

Legislative History for Connecticut Act

PA 16-165

SB204

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2016**

**VOL. 59
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679 – 1032**

cf
SENATE

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April 20, 2016

Surprisingly, the bill passed. Mr. Clerk.

THE CLERK:

On Page 2, Calendar 121, Substitute for Senate Bill Number 147 AN ACT ASSISTING STUDENTS WITHOUT LEGAL IMMIGRATION STATUS WITH THE COST OF COLLEGE.

THE CHAIR:

The Senate will stand at ease. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, if we can PT that bill and then move on to the next one.

THE CHAIR:

The bill is PT. Mr. Clerk.

THE CLERK:

On Page 2, Calendar 131, Senate Bill Number 204 AN ACT ELIMINATING SIMULTANEOUS MEMBERSHIP IN MULTIPLE UNITS OF THE STATE MILITARY.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Good afternoon, Madam President.

THE CHAIR:

Good afternoon, Ma'am.

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SENATOR FLEXER (29TH):

Madam President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Motions on acceptance and passage, will you remark, Ma'am?

SENATOR FLEXER (29TH):

Yes. Thank you, Madam President. Madam President, the bill before us today is a request of the Adjutant General. It eliminates the existing requirement in State statute for the companies of the Governor's foot guard to be filled with voluntary enlistments. The Adjutant General testified before the Veterans Committee that this existing state statute conflicts with Federal law and that's why this proposal before -- is before us today, to eliminate it -- and I encourage my colleagues in the chamber to support this proposal.

THE CHAIR:

Will you remark further? Will you remark further?
If not -- Senator Witkos. Good afternoon, again.

SENATOR WITKOS (8TH):

Good afternoon, Madam President. So, as I understand, the bill is a -- it's been approved by all parties but there is a conflict between federal law and state law? Through you, Madam President.

THE CHAIR:

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Senator Flexer.

SENATOR FLEXER (29TH):

Thank you, Madam President. Through you, yes. The Adjutant General has told us that the current state law conflicts with existing federal law.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

And what changed it to cause the conflict? Was it the federal guidelines that were changed or did we do something in Connecticut to make us in nonconformance? Through you.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

I'm sorry, Madam President. I couldn't hear the question.

THE CHAIR:

I'm sorry. There's some noise in the chamber.

Would you repeat that Senator Witkos? Thank you so much.

SENATOR WITKOS (8TH):

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Absolutely, Madam President. Was there something that occurred that required -- that caused the nonconformance between the federal and the state legislation? Through you, Madam President.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Thank you, Madam President. I can't state whether the federal law was changed. I can cite the -- the US code. It's 32 USC 109 Subsection E that is in conflict with this current state statute, but I can't say for certain when or if that federal law was changed.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

And what -- what would happen, Madam President, through you, to the membership in the State of Connecticut if this law were not passed? Through you.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Through you, Madam President. I believe if these two laws continue to be in place, it would make it difficult, for example, for members of the National Guard to serve in the Governor's foot guard.

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THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

I -- I didn't hear the last part -- made it difficult for members of the National Guard to serve -- I didn't hear you after that.

THE CHAIR:

Senator.

SENATOR FLEXER (29TH):

-- in the Governor's guard. Through you, Madam President.

THE CHAIR:

In the Governor's foot guard, sir.

SENATOR WITKOS (8TH):

Would that also be applicable to the horse guard if -- [inaudible crosstalk 6:47.12]

THE CHAIR:

Whoops, sorry. Senator Flexer.

SENATOR FLEXER (29TH):

Through you, Madam President. And yes, that unit is included in the general Governor's guards.

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SENATOR WITKOS (8TH):

Thank you, Madam President. Thank the gentlewoman for her answers.

THE CHAIR:

Will you remark further? Will you remark further? If not, Senator Flexer, you want to try this? Senator Flexer.

SENATOR FLEXER (29TH):

Madam President, if there's no objection, I'd like to place this bill on our Consent Calendar.

THE CHAIR:

Seeing no objection. So ordered. It is on the Consent Calendar. Let's move this quickly. Mr. Clerk.

THE CLERK:

On Page 3, Calendar 133, Senate Bill Number 207 AN ACT CONCERNING AWARD OF THE MEDAL OF ACHIEVEMENT.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Madam President, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

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SENATOR DUFF (25TH):

Thank you, and that, I believe is the end of our Consent Calendar. If the clerk can now call the items on the Consent Calendar, followed by a vote on our Consent Calendar today.

THE CHAIR:

Mr. Clerk. We gotta' wait two seconds to get this on, up and running, and then we will start getting the list called for you, sir.

