

New York State Assembly - Sheldon Silver, *Speaker*

2006

# ANNUAL REPORT

Committee On

## Veterans' Affairs

Felix W. Ortiz, *Chairman*



15 December 2006

Honorable Sheldon Silver  
Speaker  
New York State Assembly  
Room 932 Legislative Office Building  
Albany, New York 12248

Dear Mr. Speaker,

It is with great pleasure that I forward to you the 2006 Annual Report of the New York State Assembly Standing Committee on Veterans' Affairs.

In late January, I was honored, Mr. Speaker, that you named me chair of this important committee. I hope to continue the Assembly tradition of leadership that has been established since the committee was created in 1983.

Several significant measures became law this year. Many of the soldiers returning from active combat zones are experiencing adverse health effects that may be caused by exposure to toxic materials or harmful physical agents, such as depleted uranium. Legislation became law to require the Adjutant General and the State Director of the Division of Veterans' Affairs to assist any member of the National Guard or veteran who served in the Persian Gulf in efforts to obtain Federal treatment services for such health problems. The law also creates a task force on health problems due to military service to study the health effects of exposure to toxic materials or harmful physical agents.

Other measures enacted into law include: extension of the statute of limitation for phenoxy herbicide (Agent Orange) for armed forces who served in Indo-China for two additional years; extension of the date in establishing the Vietnam, Persian Gulf and Afghanistan Veterans Tuition Award Program to September 1, 2008; the creation of a monument dedicated to all New Yorkers who received the Congressional Medal of Honor; change of the commencement date of the Vietnam war from December 22, 1961, to February 28, 1961, and authorization of municipalities to adopt a local law or ordinance allowing the assessor to transfer and prorate a real property tax exemption granted a veteran when such veteran sells the property receiving the exemption and purchases property within the same municipality.

While much has been accomplished this year, much more remains to be done. In 2007 the Committee will focus on the returning veterans who have served in Iraq and Afghanistan. The Committee also will examine homeless veterans and continue outreach to women veterans.

I wish to extend my appreciation and many thanks to the members of the Committee, the Committee staff, and the veterans of New York State and to you, Mr. Speaker, for your unwavering support for veterans.

Sincerely,

Felix W. Ortiz  
Member of Assembly

**ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
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## I. COMMITTEE JURISDICTION AND SUMMARY

The Assembly Standing Committee on Veterans' Affairs evaluates legislation affecting 1.25 million New York State residents who selflessly served their nation in the United States armed forces. This number includes the nearly 60,000 women veterans who volunteered to serve in the military. Their jobs have ranged from nurses to switchboard operators to combat positions. The Committee's work is geared toward safeguarding programs and promoting legislation to benefit veterans and their families. In addition, the Committee maintains an ongoing dialogue with the veterans' community and addresses developing issues affecting the lives of New York State veterans.

Veterans' issues impact a number of titles of New York State statute, principally: Civil Service Law, Executive Law, Military Law, Education Law, Real Property Tax Law, Public Health Law, and Retirement and Social Security Law. Amendments to the State Constitution that would affect veterans are also considered by the Committee. New York State currently offers a variety of veterans' assistance programs, including a real property tax exemption program, educational assistance for certain veterans and their family members, and a State veterans nursing home program.

This past Legislative session, the Committee held four meetings at which it considered seventy bills. Eleven bills passed both houses of the Legislature, nine of which were signed into law and one vetoed. One of the eleven was the first passage of a resolution to amend the State Constitution. (A proposed amendment must be passed by two successively elected legislatures before it appears on the ballot for voter approval). The Committee was represented at the dedication and opening of the Richard J. Conners Veterans Home, a permanent residence for veterans located in Albany, New York, the Fox Company Homecoming in Albany, New York, and Fleet Week held in New York City.

While the Standing Committee on Veterans' Affairs has jurisdiction over legislation that affects veterans' benefits and programs that help veterans and their families, the Committee does not work alone. Some initiatives advanced by individual veterans and organizations are referred to other standing committees, such as Energy, Transportation, Health, and Corporations, Authorities, and Commissions. As a result, the Committee's chair, members, and staff must work closely with other committees to ensure that this unique population's needs are met. To meet this goal, the Committee may analyze legislation referenced to other Assembly standing committees and conduct joint public hearings with other committees.

## II. 2006 LEGISLATIVE HIGHLIGHTS

### A. Agent Orange

Dioxin is a chemical contaminant that was contained in Agent Orange, a herbicide (plant killer) used for defoliation in Vietnam from 1962 until 1971, as well as along the demilitarized zones in Korea in 1968-69, and at Fort Drum, New York, in 1959.

Agent Orange received its name from orange painted on barrels containing the herbicide. Other herbicides were also named this way, e.g., agents White, Blue, Green and Purple. The barrels were color-coded to make identification easier for shippers and handlers.

Herbicide-spraying operations were conducted to clear vegetation, denying the enemy camouflage or cover for ambush. Herbicides were also used to destroy enemy food crops, and to clear base perimeters, landing zones, waterways and communication lines. An estimated 11 million gallons of Agent Orange were sprayed in Southeast Asia.

Of the nearly 440,000 Vietnam-era veterans in New York State, roughly 131,000 engaged in active duty in Southeast Asia. Thus, the number of veterans in New York State who were exposed may be very high.

Since the time this statute of limitations was first enacted in 1981, additional diseases, such as Hodgkin's disease, prostate cancer and adult-onset diabetes mellitus (Type II) have been associated with Agent Orange. Researchers have found a link between a type of leukemia and Vietnam soldiers exposed to herbicides such as Agent Orange, prompting the Department of Veterans Affairs to extend benefits to veterans with the illness.

#### ***Agent Orange Extender*** **(A.9755, Ortiz; Chapter 39 of the Laws of 2006)**

In 1981, legislation was enacted to allow former members of the armed forces to initiate action to recover damages from personal injury caused by exposure to phenoxy herbicides (Agent Orange) within two years from the date of discovery of the injury or within two years from the date such injury should have been discovered, whichever is later.

This Chapter extends to June 16, 2008, the deadline for filing suits against the producers of Agent Orange. Those persons whose injury or death was caused by contact with or exposure to phenoxy herbicides (Agent Orange) and who served as members of the U.S. Armed Forces in Indo-China from December 22, 1961, through May 7, 1975, may file.

## **B. Education Benefits for Vietnam, Persian Gulf and Afghanistan Veterans**

The Vietnam Veterans Tuition Award Program (VVTAP) was created in order to enhance the employability of Vietnam veterans. To further meet this goal, it was expanded in 1985 to allow the tuition award to be applied not only to courses at educational institutions, but also vocation training programs. In 1987, the year VVTAP was to expire, the Legislature recognized the need to extend the program, increase the available funding, and provide for proper promotion. Thus, the VVTAP's expiration date was extended, the amount of the award increased from \$500 to \$1,000 for each semester of full-time study and a task force was created to coordinate outreach efforts. In 1997, the program was expanded to graduate school students and those veterans who served in the Persian Gulf War. In 2004, under Patriot Plan II, clarification was added to specify that Afghanistan veterans were eligible for the tuition benefit.

### ***Vietnam Veterans Tuition Award Program Extension, the Persian Gulf Veterans Tuition Award Program Extension, and the Afghanistan Veterans Tuition Award Program Extension (A.9650, Sweeney; Chapter 208 of the Laws of 2006)***

This measure extends the date establishing eligibility for the Vietnam Veterans Tuition Award Program, the Persian Gulf Veterans Tuition Award Program and the Afghanistan Veterans Tuition Award Program to September 1, 2008.

## **C. Returning Veterans from Combat Zones**

Many of the soldiers returning from active combat zones are experiencing adverse health effects that may be caused by exposure to toxic materials or harmful physical agents, such as depleted uranium.

