



Agency Legislative Proposal - 2022 Session

Document Name: 09292021_OHE_VeteransEDBenefits

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Office of Higher Education

Liaison: Noele R Kidney
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Lead agency division requesting this proposal: Office of Higher Education

Agency Analyst/Drafter of Proposal: Noele R Kidney

Title of Proposal: In-state Tuition Benefits for Veterans

Statutory Reference: Sec. 10a-29.

Proposal Summary:

The Department of Veteran Affairs requires institutions to charge an in-state tuition rate for veterans regardless of the amount of time a veteran has lived in the state. In order to comply with Title 38 of the US Code, Connecticut must revise the related statute to ensure that qualified veterans who live in any state receive in-state tuition from public institutions of higher education in spite of how long they've lived in that state. Failure to comply with this US Code could mean the loss of educational benefits to veterans attending these institutions.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Yes. The Federal Government revised Title 38 of the US Code for veteran in-state tuition eligibility effective August 1, 2021. This will impact veterans who apply to and attend the University of Connecticut and all institutions within the CT State Colleges and Universities (CSCU) system. Without this change, Connecticut's statutes will not be in compliance with US Code. The State Approving Agency (SAA), housed within the Office of Higher Education, has requested this legislative change as any state that offers educational veterans benefits is required to be in compliance.



◇ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

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PROPOSAL IMPACT

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

Agency Name: Connecticut State Colleges and Universities/UCONN

Agency Contact (name, title, phone): Sean Bradbury/Alyssa Kelleher

Date Contacted: August and September 2021

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

Summary of Affected Agency's Comments

OHE contacted both UCONN and CSCU about this change in the US Code that would impact their institutions. UCONN said that it could follow the new federal residence requirement without legislation. CSCU said that it will require the statute revision and requested that OHE take the lead on this proposal.

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)

[Click here to enter text.](#)

State

Eliminating the 3 year residency requirement may result in a fiscal impact on the state.

Federal

[Click here to enter text.](#)



Additional notes on fiscal impact

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

OHE's State Approving Authority (SAA) will continue its role ensuring that residency requirements and educational resources are being followed for veterans enrolled in the state's institutes of higher learning. This will increase SAA workload.

◇ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

"N.A."

Insert fully drafted bill here

Sec. 10a-29. (Formerly Sec. 10-329e). Determination of student status. The following shall determine the status of a student:

(6) (A) A member of the armed forces who is stationed in this state pursuant to military orders shall be entitled to classification as an in-state student.

(B) The spouse of any person who is a member of the armed forces and stationed in this state pursuant to military orders shall be entitled to classification as an in-state student. The spouse, while in residence after the spouse's acceptance for matriculation at a constituent unit of the state system of higher education in a course of study leading to an associate, bachelor or advanced degree, shall not lose classification as an in-state student if the member of the armed forces is thereafter transferred on military orders;

(NEW) (C) A VETERAN WHO LIVES IN THE STATE, REGARDLESS OF HIS/OR FORMAL STATE OF RESIDENCE, AND IS DISCHARGED FROM A PERIOD OF ACTIVE DUTY SERVICE OF 90 DAYS OR MORE SHALL BE ENTITLED TO CLASSIFICATION AS AN IN-STATE STUDENT.



(7) An unemancipated person whose parent is a member of the armed forces and stationed in this state pursuant to military orders shall be entitled to classification as an in-state student. The student, (A) while in continuous attendance toward the degree for which the student is currently enrolled, or (B) while in residence after his or her acceptance for matriculation at a constituent unit of the state system of higher education in a course of study leading to an associate, bachelor or advanced degree, shall not lose classification as an in-state student if his or her parent is thereafter transferred on military orders;

