. But as we know, the Saturday before Memorial Day is not a lot of time, particularly for our veterans groups where many of the members are a little bit older and it takes them a long time to do that. What this bill does is it changes the beginning of the time allowed from Saturday to Friday. It gives those vets groups one more day, another 24 hours, to get those flags out at the gravestones representing those men and women who've -- who've died to defend

the freedoms that we here enjoy. That is what this bill does. I believe it's very, very important, and I would -- I would move adoption.

DEPUTY SPEAKER SAYER:

Will you remark further on the bill that's before us?

Representative Nicastro.

REP. NICASTRO (79th):

Madam Speaker, I would consider that a friendly amendment. Quite frankly and honestly, in my city of Bristol, the flags fly -- the flags fly in the cemeteries 365 days a year. I have no problem accepting this as a friendly amendment.

DEPUTY SPEAKER SAYER:

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

Representative Yaccarino of the 87th.

REP. YACCARINO (87th):

Thank you, Madam Chair.

I also rise in support of this amendment. It makes sense a day early, and I'd like to say to thank the Vice Chair and the Chair of the Veterans' Committee, and really the committee as a whole, for supporting this amendment and Representative Perillo

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for bringing it forth. So I rise in strong support of  
this amendment. Thank you.

DEPUTY SPEAKER SAYER:

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 SAYER:

All those opposed, nay.

The ayes have it. The amendment is adopted.

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

Representative Bacchiocci of the 52nd.

REP. BACCHIOCCI (52nd):

Thank you, Madam Speaker.

Madam Speaker, through you, a few questions to  
the proponent of the bill --

DEPUTY SPEAKER SAYER:

Please frame your questions.

REP. BACCHIOCCI (52nd):

-- the bill as amended.

Yes, if the good Chair from Veterans could

explain, under what conditions can the state flag currently be lowered?

Through you, madam.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Madam Speaker, if I heard her correctly, she's asking what a prominent citizen is?

DEPUTY SPEAKER SAYER:

Representative Bacchiocci, would you please repeat your question?

REP. BACCHIOCCI (52nd):

Yes. The question was under what condition --

REP. NICASTRO (79th):

It cannot -- I'm sorry, Madam Speaker, thank you -- it cannot.

Through you, Madam Speaker, it cannot.

REP. BACCHIOCCI (52nd):

Okay --

DEPUTY SPEAKER SAYER:

Representative Bacchiocci.

REP. BACCHIOCCI (52nd):

Sorry. Madam Speaker, through you, so it is my understanding that, currently, the state flag cannot

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be lowered under any conditions?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

It's not -- Madam Speaker, through you, it's not separated from the federal flag.

DEPUTY SPEAKER SAYER:

Representative Bacchiocci.

REP. BACCHIOCCI (52nd):

Thank you.

So just for the many of us in the chamber who are not very, very familiar with the protocol, under what conditions then currently do we lower the U.S. flag and the state flag together?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Through you, Madam Speaker, military people who die in the line of duty.

DEPUTY SPEAKER SAYER:

Representative Bacchiocci.

REP. BACCHIOCCI (52nd):

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And that was my understanding, as well, that we currently only lower the flag, either the U.S. flag or the state flag, in the situation or the loss of a military person who dies in the line of duty. So this bill as amended, I believe, will expand the opportunities by which a U.S. -- a state flag can be lowered.

Through you, Madam Speaker, if the good Chair could explain what additional reasons would the state flag now be lowered if this bill should pass?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Madam Speaker, through you, military people who die in the line of duty. Also, people -- first responders who are killed in the line of duty and also long-term public service people.

Madam Speaker, through you.

DEPUTY SPEAKER SAYER:

Representative Bacchiocci.

REP. BACCHIOCCI (52nd):

Thank you, Madam Speaker.

And I thank the good gentleman for his answer. I

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have some concerns because I believe the way I'm interpreting the bill, as amended, is the state flag will now be lowered at the Governor's discretion for any prominent individual. And I'd like to talk with the good Chairman a little bit about how we are defining prominent individual.

Through you, Madam Speaker, could the good Chairman give us some examples of what a prominent individual would be?

