

# New York State Assembly | Sheldon Silver, Speaker



## 2009 ANNUAL REPORT

committee on

### **Veterans' Affairs**

Adriano Espaillat, Chair

December 15, 2009

Honorable Sheldon Silver  
Speaker  
New York State Assembly  
Room 932 Legislative Office Building  
Albany, New York 12248

Dear Mr. Speaker,

It is with great pleasure that I forward to you the 2009 Annual Report of the New York State Assembly Standing Committee on Veterans' Affairs. I have had the honor of being the chair of the Committee on Veterans' Affairs since June of 2007. Since this appointment I have dedicated myself to aiding the brave men and women that have served in the armed forces of the United States and in New York's militia.

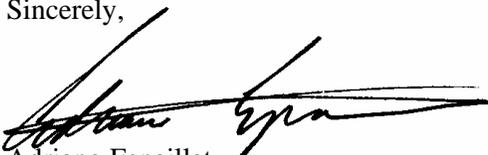
Among the highlights of the 2009-2010 adopted budget, money was allocated to establish a Veterans' Family Outreach Program within the Division of Veterans' Affairs to develop a comprehensive strategy for returning veterans and their families and to provide a mobile Veteran Outreach Program to enhance veterans' counseling services in rural areas.

Some of the measures enacted into law include: increased and continued funding for City and County Veterans' Service Agencies, real property tax exemptions for Cold War veterans, a real property tax exemption for a veteran who has a disability pension and who has limited income and cannot work anymore, and better funded outreach centers and administration programs that are part of the network providing support for our veterans today.

We have accomplished much this year, but much more remains to be done. In 2010, the Committee will focus on the returning veterans who have served in Iraq and Afghanistan. The Committee also will closely monitor health and employment issues facing those returning veterans and their families.

I wish to extend my appreciation and many thanks to the members of the Committee, the Committee staff, the veterans of New York State, and to you, Mr. Speaker, for your unwavering support for veterans.

Sincerely,



Adriano Espaillat  
Assemblymember 72<sup>nd</sup> District

**ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON VETERANS' AFFAIRS**

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## I. COMMITTEE JURISDICTION AND SUMMARY

The Assembly Standing Committee on Veterans' Affairs evaluates legislation affecting 1.25 million New York State residents who selflessly served their nation in the United States armed forces. This number includes the nearly 60,000 women veterans who volunteered to serve in the military. Their jobs have ranged from nurses to switchboard operators to driving trucks in combat situations. The Committee's work is geared toward safeguarding programs and promoting legislation to benefit veterans and their families. In addition, the Committee maintains an ongoing dialogue with the veterans' community and addresses developing issues affecting the lives of New York State veterans.

Veterans' issues are affected by a number of titles of New York State statute, principally: Civil Service Law, Executive Law, Military Law, Education Law, Real Property Tax Law, Public Health Law, and Retirement and Social Security Law. Amendments to the State constitution that would affect veterans are also considered by the Committee. New York State currently offers a variety of veterans' assistance programs, including a real property tax exemption program, educational assistance for certain veterans and their family members, and a state veterans nursing home program.

This past Legislative session the Committee held six meetings at which it considered seventy-four bills and three resolutions. Five bills passed both houses of the Legislature, four were signed into law, and one was vetoed.

While the Standing Committee on Veterans' Affairs has jurisdiction over legislation that affects veterans' benefits and programs that help veterans and their families, the Committee does not work alone. Some initiatives advanced by individual veterans and organizations are referred to other standing committees, such as Energy, Transportation, Health, Government Employees, Labor, and Corporations, Authorities, and Commissions. As a result, the Committee's chair, members, and staff must work closely with other committees to ensure that this unique population's needs are met. To meet this goal, the Committee may analyze legislation referenced to other Assembly standing committees and conduct joint public hearings with other committees.

## **II. 2009 LEGISLATIVE HIGHLIGHTS**

Local veterans' service agencies have been an important source of information for military personnel, military veterans, and their dependents in matters relating to veterans' legal issues. For many years, these city and county staffs have provided counseling to those veterans who need it. They also have prepared and presented claims ranging from monthly compensation and income benefits, burial benefits, education benefits, and health care.

### **A. Funding to City and County Veterans' Service Agencies (A.8737, Espallat; Chapter 143 of the Laws of 2009)**

Previous budgets provided funding for aid to local veterans' service agencies that exceeded the caps set forth for distribution. This law will allow the New York State Division of Veterans' Affairs to increase funding to local service agencies up to the amount that is actually allotted within the budget, thus further supporting the agencies that have helped the men and women veterans of our nation.

### **B. Veterans' Real Property Tax Exemptions**

The veterans' real property tax exemption provides qualified veterans living within taxing districts with various reductions and benefits related to the amount of taxes they pay and the manner in which they pay their real property taxes. These amounts can vary based on property assessment values in the area and the amount the local municipal officials decide is the most beneficial to their communities. This tax exemption is intended to assist former members of our military service and their families in establishing a more permanent tie to their communities in honor of their service. In addition to providing veterans' benefits, these sections of law also extend most of the same benefits to the spouses and the unremarried surviving spouses of qualified veterans. The extension of benefits to a veteran's spouse provides several advantages to the veteran's family, including more economic freedom for the family, allowing both the veteran and his or her spouse to have more independent control of the household's finances. Additionally, it ensures that the veteran's immediate family will not suffer economic hardships when dealing with the death of a loved one. This year, the committee produced three measures to expand and clarify current tax exemptions

#### **1. Cold War Veterans' Real Property Tax Exemption for Wartime Veterans (A.7422-A, Paulin; Chapter 235 of the Laws of 2009)**

In 2007, and again in 2008, the real property tax law was amended to allow municipalities to choose to offer a property tax exemption to veterans who had served in the military, but who did not already qualify for the exemptions the municipality could choose to offer, thus not allowing additional financial support to such veterans. This legislation provides municipalities the opportunity to offer tax exemptions similar to those that are currently available to wartime veterans. Additionally, it would allow municipalities the chance to offer tax exemptions to veterans who reside in cooperative apartments when such an apartment is a portion of real property that is owned by a cooperative corporation, and the veteran is a tenant stockholder of the corporation and property held in trust for the benefit of the veteran.