Depleted uranium results when enriched uranium is separated from natural uranium when fuel is made for nuclear reactors. The United States used depleted uranium, or "DU," to increase the effectiveness of anti-tank shells and armor-piercing ammunition and bombs. DU is also used in armor plating in tanks and other fighting vehicles. It has been in common use in the Persian Gulf.

### ***Military Health (A.9116-B, Dinowitz; Chapter 743 of the Laws of 2006)***

Legislation was passed by both houses of the Legislature to require the Adjutant General and the State Director of the Division of Veterans' Affairs to assist any member of the National Guard or veteran who served in the Persian Gulf in efforts to obtain Federal treatment services for such health problems that may have been incurred during such service in the Persian Gulf area. The legislation also requires the Adjutant General to report to the Senate and Assembly Veterans' Affairs committees on the scope and adequacy of training received by members of the New York National Guard regarding the detection and recognition of exposure to toxic materials during military service and the cost of adding predeployment training to address potential exposure to depleted uranium and other toxic substances. The bill also adds Gulf War Syndromes, toxic

materials, and harmful physical agents such as depleted uranium, to the list of health issues on which the Department of Health must provide instruction under their veterans health care information program, and creates a task force on health problems due to military service to study the health effects of exposure to toxic materials or harmful physical agents.

#### **D. New York State Veterans Memorials**

New York State has several veterans memorials located at the Empire State Plaza. They include: the statue of General Philip Henry Sheridan; New York State Vietnam Memorial; the New York State Korean War Veterans Memorial; the New York State Women Veterans Memorial, the New York State Purple Heart Memorial, and the New York State World War II Memorial. Four memorials were the result of legislation.

The New York State Vietnam Memorial was authorized by Chapter 754 of the Laws of 1981. This occurred one year before “The Wall” was completed in Washington, D.C. Dedicated in 1984 as a “living memorial,” it commemorates the military service of New York State residents in Vietnam and other parts of Southeast Asia between 1961 and 1975. The memorial features a State Honor Roll in its courtyard, as well as exhibits, a gallery, and a resource center library. The New York State Vietnam Memorial was the first such effort of this kind by any state in the nation.

Chapter 626 of the Laws of 1986 established statutory authority to create the New York State Korean Veterans Memorial. It was dedicated in 1990, on the 40<sup>th</sup> anniversary of the beginning of the Conflict. The memorial features a reflecting pool with a plaque dedicated to each of the countries that participated. The Korean War Veterans Memorial in Washington, D.C., was dedicated on July 25, 1995.

Chapter 294 of the Laws of 1994 established statutory authority to create the New York State Women Veterans Memorial. It was dedicated on December 3, 1998. This memorial features two bas-reliefs depicting women in the military, from the Revolutionary War to present time. The central figure is symbolic of the spirit, strength, and commitment of women who have defended our nation and its principles. The figure is intended to depict Liberty emerging from the block of stone, breaking free from colonialism and standing atop a British crown.

The New York State World War II Memorial was authorized in 1998 by Chapter 233 of the Laws of 1998. On May 30, 2002, the traditional date for Memorial Day, the memorial was dedicated. The memorial’s centerpiece is the eagle, symbolizing freedom, liberty, and the strength of the United States, perched on top of a large pedestal. The pedestal is surrounded by two pools of water encased with granite walls inscribed with the names of significant places, battles, and dates from the European and Pacific theaters of war. Granite tablets bear the names of the major campaigns of the war, along with quotations from President Franklin Roosevelt and Generals Eisenhower and MacArthur. Water jets create turbulence in the pools, symbolizing the lack of peace and harmony in the world during World War II.

***Congressional Medal of Honor Monument***  
**(A.11651, Ortiz; Chapter 690 of the Laws of 2006)**

This law directs the Commissioner of the Office of General Services to erect a monument for veterans from New York State who have received the Congressional Medal of Honor. The monument would be located in the Governor Nelson A. Rockefeller Empire State Plaza or Capitol Park in Albany, New York.

The Congressional Medal of Honor is the highest award for valor that an individual can earn while serving in the Armed Forces of the United States. The history of the award reflects the sacrifices made by Americans to defend, protect, and preserve the freedoms we cherish. There have been over 650 recipients of the Congressional Medal of Honor from New York State.

There are several states that have erected a Congressional Medal of Honor monument, including Washington State in 1976. There are at least two national monuments, located in Indianapolis, Indiana, and Riverside, California.

**E. Vietnam War Date**

The Vietnam War raises considerable difficulties in establishing a beginning date for the United States military involvement in this war. The current date of December 22, 1961, has been established as the beginning date of the Vietnam War by New York State under Chapter 270 of the Laws of 1993. President John F. Kennedy began awarding the Armed Forces Expeditionary Medal to service men and women who served from December 22, 1961. In 1996, the Federal Government changed the date to February 28, 1961. The date grants recognition of wartime service to veterans who served in Vietnam from 1961 when American advisers began accompanying South Vietnamese troops.

***Vietnam War Commencement Date***  
**(A.6944, Aubertine; Chapter 179 of the Laws of 2006)**

This measure would change the date upon which the Vietnam War is deemed to have commenced from December 22, 1961, to February 28, 1961, in various sections of New York law.

**F. Real Property Tax Exemptions**

The veterans' real property tax exemption has a long history in New York State. The original veterans' exemption was enacted as § 458 of the Real Property Tax Law in 1897, but its genesis comes from a single back foreclosure case against a disabled veteran in 1890.

In Yates County National Bank v. Carpenter, relief was sought from the executive sale of property brought with the proceeds of a military pension by Mr. Carpenter. His lawyers relied on a liberal interpretation of an 1864 statute exempting veterans' property purchased with

pensions from foreclosure. The Court of Appeals construed § 1393 of the New York State Code of Civil Procedure as exempting real property owned by a military pensioner from levy and sale on execution if that property was partially or fully purchased with receipts from his military pension and necessary or convenient for the support and maintenance of the pensioner and his family. Following the Carpenter decision, the lower courts held that pension monies paid by the United States Government used to purchase the dwellings of military pensioners were exempt from real property taxation.

When Chapter 347 of the Laws of 1897 amended the Tax Law to form what is now § 458 of the Real Property Tax Law (RPTL), the Legislature recognized that exempting veterans' property from foreclosure for nonpayment of taxes took away veterans' incentive to pay any taxes, and decided to codify the veterans' eligibility for seizure. The law incorporated the veterans' exemption, as interpreted in the Tax Law by the courts, and established the exemption.

Eighty-seven years after the establishment of the veterans' exemption, New York State enacted the Alternative Veterans' Exemption, § 458-a, RPTL. This is the predominant exemption today. The alternative exemption came about in large part in response to the wide distribution of varying levels of assessments used by the municipalities and the unequal treatment of sources of eligible funds available to veterans of different eras.

Virtually all real property tax exemptions granted to veterans in New York State fall into two categories: the fixed dollar amount "eligible funds" category (§ 458, RPTL); and the percentage-of-exemption value "alternative" category (§ 458-a, RPTL). The "alternative exemption" was enacted in 1984 as a local option replacement for the "eligible funds" exemption. The "alternative exemption" provides a property tax exemption of 15 percent of assessed value to veterans who served during wartime, and an additional ten percent to those veterans who served in a combat zone. The law also provides an additional exemption to disabled veterans, equal to one-half of their service-connected disability rating.

Two measures relating to property taxes were enacted to help veterans.

1. ***Expansion of Real Property Tax Exemption for Those Eligible for Pecuniary Assistance***  
**(A.2747, Towns; Chapter 46 of the Laws of 2006)**

The purpose of this bill is to include seriously disabled veterans who are eligible to receive pecuniary assistance from the Federal Government to acquire or to adapt a home to their needs in the category of those qualified for the eligible funds exemption under § 458(3) of the RPTL.