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Again, Madam Speaker, through you, prominent individuals are long-term public service employees, first responders, and those are just two examples, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Bacchiocci.

REP. BACCHIOCCI (52nd):

Madam Speaker, if the legislative intent is truly to allow the Governor to lower the state flag for those specific reasons, for the men and women who so admirably have served our state, such as first responders in the line of duty, my concern is the

words "prominent individual" do not clearly mean first responders in the line of duty. So let me ask for legislative intent, through you, Madam Speaker, would there any -- be a chance that a famous state actress, such as Katharine Hepburn, would qualify as a prominent individual?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Through you, Madam Speaker, no.

DEPUTY SPEAKER SAYER:

Representative Bacchiocci.

REP. BACCHIOCCI (52nd):

Okay. How about athletes, such as -- I know Bruce Jenner was from Newtown and he's a famous Connecticut athlete, so he would not qualify in Connecticut as a prominent individual if this bill, as amended, should pass?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Through you, Madam Speaker, no.

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DEPUTY SPEAKER SAYER:

Representative Bacchiocci.

REP. BACCHIOCCI (52nd):

Okay. How about artists that are famous in the state of Connecticut? Would they qualify as a prominent individual?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Through you, Madam Speaker, no.

DEPUTY SPEAKER SAYER:

Representative Bacchiocci.

REP. BACCHIOCCI (52nd):

I'm happy with the legislative intent and the answers that the good Chair is giving, so let's go a little further. Would famous business people qualify as prominent individuals?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

No, Madam Speaker. I'm sorry. I didn't hear her. I apologize.

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DEPUTY SPEAKER SAYER:

Representative Bacchiocci.

REP. BACCHIOCCI (52nd):

Yes. Through you, Madam Speaker, I asked if a famous Connecticut business person would qualify as a prominent individual under this bill?

Through you.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

No, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Bacchiocci.

REP. BACCHIOCCI (52nd):

I only have a few more on my list, and I'll put them together to be expedient. Would religious or spiritual leaders be considered prominent individuals?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

That could be possible, Madam Speaker. It would be up to the governor, Madam Speaker.

DEPUTY SPEAKER SAYER:

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Representative Bacchiocci.

REP. BACCHIOCCI (52nd):

Thank you, Madam Speaker.

And that is somewhat what my concern is that I think we should have very clear state statute just as we have very clear federal flag code as to what the reason is that we fly our state flag at half staff. And I do appreciate the good Veteran Chairman's answers that we are trying to specifically state with this bill that the only reasons that the state flag would be flown at half staff are to recognize our servicemen and women, our first responders or others who die in the line of duty of serving the State of Connecticut.

Through you, Madam Chair, did I summarize that to be clear? Would the good Chair please say that that's exactly what the intent of this bill is?

Through you.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

One moment, Madam Speaker, please.

You know I had, Madam Speaker, I thought I had answered that earlier. I apologize. It's -- people

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who have made significant contributions to the state in long-term service. I thought I had said that before, I apologize if I have not.

DEPUTY SPEAKER SAYER:

Representative Bacchiocci.

REP. BACCHIOCCI (52nd):

Thank you. Thank you, Madam Speaker.

I just want to point out that I do think that the intent is very good and we are trying to recognize the appropriate people, but we have time-honored traditions both in this state and in this country as to the very specific reasons we fly our U.S. flag and our state flag at half staff. And I think we need to be careful as we move forward that we don't take something away from the men and the women who have served our country and the men and the women who die in the line of duty and expand that recognition to the point where some of the -- recognition that goes with that flag being flown at half staff is -- is lost.

Thank you, Madam Speaker. And I appreciate the answers from the Chairman.

DEPUTY SPEAKER SAYER:

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

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REP. NICASTRO (79th):

Madam Speaker, just to clarify a point, whenever one of our men or women in the service are killed in the line of duty or lost or missing in action, both flags come down to half mast. It's a -- it's a -- something that's been happening for eons, and I think that should be made very clear. Our men and women who are serving who give their lives, we -- we don't separate that. That flag comes down -- both flags come down.

