



Agency Legislative Proposal - 2016 Session

Document Name
CTMD-1

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:
CONNECTICUT MILITARY DEPARTMENT

Liaison: Lieutenant Colonel TIM TOMCHO
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Lead agency division requesting this proposal:
Adjutant General

Agency Analyst/Drafter of Proposal:
LTC Tim Tomcho

Title of Proposal
AN ACT CONCERNING THE QUALIFICATIONS OF THE ADJUTANT GENERAL

Statutory Reference
27-19

Proposal Summary
To specify that the qualifications of the Adjutant General require fifteen years commissioned service, ten of which must be served in the National Guard.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

The position of Adjutant General is highly specialized and focused on National Guard service and issues. The position requires the military experience that can only be obtained by extensive commissioned service as an Army or Airforce officer who has served for a significant time as a commissioned officer in the National Guard.

- **Origin of Proposal** X **New Proposal** **Resubmission**

After considerable deliberation concerning the requirements of the office, the Adjutant General, State of Connecticut, proposes this legislative revision to ensure that the future leadership of the Connecticut National Guard is selected from a qualified pool of potential leaders.

PROPOSAL IMPACT



- **Agencies Affected** (please list for each affected agency)

Agency Name: Governor's Office Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ___ YES ___ NO ___ Talks Ongoing
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Summary of Affected Agency's Comments
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Will there need to be further negotiation? ___ YES ___ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) None
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State None

Federal None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Seeks to ensure that the Adjutant General, Connecticut National Guard, possesses the necessary military experience.



Sec. 27-19. Adjutant General. Appointment and qualifications. The Military Department shall be comprised of (1) the armed forces of the state, as defined in section 27-2, which shall be under the military command and control of the Adjutant General, and (2) [any] the department's civilian employees [appointed by the Adjutant General pursuant to section 27-31]. The Military Department shall be under the [charge] command and control of the Adjutant General. On or before July 1, 1980, the Governor shall appoint an Adjutant General with the rank of major general to serve for a term of two years from July 1, 1980. Quadrennially thereafter, the Governor shall appoint an Adjutant General with the rank of lieutenant general to serve for a term of four years, from such first day of July and until a successor is appointed and qualified. The Adjutant General shall have had at least fifteen years' commissioned service in the armed forces of the United States, ten of which must have been served in the National Guard, and shall have obtained the minimum grade of O5. [rank of lieutenant colonel or higher in the Army, Marine Corps or Air Force, or the rank of commander or higher in the Navy or Coast Guard]. No person shall be appointed or continue to serve as Adjutant General after reaching the age of sixty-four years. The Adjutant General may be suspended or removed by the Governor in accordance with the provisions of sections 4-11, 4-12 and 4-13.



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State Agency:
CONNECTICUT MILITARY DEPARTMENT

Liaison: Lieutenant Colonel TIM TOMCHO
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Lead agency division requesting this proposal:
Adjutant General

Agency Analyst/Drafter of Proposal:
LTC Tim Tomcho

Title of Proposal
AN ACT CONCERNING FEDERAL RECORDS ACCESSIBLE TO OR MAINTAINED BY THE CONNECTICUT NATIONAL GUARD

Statutory Reference
Sec. 1-210. (Formerly Sec. 1-19). Access to public records. Exempt records

Proposal Summary
To specify that the federal records maintained by the Connecticut National Guard are exempt under the state FOIA but may be requested under the federal FOIA.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

The Connecticut National Guard is a unique agency that possesses state and federal roles and responsibilities. Service in the Guard is dual-status service, requiring membership in the state militia and the United States Armed Forces. Records generated and maintained by the Connecticut National Guard are primarily for federal purposes. These records are governed by federal laws, including the federal Freedom of Information Act and federal Privacy Act, and are maintained by the federal government in federal record systems (databases). Select members of the Connecticut National Guard may access federal databases due to membership in the U.S. Armed Forces, federal security clearances and duty positions. Such federal records may be requested under federal FOIA.

Records that are generated and maintained by the Connecticut National Guard that are not generated or maintained by the federal government would continue to be subject to release under the state FOIA through a request via the Connecticut Military Department.