2. ***Transfer of the Real Property Tax Exemption in Cases of Veterans Moving Within the Same Municipality***  
**(A.974, McEneny; Chapter 166 of the Laws of 2006)**

The bill authorizes municipalities to adopt a local law or ordinance allowing the assessor to transfer and prorate a real property tax exemption granted a veteran when such veteran sells the property receiving the exemption and purchases property within the same municipality.

**G. Special Recognition**

**1. “Green County Veterans’ Memorial Highway”  
(A.9176-B, Hooker; Chapter 328 of the Laws of 2006)**

This law designates a portion of State Route 23, beginning at the west side of the Rip Van Winkle Bridge in the Town of Catskill, County of Greene, and continuing to the junction of State Route 145 and State Route 23 in the Town of Cairo, County of Greene, as the “Greene County Veterans’ Memorial Highway.”

**2. “96<sup>th</sup> Infantry Division WWII Veterans’ Memorial Highway”  
(A.9911-A, Errigo; Chapter 216 of the Laws of 2006)**

This measure designates a portion of the State highway system, Route 96 from New York Route 332, east to New York Route 21 in Ontario County, as the “96<sup>th</sup> Infantry Division WWII Veterans’ Memorial Highway.”

### III. CONSTITUTIONAL AMENDMENT

***Constitutional Amendment; Civil Service Exam***  
**(A.9957, Ortiz; First Passage Both Houses)**

The Legislature passed an amendment to remove from the State Constitution the requirement that a veteran who was disabled in the performance of duty in any war must receive disability payments from the United States Veterans' Administration in order to qualify for additional civil service points and to allow the veteran to qualify for additional civil service points if he or she has been certified as disabled.

Upon first passage by the Legislature, an Amendment shall be referred to the next legislative session convening after the succeeding general election of members of the Legislature. Upon second passage by the Legislature, which must be during such session, the Amendment shall be submitted to the people for approval. In order for this to be voted upon by the people of the State of New York, it will need to pass both houses again in 2007.

## IV. VETOES OF NOTE

### A. Veterans' Affairs Committee

#### *County Veterans' Service Agency* (A.10236-B, Schroeder; Veto Memo 282)

This measure would have required a local office of the county veterans' service agency in counties having a population of three hundred thousand or more to occupy a physical office space that was separate and apart from space occupied by any other agency, department, division, bureau, board, commission, council, authority, or other body of a public or private entity.

In his veto message, the Governor noted that the sponsors of the legislation were concerned that recent efforts of certain counties to consolidate their public advocacy agencies, including local veterans' service agencies, into consolidated advocacy agencies could limit the resources and opportunities available to veterans. The opponents of the bill, including the New York State Association of Counties, commented that local consolidation can serve the dual goals of promoting fiscal responsibility and providing veterans access to a variety of services at a central location.

### B. Governmental Employees Committee

#### *Application of Veterans' Credits to Civil Service Examinations* (A.10038, Morelle; Veto Memo 262)

This bill would amend the Civil Service Law to allow a belated application for an additional credit as a veteran or disabled veteran by an applicant who has been placed on an eligible list for State employment but, subsequent to such placement, has been ordered to active military duty to a combat theater or combat zone of operations that qualifies such applicant for the additional credit as a veteran or disabled veteran. The applicant must make the application within two months after receiving an honorable discharge or being released under honorable circumstances. The Governor vetoed the bill on the ground that the State Constitution prohibits adding credits after an eligible list has been established.

## **V. BUDGET HIGHLIGHTS**

### **A. The Division of Veterans' Affairs**

#### **1. Veterans' Counseling**

The Division of Veterans' Affairs (DVA) operates three principal programs. The largest is the Veterans' Counseling Program, which provides counseling and claims services through a statewide network of State veterans' counselors. The counselors, all of whom are veterans, and support staff help veterans complete and file applications for Federal, State, and private benefits and services. Counselors also service constituents through outreach to Veterans' Affairs medical centers, senior centers, State veterans' nursing homes and local nursing homes, and public assistance offices. With the enactment of the New York Patriot Plan in 2003, State veterans' counselors help to ensure that active duty military personnel and their families receive the supplemental benefits to which they are now entitled.

State veterans' counselors receive professional training in veterans' benefits counseling. When successfully completed, a certificate is awarded to allow these counselors to assist individual veterans to file claims with the U.S. Department of Veterans Affairs. Counselors receive on-going training, as well as technical information and manuals.

Five hundred thousand dollars was appropriated in the 2006-2007 State Budget for services and expenses related to veterans' counseling and outreach.

#### **2. Blind Veterans' Annuity Assistance**

In 2000, Chapter 453 raised the New York State Blind Veterans' Annuity Program stipend from \$500 to \$1,000 a year. The benefit was first created in 1913, and the 2000 chapter was the first time the benefit was increased. Chapter 251 of the Laws of 2004 allows for the annual adjustment of the annuity now payable plus a percentage increase, if any, for compensation and pension benefits administered by the U.S. Department of Veterans Affairs in the previous year. The director of the DVA must publish by February first of each year the amount of the annuity as adjusted.

The State Budget appropriated \$5,200,000 to this vital program. The blind veterans received a four percent cost of living adjustment to the benefit in 2006. The monthly benefit rose from \$85.58 to \$89. Up to \$15,000 of the appropriation may be transferred to State Operations for postage costs associated with this program.

#### **3. Veterans' Education Program**

The Veterans' Education Program was previously under the jurisdiction of the Department of Education. In October 1997, the Governor requested that this federally-funded program be moved to the jurisdiction of the DVA. The Veterans' Education Bureau approves and supervises educational institutions offering programs for veterans and other eligible persons. According to

Federal law, no veteran can receive G.I. educational benefits, such as those granted pursuant to the Montgomery G.I. Bill, unless the program in which the veteran is enrolled has been approved and is supervised by a state-approved agency. Eleven personnel were transferred to DVA to operate this program. For the 2006-07 budget year, 12 positions are funded.

The Budget included a \$1,800,000 Federal operating grant to operate this program.

#### **4. County and City Veterans' Service Agencies**

County and city Veterans' Service Agencies are mandated by State law to inform members of the armed forces, reserves, and organized militia, veterans, and their families about education, retraining, medical, and other rehabilitative services and facilities. They are also mandated to inform veterans and their families about Federal, State, and local laws and regulations pertaining to their rights.

In the budget for SFY2006-2007, \$680,000 was allocated for this program.

#### **5. New York State Supplemental Burial Benefits**

Pursuant to Chapter 106 of the Laws of 2003, New York State offers a supplemental burial benefits program to eligible families of military personnel killed in combat or duty subject to hostile fire or imminent danger, as defined in 37 U.S.C., § 310(a)(4). In the adopted budget, \$200,000 was included for this program and for transfer of such amounts as are necessary to State operations for related administrative expenses.

### **B. Division of Military and Naval Affairs**

#### **1. Recruitment Incentive and Retention Program**

Chapter 268 of the Laws of 1996 established the Recruitment Incentive and Retention Program to provide eligible members of the New York Army National Guard, the New York Air National Guard, and the New York Naval Militia with a tuition benefit for undergraduate study.

In the 2006-2007 Budget, \$3,300,000 was included for this vital program.

Under Article VII language, the program was amended to allow a recipient who has successfully completed his or her term of enlistment through service in a combat theater or combat zone of operations to continue to participate in the tuition benefit program, if such recipient was enrolled in the retention program prior to deployment in a combat theater or combat zone of operations.

## **2. New York State Military Museum and Veterans' Research Center**

The New York State Military Museum and Veterans' Research Center is located at the Saratoga Armory in Saratoga Springs, New York.

In the budget for SFY2006-2007, \$1,000,000 was appropriated for services and expenses related to youth academic and drug reduction programs, the New York State Military Museum and Veteran's Research Center, and the preservation of historic artifacts.