**2. Cold War Veterans' Tax Exemption in Nassau County  
(A.8356, Walker; Chapter 458 of the Laws of 2009)**

Current law prohibits the implementation of a tax exemption on or after the County's taxable status date of January 2, 2009. When the Cold War veterans' tax exemption became law, certain municipalities within the County of Nassau did not have enough time to implement the tax exemption before the taxable status date. This law will allow those eligible Cold War veterans to receive this tax exemption regardless any restrictions.

**3. Disability Pension and Real Property Taxation  
(A.2239, Schroeder; Chapter 353 of the Laws of 2009)**

Existing law recognizes several forms of proof of disability. However, it does not specifically recognize a veteran's disability pension. The VA Disability Pension is a benefit to wartime veterans who are no longer able to work and maintain an adequate income. One may be eligible if he or she served at least ninety days of active service and one day of combat, and was discharged from the service under any condition other than dishonorable. This new legislation adds the receipt of a United States Department of Veterans Affairs disability pension and the letter one receives as evidence that the person is disabled and has a limited income in order to qualify for this exemption.

### **III. BUDGET HIGHLIGHTS**

#### **A. The Division of Veterans' Affairs**

##### **1. Veteran Counseling Services Program**

The Division of Veterans' Affairs (DVA) operates three principal programs. The largest is the Veterans Counseling Program, which provides counseling and claims services through a statewide network of State veterans counselors. The counselors, all of whom are veterans, and support staff help veterans complete and file applications for state, federal, and private benefits and services. Counselors also serve constituents through outreach to federal Department of Veterans Affairs medical centers, senior centers, state veterans' nursing homes and local nursing homes, and public assistance offices. State veterans counselors help to ensure that active duty military personnel and their families receive the supplemental benefits to which they are now entitled.

State veterans counselors receive professional training in veterans benefits counseling. When successfully completed, a certificate is awarded to allow these counselors to assist individual veterans to file claims with the U.S. Department of Veterans Affairs. Counselors receive on-going training, as well as technical information and manuals.

The SFY 2009-10 State budget appropriated \$8,281,000 for services and expenses related to Veterans' Counseling Services Program.

##### **1-a. County and City Veterans Service Agencies**

County and City Veterans' Service Agencies are mandated by state law to inform members of the armed forces, reserves, and organized militia, or veterans and their families about education, retraining, medical, and other rehabilitative services and facilities. They are also required to inform veterans and their families about federal, state, and local laws and regulations pertaining to their rights.

The State budget for SFY 2009-10 includes a sub-allocation of \$1,177,000 for the payment of aid to County and City Veterans Service Agencies. This reflects a forty-two percent increase in the amount of funds allocated for the program. This increase marks the first time in twelve years that the State has increase this aid.

##### **1-b. Monroe Veterans Outreach Center**

The Veterans' Outreach Center in Rochester, New York, is the oldest community-based outreach center serving veterans of all eras. Its mission is to improve the lives of veterans and their dependents by offering free veteran-specific programs, such as the Veterans Community Technology Center which provides occupational skills training. The Outreach Center also provides counseling services for successful reintegration of Iraq and Afghanistan war veterans into the community, short-term psychotherapy for veterans and their immediate families, residential programs for homeless veterans and an alternative to incarceration program through the unified drug court system.

The State budget for SFY 2009-10 includes a sub-allocation of \$250,000 for the services and expenses related to the Veterans' Outreach Center, Inc.

## **2. Blind Veterans' Annuity Assistance**

In 2000, Chapter 453 raised the New York State Blind Veterans' Annuity Program stipend from \$500 to \$1,000 a year. The benefit was first created in 1913, and the 2000 chapter was the first time the benefit was increased. Chapter 251 of the Laws of 2004 allows for the annual adjustment of the annuity now payable plus a percentage increase, if any, for compensation and pension benefits administered by the U.S. Department of Veterans Affairs in the previous year. The director of the Division of Veterans' Affairs must publish by February first of each year the amount of the adjusted annuity.

The SFY 2009-10 budget appropriated \$5,720,000 to this program. This increase for blind veterans represents a cost of living adjustment to their initial benefit. Up to \$15,000 of the appropriation may be transferred to state operations for postage costs associated with this program.

## **3. Veterans' Education Program**

In October 1997, the Governor requested that the federally funded Veterans' Education Program be moved to the jurisdiction of the Division of Veterans' Affairs. The Veterans' Education Bureau approves and supervises educational institutions offering programs for veterans and other eligible persons. According to federal law, no veteran can receive G.I. educational benefits, such as those granted pursuant to the Montgomery G.I. Bill, unless the program in which the veteran is enrolled has been approved and is supervised by a state-approved agency.

The SFY 2009-10 budget included a \$1,966,000 appropriation to operate this program.

## **4. Administration Program**

The Administration Program is primarily composed of two programs, Supplemental Burial Benefits and Gold Star Annuity Benefits. In addition to this the appropriation also provides for the funding for administrative personnel and operational expenses.

The SFY 2009-10 budget appropriates \$1,740,000 for the expenses associated with the Administration Program.

### **4-a. New York State Supplemental Burial Benefits**

Pursuant to Chapter 106 of the Laws of 2003, New York State offers a supplemental burial benefits program to eligible families of military personnel killed in combat or on duty subject to hostile fire or imminent danger, as defined in 37 U.S.C. Section 310(a)(4).

In the SFY 2009-10 budget, \$200,000 was sub-allocated for this program and for transfer of such amounts as are necessary to state operations for related administrative expenses.

#### **4-b. Gold Star Parents**

Gold Star parents have selflessly inspired patriotic spirit in their children, encouraging them to serve for the greater good of our country. These parents who have lost children to the ravages of war are now unable to rely upon their children in their twilight years.

This appropriation is dedicated to the payment of a \$500 annuity upon application to the State Director of the Division of Veterans' Affairs for a parent who, pursuant to 10 USC section #1126, is a Gold Star Parent and has an income at or below two hundred percent of the federal poverty level. Up to two parents may claim this annual benefit.