And I -- this is a little different. We're talking about just lowering the state flag, giving the Governor the chance to lower the state flag, without having to lower the -- the American flag, that's all. I have nothing further to say. Thank you.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Klarides of the 114th.

REP. KLARIDES (114th):

Thank you, Madam Speaker.

Through you, a few questions to the proponent.

DEPUTY SPEAKER SAYER:

Representative Nicastro, please prepare yourself.

REP. KLARIDES (114th):

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Thank you, Madam Speaker.

Just to follow up a little bit on the questions of my colleague. I guess what I'm confused about is when she gave examples of different types of people we may consider to be prominent -- prominent citizens, one of them was a musician, one of them was an actor, one of them, you know, we talked about religious leaders, et cetera. Through you, Madam Speaker, how does the Chairman know that some of the answers were no and some were yes? I mean, how does he know that whatever governor is making this decision would have - - will make that decision?

Through you.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Madam Speaker, through you, it's not about their profession, it's about their contribution to the state through the years.

DEPUTY SPEAKER SAYER:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker.

And through you, if it's the amount of

contribution to the state through the years, how can the good Chairman determine that a religious leader who came from Connecticut may have contributed more to the state than, perhaps, somebody who is an actor or a musician or something like that?

Through you.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

One moment, Madam Speaker.

Again, Madam Speaker, through you, it's the contribution that they've given through the state through the years. I hope I'm understanding her correctly. If not, I apologize.

DEPUTY SPEAKER SAYER:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker.

So then if I ask the same question that my colleague asked, if the standard is what the good Chairman says, he or she's contribution through the years, then if I asked the question again, may that person perhaps be a celebrity or may that person perhaps be a musician, et cetera, then I would presume

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that answer might be yes?

Through you.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Again, through you, Madam Speaker, it's not about jobs, it is not about jobs.

DEPUTY SPEAKER SAYER:

Representative Klarides.

REP. KLARIDES (114th):

Okay. Now I'm a little bit confused. If it's not about jobs, does he mean, through you, it's not about what job they have, meaning whether they're a musician or an actor or religious leader?

Through you.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Madam Speaker, through you, it's not about whether a musician or an actor or anything like, it's like -- it's about your contributions to the state of Connecticut.

DEPUTY SPEAKER SAYER:

Representative Klarides.

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REP. KLARIDES (114th):

Thank you, Madam Speaker.

So let's make believe we're going to start from the beginning here, if there is somebody who is a musician, an actor, a religious leader, some kind of civil rights leader, there could be anybody that does anything that maybe considered a prominent citizen; is that correct?

Through you.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Madam Speaker, through you, I -- I'm quite -- I'm thinking about this and I'm saying it's what they've contributed to the state through the years of their lives, Madam Speaker. I don't see what's so hard about understanding that. I truly don't. You know, someone can do so much, so many people give so much to our great state, they ask for nothing in return. In return if the governor feels that that person has done so much for the country -- the state and he wants to lower our state flag to half mast without having to lower our federal flag, that's all it's all about, Madam Speaker.

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DEPUTY SPEAKER SAYER:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker.

I would just like to clarify the Chairman's answers to my colleague's questions about what type of person could be considered potentially a prominent citizen. He had answered her -- the answer could it be a -- might it be celebrity. He said no. Might it be a musician, he said no.

I am just to trying to clarify that given his answers to me that it could potentially be anybody that's done anything, because it will only be dependent on what they've contributed to the state of Connecticut.

Through you.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Madam Speaker, I think initially I made it very clear. I said long-term public service and I also stated first responders, police officers and things like that. I made that very clear in the very beginning of -- when I brought the bill out.

DEPUTY SPEAKER SAYER:

Representative Klarides.

REP. KLARIDES (114th):

Madam Speaker, thank you.

I'm going to try this a different way. Let's just say, hypothetical situation, if there is a musician who was born in the state of Connecticut and contributed a lot of things to the state of Connecticut, could that person potentially be considered a prominent citizen under this language?

Through you.

DEPUTY SPEAKER SAYER:

Representative Nicastro.

REP. NICASTRO (79th):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER SAYER:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker.

