

SB 914 -- Redline

File No. 249 to Chaptered -- AN ACT CONCERNING HMONG LAOTIAN SPECIAL GUERILLA UNITS WHICH SERVED IN THE KINGDOM OF LAOS.

Deletions ~~struck~~ · Insertions underlined

Substitute Senate General Bill Assembly File No.

~~249~~914 ~~January Public Session, Act 2021~~ Substitute Senate Bill No.

~~914~~21-51 ~~Senate, AN April ACT 1, CONCERNING 2021 MEMBERS The OF Committee THE on HMONG Veterans' LAOTIAN Affairs SPECIAL reported GUERILLA through UNITS. SEN.~~

~~CABRERA of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.~~

~~AN ACT CONCERNING HMONG LAOTIAN SPECIAL GUERILLA UNITS WHICH SERVED IN THE KINGDOM OF LAOS.~~

The commissioner shall charge a fee for such plates, which fee shall cover the entire cost of making such plates and shall be ~~sSB914 in / addition File to No.~~ the fee for registration of such motor vehicle.

~~249~~As 1 used sSB914 in File this subsection, ["member of the armed forces"] "armed forces" has the same meaning as provided in section 27-103 and "veteran" means any person (1) honorably discharged from, or released under honorable Substitute Senate Bill No.

~~249~~914 in conditions addition from to active service in, the fee armed for forces, registration or of (2) such with motor a vehicle, qualifying condition, as defined in section 27-103, who has received a discharge other than bad conduct or dishonorable from active service in the armed forces.

~~As used in this subsection, ["member of the armed forces"] "armed forces" has the same meaning as provided in section 27-103 and "veteran" means any person (1) honorably discharged from, or released under honorable conditions from active service in, the armed forces, or (2) with a qualifying condition, as defined in section 27-103, who has received a discharge other than bad conduct or dishonorable from active service in the armed forces.~~

(C) any available official ~~sSB914 documentation / of File service; No.~~

~~249~~and 2 (D) sSB914 any File other documents supporting Public Act No.

~~249~~21-51 documentation 2 of service; 10 Substitute Senate Bill No.

~~and 914 (D) any other documents supporting~~ such person's or such surviving spouse's affidavit.

(1) ~~Does not have an operator's license or identity card issued by another state, Public territory Act or No. possession of the United States, or surrenders any such license or identity card;~~

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914 state, territory or possession of the United States, or surrenders any such license or identity card;

~~sSB914 (3) / designates File such No.~~ person's home address as 60 State Street, Wethersfield, CT 06161;

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~~249 (3) designates such person's home address as 60 State Street, Wethersfield, CT 06161;~~

Said department shall, not later than thirty days after receipt of such request and the documents required under subdivision (2) of this subsection, verify whether such person was such a member and, if so, notify Public the Act Commissioner No. ~~of Motor Vehicles of such request and verification.~~

~~The 21-51 Commissioner 4 of Motor 10 Vehicles Substitute shall Senate indicate Bill such person's status as a veteran on any motor vehicle operator's license or identity card issued to such person upon original issuance or renewal of a motor vehicle operator's license or identity card or upon issuance of a sSB914 / File~~ No.

~~249~~914 4 notify sSB914 the File Commissioner No. ~~of Motor Vehicles of such request and verification.~~

~~249~~The Commissioner of Motor Vehicles shall indicate such person's status as a veteran on any motor vehicle operator's license or identity card issued to such person upon original issuance or renewal of a motor vehicle operator's license or identity card or upon issuance of a duplicate motor vehicle operator's license or identity card.

~~(a) Public When Act any veteran or member, as defined in subsection (e) of this section, dies, not having sufficient estate to pay the necessary expenses of the veteran's or member's last sickness and burial, as determined by the commissioner after consultation with the probate court for the district in which the veteran or member resided, the state shall pay the sum of one thousand eight hundred dollars toward such funeral expenses, and the burial shall be in some cemetery or plot not used sSB914 / File~~ No.

~~249~~21-51 5 sSB914 of File 10 Substitute Senate Bill No.

