

STATE OF NEW YORK

5234--A

2021-2022 Regular Sessions

IN SENATE

February 26, 2021

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

AN ACT to amend the general construction law, the executive law, the education law, the election law, the military law, the insurance law, the private housing finance law, the public officers law, the tax law, the economic development law, the civil service law, and the real property tax law, in relation to including members of the space force as being members of the armed forces or veterans eligible for certain credits and benefits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 13-a of the general construction law, as amended by
2 chapter 490 of the laws of 2019, is amended to read as follows
3 § 13-a. Armed forces of the United States. "Armed forces of the United
4 States" means the army, navy, marine corps, air force, space force and
5 coast guard, including all components thereof, and the national guard
6 when in the service of the United States pursuant to call as provided by
7 law. Pursuant to this definition no person shall be considered a member
8 or veteran of the armed forces of the United States unless his or her
9 service therein is or was on a full-time active duty basis, other than
10 active duty for training or he or she was employed by the War Shipping
11 Administration or Office of Defense Transportation or their agents as a
12 merchant seaman documented by the United States Coast Guard or Depart-
13 ment of Commerce, or as a civil servant employed by the United States
14 Army Transport Service (later redesignated as the United States Army
15 Transportation Corps, Water Division) or the Naval Transportation
16 Service; and who served satisfactorily as a crew member during the peri-
17 od of armed conflict, December seventh, nineteen hundred forty-one, to
18 August fifteenth, nineteen hundred forty-five, aboard merchant vessels

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

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1 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such
2 terms are defined under federal law (46 USCA 10301 & 10501) and further
3 to include "near foreign" voyages between the United States and Canada,
4 Mexico, or the West Indies via ocean routes, or public vessels in ocean-
5 going service or foreign waters and who has received a Certificate of
6 Release or Discharge from Active Duty and a discharge certificate, or an
7 Honorable Service Certificate/Report of Casualty, from the Department of
8 Defense or he or she served as a United States civilian employed by the
9 American Field Service and served overseas under United States Armies
10 and United States Army Groups in world war II during the period of armed
11 conflict, December seventh, nineteen hundred forty-one through May
12 eighth, nineteen hundred forty-five, and (i) was discharged or released
13 therefrom under honorable conditions, or (ii) has a qualifying condi-
14 tion, as defined in section three hundred fifty of the executive law,
15 and has received a discharge other than bad conduct or dishonorable from
16 such service, or (iii) is a discharged LGBT veteran, as defined in
17 section three hundred fifty of the executive law, and has received a
18 discharge other than bad conduct or dishonorable from such service, or
19 he or she served as a United States civilian Flight Crew and Aviation
20 Ground Support Employee of Pan American World Airways or one of its
21 subsidiaries or its affiliates and served overseas as a result of Pan
22 American's contract with Air Transport Command or Naval Air Transport
23 Service during the period of armed conflict, December fourteenth, nine-
24 teen hundred forty-one through August fourteenth, nineteen hundred
25 forty-five, and (iv) was discharged or released therefrom under honor-
26 able conditions, or (v) has a qualifying condition, as defined in
27 section three hundred fifty of the executive law, and has received a
28 discharge other than bad conduct or dishonorable from such service, or
29 (vi) is a discharged LGBT veteran, as defined in section three hundred
30 fifty of the executive law, and has received a discharge other than bad
31 conduct or dishonorable from such service.

32 § 2. Subdivisions 3, 4, and 9 of section 350 of the executive law,
33 subdivision 9 as added by chapter 490 of the laws of 2019, are amended
34 and five new subdivisions 10, 11, 12, 13 and 14 are added to read as
35 follows:

36 3. The term "veteran" means a person, [~~male or female, resident of~~
37 ~~this state,~~] who has served in the active military [~~or~~], naval, or air
38 service of the United States [~~during a war in which the United States~~
39 ~~engaged~~] and who [~~has been released from such service otherwise than by~~
40 ~~dishonorable discharge,~~] or [~~who has been furloughed to the reserve~~] was
41 discharged or released therefrom under conditions other than dishonor-
42 able.

43 4. The term "armed forces" means the [~~military and naval forces of the~~
44 ~~United States~~] army, navy, air force, marine corps, space force and
45 coast guard.

