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

8716

2009-2010 Regular Sessions

I N A S S E M B L Y

June 4, 2009

Introduced by M. of A. BALL, SCOZZAFAVA, BURLING, CONTE, TOWNSEND, McDONOUGH, GIGLIO, RAIA, WALKER -- Multi-Sponsored by -- M. of A. CROUCH, FINCH, MOLINARO, O'MARA -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the military law, in relation to providing for the "atomic veterans medal" to be granted to certain veterans exposed to ionizing radiation as a result of atomic weapons tests; to amend the civil service law, the education law, the military law, the retirement and social security law and the real property tax law, in relation to atomic veterans; and to amend the executive law, in relation to directing the division of veterans' affairs to provide assistance to atomic veterans and their spouses

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

Section 1. Short title. This act shall be known and may be cited as the "atomic veterans act of 2009".

S 2. Subdivisions 1-a and 4 of section 247 of the military law, subdivision 1-a as added and subdivision 4 as amended by chapter 184 of the laws of 1998, are amended and a new subdivision 1-b is added to read as follows:

1-a. The governor is hereby authorized to present in the name of the legislature of the state of New York, a military decoration, to be known as the "conspicuous service star", bearing a suitable inscription, device, and ribbon, all of which shall be of suitable design, to any person (i) who is a citizen of the state of New York or (ii) who was a citizen of the state of New York while serving in the armed forces of the United States, and who, while serving in the United States Armed Forces, defined as army, air force, navy, marine corps, or coast guard, has, or shall have received a United States unit level decoration denoting combat participation and foreign unit awards, issued from a company, regimental, brigade, or division commander, or equivalent naval unit, or

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

LBD11888-04-9

issued by the President of the United States, the Congress of the United States, the United States Defense Department or the joint chiefs of staff, such as, but not limited to, a presidential unit citation or a joint meritorious unit award. Not more than one conspicuous service star shall be issued to any one person; nor shall any citation be awarded or presented, under the provisions of this subdivision, to any person whose entire service subsequent to the time of the receipt of such star shall not have been honorable. For each succeeding star as provided herein, such person shall be entitled to wear, as the [chief of staff] ADJUTANT GENERAL of the state may direct, a ribbon whose color and design shall be selected by the division of [miliary] MILITARY AND NAVAL affairs. In the event of the death of any person during or subsequent to the receipt of such citation the conspicuous service star shall be presented to such representative of the deceased as may be designated. The [chief of staff] ADJUTANT GENERAL shall make such rules and regulations as may be deemed necessary for the proper presentation and distribution of such decorations.

1-B. THE GOVERNOR IS HEREBY AUTHORIZED TO PRESENT IN THE NAME OF THE LEGISLATURE OF THE STATE OF NEW YORK, A MILITARY DECORATION, TO BE KNOWN AS THE "ATOMIC VETERANS MEDAL", BEARING A SUITABLE INSCRIPTION, DEVICE AND RIBBON, ALL OF WHICH SHALL BE OF SUITABLE DESIGN, TO ANY PERSON (I) WHO IS A CITIZEN OF THE STATE OF NEW YORK OR (II) WHO WAS A CITIZEN OF THE STATE OF NEW YORK WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES OR THE ORGANIZED MILITIA, AND WHO, WHILE SERVING IN THE UNITED STATES ARMED FORCES, DEFINED AS THE ARMY, AIR FORCE, NAVY, MARINE CORPS OR COAST GUARD, OR THE ORGANIZED MILITIA WHO WAS EXPOSED TO IONIZING RADIATION AS A RESULT OF ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE. NOT MORE THAN ONE ATOMIC VETERANS MEDAL SHALL BE ISSUED TO ANY ONE PERSON; NOR SHALL ANY CITATION BE AWARDED OR PRESENTED, UNDER THE PROVISIONS OF THIS SUBDIVISION, TO ANY PERSON WHOSE ENTIRE SERVICE SUBSEQUENT TO THE TIME OF THE RECEIPT OF SUCH MEDAL SHALL NOT HAVE BEEN HONORABLE. FOR EACH SUCCEEDING MEDAL PRESENTED AS PROVIDED IN THIS SUBDIVISION, SUCH PERSON SHALL BE ENTITLED TO WEAR, AS THE ADJUTANT GENERAL OF THE STATE MAY DIRECT, A RIBBON WHOSE COLOR AND DESIGN SHALL BE SELECTED BY THE DIVISION OF MILITARY AND NAVAL AFFAIRS. IN THE EVENT OF THE DEATH OF ANY PERSON DURING OR SUBSEQUENT TO THE RECEIPT OF SUCH CITATION THE ATOMIC VETERANS MEDAL SHALL BE PRESENTED TO SUCH REPRESENTATIVE OF THE DECEASED AS MAY BE DESIGNATED. THE ADJUTANT GENERAL SHALL MAKE SUCH RULES AND REGULATIONS AS MAY BE DEEMED NECESSARY FOR THE PROPER PRESENTATION AND DISTRIBUTION OF SUCH DECORATIONS.

