



## Agency Legislative Proposal - 2019 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DVA2019 – 1Legislative Proposal

(If submitting electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency: Department of Veterans Affairs

**Liaison:** Thomas J. Saadi, Commissioner

**Phone:** 860-616-3604

**E-mail:** thomas.j.saadi@ct.gov

Lead agency division requesting this proposal: Department of Veterans Affairs

Agency Analyst/Drafter of Proposal: Thomas J. Saadi

**Title of Proposal:** Clarification of Definition of Veteran, Wartime Service, DVA admission Residency requirements and burial in state Veterans' cemeteries.

**Statutory Reference:** C.G.S. Sec 27-103 (a)

**Proposal Summary:** Clarify the definition of "Veteran" for purposes of state-based benefits by establishing a uniform definition throughout the statutes by which a Veteran will be defined as any person honorably discharged or discharged under honorable conditions from service in the Armed Forces, including Reserve and National Guard components, who completed entry level training (e.g. Basic Training/Boot Camp/Advanced Individual Training). Clarify the definition of "Wartime Service," to distinguish service of ninety or more or less days, and remove the two-year state residency requirements for admission to the DVA Residential Facility and Healthcare Center.

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

*Please consider the following, if applicable:*

Expanding/clarifying the definition of "Veteran" has been raised by many Veteran Organizations, individuals, and in multiple Legislative Sessions. There are inconsistent interpretations in the current definition of "active service" by agencies determining Veteran status. Some agencies determine that a former member of the Armed Forces is not a Veteran, even though they received an Honorable or Under Honorable Conditions Discharge, because they served in the Reserve or National Guard and their only Active Duty was for training purposes, which is excluded in the interpretation by most agencies of that which constitutes "active service" in the Armed Forces. Therefore, to recognize the service of those in the Reserve and National Guard, the term "Service" has been amended to include "active service or entry level and skill training." This broader definition still requires individuals to have a Service



Characterization of Honorable or Under Honorable Conditions Discharge, but will recognize that individuals who complete what is colloquially known as "boot camp," to be a "Veteran" notwithstanding whether they had additional active duty service. Since every military member in every branch of the Armed Forces, including those in the Reserves and National Guard components, must complete said training, including the term "entry level and skill training" will ensure all eligible individuals are covered. Secondly, the definition of "Wartime Service" was rewritten to clarify the term. Removal of the two-year state residency requirement is pursuant to OAG opinion finding the practice unconstitutional. Additionally, the inconsistency of interpretations from Agency to Agency will affect the overall efficiency of the Agencies' performance.

**Origin of Proposal**       **New Proposal (partial)**     **Resubmission (Partial)**

*If this is a resubmission, please share:*

The definition portion is a resubmittal as SB 287 in the 2018 Session, which would have addressed this issue, was not called for a vote.

### PROPOSAL IMPACT

**AGENCIES AFFECTED** *(please list for each affected agency)*

**Agency Name:** Several agencies would be impacted to include: DMV, DOL, DOC.

**Agency Contact (name, title, phone):** [Click here to enter text.](#)

**Date Contacted:** [Click here to enter text.](#)

Approve of Proposal     **YES**     **NO**     **Talks Ongoing**

#### **Summary of Affected Agency's Comments**

While the fiscal impact is speculative it is limited as the majority of Veterans' benefits with significant fiscal implications have additional qualifying requirements such as "wartime service," Federal Active Duty Service pursuant to 38 USC 101, or "service connected disability" in order to receive certain benefits. This bill does not expand the number of Veterans eligible for benefits with those qualifiers such as medical support, Connecticut's tuition waiver, motor vehicle registration fee waiver or most municipal tax abatements as those all have one or more additional qualifiers. It would provide access to limited programs such as civil service points, state contract bidding preference, limited housing assistance, Veteran plates and fee waivers for death certificates (\$20), high school exams (\$13) and identification cards for blind veterans (\$22.50).