## **C. New York State Higher Education Services Corporation**

Tuition Assistance Program (TAP) is a New York State-funded program that provides grant assistance to help eligible full-time undergraduate and graduate students meet their tuition charges.

Article VII language was included in the 2006-2007 budget to include an adjustment to income in the case of "catastrophic illness" of the applicant or when the applicant or the spouse is called to active military duty.

## **D. Patriot Plan Extension**

Article VII language was included to extend for one year suspension of public retirement loan repayment obligations for members on active military duty.

## VI. BILLS THAT PASSED THE ASSEMBLY ONLY

### A. Veterans' Affairs Committee

1. *Expansion of Qualifications for Veterans' Real Property Tax Exemption*  
(A.3511, Tonko; Passed Assembly)

This measure would allow a qualified veteran to apply for the veterans' real property tax exemption within thirty days of the purchase of property when purchased after the taxable status date or after the levy of taxes. Guidelines would be established for a review and complaint process for such applications. The bill would also establish a formula that assessors could use to determine the exemption for property purchased after the taxable status date but before the levy of taxes and allow municipalities to opt for this method of recomputing the exemption.

2. *Exemption from Real Property Tax for a Person Certified to Receive Disability Pension*  
(A.6892, Schroeder; Passed Assembly)

The bill would exempt from real property taxation real property owned by a person certified to receive a Department of Veterans Affairs disability pension, pursuant to 38 U.S.C., § 1521, and allow an award letter from the Department of Veterans Affairs to be submitted as proof of the disability.

3. *Extension of Memorial Day and Veterans' Day Holiday to Certain Employees*  
(A.6356, Towns; Passed Assembly)

This measure would amend §63, Public Officers Law to require an extra day of paid leave on Memorial Day and Veterans' Day for veterans who are employed by a school district, board of cooperative educational services (BOCES), or other educational institution that receives State funding.

4. *Speakers Education Program within the Division of Veterans' Affairs*  
(A.7089, Towns; Passed Assembly)

The purpose of this bill is to establish within the Division of Veterans' Affairs a Speakers Education Program. New Yorkers, especially young people, should be aware of the contributions of the men and women who served our nation in the time of war. Veterans would volunteer to participate in this program.

5. *Cold War Service Medal*  
(A.10966, Ortiz; Passed Assembly)

This bill would authorize the issuance of a Cold War Service Medal to those veterans who served in the United States Armed Forces from September 2, 1945, to December 26, 1991.

**6. *Creation of a Veterans' Geriatric Mental Health Demonstration Program*  
(A.11104-B, Ortiz; Passed Assembly)**

This proposal would require the Director of the Division of Veterans' Affairs to develop, jointly with the Commissioner of the Office of Mental Health and the Director of the State Office of Aging, a Veterans' Geriatric Mental Health Demonstration Program. The legislation also would create an interagency geriatric veterans mental health planning council.

**7. *Distinguished License Plates for New York State Conspicuous Service Cross Recipients*  
(A.243-B, Cusick; Passed Assembly)**

The bill would authorize the issuance of distinctive license plates for recipients of the New York State Conspicuous Service Cross or their spouses. It would require payment of the regular registration fee and an additional, one-time service charge of ten dollars.

**8. *Creation of the Gold Star Parent Annuity*  
(A.6500-B, Towns; Passed Assembly)**

The measure would create an awards annuity of \$500, upon application by the parent of a veteran killed in combat to the State Director of the Division of Veterans' Affairs, for a parent who is identified as a Gold Star parent under 10 USC 1126 and who has an income at or below two hundred percent of the Federal poverty level.

**9. *Exempt School Taxes for Certain Veterans*  
(A.10249-C, Cusick; Passed Assembly)**

This bill would provide for authorization of the governing body of a school district, after public hearings and adoption of a resolution, to grant eligible veterans an exemption on their school taxes. The veteran must be receiving an exemption under § 458-a, RPTL to be eligible.

**10. *Authorizes Payment of War Bonus to Merchant Marines*  
(A.8339, Lavelle; Passed Assembly)**

The bill would authorize payment of a war bonus of two hundred fifty dollars to members of the merchant marines who served at sea during World War II or to their next of kin.

**B. Other Committees**

**1. Banks Committee**

**a. *Financial Information for Those in the Military*  
(A.7420; Nolan, Passed Assembly)**

This bill would establish the Financial Literacy Program for military families. The program would be managed by the State Banking Department. Such program would gather and establish procedures for distributing information regarding mortgage and rental protections and obligations, credit card payments and fees, and guidance with parental and other family obligations. It would include Federal and State protections.

**b. *Payday Lenders Protection for Military Personnel*  
(A.7288, Nolan; Passed Assembly)**

This bill would offer protections to military personnel who are targeted by payday lenders. The bill would establish procedures governing payday loans made to military borrowers. A licensed lender would be prohibited from garnishing any wages or salary paid for service in the armed forces when collecting any delinquent payday loans. This bill also would require the lender to defer all collection activity against a military borrower who has been deployed to combat or combat-support posting, prohibit the lender from contacting the military chain of command of a military borrower in an effort to collect a delinquent payday loan, require the lender to honor the terms of any repayment agreement between a licensee and a military borrower, including any repayment agreement negotiated through military counselors or third party credit counselors, and prohibit the lender from making loans to military borrowers if a military base commander had declared that a specific location of the licensee's business is off limits to military personnel.

**2. Codes Committee**

***Crime of Disturbance at Funeral or Memorial Services*  
(A.10488-A Cusick; Passed Assembly)**

The bill would establish the crime of disturbance of a funeral or memorial service. This bill was drafted as a response to the notorious series of intemperate protests that have taken place at military funerals across the country.

**3. Governmental Operations Committee**

***Additional Military Leave*  
(A.7104, Towns; Passed Assembly)**

The bill would authorize an additional thirty days military leave for public employees who are absent on military leave.

**4. Higher Education Committee**  
*Determination Tuition Assistance*  
**(A.9239-C, Canestrari; Passed Assembly)**

This measure would allow adjustment to income when calculating a TAP benefit if the parent, spouse or legal guardian is called to active military service.

**5. Local Governments Committee**  
*Increase Annual Appropriations for Patriotic Organizations*  
**(A.7088, Towns; Passed Assembly)**

This measure would permit towns to increase from \$125 to \$300 the annual appropriation to defray the costs of rooms for patriotic organizations in an adjoining town when the town does not have a post within its boundaries. The bill also would allow a town board to appropriate a sum not exceeding \$1,000 for each post in any year for the purpose of holding meetings.

**6. Ways and Means Committee**  
*Disabled Veterans*  
**(A.2800, Cook; Passed Assembly)**

This measure would expand the State workers with disabilities employment tax credits to include employers of certain disabled veterans.

## VII. BILLS REPORTED BY OTHER COMMITTEES THAT BECAME LAW

### A. Banks Committee

#### *Safe Deposit Box Military Decorations*

(A.7100-B, Towns; Chapter 297 of the Laws of 2006)

This law prohibits the sale of military decorations found in safe deposit boxes deemed to be abandoned; such military awards, medals, or decorations shall be sent to the New York State Military Museum and Veterans' Research Center under the jurisdiction of the Division of Military and Naval Affairs, where they shall be retained (stored and displayed) indefinitely until claimed by the lessee of the safe deposit box or the lessee's estate or released to a person or entity lawfully entitled to the possession.

### B. Consumer Affairs & Protection Committee

#### *Rental Agreements*

(A.11585, Pheffer; Chapter 278 of the Laws of 2006)

This measure allows members of the reserve components of the United States armed forces to cancel a rental agreement at no penalty when required to do so because of military activation.

### C. Corporations, Authorities & Commissions Committee

#### *Small- and Medium-Sized Business Relief*

(A.727, Sweeney; Chapter 164 of the Laws of 2006)

This law provides financial assistance to small- and medium-sized businesses that have been adversely affected by the loss of an owner, manager or key employee who has been called to active military duty.