4. This section shall not be construed to require that a recipient of the conspicuous service cross [or], the conspicuous service star OR THE ATOMIC VETERANS MEDAL has been a resident of the state of New York at the time of his or her entry into the United States army, air force, navy, marine corps, COAST GUARD or nurses corps.

S 3. Paragraph (b) of subdivision 1 of section 85 of the civil service law is amended by adding a new subparagraph 4 to read as follows:

(4) A VETERAN WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES WHO WAS EXPOSED DURING THE COURSE OF SUCH SERVICE TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE, AND WHO IS CERTIFIED, AS HEREINBEFORE PROVIDED, BY THE UNITED STATES VETERANS' ADMINISTRATION AS RECEIVING DISABILITY PAYMENTS UPON THE CERTIFICATION OF SUCH VETERANS' ADMINISTRATION FOR A DISABILITY INCURRED BY HIM OR HER IN SUCH SERVICE.

S 4. Paragraph (c) of subdivision 1 of section 85 of the civil service law is amended by adding a new subparagraph 9 to read as follows:

(9) SERVICE IN THE MILITARY FORCES OF THE UNITED STATES WHICH ENTAILED EXPOSURE TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE.

S 5. The opening paragraph of subdivision 6 of section 503 of the education law, as amended by chapter 616 of the laws of 1995, is amended to read as follows:

Credit for service in war after world war I, which shall mean military service during the period commencing the first day of July, nineteen hundred forty, and terminating the thirtieth day of June, nineteen hundred forty-seven, or during the period commencing the twenty-seventh day of June, nineteen hundred fifty, and terminating the thirty-first day of January, nineteen hundred fifty-five, or during both such periods, as a member of the armed forces of the United States, of any person who has been honorably discharged or released under honorable circumstances from such service, or service by one who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions, or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions, OR WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES AND WHO DURING SUCH SERVICE WAS EXPOSED TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE, and who was a teacher in the public schools of this state at the time of his entrance into the armed forces of the United States, provided no compensation was received under the provisions of section two hundred forty-two of the military law, and who returned to public school teaching following discharge or completion of advanced education provided under servicemen's readjustment act of nineteen hundred forty-four, or who following such discharge or release

entered into a service which would qualify him pursuant to section forty-three of the retirement and social security law to transfer his membership in the New York state teachers' retirement system, shall be provided as follows, any provisions of section two hundred forty-three of the military law to the contrary notwithstanding.

S 6. Paragraph (b) of subdivision 1 of section 243 of the military law, as amended by chapter 248 of the laws of 2001, is amended to read as follows:

(b) The term "military duty" shall mean military service in the military, naval, aviation or marine service of the United States subsequent to July first, nineteen hundred forty, or service under the selective training and service act of nineteen hundred forty, or the national guard and reserve officers mobilization act of nineteen hundred forty, or any other act of congress supplementary or amendatory thereto, or any similar act of congress hereafter enacted and irrespective of the fact that such service was entered upon following a voluntary enlistment therefor or was required under one of the foregoing acts of congress, or service with the United States public health service as a commissioned officer, or service with the American Red Cross while with the armed forces of the United States on foreign service, or service with the special services section of the armed forces of the United States on foreign service, or service in the merchant marine which shall consist of service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the government of the United States, or service by one who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions, or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions; or service in police duty on behalf of the United States government in a foreign country, if such person is a police officer, as defined by section 1.20

of the criminal procedure law, and if such police officer obtained the prior consent of his or her public employer to absent himself or herself from his or her position to engage in the performance of such service; or as an enrollee in the United States maritime service on active duty and, to such extent as may be prescribed by or under the laws of the United States, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the United States government; OR WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES AND WHO DURING SUCH SERVICE WAS EXPOSED TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE, but shall not include temporary and intermittent gratuitous service in any reserve or auxiliary force. It shall include time spent in reporting for and returning from military duty and shall be deemed to commence when the public employee leaves his position and to end when he is reinstated to his position, provided such reinstatement is within ninety days after the termination of military duty, as hereinafter defined. Notwithstanding the foregoing provisions of this paragraph, the term "military duty" shall not include any of the foregoing services entered upon voluntarily on or after January first, nineteen hundred forty-seven and before June twenty-fifth, nineteen hundred fifty; and, on or after July first, nineteen hundred seventy, the term "military duty" shall not include any voluntary service in excess of four years performed after that date, or the total of any voluntary services, additional or otherwise, in excess of four years performed after that date, shall not exceed five years, if the service in excess of four years is at the request and for the convenience of the federal government, except if such voluntary service is performed during a period of war, or national emergency declared by the president.