Will there need to be further negotiation?     **YES**     **NO**



◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

<b>Municipal</b> <i>(please include any municipal mandate that can be found within legislation)</i> None as all municipal property tax abatements/credits for Veterans containing additional qualifying elements such as disability, wartime service, injury etc . . . to qualify for the benefit.
<b>State</b> See above.
<b>Federal</b> None
<b>Additional notes on fiscal impact</b> <a href="#">Click here to enter text.</a>

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

This bill does not expand the number of Veterans who would qualify for benefits or honors reserved for disabled Veterans, Wartime Service Veterans or Veterans just coming off of active duty or their eligible survivors (e.g. municipal tax abatements, wartime service medal, tuition waiver, one year waived motor vehicle registration, etc . . .) as the text of those statutes expressly define eligibility in a manner more restrictive than the baseline definition of Veteran in C.G.S. 27-103(a)(2).
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**Insert fully drafted bill here**

**Section 1. Section 27-103 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):**

(a) As used in the general statutes, except chapter 504, and except as otherwise provided: (1) “Armed forces” means the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard performing duty as provided in Title 32 of the United States Code, as amended from time to time; (2) “Active Service” has the same meaning as “active military, naval, or air service” as provided in 38 USC 101; (3) “Entry Level and Skill Training” has the same meaning as provided in 38 USC 3301; (3) “Service” means Active Service or Entry Level and Skill Training; [(2)] (5) “veteran” means any person honorably discharged [from,] or released under honorable conditions from [active] service in[,] the armed forces; [(3)] (6) “service in time of war” means service of ninety or more cumulative days [except, if the period of war lasted less than ninety days, “service in time of war” means service for the entire period of war,] during a period of war unless separated from



service earlier because of [\[a\] an injury incurred or aggravated in the line of duty or a service-connected disability rated by the \[Veterans' Administration, during a period of war\] United States Department of Veterans Affairs, except that if the period of war lasted less than ninety days, "service in the time of war" means service for the entire such period of war unless separated so because of any such injury or disability;](#) and ~~[(4)]~~ (7) "period of war" has the same meaning as provided in 38 USC 101, as amended, from time to time, except that the "Vietnam Era" means the period beginning on February 28, 1961, and ending on July 1, 1975, in all cases; and "period of war" shall include service while engaged in combat or a combat support role in Lebanon, July 1, 1958, to November 1, 1958, or September 29, 1982, to March 30, 1984; Grenada, October 25, 1983, to December 15, 1983; Operation Earnest Will, involving the escort of Kuwaiti oil tankers flying the United States flag in the Persian Gulf, July 24, 1987, to August 1, 1990; and Panama, December 20, 1989, to January 31, 1990, and shall include service during such periods with the armed forces of any government associated with the United States.

(b) As used in this part, "Veterans Residential Services facility" means the Veterans Residential Services facility in Rocky Hill maintained by the Department of Veterans Affairs that provides temporary and other supported residential services for qualifying veterans; "hospital" means any incorporated hospital or tuberculosis sanatorium in the state and any state chronic disease hospital, or hospital for persons with mental illness; "Healthcare Center" means the hospital in Rocky Hill maintained by the Department of Veterans Affairs; "veteran" means any veteran, as defined in subsection (a) of this section, who is a resident of this state, [\[provided, if he or she was not a resident or resident alien of this state at the time of enlistment or induction into the armed forces, he or she shall have resided continuously in this state for at least two years;\]](#) "eligible dependent" means any parent, wife or husband, or child of a veteran who has no adequate means of support; and "eligible family member" means any parent, brother or sister, wife or husband, or child or children under eighteen years of age, of any veteran whose cooperation in the program is integral to the treatment of the veteran.



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State Agency: Department of Veterans Affairs

**Liaison:** Thomas J. Saadi, Acting Commissioner

**Phone:** 860-616-3604

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Lead agency division requesting this proposal: Department of Veterans Affairs

Agency Analyst/Drafter of Proposal: Thomas J. Saadi

**Title of Proposal:** Municipal Veterans Representative Terminology Update and Inclusion of Volunteers

**Statutory Reference:** C.G.S. Sec. 27-135

**Proposal Summary:** To update the name of the Municipal Veterans service contact person to the “Municipal Veterans Representative” which is the commonly utilized nomenclature. Also, allow volunteers to serve as said Municipal Veterans Representative.

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

*Please consider the following, if applicable:*

Explained in the Proposal Summary above.

◇ Origin of Proposal       New Proposal       Resubmission

*If this is a resubmission, please share:*

This is a resubmission as House Bill 5317 in the 2018 Session, which would have addressed this matter was reported out of the VA Committee but not called for a House vote.

### PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** (please list for each affected agency)



**Agency Name:** none  
**Agency Contact (name, title, phone):** Click here to enter text.  
**Date Contacted:** Click here to enter text.

