

Location:

MILITARY; VETERANS;

**ACTS AFFECTING VETERANS AND THE MILITARY**

Veronica Rose, Principal Analyst

2009-R-0250

June 24, 2009

NOTICE TO READERS

This report provides brief highlights of new laws (public acts) affecting veterans and armed forces members passed during the 2009 regular session. At the end of each summary, we indicate the public act (PA) number. The acts are effective October 1, 2009, unless otherwise indicated.

Not all provisions of the acts are included here. Complete summaries of all 2009 public acts will be available in the fall when OLR's *Public Act Summary* book is published; some are already on OLR's webpage:

<http://www.cga.ct.gov/olr/OLRPASums.asp>

Readers are encouraged to obtain the full text of acts that interest them from the

Connecticut State Library, the House Clerk's Office, or the General Assembly's website:
<http://www.cga.ct.gov/>

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RETIREMENT FROM MILITARY SERVICE

A new law makes all enlisted Connecticut National Guard members, not just officers and warrant officers who meet certain service criteria, eligible to retire from active service and placed on the National Guard's list of retirees ("retired list"). Members on the retired list may be voluntarily recalled to active duty by the governor and, when performing such duty, receive the same pay and allowances as members of a similar grade on the active list.

The new law also sets the mandatory retirement age for all guard members, not just officers and warrant officers, at 64 or as set by laws and regulations governing the National Guard. The current federal age limit for service in the armed forces, including the National Guard, is as follows: (1) enlisted personnel and officers at or below the rank of colonel, 62 and (2) brigadier general and above, 64.

PA 09-4, effective upon passage

PLACEMENT OF U. S. FLAGS ON VETERANS' GRAVES

This new law prohibits towns, cemetery associations, or ecclesiastical societies that care for cemeteries from enacting bylaws that restrict the placement of U. S. flags on veterans'

graves from the Saturday before Memorial Day until the Monday after July 4 in any year.

PA 09-5, effective upon passage

MILITARY SUPPORT

A new law requires the Department of Mental Health and Addiction Services to work with the state Veterans' Affairs (VA) Department, not just the Department of Children and Families, to provide transitional behavioral health services for members of any reserve component of the U. S. Armed Forces (and their dependents) called to active duty in Operation Enduring Freedom (Afghanistan) or Operation Iraqi Freedom.

By law, the services are provided to veterans when no Department of Defense (DOD) coverage is available for such services or the veteran is not eligible for them. They must continue until an approved application is received from the federal VA and coverage is available.

PA 09-10, effective upon passage

CELL PHONE USE BY ARMED FORCES MEMBERS OPERATING A MOTOR VEHICLE

A new law includes U. S. armed forces members operating military vehicles among those exempt, while performing their official job duties, from the ban on talking on a hand-held cellular telephone or using a mobile electronic device while driving on a highway. Peace officers, firefighters, and ambulance or authorized emergency vehicle drivers are also exempt.

State law defines the "armed forces" as the U. S. Army, Navy, Marine Corps, Coast Guard, and Air Force and their reserve components, including the Connecticut National Guard performing duty under Title 32 of federal law.

PA 09-54, effective upon passage

FAMILY AND MEDICAL LEAVE

A new law permits an employee to take unpaid family and medical leave (FML) to care for an immediate family member or next of kin who is a current member of the U. S. Military, National Guard, or the reserves with a serious illness or injury received in the line of duty. The employee may take up to 26 weeks of unpaid leave if the family member is (1) undergoing medical treatment, recuperation, or therapy; (2) otherwise in outpatient status; or (3) on the temporary disability retired list for a serious injury or illness.

The act provides for 26 weeks of leave over a 12-month period under the private-sector FML law and 26 weeks of leave over a two-year period under the state-employee law. Under both private and state employee provisions, the employee's leave is permitted for a related armed forces member for serious injury or illness incurred in the line of duty. Under the private-sector law, the 12-month period begins on the first day of military caregiver leave.

The act incorporates the new military caregiver leave into existing provisions of FML laws

for private sector and state employees regarding written certification of medical need, intermittent leave, and other items. It specifies that leave taken pursuant to private-sector FML does not run concurrently with a transfer to "light duty" work in lieu of regular work duties under the Workers' Compensation Act.

