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

6221--C

2013-2014 Regular Sessions

I N A S S E M B L Y

March 15, 2013

Introduced by M. of A. SCHIMEL, JAFFEE, ROBINSON, COLTON, MONTESANO -- Multi-Sponsored by -- M. of A. ARROYO, BRENNAN, COOK, DIPIETRO, McDONOUGH, WEISENBERG -- read once and referred to the Committee on Veterans' Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to requiring directors of county veterans service agencies to be accredited by the United States Department of Veterans Affairs

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

Section 1. Section 357 of the executive law is amended by adding a new subdivision 3 to read as follows:

3. ACCREDITATION. (A) CURRENT COUNTY OR CITY DIRECTORS WITHIN THREE YEARS FROM THE EFFECTIVE DATE OF THIS SUBDIVISION SHALL TAKE ALL STEPS NECESSARY TO BE ACCREDITED AS A VETERANS SERVICE ORGANIZATION (VSO) REPRESENTATIVE. ACCREDITATION SHALL MEAN THE AUTHORITY GRANTED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS TO ASSIST VETERANS AND THEIR FAMILY MEMBERS IN THE PREPARATION, PRESENTATION, AND PROSECUTION OF CLAIMS FOR BENEFITS PURSUANT TO SECTION 5902 OF TITLE 38 U.S.C. AND SECTION 14.628 OF TITLE 38 CODE OF FEDERAL REGULATIONS. ONCE AN APPLICATION FOR ACCREDITATION IS APPROVED BY THE GENERAL COUNSEL OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AND THE APPLICANT IS NOTIFIED OF THIS ACTION, THE DIRECTOR OF THE COUNTY OR CITY VETERANS SERVICE AGENCY SHALL FILE A COPY OF THE ACCREDITATION CERTIFICATE FROM THE APPROPRIATE VETERANS SERVICE ORGANIZATION WITH THE DIRECTOR OF THE DIVISION. SUCH ACCREDITATION SHALL BE MAINTAINED DURING THE DURATION OF HIS OR HER STATUS AS A DIRECTOR OF SUCH COUNTY OR CITY VETERANS SERVICE

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

LBD09551-11-3

AGENCY. THE DIRECTOR OF THE DIVISION MAY DETERMINE THAT SATISFACTORY COMPLETION OF A COURSE OR INSTRUCTION ON VETERANS' BENEFITS APPROVED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AND CONDUCTED BY THE DIVISION MAY FULFILL THE REQUIREMENTS OF THIS SUBDIVISION.

(B) ANY COUNTY OR CITY DIRECTOR HIRED AFTER THE EFFECTIVE DATE OF THIS STATUTE SHALL TAKE ALL STEPS NECESSARY TO BE ACCREDITED AS A VETERANS SERVICE ORGANIZATION (VSO) REPRESENTATIVE WITHIN EIGHTEEN MONTHS OF SUCH APPOINTMENT. ACCREDITATION SHALL MEAN THE AUTHORITY GRANTED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS TO ASSIST VETERANS AND THEIR FAMILY MEMBERS IN THE PREPARATION, PRESENTATION, AND PROSECUTION OF CLAIMS FOR BENEFITS PURSUANT TO SECTION 5902 OF TITLE 38 U.S.C. AND SECTION 14.628 OF TITLE 38 CODE OF FEDERAL REGULATIONS. ONCE AN APPLICATION FOR ACCREDITATION IS APPROVED BY THE GENERAL COUNSEL OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AND THE APPLICANT IS NOTIFIED OF THIS ACTION, THE DIRECTOR OF THE COUNTY OR CITY VETERANS SERVICE AGENCY SHALL FILE A COPY OF THE ACCREDITATION CERTIFICATE FROM THE APPROPRIATE VETERANS SERVICE ORGANIZATION WITH THE DIRECTOR OF THE DIVISION. SUCH ACCREDITATION SHALL BE MAINTAINED DURING THE DURATION OF HIS OR HER STATUS AS A DIRECTOR OF SUCH COUNTY OR CITY VETERANS SERVICE AGENCY. THE DIRECTOR OF THE DIVISION MAY DETERMINE THAT A SATISFACTORY COMPLETION OF A COURSE OF INSTRUCTION ON VETERANS' BENEFITS APPROVED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AND CONDUCTED BY THE DIVISION MAY FULFILL THE REQUIREMENTS OF THIS SUBDIVISION.

(C) DURING THE TIME A DIRECTOR IS WORKING TOWARD ACCREDITATION PURSUANT TO PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION, SUCH INDIVIDUAL MAY PROVIDE SERVICES TO VETERANS AND THEIR FAMILY MEMBERS AS DEFINED IN SECTION THREE HUNDRED FIFTY-EIGHT OF THIS ARTICLE OTHER THAN THE PREPARATION, PRESENTATION, AND PROSECUTION OF CLAIMS FOR BENEFITS UNDER FEDERAL STATUTES AND REGULATIONS.

S 2. This act shall take effect on the thirtieth day after it shall have become a law; provided that any rules and regulations necessary for the timely implementation of this act on the effective date shall be promulgated on or before such date.