~~249~~914 (a) When any veteran or member, as defined in subsection (e) of this section, dies, not having sufficient estate to pay the necessary expenses of the veteran's or member's last sickness and burial, as determined by the commissioner after consultation with the probate court for the district in which the veteran or member resided, the state shall pay the sum of one thousand eight hundred dollars toward such funeral expenses, and the burial shall be in some cemetery or plot not used exclusively for the

burial of the pauper dead, and the same amount shall be paid if the body is cremated, but no amount shall be paid for the expenses for burial or cremation unless claim therefor is made within one year from the date of death, except that in cases of death occurring abroad, such claim may be made within one year after the remains of such veteran or member have been interred in this country.

(c) (1) Upon satisfactory proof by the person who has paid or provided for the funeral or burial expense to the commissioner of the identity of the deceased member, the time and place of the deceased member's death and burial and the approval thereof by the commissioner, the sum of one thousand eight hundred dollars shall be paid by the Comptroller to the person who has paid the funeral or burial expense, or upon assignment by such person, to the funeral director ~~who Public has Act provided No. the funeral.~~

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914 who has provided the funeral.

~~§SB014(d) Whenever File the No. Comptroller has lawfully paid any sum toward the expenses of the burial of any deceased veteran or member and it afterwards appears that the deceased left any estate, the Comptroller may present a claim on behalf of the state against the estate of such deceased veteran or member for the sum so paid, and the claim shall be a preferred claim against such estate and shall be paid to the Treasurer of the state.~~

~~249 6 §SB014 File No.~~

~~249 (d) Whenever the Comptroller has lawfully paid any sum toward the expenses of the burial of any deceased veteran or member and it afterwards appears that the deceased left any estate, the Comptroller may present a claim on behalf of the state against the estate of such deceased veteran or member for the sum so paid, and the claim shall be a preferred claim against such estate and shall be paid to the Treasurer of the state.~~

Section 27-122b of the general statutes is repealed and the ~~following Public is Act substituted No. in lieu thereof (Effective October 1, 2021):~~

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914 following is substituted in lieu thereof (Effective October 1, 2021):

or (3) who was killed in action, or who died as a result of accident or illness sustained while performing active service, in the United States Army, Navy, Marine Corps, Air Force or Coast Guard or any women's auxiliary branch thereof, organized pursuant to an Act of ~~§SB014 Congress, /or File in No. the Connecticut National Guard.~~

~~249 7 §SB014 File No.~~

~~249 Congress, or in the Connecticut National Guard.~~

~~(d) Public (1) Act (A) No. Any person who served in the Hmong Laotian special guerilla units, which units served in the United States secret war in the Kingdom of Laos during the Vietnam War, may, by letter or other communication addressed to the commissioner, or by will, request that upon his or her death his or her body be buried in a veterans' cemetery established pursuant to section 27-122a, or (B) the spouse or other next of kin may apply to the commissioner to have the body of such person buried in said veterans' cemetery, and in either case such request shall be granted.~~

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914 (d) (1) (A) Any person who served in the Hmong Laotian special guerilla units, which units served in the United States secret war in the Kingdom of Laos during the Vietnam War, may, by letter or other communication addressed to the commissioner, or by will, request that upon his or her death his or her body be buried in a veterans' cemetery established pursuant to section 27-122a, or (B) the spouse or other next of kin may apply to the commissioner to have the body of such person buried in said veterans' cemetery, and in either case such request shall be granted.

(C) any available official ~~§SB014 documentation /of File service; No.~~

~~249 8 §SB014 File No.~~

~~249 documentation of service;~~

(NEW) (Effective October 1, 2021) ~~(a) Notwithstanding The the provisions of section 27-73e of the general statutes, the Commissioner of Veterans Affairs, in consultation with the Adjutant General, shall award a ribbon and medal to as each described member in who said is section a to resident each of member this state and who provides is to Public the Act Department No. of Veterans Affairs (1) an affidavit stating (A) when such person served, (B) where such person served, (C) the unit in which such person served, and (D) the capacity in which such person served;~~

~~(2) any 21-51 available corroborating 9 witness affidavits; (3) of any 10 available Substitute official Senate documentation Bill of No. service;~~

914 a resident of this state and who provides to the Department of Veterans Affairs (1) an affidavit stating (A) when such person served, (B) where such person served, (C) the unit in which such person served, and (D) the capacity in which such person served;

(2) any available corroborating witness affidavits;

(3) any available official documentation of service;

As used in this section, "member" means a person who served ~~in the~~ in the Hmong Laotian special guerilla units, which units served in the United States secret war in the Kingdom of Laos during the Vietnam War.

