

NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER



2014 ANNUAL REPORT



Committee on
Veterans' Affairs
Michael R. Benedetto, Chair



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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Veterans' Affairs

COMMITTEES
Agriculture
Education
Governmental Operations
Housing
Labor
Ways & Means

MICHAEL R. BENEDETTO
Assemblyman 82nd
Bronx, New York

December 15, 2014

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 2014 Annual Report of the New York State Standing Committee on Veterans' Affairs.

Several significant pieces of legislation became law this year, including legislation to expand and strengthen services for veterans, active service members, and their families. Chapter 328 of 2014 eases the transition to a new school for children of military families that relocate as a result of military orders, establishes in-state tuition for veterans receiving benefits under the GI bill and strengthens the supplemental burial allowance provided by the state to veteran's families when a service member dies in combat or as a result of injuries sustained on the battlefield.

The committee also advanced legislation to authorize the Commissioner of Taxation and Finance to develop in consultation with the Director of the Division of Veterans' Affairs a listing of documents to be used to establish eligibility for the three veterans' property tax exemptions. This information would be available to assessors and the congressionally chartered veterans service officers.

While a number of our legislative goals were achieved this past session, much more remains to be done. In 2015, the Committee will focus on helping veterans who have recently been discharged to readjust to civilian life and the Committee also will continue to examine issues related to the older and 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,

Michael R. Benedetto
Member of Assembly

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I. COMMITTEE JURISDICTION AND SUMMARY

The Assembly Standing Committee on Veterans' Affairs evaluates legislation affecting nearly one million New York State residents who unselfishly served their nation in the United States armed forces including 63,899 New York State women. The Committee seeks to safeguard programs and promote legislation to benefit veterans and their families. In addition, the Committee maintains an ongoing dialogue with the veteran community and addresses issues affecting the lives of New York State veterans.

Veterans are affected by 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. The Committee was represented at the American Legion Department of New York Convention held in Albany, New York and at the rededication of the Tri-County Council Vietnam Era Veterans Memorial located across from the New York State Capitol.

This past legislative session, the Committee held seven committee meetings at which it considered one hundred and four bills. Seven passed both houses of the Legislature, six were signed into law, and one was vetoed by the Governor.

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 veterans service organizations are referred to other standing committees, such as Governmental Operations, Transportation, Real Property Taxation, Health, Governmental Employees, Environmental Conservation, Election Law, Small Business, Mental Health, Labor, and Tourism, Parks, Arts, and Sports Development. 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.

II. 2014 LEGISLATIVE HIGHLIGHTS

A. Agent Orange Extender

(A8479, Santabarbara; Chapter 46 of the Laws of 2014)

Dioxin is a chemical contaminant that was contained in Agent Orange, an herbicide used for defoliation in Vietnam from 1962 until 1971, in the demilitarized zones in Korea from 1968 to 1969, and in Fort Drum, New York, in 1959.

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

Of the nearly 444,000 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 to Agent Orange may be very high.

Since the time this statute of limitations was first enacted in 1981, additional diseases and/or conditions have been recognized by the federal Department of Veterans Affairs to be associated with Agent Orange. These include, but are not limited to, Hodgkin's disease, prostate cancer, adult-onset diabetes mellitus (Type II), Parkinson's disease, ischemic heart disease, hairy-cell leukemia, chloracne (skin disease), multiple myeloma, Non-Hodgkin's lymphoma, respiratory cancers, and soft-tissue sarcoma.

In 1981, legislation was enacted to allow former members of the armed forces to initiate action to recover damages for personal injury caused by exposure to 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 15, 2016, the deadline for filing suits against the producers of Agent Orange for members of the U.S. Armed Forces in Indo-China from December 22, 1961, through May 7, 1975, whose injury or death was caused by the contact with Agent Orange.

B. Veterans and Military Family Benefits Enhancement

Governor's Program Bill #36

(A.9216-A Benedetto; Chapter 328 of the Laws of 2014)

This measure has four parts. Part A enacts the Interstate Compact on Education Opportunity for Military Children. It provides uniform treatment of military children transferring between school districts and states by amending the Education Law to make available a transferring child's school transcript and immunization records required by the new school; facilitates on-time graduation of the child; provides that (1) a custodian of a military child with a properly executed power of attorney may enroll a child, (2) no local tuition may be charged to a transitioning military child whose military parent lives

outside of the receiving school district, and (3) a military child may continue, after the military parent has transferred out of the school district, to attend the school in which he or she was enrolled while the military parent was a resident of the school district; and delineate the powers and structure of the Interstate Commission on Education Opportunity for Military Children.

Part B amends the Education Law to allow veterans attending a community college, the State University of New York, or the City University of New York under the federal GI bills to qualify for the in-state tuition rate.

Part C would allow the family of service members who were wounded in combat but died from their wounds outside of the combat zone to qualify for the supplemental burial allowance. In addition, a nonresident would be eligible for the burial allowance if the decedent was a member of the New York Army National Guard or the New York Air National Guard at the time he or she entered federal active duty status.

Part D allows the Department of State to recognize an out-of-state license to practice as a real estate broker or salesperson, barber, cosmetologists, natural hair stylist, or nail specialist issued to a member of the household of a member of the armed forces that relocated to New York State with the service member.

C. Real Property Tax Exemptions

The veterans' real property tax exemption has a long history in New York State. Veterans' tax exemptions are available to men and women who have served in the armed forces of this country since the time of the American Revolution.

Virtually all real property tax exemptions granted to veterans in New York State fall into three categories: the fixed dollar amount "eligible funds" category (Real Property Tax Law Section 458); the percentage-of-exemption value "alternative" category (Real Property Tax Law Section 458-A) and the Cold War veterans percentage-of-exemption value category (Real Property Tax Law Section 458-B).

