

8296--A

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2009-2010 Regular Sessions

I N   A S S E M B L Y

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Introduced by M. of A. ESPAILLAT, DESTITO, ORTIZ, TOWNS, NOLAN, RUSSELL, LUPARDO, MAGNARELLI -- Multi-Sponsored by -- M. of A. CUSICK, DenDEKKER, McENENY, PHEFFER, SCHIMEL, SCOZZAFAVA, SWEENEY -- read once and referred to the Committee on Veterans' Affairs -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

- 1     Section 1. Legislative intent. The legislature hereby recognizes that  
2 New York state's veterans, particularly those who suffered service-re-  
3 lated disabilities, have unique needs as a result of the sacrifices they  
4 made during their military service. It is also hereby acknowledged by  
5 the legislature that due to the complexity of their needs, such individ-  
6 uals require accessible, coordinated, and specialized services within  
7 their communities from multiple state and local agencies. The legisla-  
8 ture finds that there is an immediate need for a statewide comprehensive  
9 program to coordinate such services.
- 10    S 2. The executive law is amended by adding a new section 368 to read  
11 as follows:
- 12    S 368. NEW YORK STATE INTERAGENCY COORDINATING COUNCIL FOR  
13 SERVICE-DISABLED VETERANS. THERE IS HEREBY ESTABLISHED THE NEW YORK  
14 STATE INTERAGENCY COORDINATING COUNCIL FOR SERVICE-DISABLED VETERANS IN  
15 THE EXECUTIVE DEPARTMENT TO HAVE AND EXERCISE THE FUNCTIONS, POWERS AND  
16 DUTIES PROVIDED BY THE PROVISIONS OF THIS SECTION AND ANY OTHER  
17 PROVISION OF LAW.
- 18    1. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL MEAN:

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

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

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

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

11 2. THE COUNCIL SHALL CONSIST OF THE FOLLOWING TEN AGENCY HEADS OR  
12 THEIR DESIGNEES: DIRECTOR OF THE DIVISION OF VETERANS' AFFAIRS, WHO  
13 SHALL SERVE AS CHAIR OF THE COUNCIL, THE ADJUTANT GENERAL OF THE DIVI-  
14 SION OF MILITARY AND NAVAL AFFAIRS, THE COMMISSIONER OF THE DEPARTMENT  
15 OF HEALTH, THE COMMISSIONER OF THE OFFICE OF MENTAL HEALTH, THE COMMIS-  
16 SIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, THE  
17 COMMISSIONER OF THE DEPARTMENT OF LABOR, THE COMMISSIONER OF THE DIVI-  
18 SION OF HOUSING AND COMMUNITY RENEWAL, THE COMMISSIONER OF THE EDUCATION  
19 DEPARTMENT, THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION, AND  
20 THE DIRECTOR OF THE OFFICE FOR THE AGING. IN ADDITION, THE COUNCIL SHALL  
21 CONSIST OF NINE SERVICE-DISABLED VETERANS, THREE TO BE APPOINTED BY THE  
22 GOVERNOR, TWO TO BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE,  
23 TWO TO BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE TO BE APPOINTED  
24 BY THE MINORITY LEADER OF THE SENATE AND ONE TO BE APPOINTED BY THE  
25 MINORITY LEADER OF THE ASSEMBLY. THE MEMBERS OF THE COUNCIL SHALL SERVE  
26 TERMS OF TWO YEARS; PROVIDED, HOWEVER, THAT OF THE MEMBERS FIRST  
27 APPOINTED, THE MEMBERS APPOINTED BY THE GOVERNOR SHALL SERVE FOR TERMS  
28 OF THREE YEARS AND THE REMAINING MEMBERS, APPOINTED BY THE LEGISLATIVE  
29 LEADERS, SHALL SERVE FOR TERMS OF TWO YEARS. MEMBERS OF THE COUNCIL  
30 SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE ALLOWED  
31 THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR  
32 FUNCTIONS HEREUNDER.

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

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

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

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

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

50 4. THE COUNCIL SHALL MEET AS NECESSARY TO CARRY OUT ITS FUNCTIONS,  
51 POWERS AND DUTIES, BUT SUCH MEETINGS SHALL OCCUR AT LEAST ONCE EACH  
52 QUARTER. FURTHERMORE, THE COUNCIL SHALL SEEK TO CONSULT WITH THE NETWORK  
53 DIRECTORS OF THE VETERANS INTEGRATED SERVICE NETWORKS, VISA 2 AND VISA  
54 3.

55 5. THE COUNCIL SHALL PROVIDE A REPORT TO THE GOVERNOR, THE TEMPORARY  
56 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON OR BEFORE

1 SEPTEMBER FIRST OF EACH YEAR, BEGINNING IN TWO THOUSAND ELEVEN. SUCH  
2 REPORT SHALL SUMMARIZE THE COUNCIL'S ACTIVITY DURING THE PREVIOUS FISCAL  
3 YEAR AND DETAILING LEGISLATIVE RECOMMENDATIONS APPROPRIATE TO EFFECTUATE  
4 THE PURPOSES OF THIS SECTION, AND ANY OTHER RECOMMENDATIONS FOR IMPROV-  
5 ING SERVICE DELIVERY AND COORDINATION, REDUCING DUPLICATION AND FRAGMEN-  
6 TATION AND FACILITATING THE MOST EFFICIENT USE OF EXISTING RESOURCES.  
7 SUCH REPORT SHALL ALSO INCLUDE A PROPOSED AGENDA CONSISTING OF SPECIFIC  
8 ISSUES THAT THE COUNCIL PLANS TO ADDRESS DURING THE CURRENT FISCAL YEAR.  
9 S 3. This act shall take effect on the ninetieth day after it shall  
10 have become a law; provided, however, that effective immediately, the  
11 addition, amendment and/or repeal of any rule or regulation necessary  
12 for the implementation of this act on its effective date are authorized  
13 and directed to be made and completed on or before such effective date.