



Senate

General Assembly

File No. 80

February Session, 2004

Substitute Senate Bill No. 239

Senate, March 16, 2004

The Committee on Public Safety reported through SEN. NEWTON of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF VETERANS' AFFAIRS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 3-38 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The Treasurer is directed to hold the fund known as the
4 posthumous fund of Fitch's Home for the Soldiers in trust, to credit the
5 income [therefrom] from such fund to the Department of Veterans'
6 Affairs to be used for the welfare and entertainment of the patients of
7 the Veterans' Home [and Hospital] or any other home established by
8 the state for the care of veterans and to pay from the principal thereof
9 any claim which may be lawfully established against the same.

10 Sec. 2. Section 20-248 of the general statutes is repealed and the
11 following is substituted in lieu thereof (*Effective from passage*):

12 Nothing in this chapter shall prohibit any patient of the Veterans'
13 Home [and Hospital] at Rocky Hill from practicing the occupation of a

14 master barber in said home, nor shall the provisions of this chapter be
15 construed to prevent any person holding a registered hairdresser and
16 cosmetician's license under the provisions of chapter 387 from cutting
17 the hair of any person, nor to prevent any person licensed under the
18 provisions of said chapter 387 from carrying on the occupation of
19 hairdresser and cosmetician. Nothing in this chapter nor in chapter 387
20 shall be construed to prevent a licensed registered hairdresser and
21 cosmetician from working in a barber shop nor a licensed master
22 barber from working in a hairdressing and cosmetology shop.

23 Sec. 3. Section 27-102l of the general statutes, as amended by section
24 6 of public act 03-170, is repealed and the following is substituted in
25 lieu thereof (*Effective from passage*):

26 (a) There shall be a Department of Veterans' Affairs. The Veterans'
27 Home [and Hospital] shall be within the department and shall be
28 located in Rocky Hill. The department head shall be the Commissioner
29 of Veterans' Affairs, who shall be appointed by the Governor in
30 accordance with the provisions of sections 4-5 to 4-8, inclusive, as
31 amended, with the powers and duties prescribed therein.

32 (b) The commissioner [shall] may appoint a [deputy,] unit head to
33 administer a veterans' advocacy and assistance unit for the aid and
34 benefit of veterans, their spouses and eligible dependents and family
35 members. The unit shall have a staff of not less than eight men and
36 women, including six service officers, and clerical personnel. The
37 [department head, the deputy commissioner] unit head and the service
38 officers shall be veterans, as defined in section 27-103, as amended, or
39 veterans who were awarded the armed forces expeditionary medal for
40 service by the armed forces. At least one of the service officers shall be
41 a woman having a demonstrated interest in the concerns of women
42 veterans, who shall be responsible for addressing those concerns. Each
43 service officer shall successfully complete a course in veterans' benefits
44 within one year of commencement of employment and shall be
45 assigned to one of the five congressional districts of the state.

46 (c) In addition to the powers and duties prescribed under section 4-

47 8, the commissioner shall have the following powers and duties:

48 (1) To prepare studies and collect information concerning facilities
49 and services available to members of the armed forces, veterans, their
50 spouses or eligible dependents, including facilities and services for
51 veterans who may have been exposed to a Vietnam herbicide during
52 their periods of military service;

53 (2) To conduct interviews in the nursing homes or hospitals
54 throughout the state to determine the number of veterans admitted
55 and ascertaining which benefits such veterans are currently receiving
56 and are entitled to receive;

57 (3) To cooperate with service agencies and organizations
58 throughout the state in disseminating and furnishing counsel and
59 assistance of benefit to residents of this state who are or have been
60 members of the armed forces, their spouses or eligible dependents,
61 which will indicate the availability of: (A) Educational training and
62 retraining facilities; (B) health, medical, rehabilitation and housing
63 services and facilities; (C) employment and reemployment services; (D)
64 provisions of federal, state and local laws affording financial rights,
65 privileges and benefits; and (E) other matters of similar nature;

66 (4) To assist veterans, their spouses and eligible dependents and
67 family members in the preparation, presentation, proof and
68 establishment of such claims, privileges, rights and other benefits
69 accruing to them under federal, state and local laws;

70 (5) To cooperate with all national, state and local governmental and
71 private agencies securing or offering services or any benefits to
72 veterans, their spouses or dependents;

73 (6) To develop and prepare a long-range plan and mission statement
74 for the Veterans' Home [and Hospital] and the veterans' advocacy and
75 assistance unit; and

76 (7) To review all appeals made by veterans, their spouses or eligible
77 dependents or family members and render the final decision thereon

78 regarding the denial of admission to any program or the refusal to
79 render any service or benefit which is administered by the Department
80 of Veterans' Affairs, the discharge or transfer [therefrom] from any
81 such program or any disciplinary action taken while participating in
82 any such program.