Chapter 518 of the Laws of 2013 expanded of the exemption to include school taxes currently available under the alternative veterans exemption and if the school board adopts a local law to offer the exemption.

1. Eligible Funds Real Property Exemption Increase (A. 2124, Simotas; Chapter 425 of the Laws of 2014)

This bill would increase the real property tax exemption a veteran may receive on real property purchased with eligible funds from \$5,000 to \$7,500 of the assessed value of such property. Although this statute has been amended many times since it was first enacted in 1897, the \$5,000 maximum has not been raised since 1914.

**2. Acceptable Documents to Proof Eligibility
(A. 6215, Ramos; Chapter 426 of the Laws of 2014)**

This statute authorizes the commissioner of Taxation and Finance to develop in consultation with the director of the Division of Veterans' Affairs a listing of documents to be used to establish eligibility for the three veterans' real property exemptions. The information would be available to assessors and the congressional chartered veterans service officers. As well, the information will be posted on the Division of Veterans' Affairs and the Office of Real Property Tax Services websites.

III. VETO

Veto #485 of 2014
Information on Special Veterans Populations
(A.2189-A, Lavine)

This measure would have required information regarding specific mental and physical health issues, including post-traumatic stress disorder, traumatic brain injury, and any other brain-injuries, to be included on New York State Department of Health's website called Veterans' Health Care Information Program. This bill would also require the Department of Corrections and Community Service to collect the military background and circumstances of persons subject to their jurisdiction and require the Commissioner of Corrections to report to the Legislature the number of inmates currently serving sentences in State correctional facilities who have served in the U.S. Armed Forces.

IV. BUDGET HIGHLIGHTS

A. Division of Veterans' Affairs

1. Veteran Counseling Program

The Division of Veterans' Affairs (DVA) assists, counsels, and advocates for veterans, military personnel, and their families.

The Veteran Counseling Services Program provides counseling and claims services through a statewide network of State veteran counselors. The counselors, all of whom are veterans, and support staff help veterans complete and file applications for state, federal, and private benefits and services. Counselors also serve veterans through outreach to the federal Department of Veterans Affairs (VA) medical centers, senior centers, state and local veterans' nursing homes, and public assistance offices. State veteran counselors help ensure that active duty military personnel and their families receive the supplemental benefits to which they are entitled.

State veteran counselors receive professional training in veterans' benefits counseling. All are accredited by the U.S. Department of Veterans Affairs.

The SFY 2014-15 State budget appropriated \$5,779,000 for services and expenses related to the Veterans Counseling Program in the State Operations Fund and \$2,727,000 from the General and Special Revenue Funds for services in Aid to Localities funds.

a. 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, organized militia, and veterans and their families about available education, retraining, medical, and other rehabilitative services and facilities.

The State budget for SFY 2014-15 includes a sub-allocation of \$1,177,000 for the payment of aid to County and City Veterans' Service Agencies in Aid to Localities funding.

b. Monroe County Veterans Outreach Center

The Monroe County Veterans Outreach Center in Rochester, New York, is the oldest community-based outreach center serving veterans of all eras. Its mission is to improve the lives of veterans and their dependents by offering free veteran-specific programs, such as the Veterans Community Technology Center, which provides occupational skills training. The Outreach Center also provides counseling services for successful reintegration of veterans of the Iraq and Afghanistan conflicts into the community, short-term psychological counseling for veterans and their immediate

families, residential programs for homeless veterans, and an alternative to incarceration program through the Rochester veterans' court.

The State budget for SFY 2014-15 included a sub-allocation of \$250,000 for the services and expenses related to the Veterans Outreach Center, Inc., in Aid to Localities funding.

c. Buffalo Service Office/New York City Service Office

The Department of New York Veterans of Foreign Wars of the United States has two veterans' service offices. One is located in Buffalo and the other in New York City. These offices have accredited veterans counselors who help discharged veterans navigate the myriad of benefits available.

The State budget for SFY 2014-15 included a sub-allocation of \$50,000 for additional services and expenses of the Buffalo Service Officer and \$75,000 for additional services and expenses of the New York City Service Office in Aid to Localities funding. This was a legislative addition to the budget proposed by the executive.

d. Vietnam Veterans of America New York State Council

The Vietnam Veterans of America (VVA) is the nation's only congressionally chartered veterans' service organization dedicated to the needs of Vietnam-era veterans and their families. The council assists disabled and needy military veterans, including, but not limited to, Vietnam-era veterans and their dependents, and the widows and orphans of deceased veterans. The Council members provide assistance in navigating the various benefits available to veterans and their family members.

The SFY 2014-15 budget included a sub-allocation of \$25,000 to the Vietnam Veterans of America New York State Council in Aid to Localities funding. This was a legislative addition to the budget proposed by the executive.

e. Legal Services New York City (LSNYC) Veterans Justice Project (VJP)

Legal Services New York City provides legal assistance to low-income clients throughout New York City. Services include a strategic combination of litigation, policy, and legislative work.

The Veterans Justice Project (VJP) identifies systemic barriers that prevent housing stability, economic security, and basic survival, and challenges them through coordinated advocacy. The program addresses the following issues: HUD-VA supportive housing issues; evictions; foreclosures; unemployment insurance denials; debt collection/wage garnishment; child support; wills and powers of attorney; divorce; custody; special education; and Social Security/SSI. Since the project was launched in 2011, at least 2000 veterans and their family members have been assisted.