I thank him -- the gentleman for that answer.

That was really I think where Representative Bacchiocci was going and where I would like -- where I'd like to have a clarification.

Our concern is we take the job and the service of our veterans in this state very, very seriously. And

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we feel very strongly about representing that and commemorating that in any way we can. And I guess our concern is that in a very subjective way whoever is sitting in the governor's office at any given time can make up his or her mind as to what somebody has contributed separate, separate from what we all understand very objectively to be veterans' service to this state.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYER:

Representative Alberts of the 50th.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

As I've read this and as I've listened to the testimony, I think that my colleague's assessment of the language is very accurate. I think the language in the bill that's been amended before us gives the governor broad powers to name a number of different individuals as worthy to have the flags lowered. And while I respect the proponent's argument that the past history has been to recognize service members, I think the bill that is before us goes far beyond that. And I think somewhere in this discussion we strayed from the language in the bill and I just want to recognize

the good intentions of the Chairman to continue to honor and recognize service members who have fallen in the line of duty and other first responders as prominent citizens, but there is in this bill, inherently, the opportunity for the governor to expand and go far beyond that. So again, I do appreciate this. I personally will be supporting this bill.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYER:

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

If not, let me -- will staff and guests please come to the well of the House. Will the members please take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

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

DEPUTY SPEAKER SAYER:

Have all the members voted? Have all the members voted? Will the members please check the board to see -- to determine if your vote has been properly cast? If all the members have voted, the machine will be locked.

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:

Bill Number 3457 as amended by House "A" and "B." HB 6457

Total Number Voting 138

Necessary for Passage 70

Those voting Yea 137

Those voting Nay 1

Those absent and not voting 12

DEPUTY SPEAKER SAYER:

The bill as amended passes.

Will the Clerk please call Calendar Number 137.

THE CLERK:

Madam Speaker, on page 38 in today's journal, House Calendar Number 137, favorable report of the joint standing committee on Judiciary, House Bill 6407, AN ACT CONCERNING THE ASSAULT OF A LIQUOR CONTROL AGENT.

DEPUTY SPEAKER SAYER:

Representative Baram of the 15th.

REP. BARAM (15th):

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Also, we had another item on the foot of the Calendar, that's already on the foot of the Calendar, Calendar 120, Substitute for Senate Bill Number 803; would move to remove that item from the foot and also to mark it passed, retaining its place on the Calendar.

Then, Madam President, some items to add to our go-list -- rather to our Consent Calendar before calling for a vote on that Consent Calendar. Madam President, beginning on Calendar Page 22, Calendar 511, House Bill 6243; would move to place that item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

On Calendar Page 23, Calendar 517, House Bill 6453; move to place this item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving to Calendar Page 24, Calendar 525, House Bill 6457; move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

And on Calendar Page 29, Calendar 562, House Bill 5387; move to place the item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would now proceed to read the items placed on the Consent Calendar today, before calling for a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Beginning on Calendar Page 3, Number 146, Senate Bill Number 959; also on Calendar Page 3, Number 165, Senate Bill 327.

On Calendar Page 8, Number 303, Senate Bill Number 1018.

On Page 22, Calendar Number 511, House Bill 6243.

On Page 23, Calendar Number 517, House Bill 6453.

On Page 24, Calendar Number 525, House Bill 6457; also on Page 24, Calendar Number 526, Senate Bill 1079.

On Page 25, Calendar Number 527, Senate Bill 1131; also on Page 25, Calendar Number 529, Senate Bill 965. Finally, on Page 25, Calendar Number 531, Senate Bill 986.

On Page 29, Calendar Number 562, House Bill 5387.

On Page 35, Calendar Number 39, Senate Bill 597.

On Page 40, Calendar 210, Senate Bill 817.

THE CHAIR:

Mr. Clerk, on Page 35, have you also seen Calendar Number 44, Senate Bill 809?

A VOICE:

Yeah.

THE CHAIR:

(Inaudible) wrong. Okay. Okay; I apologize, sir.

Please proceed.

THE CLERK:

On Calendar Page 40, Number 210, Senate Bill 817.

On Page 41, Calendar 254, Senate Bill 1013.

