

**PA13-49**

SB0835

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

**VOL.56  
PART 13  
4177 – 4511**

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HOUSE OF REPRESENTATIVES

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May 16, 2013

Welcome to the Chamber. We hope you enjoy your stay here and get to see how we do business. Please don't be strangers. Come on back any time.

Are there any other announcements or introductions? Representative Hennessey.

REP. HENNESSEY (127th):

Thank you, Mr. Speaker. I'm waiting to call out a bill.

SPEAKER SHARKEY:

Is that right?

REP. HENNESSEY (127th):

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

I'll take that under advisement. Thank you, sir.

To that end, will the Clerk please call Calendar Number 550.

THE CLERK:

Yes, Mr. Speaker, on Page 31 of the House Calendar, House Calendar Number 550, Favorable Report of the Joint Standing Committee on Labor and Public Employees, Senate Bill Number 835 AN ACT CONCERNING MILITARY LEAVE FROM EMPLOYMENT.

SPEAKER SHARKEY:

Representative Hennessey.

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REP. HENNESSEY (127th):

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

SPEAKER SHARKEY:

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

REP. HENNESSEY (127th):

Thank you, Mr. Speaker. Mr. Speaker, this bill aligns Connecticut law with the Federal Uniform Services Employment and Reemployment Rights Act, otherwise known as USERRA.

It's a jobs bill that will protect state service members when they are serving for Connecticut, when they're called out to serve in Connecticut. It protects their job and it's a good bill and I hope it passes. Thank you.

SPEAKER SHARKEY:

Thank you, sir. Do you care to remark further on the bill that's before us? The distinguished Ranking Member of the Veterans Committee, Representative Yaccarino.

REP. YACCARINO (87th):

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Thank you, Mr. Speaker, and good afternoon.

SPEAKER SHARKEY:

Good afternoon, sir.

REP. YACCARINO (87th):

What this bill basically does is, it does mirror federal law and if somebody's called for the Foot Guard or Memorial Service, they're protected from their employee.

Most employers, if not all, would protect them anyway, their rights, but this just seals their rights and it's a good bill and it ought to pass. Thank you.

SPEAKER SHARKEY:

Thank you, sir. Representative Nicastro of the 79th.

REP. NICASTRO (79th):

Good morning, Mr. Speaker.

SPEAKER SHARKEY:

Good morning, sir.

REP. NICASTRO (79th):

Mr. Speaker, I stand in strong support of this bill. They made the point clear. And what it does is, it gives the Governor the authority to call out the Horse Guard, the Foot Guard or something like that

and they won't be punished on their job for missing work.

It's happened in the past and what this does is, it protects somebody from losing their job or not being paid for the time that they missed, and I strongly support this. It's long overdue. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir. Do you care to remark further on the bill that's before us? Representative Sawyer of the 55th.

REP. SAWYER (55th):

Thank you, Mr. Speaker. Connecticut's Food Guard and the Horse Guard are some of the oldest militia in the United States and they are a source of great pride not only to that organization but to many of us when we see them out on parade.

But we also know that for the Connecticut Foot Guard they took on another role. They also took on the role of an emergency response team. They took on the role to be able to set up the giant hospital tent that is used in case of a severe emergency.

So when we look at them as honorees in some respects, but we also know that they also attend

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funerals. They also attend important state functions such as the inauguration of the Governor and also they parade when we honor our dead on Memorial Day and also on the Fourth of July they are beloved across the state when there are parades.

So I'm very pleased that this has come about. It is, I think, well beyond due for them and it's a very rare specific time that they are called out. This isn't a major cost to the employers and because it matches federal law, it will match what's going on across the country.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam. Would you care to remark further on the bill that's before us? Representative Ackert of the 8th District.

REP. ACKERT (8th):

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

SPEAKER SHARKEY:

Please proceed, sir.

REP. ACKERT (8th):

Thank you. Now, would these, I did read the bill and it says, ordered to perform military duties.

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Would that, meaning that you could ask to volunteer for something? Would that be included as being considered ordered?

SPEAKER SHARKEY:

Representative Hennessey, do you care to respond?