The SFY 2014-15 budget included a sub-allocation of \$100,000 to the Veterans Justice Project in Aid to Localities funding. This was a legislative addition to the budget proposed by the executive.

f. Syracuse University Veterans Legal Clinic

Syracuse University Law School has established New York State's first comprehensive Veterans Legal Clinic. The Clinic's mission is to benefit veterans and the community by assisting with VA claims, representing clients in VA claim appeals, and helping veterans to upgrade their military discharges. This clinic opened in the Fall of 2014 but is not enrolling students or taking cases until the start of the spring semester of 2015.

The SFY 2014-15 budget included a sub-allocation of \$250,000 to the Veterans Legal Clinic in Aid to Localities funding. This was a legislative addition to the budget proposed by the executive.

g. Warrior Salute

CDS Monarch in Webster, New York developed Warrior Salute to help service members and their families with personalized life and job transition support. Warrior Salute helps veterans to regain their lives and dreams by providing clinical and family support services, quality employment opportunities, and temporary housing.

The SFY 2014-15 budget included a sub-allocation of \$200,000 to the Warrior Salute in Aid to Localities funding. This was a legislative addition to the budget proposed by the executive.

h. Services & Advocacy for Gay, Lesbian, Bisexual & Transgender Elders (SAGE)

Services & Advocacy for Gay, Lesbian, Bisexual & Transgender Elders (SAGE) has established a comprehensive program for New York State's LGBT elder veterans that provide legal counsel, benefit advocacy, and enhanced wrap-around services in order to improve these veterans' income security and overall well-being.

SAGE's program is timely, due to the repeal of the federal policy known as "Don't Ask, Don't Tell" and the invalidation of a portion of the Defense of Marriage Act, which has created new opportunities for LGBT veterans to access federal and state benefits. One part of the SAGE program will assist a minimum of 150 veterans' in accessing their federal VA benefits for the first time which could help them leave state public assistance. In addition, SAGE will provide wrap-around services to a minimum of 170 veterans and provide LGBT cultural training to a minimum of thirty veterans' organizations, aging service providers, and legal services agencies that assist veterans.

Legal representation will enable LGBT veterans currently on public assistance, Medicaid, and other state subsidy programs to make application and appeals for veterans' benefits including but not limited to income, medical, spousal, and survivor benefits. SAGE's program will provide LGBT veterans with assistance in upgrading their discharge if necessary for them to access federal VA benefits.

The SFY 2014-15 budget includes a sub-allocation of \$100,000 to implement SAGE's comprehensive program for New York State's LGBT elder veterans. This was a legislative addition to the budget proposed by the executive.

2. Veterans' Education Program

The Veterans' Education Program is operated by the Division of Veterans' Affairs. The program is located in Albany and New York City and investigates and approves post-secondary educational and vocational institutions for the use of the Division's education benefits. It also approves on-the-job training and apprenticeship programs.

The SFY 2013-14 budget appropriated \$1,966,000 for the expenses associated with the operation of this program in State Operation funding.

3. Administration Program

The Administration Program is primarily composed of two components, Supplemental Burial Benefits and Gold Star Annuity Benefits. In addition, the appropriation also provides for the funding of administrative personnel and operational expenses. The SFY 2013-14 budget appropriated \$730,000 under State Operations funding and \$799,000 under Aid To Localities funding for these purposes.

a. 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 on duty subject to hostile fire or imminent danger, as defined in 37 U.S.C. Section 310(a) (4).

Part C of Chapter 328 of the Laws of 2014 amended the program to allow a family member of service members who were wounded in combat but died from their wounds outside of the combat zone to qualify for the supplemental burial allowance. In addition, non-resident would be eligible for the supplemental allowance if the decedent was a member of the New York Army National Guard or the New York Air National Guard at the time he or she entered federal active duty status.

In the SFY 2014-15 budget, \$200,000 was sub-allocated for this program and for transfer of such amounts as are necessary to state operations for related administrative expenses.

b. Gold Star Parents

These parents, who have lost children to the ravages of war, are unable to rely upon their children in their twilight years.

This appropriation supports the payment of a \$500 annuity upon application to the State Director of the Division of Veterans' Affairs for a parent who, pursuant to 10 U.S.C. section 1126, is a Gold Star Parent. Up to two parents may claim this annual benefit.

The SFY 2014-15 budget sub-allocated \$599,000 to the payment of the Gold Star Parent annuities.

Article VII Legislation

As part of the budget (Chapter 55 of the Laws of 2014, Part L), the legislature adopted language to eliminate the income requirement for recipients of the Gold Star Parent annuity that limited this benefit to those who had an income at or below two hundred percent of the federal poverty level.

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 budget for SFY 2014-15, \$3,300,000 was appropriated for expenses already accrued or to be accrued under this program

2. New York State Military Museum and Veterans Research Center

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

In the budget for SFY 2014-15, \$241,000 was included for operating expenses associated with the New York State Military Museum and Veterans Research Center for nonpersonal service in State Operations funding. Also, \$1,000,000 was appropriated for services and expenses related to youth academic and drug demand reduction programs, the New York Guard, the New York Naval Militia, the New York State Military Museum and Veterans Research Center, and the preservation and restoration of historic artifacts.