83 (d) The commissioner shall adopt, in accordance with the provisions
84 of chapter 54, and enforce, such regulations and procedures for the
85 operation, administration and management of the department and all
86 programs and services under the jurisdiction of the department,
87 including, but not limited to, procedures relating to admission and
88 discharge or transfer of veterans in the Veterans' Home, [and
89 Hospital,] a per diem fee schedule for programs, services and benefits
90 provided by the Veterans' Home, [and Hospital,] and the participation
91 of eligible family members in programs or services provided by the
92 home, [and hospital.]

93 Sec. 4. Section 27-102n of the general statutes is repealed and the
94 following is substituted in lieu thereof (*Effective from passage*):

95 (a) There shall be a Board of Trustees for the Department of
96 Veterans' Affairs. The board shall be comprised of the commissioner
97 and nine members who by education or experience shall be qualified
98 in health care, business management, social services or law and who
99 shall have a demonstrated interest in the concerns of veterans. [The
100 deputy commissioner of the veterans' advocacy and assistance unit
101 shall be a nonvoting member of the board.] A majority of the members
102 of the board shall be veterans. Members shall be appointed by the
103 Governor and shall serve at the pleasure of the Governor. Members
104 shall be sworn to the faithful performance of their duties. They shall
105 receive no compensation for their services but shall be reimbursed for
106 their reasonable expenses in the performance of their duties.

107 (b) The board shall meet at least quarterly and upon the call of the
108 commissioner. A majority of the members shall constitute a quorum.

109 (c) The board shall advise and assist the commissioner in the

110 operation of the Veterans' Home, [and Hospital,] the veterans'
111 advocacy and assistance unit, the administration, expansion or
112 modification of existing programs and services of the department and
113 the development of new programs and services.

114 (d) The board shall review and approve any regulations prior to
115 adoption by the commissioner concerning: (1) Procedures relating to
116 admission and discharge or transfer of veterans in the home; [and
117 hospital;] (2) a per diem fee schedule for programs, services and
118 benefits provided therein; and (3) the participation of eligible family
119 members in programs or services provided by the home. [and
120 hospital.]

121 (e) The board shall submit an annual report to the Governor on its
122 activities with its recommendations, if any, for improving the delivery
123 of services to veterans and the addition of new programs.

124 Sec. 5. Subsection (b) of section 27-103 of the general statutes is
125 repealed and the following is substituted in lieu thereof (*Effective from*
126 *passage*):

127 (b) As used in this part, "home" means the Veterans' Home [and
128 Hospital] maintained by the state; "hospital" means any incorporated
129 hospital or tuberculosis sanatorium in the state and any state chronic
130 disease hospital, mental hospital or training school for the mentally
131 retarded, "veteran" means any veteran who served in time of war, as
132 defined by subsection (a), and who is a resident of this state, provided,
133 if he was not a resident or resident alien of this state at the time of
134 enlistment or induction into the armed forces, he shall have resided
135 continuously in this state for at least two years; "eligible dependent"
136 means any parent, wife or husband, or child of a veteran who has no
137 adequate means of support; and "eligible family member" means any
138 parent, brother or sister, wife or husband, or child or children under
139 eighteen years of age, of any veteran whose cooperation in the
140 program is integral to the treatment of the veteran.

141 Sec. 6. Section 27-106 of the general statutes is repealed and the

142 following is substituted in lieu thereof (*Effective from passage*):

143 (a) The commissioner shall adopt and enforce such rules as may be
144 necessary to ensure order, enforce discipline and preserve the health
145 and ensure the comfort of the patients in the Veterans' Home; [and
146 Hospital;] and shall discipline or dismiss any officer or patient of the
147 home [and hospital] who disobeys or infringes upon such rules. The
148 commissioner shall appoint, subject to the provisions of chapter 67,
149 such officers and employees as are necessary for the administration of
150 the affairs of the home, [and hospital,] shall prescribe the relative rank,
151 if any, of such officers and employees, and shall commission each such
152 officer, who shall wear such uniform, if any, as is prescribed by the
153 commissioner.