The SFY 2009-10 budget sub-allocates \$599,000 to the payment of the Gold Star Parent annuities.

#### **B. Division of Military and Naval Affairs**

##### **1. Recruitment Incentive and Retention Program**

Chapter 268 of the Laws of 1996 established the Recruitment Incentive and Retention Program to provide eligible members of the New York Army National Guard, the New York Air National Guard, and the New York Naval Militia with a tuition benefit for undergraduate study.

In the budget for SFY 2009-10, \$3,300,000 was included for this vital program.

##### **2. NYS Military Museum and Veterans' Research Center**

The New York State Military Museum and Veterans' Research Center is located in the Saratoga Armory in Saratoga Springs, New York.

In the budget for SFY 2009-10, \$1,000,000 was appropriated for services and expenses related to youth academic and drug demand reduction programs, the New York Guard, the New York Naval Militia, the New York State Military Museum and Veterans' Research Center, and the preservation and restoration of historic artifacts.

#### **C. New York State Higher Education Services Corporation**

##### **The Veterans' Tuition Awards Program**

In 2008 the veterans' tuition assistance program was extensively modified. The new program will provide payments for tuition up to the undergraduate cost of education at the State University of New York. Veterans attending classes on a part-time basis will receive a pro-rated amount. To be considered eligible the veteran must have served in Vietnam, Afghanistan, or the Persian Gulf, and they must have received a discharge under honorable conditions. Additionally the veteran must be enrolled in either an accredited undergraduate program, graduate program, or an approved vocational training program.

The bill also expanded the eligibility criteria for veterans to qualify for this benefit. In addition to veterans from the Vietnam, Afghanistan, and the Persian Gulf conflicts, the newly expanded benefit will also include veterans that have received an Expeditionary Medal. This expansion

will ensure that veterans that served in smaller conflicts such as Grenada and Lebanon will receive the same benefits as those who served in the larger conflicts.

In the SFY 2009-10 budget, \$36,758,000 was appropriated to cover the entire costs associated with the State's many scholarship programs. Included in this group appropriation is Veterans' Tuition Awards Program, which is authorized by Section 669-a of the Education Law. The Executive estimates that \$2 million will be needed to support this particular scholarship.

## **IV. BILLS THAT PASSED THE ASSEMBLY ONLY**

### **A. Veterans' Affairs Committee**

#### **1. Instructional Programs for American Military History (A.1532-A, Colton; Passed Assembly)**

This bill would require the director of the Division of Veterans' Affairs, in consultation with the director of the New York State Military Museum and Veterans Resource Center, to establish a veteran speaker education program. The DVA would develop an informational pamphlet with a general overview of the veteran speaker educational program, to be circulated within school districts. The pamphlet would also list the available veteran speakers for the program who would be willing to share their military experience.

#### **2. Veterans' Bulletin Board (A.3809-A, Gabryszak; Passed Assembly)**

This bill would allow each county, city, town, or village to adopt a local law that would provide a bulletin board to be conspicuously displayed in the building that contains its municipal offices. The board would be used by veterans' organizations, the Division of Veterans' Affairs, the county or city veterans' service agencies to display information on veterans' benefits or upcoming veterans' events in the community.

#### **3. Expansion of the Veterans' Alternative Tax Exemption (A.5371, Cusick; Passed Assembly)**

This bill would expand the veterans' alternative tax exemption so that it could apply to taxes levied by local school districts. It would allow those districts to conduct a public hearing regarding the tax exemption. After the hearing, the governing body of the school district could pass a resolution to provide the tax exemption. Qualified veterans living within a school district that passed the resolution would have the same tax exemption from their school district as they receive from their local tax district.

#### **4. State Cold War Certificate (A.6456-A, Ortiz; Passed Assembly)**

This bill would recognize of the men and women who served honorably during the Cold War by authorizing and awarding a State Cold War Certificate to these individuals.

#### **5. Veteran-Owned Small Business Account (A.7063-A, Espailat; Passed Assembly)**

This bill would require the Division of Veterans' Affairs to include an accounting of the number of veteran-owned small businesses in the State of New York in its annual report to the Governor and the members of the Legislature. This information would detail both small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans.

**6. Veteran-Owned Business Opportunities  
(A.7093-A, Espaillat; Passed Assembly)**

This bill would require the Division of Veterans' Affairs, in consultation with the New York State Small Business Development Center and Office of Entrepreneurial Education, to prepare a pamphlet on how to start a veteran-owned business in the State of New York, which would also describe the procurement opportunities within the State.

**7. New York State Interagency Coordinating Council  
(A.8296, Espaillat; Passed Assembly)**

This bill would establish the New York State Interagency Coordinating Council for service-disabled veterans to provide accessible, coordinated, and specialized services to service-disabled veterans from multiple state and local agencies.

**B. Governmental Operations Committee**

**1. Military Leave for Public Employees  
(A.5935, Towns; Passed Assembly)**

Under current law, public employees that are ordered to military duty shall continue to receive their civilian salary and/or other compensation for a period of time. This bill would extend the current time period for which they are reimbursed from thirty days or twenty-two working days to sixty days or fifty-two working days, whichever is greater.

**2. Service-Disabled Veterans Procurement Process  
(A.8555-A, Espaillat; Veto Memo 76)**

This bill would authorize the Division of Small Business in the Empire State Development Corporation and the New York State Office of General Services to assist businesses owned by service-disabled veterans in participating in State procurements, by creating a statewide certification program and providing them with a preference in the procurement process.

In his veto message, the Governor stressed the value of a process to improve the economic opportunities of all veterans that have served the nation. However, the executive contended that the bill would impose a fiscal cost on the State, would be at odds with the policy of competitive bidding, and duplicative of some other programs. Chapter 387 of the Laws of 2008 already requires the Division of Veterans' Affairs in cooperation with the Office of General Services to conduct four or more times a year annual statewide seminars to inform veteran-owned businesses of the opportunities available for obtaining procurement contracts with New York State agencies. Also, the Veterans' Business Outreach Program provides training, counseling, and mentoring for veterans to start and expand small businesses.