**C. New York State Higher Education Services Corporation
Various Veterans and Military-Related Tuition Awards Program**

Currently, there are three awards programs available to veterans under the jurisdiction of the New York State Higher Education Service Corporation. They are the Veterans Tuition Awards, which provides payments for tuition up to the undergraduate cost of education at the State University of New York for veterans who served in Vietnam, Afghanistan, and the Persian Gulf and who have earned an Expeditionary Medal, the Military Enhanced Recognition Incentive and Tribute (MERIT) financial aid program for children, spouses, and financial dependents of those who, while New York State residents, served in the U.S. Armed Forces or state-organized militia at any time after August 2, 1990, and died, became severely and permanently disabled, or were classified as missing in action in a combat zone, and the New York State Regents Awards for Children of Deceased and Disabled Veterans, which provides \$450 per year to students whose parents served in the U.S. Armed Forces and died as a result of service or were discharged and suffer a forty percent or more disability as a result of such service.

In the SFY 2014-15 budget, \$46,041,000 was appropriated to cover the entire costs associated with the State's many scholarship programs, including the veterans' and military-related programs.

**D. Department of Mental Health
Office of Mental Health**

Peer-To-Peer Veterans Counseling Program

The PFC Joseph Dwyer PTSD Peer-To-Peer Veterans Counseling Program, which provides "peer-to-peer" counseling between veterans who personally understand the effects of Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI) was first funded in the 2012 budget. It has been operating in four test counties: Suffolk, Rensselaer, Saratoga, and Jefferson.

In the SFY 2014-15 budget, \$1,852,500 was appropriated to fund the four test counties, as well as seven additional counties: Nassau, Erie, Onondaga, Orange, Putnam, Rockland, and Westchester.

V. BILLS THAT PASSED THE ASSEMBLY ONLY

A. Veterans' Affairs Committee

1. Services Available to Veterans (A.3348 Sweeney; Passed Assembly)

This bill would require all subdivisions of the State to inquire, when dealing with a client or customer, whether he or she or a family member is a veteran and then to inform veterans and their families of the services and opportunities made available by the Division of Veterans' Affairs. Any new forms created after the effective date of this act would contain the following questions: "Have you served in the United States Armed Forces?" and "Has someone in your family served in the United States military?"

2. Interagency Council (A.6213-A Ramos; Passed Assembly)

This bill would establish an Interagency Coordinating Council for service-disabled veterans to provide accessible, coordinated, and specialized services from multiple state and local agencies to service-disabled veterans.

3. Military Sexual Trauma (A.7086 Russell; Passed Assembly)

This bill would require the Division of Veterans' Affairs to develop plans and benefits to assist veterans who have suffered Military Sexual Trauma (MST) while on active duty or during military training. It would require the county and city veterans' service agencies to provide information on programs to assist this special veteran population.

4. Admission to the New York State Veterans Home Program (A.7561 Benedetto; Passed Assembly)

This bill would expand the list of veterans eligible for admission to the New York State Veterans' Home program under the jurisdiction of the Department of Health. This bill would include veterans who served in Bosnia and Herzegovina and veterans who were exposed to radiation during military service in "radiation-risk activity." This bill also would clarify that veterans who served in Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn and were the recipient of the Global War on Terrorism Expeditionary Medal, the Iraq Campaign Medal, or the Afghanistan Campaign Medal are eligible for admission.

**5. Information on Mental Health Assistance
(A.6227-A Fahy; Passed Assembly)**

This bill would require information on where veterans can seek help for military sexual trauma to be posted on the websites of the Division of Veterans' Affairs and the Office of Mental Health.

**6. Homeless Veterans Report
(A.7259-B Rozic; Passed Assembly)**

This measure would require the Division of Veterans' Affairs in consultation with the Office of Temporary and Disability Assistance, Department of Labor, and Office of Children and Families to determine the number of homeless persons in New York State that are veterans. The study would include (a) an analysis of veterans in New York State currently homeless or have been homeless within five years of being released from active duty, including a break down by gender; (b) data on the number of children of homeless veterans including their current placement; (c) cases of Military Sexual Trauma while on active duty or during military training and (d) unemployment rate of the homeless veterans.

**7. Expansion of the Cold War Veterans' Exemption
(A.8694 Cusick; Passed Assembly)**

This bill would expand the Cold War Veterans' Exemption to taxes levied by local school districts. It would allow those districts to conduct a public hearing regarding the tax exemption and after the public hearing, the governing body of the school district could pass a resolution to provide the tax exemption. Qualified veterans living within the school district that passed the resolution would have the same tax exemption from their school districts as they receive from their local tax district.

**8. Transfer Real Property Within a County
(A.879 Bronson; Passed Assembly)**

This bill would allow a county or a city having a population of one million or more persons to adopt a local law, ordinance, or resolution to allow an assessor to transfer the exemption, on a pro-rated basis, of a veteran who moves to a new housing unit within the same county or city having a population of one million or more persons, in the fiscal year that such moved occurred.

**9. Peer to Peer Counseling for Veterans
(A.6516 Ortiz; Passed Assembly)**

This bill would create a peer to peer counselor program for veterans who are suffering from mental illness, alcohol abuse, and chemical dependence. It requires the Office of Mental Health to create rules and regulations to implement such a program.

10. Additional Training for Assessors

(A.9921 Rules at the request of Barrett; Passed Assembly)

This bill would require the Division of Veterans' Affairs, in consultation with the Department of Taxation and Finance, pursuant to its training responsibilities, within thirty days of this act and at least annually, to reinforce and/or remind assessors of the fact that the Persian Gulf conflict referenced in Section 458-a of the Real Property Tax Law includes, but not limited to, hostilities in Afghanistan and Iraq, also known as Operation Iraqi Freedom, Operation Enduring Freedom and Operation New Dawn.

B. Election Law Committee

Military Ballots

(A.8198 Silver; Passed Assembly)

This bill would ensure that New York State's election law complies with the federal Military and Overseas Voter Empowerment Act (MOVE).