REP. HENNESSEY (127th):

Through you, Mr. Speaker. Well, I would imagine so, that that could be the possibility, but I don't really see how that would be happening. It would be a cause of service that would be compelling that would be calling either the Foot Guard, the Horse Guard or the National Guard to perform some kind of service that's not covered by federal orders. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Mr. Speaker. And it did mention a lot of, it said municipal costs. But this goes for any employer, not just municipal employers, but also for any employer, private sector, too? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Hennessey.

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REP. HENNESSEY (127th):

Through you, Mr. Speaker, yes.

SPEAKER SHARKEY:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Mr. Speaker, and thank you to the good gentleman. There are issues that time and time again that you know, when we have a loss of somebody in our military, that we look forward to those that can come and perform at the funerals. It has been under-attended. There has been a struggle in getting some of these individuals to come to, because of work schedules.

So I do support this. There are times when somebody may over-volunteer and I would hope that nobody would abuse this. Thank you to the good gentleman.

SPEAKER SHARKEY:

Thank you, sir. Do you care to remark further on the bill that's before us? Representative Adinolfi of the 103rd.

REP. ADINOLFI (103rd):

I support this bill. I think it's good. But however, in 1994 the federal government came out with

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a bill on re-employment rights and rights of military on duty and in there they mention the law gives protection to every type of a variety employee in this military section.

So I think the bill is good. It clarifies it. But I also believe it's already covered under federal code. Thank you.

SPEAKER SHARKEY:

Thank you, sir. Do you care to remark? Do you care to remark further on the bill that's before us?

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

THE CLERK:

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

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

SPEAKER SHARKEY:

Have all the Members voted? Have all the Members voted? Will the Members please check the board to make sure your vote is properly cast.

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

TGE CLERK:

Yes, Mr. Speaker. Senate Bill Number 835 in concurrence with the Senate.

Total Number Voting	131
Necessary for Passage	66
Those voting Yea	131
Those voting Nay	0
Those absent and not voting	19

SPEAKER SHARKEY:

The bill passes in concurrence with the Senate.

And will the Clerk please call Calendar Number 518.

THE CLERK:

Yes, Mr. Speaker. On Calendar Page 27, House Calendar Number 518, Favorable Report of the Joint Standing Committee on Judiciary, House Bill 6693 AN ACT CONCERNING COSTS INCURRED BY STATE RESIDENTS WHEN RESPONDING TO OUT-OF-STATE DISCOVERY REQUESTS.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

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SENATE**

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Madam President, I move for reconsideration. Through my omission, I forgot to call the amendment, and I apologize to the Circle.

THE CHAIR:

Now, Senator, will you please call the amendment again?

SENATOR CRISCO:

Yes, Madam President, (inaudible) --

THE CHAIR:

Though hold on a minute; I'm getting -- we don't have -- you don't have the amendment filed? Okay. The amendment is not in our possession at this point.

So, Senator Looney, if you would ask --

SENATOR LOONEY:

Yes, Madam President, if we might pass that item temporarily.

THE CHAIR:

Okay; so ordered.

SENATOR LOONEY:

Yes; thank you, Madam President.

Madam President, if the Clerk would -- would then call, as the next item, from Calendar Page 7, Calendar 192, Senate Bill 835.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 7, Calendar 192, Senate Bill Number 835, AN ACT CONCERNING MILITARY LEAVE FROM EMPLOYMENT,

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Favorable Report of the Committee on Labor and Public Employees.

THE CHAIR:

Senator Leone.

SENATOR LEONE:

Thank you, Madam President.

I move acceptance of the joint committee's Favorable Report and passage of the bill.

THE CHAIR:

Motion is on passage. Will you remark?

SENATOR LEONE:

Thank you, madam.

This bill is a Military Department bill, and basically it would ensure that in addition to any member of a Reserve component of the Armed Forces of the United States and any member of the National Guard, any member of the Armed Forces of the State is permitted to take a leave of absence from work to attend ordered, military duty, such as drills and meetings, without being subjected to adverse employment repercussions.

So basically this revision would reinforce 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.

And I want to thank all the members of both the Veterans Affairs Committee and the Labor Committee for getting this out unanimously and thank my Ranking Member, Senator Welch as well.