- **Origin of Proposal** **New Proposal** **Resubmission**



The Military Department seeks this statutory exemption to codify its practice and to avoid confusion as to the status of its federal military records. The Connecticut Military Department defended a matter before the FIC that indicated that a statutory exemption would avoid future confusion relative to federal military records accessible by members of the Connecticut National Guard.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

None

State

None

Federal

None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

This would clarify existing law. Federal records are not subject to State FOIA pursuant to section 1-210 general exemption, as these records are excepted records that are exempt "as otherwise provided by any federal law or state statute . . ." This bill clarifies the general exemption and directs requests to be issued under the federal FOIA A (5USC552).



Sec. 1-210. (Formerly Sec. 1-19). Access to public records. Exempt records. (a) Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212. Any agency rule or regulation, or part thereof, that conflicts with the provisions of this subsection or diminishes or curtails in any way the rights granted by this subsection shall be void. Each such agency shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such agency shall be kept in the office of the clerk of the political subdivision in which such public agency is located or of the Secretary of the State, as the case may be. Any certified record hereunder attested as a true copy by the clerk, chief or deputy of such agency or by such other person designated or empowered by law to so act, shall be competent evidence in any court of this state of the facts contained therein.

(b) Nothing in the Freedom of Information Act shall be construed to require disclosure of:

(28) Connecticut National Guard records. Requests for records maintained by or accessible to the Connecticut National Guard for federal purposes shall be made pursuant to the federal Freedom of Information Act (5USC552).



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CONNECTICUT MILITARY DEPARTMENT

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Lead agency division requesting this proposal:
Adjutant General

Agency Analyst/Drafter of Proposal:
LTC Tim Tomcho

Title of Proposal
AN ACT CONCERNING THE LEASING OF HORSE GUARD FACILITIES

Statutory Reference
Sec. 27-39. Care and control of military property. Lease of military facilities. Use of military facilities without charge. Military facilities account. Annual report.

Proposal Summary
To authorize the Military Department to lease Horse Guard facilities located in Avon and Newtown to all persons and to clarify the Adjutant General's authority to lease military facilities.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

The Military Department maintains facilities in Avon and Newtown for use by the First and Second Companies Governor's Horse Guard (respectively). Due to recent year budget constraints, the size of each unit's herd of horses has been diminished. As a result, the capacity of these facilities exceed the current need for the stabling of unit horses. To augment Horse Guard funding, the Military Department seeks expansion of its statutory authorization to lease excess stalls in Horse Guard facilities (currently limited to nonprofit corporations, community organizations and governmental entities) to include leases to persons, including corporations. Revenue generated from leasing horse stalls will be fenced for use for Horse Guard uses, including care of Horse Guard horses, maintenance of Horse Guard Facilities and Horse Guard unit operations. The statute also sees to clarify the statute concerning Military Department leases.

- **Origin of Proposal** X New Proposal Resubmission



The Military Department seeks this statutory authorization to expand leasing operations to include leases of horse guard facilities to persons for the purpose of augmenting limited funding for First and Second Companies Governor' Horse Guard and to clarify the statutory provisions concerning the leasing and use of military property.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name:
Agency Contact (name, title, phone):
Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)
None

State
None

Federal
None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

To authorize the Adjutant General to lease horse guard facilities for the purposes of generating funds to support the maintenance and operations of the first and second companies governors horse guards. Clarifies existing statute.



Sec. 27-39. Care and control of military property. Lease of military facilities. Use of military facilities [without charge] at cost. Military facilities account. Annual report. (a) As used in this section "military facility" means any state-owned, leased or controlled military building, structure or training site or parcel of land.

(b) The Adjutant General is charged with the responsibility for the use, maintenance, security and leasing of all [armories, rifle ranges,] military facilities[, reservations] and other military property under the provisions for such use imposed by the statutes. Each military facility shall be under the charge of a commissioned officer, designated by the Adjutant General. Each application for the lease of such facility shall be made to the Adjutant General, who shall approve or disapprove such application and so advise the applicant. The Adjutant General shall limit the lease of military facilities, except the military facilities identified under subsection (e) of this section, to military and nonprofit organizations, organizations receiving state aid and governmental agencies. Proceeds from the lease of military facilities shall be paid to the Adjutant General, who shall promptly transmit such proceeds to the State Treasurer for deposit in the military facilities account established under subsection [(e)] (f), except the proceeds received from the lease of military facilities identified under subsection (e) of this section. The Adjutant General shall, in military facilities where space is available, assign space to veterans' service organizations for their joint uses, subject to the regulations concerning military facilities. Units of the armed forces of the state and veterans' organizations jointly utilizing military facilities shall be allowed the use of the drill shed and such other [portions] common areas of the facility [as are usually included when military facilities are leased, upon proper application through regular channels and subject to the following conditions and terms: (1) When no admissions are charged, the lease shall be free up to midnight on the regular meeting night of the organization making application; (2) if the use of the military facility is required after midnight, the regular military rate shall be charged; and (3) at all other times and for entertainments when admissions are charged, the military rate shall be charged to veterans' organizations jointly using the military facility].