154 (b) The chief fiscal officer shall submit an itemized list of
155 expenditures made from the Institutional General Welfare Fund to the
156 commissioner at intervals not greater than two months. Such list shall
157 include all such expenditures made during the two-month period
158 preceding its submission. Notwithstanding the provisions of section 4-
159 56, the commissioner shall prescribe procedures to limit and specify
160 the uses for which expenditures may be made from the Institutional
161 General Welfare Fund so that only expenditures which, in the opinion
162 of the commissioner and the board of trustees for the department
163 appointed pursuant to section 27-102n, as amended by this act, directly
164 benefit veterans or the Veterans' Home [and Hospital] are permitted.

165 (c) In addition to the estimate of expenditure requirements required
166 under section 4-77, the commissioner shall submit an accounting of all
167 planned expenditures for the next fiscal year from the Institutional
168 General Welfare Fund to the joint standing committee of the General
169 Assembly having cognizance of matters relating to appropriations and
170 the budgets of state agencies at the time such estimate is submitted.

171 Sec. 7. Section 27-107 of the general statutes is repealed and the
172 following is substituted in lieu thereof (*Effective from passage*):

173 (a) The Commissioner of Public Safety shall assign one or more

174 state policemen for duty at the home as may be requested by the
175 commissioner.

176 (b) The commissioner, subject to the approval of the State Traffic
177 Commission, may prohibit, limit, restrict or regulate the parking of
178 vehicles, may determine speed limits, may restrict roads or portions
179 thereof to one-way traffic and may designate the location of crosswalks
180 on any portion of any road or highway upon the grounds of the
181 Veterans' Home, [and Hospital,] and may erect and maintain signs
182 designating such prohibitions or restrictions. Security officers or
183 institutional patrolmen appointed to act as state policemen under the
184 provisions of section 29-18 may arrest or issue a summons for violation
185 of such restrictions or prohibitions. Any person who fails to comply
186 with any such prohibition or restriction shall be fined not more than
187 twenty-five dollars, and the court or traffic or parking authority having
188 jurisdiction of traffic or parking violations in the town of Rocky Hill
189 shall have jurisdiction over violations of this section.

190 Sec. 8. Section 27-108 of the general statutes is repealed and the
191 following is substituted in lieu thereof (*Effective from passage*):

192 (a) Any veteran, as defined in subsection (a) of section 27-103, as
193 amended, may apply for admission to the home; and any such veteran
194 who, from disease, wounds or accident, needs medical or surgical care
195 and treatment or who has become mentally ill and who has no
196 adequate means of support, may be admitted to any hospital and
197 receive necessary food, clothing, care and treatment therein, at the
198 expense of the state, unless other funds or means of payment are
199 available.

200 (b) Any such veteran desiring care or treatment under the
201 provisions of this chapter shall make application under oath to the
202 Commissioner of Veterans' Affairs; but, if, by reason of his or her
203 physical condition, he or she is unable to make such application, some
204 other veteran may make such application in his or her behalf. Said
205 commissioner, or his or her designee, shall have sole power to
206 determine whether such veteran is entitled to admission to the home

207 or to a hospital, and such veteran, if admitted, may, upon application
208 to the commissioner, receive transportation at the expense of the state
209 from his or her place of residence to the home or such hospital. No
210 veteran so admitted shall be discharged from the home [or hospital]
211 except upon the approval of the commissioner or his or her designee.
212 The commissioner shall have sole power to remove any veteran whose
213 care and treatment is paid for by the state from any hospital to another
214 and shall appoint such agents as are necessary to see that veterans
215 admitted to hospitals are receiving necessary food, clothing, care and
216 treatment.

217 (c) Such veterans who are able to pay in whole or in part for such
218 program or services, as determined by the applicable fee schedule
219 adopted pursuant to subsection (d) of section 27-102l, as amended,
220 shall receive a monthly bill for such services rendered.