On Calendar Page 42, Number 271, Senate Bill 1072;  
also on Page 42, Calendar Number 286, Senate Bill  
1113.

On Page 44, Calendar 364, Senate Bill 1014.

On Page 46, Calendar Number 397, Senate Bill 992; also  
on Page 46, Calendar 406, Senate Bill 1129. And  
finally, on Page 46, Calendar 407, Senate Bill 383.

THE CHAIR:

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

THE CLERK:

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

THE CHAIR:

All members have voted: all members voted? The  
machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

On the Consent Calendar.

Total Voting	36
Voting Yea	36
Voting Nay	0
Absent, not voting	0

THE CHAIR:

The Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, at this point, having concluding the day's business, would certainly yield the floor to any members for purposes of announcements or committee meeting or -- or other points of personal privilege.

THE CHAIR:

Are there any point -- points of personal privilege or announcements? Are there any personal privileges or announcement?

Senator McKinney.

SENATOR McKINNEY:

Thank you, Madam President.

Madam President, as fate would have it, we came close yesterday to being able to celebrate the birthday of two of our members. Yesterday we celebrated the birthday of Senator Slossberg; today, we get to celebrate the birthday of Senator Len Fasano, so --

THE CHAIR:

All right.

SENATOR McKINNEY:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**VETERANS'  
AFFAIRS  
PART 2  
251 – 506**

**2013**

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cah/gbr VETERANS AFFAIRS COMMITTEE

March 7, 2013  
1:30 P.M.

So with that our first -- up on our list is  
Lieutenant Colonel Tim Tomcho.

TIMOTHY TOMCHO: Good afternoon, Senator Leone,  
Representative Hennessy and members of the  
Veterans' Affairs Committee, I'm Lieutenant  
Colonel Tim Tomcho, Judge Advocate, Military  
Department here today on behalf of Major General  
Thaddeus Martin, the Adjutant General. He sends  
his regards and wishes you all well and hopes  
that you will favorably consider three bills  
that I'm here to testify on today.

The first is Senate Bill 930, AN ACT CONCERNING  
SERVICEMEMBERS CIVIL RELIEF ACT PROCEEDINGS,  
House Bill 6457, AN ACT CONCERNING  
SERVICEMEMBERS CIVIL RELIEF ACT PROCEEDINGS,  
House Bill 6457, AN ACT CONCERNING THE DISPLAY  
OF THE STATE OR NATIONAL FLAG AT HALF-STAFF and  
House Bill 6458, AN ACT CONCERNING THE NEW  
ENGLAND DISASTER TRAINING CENTER ACTIVITY  
ACCOUNT.

Senate Bill 930 is a bill that would continue  
this Committee's efforts to ensure that military  
service does not unduly burden servicemembers.  
Last session this Committee, then Select  
Committee on Veterans' Affairs, raised and  
passed House Bill 5395, AN ACT CONCERNING  
CUSTODY ORDERS FOR DEPLOYED MEMBERS OF THE ARMED  
FORCES which became Public Act 12-90.

That bill protected the rights of military  
parents by providing for expedited custody  
hearing for children and for deploying members  
and restricted custody orders when a military  
parent is deployed.

Senate Bill 930 facilitates the rights of  
deployed servicemembers by permitting the  
introduction of electronic testimony for family  
court matters and that's specific to family

House Bill 6457, AN ACT CONCERNING THE DISPLAY OF THE STATE OR NATIONAL FLAG AT HALF-STAFF, revises Section 3-10f of the General Statutes to provide the Governor the statutory authority to proclaim the display of the state or national flag at half-staff. Current statute is limited providing authority for the display of the national flag at half-staff only for a period following the line of duty death of members of the Armed Forces.

This revision expands the statutory authority of the Governor to proclaim the display of either the state or national flag at half-staff. This expanded authority provides flexibility to our Commander in Chief providing him the authority to lower the national or state flag, depending on circumstances, to provide this special honor to Connecticut's heroes.

