



# Senate

General Assembly

**File No. 631**

February Session, 2004

Substitute Senate Bill No. 315

*Senate, April 20, 2004*

The Committee on Appropriations reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT ALLOWING ACCESS TO THE SOLDIERS, SAILORS AND MARINES' FUND BY MEMBERS OF THE CONNECTICUT NATIONAL GUARD.**

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

1 Section 1. Section 27-140 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 All money so paid to and received by the American Legion shall be  
4 expended by it in furnishing food, wearing apparel, medical or  
5 surgical aid or care or relief to, or in bearing the funeral expenses of,  
6 soldiers, sailors or marines who performed service in time of war, as  
7 defined in subsection (a) of section 27-103, as amended, in any branch  
8 of the military service of the United States, including the Connecticut  
9 National Guard, or who were engaged in any of the wars waged by the  
10 United States during said periods in the forces of any government  
11 associated with the United States, who have been honorably  
12 discharged therefrom or honorably released from active service

13 therein, and who were citizens or resident aliens of the state at the time  
 14 of entering said armed forces of the United States, including the  
 15 Connecticut National Guard, or of any such government, or to their  
 16 spouses who are living with them, or to their widows or widowers  
 17 who were living with them at the time of death, or dependent children  
 18 under eighteen years of age, who may be in need of the same. All such  
 19 payments shall be made by the American Legion under authority of its  
 20 bylaws, which bylaws shall set forth the procedure for proof of  
 21 eligibility for such aid and shall be approved by the trustee, provided  
 22 payments made for the care and treatment of any person entitled to the  
 23 benefits provided for herein, at any hospital receiving aid from the  
 24 General Assembly unless special care and treatment are required, shall  
 25 be in accordance with the provisions of section 17b-239, as amended,  
 26 and provided the sum expended for the care or treatment of such  
 27 person at any other place than a state-aided hospital shall in no case  
 28 exceed the actual cost of supporting such person at the Veterans'  
 29 Home and Hospital, unless special care and treatment are required,  
 30 when such sum as may be determined by the treasurer of such  
 31 organization may be paid therefor. The treasurer of such organization  
 32 shall account to said trustee during the months of January, April, July  
 33 and October for all moneys disbursed by it during the three months  
 34 next preceding the first day of either of said months, and such account  
 35 shall show the amount of and the name and address of each person to  
 36 whom such aid has been furnished. Upon the completion of the trust  
 37 provided for in section 27-138, the principal fund so held by said  
 38 trustee shall revert to the State Treasury.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

**APP**      *Joint Favorable Subst.*

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 \$
Soldiers, Sailors & Marines' Fund	SS&MF - Cost	Minimal	Minimal

Note: SS&MF=Soldiers, Sailors and Marines' Fund

**Municipal Impact:** None

**Explanation**

The bill expands the pool of those eligible to receive assistance from the Soldiers', Sailors' and Marines' Fund (SSMF) to include National Guard members.

*Expansion of Eligibility*

There are currently 5,000 members of the National Guard, of which approximately 75% would meet existing statutory requirements to request assistance from the SSMF during FY 04. Under current law, an individual is eligible after being honorably discharged following "90 days of active service during a period of war". The bill would expand those eligible to potentially include those remaining 1,200 - 1,500 National Guard members. However, currently it is estimated that only a small percent would be able to access the funds due to the active service requirement and the income limitations.

It is unclear how many of the National Guard members would apply for assistance from the SSMF once eligible and what the magnitude of the impact on the current level of benefits, duration of benefits and processing time for the benefits from the SSMF will be. However, due to the small percentage of the veterans' that actually request assistance from the SSMF, adding the National Guard members to the eligible population is not anticipated to significantly impact the applicant pool.