Thank you. And I would urge support and passage of the bill.

THE CHAIR:

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Thank you.

Will you remark? Will you remark?

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

And thank you to Senator Leone for bringing this out.

This is a very important bill, as it aligns states' rights with the federal rights. And we all have friends and family and loved ones who have served and continue to serve, and this is just an important protection to make sure that they are treated just and fair when they come back, back stateside.

As the Chairman mentioned, this bill came out of Veterans' unanimous; it was also unanimous out of Labor, and I would encourage the Circle's support.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Leone.

SENATOR LEONE:

Thank you, madam.

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

THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk, can we go -- oh, Senator Looney.

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So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 48, Calendar 309, Senate Bill Number 899, Madam President, move to place this item on the foot of the Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

And Madam President, on Calendar page 50, Calendar 405, Senate Bill Number 848, Madam President, move to refer this item to the Committee on Finance, Revenue and Bonding.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would now read the items on the first Consent Calendar and then if we might proceed to a vote on that first Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 1, Calendar 496, House Joint Resolution Number 98; Calendar 497, House Joint Resolution Number 99.

On page 2, Calendar 498, House Joint Resolution Number 100; Calendar 499, House Joint Resolution Number 101;

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also on page 2, Calendar 500, House Joint Resolution  
Number 102.

On page 4, Calendar 119, Senate Bill 564.

On page 5, Calendar 155, Senate Bill 231.

On page 6, Calendar 169, Senate Bill 881; and Calendar  
188, Senate Bill 1029.

On page 7, Calendar 192, Senate Bill 835.

On page 12, Calendar 284, Senate Bill 964.

Page 16, Calendar 353, House Bill 6481.

On page 18, Calendar 376, Senate Bill 878; Calendar  
372, Senate Bill 977.

On page 19, Calendar 387, Senate Bill 386; and  
Calendar 392, Senate Bill 366.

On page 20, Calendar 396, Senate Bill 991; and  
Calendar 413, Senate Bill 1049.

On page 21, Calendar for 424, House Bill 6212.

And on page 25, Calendar 463, House Bill 6405.

THE CHAIR:

Those are all the bills on the Calendar.

At this point, Mr. Clerk, will you call for a roll  
call vote of the first Consent Calendar of the day and  
the machine will be open.

THE CLERK:

~~Immediate roll call has been ordered in the Senate.~~  
Voting the first Consent Calendar of the day.  
Immediate roll call has been ordered in the Senate.  
Senators please return to the chamber.

(Senator Coleman of the 2nd in the Chair.)

THE CHAIR:

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Would members please check the board to see that your vote has been properly recorded? If all members have voted and all votes have been properly recorded, the machine will be closed.

And would the Clerk please take and announce the tally.

THE CLERK:

On the first Consent Calendar of the day.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar has passed.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

If we might stand at ease for -- for just a moment.  
Thank you.

THE CHAIR:

The Chamber please stand at ease.

(Chamber at ease.)

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**VETERANS'  
AFFAIRS  
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**JOINT  
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**VETERANS'  
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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.

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.

SB 835  
SB 836  
HB 6348  
HB 6349

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

addresses that. What it essentially does is allows military personnel to attend military duties without suffering any employment discrimination. It mirrors federal legislation, USERRA, that authorizes personnel to attend military duties. This bill would also authorize members of the Governor's Guard to attend, in a voluntary status, without employment discrimination.

Senate Bill 836. This is military recruiter access to military records. Prior to 2002, with the passage of Public Act 2-137, military discharge documents were public documents. Our military recruiters could go into municipal agencies, Department of Veterans' Affairs, and access those documents. With the concerns of identity theft, the -- the state restricted access to those documents, and with that our recruiters lost their ability to generate leads from these documents.

Thirty percent of all personnel recruited into the National Guard are prior service members, meaning they either came off of active duty and returned to the state, or possibly had been out of the service for many years. Those are very lucrative leads, and although our recruiting stance today is -- is very robust, it -- it -- there's an ebb and a flow. So we're asking that this bill be passed to allow our recruiters access to those documents.

As far as identity theft, military recruiters are required to have a secret security clearance. They are required to protect

just more or less an exemption to the restriction placed upon that document.