~~(b) Approved The June commissioner, 16, in 2021 consultation Public with Act the No. Adjutant General, shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, setting forth the process for designing the ribbon and medal, identifying such members under this section and establishing procedures for distributing the ribbon and medal to each such member.~~

~~(c) 21-51 The 10 cost of the 10 ribbons and medals shall be paid from the funds appropriated to the military assistance account within the Military Department.~~

~~Within existing budgetary resources, awards under this sSB914 / File No. 249-9 sSB914 File No. 249 section may be made posthumously to any deceased member.~~

~~This act shall take effect as follows and shall amend the following sections:~~

~~Section 1 October 1, 2021 14-20b Sec.~~

~~2 October 1, 2021 14-36h Sec.~~

~~3 October 1, 2021 27-118 Sec.~~

~~4 October 1, 2021 27-122b Sec.~~

~~5 October 1, 2021 New section Statement of Legislative Commissioners:~~

~~In Section 1(b)(1), "set forth in" was changed to "provided under" for consistency with standard drafting conventions, and in Section 1 (b)(2), "set forth in" was changed to "under" for consistency with standard drafting conventions.~~

~~VA Joint Favorable Subst.~~

~~LC0 sSB914 / File No. 249-10 sSB914 File No.~~

~~249 The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose.~~

~~In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge.~~

~~Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.~~

~~OFA Fiscal Note State Impact:~~

~~Agency Affected Fund Effect FY 22 \$ FY 23 \$ Department of Veterans' Affairs GF - Potential See Below See Below Cost Department of Veterans' Affairs Institutional See Below See Below General Welfare Fund - Potential Cost Military Dept.~~

~~GF - Cost Up to None 20,000 Note:~~

~~GF-General Fund Municipal Impact:~~

~~None Explanation The bill expands eligibility for certain veterans benefits to members of the Hmong Laotian special guerilla units that served in the Kingdom of Laos during the Vietnam war and surviving spouses.~~

~~According to the Department of Veterans Affairs (DVA), there are currently approximately 60 members of these special guerilla units in Connecticut.~~

~~Sections 1 and 2 expand eligibility for veteran status license plates, driver's licenses and identity cards.~~

~~These sections result in no fiscal impact because the requisite fees cover the cost.~~

~~Section 3 results in a potential cost of \$1,800 per veteran for the payment of funeral expenses for certain eligible veterans paid for out of the General Fund.~~

~~The annual impact will depend on how many individuals are served beginning in FY 22.~~

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~~249 Section 4 results in a potential cost of \$1,750 to \$3,025 per veteran for the payment of burial expenses for the State Veterans' Cemetery paid for out of the Institutional General Welfare Fund.~~

~~The annual impact will depend on how many individuals are served beginning in FY 22.~~

~~Section 5 requires ribbons and medals to be awarded to members of the Hmong Laotian special guerilla units resulting in a cost of up to \$20,000 to the Military Department in FY 22.~~

~~The cost includes medal and ribbon design and manufacturing.~~

~~The Out Years The annualized ongoing fiscal impact identified above would continue into the future depending on the number of eligible veterans.~~

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~~249 OLR Bill Analysis sSB 914 AN ACT CONCERNING HMONG LAOTIAN SPECIAL GUERRILLA UNITS WHICH SERVED IN THE KINGDOM OF LAOS.~~

~~SUMMARY This bill extends eligibility for certain veterans benefits to members of the Hmong Laotian special guerilla units that served during the Vietnam war in the U.S.~~

~~secret war inthe Kingdom of Laos.~~

~~Specifically, the bill extends the following benefits to these individuals:~~

~~1-~~

~~veterans license plates, including for vehicles used exclusively for farming (Sec. 1);~~