221 (d) In the event that a bill of a veteran remains unpaid and past due,
222 the chief fiscal officer, with the approval of the commissioner, shall
223 require the veteran to assign his or her right to receive payment of
224 income, from whatever source, to the commissioner until (1) such
225 account is made current, and (2) the veteran demonstrates to the
226 satisfaction of the commissioner a reasonable likelihood of more
227 prudent financial management for the future. Any veteran shall be
228 provided an opportunity for a hearing when an order of assignment is
229 issued.

230 (e) Payment of amounts determined by the commissioner as
231 provided by subsection (c) of this section shall be deposited in the
232 Institutional General Welfare Fund of the Veterans' Home [and
233 Hospital] established in accordance with sections 4-56 to 4-58,
234 inclusive, and shall be available for expenditure from said fund for the
235 operation of the Veterans' Home [and Hospital] in accordance with
236 procedures prescribed by the commissioner and the Comptroller.

237 (f) In the event that a veteran dies, still owing money for services
238 rendered, the commissioner, with the aid of the Attorney General's
239 office, may submit a claim against such veteran's estate and any

240 amounts collected shall be deposited in the Institutional General
241 Welfare Fund in accordance with section 4-56.

242 Sec. 9. Section 27-109 of the general statutes is repealed and the
243 following is substituted in lieu thereof (*Effective from passage*):

244 Any hospital, upon request of the commissioner, shall furnish any
245 veteran, determined by the commissioner to be entitled to admission
246 thereto, necessary food, clothing, care and treatment therein at the
247 expense of the state, unless other funds or means of payment are
248 available, and such veteran shall have preference for admission into
249 such hospital.

250 Sec. 10. Section 27-110 of the general statutes is repealed and the
251 following is substituted in lieu thereof (*Effective from passage*):

252 (a) When it appears that any veteran is eligible for treatment in a
253 Veterans' Administration facility, and commitment is necessary for the
254 care and treatment of such veteran, the court of probate of the district
255 in which the veteran is found may, upon receipt of a certificate of
256 eligibility from the Veterans' Administration, and if the veteran is
257 adjudged mentally ill in accordance with law, direct such veteran's
258 commitment to the Veterans' Administration for hospitalization in a
259 Veterans' Administration facility. Thereafter such veteran, upon
260 admission to any such facility, shall be subject to the rules and
261 regulations of the Veterans' Administration and the chief officer of
262 such facility shall be vested with the same powers as are exercised by
263 superintendents of state hospitals for mental illness within this state
264 with reference to the retention, transfer or parole of the veteran so
265 committed. Notice of such pending commitment proceedings shall be
266 furnished the person to be committed and his or her right to appear
267 and defend shall not be denied. Any court of probate may order the
268 discharge of such veteran, upon application and satisfactory proof that
269 such veteran has been restored to reason. The commitment of a veteran
270 to the Veterans' Administration or other agency of the United States
271 government by a court of another state or of the District of Columbia,
272 under a similar provision of law, shall have the same force and effect

273 as if such commitment were made by a court of this state.

274 (b) Upon receipt of a certificate of the Veterans' Administration or
275 any other agency of the United States that facilities are available for the
276 care or treatment of any veteran committed to any hospital for mental
277 illness or other institution for the care or treatment of persons similarly
278 afflicted and that such veteran is eligible for care or treatment, the
279 superintendent of such hospital or institution may cause the transfer of
280 such person to the Veterans' Administration or other agency of the
281 United States for care or treatment. Upon effecting any such transfer,
282 the committing court or proper officer thereof shall be notified of such
283 transfer by the transferring agency. No person shall be transferred to
284 the Veterans' Administration or other agency of the United States if he
285 or she is confined pursuant to conviction of any felony or
286 misdemeanor or if he or she has been acquitted of such a charge solely
287 on the ground of insanity, unless prior to transfer the court or other
288 authority originally committing such person enters an order for such
289 transfer after appropriate motion and hearing. Any person transferred
290 as provided in this section shall be deemed to be committed to the
291 Veterans' Administration or other agency of the United States
292 pursuant to the original commitment.

