

305--A

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to clarifying eligibility requirements for admission to the New York state veterans' home

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

1 Section 1. Subdivision 1 of section 2632 of the public health law, as  
2 amended by chapter 467 of the laws of 1991, the opening paragraph as  
3 amended by chapter 455 of the laws of 2002, paragraph (d) as amended by  
4 chapter 616 of the laws of 1995 and paragraph (f) as amended by chapter  
5 179 of the laws of 2006, is amended to read as follows:  
6 1. Every veteran of the armed forces of the United States, who (i) was  
7 separated or discharged under honorable conditions after serving on  
8 active duty therein for a period of not less than thirty days, or (ii)  
9 was separated or discharged under honorable conditions after serving on  
10 active duty therein for a period of not less than thirty days and who  
11 was a recipient of the armed forces expeditionary medal, navy expedi-  
12 tionary medal or marine corps expeditionary medal for participation in  
13 operations in Lebanon from June first, nineteen hundred eighty-three to  
14 December first, nineteen hundred eighty-seven, in Grenada from October  
15 twenty-third, nineteen hundred eighty-three to November twenty-first,  
16 nineteen hundred eighty-three, or in Panama from December twentieth,  
17 nineteen hundred eighty-nine to January thirty-first, nineteen hundred  
18 ninety, OR IN BOSNIA AND HERZGEGOVINA FROM NOVEMBER TWENTY-FIRST, NINE-  
19 TEEN HUNDRED NINETY-FIVE TO NOVEMBER FIRST, TWO THOUSAND SEVEN, OR WAS A  
20 RECIPIENT OF THE KOSOVO CAMPAIGN MEDAL or (iii) was separated or  
21 discharged under honorable conditions after serving on active duty ther-

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

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1 ein for a period of not less than thirty days and who served during the  
2 period of actual hostilities of either  
3 (a) the Spanish-American war; or  
4 (b) the incidental insurrection in the Philippines prior to July  
5 fourth, nineteen hundred two; or  
6 (c) world war I between April sixth, nineteen hundred seventeen and  
7 November eleventh, nineteen hundred eighteen, both inclusive; or  
8 (d) world war II between December seventh, nineteen hundred forty-one  
9 and December thirty-first, nineteen hundred forty-six, both inclusive,  
10 or who was employed by the War Shipping Administration or Office of  
11 Defense Transportation or their agents as a merchant seaman documented  
12 by the United States Coast Guard or Department of Commerce, or as a  
13 civil servant employed by the United States Army Transport Service  
14 (later redesignated as the United States Army Transportation Corps,  
15 Water Division) or the Naval Transportation Service; and who served  
16 satisfactorily as a crew member during the period of armed conflict,  
17 December seventh, nineteen hundred forty-one, to August fifteenth, nine-  
18 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,  
19 foreign, intercoastal, or coastwise service as such terms are defined  
20 under federal law (46 USCA 10301 & 10501) and further to include "near  
21 foreign" voyages between the United States and Canada, Mexico, or the  
22 West Indies via ocean routes, or public vessels in oceangoing service or  
23 foreign waters and who has received a Certificate of Release or  
24 Discharge from Active Duty and a discharge certificate, or an Honorable  
25 Service Certificate/Report of Casualty, from the Department of Defense,  
26 or who served as a United States civilian employed by the American Field  
27 Service and served overseas under United States Armies and United States  
28 Army Groups in world war II during the period of armed conflict, Decem-  
29 ber seventh, nineteen hundred forty-one through May eighth, nineteen  
30 hundred forty-five, and who was discharged or released therefrom under  
31 honorable conditions, or who served as a United States civilian Flight  
32 Crew and Aviation Ground Support Employee of Pan American World Airways  
33 or one of its subsidiaries or its affiliates and served overseas as a  
34 result of Pan American's contract with Air Transport Command or Naval  
35 Air Transport Service during the period of armed conflict, December  
36 fourteenth, nineteen hundred forty-one through August fourteenth, nine-  
37 teen hundred forty-five, and who was discharged or released therefrom  
38 under honorable conditions; or  
39 (e) Korean conflict between June twenty-seventh, nineteen hundred  
40 fifty and January thirty-first, nineteen hundred fifty-five, both inclu-  
41 sive; or  
42 (f) Viet Nam conflict between February twenty-eighth, nineteen hundred  
43 sixty-one and May seventh, nineteen hundred seventy-five, both inclu-  
44 sive; or  
45 (g) VETERANS WHO SERVED IN THE UNITED STATES MILITARY AND WERE EXPOSED  
46 TO RADIATION DURING MILITARY SERVICE IN A "RADIATION-RISK ACTIVITY"  
47 DEFINED AS PARTICIPATION IN THE OCCUPATION OF HIROSHIMA OR NAGASAKI,  
48 JAPAN BETWEEN AUGUST SIXTH, NINETEEN HUNDRED FORTY-FIVE THROUGH JULY  
49 FIRST, NINETEEN HUNDRED FORTY-SIX; WERE PRISONERS OF WAR IN JAPAN DURING  
50 WORLD WAR II; ONSITE PARTICIPATION IN A TEST INVOLVING THE ATMOSPHERIC  
51 DETONATION OF A NUCLEAR DEVICE, WHETHER OR NOT THE TESTING NATION WAS  
52 THE UNITED STATES; OR  
53 (H) in the Persian Gulf conflict from the second day of August, nine-  
54 teen hundred ninety to the end of such conflict INCLUDING MILITARY  
55 SERVICE IN OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, OPERA-  
56 TION NEW DAWN OR OPERATION INHERENT RESOLVE AND WAS THE RECIPIENT OF THE

1 GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL OR THE IRAQ CAMPAIGN MEDAL  
2 OR THE AFGHANISTAN CAMPAIGN MEDAL; and who was a resident of the state  
3 of New York at the time of entry upon such active duty or who shall have  
4 been a resident of this state for one year next preceding the applica-  
5 tion for admission shall be entitled to admission to said home after the  
6 approval of the application by the board of visitors, subject to the  
7 provisions of this article and to the conditions, limitations and penal-  
8 ties prescribed by the regulations of the department. Any such veteran  
9 or dependent, who otherwise fulfills the requirements set forth in this  
10 section, may be admitted directly to the skilled nursing facility or the  
11 health related facility provided such veteran or dependent is certified  
12 by a physician designated or approved by the department to require the  
13 type of care provided by such facilities.

14 S 2. This act shall take effect on the thirtieth day after it shall  
15 have become a law.