



Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DVA2018 – 1Legislative Proposal

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

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| .State Agency: Department of Veterans Affairs |
| Liaison: Thomas J. Saadi, Acting 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 |

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| Title of Proposal: Clarification of Definition of Veteran, Wartime Service and DVA admission Residency requirements |
| 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 any person honorable discharged or discharged under honorable conditions from Active Duty in the Armed Forces, including Active Duty for training purposes, is a Veteran. Remove redundant text in definition of “wartime Service” and remove two state residency requirements for admission to DVA Residential Facility and Healthcare Center. |

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

There is inconsistent interpretation in the current definition of “active service” by agencies determining Veteran status. Persons are deemed as not being Veterans because they served in the Reserve or National Guard and their Active Duty was for training purposes. This is an improper application of the Federal definition of Veteran for Federal Benefits. Secondly, the definition of “Wartime Service” improperly requires service during the entire period of war which means that a single or even multiple year deployments are not “Wartime Service” as many of our current conflicts have lasted many years. Removal of two year state residency requirement is pursuant to OAG opinion finding the practice unconstitutional.

- ◇ Origin of Proposal New Proposal (partial) Resubmission (Partial)



If this is a resubmission, please share:

The definition portion is a resubmittal as SB 342 in the 2017 Session, which would have addressed this issue, was not called for a vote. Instead another bill altering the definition of veteran and eligibility statutes for the CT Veteran’s Driver’s license and the CT Wartime Service medal passed further complicating the issue. The clarification of “Wartime Service” definition and removal of two year residency requirement are new.

PROPOSAL IMPACT

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

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| <p>Agency Name: DMV, DOL, DOC, etc – see attached correspondence from last session outlining minimal if any impact on other agencies</p> <p>Agency Contact (name, title, phone): Click here to enter text.</p> <p>Date Contacted: Click here to enter text.</p> <p>Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing</p> |
| <p>Summary of Affected Agency’s Comments</p> <p>Minimal to no fiscal impact</p> |
| <p>Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> |

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

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| <p>Municipal (please include any municipal mandate that can be found within legislation)</p> <p>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.</p> |
| <p>State</p> <p>See above and attached</p> |
| <p>Federal</p> <p>None</p> |
| <p>Additional notes on fiscal impact</p> <p>Click here to enter text.</p> |

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

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| <p>Click here to enter text.</p> |
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Insert fully drafted bill here

Sec. 27-103. Definitions. (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; (2) “veteran” means any person honorably discharged from, or released under honorable conditions from [active] service in, the armed forces; (3) “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,] or unless separated from service earlier than ninety days because of a service-connected injury incurred or aggravated in line of duty or disability rated by the Veterans' Administration, during a period of war; and (4) “period of war” has the same meaning as provided in 38 USC 101, as amended, 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.