(NEW) (10) (A) ANYONE USING TRANSFERRED VETERANS ADMINISTRATION BENEFITS WHO LIVES IN THE STATE, REGARDLESS OF HIS/HER FORMAL STATE OF RESIDENCE), AND IS DISCHARGED FROM A PERIOD OF ACTIVE DUTY SERVICE OF 90 DAYS OR MORE; OR (B) ANYONE USING BENEFITS UNDER THE MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP; OR (C) ANYONE USING TRANSFERRED POST-9/11 G.I. BILL BENEFITS (38 U.S.C. § 3319) AND THE TRANSFEROR IS A MEMBER OF THE UNIFORMED SERVICE WHO IS SERVING ON ACTIVE DUTY, SHALL BE ENTITLED TO BE CLASSIFICATION AS AN IN-STATE STUDENT



Agency Legislative Proposal - 2022 Session

Document Name: 09292021_OHE_StateAppointedOfficers

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Office of Higher Education

Liaison: Noele R Kidney

Phone: 860-305-7927

E-mail: noele.kidney@ct.gov

Lead agency division requesting this proposal: Finance and Human Resources

Agency Analyst/Drafter of Proposal: Noele Kidney/Ram Aberasturia

Title of Proposal: Adding Office of Higher Education Executive Director to the list of Department Heads

Statutory Reference: Conn. Gen. Stat. 4, Sec. 4-5

Proposal Summary:

The Executive Director of the Office of Higher Education to be added to the list of state appointive officers under Chapter 46, Sections 4-5.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

The Office of Higher Education was made an executive agency on July 1, 2011 (Sec. 10a-1d) and its agency head is appointed by the Governor; as such we believe the office should be added to the existing list of State Appointed Officers. Currently, OHE bargaining unit employee titles do not exist within DAS. The Office of Higher Education is currently working on the process of normalizing its employee titles. This will be accomplished through the collective bargaining. Adding its Executive Director to the list of appointed officers will be a good start toward this effort.

◇ Origin of Proposal

☒ New Proposal

☐ Resubmission



If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

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PROPOSAL IMPACT

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

Agency Name: [Click here to enter text.](#)

Agency Contact (name, title, phone):

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

State

No fiscal impact

Federal

No fiscal impact

Additional notes on fiscal impact

[Click here to enter text.](#)



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

Currently all of the agency heads, except the executive director of the Office of Higher Education, are included in Title 4 of the General Statutes. Agency heads named in section 4-5 include the executive director of the Office of Military Affairs, the executive director of the Office of Health Strategy and the executive director of the Technical Education and Career System. Including the executive director of the Office of Higher Education would correct this omission.

◇ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

"N.A."

Insert fully drafted bill here

Sec. 4-5. *(See end of section for amended version and effective date.) "Department head" defined. As used in sections 4-6, 4-7 and 4-8, the term "department head" means Secretary of the Office of Policy and Management, Commissioner of Administrative Services, Commissioner of Revenue Services, Banking Commissioner, Commissioner of Children and Families, Commissioner of Consumer Protection, Commissioner of Correction, Commissioner of Economic and Community Development, State Board of Education, Commissioner of Emergency Services and Public Protection, Commissioner of Energy and Environmental Protection, Commissioner of Agriculture, Commissioner of Public Health, Insurance Commissioner, Labor Commissioner, Commissioner of Mental Health and Addiction Services, Commissioner of Social Services, Commissioner of Developmental Services, Commissioner of Motor Vehicles, Commissioner of Transportation, Commissioner of Veterans Affairs, Commissioner of Housing, Commissioner of Aging and Disability Services, the Commissioner of Early Childhood, the executive director of the Office of Military Affairs, the executive director of the Office of Health Strategy, **THE EXECUTIVE DIRECTOR OF THE OFFICE OF HIGHER EDUCATION** and the executive director of the Technical Education and Career System. As used in sections 4-6 and 4-7, "department head" also means the Commissioner of Education.