**C. Local Governments Committee**

**Increased Municipal Support for Veterans' Posts  
(A.5934, Towns; Passed Assembly)**

This bill would allow local town boards to appropriate an additional \$500 for a total of \$1,000 to support each post of a patriotic organization. In addition if the town does not have a post within its boundaries, but still has five or more citizens that belong to a post in an adjoining town then this bill would allow the town to appropriate an additional \$175 for a total of \$300 to support the post in the adjoining town. These appropriations are to be used to defray the costs of renting or maintaining an area for holding meetings.

## **V. BILLS REPORTED BY OTHER COMMITTEES THAT BECAME LAW**

### **A. Codes Committee**

#### **Service Form Requirements in Civil Suits**

**(A.7964, Zebrowski; Chapter 222 of the Laws of 2009)**

This law removes the requirement that a member of the armed services provide their social security number in acknowledgement of the receipt of a summons and complaint, summons and notice, or notice of petition in relation to a civil suit.

### **B. Election Law Committee**

#### **Application for a Military Ballot**

**(A.8376, Silver; Chapter 165 of the Laws of 2009)**

This law allows a military voter to apply for and obtain a paper or electronic ballot for primary, general, or special elections. It also extends the timeframe for returning the ballots to be counted.

### **C. Governmental Operations Committee**

#### **Court Fees for Active Duty Militia Members**

**(A.296, Magnarelli; Chapter 90 of the Laws of 2009)**

This law waives the court filing fees for active duty militia members and reservists who must pursue litigation to enforce the rights granted to them as active members.

### **D. Judiciary Committee**

#### **Child Custody Involving Military Members**

**(A.8789, Ortiz; Chapter 473 of the Laws of 2009)**

This law removes the requirement that all orders issued in child custody and visitation proceedings involving a parent in the active military service be deemed temporary. This measure would guarantee that, unless determined otherwise by the court, the return from active duty would constitute a significant change in circumstance that would merit reconsideration of prior custody and visitation order.

### **E. Transportation Committee**

#### **New York State Vietnam Veterans' Memorial Highway of Valor**

**(A.7692-A, Kolb; Chapter 323 of the Laws of 2009)**

This law honors the eight million Americans, and 400,000 New Yorkers who served our country during the Vietnam era by designating a portion of state route thirty-eight from the Town of Sterling in Cayuga County to route ninety-six in the Town of Owego in Tioga county as the "New York State Vietnam Veterans' Memorial Highway of Valor."

**Army Captain George A. Wood Memorial Bridge  
(A.7740, Destito; Chapter 324 Laws of 2009)**

This law designates the bridge crossing the Erie Canal on state route 291 as the “Army Captain George A. Wood Memorial Bridge.” Captain Wood lost his life on November 20, 2003, during Operation Iraqi Freedom.

**F. Ways and Means Committee**

**Redemption of Real Property in Suffolk County  
(A.7227, Sweeney; Chapter 227 of the Laws of 2009)**

This law allows Suffolk County to waive fees, interest, and penalties for the redemption of foreclosed residential real estate caused by the financial hardship due to military activation.

## **VI. HONORING VETERANS THROUGH LEGISLATIVE RESOLUTIONS**

### **A. Memorializing U.S. Congress to Pass the Veterans Health Care Budget Reform and Transparency Act of 2009 (Resolution No. 239, Espailat)**

New Yorkers have served in the United States Armed Forces with honor for many decades and upon discharge, many have used the twelve Department of Veterans Affairs (VA) Medical Centers in the State or the forty-seven VA outpatient clinics in the State. The Veterans Health Care Budget Reform and Transparency Act (H.R. 1016 and S. 423) would require Congress to approve health care funding for the VA a year in advance of the beginning of its fiscal year. The goal is to stabilize VA medical care funding by providing sufficiency, timeliness, and predictability in the VA's appropriations process. This resolution urges the U.S. Congress to pass the Veterans Health Care Budget Reform and Transparency Act.

### **B. Commemorating Memorial Day (Resolution No. 616, Espailat)**

Monday, May 25, 2009, was solemnly marked throughout the United States of America as Memorial Day, a day of national mourning for those Americans who gave their lives in the defense of their country, in times of war and peace, in police actions and minor skirmishes, in peacekeeping roles, and in missions to foreign lands to uphold the principles of liberty and democracy upon which America was founded. In commemorating Memorial Day, we also pay homage to the more than 576,000 Americans who, during ten major wars, have made the supreme sacrifice for their country. This year we will also remember those who have served in the U.S. Armed Forces and who have died as a result of the war on terrorism and the liberation of all people who seek freedom, liberty, and human rights. This resolution marks Memorial Day, May 25, 2009, as one in which we gratefully acknowledge those who have served this country so valiantly and honorably, and placing themselves in harms way to keep America safe.

### **C. Honoring the 761<sup>st</sup> Tank Battalion (Resolution No. 193, Towns)**

The first black armor unit to see combat during WWII, the 761<sup>st</sup> Tank Battalion, spearheaded many of General Patton's attacks, even though it received little recognition for its heroic efforts. For 183 days, the Battalion known as the "Black Panthers" continually engaged in combat and defeated the best that Germany had, although it was usually outnumbered and faced superior weaponry. It was the 761<sup>st</sup> who punched the hole in the Siegfried Line through which General Patton's tanks subsequently poured and raced across Germany. During the Battle of the Bulge, it was tasked with taking the German stronghold in the town of Tillet, and succeeded. This resolution honors the 761<sup>st</sup> Tank Battalion for its heroic efforts during World War II.

### **D. Commemorating the 70<sup>th</sup> Anniversary of the United States Coast Guard Auxiliary (Resolution No. 763, Maisel)**

The United States Coast Guard Auxiliary was created by an Act of Congress in 1939; it is the civilian component of the United States Coast Guard under the Department of Homeland Security. The over 30,000 members of the Auxiliary have performed search and rescue patrols, safe channel patrols, maritime security patrols, perimeter security, vessel inspections, and Coast Guard mission support. They also have interacted with State Police, fire departments, and a variety of other agencies to ensure the safety of others. In 2008, the First District Southern Region Coast Guard Auxiliary saved sixteen lives and assisted 527 people in distress and saved

over \$14 million in property. This resolution commemorates the 70<sup>th</sup> Anniversary of the United States Coast Guard Auxiliary and thanks its members for their accomplishments.