46 9. The term "discharged LGBT veteran" means a veteran who was
47 discharged less than honorably from military [~~or~~], naval or air service
48 due to their sexual orientation or gender identity or expression, as
49 those terms are defined in section two hundred ninety-two of this chap-
50 ter, or statements, consensual sexual conduct, or consensual acts relat-
51 ing to sexual orientation, gender identity or expression, or the disclo-
52 sure of such statements, conduct, or acts, that were prohibited by the
53 military [~~or~~], naval or air service at the time of discharge. The divi-
54 sion shall establish a consistent and uniform process to determine
55 whether a veteran qualifies as a discharged LGBT veteran under this
56 subdivision, including, at a minimum, standards for verifying a veter-

an's status as a discharged LGBT veteran, and a method of demonstrating eligibility as a discharged LGBT veteran.

10. The term "discharge or release" includes: (a) retirement from the active military, naval, or air service; and (b) the satisfactory completion of the period of active military, naval, or air service for which a person was obligated at the time of the entry into such service in the case of a person, who due to the enlistment or re-enlistment was not awarded a discharge or release from such period of service at the time of such completion thereof and who, at such time, would otherwise have been eligible for the award of discharge or released under conditions other than dishonorable.

11. The term "active duty" means: (a) a full-time duty in the armed forces other than active duty for training; or (b) full-time duty (other than for training purposes) as a commissioned officer of the regular or reserve corps of the public health service; or (c) full-time duty as a commissioned officer of the national oceanic and atmospheric administration or its predecessor organization; or (d) service as a cadet at the United States military, air force or coast guard academy or as a midshipman at the United States naval academy in cases where such cadet or midshipman completed the course of study; or (e) authorized travel to or from such duty or service.

12. The term "reserve" means a member of a reserve component of the armed forces.

13. The term "reserve component" means with respect of the armed forces: (a) the army reserve; (b) the navy reserve; (c) the marine corps reserve; (d) the air force reserve; (e) the coast guard reserve; (f) the army national guard of the United States; and (g) the air national guard of the United States.

14. The term "uniformed services" means: (a) the armed forces; (b) the commissioned corps of the national oceanic and atmospheric administration; and (c) the commissioned corps of the United States public health service.

§ 3. Subdivision 3 of section 369-b of the executive law, as added by chapter 557 of the laws of 2013, is amended to read as follows:

3. "Veteran" shall mean an individual who served on active duty in the United States army, navy, marine corps, air force, space force, coast guard or the reserves component, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia, who was released from such service otherwise than by dishonorable discharge after September eleventh, two thousand one.

§ 4. Subdivisions 5 and 7 of section 369-h of the executive law, subdivision 5 as added by chapter 22 of the laws of 2014 and subdivision 7 as amended by chapter 490 of the laws of 2019, are amended to read as follows:

5. "Service-disabled veteran" shall mean (a) in the case of the United States army, navy, air force, space force, marines, coast guard, army national guard or air national guard and/or reserves thereof, a veteran who received a compensation rating of ten percent or greater from the United States department of veterans affairs or from the United States department of defense because of a service-connected disability incurred in the line of duty, and (b) in the case of the New York guard or the New York naval militia and/or reserves thereof, a veteran who certifies, pursuant to the rules and regulations promulgated by the director, to having incurred an injury equivalent to a compensation rating of ten percent or greater from the United States department of veterans affairs

1 or from the United States department of defense because of a service-
2 connected disability incurred in the line of duty.

3 7. "Veteran" shall mean a person who served in the United States army,
4 navy, air force, space force, marines, coast guard, and/or reserves
5 thereof, and/or in the army national guard, air national guard, New York
6 guard and/or the New York naval militia, and who (i) has received an
7 honorable or general discharge from such service, or (ii) has a qualify-
8 ing condition, as defined in section three hundred fifty of this chap-
9 ter, and has received a discharge other than bad conduct or dishonorable
10 from such service, or (iii) is a discharged LGBT veteran, as defined in
11 section three hundred fifty of this chapter, and has received a
12 discharge other than bad conduct or dishonorable from such service.

