THE AMERICAN LEGION
DEPARTMENT OF NEW YORK

2020 LEGISLATIVE AGENDA

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STATUS AS OF 11/20/2020

Over a 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.

Since 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 101st annual convention in Buffalo, July 17-20, 2019, 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 and when necessary the National organization for Congressional consideration.

This year's agenda includes new proposals - and a few previously offered through resolutions 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.

Many of our returning 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.

In addition, as the number of woman veterans continues to grow additional focus and emphasis must be placed on the care and treatment of our woman veterans. In looking towards the future, we can't forget the children of our returning veterans and the impact multiple deployments of one or more parents has on them or the needs of the veteran caregiver.

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.

Priority Legislation:

The devastating impact 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. Another alternative the RTM protocol; The Reconsolidation of Traumatic Memories has a proven track record and the American Legion Department of New York strongly urges the State Legislature to approve and fund this work. In addition, we ask that state agencies be directed to undertake such studies as necessary and make public the results.

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

S02248 Sanders - 01/23/2019 referred to veterans, homeland security and military affairs – 04/09/2019 reported and committed to finance – 5/30/2019 committee discharged and committed to rules – ordered to third reading cal.996 – passed senate – delivered to assembly – referred to veterans' affairs – 01/08/2020 – died in Assembly- returned to senate – Referred to Veterans, Homeland Security and Military Affairs - 02/03/2020 Amend and recommit to Veterans, Homeland Security and Military Affairs – print number 2248A – 02/11/2020 – Reported and committed to Finance – 03/03/2020 – 1st Report Cal.546 – 03/03/2020 – 2nd Report Cal. – 03/04/2020 – 2nd Report Cal. – 03/10/2020 – Advanced to third reading – 07/21/2020 – PASSED SENATE- 07/21/2020 – DELIVERED TO ASSEMBLY – 07/21/2020 – referred to veterans' afffairs

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 medical and mental health care are primarily the 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, American Legion Department of New York also calls upon our State Legislature to provide to Congress a Memorial Resolution urging establishment and implementation of alternative treatments for PTS 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.

USS Turner Resolution: During the 2019 Mid-Winter conference the Department Executive Committee approved a resolution submitted by the Legislative Committee requesting action be taken to identify the remains of crewmen killed aboard the USS Turner that exploded and sank on January 3rd, 1944 outside New York harbor killing 136 crewmen. The remains of some crewmembers may be interred in 4 graves in Long Island National Cemetery in Farmingdale marked Unknown U.S. Sailor with the date January 3, 1944.

The resolution reads in part; Resolved, that the members of the American Legion Department of New York assembled, formally request the New York State Legislative Body to respectfully memorialized in resolution that the New York State Congressional delegation pass legislation requesting the Department of Defense, the Secretary of the Army and the Secretary of the Navy to direct the POW/MIA Accounting Agency to perform any and all actions necessary to exhume and identify the remains in the four graves in question located in Farmingdale's Long Island National Cemetery and determine if the remains are those of sailors from the USS Turner who gave their lives to our Nation on January 3rd 1944 and be it further;

Resolved, that upon being identified, the remains of these servicemen be given the respect and burial they deserved and that their families be given the opportunity to grieve and lay their loved ones to rest and be it finally;

Resolved, that this resolution be forwarded to the American Legion National Organization for action and its support.

On Tuesday April 9th Commander Gary Schacher, Legislative Chairman Frank LaMarsh, and family members of one of the USS Turner sailors listed as missing in action; Richard Duffy met at the National Cemetery in Farmingdale Long Island. Commander Schacher, Richard Duffy's

sister Margret Sickles, Richard Duffy's nephew James Lafayette and several other family members were interviewed by Channel 12 News in hope that bringing this issue to public light will help with identifying the remains in the four unknown graves and bring closure to some families on the tragic events of January 3, 1944.
Congressman Max Rose has sent a letter to the Director of the Defense POW/MIA Accounting Agency asking the Agency take action and identify the remains of missing service members lost in the sinking of the USS Turner.
August 6, 2019 the Defense POW/MIA Accounting Agency sent a letter to Representative Rose, stating that the "USS Turner losses have proven to be difficult to pursue in this manner. DPAA has obtained copies of the OMPFs for the majority of those individuals lost in this incident. However, despite searching numerous national archive repositories since 2009, DPAA has not found X-files related to this loss nor the remains in the four graves at Long Island National Cemetery. Therefore, DPAA scientific staff have no means of comparing biological profile information to determine which of the 136 missing Sailors from USS Turner are associated with the Unknowns. While DPAA lacks the required evidence at this time to request disinterment of the four graves, we continue to look for innovative means with which to pursue disinterment and fulfill current DoD policies."

Resolution # 18, 2018: The American Legion urges the New York State Legislature to formally recognize the date June 8 as U.S.S. Liberty Day now and forever and, dedicate a Memorial in Albany, NY befitting the courage and dedication of the U.S.S. Liberty's Crew, and the 5 New York sailors who lost their lives.
The USS Liberty Day Resolution was submitted by the Assembly to the Clerk with 35 cosponsors. Next step is the actual vote, that we anticipate will not be an issue.
An issue has been raised with the wording of the Assembly resolution. We are working with the Assembly Resolution Sponsor and other Assembly members to resolve the issue.