### D. Election Law Committee

#### *Military Ballots*

(A.11728, Wright; Chapter 528 of the Laws of 2006)

This measure extends for one year the provision in the Election Law to provide that military ballots will be cast and counted if signed and dated by the voter and one witness and extends the time for receipt of the general ballot to thirteen days after the election, as compared to seven days for a primary or special election.

**E. Labor Committee**  
***Military Spouse Ten Days Leave***  
**(A.10883-B, Cusick; Chapter 495 of the Laws of 2006)**

This bill provides that spouses of members of the United States National Guard and reservists who have been deployed during a period of military conflict shall be allowed up to ten days unpaid leave from their employment if the employer has twenty or more employees at one or more sites.

**F. Local Governments Committee**  
***Masonic War Veterans Post***  
**(A.9720-A, Walker; Chapter 370 of the Laws of 2006)**

This measure authorizes the Henry Biel Post #46, Masonic War Veterans of New York State, to apply retroactively for real property tax exempt status for the 2004-2005 assessment rolls.

**G. Governmental Operations Committee**

**1. *American Gold Star Mothers Day***  
**(A.4576, Carrozza; Chapter 48 of the Laws of 2006)**

This legislation adds a day honoring American Gold Star Mothers to the list of days of commemoration in the State of New York. Gold Star Mothers have lost a son or daughter during wars and armed conflicts or while serving in military service to our country. The passage of this law is a way of showing our support for the families who have suffered a loss on behalf of our country.

**2. *U.S. Flag at State Parks***  
**(A.6809-B, Nolan; Chapter 688 of the Laws of 2006)**

This law requires State parks with developed facilities for public use to display the flag of the United States of America.

**H. Transportation Committee**

**1. *“299th Engineer Combat Battalion Memorial Highway”***  
**(A.10576-A, Schimminger; Chapter 369 of the Laws of 2006)**

This law designates a portion of the State Highway System Interstate Route I90, known as the Niagara Thruway, beginning at the intersection of Interstate Route I90 and River Road in the Town of Tonawanda and ending in Fort Niagara State Park in the Village of Youngstown, as the “299<sup>th</sup> Engineer Combat Battalion Memorial Highway.”

2. ***“Pearl Harbor Veterans’ Memorial Highway”***  
**(A.9543, Bacalles; Chapter 329 of the Laws of 2006)**

This measure designates a portion of the State Highway system within Steuben County, constituting State Route 36 from North Hornel to the Livingston County line, as the “Pearl Harbor Veterans’ Memorial Highway.”

3. ***“86<sup>th</sup> Blackhawk Infantry Division Memorial Highway”***  
**(A.9709, Cahill; Chapter 322 of the Laws of 2006)**

This law designates Route 9W from the border of Orange and Rockland north through all of Orange County and a portion of Ulster County terminating in the Town of Esopus at the bridge that spans the Rondout Creek as the “86<sup>th</sup> Blackhawk Infantry Division Memorial Highway.”

4. ***“Captain Timothy J. Moshier Memorial Highway”***  
**(A.11880, Casale; Delivered to the Governor)**

This measure designates State Route 140 in the County of Albany from State Route 85 south to County Route 52 as the “Captain Timothy J. Moshier Memorial Highway.” Captain Moshier, a West Point graduate, was killed in the Iraq Theater.

## **I. Ways and Means Committee**

1. ***Gift Shops Located in New York State Veterans’ Nursing Homes***  
**(A.8883-B, Towns; Chapter 296 of the Laws of 2006)**

This law exempts from sales and compensation use taxes, sales receipts of gift shops located in New York State veterans’ nursing homes.

2. ***Regents Awards for Children of Deceased and Disabled Veterans***  
**(A.12028, Rules (Seminerio); Chapter 435 of the Laws of 2006)**

This measure adds to those eligible for the New York State Regents Awards for the Children of Deceased and Disabled Veterans children whose parents served in Afghanistan.

## VIII. HONORING VETERANS THROUGH LEGISLATIVE RESOLUTIONS

**A. *Urging Congress to Require the Department of Defense to Reinstate the Terminology of “POW” or “Prisoner of War” in the Classification of Military Personnel***  
**(AL 2150, Ortiz)**

Department of Defense Directive 1300.18 has removed the classification of Prisoner of War (POW) as a controlling directive. It has already resulted in confusion as to the true status of captured individuals and has the potential to dramatically diminish the protection afforded Americans in service to our country. This resolution urges Congress to require the Department of Defense to reinstate the terminology of “POW” or “Prisoner of War” into classification of military personnel.

**B. *Memorializing Congress to Enact the United States Cadet Nurse Corps Equity Act***  
**(AL 1472, Latimer)**

The United States Cadet Nurse Corps was a program established by the Federal Government in 1943. Its primary purpose was to ensure that the United States had enough nurses for the needs of its citizens on both the home front and war fronts. The Cadet Nurse Corps produced a dramatic rise in the number of nursing students, greater public recognition, and changes in the manner in which nurses were educated and trained. This resolution urges Congress to pass the United States Cadet Nurse Corps Equity Act, which would provide that service of the members known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans’ Affairs.

**C. *Commemorating the United States Service Organization’s (USO) 65<sup>th</sup> Anniversary***  
**(AL 1704, Ortiz)**

The mission of the USO is to provide morale, welfare, and recreational services to United States Armed Services members and their families, extending to them a touch of home. It accomplishes this through a variety of troop support programs and services, many of which have been in effect since the organization’s beginning sixty-five years ago. This resolution commends the USO on its sixty-fifth anniversary.

**D. *Commemorating the 75th Anniversary of the Marine Corps League***  
**(AL 2254, Alessi)**

The Marine Corps League was founded by Major General Commandant John A. Lejeune in 1923, and chartered by an act of Congress on August 4, 1937. The Department of New York Marine Corps League was chartered in 1931. The Marine Corps League is classified as a veteran/military service organization and was formed for the purposes of promoting the interests

of the U.S. Marine Corps. The resolution commemorates the seventy-fifth anniversary of the Marine Corps League, Department of New York.

**E. *Commemorating the 60th Anniversary of the United Spinal Association*  
(AL 1983, Lafayette)**

In 1946 a group of paralyzed World War II veterans joined together to assert their fundamental civil rights to the same opportunities their countrymen enjoyed and dedicated themselves to building meaningful, productive lives for all of their paralyzed fellow veterans. They were originally known as the Eastern Paralyzed Veterans' Association. The resolution commemorates the United Spinal Association's sixtieth anniversary.

**F. *Paying Tribute to the Buffalo Soldiers*  
(AL 1853, Gantt)**

The Buffalo Soldiers were African-American soldiers who were recruited from the United States troops that served in the Civil War. Many of these soldiers were former slaves and freedmen. In 1866, through an Act of Congress, legislation was adopted to create six all African-American army units. The nickname "buffalo soldiers" began with the Cheyenne warriors in 1867. The actual Cheyenne translation was wild buffalo. The nickname was given out of respect for the fierce fighting ability of the Tenth Cavalry. Over time, buffalo soldiers became a generic term for all African-American soldiers. The resolution pays tribute to the Buffalo Soldiers for their courage, bravery, service and dedication to the United States Army in times of peace and war.

**G. *Commending Black Veterans for Social Justice, Inc. Upon the Occasion of Its 27<sup>th</sup> Anniversary*  
(AL 1742, Robinson)**

Black Veterans for Social Justice, Inc. was founded by Vietnam War veterans to respond to the health, clinical, and socio-economic needs of African-American and Latino veterans. It is the largest private social service organization for veterans in New York City. It was established on April 18, 1979. The resolution commends the Black Veterans for Social Justice, Inc., upon the occasion of its twenty-seventh anniversary.