293 Sec. 11. Section 27-117 of the general statutes is repealed and the
294 following is substituted in lieu thereof (*Effective from passage*):

295 Any person who has in his or her possession or control any
296 property of any person applying for or receiving aid from the Soldiers,
297 Sailors and Marines' Fund or the department, or who is indebted to
298 such applicant or recipient or has knowledge of any property
299 belonging to him or her, and any officer who has control of the books
300 and accounts of any corporation which has possession or control of
301 any property belonging to any person applying for or receiving such
302 aid or is indebted to him or her, shall, upon presentation by the
303 disbursing officer thereof or any person deputized by him or her of a
304 certificate signed by him or her, stating that such applicant or recipient
305 has applied for or is receiving aid from said fund or the department,

306 make full disclosure to such disbursing officer or deputy of any such
307 property or indebtedness. Such disclosure may be obtained in like
308 manner of the property or indebtedness of any person liable for the
309 support of any such applicant or recipient.

310 Sec. 12. Subsection (b) of section 27-122a of the general statutes is
311 repealed and the following is substituted in lieu thereof (*Effective from*
312 *passage*):

313 (b) The Commissioner of Mental Health and Addiction Services
314 shall transfer to the Veterans' Home [and Hospital] certain land in the
315 city of Middletown, under the supervision and control of said
316 commissioner, in exchange for the transfer by the Veterans' Home and
317 Hospital Commission to the Commissioner of Mental Health and
318 Addiction Services of certain land comprised of pieces and parcels of
319 the land described in subsection (a) of equal acreage, the exact
320 boundaries of the lands to be exchanged to be decided by the
321 Commissioner of Administrative Services, with the advice and
322 assistance of all parties within the six-month period following June 14,
323 1979.

324 Sec. 13. Subsections (a) and (b) of section 27-122b of the general
325 statutes are repealed and the following is substituted in lieu thereof
326 (*Effective from passage*):

327 (a) As used in this section: (1) "Armed forces" includes the United
328 States Army, Navy, Marine Corps, Air Force or Coast Guard or any
329 women's auxiliary branch thereof, organized pursuant to an Act of
330 Congress; and (2) "veteran" means any person honorably discharged
331 from, or released under honorable conditions from, active service in
332 the armed forces, [after service in time of war and who at the time of
333 entering the armed forces was domiciled in this state or who was
334 domiciled in this state at the time of his death and had been so
335 domiciled for a period of not less than five years since such discharge
336 or release; (3) "service in time of war" means service during the
337 Spanish-American War, April 21, 1898, to August 13, 1898; the
338 Philippine insurrection, August 13, 1898, to July 4, 1902, but as to

339 engagements in the Moro Province, to July 15, 1903; the Boxer
340 Rebellion, June 20, 1900, to May 12, 1901; the Cuban pacification,
341 September 12, 1906, to April 1, 1909; the Nicaraguan campaign, August
342 28, 1912, to November 2, 1913; the Haitian campaign, July 9, 1915, to
343 December 6, 1915; the punitive expedition into Mexico, March 10, 1916,
344 to April 6, 1917; World War I, April 6, 1917, to November 11, 1918, but
345 as to service in Russia, to April 1, 1920; World War II, December 7,
346 1941, to December 31, 1946; and the Korean hostilities, June 27, 1950, to
347 October 27, 1953; and shall include service during the Vietnam era, as
348 defined in subsection (a) of section 27-103; the invasion of Grenada,
349 October 25, 1983, to December 15, 1983; and the peace-keeping mission
350 in Lebanon, August, 1982, to March, 1984; and shall include service
351 during such periods with the armed forces of any government
352 associated with the United States.]

353 (b) (1) Any veteran may, by letter or other communication
354 addressed to the commissioner, or by will, request that upon his or her
355 death his or her body be buried in said veterans' cemetery, or (2) the
356 spouse or other next of kin may apply to the commissioner to have the
357 body of such veteran buried in said veterans' cemetery, and in either
358 case such request shall be granted.

359 Sec. 14. Section 27-128 of the general statutes is repealed and the
360 following is substituted in lieu thereof (*Effective from passage*):

361 The Governor [is authorized to] may transfer, from time to time, as
362 may be found expedient, funds existing in the Soldiers, Sailors and
363 Marines' Fund and funds of the Veterans' Home [and Hospital] from
364 one of said funds to the other of said funds.