Resolution# 19, 2018: Calls for a change to New York State Executive Law Section 357 that "with the approval of the Board of Supervisors of a county, The Chairman of the Board of Supervisors shall appoint a Director of the County Veterans Service Agency for such County, for a term of 5 (Five) years". This change will enhance the ability of the County Veterans Service Agency by improving continuity, knowledge of veterans' benefits law, training and accreditation by the Department of Veterans Affairs when filing claims.

Resolution #20, 2018: Calls for amending New York Stare Executive Law, Section 365 paragraph 2 (b) to remove the words "prior to the Commencement" and to read as follows "At the commencement…that the veteran's remembrance and cemetery maintenance and operation fund created pursuant to section ninety – seven – mmmm of the State finance law, contain monies sufficient… for a period of fifteen years". Thus, eliminating the funding bottleneck

caused by requiring funding prior to the commencement of the study to establish and construct the cemetery.

Resolution #22, 2018: Resolution #22, 2018: Due to the increasing overall claims activity experienced by the County Veterans Service Agencies Resolution 22 "Urges and requests that the New York State Legislature amend New York Executive Law Section 359 (1) increasing the share of the County (City) Veterans Services Agencies operation and maintenance to $20,000". This will increase the funding from $10,000.

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. One of the American Legion Department of New York's priorities is to enhance public awareness of this program, and how to take advantage of it.

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. In the past several years, New York State has authorized a $150,000 grant to a college; presently SUNY Morrisville to offset overall costs of the program in which 1,000 boys annually participate. Continuation of the grant is urged to ensure financial wellbeing of the program, while maintaining an important educational opportunity for our state's young men.

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.

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

This Bill was introduced by Assemblywoman Nily Rozic in 2018, and it did not have a same as Senate Bill. It has been reintroduced in 2019 as A5660 with a same as Senate Bill S4094 – Kevin Parker.

Requests the state legislature to reintroduce proposed legislation that require a study to 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. The study must also determine the number of children 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.

A5660 Rozic – 03/12/2019 – reported referred to ways and means - S4094 Parker – 03/19/19 - Amended on third reading (T) 4049A – 03/25/2019 Passed Senate – 03/25/2019 – Delivered to Assembly – 03/25/2019 – referred to ways and means – 04/9/2019 – reported - 04/25/2019 – advanced to third reading cal.199 – substituted by s4049a – S04049 Amend = A PARKER – 2/26/19 – referred to Housing, Construction & Community Development- 3/12/2019 – 1st report cal.274 -3/13/2019- 2nd report cal. – 3/13/2019 – advanced to third reading – 3/19/2019 – amended on third reading (T) 4049A – 3/25/2019 – passed senate – delivered to assembly - referred to ways & means – 5/1/2019 – substituted to a5660 – ordered to third reading cal. 199 - passed assembly – returned to senate – 11/08/2019 – Delivered to Governor – 11/11/2019 – Signed Chap. 487 – 11/11/2019 – Approval Memo.17

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

Independent non-governmental oversite is instrumental in ensuring the care and housing provided to the veterans served by the New York State veterans' homes. As such the board of visitors plays a vital role acting as liaisons, "ambassadors" and is a key participant in monitoring the administration of the homes. The board of visitors provides more than just oversite of the facilities; they are an integral part of the social fabric and resident community by providing financing of offsite activities etc. through contributions from veteran organizations such as the American Legion. By signing into law the update to the public health law that provides for the appointment of interim members by the current board in the event that a vacancy is not filled within 270 days, continuity on the board will continue and the possibility that this vital function

cannot continue due to the inability to form a quorum will be eliminated. Assembly Bill A8703 and Senate Bill S6144 which are an Act to amend the public health law in relation to filling vacancies on the Board of Visitors for state Veterans homes, through interim appointments, if such vacancy has not been filled within 270 days was vetoed by the Governor on 04/06/18.

Resolution #9, 2019: A resolution to petition the New York State Legislation and the Governor to recognize the recipients of the Medal of Honor by commissioning "Medal of Honor Highway." The Medal of Honor is our nation's highest award for valor presented to veterans of the Armed Forces of the United States for acting with conspicuous gallantry and intrepidity above and beyond the call of duty at the risk of one's life during combat with an enemy of the United States. Since World War I, 105 Medal of Honor recipients were born in New York State, entered the service from New York State, live in New York State or were laid to rest in New York State. The nonprofit Bend Heroes Foundation and the Oregon Legislature created a law designating all 451 miles of the border to border U.S. Highway 20 in Oregon as the Oregon Medal of Honor Highway, a first in our nation to honor all of a state's Medal of Honor recipients.

Oregon law suggested a first ever nation Medal of Honor Highway would be created if all 11 states east of Oregon and through which U.S. Highway 20 traverses designate boarder to border Medal of Honor Highways in their states.