**H. *Honoring the Retirement of Lieutenant General William J. Lennox, Jr., Superintendent of West Point*  
(AL 1786, Calhoun)**

Lieutenant General William J. Lennox, Jr., retired as the 56<sup>th</sup> Superintendent of the United States Military Academy at West Point. Lieutenant General Lennox assumed duties at West Point on June 8, 2001. He entered the United States Army following graduation from the United States Military Academy in 1971, where he earned his commission as a lieutenant of field artillery.

This resolution honors the retirement of Lieutenant General Lennox as Superintendent of the United States Military Academy at West Point.

**I. *Commemorating the 250<sup>th</sup> Anniversary of the Founding of Fort Ontario, Oswego, New York***  
**(AL 1420, Barclay)**

Oswego, New York, was one of the most important trading posts in America, consisting of as many as 300 traders with a semi-permanent village of seventy log huts situated in the vicinity of what is now Water Street; at the time, it was the scene of an historic mid-eighteenth century international rivalry between the French and British empire during the French and Indian War. The first Fort Ontario was built by the British in 1755, and was a simple eight-pointed wooded stockade; it was taken over on August 14, 1756, by French forces consisting of 4,000 troops and twenty-eight pieces of heavy artillery, led by the Marquis de Montcalm who had made Oswego his number one target in the war. Later in 1756, the French destroyed Fort Ontario; the British regained control of the area in 1759, and began rebuilding a new Fort Ontario in the shape of a pentagon, the earthworks of which still exist within the current Fort. By 1760, nearly 12,000 British and colonial troops and more than 1,000 Iroquois warriors occupied the Fort to prepare for the final offensive in the French and Indian war. This resolution commemorates the 250<sup>th</sup> Anniversary of the founding of Fort Ontario.

**J. *Honoring Department of New York, Veterans of Foreign Wars Commander James F. McNally***  
**(AL 1324, Parment)**

Born and raised in Dunkirk, New York, James F. McNally enlisted in the United States Navy following his graduation from high school, and served as a radioman on board the USS Uhlmann DD 687 in the Far East. Active in the Veterans of Foreign Wars for thirty-three years, McNally was elected Commander at its 86<sup>th</sup> Annual State Convention in Buffalo, New York. This resolution honors James McNally on his achievement.

**K. *Commemorating the 230<sup>th</sup> Anniversary of the Battle of Brooklyn***  
**(AL 2279, Brennan)**

Since its formation in 1975 for the Nation's bicentennial, the Brooklyn Irish American Parade Committee has annually honored the Maryland 400 Brigade, both in its annual March parade and in August, the Anniversary of the Battle of Brooklyn. The majority of Marylanders were of Irish birth or parentage, and gave their lives in the Battle of Brooklyn at the Old Stone House, saving General George Washington's Army and the fledgling Republic. The resolution commemorates the 230<sup>th</sup> Anniversary of the Battle of Brooklyn, the first battle of the Revolutionary War.

**L.     *Commemorating the 55<sup>th</sup> Anniversary of the Battle of the Chosin Reservoir*  
(AL 1276, Brown)**

After the liberation of Seoul in September 1950, General Douglas MacArthur opened an offensive aimed at ending the Korean War. The U.S. X Corps, separated from the Eighth Army by a mountain range, was stretched out on Korea's east coast along many miles. At the midway point, the First Marine Division was echeloned from Hungnam to the north-east along a mountain road to the Chosin Reservoir. On November 24<sup>th</sup>, General MacArthur began an "end-the-war" attack to the Yalu and days later, a massive Chinese counteroffensive erupted. Of the some 15,000 Marines engaged, 4,400 were battle casualties. Almost all the Marines suffered some degree of frostbite. This resolution commemorates the 55<sup>th</sup> Anniversary of the Battle of the Chosin Reservoir and the brave men who were involved in the battle.

**M.     *Honoring the Life and Accomplishments of Stanley Geiger,  
and Commending His Dedication to the Jewish War Veterans*  
(AL 1702, Carrozza)**

After graduating from Brooklyn Automotive High School, Stanley Geiger served two years as a medic with the 74<sup>th</sup> Combat Engineers in Korea, where he was awarded the Bronze Star and the Korean Service Medal. A resident of Flushing, New York, Geiger was a life member of the Disabled American Veterans and Pvt. Edward I. Lipsky Post 764 of the Jewish War Veterans of the United States of America, where he served as Commander for the past twenty-six years. The resolution honors Mr. Geiger's life accomplishments and his involvement with the Jewish War Veterans.

**N.     *Commemorating June 14<sup>th</sup> as Flag Day, and June 22<sup>nd</sup> as the 64<sup>th</sup> Anniversary  
of the Official Recognition of the Pledge of Allegiance*  
(AL 2301, Ortiz)**

This resolution commemorates June 14<sup>th</sup> as Flag Day and June 22<sup>nd</sup> as the 64<sup>th</sup> anniversary of the official recognition of the Pledge of Allegiance. The Pledge of Allegiance was written by Francis Bellamy in 1892 but did not receive official recognition by the United States Congress until June 22, 1942, when it was included in the United States Flag Code.

**O.     *Honoring Phoenix Memorial Veterans of Foreign Wars Post #5540*  
(AL 1422, Townsend)**

The Phoenix Memorial Veterans of Foreign Wars Post #5540 was chartered in February 1946 by a group of veterans who served during World War I and World War II. Today, the membership includes veterans from World War I, World War II, Korean Conflict, Vietnam Conflict, Desert Storm, and current conflicts. As part of the National organization, the Phoenix Memorial VFW Post #5540 serves to aid veterans and their families. The theme of the VFW, "Honor the Dead by Helping the Living," is accomplished by assisting veterans who are hospitalized, in need of

financial support or in need of guidance, to attain veterans' benefits. This resolution honors Phoenix Memorial Veterans of Foreign Wars Post #5540 on its 60<sup>th</sup> Anniversary.

**P.     *Commemorating the 87<sup>th</sup> Anniversary of the American Legion  
John C. Londraville Post #832  
(AL 1654, Aubertine)***

A temporary charter was granted and the first meeting of the John C. Londraville Post #832 was held in January 1920. It was at this meeting that the Post was named after John C. Londraville, who was the first from the Cape Vincent community to lose his life in World War I. On March 4, 1920, the first election of officers was held. On February 27, 1925, seven wives of Post members met in the legion rooms to organize an Auxiliary. This resolution commemorates the 87<sup>th</sup> Anniversary of the American Legion John C. Londraville Post #832.

**Q.     *Commending the Arthur G. Depew Memorial Post 6200  
(AL 1911, Kolb)***

Arthur G. Depew Memorial Post 6200 started shortly after the end of World War II, when a group of returning veterans decided to form a local Veterans of Foreign Wars Post in the Ovid area. On March 20, 1946, the Veterans of Foreign Wars Post 6200, Department of New York, was started. Later the name was changed to the Arthur G. Depew Memorial Post 6200 in honor of Mr. Depew, a local resident who died in the line of duty. On April 23, 1947, the Ladies Auxiliary received their charter. The resolution commends the Arthur G. Depew Memorial Post 6200 upon the occasion of their 60<sup>th</sup> Anniversary.

**R.     *Memorializing Governor Pataki to Declare May 2006 as  
"Hepatitis C Awareness Month"  
(AL 1721, John)***

Hepatitis C has been characterized by the World Health Organization as a disease of primary concern to humanity. Among those affected are veterans. It is the most common chronic blood-borne infection in the United States. Those at highest risk of having the virus are Vietnam combat veterans. Hepatitis C is transmitted through contact with infected blood; soldiers wounded in Vietnam received blood transfusions on the battle site. This resolution memorializes Governor Pataki to declare May 2006 as "Hepatitis C Awareness Month."