13 § 5. Paragraph (a) of subdivision 3 of section 365 of the executive
14 law, as added by section 5 of part W of chapter 57 of the laws of 2013,
15 is amended to read as follows:

16 (a) For each New York state veterans cemetery there shall be a manage-
17 ment board. Each such management board shall consist of nine members,
18 including the director of the division who shall serve as chair, and
19 four members, appointed by the governor. Of such four members, not fewer
20 than two shall be a veteran of the United States army, the United States
21 navy, the United States air force, the United States space force, the
22 United States marines, the New York army national guard, the New York
23 air national guard, the New York naval militia, or a member who has
24 served in a theater of combat operations of the United States coast
25 guard or the United States merchant marine. Two members shall be
26 appointed by the temporary president of the senate, and two members
27 shall be appointed by the speaker of the state assembly. At least one of
28 the members appointed by the temporary president of the senate and at
29 least one of the members appointed by the speaker of the assembly shall
30 be a veteran of the United States army, the United States navy, the
31 United States air force, the United States marines, the New York army
32 national guard, the New York air national guard, the New York naval
33 militia, or a member who has served in a theater of combat operations of
34 the United States coast guard or the United States merchant marine. No
35 member shall receive any compensation for his or her service, but
36 members who are not state officials may be reimbursed for their actual
37 and necessary expenses, including travel expenses incurred in perform-
38 ance of their duties. The management board may consult with any federal,
39 state or local entity for the purposes of advancing its purposes,
40 mission and duties.

41 § 6. Subdivision 18 of section 3302 of the education law, as added by
42 section 1 of part A of chapter 328 of the laws of 2014, is amended to
43 read as follows:

44 18. "Uniformed service" or "uniformed services" means the Army, Navy,
45 Air Force, Space Force, Marine Corps, Coast Guard as well as the Commis-
46 sioned Corps of the National Oceanic and Atmospheric Administration, and
47 Public Health Services.

48 § 7. Subdivision 1 of section 10-102 of the election law, as amended
49 by chapter 104 of the laws of 2010, is amended to read as follows:

50 1. "Military service" means the military service of the state, or of
51 the United States, including the army, navy, marine corps, air force,
52 space force, coast guard, merchant marine and all components thereof,
53 and the coast and geodetic survey, the public health service, the
54 national guard when in the service of the United States pursuant to call
55 as provided by law, and the cadets or midshipmen of the United States

1 Military Academy, United States Naval Academy, United States Air Force
2 Academy and United States Coast Guard Academy.

3 § 8. Subsection (a) of section 3435-a of the insurance law, as amended
4 by chapter 416 of the laws of 1996, is amended to read as follows:

5 (a) Insurers shall be prohibited from refusing to issue a motor vehi-
6 cle liability insurance policy to any person with a valid New York state
7 driver's license which has been maintained by such person for at least
8 thirty-nine months prior to the time of application for such policy of
9 insurance solely on the basis that such person has not owned or leased a
10 vehicle during such period, unless such decision is based on sound
11 underwriting and actuarial principles reasonably related to actual or
12 anticipated loss experience. Provided, however, that an applicant demon-
13 strating a continuous, valid out-of-state or out-of-country driver's
14 license during such thirty-nine month period due to active service in
15 the United States army, navy, air force, space force or marines shall be
16 treated as if continuous licensing had been maintained in New York and
17 such person shall not be rejected based solely on the fact that he or
18 she served in the military.

19 § 9. Subdivisions 3, 4, and 8 of section 1 of the military law, as
20 amended by section 112 of the laws of 1989, are amended to read as
21 follows:

22 3. The terms "military" and "military and naval" shall mean army or
23 land, air or air force, space force and navy or naval.

24 4. The terms "military or naval" and "military (including air) or
25 naval" shall mean army or land, air or air force, space force or navy or
26 naval.

27 8. The terms "active military service of the United States" and "in
28 the armed forces of the United States" shall mean full time duty in the
29 army, navy [~~(including)~~, marine corps~~(+)~~], air force, space force or
30 coast guard of the United States.