(March, 1950, 1953, S. 27d; 1959, P.A. 412, S. 3; 637, S. 1; 1967, P.A. 152, S. 4; 522, S. 4; 657, S. 80; 1969, P.A. 664, S. 17; 768, S. 57; 814, S. 7; 1971, P.A. 872, S. 3; P.A. 73-599, S. 7; 73-677, S. 2; P.A. 75-519, S. 2, 12; 75-537, S. 17, 55; 75-638, S. 8, 23; P.A. 77-614, S. 4, 610; P.A. 79-598, S. 2, 27; P.A. 80-482, S. 3, 345, 348; P.A. 84-342, S. 2, 13; P.A. 86-175, S. 2, 4; P.A. 87-9, S. 2, 3; 87-496, S. 1, 110; P.A. 93-91, S. 1, 2; 93-262, S. 26, 87; 93-381, S. 9, 39; P.A. 95-250, S. 13, 42; 95-257, S. 11,



12, 21, 40, 58; 95-309, S. 11, 12; P.A. 96-211, S. 1, 5, 6; June 18 Sp. Sess. P.A. 97-9, S. 14, 50; P.A. 03-84, S. 4; 03-217, S. 2; June 30 Sp. Sess. P.A. 03-6, S. 146(c), (e), 147, 241; P.A. 04-189, S. 1; 04-205, S. 5; 04-219, S. 1; May Sp. Sess. P.A. 04-2, S. 30; P.A. 06-187, S. 11; P.A. 07-73, S. 2(b); 07-114, S. 2; 07-205, S. 2; Sept. Sp. Sess. P.A. 09-3, S. 23; Sept. Sp. Sess. P.A. 09-7, S. 156; P.A. 11-44, S. 31; 11-48, S. 131; 11-51, S. 46, 141; 11-80, S. 1, 3; June 12 Sp. Sess. P.A. 12-1, S. 29, 121; P.A. 13-4, S. 2; 13-125, S. 27; 13-247, S. 198; P.A. 14-39, S. 5; 14-182, S. 4; P.A. 16-167, S. 12; June Sp. Sess. P.A. 17-2, S. 278; P.A. 18-91, S. 2, 3; 18-182, S. 20; P.A. 19-31, S. 4, 5; 19-117, S. 155, 156; 19-157, S. 2, 3.)

***Note:** On and after July 1, 2022, this section, as amended by section 6 of public act 17-237, section 279 of public act 17-2 of the June special session, section 20 of public act 18-182 and section 283 of public act 19-117, is to read as follows:

“Sec. 4-5. “Department head” defined. As used in sections 4-6, 4-7 and 4-8, the term “department head” means Secretary of the Office of Policy and Management, Commissioner of Administrative Services, Commissioner of Revenue Services, Banking Commissioner, Commissioner of Children and Families, Commissioner of Consumer Protection, Commissioner of Correction, Commissioner of Economic and Community Development, State Board of Education, Commissioner of Emergency Services and Public Protection, Commissioner of Energy and Environmental Protection, Commissioner of Agriculture, Commissioner of Public Health, Insurance Commissioner, Labor Commissioner, Commissioner of Mental Health and Addiction Services, Commissioner of Social Services, Commissioner of Developmental Services, Commissioner of Motor Vehicles, Commissioner of Transportation, Commissioner of Veterans Affairs, Commissioner of Housing, Commissioner of Rehabilitation Services, the Commissioner of Early Childhood, the executive director of the Office of Military Affairs, **THE EXECUTIVE DIRECTOR OF THE OFFICE OF HIGHER EDUCATION** and the executive director of the Technical Education and Career System. As used in sections 4-6 and 4-7, “department head” also means the Commissioner of Education.”