(c) Nothing in this chapter shall be construed as allowing the lease or use of, or assignment of space in, any military facility (1) on the drill night of any active military organization stationed in the facility or in a manner that conflicts with the military usage of the facility, (2) at a reduced rate [by any veterans' organization for the purpose of conducting any athletic contest or other entertainment for which full nonmilitary rate is charged military organizations], or (3) in a manner that conflicts the use of the facility for military purposes or with federal military regulations. In no case shall [any veterans' organization be allowed use of any military facility for the purpose of] the Adjutant General's lease permit subleasing. Applications for the use or lease of a military facility shall be made to the Adjutant General. In all cases, a certificate of insurance or self-insurance letter, approved by the Adjutant General, indemnifying the state and federal governments against injuries to person and damage to property shall be furnished, the cost of the certificate or letter to be in addition to the leasing or maintenance charge.

(d) [Agricultural and other associations that receive state aid and military organizations may be allowed the use of military facilities at a cost not exceeding the actual maintenance cost of such facilities during



the period of such use. Applications for such use may be made to the Adjutant General. In all cases of lease or use of a facility by a nongovernmental entity, a certificate of insurance, approved by the Adjutant General, indemnifying the state against injuries to person and damage to property shall be furnished, the cost of the certificate to be in addition to the leasing or maintenance charge.] The Adjutant General may allow the use of any military facility, [without charge] at a cost not exceeding the actual maintenance cost of such facilities during the period of such use, by (1) any public or private nonprofit elementary or secondary school or any public institution of higher education for purposes of athletic events with respect to which no admission is charged, (2) the American Red Cross for purposes of blood supply programs, and (3) any local, state or federal governmental agency, (4) agricultural and other associations that receive state aid and (5) military organizations [provided any such use does not conflict with the use of such facility for military purposes or with federal military regulations].

(e) The Adjutant General [shall allow the use of the] may lease military facilities associated with the first and second companies of the Governor's Horse Guards in the towns of Avon and Newtown [, without charge, by nonprofit organizations receiving contributions to support such Horse Guards for purposes of fundraising,] to any person, provided the Adjutant General deposit proceeds generated by such leases into the Governor's Guards horse account established by sec. 27-19c and such [use] leasing does not conflict with the use of such facilities for military purposes.

[(e)] (f) There is established an account to be known as the "military facilities account" which shall be a separate, nonlapsing account within the General Fund. The account shall contain (1) any amounts appropriated or otherwise made available by the state for the purposes of the account, (2) any moneys required by law to be deposited in the account, and (3) gifts, grants, donations or bequests made for the purposes of the account. Moneys in the account shall be expended by the Military Department for the maintenance and renovation of military facilities.

[(f)] (g) Not later than August first, annually, the Adjutant General shall submit a report of the amount of proceeds received from leasing each military facility and the expenses of each such facility, for the twelve-month period ending on June thirtieth of the same year, to the joint standing committee of the General Assembly having cognizance of matters relating to veterans' affairs, in accordance with the provisions of section 11-4a.



Agency Legislative Proposal - 2016 Session

Document Name
CTMD-4

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State Agency:
CONNECTICUT MILITARY DEPARTMENT

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Lead agency division requesting this proposal:
Adjutant General

Agency Analyst/Drafter of Proposal:
LTC Tim Tomcho

Title of Proposal
AN ACT CONCERNING THE MEDAL OF ACHIEVEMENT FOR STATE MILITARY SERVICE

Statutory Reference
Sec. Sec. 27-73g. Medal of achievement.