31 § 10. Paragraph a and subparagraph 2 of paragraph b of subdivision 1
32 of section 214 of the military law, paragraph a as added by chapter 853
33 of the laws of 1953 and subparagraph 2 of paragraph b as amended by
34 chapter 625 of the laws of 1965, are amended to read as follows:

35 a. has been a commissioned officer in active service for at least
36 twenty years in the organized militia of the state of New York or in the
37 army, air force, space force, navy or marine corps of the United States
38 for at least twenty years and

39 (2) for ten consecutive years of such service immediately preceding
40 his retirement and transfer to the state retired list as provided in
41 this chapter, if he has had actual combat experience in time of war
42 while in the army, air force, space force, navy or marine corps of the
43 United States or if he has served on the active list of a force or forc-
44 es of the organized militia for at least ten years as an enlisted man
45 and at least thirty years as a commissioned officer, shall receive annu-
46 ally from the date of his retirement and transfer to the state retired
47 list as provided in this chapter and during the time he remains on the
48 state retired list seventy-five per centum of the highest annual rate of
49 compensation paid to him by the state for the performance of military or
50 naval duty.

51 § 11. Subdivision 3 of section 1271 of the private housing finance
52 law, as amended by chapter 490 of the laws of 2019, is amended to read
53 as follows:

54 3. "Veteran" shall mean a resident of this state who (a) has served in
55 the United States army, navy, marine corps, air force, space force or
56 coast guard or (b) has served on active duty or ordered to active duty

1 as defined in 10 USC 101 (d)(1) as a member of the national guard or
2 other reserve component of the armed forces of the United States or (c)
3 has served on active duty or ordered to active duty for the state, as a
4 member of the state organized militia as defined in subdivision nine of
5 section one of the military law, and has been released from such service
6 documented by an honorable or general discharge, or has a qualifying
7 condition, as defined in section three hundred fifty of the executive
8 law, and has received a discharge other than bad conduct or dishonorable
9 from such service, or is a discharged LGBT veteran, as defined in
10 section three hundred fifty of the executive law, and has received a
11 discharge other than bad conduct or dishonorable from such service.

12 § 12. Subdivision 17 of section 243 of the military law, as amended by
13 chapter 312 of the laws of 1993, is amended to read as follows:

14 17. Certificates as to service. A certificate signed by the commander,
15 total army personnel center as to persons in the army or in any branch
16 of the United States service while serving pursuant to law with the army
17 of the United States, signed by the commander, naval military personnel
18 as to persons in the United States service while serving pursuant to law
19 with the United States navy, and signed by the commandant, United States
20 marine corps, as to persons in the marine corps, or in any other branch
21 of the United States service while serving pursuant to law with the
22 marine corps, signed by the chief, air force military personnel center
23 as to persons in the United States service while serving pursuant to law
24 with the United States air force, space force personnel center as to
25 persons in the space force or in any other branch of the United States
26 service while serving pursuant to law with the space force of the United
27 States, or signed by an officer designated by any of them, respectively,
28 for the purpose, shall when produced be prima facie evidence as to any
29 of the following facts stated in such certificate: That a person named
30 has not been, or is, or has been in military service; the time when and
31 the place where such person entered military service, his residence at
32 that time, and the rank, branch, and unit of such service that he
33 entered, the dates within which he was in military service, the monthly
34 pay received by such person at the date of issuing the certificate, the
35 time when and the place where such person died in or was discharged from
36 such service. It is the duty of the foregoing officers to furnish such
37 certificate on application, and any such certificate when purporting to
38 be signed by any one of such officers, or by any person purporting upon
39 the face of the certificate to have been so authorized, shall be prima
40 facie evidence of its contents and of the authority of the signer to
41 issue the same.