~~2-~~

~~veterans status on a driver's license or identity card (Sec. 2);~~

~~3-~~

~~\$1,800 toward funeral expenses or cremation for certain indigent veterans (Sec. 3);~~

~~and 4-~~

~~veterans ribbon and medal (Sec. 5).~~

~~The bill also allows these Hmong veterans to be buried in a veterans cemetery, which conforms with existing federal law and Department of Veterans Affairs policy (Sec. 4) (see BACKGROUND).~~

~~Under the bill, to claim these benefits, the member (or other applicant, as applicable) must submit a request to the Department of Veterans Affairs and provide the department with (1) an affidavit stating when and where the member served and the unit and capacity in which they served;~~

~~(2) corroborating witness affidavits, if available;~~

~~(3) any available official service documentation;~~

~~and (5) any other supporting documents.~~

~~EFFECTIVE DATE:~~

~~October 1, 2021 sSB914 / File No.~~

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~~249 VETERANS LICENSE PLATES The law allows qualifying veterans, armed forces members, or their surviving spouses to request a special registration certificate and veterans license plates for any motor vehicle they own or have leased for at least one year, including any motor vehicle they use exclusively for farming if they engage in agricultural production as a trade or profession (CGS Sec. 14-20b).~~

~~The bill, additionally, allows Hmong Laotian special guerilla unit members or their surviving spouses to request the special registration and plates by (1) submitting a request to the Department of Veterans Affairs to be listed as a veteran based on such service for purposes of this benefit and (2) providing the required documentation described above.~~

~~The department must, within 30 days of receiving the request, verify whether the person was a Hmong Laotian special guerilla unit member and, if so, notify the Department of Motor Vehicles (DMV) commissioner of the request and verification.~~

~~As under current law, the DMV commissioner must charge a fee that covers the cost of making the plates, in addition to the motor vehicle registration fee.~~

~~VETERANS STATUS ON DRIVER'S LICENSE OR IDENTITY CARD Existing law requires the DMV commissioner to include a person's status as a veteran on his or her driver's license or identity card.~~

~~Qualifying veterans must submit a request to the Department of Veterans Affairs, which must verify the veteran's status to the DMV commissioner.~~

~~The bill allows Hmong Laotian special guerilla unit members to also request this status on their licenses or identity cards by submitting a request to the Department of Veterans Affairs and providing the required documentation.~~

~~The department must, within 30 days of receiving the request, verify whether the person was a Hmong Laotian special guerilla unit member and, if so, notify the DMV commissioner of the request and verification.~~

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~~249 As under current law, the DMV commissioner must indicate the member's veteran status on any license or identification card when originally issued, renewed, or issued as a duplicate.~~

~~RIBBONS AND MEDALS The bill requires the veterans affairs commissioner, in consultation with the adjutant general, to (1) award a ribbon and medal to each Hmong Laotian special guerilla unit member who resides in the state and provides the required documentation and (2) adopt regulations for doing so.~~

~~The regulations must (1) identify the eligible members, (2) establish the process for designing the ribbon and medal, (3) set the procedures for distributing them.~~

~~The Military Department's military assistance account must fund the cost of the ribbons and medals.~~

~~Under the bill, ribbons and medals may be posthumously awarded within existing budgetary resources.~~

~~BACKGROUND Hmong Veterans Eligibility for Burial in the State Veterans Cemetery Eligibility for burial in the State Veterans Cemetery is based on the federal eligibility requirements for burial in national veterans' cemeteries.~~

~~Under federal law, Hmong veterans are eligible for burial in Department of Veterans Affairs national cemeteries if they (1) died on or after March 23, 2018;~~

~~(2) resided in the U.S.~~

~~at the time of their death;~~

~~and (3) were naturalized citizens under the Hmong Veterans' Naturalization Act of 2000 (38 U.S.C.~~

~~Sec. 2402(a)(10)). Pursuant to this law, existing state Department of Veterans Affairs policy establishes a procedure by which the families of these eligible veterans may apply to the department to determine burial eligibility in the State Veterans Cemetery in Middletown.~~

~~COMMITTEE ACTION Veterans' Affairs Committee Joint Favorable Yea 17 May 0 (03/18/2021) sSB914 / File No. 240-15~~