**E. Commemorating the 75<sup>th</sup> Anniversary of the Ladies Auxiliary of the Whitestown American Legion Post 1113 (Resolution No. 714, Destito)**

The American Legion Auxiliary is the largest patriotic women's service organization in the world, with nearly one million members. Affiliated with the American Legion, the Auxiliary is a veterans' service organization with members in nearly 10,100 American communities; it sponsors volunteer programs on the national and local levels, serving veterans, their families, young people, and the community. The Ladies Auxiliary of Whitestown American Legion Post 1113 was founded on May 4, 1934, to help and support Post 1113. The dedicated women of the Whitesboro Ladies Auxiliary have worked for veterans since its inception, providing money, stamps, and robes for veterans at the Syracuse VA hospital, sending money to ill members, and regularly giving gifts to veterans in area nursing homes. This resolution commemorates the 75<sup>th</sup> Anniversary of the Ladies Auxiliary of Whitestown American Legion Post 1113 and commends its members, both past and present, on behalf of a grateful community.

**F. Commemorating the 90<sup>th</sup> Anniversary of the James R. Hickey American Legion Post 120 of Palmyra, New York (Resolution No. 2499, Oaks)**

Established on July 14, 1919, the American Legion Post 120 was chartered as a not-for-profit community-service organization, devoted to mutual helpfulness. Under the able leadership of its Commander, Raymond Freyn, Post 120 continues to serve the community and honor America's veterans as it has done continuously for the past ninety years, the last sixty stationed in Palmyra. This resolution commemorates the 90<sup>th</sup> Anniversary of James R. Hickey American Legion Post 120 of Palmyra, and thanks the Legion on behalf of the people of New York for their noble aims and accomplishments.

**G. Honoring Richard M. Pedro (Resolution No. 327, O'Mara)**

From May 24, 1944, until October 30, 1947, Richard Pedro served in the United States Navy during World War II, a term of duty that included twenty-two months of sea duty aboard the USS Weiss. Upon his honorable discharge, he joined the American Legion and Tioga Post #401 in Owego, Tioga County. Mr. Pedro has been an active member for sixty-one continuous years and was honored with an Honorary Life Membership in 1964. Upon his retirement from IBM after thirty-three years of service, Richard Pedro was appointed Adjutant of the New York American Legion on July 3, 1984, and has continuously been reappointed to that position because of his integrity, leadership, professionalism, and true concern for all veterans. This resolution honors Richard M. Pedro for his service in the United States Navy and twenty-five years of service as Adjutant of the New York American Legion.

**H. Honoring Michael Lehmann (Resolution No. 431, O'Mara)**

Michael Lehmann began his career with the New York State Division of Veterans' Affairs on January 15, 1981. Prior to this, he had proudly served in the United States Army from December 1967 until November 1969. In his capacity as a State Veterans Counselor, he had connected his fellow veterans and their families to their earned benefits, and earned respect and admiration for his unparalleled professionalism. This resolution honors Michael Lehmann upon the occasion of

his retirement after twenty-eight of distinguished service to the New York State Division of Veterans' Affairs.

**I. Commending the Saratoga National Cemetery Honor Guard Association  
(Resolution No. 761, Jordan)**

The Saratoga National Cemetery Honor Guard Association was formed in January 1999 and incorporated on July 9, 1999, in conjunction with the opening of the Saratoga National Cemetery. It is one of only three such honor guard organizations in the country and the only one that is incorporated. The Association has 125 active members, and its principal duty is to ensure that every honorably discharged veteran receives a proper military burial service when requested, a service provided at no charge to all eligible veterans. Having exhibited their patriotism both at home and abroad, the Association members continue to demonstrate their love for their country and generously contributing thousands of hours of their time to the organization's worthy endeavors every year. This resolution pays tribute to the Saratoga National Cemetery Honor Guard Association upon the occasion of its 10<sup>th</sup> Anniversary.

**J. Commending the Village of Waterloo, as the Federally-Designated Birthplace of  
Memorial Day (Resolution No. 605, Kolb)**

Established in 1864, the Village of Waterloo has a vibrant heritage and claims a number of historically significant events in the State and nation. Most notably, Waterloo is proud to have the federal designation as the birthplace of Memorial Day, when our nation remembers those veterans who served in our Armed Forces with a special remembrance of those who made the ultimate sacrifice. This resolution commends the Village of Waterloo, New York, as the federally-designated birthplace of Memorial Day.

**K. Commemorating the 50<sup>th</sup> Anniversary of the United States Army Golden Knights  
Parachute Team (Resolution No. 452, Hawley)**

Formed in 1959, as a Strategic Army Sport Parachute Team, the Golden Knights' initial purpose was to compete in the then communist-dominated sport of freefall parachuting. Today, the Golden Knights consist of two demonstration teams, which travel nationwide performing aerial demonstrations at air shows and special events in support of the Army recruiting efforts, and two competition teams, which travel and compete nationally and internationally at various parachuting competitions. This resolution commemorates the 50<sup>th</sup> Anniversary of the United States Army Golden Knights Parachute Team.

**L. Commemorating the 130<sup>th</sup> Anniversary of the Bath VA Medical Center  
(Resolution No. 570, Bacalles)**

The grand opening of the Bath center was on January 23, 1879. Its location was chosen because the residents of the community had raised significant funds for the project to build the center. The first residents of the home were Civil War veterans, and for the following fifty-one years, the home served wounded combat veterans of New York State, with a peak population of 2,143. Today, the Bath VA Medical Center currently serves over 12,000 of the 39,000 veterans in its catchments area, providing over 139,000 outpatient visits per year. It operates a community living center and a domiciliary residential rehabilitation treatment program, as well as providing

careers for the 650 employees who take pride in serving America's veterans. This resolution commemorates the 130<sup>th</sup> Anniversary of the Bath VA Medical Center.