House Bill 6458, AN ACT CONCERNING THE NEW ENGLAND DISASTER TRAINING CENTER ACTIVITY ACCOUNT. The New England Disaster Training Center was established in 2008 when Connecticut received an \$8 million federal funding grant to develop a facility for providing disaster response training. It houses the Ottilie Lundgren Disaster Response Memorial Field Hospital, a 100-bed mobile field hospital which assembles in hours and can be ready to triage and treat hundreds of patients during a public health emergency.

NEDTC is what we call the New England Disaster Training Center provides civilian and military participants the opportunity to learn, practice and integrate rescue, clinical, logistical and leadership skills to strengthen both individual and team capabilities.

Due to the unique nature of NEDTC and the courses that it trains and provides to our first

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that how it works? I mean --

TIMOTHY TOMCHO: Yes.

SENATOR WELCH: All right.

TIMOTHY TOMCHO: We rely on the active duty infrastructure that we fall in on but Connecticut, with the military support program, is leading the states relative to imbedded clinicians within our units here in the state that start providing assistance for deploying servicemembers.

Many people think about PTSD and the sorts of psychological trauma servicemembers go through as starting once they get overseas. We've recognized the fact that in fact it starts as soon as an individual is told their unit is deploying. So we have clinicians on the spot to start preparing our servicemembers before they even get mobilized.

SENATOR WELCH: And then if I could just shift to House Bill 6457 for a moment. I noticed that it seems like right now the Governor can prescribe that a state flag be flown at half-staff if a servicemember dies in the line of duty.

It seems like we're -- we're seeking to expand that to -- let me just find the language here -- a state official or celebrity and I -- I guess I'm curious 1) as to what truly is meant by that and then 2) what -- what's the interest that -- that our military department has in -- in expanding that.

TIMOTHY TOMCHO: Actually this bill is modeled off of the U.S. Code, the flag code, Title 4 of the United States Code, Section 7, position and manner of display. Thanks to Senator Slossberg who initially introduced this bill back in about

2005, before the federal government modified the flag code that provided a statutory basis for the Governor to lower the flag.

The -- the language though was, you know, a little bit different in that it said if the Governor prescribes the state flag to be flown at half-staff then the national flag would also have to be flown at half-staff.

What this bill does is it actually allows for either the state flag or the national flag to be lowered to half-staff. By operation of law if the Governor lowers the national flag to half-staff, all other flags are automatically lowered to half-staff.

So what it does is it -- it -- is a technical issue with the existing statute that would not permit the Governor to lower the half -- the flag to half-staff specifically for a line of duty injury or a death.

Unfortunately some of the injuries that our members sustain may not be per se line of duty, a -- a suicide for example, and it's -- may not be fitting to lower the -- the federal flag, the national flag, but perhaps the state flag would be a more fitting tribute.

So this bill provides flexibility to the Commander in Chief allowing him to do that for servicemembers as well as for Connecticut celebrities. Now the bill itself does not define what a celebrity is but that gives, let's call maneuver space, to the Commander in Chief to determine what that actually means.

That is the same as it is by the way in the -- in the federal law for the President to determine when to lower the national flag.



National Guard Association of Connecticut  
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SP 4

March 7, 2013

**Testimony in Favor of Raised Bills 930, 931, 934, 935, 6455, 6457, 6458, 6459 and 6561**

Good Afternoon Sen. Leone, Representative Hennessy and members of the 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 10 years and have been a member of the Connecticut National Guard for 33 years.

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

**SB 930, An Act Concerning Servicemembers Civil Relief Act Proceedings** will allow members of the Services who are deployed or away at training schools to choose to appear before a civil proceeding via electronic means for family relations proceedings such as divorce, child custody and adoptions as examples. Many times these proceedings must be delayed due to a Servicemember not being able to be in physical attendance, thus prolonging issues that can cause great stress to the Servicemember and his/her family. NGACT supports anything that gives a military member the option to reduce stress that can often be detrimental to their performance as Soldiers, Sailors, Airmen or Marines.