New York State has not dedicated a border to border highway to honor all of New York State Medal of Honor recipients. There would be 372 miles border to border New York State Medal of Honor Highway on U.S. Highway 20 would honor New York State's current and future Medal of Honor recipients and this would be included in 3,365 miles National Medal of Honor Highway across American.

The American Legion Department of New York respectfully request the entire portion of U.S. Highway 20 in New York State beginning at the New York/Massachusetts border and ending at the New York and Pennsylvania state line shall also be known as the New York Medal of Honor Highway, honoring current and future Medal of Honor recipients. The Department of Transportation shall place and maintain suitable markers including display of the three versions of the Medal of Honor medal along U.S. Highway 20 that designates the highway as the New York Medal of Honor Highway.

Resolution #10, 2019: Veterans Treatment Courts are a type of problem solving court that provides an alternative to incarceration for eligible justice system involved veterans who have mental health or substance use disorders by officer those veterans treatment services which can be linked to veteran-specific community based services and agencies.

Evidence supports the positive impact on veterans participating in Veterans Treatment Court including reduced recidivism, lower alcohol and drug use, stable housing increased opportunities for employment, stabilized relationships with family and friends and improve mental health. The very first Veterans Treatment Court in the nation was established in Buffalo,

NY in 2008. There are now nearly 400 Veterans Treatment Court operational nationwide. New York State is currently home to 33 veteran's treatment courts in 25 counties and have helped over 4500 New York Veterans. Not every veteran in our state has access to this court. Almost one third of New York State veterans lack access to court. Governor Andrew Cuomo 2017 State of the State address made a public commitment to ensure statewide access to Veterans Treatment Courts and permit the transfer of eligible cases from any lock criminal court to a Veterans treatment court. The American Legion, Department of New York urges New York State Legislature to enact upon legislation to authorize transfer of veterans facing criminal charges in a jurisdiction without a Veterans Treatment Court to the closest county with a Veterans Treatment Court.
S04418 Helming – 03/11/2019 – referred to codes – 01/08/2020 referred to codes. This bill "Allows for the removal of a criminal action against a veteran to a veterans treatment court in the same or an adjacent county."

These next two A08360 Galef and S05059 Hoylman both bills state "Authorizes the chief administrator of the courts to establish veterans treatment courts; and relates to the removal of certain actions to veterans treatment courts."
A08360 Galef – 06/15/2019 – referred to judiciary – 01/08/2020 – referred to judiciary – 01/30/2020 – amend and recommit to judiciary – 01/30/2020 – print number 8360A
S05059 Hoylman – 04/05/2019 – referred to veterans, homeland security and military affairs – 01/08/2020 – referred to veterans, homeland security and military affairs – 01/17/2020 – amend and recommit to veterans, homeland security and military affairs – 01/17/2020 print number 5059A

Resolutions #13, 2019: Support the Reconciliation of Traumatic Memories (RTM) Protocol. The Research and Recognition Project Inc. had developed and published an history breakthrough in the treatment of PTSD and is continuing research at Walter Reed and other prestigious PTSD facilities. This treatment protocol RTM has been tested four times under strict scientific standards over 90% of those Veterans diagnosed with PTSD losing their PTSD symptoms without use of potentially dangerous drugs. Other current treatment includes cognitive behavioral therapy, exposure therapy eye movement desensitization ad reprocessing and pharmaceuticals are costly ant time intensive. RTM removed nightmare and flashback symptoms of PTSD in less than half the time of current therapies. RTM does not only help veterans, it can be used to help First Responders, Corrections Officers and Emergency Medical Personnel.

Sampson Veterans Memorial Cemetery designated as State Veterans Cemetery. Since it opened in 2011, the grounds have housed the final resting place for roughly 700 veterans and their families, with room for many more. The cemetery was designed according to specification for a VA National Cemetery-with the long term goal to get it designated as a State Veterans Cemetery.

A00887 Jones – 01/14/2019 – referred to veterans' affairs – 01/08/2020 referred to veterans' affairs
S02033 Little – 01/18/2019 – referred to veterans, homeland security and military affairs – 01/08/2020 referred to veterans, homeland security and military affairs – 02/24/2020 – notice of committee consideration - requested

A05347 DiPietro – 07/15/2020 – held for consideration in veterans' affairs
A10782 Rules (Barrett) – 07/10/2020 – referred to veterans' affairs – 07/15/2020 – reported referred to ways and means – 07/17/2020 – reported to rules – 07/23/2020 – reported – 07/23/2020 – rules report cal.362 – 07/23/2020 – substituted by s8791 – S08791 AMEND = BROOKS – 07/16/2020 – REFERRED TO RULES – 07/17/2020 – COMMITTEE DISCHARGED AD COMMITTED TO FINANCE – 07/21/2020 – REPORTED AND COMMITTED TO RULES – 07/22/2020 – ORDERED TO THIRD READING CAL.966 – 07/23/2020 – PASSED SENATE – 07/23/2020 – DELIVERED TO ASSEMBLY – 07/23/2020 – referred to ways and means – 07/23/2020 – substituted for a10782 – 07/23/2020 – ordered to third reading rules cal.362 – 07/23/2020 – passed assembly – 07/23/2020 – returned to senate