Proposal Summary
To expand eligibility of the award to all members of the armed forces of the state, including members of the Governor's Guards.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

The Connecticut Medal of Achievement is awarded for outstanding achievement or meritorious service during the performance of any state military service. The Adjutant General seeks authorization to award the medal to all members of the state armed forces, not just members of the Connecticut National Guard. .

- **Origin of Proposal** X **New Proposal** **Resubmission**

The Military Department seeks this statutory authority to expand eligibility for the medal of achievement to all members of the armed forces of the state.

PROPOSAL IMPACT



- **Agencies Affected** (please list for each affected agency)

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ___ YES ___ NO ___ Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? ___ YES ___ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) None
State None
Federal None
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Wider recognition of outstanding achievement or meritorious service during the performance of any state military service
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Sec. 27-73g. Medal of achievement. The Adjutant General and two officers of field grade or above, appointed by the Adjutant General, shall constitute a board of officers to receive recommendations,



through military channels, for the award, within available appropriations, of the medal of achievement to any member of the [Connecticut National Guard] armed forces of the state as defined in section 27-2 who has distinguished himself or herself through outstanding achievement or meritorious service during the performance of any state military service[, including military service described in section 27-61 and military service performed pursuant to chapter 518]. A bronze oak leaf cluster shall be issued in lieu of succeeding awards and a silver oak leaf cluster shall be worn in lieu of five bronze oak leaf clusters.



Agency Legislative Proposal - 2016 Session

Document Name
CTMD-5

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State Agency:
CONNECTICUT MILITARY DEPARTMENT

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Lead agency division requesting this proposal:
Adjutant General

Agency Analyst/Drafter of Proposal:
LTC Tim Tomcho

Title of Proposal
AN ACT CONCERNING PROHIBITION ON DISCRIMINATION IN THE ARMED FORCES OF THE STATE BASED ON SEXUAL ORIENTATION.

Statutory Reference
Sec. 27-59. Discrimination prohibited.

Proposal Summary
To prohibit discrimination based on sexual orientation in the armed forces of the state.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

To align state statutes with federal statutes concerning the prohibition on sexual orientation in the armed forces.

- **Origin of Proposal** **New Proposal** **Resubmission**

The Military Department seeks this statutory exemption to codify its practice of prohibiting discrimination based on sexual orientation in the armed forces of the state.



PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ___ YES ___ NO ___ Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? ___ YES ___ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) None
State None
Federal None
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Aligns the state statute concerning the prohibition on discrimination in the armed forces of the state with the federal statute – prohibiting discrimination based on sexual orientation.



Sec. 27-59. Discrimination prohibited. No person shall be denied membership in the armed forces of the state, nor be discriminated against in the matter of promotion therein, on account of his or her sexual orientation, race, creed or color. No units of such organizations shall be formed, and no separate types of duties or separate accommodations shall be assigned, in such a manner as to result in the segregation of members thereof on account of sexual orientation, race, creed or color.



Agency Legislative Proposal - 2016 Session

Document Name**CTMD-6**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:**CONNECTICUT MILITARY DEPARTMENT**

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Lead agency division requesting this proposal:

Adjutant General

Agency Analyst/Drafter of Proposal:

LTC Tim Tomcho

Title of Proposal**AN ACT REPEALING SIMULTANEOUS MEMBERSHIP IN THE GOVERNOR'S GUARDS.****Statutory Reference**

Sec. 27-56. Enlistment in the Governor's Guards.

Proposal Summary

To prohibit members of the armed forces of the state simultaneous membership in state military organizations. This statute conflicts with federal law and the Adjutant General's authority relative to recruiting for the armed forces of the state. Repeal section 27-56.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

To align state statutes with federal statutes concerning the prohibition on simultaneous membership in the National Guard and state armed forces.

- **Origin of Proposal** **New Proposal** **Resubmission**

The Military Department seeks this statutory exemption to codify its practice of prohibiting simultaneous active membership in organizations of the armed forces of the state.



PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ___ YES ___ NO ___ Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? ___ YES ___ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) None
State None
Federal None
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

To provide for orderly service in the armed forces by prohibiting simultaneous active membership in organizations of the armed forces of the state.



Sec. 27-56. Enlistment in the Governor's Guards. [The several companies of the Governor's Guards shall be filled from time to time by voluntary enlistments. Enlistments may be made from the National Guard, provided the duties of the National Guard shall take priority when in conflict with the duties of the Governor's Guard.] section 27-56 is repealed.