***Current Use of SSMF***

The value of the SSMF as of December 31, 2003, was \$59.9 million (as of June 30, 2003 value was \$59.3 million with distributed income of \$2.79 million for FY 03). The distributable income is used to support: 1) the agency SSMF (which includes the award payments to veterans); 2) burial and headstones administered by the Department of Veterans' Affairs; and 3) honor guards administered by the Military Department. The FY 04 SSMF appropriation, including the above mentioned agencies, is \$3.46 million. The award payment to veterans administered by the SSMF agency expended \$1.8 million in FY 03, this includes weekly assistance, payments to meet emerging needs (including shelter, food, apparel and utilities), medical costs and burial expenses. Medical costs and emerging needs represented 70% of assistance provided in FY 03. The SSMF processed over 7,700 cases to over 1,500 different veteran households during FY 03. Under the current SSMF policy for eligible veterans, a married veteran with one child who applies for assistance may receive \$317 a week for thirteen weeks (\$4,120 total) or if the veteran applies for rental assistance may receive up to \$550 toward rental payment.

**OLR BILL ANALYSIS**

sSB 315

***AN ACT ALLOWING ACCESS TO THE SOLDIERS, SAILORS AND MARINES' FUND BY MEMBERS OF THE CONNECTICUT NATIONAL GUARD*****SUMMARY:**

This bill explicitly allows honorably discharged Connecticut National Guard members to participate in the Soldiers, Sailors and Marines' Fund under the same terms as other eligible veterans by defining the National Guard as part of the U.S. military service. By law, honorably discharged military service members (i.e., veterans) are eligible to participate in the fund if they served at least 90 days of active duty (or met an earlier separation requirement) during a time of war, as defined in law.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****National Guard***

Under federal law, the National Guard while in the service of the United States is a component of the U.S. Army (10 USC § 10106). For purposes of state law, the army is a part of the military service of the United States (CGS § 27-103).

***Soldiers, Sailors and Marines' Fund***

This fund provides benefits such as food, clothing, medical, surgical, and funeral assistance to needy wartime veterans, their spouses living with them or who lived with them when they died, and dependent children.

***Time of War***

Table 1 shows the wars and operations occurring since 1940 that qualify as "time of war" for purposes of wartime service benefits, including fund benefits, under Connecticut law. This includes any time

served since August 2, 1990 and also includes service with the armed forces of any government associated with the United States, during the qualifying periods. To qualify for benefits from the fund, the veteran must have at least 90 days active-duty service in the U.S. Armed Forces, unless he was separated from service earlier because of a Veterans' Administration-rated service-connected disability or the military operation lasted less than 90 days and he served for the duration.

**Table 1: Post 1940 Wartime Service for Fund Benefits**

<i>Operation</i>	<i>Dates</i>
World War II	12/7/41-12/31/46
Korean War	6/27/50-1/31/55
Lebanon Conflict*	7/1/58-11/1/58
Berlin Airlift	8/14/61-6/1/62
Vietnam Era	2/28/61-7/1/75
Lebanon peacekeeping mission*	9/29/82 -3/30/84
Grenada invasion*	10/25/83-12/15/83
Operation Earnest Will (escort of Kuwaiti tankers flying U. S. flag in Persian Gulf)*	2/1/87-7/23/87
Panama invasion*	12/20/89-1/31/90
Persian Gulf War	8/2/1990 until a date prescribed by the President or law

\* Service must be in a combat or combat-support role

### ***Related Bill***

HB 5362 (File 96) makes National Guard members eligible for war service benefits if they serve 90 consecutive days of state active service during wartime. The House reported this bill to the Appropriations Committee on March 23.

### ***Legislative History***

On March 31, the Senate referred the bill (File 69) to the Appropriations Committee, which reported this substitute, deleting a provision from the original bill that allowed active duty servicemen, including guard members to participate in the fund.

### **COMMITTEE ACTION**

Public Safety Committee

Joint Favorable Report  
Yea 22 Nay 0

Appropriations Committee

Joint Favorable Substitute  
Yea 43 Nay 0