



THE AMERICAN LEGION DEPARTMENT OF NEW YORK

2017 LEGISLATIVE AGENDA

Rena M. Nessler, *Department Commander*
Frank LaMarsh, *Legislative Chair*
Ernie Bacon, *Vice Legislative Chair*
William T. Mahan, *Consultant*

STATUS AS OF 12/08/17

Nearly 100 years ago, veterans of the “war to end all wars” recognized that soldiers and sailors returning home from the battlefields would need help to successfully transition from warrior to civilian life.

Thus, The American Legion was born as an organization of war-time veterans committed to identifying, supporting and implementing programs aiding former members of the Armed Forces and their families, as well perpetuating Americanism and the ideas of freedom and democracy.

As we near the centennial of the founding of The American Legion, our New York Legion Family of more than 200,000 members continue to support our veterans’ community through its network of local posts, neighbor-to-neighbor help and an elite professional counseling service.

At the 99th annual convention in Syracuse July 16-22, 2017, The American Legion, Department of New York, reaffirmed the organization’s principles and a commitment to its leadership in providing advocacy and demonstrated its diligence and talent in developing meaningful and timely proposals to present to elected state representatives for consideration as potential legislation.

This year’s agenda includes new proposals – and a few previously offered through resolution – that legionnaires believe will provide vital help to returning service members and improve the quality of life for our veterans and their families.

During the coming year, our Department of New York will champion these resolutions and proposals -- respectfully and affirmatively seeking support from our state legislators – reminding them of why and for whom we want specific legislation enacted.

Countless numbers of veterans come home physically and emotionally scarred by the horrors of war. Issues confronting these veterans often are immediate, and literally a matter of life or death. Too many of today’s returning warriors are battling homelessness, suicide and need for employment.

The Department of New York American Legion recognizes these concerns and calls upon our New York State Legislature and Governor to join us in reaching out and helping our veterans' community by enacting legislation or policies designed to meet those needs.

Resolution #25, 2016: Requests the Governor and New York State Legislature to pursue, identify and recommend viable, alternative treatments to assist war-time veterans in assuming their rightful role as leaders and contributing citizens of The Empire State.

The American Legion acknowledges that health and mental health care is the primary responsibility of the Department of Veterans Affairs, but encourages New York State to muster support for any-and-all viable treatment that offers help for our military service men and women to deal with the trauma of war.

The devastation of PTSD and TBI demands a dedicated and comprehensive study to delineate viable treatments such as animal therapy, hyperbaric oxygen treatment (HBOT) and various other courses of action, including medical marijuana, that have demonstrated beneficial results. We ask state agencies be directed to undertake such a study and make public its results.

The Department of New York, American Legion, which has endorsed this resolution since 2014, also calls upon our State Legislature to provide to Congress a Memorial Resolution urging establishment and implementation of alternative treatments for PTSD and TBI and to ensure that the Department of Veterans Affairs (VA) and Department of Defense (DoD) provides such treatment to afflicted veterans and military personnel.

In doing so, New York State would demonstrate support of The American Legion's national effort to provide veterans and service members in need of treatment for brain injuries and mental stress the best care and research in alternative treatment and other forms of therapy.

We further ask New York State and its agencies to review any means of extending state recognized alternative health care programs to disabled veterans unable to receive such care through their VA health care providers. **See A7006 under Bills Signed by Governor**

Note: By Nikki Wentling / Stars & Stripes, November 30, 2017

VA To Offer Unproven Hyperbaric Oxygen Therapy To Vets With PTSD

WASHINGTON — The Department of Veterans Affairs announced this week that it would begin offering hyperbaric oxygen therapy to some veterans with post-traumatic stress disorder, despite a lack of evidence that it works or being approved by the Food and Drug Administration as a treatment for PTSD.

<https://www.stripes.com/news/va-to-offer-unproven-hyperbaric-oxygen-therapy-to-vets-with-ptsd-1.500265>

Resolution #30, 2016: Calls for coordination of an open flow of information across state agencies, regulatory authorities and education institutions that would remove barriers and accelerate pathways to civilian occupations for former military personnel, ensuring recognition and acceptance of military licenses and credentials achieved in service.

Many veterans, looking to establish careers and families in New York State after leaving the military, find they must go through a lengthy and often costly formal state administrative process to secure licenses and certificates for professions and skills they performed admirably while on active duty.