365 Sec. 15. Section 27-138c of the general statutes is repealed and the
366 following is substituted in lieu thereof (*Effective from passage*):

367 Any person aggrieved by a decision of the administrator rendered
368 under section 27-138b may appeal such decision to a review board
369 composed of the Adjutant General or his or her designate, the
370 Attorney General or his or her designate, and the Commissioner of

371 Veterans' Affairs or his or her designate. All appeals taken pursuant to
372 this section shall be based solely upon the record of the hearing
373 conducted pursuant to section 27-138b. A person aggrieved by a
374 decision of the review board may appeal to the Superior Court
375 pursuant to the provisions of chapter 54.

376 Sec. 16. Section 27-140 of the general statutes is repealed and the
377 following is substituted in lieu thereof (*Effective from passage*):

378 All money so paid to and received by the American Legion shall be
379 expended by it in furnishing food, wearing apparel, medical or
380 surgical aid or care or relief to, or in bearing the funeral expenses of,
381 soldiers, sailors or marines who performed service in time of war, as
382 defined in subsection (a) of section 27-103, as amended, in any branch
383 of the military service of the United States, or who were engaged in
384 any of the wars waged by the United States during said periods in the
385 forces of any government associated with the United States, who have
386 been honorably discharged therefrom or honorably released from
387 active service therein, and who were citizens or resident aliens of the
388 state at the time of entering said armed forces of the United States or of
389 any such government, or to their spouses who are living with them, or
390 to their widows or widowers who were living with them at the time of
391 death, or dependent children under eighteen years of age, who may be
392 in need of the same. All such payments shall be made by the American
393 Legion under authority of its bylaws, which bylaws shall set forth the
394 procedure for proof of eligibility for such aid and shall be approved by
395 the trustee, provided payments made for the care and treatment of any
396 person entitled to the benefits provided for herein, at any hospital
397 receiving aid from the General Assembly unless special care and
398 treatment are required, shall be in accordance with the provisions of
399 section 17b-239, as amended, and provided the sum expended for the
400 care or treatment of such person at any other place than a state-aided
401 hospital shall in no case exceed the actual cost of supporting such
402 person at the Veterans' Home, [and Hospital,] unless special care and
403 treatment are required, when such sum as may be determined by the
404 treasurer of such organization may be paid therefor. The treasurer of

405 such organization shall account to said trustee during the months of
406 January, April, July and October for all moneys disbursed by it during
407 the three months next preceding the first day of either of said months,
408 and such account shall show the amount of and the name and address
409 of each person to whom such aid has been furnished. Upon the
410 completion of the trust provided for in section 27-138, the principal
411 fund so held by said trustee shall revert to the State Treasury.

412 Sec. 17. Subsection (d) of section 146 of public act 03-6 of the June 30
413 special session is repealed and the following is substituted in lieu
414 thereof (*Effective from passage*):

415 (d) Wherever the words "Department of Consumer Protection" are
416 used or referred to in the following sections of the general statutes, the
417 words "Department of Agriculture and Consumer Protection" shall be
418 substituted in lieu thereof: 1-84, 1-84b, 4-38c, 5-142, 5-238b, 12-450, 12-
419 453, 14-327b, 16-245u, 16a-15, 16a-23m, 16a-23p, 17b-363a, 18-81q, 19a-
420 19, 20-127, 20-196c, 20-289, 20-291, 20-296, 20-299, 20-300, 20-300b, 20-
421 301, 20-304, 20-305, 20-306, 20-306a, 20-306b, 20-307, 20-307a, 20-308,
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423 327a, 20-329e, 20-329x, 20-331, 20-333, 20-334, 20-334a, 20-335, 20-338,
424 20-340a, 20-340b, 20-341gg, 20-344, 20-349, 20-350, 20-351, 20-353, 20-
425 357m, 20-368, 20-370, 20-372, 20-373, 20-417d, 20-417j, 20-417aa, 20-450,
426 20-490, 20-490a, 20-502, 20-503, 20-509, 20-510, 20-514, 20-516, 20-517,
427 20-518, 20-525, 20-528, 20-540, 20-554, 20-571, 20-590, 20-635, 20-651, 20-
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429 4, 21a-6, 21a-7, 21a-8, 21a-8a, 21a-9, 21a-10, 21a-63, 21a-72, 21a-92a, 21a-
430 150d, 21a-190a, 21a-195a, 21a-223, 21a-227, 21a-231, 21a-240, 21a-249,
431 21a-252, 21a-260, 21a-335, 22-44, 22-131a, 25-129, 25-130, 29-263, 30-1,
432 30-4, 30-5, 30-6, 30-6a, 30-7, 30-8, 30-13a, 30-14, 30-14a, 30-15, 30-16, 30-
433 17, 30-17b, 30-18a, 30-20, 30-20a, 30-22, 30-22a, 30-23a, [30-23b.] 30-24,
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437 30-58b, 30-59, 30-60, 30-62, 30-62a, 30-63, 30-64, 30-64a, 30-64b, 30-66,
438 30-67, 30-68, 30-76, 30-77, 30-78, 30-82, 30-86a, 30-92a, 30-95, 30-106, 30-