C. Health Committee

Clarification of the Disposition of Human Remains

(A.2674 Gottfried; Passed Assembly)

This legislation would make several technical amendments to the Public Health Law to clarify that the written instrument designating an agent does not have to exactly match the language in Section 4201 of the Public Health Law and would remove the requirement of a second witness. This measure would allow the DD Form 93, January 2008, to be used. This federal form is used by military personnel to designate beneficiaries for certain benefits in the event of the servicemember's death. It is used for disposition of that member's pay and allowances if captured, missing, or interred.

D. Governmental Employees Committee

Pension Credit for Service in Afghanistan

(A.7632-D Magnarelli; Passed Assembly)

This bill would allow those veterans who served in Afghanistan to buy back up to three years of military service, if they are current members of the various State retirement systems.

VI. BILLS REPORTED BY OTHER COMMITTEES THAT BECAME LAW

A. Transportation Committee

Prohibit Additional Fees on Driver's License or Non-Driver's Id (Chapter 429 of the Laws of 2014; A. 8231-A, Sweeney)

This measure would waive the state photo fee of \$12.50 for the option of amending a New York State driver's license, permit, or non-driver identification card, prior to the date of renewal, to indicate status as a veteran.

B. Ways and Means Committee

Homeless Veterans Check-off (Chapter 428 of the Laws of 2014; A. 7430-A, Weisenberg)

This chapter creates a homeless veterans assistance program and authorizes gifts through state income tax check-off. Monies in the fund will be expended only for the assistance and care of homeless veterans for housing and housing-related expenses, as determined by the New York State Division of Veterans Affairs.

C. Governmental Employees Committee

Non-Contributory Retirement Service Credit, City of New York Employees (Chapter 427 of the Laws of 2014; A. 6914-A Rosenthal)

In accordance with existing civil service principles and to assist the public employees that answered the call to military service after September 11, 2001, the New York State Legislature enacted legislation in 2005 to ensure that time served on active military duty would be reflected in their credited retirement plans. Due to a technical error, this measure omitted members of the New York City retirement systems. This chapter would allow City of New York employees to purchase their military service credit which is already granted to all other State, municipal, and school district employees.

D. Governmental Operations Committee

1. Service-Disabled Veterans-Owned Business Act Governor's Program Bill #35 (Chapter 22 of the Laws of 2014; A.9135, Ortiz)

This measure sets a six-percent statewide participation goal by service-disabled veteran owned businesses on state contracts . The bill creates within the Office of General Services (OGS), the Division of Service-Disabled Veterans' Business Development, which is required to develop and coordinate with the OGS a statewide plan to meet the goal.

VII. HONORING VETERANS THROUGH LEGISLATIVE RESOLUTIONS

A. Urging the New York State Congressional Delegation to Pass the Blue Water Navy Vietnam Veterans Act of 2013, H.R. 543 (Resolution No. 873, Benedetto)

Dioxin is a chemical contaminant that was contained in Agent Orange, a herbicide used for defoliation in Vietnam from 1962 until 1971. Veterans who served on open sea ships off the shore of Vietnam during the Vietnam War are sometimes called “Blue Water Veterans.” The federal legislation, the Blue Water Navy Vietnam Veterans Act of 2013, would allow blue water veterans who served up to twelve miles off-shore in Vietnam presumptive coverage for Agent Orange exposure and would enable them to receive Department of Veterans Affairs (VA) benefits if they suffer from any disease linked to Agent Orange. This resolution urges the New York State Congressional Delegation to pass H.R. 543 to provide presumptive coverage of Agent Orange exposure to those veterans known as “blue water veterans.”

B. Urging the New York State Congressional Delegation to Support the Passage of S.1950, the Vietnam Health and Benefits and Military Retirement Pay Restoration Act of 2014 (Resolution No. 874, Benedetto)

The U.S. Senate bill 1950, the Veterans Health and Benefits and Military Retirement Pay Restoration Act, would expand and improve healthcare and services to all generations of veterans and their families including the addition of benefits for the children of veterans born with spina bifida. Also, the federal bill, would authorize the construction of community based out-patient, clinics which will serve veterans in rural and underserved communities that lack access to veterans services. This resolution urges the New York State Congressional Delegation to pass S. 1950, the Veterans Health and Benefits and Military Retirement Pay Restoration Act of 2014.

C. Urging the New York State Congressional Delegation to pass S.1956/H.R. 2839, The Restore Honor to Service Members Act (Resolution No. 1046, Benedetto)

This federal legislation, The Restore Honor to Service Members Act, would require review boards of the military services to establish a timely, consistent, and transparent review of the records of service members claiming to have been discharged because of their sexual orientation. This federal measure would ensure service members who were discharged for no other reason than their sexual orientation, to have an opportunity to have their military service records corrected to reflect their honorable service. The federal measure would require the historians of each of the military services to review the facts and circumstances of the estimated 100,000 service members discharged for their sexual orientation prior to the repeal of Don't Ask, Don't Tell. This resolution urges the New York State Congressional Delegation to pass The Restore Honor to Service Members Act to help correct the military record of service members who were discharged due to their sexual orientation so these men and women can receive the honorable discharges they earned.

D. Commemorating the 70th Anniversary of Operation Overlord, Otherwise Known as D-Day, June 6th (Resolution No. 1287, Benedetto)

The combat operations of Operation Overlord, also known as the D-Day Landings, began on June 6, 1944, with the Allied invasion from England into German-occupied Normandy, France. The landings were conducted in two phases: a nighttime airborne assault by United States, British, and Canadian paratroopers, and glider-borne soldiers after midnight, followed by an early-morning amphibious landing by Allied infantry and armored divisions onto five beach sites on the Normandy coast. This resolution urges all New Yorkers to observe this commemoration with appropriate ceremonies and activities which honor and give thanks to our distinguished veterans who participated in this World War II battle.