(March, 1950, 1953, S. 27d; 1959, P.A. 412, S. 3; 637, S. 1; 1967, P.A. 152, S. 4; 522, S. 4; 657, S. 80; 1969, P.A. 664, S. 17; 768, S. 57; 814, S. 7; 1971, P.A. 872, S. 3; P.A. 73-599, S. 7; 73-677, S. 2; P.A. 75-519, S. 2, 12; 75-537, S. 17, 55; 75-638, S. 8, 23; P.A. 77-614, S. 4, 610; P.A. 79-598, S. 2, 27; P.A. 80-482, S. 3, 345, 348; P.A. 84-342, S. 2, 13; P.A. 86-175, S. 2, 4; P.A. 87-9, S. 2, 3; 87-496, S. 1, 110; P.A. 93-91, S. 1, 2; 93-262, S. 26, 87; 93-381, S. 9, 39; P.A. 95-250, S. 13, 42; 95-257, S. 11, 12, 21, 40, 58; 95-309, S. 11, 12; P.A. 96-211, S. 1, 5, 6; June 18 Sp. Sess. P.A. 97-9, S. 14, 50; P.A. 03-84, S. 4; 03-217, S. 2; June 30 Sp. Sess. P.A. 03-6, S. 146(c), (e), 147, 241; P.A. 04-189, S. 1; 04-205, S. 5; 04-219, S. 1; May Sp. Sess. P.A. 04-2, S. 30; P.A. 06-187, S. 11; P.A. 07-73, S. 2(b); 07-114, S. 2; 07-205, S. 2; Sept. Sp. Sess. P.A. 09-3, S. 23; Sept. Sp. Sess. P.A. 09-7, S. 156; P.A. 11-44, S. 31; 11-48, S. 131; 11-51, S. 46, 141; 11-80, S. 1, 3; June 12 Sp. Sess. P.A. 12-1, S. 29, 121; P.A. 13-4, S. 2; 13-125, S. 27; 13-247, S. 198; P.A. 14-39, S. 5; 14-182, S. 4; P.A. 16-167, S. 12; P.A. 17-237, S. 6; June Sp. Sess. P.A. 17-2, S. 278, 279; P.A. 18-91, S. 2, 3; 18-182, S. 20; P.A. 19-31, S. 4, 5; 19-117, S. 155, 156, 283; 19-157, S. 2, 3.)

History: 1959 acts deleted milk administrator and athletic commissioner and changed titles of commissioner of agriculture to commissioner of agriculture and natural resources and commissioner of



food and drugs to commissioner of consumer protection; 1967 acts included commissioner of correction, commissioner of community affairs and personnel commissioner in definition; 1969 acts included commissioner of children and youth services and commissioner on aging in definition and substituted commissioner of transportation for highway commissioner; 1971 act removed responsibility for natural resources from commissioner of agriculture and included commissioner of environmental protection; P.A. 73-599 included commissioner of the department of commerce; P.A. 73-677 replaced personnel commissioner with commissioner of personnel and administration; P.A. 75-519 replaced commissioner of personnel and administration with personnel commissioner; P.A. 75-537 included commissioner of planning and energy policy; P.A. 75-638 included commissioner of mental retardation; P.A. 77-614 rewrote section to reflect changes mandated by reorganization of executive branch, deleting finance and control, banking, social services, insurance, health, public works, tax, community affairs, personnel, commerce and planning and energy commissioners and including secretaries of the office of policy and management and of business regulation, the state board of education and administrative services, revenue services, economic development, health services, public safety, income maintenance and human resources commissioners; P.A. 79-598 included commissioner of housing; P.A. 80-482 replaced secretary of business regulation with commissioner of banking and included the commissioner of insurance, the liquor control commission and the public utilities control authority; P.A. 84-342 replaced public utilities control authority with chairperson of the authority; P.A. 86-175 added commissioner of veterans' affairs; (Revisor's note: Pursuant to P.A. 87-9, "banking commissioner" was changed editorially by the Revisors to "commissioner of banking"); P.A. 87-496 added commissioner of public works to definition of "department head"; P.A. 93-91 substituted commissioner and department of children and families for commissioner and department of children and youth services, effective July 1, 1993; P.A. 93-262 removed reference to the commissioner on aging, department of income maintenance and department of human resources, substituting reference to department of social services, effective July 1, 1993; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-250 and P.A. 96-211 replaced Commissioners of Economic Development and Housing with Commissioner of Economic and Community Development; P.A. 95-257 added the Commissioner of Health Care Access, replaced Commissioner of Public Health and Addiction Services with Commissioner of Public Health and replaced Commissioner of Mental Health with Commissioner of Mental Health and Addiction Services, effective July 1, 1995; P.A. 95-309 changed effective date of P.A. 95-250 but did not affect this section; June 18 Sp. Sess. P.A. 97-9 included "Chief Information Officer" in definition of "department head", effective July 1, 1997; P.A. 03-84 changed "Commissioner of Banking" to "Banking Commissioner", effective June 3, 2003; P.A. 03-217 added "executive director of the Board of Education and Services for the Blind" to definition of "department head", effective July 9, 2003; June 30 Sp. Sess. P.A. 03-6 added "executive director of the Connecticut Commission on Arts, Tourism, Culture, History and Film" to definition of "department head", effective August 20, 2003, and changed "Commissioner of Consumer Protection" to "Commissioner of Agriculture and Consumer Protection" and removed reference to "Commissioner of Agriculture", effective July 1, 2004; P.A. 04-189 repealed Secs. 146 and 147 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism; P.A. 04-219 added Commissioner of Emergency Management and Homeland Security,