S 7. The opening paragraph of paragraph 1 of subdivision 31 of section 2 of the retirement and social security law, as amended by chapter 616 of the laws of 1995, is amended to read as follows:

Military service during the period commencing July first, nineteen hundred forty, and terminating December thirty-first, nineteen hundred forty-six, as a member of the armed forces of the United States, or service by one who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or service by one who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one

through May eighth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions, or service by one who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions, OR WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES AND WHO DURING SUCH SERVICE WAS EXPOSED TO IONIZING RADIATION AS THE RESULT OF THE ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE, or of any person who:

S 8. The opening paragraph of paragraph 1 of subdivision 31 of section 302 of the retirement and social security law, as amended by chapter 616 of the laws of 1995, is amended to read as follows:

Military service during the period commencing July first, nineteen hundred forty, and terminating December thirty-first, nineteen hundred forty-six, as a member of the armed forces of the United States, or service by one who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or service by one who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions, or service by one who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions, OR WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES AND WHO DURING SUCH SERVICE WAS EXPOSED TO IONIZING RADIATION AS THE RESULT OF THE ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE, or of any person who:

S 9. Paragraphs (c) and (d) of subdivision 2 of section 1000 of the retirement and social security law, as added by chapter 548 of the laws

of 2000, are amended and a new paragraph (e) is added to read as follows:

(c) hostilities participated in by the military forces of the United States in Panama, from the twentieth day of December, nineteen hundred eighty-nine to the thirty-first day of January, nineteen hundred ninety, as established by receipt of the armed forces expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal; [or]

(d) hostilities participated in by the military forces of the United States, from the second day of August, nineteen hundred ninety, to the end of such hostilities in case of a veteran who served in the theater of operations including Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the Persian Gulf, the Red Sea, and the airspace above these locations[.]; OR

(E) SERVICE IN THE ARMED FORCES OF THE UNITED STATES AND WHO DURING SUCH SERVICE WAS EXPOSED TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE.

S 10. Subdivision 4-a of section 458 of the real property tax law, as amended by chapter 616 of the laws of 1995, is amended to read as follows:

4-a. For the purposes of this section, the term "military or naval services" shall be deemed to also include service: (a) by a person who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the department of defense; (b) service by a United States civilian employed by the American Field Service who served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions; [or] (c) service by a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates who served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions; OR (D) SERVICE IN THE ARMED FORCES OF THE UNITED STATES WHICH ENTAILED, AS PART OF SUCH SERVICE, EXPOSURE TO IONIZING RADIATION AS THE RESULT OF THE ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE.

S 11. Paragraph (e) of subdivision 1 of section 458-a of the real property tax law, as amended by chapter 384 of the laws of 2008, is amended to read as follows:

(e) "Veteran" means a person (i) who served in the active military, naval, or air service during a period of war, or who was a recipient of the armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal, and who was discharged or released therefrom under honorable conditions, (ii) who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in ocean-going service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the department of defense, (iii) who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions, (iv) who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan Ameri-can World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Trans-port Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions, [or] (v) notwithstanding any other provision of law to the contrary, who are members of the reserve components of the armed forces of the United States who received an honorable discharge or release therefrom under honorable conditions, but are still members of the reserve components of the armed forces of the United States provided that such members meet all other qualifica-tions under the provisions of this section, OR (VI) WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES AND WHO DURING SUCH SERVICE WAS EXPOSED TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE.

S 12. Section 353 of the executive law is amended by adding a new subdivision 20 to read as follows:

20. (A) TO IDENTIFY ALL RESIDENTS OF THIS STATE WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES AND WHO WHILE ENGAGED IN SUCH SERVICE WERE EXPOSED TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAPONS TESTS BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE, AND THE SURVIVING SPOUSES OF ANY SUCH VETERAN.

(B) TO ADVISE SUCH RESIDENT OR SURVIVING SPOUSE OF THE PROVISIONS OF THE FEDERAL RADIATION EXPOSURE COMPENSATION ACT AND THEIR RIGHT TO FILE

A CLAIM THEREUNDER, AND TO PROVIDE SUCH ASSISTANCE AS SHALL BE NECESSARY FOR THE FILING OF SUCH A CLAIM.

S 13. This act shall take effect immediately.

FISCAL NOTE.--This bill would establish the atomic veterans medal for members of the armed forces or organized militia exposed to ionizing radiation as a result of atomic weapons tests conducted by the United States between 1945 and 1963.

Insofar as this affects the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System, this bill would provide up to 4 additional years of service credit at no charge to current members who were members of either system prior to leaving for war and returned to employment within one year of leaving the military. In all likelihood, there would be few, if any, that would be affected by this legislation.

If this bill is enacted, insofar as this proposal affects the New York State and Local Employees' Retirement System, there would be an estimated past service cost which would exceed 10 percent of each member's salary for each year of additional service credit that granted.

Insofar as this proposal affects the New York State and Local Police and Fire Retirement System, the cost per person would vary greatly. If a member is granted this additional service credit to enable immediate retirement, the cost would exceed 30% of the member's salary for each year of additional service credit. For a member on a retirement plan which is capped after reaching a certain number of years of service credit, there would be no benefit from this additional service credit if they will or already have reached the cap without this service credit.

This estimate, dated June 1, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-257, prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.