E. Commemorating the 100th Anniversary of the Beginning of World War I, and Commemorating the 75th Anniversary of the Commencement of World War II (Resolution No. 1315, Sweeney)

The Centennial of World War I offers an opportunity for people in the United States to learn about and commemorate the sacrifices of those veterans who served during this period of time. The ending of World War II set the stage for important events of the 20th Century, including the Cold War. This resolution is a document for the Assembly Body to express its gratitude to the men and women of the United States Armed Forces who served during World War I and World War II for their tremendous sacrifices made for our Nation and for the benefit of all Americans.

F. Commemorating the 150th Anniversary of Arlington National Cemetery (Resolution No. 1385, Benedetto)

Arlington National Cemetery is an active cemetery. The cemetery conducts nearly 7,000 funerals per year. Monuments, memorials, and dedicated trees are interspersed throughout the cemetery among the headstones of those for whom Arlington is their final resting place. This resolution honors the 150th Anniversary of the establishment of Arlington National Cemetery.

G. Commending the National Association for Black Veterans Upon the Occasion of Hosting Its 2014 National Convention on August 14-17, 2014 (Resolution No. 1391, Robinson)

The National Association for Black Veterans, Inc. (NABVETS) had its beginnings in 1969, when seven Vietnam combat veterans came together to address issues concerning Black and other minority veterans. Originally known as the Interested Veterans of the Central City, it was reorganized as NABVETS in 1973. On April 2, 1998, NABVETS was certified as a national veterans' service organization by the Department of Veterans Affairs for the purpose of preparation, presentation, and prosecution of claims under laws administered by the Department of Veterans Affairs. Over the last 29 years, NABVETS led several campaigns to bridge the void for mainstream services to black

veterans. The group is recognized nationally for its advocacy for family and youth empowerment, and community development. This resolution commends the National Association for Black Veterans upon hosting the National Convention.

H. Commending “E J” Knapik for His Many Years of Ceaseless Dedicated Service To The Veterans of His Community (Resolution No. 733, Santabarbara)

A veteran of World War II, “E J” Knapik has been actively involved in AMVETS since its early days. He was a charter member of the Amsterdam AMVETS Post 21, representing it as a delegate to the State Convention every year for 62 years. Mr. Knapik served as a state legislative chair for AMVETS for over 40 years. He was honored with the AMVETS National VAVS Leadership Award in 2007, and with the Silver Helmet AMVET of the Year Award in 2009. On Veterans Day in 2013, “E J” received the City of Amsterdam Veteran Service Medal and was the Grand Marshal in the Amsterdam and Schenectady Veterans’ Day parades. This resolution commends “E J” Knapik for his many years of ceaseless dedicated service to the veterans of his community and the State.

I. Honoring the Death of Richard M. Pedro, Distinguished Citizen and Devoted Member of His Community (Resolution No. 772, Benedetto)

Mr. Pedro served during World War II in the United States Navy, which included 22 months at sea aboard the USS Weiss and was honorably discharged. Upon his discharge, he joined The American Legion and Tioga Post No. 401 in Owego, New York. He was an active member for 65 continuous years and was honored with an Honorary Life Membership in 1964. Richard Pedro served as a leader in The American Legion at the local, state and national levels including the State Adjutant. He was honored at the 94th American Legion National Convention in 2012 by the delegates who voted to bestow on him the honorary title of Past National Commander. Mr. Pedro died on Friday, January 10, 2014 at the age of 87. This resolution mourns the death of Richard M. Pedro as distinguished citizen and devoted member to his community, State, and nation.

VII. HONORING SERVICEMEN AND SERVICE WOMEN THROUGH LEGISLATIVE RESOLUTION

A. The Untimely Death of Sergeant Shawn Farrell II of Accord, New York, and Paying Tribute to His Courageous Actions As A Member of the United States Army (Resolution No. 1167, Cahill)

Sergeant Shawn Farrell II, of Accord, New York died April 28, 2014, at the age of 24, while honorably serving his country in Nejrab Distirct, Kapisa Province, Afghanistan. Sergeant Farrell was a 10th Mountain Division soldier with 1st Battalion, 32nd Infantry regiment, 3rd Brigade Combat Team, He was deployed to Afghanistan in support of Operation Enduring Freedom from March 2011 to March 2012 and he left for his second tour of duty in Afghanistan in November 2013. This resolution mourns the untimely death of Sergeant Shawn Farrell and pays tribute to his courageous actions as a solider of the United States Army.

B. Mourning the Untimely Death of Staff Sergeant Michael Harold Ollis, of New Drop, New York, and Paying Tribute to His Courageous Actions as a Member of the United States Army (Resolution No. 1230, Malliotakis)

Staff Sergeant Michael Harold Ollis, assigned to the 2nd Battalion, 22nd Infantry Regiment, 1st Brigade Combat Team, 10th Mountain Division died at the age of 24 on August 28, 2013, in eastern Afghanistan, during Operation Enduring Freedom. Staff Sergeant Ollis will receive the Silver Star posthumously for his valor and bravery. This resolution mourns the untimely death of Staff Sergeant Michael Harold Ollis and pays tribute to his courageous actions as a solider of the United States Army.