439 111, 42-103c, 42-110g, 42-181, 42-190, 42-288a, 43-3, 43-49, 43-50, 52-560
440 and 52-571d.

441 Sec. 18. Section 38a-502 of the general statutes is repealed and the
442 following is substituted in lieu thereof (*Effective from passage*):

443 No individual health insurance policy delivered, issued for delivery
444 or renewed in this state on or after October 1, 1988, may exclude
445 coverage for services provided by the Veterans' Home. [and Hospital.]

446 Sec. 19. Section 38a-529 of the general statutes is repealed and the
447 following is substituted in lieu thereof (*Effective from passage*):

448 No group health insurance policy delivered, issued for delivery or
449 renewed in this state on or after October 1, 1988, may exclude coverage
450 for services provided by the Veterans' Home. [and Hospital.]

451 Sec. 20. Subsection (a) of section 45a-649 of the general statutes is
452 repealed and the following is substituted in lieu thereof (*Effective from*
453 *passage*):

454 (a) Upon an application for involuntary representation, the court
455 shall issue a citation to the following enumerated parties to appear
456 before it at a time and place named in the citation, which shall be
457 served on the parties at least seven days before the hearing date, which
458 date shall not be more than thirty days after the receipt of the
459 application by the Court of Probate unless continued for cause shown.
460 Notice of the hearing shall be sent within thirty days after receipt of
461 the application. (1) The court shall direct that personal service be
462 made, by a state marshal, constable or an indifferent person, upon the
463 following: (A) The respondent, except that if the court finds personal
464 service on the respondent would be detrimental to the health or
465 welfare of the respondent, the court may order that such service be
466 made upon counsel for the respondent, if any, and if none, upon the
467 attorney appointed under subsection (b) of this section; (B) the
468 respondent's spouse, if any, if the spouse is not the applicant, except
469 that in cases where the application is for involuntary representation

470 pursuant to section 17b-456, and there is no spouse, the court shall
 471 order notice by certified mail to the children of the respondent and if
 472 none, the parents of the respondent and if none, the brothers and
 473 sisters of the respondent or their representatives, and if none, the next
 474 of kin of such respondent. (2) The court shall order such notice as it
 475 directs to the following: (A) The applicant; (B) the person in charge of
 476 welfare in the town where the respondent is domiciled or resident and
 477 if there is no such person, the first selectman or chief executive officer
 478 of the town if the respondent is receiving assistance from the town; (C)
 479 the Commissioner of Social Services, if the respondent is in a state-
 480 operated institution or receiving aid, care or assistance from the state;
 481 (D) the [Administrator of Veterans] Commissioner of Veterans' Affairs
 482 if the respondent is receiving veterans' benefits or the [Veterans]
 483 Veterans' Home, [and Hospital,] or both, if the respondent is receiving
 484 aid or care from such [hospital] home, or both; (E) the Commissioner
 485 of Administrative Services, if the respondent is receiving aid or care
 486 from the state; (F) the children of the respondent and if none, the
 487 parents of the respondent and if none, the brothers and sisters of the
 488 respondent or their representatives; (G) the person in charge of the
 489 hospital, nursing home or some other institution, if the respondent is
 490 in a hospital, nursing home or some other institution. (3) The court, in
 491 its discretion, may order such notice as it directs to other persons
 492 having an interest in the respondent and to such persons the
 493 respondent requests be notified.