**SB 931, An Act Concerning Veteran-Owned Small Businesses and HB 6561, An Act Concerning Veterans** both task the Department of Veterans Affairs with maintaining databases/registries that will benefit Veterans. 931 would establish a data base of Veteran-owned small businesses to determine the feasibility of providing legislation to offer state contracting preferences to those businesses. As you know, NGACT has been supportive of legislation to offer the Veterans contracting preferences as well as low or no cost loans to Veterans who want to start or re-establish their businesses after a deployment. This registry would go a long way in moving towards those two objectives. 6561 is something I am actually surprised we need to legislate. Determining what issues face our Veterans should be a given. We need to know what their difficulties are in order to properly serve them and provide the assistance they need. NGACT supports this legislative initiative that will only help our Veterans and their families.

**SB 934, An Act Concerning Fee Waivers for Educational Extension Programs and Summer School Sessions for Wartime Veterans and Members of the Connecticut National Guard and HB 6459, An Act Concerning Tuition Waivers for Certain Veterans and Members of the National Guard Enrolled at Charter Oak State College** are both initiatives NGACT has long supported and advocated for. In the 1980s, legislation was passed that granted tuition waivers to state colleges and Universities to members in good standing of the Connecticut National Guard. That tuition waiver was

on the overall mission. As significance increases, so does selectivity, with only the most significant acts or service being recognized with the highest awards.

Currently, Connecticut General Statute only allows commanders two options to recognize outstanding service members, The Connecticut Medal of Valor and the Connecticut Medal of Merit. The Medal of Valor, our highest (and only) award for valor, is reserved for acts "(by) of (reason of) conspicuous gallantry, at the risk of his life, above and beyond the call of duty" The Medal of Merit is awarded to service members "who has distinguished himself by exceptionally meritorious conduct in performing outstanding service".

The lack of an intermediate award for service has several unintended consequences. First, it limits our commanders' ability to recognize acts and achievements not warranting the award of our highest decorations. Additionally, should commanders recommend their service members for the existing decorations, the award of the decoration diminishes the value of the award and reduces the standard by which we measure and recognize the service and achievement of our members. This lack of an appropriate award, commensurate with the act or achievement, often results in our service members going unrecognized for their service.

The criteria stated in the bill are clear as to the required levels of act or service necessary for award of the decoration. The language of the criteria was adapted from the Army criteria for the award of a similar award by the Army for Federal service. (Current statute is attached)

**NGACT also supports HB 6457, An Act Concerning the Display of the State or National Flag at Half-Staff.**

NGACT fully understands the fiscal situation the state is facing, but we ask you to remember when casting your votes on these bills, that they directly affect only 1% of our population...those who chose to serve their Country and, in some cases their State, but will also have an indirect affect on their families. Some of these proposals do carry price tags, but have the potential to pay off in the long run. These bills are all effective ways of saying thank you to these men and women, helping them transition into civilian life as productive citizens and relieving some of the stresses they may face.

I thank you for your time and for what you do for the Veterans, Military Members and Retirees of Connecticut and their families. This concludes my testimony and I am available for any questions you may have.

Sincerely,

Debbi Newton  
Legislative Chair NGACT  
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# STATE OF CONNECTICUT

MILITARY DEPARTMENT  
WILLIAM A. O'NEILL ARMORY  
360 BROAD STREET

HARTFORD, CONNECTICUT 06105-3795

SPA

March 7, 2013

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

SB 835  
SB 836

**SB 930, "AAC Servicemembers Civil Relief Act Proceedings"**

**HB 6457, "AAC the Display of the State or National Flag at Half Staff"**

**HB 6458, "AAC the New England Disaster Training Center Activity Account"**

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 military resources and to ensure effective and honorable services by and to our citizen soldiers and airmen. Connecticut consistently leads the nation in efforts to support our armed forces and to honor our veterans. These bills are prudent measures to ensure Connecticut is still revolutionary in taking the initiative to support our military. I ask the members of the Veterans' Affairs Committee to support the enactment of these bills.

S.B. 930 provides servicemembers who are unable to participate in family relations matters due to their military service (e.g., out-of-state deployments) the opportunity to participate in proceedings through electronic media. Many servicemembers, when deployed to remote locations, are unable to schedule leave or obtain timely transportation to attend. Servicemembers, under state and federal law (Servicemember's Civil Relief Act), may stay proceedings, delaying civil actions until such time as their military service no longer precludes participation in family 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. The option of permitting servicemembers the ability to participate through electronic media not only potentially benefits the parties to the case, but permits courts an option to move a case forward, rather than issuing a stay, which may facilitate prompt disposition when a hearing is required.