**M. Commemorating the Opening of the Vietnam Veterans Memorial Museum  
(Resolution No. 314, O'Mara)**

Located on Davis Street in Elmira near Woodlawn National Cemetery, the resting place of thousands of veterans, the Vietnam Veterans Memorial Museum building was donated by Bob and Mary Edger of Elmira, New York. The Museum will be named in honor of Major Robert H. Schuler Jr., a 1956 Elmira Southside graduate and Air Force pilot who was the first casualty of the Vietnam Conflict. In honor of the thirty-eight veterans from both Chemung and Steuben County, the Museum will display a wide array of artifacts from Vietnam, and will include a Wall of Honor with photographs and short biographies submitted by families of the fifty-eight troops from Chemung County killed in action during the Vietnam Conflict. This resolution commemorates the opening of the Vietnam Veterans Memorial Museum in Elmira, New York, on May 2, 2009.

## **VII. HONORING SERVICEMEN AND WOMEN THROUGH LEGISLATIVE RESOLUTIONS**

### **A. Honoring the 2<sup>nd</sup> Battalion, 108<sup>th</sup> Infantry, of the New York National Guard (Resolution No. 1149, Magee)**

Federally activated for Operation Iraqi Freedom on October 1, 2003, the 2<sup>nd</sup> Battalion, 108<sup>th</sup> Infantry is the first New York National Guard infantry organization ordered to federal active duty for wartime service since World War II. Originally deployed to Iraq in February 2003, the Battalion performed a variety of missions, including area security, patrols, raids, and offensive operations, as well as civil support to villages, schools, mosques, and families, and helped recapture Samarra from insurgent forces during joint U.S. and Iraqi operations. Three of its members gave the ultimate sacrifice for our nation, and nearly thirty members were awarded the Purple Heart Medal for combat wounds. This resolution honors the 2<sup>nd</sup> Battalion, 108<sup>th</sup> Infantry, New York Army National Guard upon the occasion of their homecoming from the Middle East.

### **B. Honoring SFC Bruce Sears, US Army (Resolution No. 195, Sayward)**

SFC Bruce Sears, United States Army Reserve, a resident of North Creek, New York is a member of the 424<sup>th</sup> Vertical Construction Company, 368<sup>th</sup> Engineer Battalion. He was deployed to Iraq with the 412<sup>th</sup> Engineer Command Gulf Region and has returned to the United States after completing a successful mission on behalf of the Armed Forces. During his deployment, SFC Sears assisted in providing sustainable engineering for civil and military construction with Iraqi partners, as well as building a strong foundation for Iraq's future. This resolution honors SFC Bruce Sears, United States Army Reserve, upon the occasion of his designation for special recognition for his service in Iraq.

### **C. Honoring Technical Sergeant John H. LeClair, Jr. (Resolution No. 193, Towns)**

Technical Sergeant John H. LeClair, Jr., entered the United States Air Force on December 5, 1988. He has flown missions in support of operations Restore Hope, Provide Hope, and Restore Democracy as a C-5 flight engineer, as well as being deployed three times to Al Jabar Air Force Base in Kuwait during Operation Southern Watch. He also assisted in managing the only full-scale Aerial Target Program in the United States Air Force. During his military career, Sergeant LeClair, Jr., has been the recipient of a multitude of medals and ribbons for his impeccable achievement with the Armed Forces and the Air Force. This resolution honors Technical Sergeant John H. LeClair, Jr., upon the occasion of his retirement from the United States Air Force.

### **D. Commending Staff Sergeant Walter Kittle (Resolution No. 38, Rabbitt)**

Staff Sergeant Walter Kittle is a New York State Air National Guard heavy equipment operator deployed to the 447<sup>th</sup> Air Expeditionary Group at Sather Air Base, west of Baghdad International Airport. At age seventeen, he joined the United States Navy and spent four years serving aboard the U.S.S. Iowa. After returning to American soil, he became a New York City Police officer, and joined the Air National Guard while serving with the N.Y.P.D. Staff Sergeant Kittle was instrumental in dealing with the 9-11 terrorist attacks. In 2006 he served on his first deployment to a base in Southwest Asia in support of the Global War on terrorism, and is now in Iraq for his second tour to promote nation building and bringing freedom and security to the country. This

resolution commends Sergeant Walter Kittle for his valiant military service during Operation Iraqi Freedom and his lifetime accomplishments.

**E. Honoring Sergeant 1<sup>st</sup> Class Jacob Allison (Resolution No. 38, Errigo)**

In 1992, Sergeant Allison was one of four from the Uruzgan Battle to earn the Army's third-highest honor, the Silver Star (the Army has awarded only fifty-three since 2001), the Bronze Star, and the Army Commendation for separate incidents. He credited his training and faith for his many accomplishments, which includes thirteen years of service and three tours to Afghanistan and re-enlistment for what should be his final time of service. This resolution honors Sergeant 1<sup>st</sup> Class Jacob Allison upon the occasion of his designation as a recipient of a Silver Star from the United States Army and his many accomplishments on behalf of our country.

**F. Honoring Petty Officer Tye J. Conklin (Resolution No. 182, Ball)**

One of the bravest members of the United States Coast Guard, Petty Officer Tye J. Conklin saved the lives of two men who were trapped in separate boating incidents fourteen miles off the Delaware Coast on May 12, 2008. He was aboard helicopter CG6562 when it flew into low visibility conditions in the Atlantic, and risked his life by going below deck of a capsized research boat to find and extricate a missing mariner. Within hours, the helicopter diverted to a disabled sailboat, and Petty Officer Conklin saved the sailor while in extreme surf conditions. This resolution honors Petty Officer Tye J. Conklin upon the occasion of receiving the United States Coast Guard Air Medal for his heroic actions.

**G. Mourning the Untimely Death of the Men and Women Who Died in Iraq and Afghanistan in the Defense of their Country**

Three resolutions were adopted to honor the men and women who were residents of New York State serving in the United States Armed Forces and were killed in Iraq and Afghanistan.