494 Sec. 21. (*Effective from passage*) Sections 27-140ff to 27-140hh,
 495 inclusive, and section 30-23b of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>

Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>from passage</i>
Sec. 16	<i>from passage</i>
Sec. 17	<i>from passage</i>
Sec. 18	<i>from passage</i>
Sec. 19	<i>from passage</i>
Sec. 20	<i>from passage</i>
Sec. 21	<i>from passage</i>

Statement of Legislative Commissioners:

In subsection (b) of section 3, the words "unit head" were substituted for "supervisor" for statutory consistency. In subsections (a) and (b) of section 8, the word "such" was inserted before "veteran" for clarity.

PS *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Department of Veterans' Affairs	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the number of veterans eligible for burial in the state veterans' cemetery and admission to the Veterans' Home and Hospital which could result in a cost to the Department of Veterans' Affairs (DVA) if the census at the facility exceeds the current funded level. The bill makes other technical and conforming changes that will not result in a cost.

Currently, there are over 12,000 available plots in the state's veterans' cemeteries (Middletown and Rocky Hill). It is anticipated that any minimal increase in the number of burials that may result from the bill could be handled by existing staff and resources on site. Approximately 300 - 350 burials occur each year at the cemeteries. It should be noted that headstones are provided for veterans by the federal government and the state is provided a \$150 per diem for plot allowance in state cemeteries (FY 03 federal reimbursement was \$52,500).

The funded level at the hospital is for 175 veterans and at the domicile (residential rehabilitation) is for 300 veterans (both are operating around 95% occupancy). The DVA does generate federal reimbursement under the Soldiers' Home program (\$54 per diem for hospital and \$25 per diem for the domicile) in addition to generating Medicare and Medicaid reimbursements. The revenue generated from

the above mentioned sources is deposited into the General Fund and not retained by DVA (FY 03 total federal reimbursement was \$16.1 million). Although the hospital has a 300 bed capacity, any increase in the census beyond the funded level would result in a cost to the department. An average per diem cost per veteran is estimated at \$350 for the hospital and \$90 for the domicile. Although it is unclear how many of the potential population would apply for admission (the eligibility pool may increase by an estimated 27,000), any increase beyond the currently funded level would result in a cost.

OLR Bill Analysis

sSB 239

AN ACT CONCERNING THE DEPARTMENT OF VETERANS' AFFAIRS**SUMMARY:**

This bill increases the number of veterans eligible for burial in the state veterans' cemetery and admission to the state Veterans' Home and Hospital (VHH), which the bill renames the Veterans' Home. It does this by eliminating war service as a criterion for burial or admission, making any veteran honorably discharged from active service in the U.S. Armed Forces eligible.

The bill specifies that the Veterans' Home should be located in Rocky Hill. It makes the law conform to practice by explicitly allowing funds, other than state funds, to be used to pay for hospital expenses incurred by veterans who have no adequate means of support.

The bill removes obsolete provisions pertaining to the deputy commissioner's role as head of the veterans' advocacy and assistance unit and a nonvoting member of the Veterans' Affairs Board of Trustees. (The deputy commissioner's position was eliminated several years ago.) It allows the commissioner to appoint a head for the advocacy unit.

The bill repeals provisions requiring the Department of Consumer Protection to issue a club permit allowing the retail sale of wine and beer at the VHH. The department no longer operates a facility requiring this permit.

The bill makes conforming and technical changes, and it removes obsolete provisions on the Persian Gulf War Information and Relief Commission.

EFFECTIVE DATE: Upon passage

BACKGROUND

Eligibility Criteria for Admission to Home and Cemetery Burial

By law, honorably discharged veterans are eligible for admission to the state VHH if they served 90 days on active duty during wartime, as defined by CGS § 27-103, unless they were separated earlier because of a service-connected disability or the war lasted less than 90 days and they served for its duration. "Period of war" includes any time served since August 2, 1990.

By law, honorably discharged veterans who served during wartime as defined in CGS § 27-122b are eligible for burial in the state veterans' cemetery. The listed wars do not include any fought after the Lebanon peacekeeping mission (1982-1984), nor does the law include any minimum service requirement. It appears that, in practice, the Veterans Affairs Department uses the wars listed in CGS § 27-103 to determine eligibility for burial in the cemetery.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Report

Yea 22 Nay 0