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

8277--A

I N S E N A T E

June 18, 2010

Introduced by Sens. HANNON, LARKIN, McDONALD, PADAVAN, BONACIC, DeFRANCISCO, FLANAGAN, FUSCHILLO, O. JOHNSON, LANZA, LAVALLE, LIBOUS, LITTLE, MARCELLINO, MAZIARZ, MORAHAN, NOZZOLIO, RANZENHOFER, ROBACH, SEWARD, VOLKER, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to establishing a "veterans' bill of rights" directing the division of veterans' affairs to provide for the establishment and certification of veterans' services outreach programs

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

Section 1. The executive law is amended by adding two new sections 353-a and 361-c to read as follows:

S 353-A. VETERANS' BILL OF RIGHTS. 1. THE DIVISION SHALL ESTABLISH, PRINT, PUBLISH AND DISTRIBUTE A VETERANS' BILL OF RIGHTS. SUCH BILL OF RIGHTS SHALL INCLUDE THE FOLLOWING OR SUBSTANTIALLY SIMILAR TEXT:

"VETERANS' BILL OF RIGHTS

YOU AS A VETERAN HAVE A RIGHT:

(A) TO APPLY FOR VETERANS' BENEFITS;

(B) TO RECEIVE ASSISTANCE FROM YOUR LOCAL VETERANS' SERVICE AGENCY AND THE NEW YORK STATE DIVISION OF VETERANS' AFFAIRS;

(C) TO RECEIVE AN EXPLANATION OF THE SERVICES AND BENEFITS AVAILABLE UNDER FEDERAL AND NEW YORK STATE LAWS, RULES AND REGULATIONS;

(D) TO RECEIVE WRITTEN NOTICE AND AN EXPLANATION OF THE APPROVAL OR DENIAL OF YOUR APPLICATION FOR BENEFITS AVAILABLE UNDER NEW YORK STATE LAW;

(E) TO BE TREATED WITH DIGNITY AND RESPECT;

(F) TO APPEAL ANY ADVERSE DETERMINATION OR DENIAL OF YOUR APPLICATION FOR SERVICES OR BENEFITS AVAILABLE UNDER NEW YORK STATE LAW;

(G) TO EXPECT CONFIDENTIALITY;

(H) TO RECEIVE FAIR AND EQUAL TREATMENT WITHOUT REGARD TO SEX, RACE, RELIGION, DISABILITY, ETHNICITY OR NATIONAL ORIGIN; AND

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

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(I) TO BE INFORMED OF ASSISTANCE PROVIDED TO VETERANS RELATING TO:
(1) COLLEGE ASSISTANCE,
(2) MENTAL HEALTH COUNSELING,
(3) HEALTH BENEFITS INCLUDING, BUT NOT LIMITED TO, WOMEN VETERANS' HEALTH,
(4) SEXUAL TRAUMA,
(5) FAMILY ASSISTANCE PROGRAMS,
(6) HOUSING,
(7) DOMESTIC VIOLENCE,
(8) SUICIDE PREVENTION, AND
(9) SUPPORT GROUPS."

2. THE DIVISION SHALL MAKE THE VETERANS' BILL OF RIGHTS AVAILABLE ON THE INTERNET WEBSITE MAINTAINED BY THE DIVISION, AT ALL OFFICES OF THE DIVISION, AT ALL LOCAL VETERANS' SERVICES AGENCIES, AT EVERY VETERANS' SERVICES OUTREACH PROGRAM AND AT EVERY STATE AND LOCAL AGENCY WHICH PROVIDES SERVICES, BENEFITS OR ASSISTANCE TO VETERANS.

S 361-C. VETERANS' SERVICES OUTREACH PROGRAMS. 1. THE DIVISION SHALL PROVIDE FOR THE ESTABLISHMENT OF VETERANS' SERVICES OUTREACH PROGRAMS THROUGHOUT THE STATE. SUCH PROGRAMS SHALL PROVIDE VETERANS WITH INFORMATION ON, ASSISTANCE WITH AND REFERRAL TO PROGRAMS WHICH PROVIDE SERVICES AND BENEFITS THAT VETERANS ARE ELIGIBLE TO RECEIVE. EACH VETERANS' SERVICES OUTREACH PROGRAM SHALL COOPERATE AND COORDINATE WITH, ON BEHALF OF VETERANS, THE DIVISION, THE FEDERAL VETERANS' ADMINISTRATION, LOCAL VETERANS' SERVICES AGENCIES, THE SURROUNDING MUNICIPALITIES AND COMMUNITIES, AND STATE AND LOCAL AGENCIES WHICH PROVIDE SERVICES, BENEFITS OR ASSISTANCE TO VETERANS.

2. THE DIVISION SHALL CONTRACT WITH AND CERTIFY QUALIFIED NOT-FOR-PROFIT ORGANIZATIONS FOR THE OPERATION OF VETERANS' SERVICES OUTREACH PROGRAMS. ANY NOT-FOR-PROFIT ORGANIZATION WITH QUALIFIED PERSONNEL, AND SUITABLE FACILITIES, PROGRAMS AND EXPERTISE MAY APPLY TO THE STATE DIRECTOR FOR CERTIFICATION AS A VETERANS' SERVICES OUTREACH PROGRAM. SUCH APPLICATION SHALL BE SUBMITTED ON A FORM ESTABLISHED BY THE DIVISION AND SHALL CONTAIN SUCH INFORMATION AND PROOF AS SHALL BE DETERMINED TO BE NECESSARY BY THE STATE DIRECTOR. UPON CERTIFICATION OF A NOT-FOR-PROFIT ORGANIZATION AS A VETERANS' SERVICES OUTREACH PROGRAM, THE DIVISION SHALL ENTER INTO A CONTRACT WITH SUCH ORGANIZATION FOR THE PROVISION OF VETERANS' OUTREACH SERVICES.

3. VETERANS' SERVICES OUTREACH PROGRAMS SHALL PROVIDE SERVICES, COUNSELING, INFORMATION AND REFERRAL SERVICES TO VETERANS TO THE GREATEST EXTENT OF EACH VETERAN'S NEED OR ELIGIBILITY, INCLUDING REFERRAL TO AGENCIES PROVIDING PUBLIC ASSISTANCE BENEFITS AND SERVICES. HOWEVER, UNDER NO CIRCUMSTANCES SHALL ANY SUCH PROGRAM ENGAGE IN THE ACCEPTANCE OR PROCESSING OF ANY CLAIM FOR ASSISTANCE OR COMPENSATION, BUT SHALL PROVIDE VETERANS WITH REFERRALS TO THE APPROPRIATE AGENCIES FOR THE PROCESSING OF ANY SUCH CLAIM.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided that effective immediately, any action necessary to implement the provisions of this act on its effective date is authorized to be completed on or before such effective date.