Approve of Proposal     YES     NO     Talks Ongoing

**Summary of Affected Agency's Comments**  
 Click here to enter text.

Will there need to be further negotiation?     YES     NO

◇ **FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation)  
 No fiscal impact and may actually allow greater delivery of services to Veterans through the use of qualified volunteers.

**State**  
 none

**Federal**  
 None

**Additional notes on fiscal impact**  
 Click here to enter text.

◇ **POLICY and PROGRAMMATIC IMPACTS** (Please specify the proposal section associated with the impact)

Click here to enter text.

**Insert fully drafted bill here**

Section 1. Subsection (b) of section 27-135 of the general statutes is repealed and the following is substituted in lieu thereof (*October 1, 2019*):

(b) (1) Any city or town that has not established its own local veterans' advisory committee separate from one or more other cities or towns pursuant to subsection (a) of this section and does not otherwise provide funding for a veterans' service officer shall designate (A) a city or town employee or (B) a volunteer who is a resident of such city or town, and (i) is a veteran, as defined in subsection (a) of section 27-103, or (ii) has practical experience in



handling veterans' issues to serve as a [veterans' service contact person] municipal veterans' representative in such city or town. The Commissioner of Veterans Affairs shall annually send to the chief executive officer of any such city or town an electronic notification of such chief executive officer's duty to so designate a city or town employee or volunteer in accordance with this subsection. Such chief executive officer shall, not later than thirty days after receipt of such notification, submit to the Office of Advocacy and Assistance, as described in subsection (b) of section 27-102l, the name and electronic mail address of the city or town employee or volunteer so designated. As used in this subdivision, "chief executive officer" means the officer described in section 7-193.

(2) [Any city or town employee designated as veterans' service contact person] Each municipal veterans' representative shall carry out the duties described in subsection (a) of this section and shall complete a training course conducted by the Office of Advocacy and Assistance, as described in subdivision (1) of subsection (b) of section 27-102l, or attend a training session conducted by the unit head of said unit, as described in subparagraph (A) of subdivision (2) of subsection (b) of said section. [Each employee so designated prior to July 1, 2016, shall complete such training course prior to January 1, 2017. Each employee so] Each municipal veterans' representative designated on or after July 1, 2016, shall complete such training course not later than one year after the date of such designation. Upon completion of such training course, a [veterans' service contact person] municipal veterans' representative may thereafter receive electronically any new or updated training information from the Office of Advocacy and Assistance and shall not be required to complete any other such training course.

Section 2. Subdivisions (1) to (3), inclusive, of subsection (b) of section 27-102l of the 2018 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(b) (1) The commissioner may appoint a manager to administer an Office of Advocacy and Assistance for the aid and benefit of veterans and their spouses, eligible dependents and family members. The office shall have a staff of not less than eight men and women, including six veterans' service officers, and clerical personnel. The manager and veterans' service officers shall be veterans, as defined in subsection (a) of section 27-103, or veterans who were awarded the armed forces expeditionary medal for service by the armed forces.

(2) (A) The manager shall develop a training module on assisting and serving women veterans with regard to state or federal services or benefits and identifying and advising such veterans of community or nonprofit programs focused on assisting and serving such veterans. The manager shall hold and provide instruction for an annual training session, in



accordance with such module, to each veterans' [services] service officer and any [veterans' service contact person] municipal veterans' representative, as described in subsection (b) of section 27-135, or representative from an Operation Academic Support for Incoming Service Members center at a public institution of higher education in this state.

(B) At least one of the veterans' service officers shall be a woman having a demonstrated interest in the concerns of women veterans, who shall be responsible for addressing those concerns, and, effective upon the next opening of a veterans' service officer position occurring on or after July 1, 2010, at least two of the veterans' service officers shall be individuals having bilingual proficiency in English and Spanish, within existing authorized positions. Each veterans' service officer shall (i) successfully complete a course in veterans' benefits not later than one year after commencement of employment, (ii) attend the training session described in subparagraph (A) of this subdivision, and (iii) be assigned to one of the five congressional districts of the state.

(3) The office staff shall, at least twice annually, conduct a training course for any [city or town employee designated a veterans' service contact person pursuant to subsection (b) of section 27-135] municipal veterans' representative. The office staff shall include in such training course a summary of state and federal services and benefits, the duties to be carried out by each [veterans' service contact person] municipal veterans' representative, as described in subsection (a) of section 27-135, and any assistance the office staff may provide to any [veterans' service contact person] municipal veterans' representative related to such duties.