**Major John P. Pryor, M.D.**  
**Corporal Michael L. Mayne**  
**SPC. Jonathan Keller**

**K57 Reilly**  
**K209 Magee**  
**K620 Alessi**

## **VIII. MEMORIALIZING THE GOVERNOR TO PROCLAIM VETERAN-RELATED EVENTS**

### **A. Memorializing Governor David A. Paterson to Proclaim March 25, 2009, as Medal of Honor Day (Resolution No. 140, Espallat)**

Throughout our Nation's history, the men and women of America's Armed Forces have preserved our freedom, protected our security and upheld our democratic freedom. In response, the Medal of Honor, the highest distinction that can be awarded to a member of the Armed Forces, is given to those who have distinguished themselves conspicuously by risking their lives above and beyond the call of duty. Since its origin on March 25, 1863, only 3,467 individuals have been awarded with this medal, and they should be recognized for their valor in protecting the United States in the cause of liberty. This resolution memorializes Governor Paterson to proclaim March 25, 2009, as Medal of Honor Day in the State of New York.

### **B. Memorializing Governor David A. Paterson to proclaim May 2009 as Military Appreciation Month (Resolution No. 471, Espallat)**

New York State residents have a long-standing tradition of serving in the Armed Forces of the United States, with thousands giving their lives in defense of their country. In 2004, the United States Senate and House of Representatives passed a resolution designating the month of May as "National Military Appreciation Month" and called upon the President to issue each year a proclamation as such, calling on the people of the United States to honor the dedicated service provided by those in the Armed Forces. It is fitting to raise awareness of the sacrifices the brave men and women of the military have made in order to preserve our liberty. This resolution memorializes Governor Paterson to proclaim May 2009 as Military Appreciation Month in New York State.

### **C. Memorializing Governor David A. Paterson to Proclaim May 1, 2009, as Cold War Victory Day (Resolution No. 472, Cusick)**

The Cold War (September 2, 1945, to December 26, 1991) was a long and costly struggle for freedom among the forces of democratic nations, led by the United States. This period was defined as a state of international tension when political, economic, technological, sociological, psychological, parliamentary, and military measures were employed to achieve national objectives. The end of the longest undeclared war in United States history began with the fall of the Berlin Wall in November 1989 and culminated with the collapse of the Soviet Union's Communist government in December 1991. This resolution memorializes Governor Paterson to proclaim May 1, 2009, as Cold War Victory Day in New York State.

### **D. Memorializing Governor David A. Paterson to Proclaim April 9, 2009, as Yellow Ribbon Day (Resolution No. 161, McEneny)**

The dedication and sacrifices of our military personnel during times of crisis ensure our continued role as a nation and embody the ideals of democracy. Many have devoted countless hours distributing yellow ribbons around the State of New York to heighten awareness and support for the men and women who are serving our country, in addition to promoting unity and respect for those brave individuals who protect our freedom. This resolution memorializes Governor Paterson to proclaim April 9, 2009, as Yellow Ribbon Day in the State of New York.

**E. Memorializing Governor David A. Paterson to Proclaim June 23, 2009, as United States Coast Guard Auxiliary Day (Resolution No. 746, Saladino)**

Established by an Act of Congress in 1939, the United States Coast Guard Auxiliary is the uniformed volunteer component of the United States Coast Guard and are Semper Paratus, "Always Ready." Each year, 30,000 members volunteer more than two million hours, supporting the Coast Guard in providing vessel safety checks, harbor patrols, safe boating courses, search and rescue, and marine environmental protection. This resolution memorializes Governor Paterson to proclaim June 23, 2009, as United States Coast Guard Auxiliary Day in the State of New York.

**F. Memorializing Governor David A. Paterson to Declare July of 2009 as Wounded Warrior Project Month (Resolution No. 809)**

The Wounded Warrior Project is a nationally recognized organization aimed at assisting those men and women of our armed forces who have been severely injured during combat operations in Iraq, Afghanistan, and other overseas contingency operations worldwide. The Project aims to raise awareness and has enlisted the public's aid for the needs of severely injured men and women. In addition, it provides unique and direct programs and services to meet the needs of those service members. It has provided tangible support and results for the severely wounded, and has helped them to heal mentally and physically. This Project has grown to immense proportions, but still has room to grow in comparison to the sacrifices these men and women have made. This resolution memorializes Governor Paterson to proclaim July of 2009 as Wounded Warrior Project Month in the State of New York.

## **IX. OTHER ACTIVITIES BY THE COMMITTEE**

### **A. Subcommittee on Women Veterans**

The Subcommittee on Women Veterans sponsored the 15<sup>th</sup> annual Women Veterans' Recognition Day in the Assembly. This year the Subcommittee honored the many accomplishments of women veterans and the importance of recognizing our military, particularly those who served in the New York Army National Guard and the New York Air National Guard. The history of women's service in America's military conflicts is as old as our independence and as timeless as our reverence for freedom and democracy. Historically, women's involvement in the military has surged during wartime. They comprise of 7.5 percent of the total veteran population. According to the federal Department of Veterans Affairs, women veterans will constitute ten percent of the veteran population by 2020 and 9.5 percent of VA patients. The roles women play in the military have expanded. In 2009, they are machine gunners, weapons inspectors, convoy drivers, mechanics, and bomb experts. More than 180,000 women have served in Iraq and Afghanistan; women have made up about eleven percent of the force deployed in Iraq and Afghanistan. More than 100 women have died in the conflicts in Iraq and Afghanistan.

Assembly Resolution 703 by Assemblywoman Donna Lupardo, the Chair of the Subcommittee on Women Veterans, and Assemblyman Adriano Espaillat, the Chair of the Standing Committee on Veterans' Affairs, was adopted memorializing Governor David A. Paterson to proclaim June 12, 2009, as "Women Veterans Recognition Day" in the State of New York.

### **B. Warship Named In Honor of A New York Medal of Honor Recipient**

On August 1, 2009, in Bath, Maine, the U.S. Navy presented the USS Jason Dunham, the service's newest Arleigh Burke-class destroyer. The ship is named after Marine Corporal Jason L. Dunham, from Scio, New York, who was awarded a posthumous Medal of Honor for valor he displayed on April 14, 2004. On April 14, 2004, his squad sought to engage insurgents after a convoy was ambushed. While the squad searched vehicles, the driver jumped out and attacked Dunham. They fell to the ground, where the fight continued. Dunham shouted: "No, no, no! Watch his hand," as the attacker pulled a grenade. Dunham covered the explosive with his body and his helmet as it went off. He passed away eight days later.