IX. MEMORIALIZING THE GOVERNOR TO PROCLAIM VETERAN-RELATED EVENTS

A. Memorializing Governor Andrew M. Cuomo to Proclaim April 2014 as the Month of the Military Child in the State of New York, in Conjunction With the April 15th Observance of Purple Up Day (Resolution No. 987, Russell)

In April the United States Armed Forces proudly celebrates the Month of the Military Child, a month-long celebration thanking military children. Purple is the color which symbolizes all branches of the military. April 15 has been adopted as “Purple Up Day.” This resolution memorializes Governor Cuomo to proclaim April 2014 as the Month of the Military Child in the State of New York, in conjunction with the April 15th observance of Purple Up Day.

B. Memorializing Governor Andrew M. Cuomo to Proclaim April 30, 2014, as West Point Day in the State of New York (Resolution No. 1108, Skoufis)

By an act of Congress, on March 16, 1802, the United States Military Academy was established within the borders of New York State, on the banks of the Hudson River. Sixty-two years ago, the late James T. McNamara, then a member of the New York State Assembly, and a member of the Academy’s Class of 1939, was the author of the State legislature’s first “West Point Day” Resolution. This resolution memorializes Governor Cuomo to proclaim April 30, 2014, as West Point Day in the State of New York.

C. Memorializing Governor Andrew M. Cuomo to Proclaim September 16, 2014, as The American Legion Day in the State of New York (Resolution No. 905, Sweeney)

The American Legion is a veterans’ service organization which draws its membership from the men and women who have served in the Armed Forces of the United States during a period of congressionally recognized war or armed conflict. This resolution memorializes Governor Cuomo to proclaim September 16, 2014, as The American Legion Day in the State of New York.

IX. OTHER ACTIVITIES BY THE VETERANS COMMITTEE

A. Subcommittee on Women Veterans

The Subcommittee on Women Veterans sponsored the 20th annual Women Veterans Recognition Day, held on June 11, 2013. This year the Subcommittee honored the women veterans who served our country by hosting a luncheon to discuss issues that impact female members of the military. Those who attended reflected on their time spent in the military, their experiences as women in the United States Armed Forces, problems they have encountered since their time in military service, and how the State can communicate with women veterans to provide answers to their questions and concerns.

Assembly Resolution No. 1343 by Assemblywoman Addie Russell, the Chair of the Subcommittee on Women Veterans, was adopted memorializing Governor Andrew M. Cuomo to proclaim June 12, 2014, as Women Veterans Recognition Day in the State of New York.

B. Public Hearing and Roundtable

On November 21, 2014, the New York State Assembly Standing Committee on Veterans' Affairs, the New York State Assembly Standing Committee on Governmental Operations, the New York State Assembly Committee on Small Business, and the New York State Assembly Subcommittee on Women Veterans held a public hearing in Albany, New York on the implementation of the Service-Disabled Veteran-Owned Business Act. The hearing examined the implementation of the Service-Disabled Veteran-Owned Business Act enacted as part of the FY 2014-15 Budget.

C. Assembly Chamber Veterans Related Events

1. Special Introduction

The Honorable Charles Nesbitt, former Assembly member and one-time ranker on the New York State Assembly Veterans' Affairs Committee was honored by the New York State Assembly on January 27, 2014. The Assembly adopted a Legislative Resolution, (Resolution No. 774 by Mr. Silver) honoring Mr. Nesbitt, a member of the 57th Assault Helicopter Company upon the occasion of his designation as recipient of the Distinguished Flying Cross. He was awarded the medal for his extraordinary achievement in an aerial flight during the Vietnam War. The former Assembly member was introduced in the Chamber and awarded the resolution.

2. Special Remarks in the Chamber on Three Resolutions of Note

On Tuesday, March 18, 2014, President Barack Obama awarded 24 Army veterans the Medal of Honor for conspicuous gallantry including three posthumously honored from New York State. In 2002 Congress, through the Defense Authorization Act,

called a review of Jewish American and Hispanic American veteran war records from World War II, the Korean War and the Vietnam War, to ensure those deserving the Medal of Honor were not denied because of prejudice. During the review, records of several Soldiers of neither Jewish or Hispanic decent were also found to display criteria worthy of the Medal of Honor. The 2002 Act was amended to allow these soldiers to be honored with the upgrade in addition to the Jewish and Hispanic American Soldiers.

The three individuals: Private First Class Leonard M. Kravitz, United States Army from Brooklyn, New York; Staff Sergeant William F. Leonard, United States Army from Lockport, New York and Sergeant Alfred B. Nietzel, United States Army from Queens, New York were honored by legislative resolutions.

XI. OUTLOOK FOR 2015

The Standing Committee on Veterans' Affairs is looking forward to a productive year in 2015. The committee will continue to work with the Division of Veterans' Affairs, the 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 that the Committee intends to pursue include the following:

- outreach to older veterans;
- continued establishment of veterans' mental health and outreach programs to help veterans in need of specific care related to mental health, post-traumatic stress disorder, traumatic brain injury, and substance abuse;
- increased awareness of mental health treatment programs for those veterans who suffer from Military Sexual Trauma;
- increased outreach to women veterans to better identify and respond to their needs; and
- outreach to recently discharged veterans.

The Committee will continue to strive to address the needs of New York State's more than one million veterans and their families.