42 § 13. Section 63 of the public officers law, as amended by chapter 490
43 of the laws of 2019, is amended to read as follows:

44 § 63. Leave of absence for veterans on Memorial day and Veterans' day.
45 It shall be the duty of the head of every public department and of every
46 court of the state of New York, of every superintendent or foreman on
47 the public works of said state, of the county officers of the several
48 counties of said state, of the town officers of the various towns in
49 this state, of the fire district officers of the various fire districts
50 in this state, and of the head of every department, bureau and office in
51 the government of the various cities and villages in this state, and the
52 officers of any public benefit corporation or any public authority of
53 this state, or of any public benefit corporation or public authority of
54 any county or subdivision of this state, to give leave of absence with
55 pay for twenty-four hours on the day prescribed by law as a public holi-
56 day for the observance of Memorial day and on the eleventh day of Novem-

ber, known as Veterans' day, to every person in the service of the state, the county, the town, the fire district, the city or village, the public benefit corporation or public authority of this state, or any public benefit corporation or public authority of any county or subdivision of this state, as the case may be, (i) who served on active duty in the armed forces of the United States during world war I or world war II, or who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (a) was discharged or released therefrom under honorable conditions, or (b) has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (d) was discharged or released therefrom under honorable conditions, or (e) has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service, or (f) is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service or during the period of the Korean conflict at any time between the dates of June twenty-seventh, nineteen hundred fifty and January thirty-first, nineteen hundred fifty-five, or during the period of the Vietnam conflict from the twenty-eighth day of February, nineteen hundred sixty-one to the seventh day of May, nineteen hundred seventy-five, or (ii) who served on active duty in the armed forces of the United States and who was a recipient of the armed forces expeditionary medal, navy expeditionary medal or marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November

1 twenty-first, nineteen hundred eighty-three, or in Panama from December
2 twentieth, nineteen hundred eighty-nine to January thirty-first, nine-
3 teen hundred ninety, or (iii) who served in the armed forces of a
4 foreign country allied with the United States during world war I or
5 world war II, or during the period of the Korean conflict at any time
6 between June twenty-seventh, nineteen hundred fifty and January thirty-
7 first, nineteen hundred fifty-five, or during the period of the Vietnam
8 conflict from the twenty-eighth day of February, nineteen hundred
9 sixty-one to the seventh day of May, nineteen hundred seventy-five, or
10 during the period of the Persian Gulf conflict from the second day of
11 August, nineteen hundred ninety to the end of such conflict, or who
12 served on active duty in the army or navy or marine corps or air force
13 or space force or coast guard of the United States, and who (a) was
14 honorably discharged or separated from such service under honorable
15 conditions, or (b) has a qualifying condition, as defined in section
16 three hundred fifty of the executive law, and has received a discharge
17 other than bad conduct or dishonorable from such service, or (c) is a
18 discharged LGBT veteran, as defined in section three hundred fifty of
19 the executive law, and has received a discharge other than bad conduct
20 or dishonorable from such service except where such action would endan-
21 ger the public safety or the safety or health of persons cared for by
22 the state, in which event such persons shall be entitled to leave of
23 absence with pay on another day in lieu thereof. All such persons who
24 are compensated on a per diem, hourly, semi-monthly or monthly basis,
25 with or without maintenance, shall also be entitled to leave of absence
26 with pay under the provisions of this section and no deduction in vaca-
27 tion allowance or budgetary allowable number of working days shall be
28 made in lieu thereof. A refusal to give such leave of absence to one
29 entitled thereto shall be neglect of duty.

30 § 14. Subparagraph 1 of paragraph b of subdivision 29 of section 210-B
31 of the tax law, as amended by chapter 490 of the laws of 2019, is
32 amended to read as follows:

33 (1) who served on active duty in the United States army, navy, air
34 force, space force, marine corps, coast guard or the reserves thereof,
35 or who served in active military service of the United States as a
36 member of the army national guard, air national guard, New York guard or
37 New York naval militia; who (i) was released from active duty by general
38 or honorable discharge after September eleventh, two thousand one, or
39 (ii) has a qualifying condition, as defined in section three hundred
40 fifty of the executive law, and has received a discharge other than bad
41 conduct or dishonorable from such service after September eleventh, two
42 thousand one, or (iii) is a discharged LGBT veteran, as defined in
43 section three hundred fifty of the executive law, and has received a
44 discharge other than bad conduct or dishonorable from such service after
45 September eleventh, two thousand one;

46 § 15. Subparagraph (A) of paragraph 2 of subsection (a-2) of section
47 606 of the tax law, as amended by chapter 490 of the laws of 2019, is
48 amended to read as follows:

49 (A) who served on active duty in the United States army, navy, air
50 force, space force, marine corps, coast guard or the reserves thereof,
51 or who served in active military service of the United States as a
52 member of the army national guard, air national guard, New York guard or
53 New York naval militia; who (i) was released from active duty by general
54 or honorable discharge after September eleventh, two thousand one, or
55 (ii) has a qualifying condition, as defined in section three hundred
56 fifty of the executive law, and has received a discharge other than bad

1 conduct or dishonorable from such service after September eleventh, two
2 thousand one, or (iii) is a discharged LGBT veteran, as defined in
3 section three hundred fifty of the executive law, and has received a
4 discharge other than bad conduct or dishonorable from such service after
5 September eleventh, two thousand one;

6 § 16. Subparagraph (A) of paragraph 2 of subdivision (g-1) of section
7 1511 of the tax law, as amended by chapter 490 of the laws of 2019, is
8 amended to read as follows:

9 (A) who served on active duty in the United States army, navy, air
10 force, space force, marine corps, coast guard or the reserves thereof,
11 or who served in active military service of the United States as a
12 member of the army national guard, air national guard, New York guard or
13 New York naval militia; who (i) was released from active duty by general
14 or honorable discharge after September eleventh, two thousand one, or
15 (ii) has a qualifying condition, as defined in section three hundred
16 fifty of the executive law, and has received a discharge other than bad
17 conduct or dishonorable from such service after September eleventh, two
18 thousand one, or (iii) is a discharged LGBT veteran, as defined in
19 section three hundred fifty of the executive law, and has received a
20 discharge other than bad conduct or dishonorable from such service after
21 September eleventh, two thousand one;

22 § 17. Subdivision 6 of section 210 of the economic development law, as
23 amended by chapter 490 of the laws of 2019, is amended to read as
24 follows:

25 6. "Veteran" shall mean a person who served in the United States army,
26 navy, air force, space force, marines, coast guard, and/or reserves
27 thereof, and/or in the army national guard, air national guard, New York
28 guard and/or New York naval militia and who (a) has received an honor-
29 able or general discharge from such service, or (b) has a qualifying
30 condition, as defined in section three hundred fifty of the executive
31 law, and has received a discharge other than bad conduct or dishonorable
32 from such service, or (c) is a discharged LGBT veteran, as defined in
33 section three hundred fifty of the executive law, and has received a
34 discharge other than bad conduct or dishonorable from such service.

35 § 18. Paragraph (b) of subdivision 5 of section 50 of the civil
36 service law, as amended by chapter 490 of the laws of 2019, is amended
37 to read as follows:

38 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
39 sion, the state civil service department, subject to the approval of the
40 director of the budget, a municipal commission, subject to the approval
41 of the governing board or body of the city or county, as the case may
42 be, or a regional commission or personnel officer, pursuant to govern-
43 mental agreement, may elect to waive application fees, or to abolish
44 fees for specific classes of positions or types of examinations or
45 candidates, or to establish a uniform schedule of reasonable fees
46 different from those prescribed in paragraph (a) of this subdivision,
47 specifying in such schedule the classes of positions or types of exam-
48 inations or candidates to which such fees shall apply; provided, howev-
49 er, that fees shall be waived for candidates who certify to the state
50 civil service department, a municipal commission or a regional commis-
51 sion that they are unemployed and primarily responsible for the support
52 of a household, or are receiving public assistance. Provided further,
53 the state civil service department shall waive the state application fee
54 for examinations for original appointment for all veterans. Notwith-
55 standing any other provision of law, for purposes of this section, the
56 term "veteran" shall mean a person who has served in the armed forces of

1 the United States or the reserves thereof, or in the army national
2 guard, air national guard, New York guard, or the New York naval mili-
3 tia, and who (1) has been honorably discharged or released from such
4 service under honorable conditions, or (2) has a qualifying condition,
5 as defined in section three hundred fifty of the executive law, and has
6 received a discharge other than bad conduct or dishonorable from such
7 service, or (3) is a discharged LGBT veteran, as defined in section
8 three hundred fifty of the executive law, and has received a discharge
9 other than bad conduct or dishonorable from such service. The term
10 "armed forces" shall mean the army, navy, air force, space force, marine
11 corps, and coast guard.