effective January 1, 2005; P.A. 06-187 added the Ombudsman for Property Rights, effective July 1, 2006; pursuant to P.A. 07-73 "Commissioner of Mental Retardation" was changed editorially by the Revisors to "Commissioner of Developmental Services", effective October 1, 2007; P.A. 07-114 added language re Commissioner of Education; P.A. 07-205 added the executive director of the Office of Military Affairs; Sept. Sp. Sess. P.A. 09-3 deleted reference to Commissioner of Health Care Access, effective October 6, 2009; Sept. Sp. Sess. P.A. 09-7 deleted reference to the Ombudsman for Property Rights, effective October 5, 2009; P.A. 11-44 replaced "the executive director of the Board of Education and Services for the Blind" with "the director of the Bureau of Rehabilitative Services", effective July 1, 2011; P.A. 11-48 deleted "the executive director of the Connecticut Commission on Culture and Tourism" and added "the president of the Board of Regents for Higher Education", effective July 1, 2011; P.A. 11-51 replaced "Commissioner of Public Safety" and "Commissioner of Emergency Management and Homeland Security" with "Commissioner of Emergency Services and Public Protection", added "Commissioner of Construction Services" and deleted "Commissioner of Public Works" and "Chief Information Officer", effective July 1, 2011; P.A. 11-80 changed "Commissioner of Environmental Protection" to "Commissioner of Energy and Environmental Protection" and deleted "the chairperson of the Public Utilities Control Authority", effective July 1, 2011; June 12 Sp. Sess. P.A. 12-1 added "Commissioner of Housing", effective June 15, 2012, and replaced "the director of the Bureau of Rehabilitative Services" with "Commissioner of Rehabilitation Services", effective July 1, 2012; P.A. 13-4 deleted "the president of the Board of Regents for Higher Education", effective April 22, 2013; P.A. 13-125 added Commissioner on Aging to list of officials defined as department heads, effective June 18, 2013; P.A. 13-247 deleted "Commissioner of Construction Services", effective July 1, 2013; P.A. 14-39 added "the Commissioner of Early Childhood", effective May 28, 2014; P.A. 14-182 deleted "Liquor Control Commission", effective June 12, 2014; P.A. 16-167 replaced "Commissioner of Veterans' Affairs" with "Commissioner of Veterans Affairs", effective July 1, 2016; P.A. 17-237 added reference to the executive director of the Technical Education and Career System and made technical changes, effective July 1, 2019; June Sp. Sess. P.A. 17-2 deleted reference to Commissioner on Aging, effective October 31, 2017, and July 1, 2019; P.A. 18-91 added reference to executive director of Office of Health Strategy, effective May 14, 2018; P.A. 18-182 changed effective date of P.A. 17-237, S. 6, from July 1, 2019, to July 1, 2020, effective June 14, 2018; P.A. 19-31 deleted reference to Commissioner on Aging, effective July 1, 2019, and added reference to executive director of Office of Health Strategy, effective July 1, 2020; P.A. 19-117 changed effective date of P.A. 17-237, S. 6, from July 1, 2020, to July 1, 2022, effective June 26, 2019, and deleted reference to Commissioner on Aging, effective July 1, 2019, and added reference to executive director of the Office of Health Strategy, effective July 1, 2020; P.A. 19-157 replaced Commissioner of Rehabilitation Services with Commissioner of Aging and Disability Services, effective October 1, 2019.