Use of electronic testimony is permitted for various purposes in many states (including Connecticut) and federal courtrooms. The Uniform Interstate Family Support Act (UIFSA) provides for parties to "testify by telephone, through audiovisual means or by any other electronic means." The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) permits an individual to be deposed or to testify by telephone, audiovisual means or electronic means. The utility of electronic testimony is recognized and its use is becoming more prevalent.

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, upon request of the servicemember and 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 actions involving family matters while deployed to remote locations.

HB 6457, "AAC the Display of the State or National Flag at Half Staff" revises section 3-10f of the general statutes to provide the Governor the statutory authority to proclaim the display of the state or national flag at half staff. Current statute is limited, providing authority for the display of the national flag at half staff only for a period following the line-of-duty death of a member of the armed forces. This

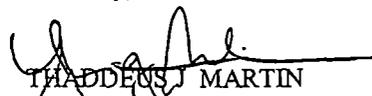
revision expands the statutory authority of the Governor to proclaim the display of either the state or national flag at half staff. This expanded authority provides flexibility to our commander in chief. Federal law (the Flag Code) permits governors to lower the national flag to half staff for certain purposes. Whenever the governor utilizes his federal authority to display the national flag at half staff, all other flags, by operation of law and tradition, must be displayed at a lower height than the national flag (at half staff as well). The governor should have the authority to lower the state flag for certain purposes, including the death of certain state luminaries, which would not cause the national flag to be half-staffed. This bill provides the governor the necessary and proper flexibility to render appropriate honors to Connecticut citizens while ensuring time-honored traditions and proper flag etiquette.

**HB 6458, "AAC the New England Disaster Training Center Activity Account"** establishes a Military Department account in the General Fund for the purpose of operating the New England Disaster Training Center (NEDTC). NEDTC was established in 2008 when Connecticut received \$8 million in federal funding to develop a facility for providing disaster-response training. It houses the Ottilie W. Lundgren Memorial Field Hospital, a 100-bed mobile field hospital, which assembles in hours and can be ready to triage and treat hundreds of patients during a public health emergency. NEDTC provides civilian and military participants the opportunity to learn, practice and integrate rescue, clinical, logistical and leadership skills to strengthen both individual and team capabilities in support of disaster response. Training conducted includes instruction on austere medical environment, urban search and rescue (USAR), canine search, trench rescue, confined space, rail car rescue and incident command system. Over the past two years NEDTC has supported training for Health and Human Service's National Disaster Medical System, CT-1 Disaster Medical Assistant Team (DMAT), TF-1 (CT USAR), Conn. Fire Academy, civilian and military canine search, National Guard Civil Support Team, Hartford Hospital emergency responder training, Yale New Haven Health medical personnel austere training.

Due to the nature of the funds used to facilitate NEDTC's diverse training activities, a non-lapsing military account is necessary. NEDTC may receive federal funds for providing training to federal personnel, including federal grants from the Department of Public Health. 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 NEDTC to execute the training. NEDTC requires the ability to hold the funds, whether grants or tuition, across fiscal years for the execution of a scheduled courses or during the period of enrollment. Many federal personnel or agencies pay for such training (e.g. tuition) directly by use of a government credit card. In essence, NEDTC requires the flexibility to operate as a training institute and to issue payments from received funds on an ongoing basis, specific to scheduled training events. A non-lapsing account provides the mechanism to simultaneously receive and disburse funds, based on the training conducted, while being subject to state and federal auditing

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. I also request your favorable consideration and passage of two other bills still before the committee, SB 835, "AAC Military Leave from Employment" and SB836, "AAC Military Recruiter Access to Military Records," which are important for the efficient operation of the Connecticut Military Department.

Sincerely,

  
THADDEUS J. MARTIN  
Major General  
The Adjutant General

Copy Furnished:  
Governor's Office