## **IX. HONORING SERVICEMEN AND WOMEN THROUGH LEGISLATIVE RESOLUTIONS**

- A. *Mourning the Untimely Death of the Soldiers of the Tenth Mountain Division, and Paying Tribute to Their Courageous Actions as Members of the United States Army***  
**(AL 2353, Ortiz)**

Members of the Armed Forces from the State of New York have served valiantly and honorably during Operation Iraqi Freedom. This resolution mourns the untimely death of soldiers of the Tenth Mountain Division, which is headquartered at Fort Drum, New York, and to commend them for their courageous actions as members of the United States Army.

- B. *Honoring the First Battalion, 101<sup>st</sup> Cavalry, New York Army National Guard Upon the Occasion of Their Homecoming from Iraq***  
**(AL 1446, Lavelle)**

The First Battalion, 101<sup>st</sup> Cavalry, New York State Army National Guard has been an integral part of the military operations in Iraq. They were deployed in 2004 to serve in Operation Iraqi Freedom, and served there until their return home in October 2005. The resolution honors members of the First Battalion, 101<sup>st</sup> Cavalry, New York Army National Guard, on the occasion of their homecoming from Iraq, celebrated on March 3, 2006.

- C. *Honoring Polly-Jan Bobseine Upon the Occasion of Being Selected as the 2005 Airman of the Year by the United States Air Force Air Combat Command***  
**(AL 1551, Giglio)**

While serving in Iraq in support of Operation Iraqi Freedom, Senior Airman Polly-Jan Bobseine has provided security at two Coalition air bases, participated in security patrols operating in dangerous areas, helped thwart several insurgent attacks, and provided security during Iraq's first historic democratic election. This resolution honors Polly-Jan Bobseine on the occasion of being selected 2005 Airman of the Year by the United States Air Force Air Combat Command.

- D. *Commending Lance Corporal Mark B. Beyers for His Valiant and Heroic Military Action During Operation Iraqi Freedom***  
**(AL 2285, Cole)**

While on patrol duty in the province of Al-Anbar, Iraq, on August 26, 2005, Lance Corporal Mark B. Beyers was wounded and transported to Bethesda Naval Hospital. He was presented with a Purple Heart for his actions. This resolution commends Lance Corporal Beyers for his valiant and heroic military action during Operation Iraqi Freedom.

**E. *Paying Tribute to the Life and Memory of Navy SEAL Michael M. McGreevy, USN, Upon the Occasion of a Memorial Presentation at Portville Central School (AL 2000, Giglio)***

Michel McGreevy, a 1993 graduate from Portville Central School and a 1997 graduate of the United States Naval Academy, was one of the eight Navy SEALs who died in action on July 28, 2005, in eastern Afghanistan. On Friday, May 19, 2006, the Portville community dedicated the Michael M. McGreevy Memorial, which consists of a flagpole, along with a bronze plaque mounted on a rock. The memorial will also serve as a permanent tribute to Portville graduates who since 1950 have lost their lives while serving their country. The resolution pays tribute to the life and memory of Navy SEAL Michael M. McGreevy, USN, upon the occasion of a memorial presentation at Portville Central School.

**F. *Mourning the Untimely Death of Several Men and Women Who Died in Iraq and Afghanistan***

Five resolutions were adopted to honor the following men and women who were residents of New York State serving in the United States Armed Forces who were killed in Iraq or Afghanistan:

<b>Pfc. Benjamin C. Schuster</b>	<b>AL 1679, Hoyt</b>
<b>Captain Timothy Moshier</b>	<b>AL 1869, Casale</b>
<b>Lance Corporal Seamus M. Davey</b>	<b>AL 1214, Scozzafava</b>
<b>Sergeant Elisha R. Parker</b>	<b>AL 2083, Townsend</b>
<b>Specialist Carlos M. Gonzalez</b>	<b>AL 1784, Gunther</b>

## **X. OTHER ACTIVITIES BY THE COMMITTEE**

### **A. Women Veterans**

The Standing Committee on Veterans' Affairs sponsored the twelfth annual Women Veterans' Recognition Day in the Assembly. This year the Subcommittee honored women veterans who served in Iraq. The history of women's service in America's military conflicts is as old as our independence and as timeless as our reverence of freedom and democracy. Historically, women's involvement in the military has surged in wartime; between World War II and Vietnam, women comprised two percent of the armed forces; as recently as the 1991 Gulf War, the figure increased to eleven percent. Operation Iraq Freedom involves the largest deployment of women service members. Expressly honored were: Major Kathy Dean; Sgt. Katie McGovern; Specialist Naida LaBorde; Dawn Scott, who served in the U.S Army Reserves; and Christine Eppelmann, the first woman paratrooper in Europe.

Assembly Resolution 2218 by Mr. Ortiz was adopted memorializing Governor Pataki to proclaim June 12, 2006, as "Women Veterans Recognition Day" in the State of New York.

A second resolution was adopted to commemorate the thirtieth anniversary of women's admission to the service academies. In the fall of 1978, female cadets began their education and military orientation as the Class of 1980 became the first co-ed class. (**AL 2283, Pheffer**)

### **B. New York State Cemetery Siting Committee**

The New York State Cemetery Siting Committee completed a study of the feasibility of establishing veterans' cemeteries statewide. The report made several recommendations to the Legislature. Among them: to amend Article 17, § 353, Subdivision 12 of the Executive Law by repealing or amending it to ensure access to State funds; to draft legislation creating a funding authority; to determine which New York State department, division or office will have oversight and administrative responsibilities for operations of veterans' cemeteries; and to determine whether to permit out-of-state veterans to be buried in New York State veterans' cemeteries. The report further stated that it is important to note that New York State is not uniformly populated or uniformly accessible when compared to other states. The State's unique demographics and geography must be recognized when applying for the Federal grant.

### **C. CARES**

The Department of Veterans' Affairs' Capital Asset Realignment for Enhanced Services (CARES) Program is the VA's effort to produce a national plan for modernizing health care facilities.

Several New York State VA hospitals are being evaluated by the CARES process. Each has a Local Advisory Panel to review the Business Plan Option and to recommend which options should be studied further, propose additional options, and address specific concerns from the community. The hospitals being reviewed are: Brooklyn-Manhattan; Montrose/Castle Point; St. Albans; and Canandaigua.

On October 5, 2006, the Honorable R. James Nicholson, Secretary of Veterans' Affairs, announced that the VA is staying in Canandaigua with the full range of inpatient and outpatient services. Nicholson also announced that the VA will conduct studies of the best way to provide those inpatient and outpatient services. The options under consideration would preserve a combination of partial renovation and new construction. Most buildings at the VA's Canandaigua campus were built between 1932 and 1937, although many patient care buildings were renovated in the 1980's and 1990's. The Secretary's decision was based on the recommendations of a local advisory panel, which suggested the VA should examine a combination of new construction and renovation in the current historic courtyards or new construction at either the Golf Course or Chapel Street parts of the facility.

#### **D. National Purple Heart Hall of Honor**

The National Purple Heart Hall of Honor is located at the New Windsor Cantonment State Historic Site in Vails Gate, New York. This is the site of the final encampment of George Washington's Army and plays a central role in the history of the Purple Heart. To honor service of his troops, Washington chose a select number of troops to receive a purple cloth Badge of Merit, the precursor to the Purple Heart award. The present day Purple Heart medal took as its inspiration the color and shape of the badge and added the image of George Washington to honor the man who valued the outstanding service of his soldiers. In 1932, the new Purple Heart medal was presented to 150 World War I veterans at the New Windsor Cantonment site.

