



Senate

General Assembly

File No. 123

January Session, 2009

Senate Bill No. 861

Senate, March 19, 2009

The Committee on Public Safety and Security reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING RETIREMENT FROM MILITARY SERVICE.

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

1 Section 1. Section 27-53 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 When [an officer or warrant officer] a member of the armed forces
4 of the state or the Governor's military staff, whose service has been
5 honorable, has served ten years, [as officer or enlisted person, active or
6 inactive or reserve, in any or all of which he or she has served not less
7 than three years as a commissioned officer or warrant officer,] he or
8 she may, if he or she makes a timely application [therefor] to the
9 Adjutant General through [proper officers if he or she still is in service]
10 the chain of command prior to such member's retirement date, be
11 retired from active service and placed upon the retired list. Such
12 retirement shall be in the highest grade in which he or she has served.
13 When such service equals or exceeds twenty years, he or she may,
14 upon his or her application to the Adjutant General, through [proper
15 officers if he or she still is in service] the chain of command prior to

16 such member's retirement date, be commissioned at or promoted to
 17 the next higher grade than the highest grade at which he or she may
 18 have [been commissioned] held at any time, either in the armed forces
 19 of the state or the Governor's military staff or the military or naval
 20 forces of the United States, which higher grade shall not be above the
 21 grade of a brigadier general or sergeant major, and shall thereafter be
 22 placed upon the retired list with such grade. Members may only
 23 receive the retirement promotion provided under this section one time.
 24 In determining such term of service of twenty years, there may be
 25 added to any term of not less than ten years' service in the armed
 26 forces of the state or the Governor's military staff the term of service
 27 with the military or naval forces of the United States, either active,
 28 inactive or reserve. Retirement shall be obligatory for all [officers and
 29 warrant officers] members reaching the age of sixty-four years or as
 30 required for [officers and warrant officers] members of the National
 31 Guard and naval militia by laws and regulations pertaining thereto.

32 Sec. 2. Section 27-54 of the general statutes is repealed and the
 33 following is substituted in lieu thereof (*Effective from passage*):

34 [Officers] Members on the retired list shall serve thereon without
 35 pay; shall be withdrawn from unit rosters, command and from line of
 36 promotion and shall continue to be borne on the register of the armed
 37 forces of the state, and shall be entitled to wear, within the limitations
 38 prescribed by the laws and regulations of the United States, the
 39 uniform of the rank on which they have been retired. They shall, at all
 40 times, be subject to the rules and regulations governing the armed
 41 forces of the state. They may, with their consent, be detailed from the
 42 retired list and placed upon active duty at any time when ordered by
 43 the Governor and, when on such duty, shall be entitled to the pay and
 44 allowances of officers of a similar grade on the active list.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	27-53
Sec. 2	<i>from passage</i>	27-54

VA *Joint Favorable C/R*

PS

PS *Joint Favorable*

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 10 \$	FY 11 \$
Military Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases eligibility for inclusion on the National Guard list of retirees to all enlisted guard members, rather than just officers and warrant officers who meet certain criteria. The bill also outlines criteria for allowing such members to be paid if called upon by the Governor and Adjutant General to serve active duty. To the extent that members are called upon to serve active duty, this bill results in a potential cost to the Military Department.

The bill allows any National Guard member who is honorably discharged with at least ten years of service to request to be placed on the retired list at the highest grade in which he or she has served; any member with at least 20 years of service who is honorably discharged may request to be placed on the retired list at the next higher grade than the highest grade in which he or she has served, up to the level of brigadier general or sergeant major. The decision to call any National Guard member to active duty, and therefore incur a cost, is at the discretion of the Governor and Adjutant General.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 861*****AN ACT CONCERNING RETIREMENT FROM MILITARY SERVICE.*****SUMMARY:**

This bill makes all enlisted guard members, not just officers and warrant officers who meet certain service criteria, eligible to be placed on the National Guard 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 bill 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.

EFFECTIVE DATE: Upon passage

RETIRED LIST

Under current law, an officer or warrant officer who served 10 years as an officer or enlisted person, including at least three years as a commissioned officer or warrant officer, may apply and be placed on the retired list in the highest grade in which he or she served. An officer or warrant officer who served 20 or more years may apply and be commissioned and placed on the list at the next highest grade at which he or she was ever commissioned, but no higher than a general.

The bill allows (1) all members who served 10 years to apply to be placed on the list in the highest grade in which they served and (2) all

members who served 20 or more years to apply to be placed on the list at one grade above the highest grade they ever held, up to but not above brigadier general or sergeant major.

The bill allows each member only one promotion, and it requires that applications be timely and submitted to the adjutant general through the chain of command before a member retires. Under current law, an officer may apply (1) while in service, through proper officers, or (2) after leaving service, directly to the adjutant general.

By law, members on the retired list (1) serve without pay (unless called to active duty); (2) must be withdrawn from command and line of promotion; (3) are subject to the National Guard's rules and regulations; (4) may wear, within the limitations of law and regulations, the uniform of the rank at which they retired; and (5) may, if they consent, be detailed from the retired list and placed on active duty at any time at the governor's order. When on such duty, they are entitled to the same pay and allowances as officers of a similar grade on the active list.

COMMITTEE ACTION

Select Committee on Veterans' Affairs

Joint Favorable Change of Reference
 Yea 10 Nay 0 (02/26/2009)

Public Safety and Security Committee

Joint Favorable
 Yea 22 Nay 0 (03/05/2009)