Mr. Clerk, please call the Consent Calendar.

THE CLERK:

On page 2, Calendar 131, Senate Bill 204. Page 3, Calendar 133, Senate Bill 207. Page 3, Calendar 145, Senate Bill 132. Page 4, 180 -- Calendar 183, Senate Bill 236. Page 5, Calendar 192, Senate Bill 230. Page 6, Calendar 232, Senate Bill 254. Page 7, Calendar 243, Senate Bill 364. Page 8, Calendar 261, Senate Bill 233. Also on page 8, Calendar 254, Senate Bill 178. Page 8, Calendar 263, Senate Bill 252. Page 9, Calendar 274, Senate Bill 244. Page 9, Calendar 283, Senate Bill 306. Page 10, Calendar 294, Senate Bill 283. Also on page 10, Calendar 297, Senate Bill 372. Page 11, Calendar 302, Senate Bill 436. Page 11, Calendar 309, Senate Bill 398. Page 12, Calendar 314, Senate Bill 103. On page 23, Calendar 420, House Bill 5350. Page 27, Calendar 70, Senate Bill 72. Page 28, Calendar 87, Senate Bill 107. Page 29, Calendar 126. Senate Bill 197. Page 30, Calendar 150, Senate Bill 161. Page 32, Calendar 199, Senate Bill 20. And page 35, Calendar 270, Senate Bill 288.

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THE CHAIR:

Mr. Clerk, will you please call a roll call vote on the Consent Calendar? The machine will be open.

THE CLERK:

Immediate Roll Call has been ordered in the Senate.
Immediate Roll Call on today's Consent Calendar has been ordered in the Senate.

THE CHAIR:

Senator Fonfara.

All members have voted, all members have voted. The machine will be closed. Mr. Clerk, will you please call the tally on the Consent Calendar?

THE CLERK:

On Today's Consent Calendar.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The Consent Calendar passes. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, does the clerk have Senate Agenda Number 2 on his desk?

**JOINT
STANDING
COMMITTEE
HEARINGS**

**VETERANS'
AFFAIRS**

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**2016
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STATE OF CONNECTICUT

MILITARY DEPARTMENT
 WILLIAM A. O'NEILL ARMORY
 360 BROAD STREET
 HARTFORD, CONNECTICUT 06105-3795

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February 23, 2016

Honorable Mae Flexer, State Senator
 Honorable John "Jack" F. Hennessy, State Representative
 Co-Chairs, Veterans' Affairs Committee
 Hartford, CT 06106

IN RE Proposed Bills:

SB 21, "AAC Military Department's Nondiscrimination Laws"

SB 204, "AAE Simultaneous Membership in Multiple Units of State Military"

SB 207, "AAC Award of the Medal of Achievement"

HB 5358, "AAC Leasing of Military Facilities"

HB 5359, "AAC State Military Construction Projects"

HB 5360, "AAC the Military Department"

I write to express the Military Department's support for the above-noted bills.

S.B. 21 revises Section 27-59 of the general statutes to ensure that Connecticut citizens may serve in the armed forces of the state without discrimination based on religion, national origin, color, race, sex, gender identity or expression or sexual orientation. This legislation aligns the state law concerning nondiscrimination in Connecticut's armed forces with federal law and policies of the United States armed forces. This legislation makes important revisions to the state statute at a time when we are seeing major shifts in policy at the national level. The privilege to serve in the armed forces is an important aspect of citizenship, which should not be denied based on archaic discriminatory rationales. Enactment of this bill will be an important step in the fight against discrimination.

SB 204 repeals Section 27-56 of the general statutes to eliminate a provision of state law that conflicts with federal law (32 USC 109 (e)). The federal law prohibits simultaneous membership in a unit of the United States Reserve, which includes the National Guard, and in a unit of a state defense force, such as the Governor's Guards. The statute also creates a conflict with state strength accountability, where a member who is in two units may be counted twice in the calculation of the strength of Connecticut's armed forces. Additionally, it potentially conflicts with other provisions of law, including section 27-20, which charges the Adjutant General with the duty of recruiting and managing the state's armed forces. I ask for the repeal of section.

SB 207 revises Section 27-73g of the general statutes to expand the eligibility for the award of the Connecticut medal of achievement. This revision will permit members of the armed forces of the United States and members of all state armed forces, including members of the Governor's Guards, to receive the medal for outstanding achievement or meritorious service during the performance of state military service. This expansion permits Connecticut the opportunity to recognize the service of not only the members of our own armed forces but the members of all armed forces for state military service.