The facility will honor Purple Heart medal recipients, veterans who were wounded or killed while serving their country. The Hall of Honor is a 7,500 square foot facility that will honor recipients of the Purple Heart Medal through the development and presentation of a series of exhibitions and program that have been created with the participation of Purple Heart recipients, their friends, and families. The Hall of Honor will work with veterans and families to collect invaluable personal information on the background and service information of each recipient, the circumstances surrounding their wounding, the photographs, and letters home, and copies of discharge forms or citations that document receipt of the medal. The information collected will be included in exhibits at the museum and an electronic database that will be available onsite and over the internet for a worldwide audience. The Hall of Honor will also include a reception area, gallery, exhibit hall, learning and education center for school groups and tours, and presentation room. Through historical photographs, documentary film footage, period objects, and videotaped recollections by veterans themselves, the Hall will provide a multi-media show exploring the spirit of the American people during times of war and crisis.

The National Purple Heart Hall of Honor was officially dedicated on November 10, 2006.

## **E. Public Hearings/Roundtables**

Many of the soldiers returning from active combat zones are experiencing adverse health effects that may be caused by exposure to toxic materials or other harmful physical agents, such as depleted uranium. Legislation was introduced to help these returning soldiers. The proposal was the subject of a roundtable discussion held in New York City in 2006. The panelists included: the United States Army's expert on depleted uranium; the person in charge of deployment health at Walter Reed Army Medical Center; and a physicist from the Agency for Toxic Substances and Disease Registry, representing the Center for Disease Control and Prevention.

## **XI. OUTLOOK FOR 2007**

The Assembly Standing Committee on Veterans' Affairs is looking forward to a productive year in 2007. The Committee will continue to work with the Division of Veterans' Affairs, Division of Military and Naval Affairs, other State agencies, veterans' organizations, and individual veterans throughout New York State to develop programs and services to assist the veterans of this State.

The issues the Committee will pursue include:

- recently returning veterans from areas of combat;
- disabled veterans;
- education benefits for veterans;
- outreach to women veterans;
- outreach to older veterans;
- long-term health care needs for veterans;
- Hepatitis C education program for Vietnam veterans;
- homelessness among veterans; and
- service for veterans who suffer from alcohol and substance abuse and post-traumatic stress disorder.

The Committee will continue to strive to uphold its responsibilities by addressing the needs of New York State's approximately 1.25 million veterans and their families.

**APPENDIX A**

**2006 SUMMARY OF ACTION ON ALL BILLS REFERRED TO**

**The Assembly Committee on Veterans' Affairs**

<b>Final Action</b>	<b>Assembly Bills</b>	<b>Senate Bills</b>	<b>Total Bills</b>
<b><u>Bills Reported With or Without Amendments</u></b>			
To Floor; Not Returning to Committee	2	0	2
To Floor; Recommitted and Died	0	0	0
To Ways & Means Committee	9	0	9
To Codes	4	0	4
To Rules Committee	1	0	1
To Judiciary	0	0	0
<b>Total</b>	<b>16</b>	<b>0</b>	<b>16</b>
<b><u>Bills Having Committee Reference Changed</u></b>	<b>1</b>	<b>0</b>	<b>1</b>
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted	0	2	2
Recalled	0	1	1
<b>Total</b>	<b>0</b>	<b>3</b>	<b>3</b>
<b><u>Bills Defeated in Committee</u></b>	<b>0</b>	<b>0</b>	<b>0</b>
<b><u>Bills Never Reported, Held in Committee</u></b>	<b>16</b>	<b>0</b>	<b>16</b>
<b><u>Bills Never Reported, Died in Committee</u></b>	<b>37</b>	<b>7</b>	<b>44</b>
<b><u>Bills Having Enacting Clause Stricken</u></b>	<b>0</b>	<b>0</b>	<b>0</b>
<b><u>Motion to Discharge Lost</u></b>	<b>0</b>	<b>0</b>	<b>0</b>
<b><u>Total Bills in Committee</u></b>	<b>70</b>	<b>10</b>	<b>80</b>
<b><u>Total Number of Committee Meetings Held</u></b>			<b>4</b>

## APPENDIX B

### LIST OF BILLS THAT PASSED BOTH HOUSES

<b>Bill No.</b>	<b>Sponsor</b>	<b>Chapter</b>	<b>Description</b>
A.974	McEneny	166	Authorizes municipalities to adopt a local law or ordinance allowing the assessor to transfer and prorate a real property tax exemption granted a veteran when such veteran sells the property receiving the exemption and purchases a property within the same municipality.
A.2747	Towns	46	Seriously disabled veterans who are eligible to receive pecuniary assistance from the Federal Government to acquire or modify a home to adopt it to their disabled needs would be included in the category of those qualified for the eligible funds exemption under § 458(3) of the RPTL.
A.6944	Aubertine	179	Changed the date on which the Vietnam war is deemed to have commenced from December 22, 1961, to February 28, 1961, in various sections of law.
A.9755	Ortiz	39	Extends the filing of Agent Orange suits to June 16, 2008.
A.9650	Sweeney	208	Extends the application period for the Vietnam, Persian Gulf and Afghanistan Veterans Tuition Awards Program until September 1, 2008.
A.9116-B	Dinowitz	743	Directs State officials to assist members of the National Guard and veterans in obtaining treatment services for exposure to toxic materials or harmful physical agents such as depleted uranium and to establish a task force to study the effects of health problems due to military service such as depleted uranium.
A.9176-B	Hooker	328	Designates State Route 23, beginning west of the Rip Van Winkle Bridge to the junction of State Route 145 and State Route 23, as the "Greene County Veterans' Memorial Highway."
A.11651	Ortiz	690	Creates a monument dedicated to the memory of all New York State residents who have received the Congressional Medal of Honor to be located in the Governor Nelson A. Rockefeller Empire State Plaza or Capitol Park in the city of Albany.

<b>Bill No.</b>	<b>Sponsor</b>	<b>Chapter</b>	<b>Description</b>
A.9911-A	Errigo	216	Designates a portion of the State highway system, Route 96 from New York Route 332, east to New York Route 21 in Ontario County, as the “96 <sup>th</sup> Infantry Division WWII Veterans’ Memorial Highway.”

**APPENDIX C**

**BILLS THAT PASSED THE ASSEMBLY ONLY**

<b>Bill No.</b>	<b>Sponsor</b>	<b>Description</b>
A.11104-B	Ortiz	Would require the director of the Division of Veterans' Affairs to develop, jointly with the Commissioner of the Office of Mental Health and Director of Aging, a Veterans' Geriatric Mental Health Demonstration Program, and create a geriatric veterans mental health planning council.
A.10966	Ortiz	Would authorize the issuance of a Cold War service medal to those veterans who served in the United States armed forces from September 2, 1945, to December 26, 1991.
A.3511	Tonko	Would allow a qualified veteran to apply for the veterans' real property tax exemption within thirty days of a transfer of property when property was purchased after the taxable status date or after the levy of taxes.
A.6356	Towns	Would require day of paid leave on Memorial Day and Veterans' Day for veterans who are employed by a school district, board of cooperative educational services (BOCES), or other educational institution that receives State funding.
A.7089	Towns	Would establish within the Division of Veterans' Affairs a Speakers Education Program.
A.6500-B	Towns	Would award annuity to parents who are identified as Gold Star parents under 10 USC 1126 annually in the amount of \$500; outlines qualifications necessary to receive the annuity.
A.6892	Schroeder	Would exempt from real property taxation, real property owned by a person certified to receive a Department of Veterans Affairs disability pension, pursuant to 38 U.S.C., § 1521, and allows an award letter from the Department of Veterans Affairs to be submitted as proof of the disability.
A.10249-C	Cusick	Would provide for authorization to grant certain exemptions for real property tax for school districts to certain veterans.
A.243-B	Cusick	Would authorize the issuance of distinctive license plates for recipients of the conspicuous service cross or their spouses, requires payment of the regular registration fee and an additional, one time service charge of ten dollars.
A.8339	Lavelle	Would authorize the payment of a war bonus of two hundred fifty dollars to members of the merchant marines who served at sea during World War II or their next of kin.