PA 09-70, effective upon passage

AWARD OF RIBBONS AND MEDALS TO VETERANS

A new law eliminates an apparent ambiguity concerning posthumous awards of war service ribbons and medals to eligible veterans.

The act also eliminates the duty of the public safety commissioner to provide a six-member, state police funeral honor guard for a legislator whose next of kin requests it. It, instead, requires the Legislative Management executive director to direct the State Capitol Police to provide a capitol police honor guard. The act, unlike prior law, does not specify the number of officers.

PA 09-90, effective upon passage

CONSUMER CREDIT INTEREST RATE

This new law requires financial institutions to comply with the provision of the John Warner National Defense Authorization Act, which limits the consumer credit interest rate that such institutions may charge armed services members and their dependents. The act allows the banking commissioner to take action against violators.

It also allows the commissioner to enter into agreements with the U. S. Department of Defense to enhance communication and exchange information about financial institutions to achieve prompt and effective resolution of consumer complaints and of alleged violations.

PA 09-100, effective upon passage

WAR SERVICE BENEFITS

A new law expands the pool of people eligible for veterans' war service benefits by changing the start and end dates of Operation Earnest Will (escort of Kuwaiti oil tankers flying the U. S. flag in the Persian Gulf). The benefits include property tax exemptions; public college tuition waivers; and financial help from the Soldiers, Sailors and Marines Fund.

The act also specifies that the 90 days qualifying war service required for benefit eligibility do not have to be consecutive, by defining "service in time of war" as "ninety or more cumulative days," instead of "ninety or more days," in statutorily specified wars or operations. By law, unchanged by the act, a veteran does not have to meet the 90-day requirement if he or she (1) left the service earlier because of a service-connected disability or (2) served for the duration of a war or operation that lasted less than 90 days.

PA 09-117, effective upon passage

EDUCATIONAL ASSISTANCE

Currently, UConn, the Connecticut State University system, and the regional community-technical colleges must waive tuition for veterans who meet certain criteria. This new law allows the institutions to recover federal educational assistance payments under the 2008 Post-9/11 Veterans Educational Assistance Act by limiting the waiver for eligible veterans who apply for these benefits. It (1) requires that the colleges waive only the tuition charges that exceed the amount of federal benefits granted for tuition and (2) establishes a formula for calculating the federal benefit amount. If the veteran certifies to the pertinent board that his or her application for such federal educational assistance has been denied or withdrawn, the board must waive the tuition pursuant to the state's existing tuition waiver law.

PA 09-159, effective July 1, 2009

MILITARY FAMILY RELIEF FUND

A new law makes immediate relatives of Connecticut-domiciled armed forces members, including Connecticut National Guard members, who are not on active duty eligible to receive benefits from the Military Family Relief Fund. Under prior law, only immediate relatives of service members on active duty qualified.

PA 09-163, effective upon passage

DISABLED VETERANS PROPERTY TAX EXEMPTION

This act eliminates the requirement that a veteran under age 65 claiming the disabled veterans' property tax exemption provide annual proof of his or her disability to the town assessor. Under the act, any veteran who submits initial proof of his or her U. S. Veterans Administration (VA) disability rating must submit proof and reestablish eligibility in subsequent years only if the VA modifies the rating. The act also makes a technical change.

The disabled property tax exemption is available to veterans with a disability rating of 10% or greater. Exemption amounts range from \$ 1,500 to \$ 3,000.

PA 09-176, effective upon passage

PROPANE DEALER TERMINATIONS

This new law restricts when propane may terminate service to eligible residential customers. It applies to service to residential propane customers who meet certain criteria living at a location served by 10 or more vapor meters for central heating purposes. Eligible customers include people whose sole source of financial support is Veterans' Administration benefits.

The act bars terminations (1) on a Friday, Saturday, Sunday, legal holiday, the day before a legal holiday, or less than one hour before the supplier's offices close for the day and (2) without 14 days' written notice. It also prohibits terminations between November 1 and May 1 for customers who provide documentation that they have applied for energy

assistance. A propane supplier may collect finance charges of up to 1.5% per month on past due balances. A supplier may terminate any service at any time without notice if it determines that a dangerous condition exists.

PA 09-218, effective upon passage

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