12 § 19. Paragraph (e) of subdivision 1 of section 458-a of the real
13 property tax law, as amended by chapter 490 of the laws of 2019, is
14 amended to read as follows:

15 (e) "Veteran" means a person (i) who served in the active military,
16 naval, space, or air service during a period of war, or who was a recip-
17 ient of the armed forces expeditionary medal, navy expeditionary medal,
18 marine corps expeditionary medal, or global war on terrorism expedition-
19 ary medal, and who (1) was discharged or released therefrom under honor-
20 able conditions, or (2) has a qualifying condition, as defined in
21 section three hundred fifty of the executive law, and has received a
22 discharge other than bad conduct or dishonorable from such service, or
23 (3) is a discharged LGBT veteran, as defined in section three hundred
24 fifty of the executive law, and has received a discharge other than bad
25 conduct or dishonorable from such service, (ii) who was employed by the
26 War Shipping Administration or Office of Defense Transportation or their
27 agents as a merchant seaman documented by the United States Coast Guard
28 or Department of Commerce, or as a civil servant employed by the United
29 States Army Transport Service (later redesignated as the United States
30 Army Transportation Corps, Water Division) or the Naval Transportation
31 Service; and who served satisfactorily as a crew member during the peri-
32 od of armed conflict, December seventh, nineteen hundred forty-one, to
33 August fifteenth, nineteen hundred forty-five, aboard merchant vessels
34 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such
35 terms are defined under federal law (46 USCA 10301 & 10501) and further
36 to include "near foreign" voyages between the United States and Canada,
37 Mexico, or the West Indies via ocean routes, or public vessels in ocean-
38 going service or foreign waters and who has received a Certificate of
39 Release or Discharge from Active Duty and a discharge certificate, or an
40 Honorable Service Certificate/Report of Casualty, from the department of
41 defense, (iii) who served as a United States civilian employed by the
42 American Field Service and served overseas under United States Armies
43 and United States Army Groups in world war II during the period of armed
44 conflict, December seventh, nineteen hundred forty-one through May
45 eighth, nineteen hundred forty-five, and who (1) was discharged or
46 released therefrom under honorable conditions, or (2) has a qualifying
47 condition, as defined in section three hundred fifty of the executive
48 law, and has received a discharge other than bad conduct or dishonorable
49 from such service, or (3) is a discharged LGBT veteran, as defined in
50 section three hundred fifty of the executive law, and has received a
51 discharge other than bad conduct or dishonorable from such service, (iv)
52 who served as a United States civilian Flight Crew and Aviation Ground
53 Support Employee of Pan American World Airways or one of its subsid-
54 iaries or its affiliates and served overseas as a result of Pan Ameri-
55 can's contract with Air Transport Command or Naval Air Transport Service
56 during the period of armed conflict, December fourteenth, nineteen

1 hundred forty-one through August fourteenth, nineteen hundred forty-
2 five, and who (1) was discharged or released therefrom under honorable
3 conditions, or (2) has a qualifying condition, as defined in section
4 three hundred fifty of the executive law, and has received a discharge
5 other than bad conduct or dishonorable from such service, or (3) is a
6 discharged LGBT veteran, as defined in section three hundred fifty of
7 the executive law, and has received a discharge other than bad conduct
8 or dishonorable from such service, or (v) notwithstanding any other
9 provision of law to the contrary, who are members of the reserve compo-
10 nents of the armed forces of the United States who (1) received an
11 honorable discharge or release therefrom under honorable conditions, or
12 (2) has a qualifying condition, as defined in section three hundred
13 fifty of the executive law, and has received a discharge other than bad
14 conduct or dishonorable from such service, or (3) is a discharged LGBT
15 veteran, as defined in section three hundred fifty of the executive law,
16 and has received a discharge other than bad conduct or dishonorable from
17 such service, but are still members of the reserve components of the
18 armed forces of the United States provided that such members meet all
19 other qualifications under the provisions of this section.

20 § 20. This act shall take effect immediately, provided, however, that
21 the amendments made to subdivisions 5 and 7 of section 369-h of the
22 executive law made by section four of this act shall not affect the
23 repeal of such section and shall be deemed repealed therewith.