SENATOR LEONE: Thank you. And let me just ask one other question on Senate Bill 835, about the employer allowing -- allowing leave for voting and so forth.

Currently that's something that's not in statute, but have we had problems with military members falling in that scenario where the employers have not been accommodating?

LT. COL. TIMOTHY TOMCHO: It is a revision to 27-33a. The law, as written -- the language is somewhat stultifying. It's older and not quite understood. Military service has expanded.

One of the main reasons why we -- we sought to update the statute was that members of the Governor's Guard who volunteer for service are not included. The way this is written now, that would also include Governor's Guard when they are called to ordered duty. Now that's the key. Now, they just can't show up and say well I'm not going to work today because I want to go and perform some military service. They have to be ordered to duty in order for that to take effect. And it could be for a Tuesday night unit meeting. If they work on the night shift, they could get orders for that and present that to their employer.

The other issue was emergency call ups. With the recent storms, we've had to call National Guardsmen up within hours. Normally members

know, hey, I'm going to be working the first weekend of the month. They let their employer know, and their employer schedules them around their military obligation. But with immediately call ups, it can be an issue, and this clarifies that with ordered military duty, there is no harm or foul to allow a service member to attend military duty and have to suffer on their civilian employment side.

SENATOR LEONE: Thank you. I'm -- I'm supportive of that. The only -- the only last thing I'll mention is is there a timeframe? So I know in the military you can get up to 30 days of leave. Is there a potential here where a person could say hey I want to take a 30 days leave of absence, or is the intent here for either the emergency call up or the one or two days to take care of a very specific issue?

LT. COL. TIMOTHY TOMCHO: Well, as it stands, if -- if an individual is called up for federal military duty, they would be covered under Federal Law. State military duty -- very rarely do we put anybody on for longer than five to seven days, depending on the operation. Take for example, just the snowstorm, Nemo. We had guardsmen on for approximately five days. And, you know, at that time usually the emergency subsides and the service members can return to work.

SENATOR LEONE: So the intent is really for a very minimal timeframe. This is not for someone to abuse the system and take advantage of not having to go to work for x-amount of days.

LT. COL. TIMOTHY TOMCHO: You're absolutely correct, sir, but there is always the possibility, depending on the nature of the emergency, if there is some disaster that requires 30 days of military service, this bill would cover it.

SENATOR LEONE: No, under emergency services, I'm all for it. It's -- it's when I'm talking not an emergency, or without a natural declaration, I just don't want anyone to abuse the system.

LT. COL. TIMOTHY TOMCHO: The way it's written, sir, it's ordered duty, so it would be difficult for them to abuse it.

SENATOR LEONE: Thank you. Let me open up to any questions. Yes.

SENATOR WELCH: Thank you. Colonel, I do have a few questions with respect to Senate Bill 835 which we were just discussing. And -- and I guess what I -- I really want to appreciate first is under 27-33a, as it is written before your proposed changes, if I were in the Army National Guard and I get called up, would by employer be able to terminate me for missing work during that period of time? Or are they currently protected under 27-33a?

LT. COL. TIMOTHY TOMCHO: 27-33a does provide some level of protection, but it's not as absolute as the federal law which essentially prohibits discrimination against service members for their military service. What this does is it puts it on parity with the federal law. So --

no, we've never had a case where somebody was terminated. We've had many calls, especially with the latest state callups from employers saying, hey, does this apply? Do I have to allow my employee to go perform military service? And of course when they ask us, we tell them yes, you do. And thankfully we haven't had to test it. But we've had many service members feel uncomfortable using those provisions to protect their civilian employment. So the distinction really is -- is between -- especially with the Governor's Guard, because they are voluntary.

SENATOR WELCH: Well that -- that -- that distinction I get. That's crystal --

LT. COL. TIMOTHY TOMCHO: Yes.

SENATOR WELCH: -- clear to me in the language change here.

LT. COL. TIMOTHY TOMCHO: But a guard can -- can be called up either by the Federal Government --

SENATOR WELCH: Right.

LT. COL. TIMOTHY TOMCHO: -- or by the State. When it's a federal call up, or if you're just on a National Guard weekend, the Federal Law applies to you. So this -- this really covers down on the state active duty when called out by the State.