Transferring valuable and unique career experiences, such as emergency medical technician/paramedic, licensed practical and registered nursing, physical therapy assistant, bus and truck driver and police patrol officer (are just a few) should not have barriers delaying or preventing veterans from moving licensure for a compatible civilian work position.

In late 2011, New York State implemented its “Experience Counts” program to help veterans with valuable military experiences to transition to the civilian workforce. While laudable, this campaign has failed to reach great numbers of returning veterans, who unfortunately are not aware of the existence of this state benefit.

Our state and its agencies should enhance its public awareness efforts to ensure the veterans’ community is fully aware of this program and how to take advantage of its benefits.
(Priority Legislation)

Resolution #31, 2016: Calls for state legislation to prevent private housing associations from prohibiting home owners/residents from displaying an American flag – prohibitions that are an affront to many men and women who selflessly served and often sacrificed greatly under the banner of our Nation.

This resolution corresponds to a 1999 law (Chapter 437 of the Real Property Tax Law) that safeguards condominium owners from litigation or punishment for displaying an American Flag not more than four by six feet.

We request that the State and its agencies provide greater awareness of this law to prevent unlawful harassment and prosecution of patriotic condominium residents by managers of such buildings.

S4539 – Helming - 05/24/17 – Passed Senate, Delivered to Assembly & Referred to Judiciary
- A7822* - DenDekker – 05/16/17 – Referred to Judiciary*

(Priority Legislation)

Resolution #32, 2014: Calls for establishing State Veterans Cemeteries in communities that successfully complete all legal prerequisites in New York. Such cemeteries would provide for the proper and respectful internment of veterans in areas not adequately served by national or local veteran's cemeteries. **Senator Schumer announced \$36 million in Federal Funding has been included in the President's Fiscal Year 2017 Budget.**

BOYS STATE: American Legion Boys' State is a unique program that teaches high school juniors leadership, citizenship training, and individual responsibility, while offering a perspective of the practical operation of government.

Thanks to Senator Croci in the past two years, New York State has authorized a \$150,000 grant to offset overall costs of the program in which 1,000 boys annually participate at SUNY Morrisville.

Continuation of the grant is urged to ensure financial well-being of the program, while maintaining an important educational opportunity for our state's young men. **(Priority Legislation)**

TRANSPARENCY OF ASBESTOS CLAIMS: Calls upon the State Legislature to amend the Civil Practice Laws and Rules in relation to asbestos trust claims. Such action would require public disclosure by trusts regarding receipt and disposition of claims for injuries based on exposure to asbestos without violating certain private information of veterans. Countless military personnel, especially sailors were exposed to asbestos in the performance of their duties while on active duty. See Resolution # 24 of the National Executive Committee dated May 4-5, 2016.

Resolution #10, 2014: Suicide is epidemic among our veterans, averaging more than 20 a day nationwide. The American Legion encourages Congress and the President to sign into law the Suicide Prevention for American Veterans Act, or similar acts, that will expand and improve care provided for veterans and service members with mental health issues, or who are at risk for suicide.

We also urge the New York State Legislature and state agencies to provide greater awareness and to keep funding programs and groups that reach out to men and women in uniform, veterans and their families through family care programs, suicide prevention programs, job fairs, and public service announcements, bringing about awareness of PTSD and suicide prevention.

PERFORMANCE OF A STUDY REGARDING HOMELESS VETERANS IN THE STATE OF NEW YORK

Requests the state legislature to reintroduce proposed legislation to require a study be conducted by the New York State Division of Veterans' Affairs, the Office of Temporary Disability Service, Department of Labor and the Office of Children and Family Services to determine the number of homeless persons in New York State who are veterans.

It will also determine the number of offspring of the veterans and current placement, and whether such veterans suffered military sexual trauma.

Further, it is asked that the results of any such study be made public along with recommendations on how best to address the issue of homelessness within the veterans' community.

A1646* - Rozic - 01/12/17 - Referred to Veterans' Affairs - S2189* - Parker - 01/12/17 - Referred to Veterans, Home Land Security & Military Affairs.

INCREASING AVAILABILITY OF COUNSELORS HIRED BY VA

New York Licensed Mental Health Counselors because the New York State Code does not include "Diagnosis" in the section defining counselors.

Adding "Diagnosis are not eligible to be hired by the Department of Veterans Affairs (VA)" to the scope of practice definition would increase the pool of eligible counselors to serve disabled and hospitalized veterans.