### **C. USS New York Commissioned**

The fifth San Antonio-class amphibious transport dock was commissioned in New York City on November 7, 2009. This is the sixth ship of the United States Navy to be named after the state of New York. The USS New York (LPD-21) has a crew of three hundred sixty, and can carry up to 700 Marines. The ship is notable for using some steel salvaged from the World Trade Center after it was destroyed on September 11, 2001. The motto for the ship is "Strength forged through sacrifice. Never forget." Several of the crew members are residents from the State.

#### **D. Public Hearing**

On November 16, 2009, the Assembly Standing Committee on Veterans' Affairs, the Subcommittee on Women Veterans, and the Task Force on Women's Issues held a public hearing on the needs of returning women veterans. The hearing's purpose was to explore issues concerning women veterans, including those who have recently returned from combat zones, the availability of benefits, and what role the State can play in their readjustment. Budget related questions were asked at the hearing. Representatives from the Division of Veterans' Affairs and various veterans' organizations testified.

## **X. OUTLOOK FOR 2010**

The Assembly Standing Committee on Veterans' Affairs is looking forward to a productive year in 2010. The Committee will continue to work with the Division of Veterans' Affairs, Division of Military and Naval Affairs, other State agencies, veterans' organizations, and individual veterans throughout New York State to develop programs and services to assist the veterans of this state.

The issues that the Committee intends to pursue include the following:

- reintegration of recently returning veterans from areas of combat;
- disabled veteran treatment, rehabilitation, and reintegration back into their communities;
- homelessness among an ever increasing veteran population;
- outreach to older veterans;
- increased outreach to women veterans to better identify and respond to their needs;
- the development of a veterans court;
- a plan to provide for long-term health care needs for veterans; and
- services for veterans who suffer from alcohol and substance abuse, as well as post-traumatic stress disorder.

The Committee will continue to strive to uphold its responsibilities by addressing the needs of New York State's more than 1.25 million veterans and their families.

**2009 SUMMARY OF ACTION ON ALL BILLS  
REFERRED TO THE COMMITTEE ON VETERANS' AFFAIRS**

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
<b>BILLS REPORTED WITH OR WITHOUT AMENDMENT</b>			
TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	3		3
TO WAYS AND MEANS	18		18
TO CODES			
TO RULES			
TO JUDICIARY			
TOTAL	21		21
<b>BILLS HAVING COMMITTEE REFERENCE CHANGED</b>			
Total			
<b>SENATE BILLS SUBSTITUTED OR RECALLED</b>			
SUBSTITUTED			
RECALLED			
TOTAL			
<b>BILLS DEFEATED IN COMMITTEE</b>			
<b>BILLS HELD FOR CONSIDERATION WITH A ROLL- CALL VOTE</b>			
BILLS NEVER REPORTED, HELD IN COMMITTEE	52		52
BILLS HAVING ENACTING CLAUSES STRICKEN	1		1
<b>MOTIONS TO DISCHARGE LOST</b>			
TOTAL BILLS IN COMMITTEE	74		74
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	6		

## APPENDIX B

### LIST OF BILLS THAT PASSED BOTH HOUSES AND WERE SIGNED INTO LAW

Bill No.	Sponsor	Chapter	Description
A.8737	Espaillet	196	Allows the Division of Veterans' Affairs (DVA) to fund city and county veterans' service agencies in an amount equal to fifty percent of its expenditures for maintenance and operation, as approved by the state director, and will raise the "caps" so that DVA will be able to spend moneys that were allocated in the 2009-10 budget for City and County Veterans' Service Agencies.
A.7422-A	Paulin	235	Conforms the Cold War Veterans Real Property Tax Exemption to the alternative veterans' exemptions for wartime veterans. The exemption now includes veterans who own cooperative apartments and property held in trust for the benefit of the veteran.
A.8356	Walker	458	Allows the Town of Oyster Bay in the County of Nassau to adopt the Cold War veterans exemption on or after the county's taxable status date of January 2, 2009.
A.2239	Schroeder	353	Exempts from real property taxation real property owned by a person certified to receive a United States Department of Veterans' Affairs disability pension and allows an award letter from the Department of Veterans' Affairs to be submitted as proof of the disability.

**APPENDIX C**

**LIST OF BILLS THAT PASSED BOTH HOUSES AND WERE VETOED**

<b>Bill No.</b>	<b>Sponsor</b>	<b>Veto Memo</b>	<b>Description</b>
A. 8555-A	Espailat	76	Helps service-disabled veterans who are owners of businesses to increase their ability to partake in the procurement process. Reported by the Government Operations Committee.

## APPENDIX D

### BILLS THAT PASSED THE ASSEMBLY ONLY

<b>Bill No.</b>	<b>Sponsor</b>	<b>Description</b>
A.1532-A	Colton	Would require the director of the Division of Veterans' Affairs to develop a program relating to veteran educational speakers. Would require the distribution of informational pamphlets to school districts describing the program, its purpose, and how to participate.
A.5371	Cusick	Would alter the veterans' alternative tax exemption by allowing local school districts to also provide the same exemption to local school taxes if passed by a local law.
A.6456-A	Ortiz	Would recognize the men and women who served honorably during the Cold War by authorizing and awarding a State Cold War Certificate to these individuals.
A.7063-A	Espaillet	Would require the Division of Veterans' Affairs annual report to include an accounting of the number of veteran-owned small businesses in the State of New York.
A.7093-A	Espaillet	Would require the New York State Division of Veterans' Affairs to prepare a pamphlet in consultation with the New York State Small Business Development Center and the Office of Entrepreneurial Education on how to start a veteran-owned business in the State and describing procurement opportunities within the State.
A.8296	Espaillet	Would establish the New York State Interagency Coordinating Council for service-disabled veterans.
A.3809-A	Gabryszak	Would allow each municipality to adopt a local law to provide a bulletin board used by veterans' organizations, the division of veterans' affairs, and the county or city veterans' service agencies to display information on veterans' benefits or upcoming veterans' events in the community.