SENATOR WELCH: Okay, and I appreciate you might not have the bill in -- in front of you, but I'm

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?

**VETERANS OF FOREIGN WARS OF THE UNITED STATES  
DEPARTMENT OF CONNECTICUT**

PS



STATE LEGISLATIVE OFFICE

STATEMENT OF

ROBERT A. HUNTER  
STATE LEGISLATIVE CHAIRMAN  
VETERANS OF FOREIGN WARS OF THE UNITED STATES

BEFORE THE  
COMMITTEE ON VETERANS' AFFAIRS  
THE STATE OF CONNECTICUT

WITH RESPECT TO PENDING VETERANS' BENEFITS LEGISLATION  
FEBRUARY 19, 2013  
HARTFORD, CT

Senate Chairman Leone, House Chairman Hennessey, and members of the Committee on Veterans Affairs:

Thank you for the opportunity to provide testimony on the following veterans' legislation. The more than 18,500 members of the Department of Connecticut, Veterans of Foreign Wars greatly appreciate the voice you give them at these hearings that are critical to their well-being as veterans and citizens of the great State of Connecticut.

1. Proposed S.B. No. 70 AN ACT RESTORING BENEFITS TO VETERANS DISCHARGED UNDER "DON'T ASK, DON'T TELL". (VA)

The VFW supports this proposed legislation with the conviction that all honorably discharged veterans should be afforded the benefits due them for their honorable service in our nation's armed forces.

2. Proposed S.B. No. 71 AN ACT CONCERNING EMPLOYMENT OPPORTUNITIES FOR VETERANS AND SPOUSES OF ACTIVE MILITARY PERSONNEL. (VA)

The VFW supports the proposed legislation as it will serve veterans and their spouses to ease their re-entry into the workforce.

3. Proposed S.B. No. 152 AN ACT CONCERNING A MUNICIPAL PROPERTY TAX EXEMPTION PROGRAM FOR ONE HUNDRED PERCENT DISABLED VETERANS. (VA)

The VFW supports this proposed legislation. Our one-hundred percent disabled veterans face many challenges throughout the course of their lives most citizens will never experience, with reduced income-earning potential laying in the forefront of the challenges they face as civilians. Relieving these honored citizens of their property tax burden will certainly ease some of the unique stresses they endure as a function of their disability.

14. Proposed H.B. No. 5753 AN ACT CONCERNING THE PROPERTY TAX EXEMPTION FOR VETERANS WHO SERVED IN TIME OF WAR OR ARE DISABLED. (VA)

The VFW supports this proposed legislation. Relieving these honored citizens of a share of their property tax burden pays honor to the quality of their service to our nation during a time of war or conflict. In the case of those veterans are less than one hundred percent disabled, relieving them of some of their property tax burden will certainly ease some of the unique stresses they endure as a function of their disability.

15. Proposed H.B. No. 5754 AN ACT CONCERNING MENTAL HEALTH SERVICES FOR VETERANS AND MEMBERS OF THE ARMED FORCES. (VA)

The VFW supports this proposed legislation in principal. The VFW holds high the mental health of veterans as one of its signal issues requiring our attention at both the national and state levels. We remain concerned that treatment must include alternative methods beyond long-term medication therapy for mental health issues such as Post-Traumatic Stress. The VFW believes all veterans should have the means to completely, functionally reintegrate into civilian life by any reasonable means.

16. S.B. No. 835 (RAISED) AN ACT CONCERNING MILITARY LEAVE FROM EMPLOYMENT. (VA)

The VFW thanks the Committee for recognizing our comrades in the various armed forces of the state should be afforded the same employment protections as our active duty military when they are called upon to act on their oaths and fulfill their obligations.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

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

**2013**



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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.



# 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

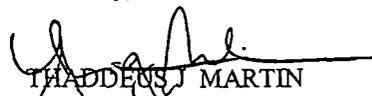
revision expands the statutory authority of the Governor to proclaim the display of either the state or national flag at half staff. This expanded authority provides flexibility to our commander in chief. Federal law (the Flag Code) permits governors to lower the national flag to half staff for certain 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