RELATES TO USE OF PERSONAL CONFIDENTIAL INFORMATION RECEIVED FROM VETERANS OR FAMILY MEMBERS OF VETERANS RECEIVING SERVICES FROM THE STATE

Requires all subdivisions of the state to, when dealing with a client or customer, inquire as to whether or not he/she or a family member is a veteran, and, if so, notify them of the tremendous additional resource available in the Division of Veterans Affairs (NYSDVA).

A1206* Cusick - 03/01/17 - Passed Assembly, Delivered to Senate, & Referred to Veterans, Homeland Security & Military Affairs - S6610 - Lanza - 06/07/17 - Referred to Rules.

RELATES TO NOMINATIONS TO BOARD OF VISITORS FOR STATE VETERANS' HOMES

This bill requires that vacancies on the state veterans' homes board of visitors be filled within ninety days of a vacancy occurring. ***S6144* - Croci - 05/18/17 - Amend (T) and Recommit to Veterans, Homeland Security & Military Affairs - Print Number 6144A - A8703 - D'Urso - 10/05/17 - Referred to Health***

DIRECTS THE COMMISSIONER OF GENERAL SERVICES TO PLACE A POW/MIA CHAIR AND PLAQUE IN THE CAPITAL.

An ACT to amend the public buildings law, in relation to directing the commissioner of general services to provide space for and place in the capital a POW/MIA chair and plaque to honor United States prisoners of war and those still missing in action.

BILLS SIGNED BY THE GOVERNOR

RELATES TO THE ISSUANCE OF A DISTINCTIVE LICENSE PLATE FOR IRAQ WAR AND WAR IN AFGHANISTAN VETERANS

A1112* - Paulin - 07/25/17 - Signed Chap.107 - S2139-B - Serino - 06/19/17 - Substituted by A1112B

COLD WAR PROPERTY TAX

Amend existing legislation by removing the current 10-year end-of-eligibility period for veterans who served during the Cold War. A limiting time-period is unfair and contrary to the tax exemption offered war-time veterans. *A6510-A - D'Urso – 09/12/17 – Signed chap.290 - S5659-A – Gallivan - 6/19/17 – Committee Discharged & Committed to Rules, Ordered to Third Reading Cal.1895, Substituted by A6510A*

RELATES TO REAL PROPERTY TAX EXEMPTIONS FOR VETERANS

An Act to amend the real property tax law, in relation to veterans *A5135 – Cusick – 06/21/17 – Reported Referred to Rules, Reported, Rules Report Cal.671, & Substituted by s1724 - S1724 - Carlucci - 10/23/17 – Signed Chap.376 - See Memorandums of Support – Page 6*

RELATES TO PERMITTING THE USE OF MEDICAL MARIHUANA.

An Act to amend the public health law, in relation to conditions permitting the use of medical marihuana. *A7006* - Gottfried – 11/11/17 – Signed Chap.403 - Savino – S5629 - 06/20/17 – Substituted by A7006*

This is a step in the right direction, but we still need more alternatives.
(Top Priority Legislation) – See Memorandums of Support on Page 6

The Following is a List of MEMORANDUMS OF SUPPORT:

AN ACT TO REMOVE THE TEN-YEAR LIMITATION FROM REAL PROPERTY TAX EXEMPTIONS FOR COLD WAR VETERANS - A6510 - D'Urso – 09/12/17 – Signed chap.290 - S5659-A - Gallivan 06/19/17 – Committee Discharged & Committed to Rules, Ordered to Third Reading Cal.1895, Substituted by A6510A*

RELATES TO REAL PROPERTY TAX EXEMPTIONS FOR VETERANS

An Act to amend the real property tax law, in relation to veterans *A5135 – Cusick – 06/21/17 – Reported Referred to Rules, Reported, Rules Report Cal. 671, & Substituted by s1724 - S1724 - Carlucci – 10/23/17 – Signed Chap.376*

DIRECTS THE COMMISSIONER OF GENERAL SERVICES TO PLACE A POW/MIA CHAIR & PLAQUE IN THE CAPITAL

A7506 – DenDekker – 06/14/17 – Substituted by s5540 – S5540 – Lanza – 11/11/17 - Signed Chap.407

AN ACT TO AMEND THE PUBLIC HEALTH LAW, IN RELATION TO CONDITIONS PERMITTING THE USE OF MEDICAL MARIHUANA

A7006 - Gottfried – 11/11/17 - Signed Chap.403 - S5629*- Savino – 06/20/17 – Substituted by A7006*