APPENDIX A

SUMMARY OF ACTION ON ALL BILLS REFERRED TO THE ASSEMBLY COMMITTEE ON VETERANS' AFFAIRS

| Final Action | Assembly Bills | Senate Bills | Total Bills |
|--|-----------------------|---------------------|--------------------|
| Bills Reported With or Without Amendments | | | |
| To Floor; Not Returning to Committee | 6 | 0 | 6 |
| To Ways and Means | 10 | 0 | 10 |
| To Codes | 1 | 0 | 1 |
| To Rules | 1 | 0 | 1 |
| To Judiciary | 0 | 0 | 0 |
| Total | 18 | 0 | 18 |
| Bills Having Committee Reference Changed | | | |
| To | 0 | 0 | 0 |
| To | 0 | 0 | 0 |
| To | 0 | 0 | 0 |
| To | 0 | 0 | 0 |
| Total | 0 | 0 | 0 |
| Senate Bills Substituted or Recalled | | | |
| Substituted | 0 | 0 | 0 |
| Recalled | 0 | 0 | 0 |
| Total | 0 | 0 | 0 |
| Bills Defeated in Committee | 0 | 0 | 0 |
| Bills Held for Consideration With a Roll-Call Vote | 14 | 0 | 14 |
| Bills Never Reported, Died in Committee | 56 | 15 | 71 |
| Bills Having Enacting Clauses Stricken | 1 | 0 | 1 |
| Motions to Discharge Lost | 0 | 0 | 0 |
| Total Bills in Committee | 89 | 15 | 104 |
| Total Number of Committee Meetings Held | 7 | | |

APPENDIX B

BILLS THAT PASSED BOTH HOUSES AND WERE SIGNED INTO LAW

| BILL NO. | SPONSOR | CHAPTER | DESCRIPTION |
|-----------------|----------------|----------------|--|
| A. 8397-A | Benedetto | 6 | This measure makes technical corrections to Chapter 557 of the Laws of 2013, relating to the effectiveness thereof. |
| A. 8479 | Santabarbara | 46 | This measure extends to June 15, 2016, 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 and who served as members of the U.S. Armed Forces in Indo-China from December 22, 1961, through May 7, 1975, qualify for the extended time. |
| A. 9216-A | Benedetto | 328 | This measure amends the education law, in relation to the interstate compact on educational opportunity for military children (Part A); amends the education law, in relation to in-state tuition at colleges and universities of the state of New York and the City University of New York (Part B); amends the executive law, in relation to the New York state supplemental burial allowance for members of the armed forces of the United States killed in combat or duty subject to hostile fire or imminent danger or who died later due to injuries occurred in combat (Part C); and amends the real property tax law, in relation to |

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| | | | authorizing the Department of State to recognize a certain out-of-state license issued to a member of the household of the armed forces and relocated to New York with the service member. |
| A.2124 | Simotas | 425 | This law increases the real property tax exemption that a veteran may receive on real property purchased with eligible funds from \$5,000 to \$7,500 of the assessed value of such property under the eligible funds exemption. |
| A. 6215 | Ramos | 426 | This law authorizes the Commissioner of Taxation and Finance in consultation with the Director of the Division of Veterans' Affairs to establish a listing of documents to be used to establish eligibility for the three veterans' real property tax exemptions. |
| A. 9049 | Cusick | 430 | This law clarifies the legislative intent for Chapter 518 of the Laws of 2013. |

APPENDIX C

BILLS THAT PASSED THE ASSEMBLY ONLY

| BILL NO. | SPONSOR | DESCRIPTION |
|-----------------|----------------|---|
| A.879 | Bronson | Would allow a county or city having a population of one million or more persons to adopt a local law, ordinance or resolution to allow an assessor to transfer the exemption, on a pro-rated basis, of a veteran who moves to a new housing unit within the same county or city having a population of one million or more persons. |
| A.3349 | Sweeney | Would inform veterans and their families of the many services and opportunities provided by the Division of Veteran's Affairs. |
| A.6213-B | Ramos | Would establish a New York State Interagency coordinating council for service-disabled veterans to provide accessible, coordinated, and specialized services from multiple state and local agencies to disabled veterans. |
| A.6227-A | Fahy | Would require information on where veterans can seek help for those who have experienced military sexual trauma while on active duty or during military training on the websites of the Division of Veterans' Affairs and the Office of Mental Health. |
| A.6516 | Ortiz | Would create a peer to peer counselor program for veterans who are suffering from mental illness, alcohol abuse, and chemical dependence. |
| A.7086-A | Russell | Would require the Division of Veterans' Affairs to develop programs to address military sexual trauma and also would require the county and city veterans' service agencies to provide information on matters pertaining to military sexual trauma. |
| A.7259-B | Rozic | Would require the Division of |

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| | | Veterans' Affairs in consultation with the Office of Temporary and Disability Assistance, Department of Labor and Office of Children and Families to determine the number of homeless persons in New York State that are veterans. |
| A.7561 | Benedetto | Would expand the categories of veterans eligible for admission to the New York State Veterans' Home program under the jurisdiction of the Department of Health. |
| A.8694 | Cusick | Would expand the Cold War Veterans' Exemption so that it could apply to taxes levied by local school districts if the school district elected to do so. |
| A.9921 | Rules at the request of Barrett | Would require the Division of Veterans' Affairs, in consultation with the Department of Taxation and Finance, pursuant to its training responsibilities, within thirty days of this act and at least annually, to reinforce and/or remind assessors of the fact that the Persian Gulf conflict referenced in section 458-a of the real property tax law includes, but is not limited to, hostilities in Afghanistan and Iraq. |

APPENDIX D

BILLS THAT WERE VETOED

| BILL NO. | SPONSOR | VETO # | DESCRIPTION |
|-----------------|----------------|---------------|---|
| A. 2189-A | Levine | 485 | Would have required specific mental and physical health issues, including post-traumatic stress disorder, traumatic brain injury, and other brain-related injuries to be included in the New York State Department of Health's website called Veterans' Health Care Information Program. This measure also required the Department of Corrections and Community Services to report to the Legislature the number of inmates currently serving sentences in State correctional facilities who have served in the United States Armed Forces. |