S T A T E O F N E W Y O R K

8296

2009-2010 Regular Sessions

I N A S S E M B L Y

May 13, 2009

Introduced by M. of A. ESPAILLAT, DESTITO, ORTIZ, TOWNS, NOLAN, RUSSELL, LUPARDO, MAGNARELLI -- Multi-Sponsored by -- M. of A. CUSICK, DenDEKKER, McENENY, PHEFFER, SCHIMEL, SWEENEY -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the executive law, in relation to establishing the New York state interagency coordinating council for service-disabled veterans, defining the powers and duties of the council and requiring an annual report by the council to the governor, the temporary president of the senate and the speaker of the assembly

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The legislature hereby recognizes that New York state's veterans, particularly those who suffered service-related disabilities, have unique needs as a result of the sacrifices they made during their military service. It is also hereby acknowledged by the legislature that due to the complexity of their needs, such individuals require accessible, coordinated, and specialized services within their communities from multiple state and local agencies. The legislature finds that there is an immediate need for a statewide comprehensive program to coordinate such services.

S 2. The executive law is amended by adding a new section 368 to read as follows:

S 368. NEW YORK STATE INTERAGENCY COORDINATING COUNCIL FOR SERVICE-DISABLED VETERANS. THERE IS HEREBY ESTABLISHED THE NEW YORK STATE INTERAGENCY COORDINATING COUNCIL FOR SERVICE-DISABLED VETERANS IN THE EXECUTIVE DEPARTMENT TO HAVE AND EXERCISE THE FUNCTIONS, POWERS AND DUTIES PROVIDED BY THE PROVISIONS OF THIS SECTION AND ANY OTHER PROVISION OF LAW.

1. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL MEAN:

(A) "COUNCIL" MEANS THE NEW YORK STATE INTERAGENCY COORDINATING COUNCIL FOR SERVICE-DISABLED VETERANS;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(B) "VETERAN" MEANS A PERSON, MALE OR FEMALE, RESIDENT OF THIS STATE, WHO HAS SERVED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE OF THE UNITED STATES DURING A WAR IN WHICH THE UNITED STATES ENGAGED AND WHO HAS BEEN RELEASED FROM SUCH SERVICE OTHERWISE THAN BY DISHONORABLE DISCHARGE, OR WHO HAS BEEN FURLOUGHED TO THE RESERVE; AND

(C) "SERVICE-DISABLED VETERAN" MEANS A VETERAN WITH A DISABILITY THAT WAS INCURRED OR AGGRAVATED IN THE LINE OF DUTY IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE.

2. THE COUNCIL SHALL CONSIST OF THE FOLLOWING TEN AGENCY HEADS OR THEIR DESIGNEES: DIRECTOR OF THE DIVISION OF VETERANS' AFFAIRS, WHO SHALL SERVE AS CHAIR OF THE COUNCIL, THE ADJUTANT GENERAL OF THE DIVISION OF MILITARY AND NAVAL AFFAIRS, THE COMMISSIONER OF THE DEPARTMENT OF HEALTH, THE COMMISSIONER OF THE OFFICE OF MENTAL HEALTH, THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, THE COMMISSIONER OF THE DEPARTMENT OF LABOR, THE COMMISSIONER OF THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, THE COMMISSIONER OF THE EDUCATION DEPARTMENT, THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION, AND THE DIRECTOR OF THE OFFICE FOR THE AGING. IN ADDITION, THE COUNCIL SHALL CONSIST OF NINE SERVICE-DISABLED VETERANS, THREE TO BE APPOINTED BY THE GOVERNOR, TWO TO BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, TWO TO BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE TO BE APPOINTED BY THE MINORITY LEADER OF THE SENATE AND ONE TO BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. THE MEMBERS OF THE COUNCIL SHALL SERVE TERMS OF TWO YEARS; PROVIDED, HOWEVER, THAT OF THE MEMBERS FIRST APPOINTED, THE MEMBERS APPOINTED BY THE GOVERNOR SHALL SERVE FOR TERMS OF THREE YEARS AND THE REMAINING MEMBERS, APPOINTED BY THE LEGISLATIVE LEADERS, SHALL SERVE FOR TERMS OF TWO YEARS. MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR FUNCTIONS HEREUNDER.

3. THE COUNCIL SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(A) TO PROMOTE THE IMPLEMENTATION OF A COMPREHENSIVE STATEWIDE PROGRAM OF COORDINATED SERVICES FOR SERVICE-DISABLED VETERANS THAT INCLUDES: (1) MATTERS PERTAINING TO EDUCATIONAL TRAINING AND RETRAINING SERVICES AND FACILITIES, (2) HEALTH, MEDICAL AND REHABILITATION SERVICES AND FACILITIES, (3) EMPLOYMENT AND RE-EMPLOYMENT SERVICES INCLUDING SMALL BUSINESS OPPORTUNITIES, (4) HOUSING OPTIONS, (5) TRANSPORTATION OPTIONS, (6) LONG TERM CARE, (7) PERSONAL CARE, (8) DAY PROGRAM SERVICES, (9) FAMILY OUTREACH AND (10) OTHER ESSENTIAL SERVICES THAT MAXIMIZE EXISTING RESOURCES AND ADMINISTRATIVE MECHANISMS;

(B) TO DISSEMINATE GENERAL INFORMATION ABOUT AVAILABLE SERVICES TO SERVICE-DISABLED VETERANS AND HOW SUCH SERVICES CAN BE ACCESSED;

(C) TO RECEIVE COMPLAINTS IN MATTERS AFFECTING SERVICE-DISABLED VETERANS AND TO REFER SUCH COMPLAINTS TO THE APPROPRIATE REGULATORY AGENCIES WHERE IT DEEMS NECESSARY OR APPROPRIATE; AND

(D) TO CONDUCT AN ONGOING EVALUATION OF THE NEEDS OF SERVICE-DISABLED VETERANS.

4. THE COUNCIL SHALL MEET AS NECESSARY TO CARRY OUT ITS FUNCTIONS, POWERS AND DUTIES, BUT SUCH MEETINGS SHALL OCCUR AT LEAST ONCE EACH QUARTER. FURTHERMORE, THE COUNCIL SHALL SEEK TO CONSULT WITH THE NETWORK DIRECTORS OF THE VETERANS INTEGRATED SERVICE NETWORKS, VISN 2 AND VISN 3.

5. THE COUNCIL SHALL PROVIDE A REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON OR BEFORE SEPTEMBER FIRST OF EACH YEAR, BEGINNING IN TWO THOUSAND TEN. SUCH REPORT SHALL SUMMARIZE THE COUNCIL'S ACTIVITY DURING THE PREVIOUS FISCAL YEAR

AND DETAILING LEGISLATIVE RECOMMENDATIONS APPROPRIATE TO EFFECTUATE THE PURPOSES OF THIS SECTION, AND ANY OTHER RECOMMENDATIONS FOR IMPROVING SERVICE DELIVERY AND COORDINATION, REDUCING DUPLICATION AND FRAGMENTATION AND FACILITATING THE MOST EFFICIENT USE OF EXISTING RESOURCES. SUCH REPORT SHALL ALSO INCLUDE A PROPOSED AGENDA CONSISTING OF SPECIFIC ISSUES THAT THE COUNCIL PLANS TO ADDRESS DURING THE CURRENT FISCAL YEAR.

S 3. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.