

STATE OF NEW YORK

5190

2023-2024 Regular Sessions

IN SENATE

February 27, 2023

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

AN ACT to amend the general construction law, the executive law, the veterans' services law, the election law, the military law, the insurance law, the private housing finance law, the public officers 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
19 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such

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

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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 ocean-going 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 he or she 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 (i) was discharged or released therefrom under honorable conditions, or (ii) 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 (iii) 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 he or she 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 (iv) was discharged or released therefrom under honorable conditions, or (v) 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 (vi) 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.

§ 2. Section 13-a of the general construction law, as amended by section 60 of part PP of chapter 56 of the laws of 2022, is amended to read as follows:

§ 13-a. Armed forces of the United States. "Armed forces of the United States" means the army, navy, marine corps, air force, space force and coast guard, including all components thereof, and the national guard when in the service of the United States pursuant to call as provided by law. Pursuant to this definition no person shall be considered a member or veteran of the armed forces of the United States unless his or her service therein is or was on a full-time active duty basis, other than active duty for training or he or she 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 ocean-going 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

1 Defense or he or she served as a United States civilian employed by the
2 American Field Service and served overseas under United States Armies
3 and United States Army Groups in world war II during the period of armed
4 conflict, December seventh, nineteen hundred forty-one through May
5 eighth, nineteen hundred forty-five, and (i) was discharged or released
6 therefrom under honorable conditions, or (ii) has a qualifying condi-
7 tion, as defined in section one of the veterans' services law, and has
8 received a discharge other than bad conduct or dishonorable from such
9 service, or (iii) is a discharged LGBT veteran, as defined in section
10 one of the veterans' services law, and has received a discharge other
11 than bad conduct or dishonorable from such service, or he or she served
12 as a United States civilian Flight Crew and Aviation Ground Support
13 Employee of Pan American World Airways or one of its subsidiaries or its
14 affiliates and served overseas as a result of Pan American's contract
15 with Air Transport Command or Naval Air Transport Service during the
16 period of armed conflict, December fourteenth, nineteen hundred forty-
17 one through August fourteenth, nineteen hundred forty-five, and (iv) was
18 discharged or released therefrom under honorable conditions, or (v) has
19 a qualifying condition, as defined in section one of the veterans'
20 services law, and has received a discharge other than bad conduct or
21 dishonorable from such service, or (vi) is a discharged LGBT veteran, as
22 defined in section one of the veterans' services law, and has received a
23 discharge other than bad conduct or dishonorable from such service.

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

28 3. The term "veteran" means a person, [~~male or female, resident of~~
29 ~~this state,~~] who has served in the active military [~~or~~], naval, air, or
30 space service of the United States [~~during a war in which the United~~
31 ~~States engaged~~] and who [~~has been released from such service otherwise~~
32 ~~than by dishonorable discharge,~~] or [~~who has been furloughed to the~~
33 ~~reserve~~] was discharged or released therefrom under conditions other
34 than dishonorable.

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

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

51 10. The term "discharge or release" includes: (a) retirement from the
52 active military, naval, air, or space service; and (b) the satisfactory
53 completion of the period of active military, naval, air, or space
54 service for which a person was obligated at the time of the entry into
55 such service in the case of a person, who due to the enlistment or
56 re-enlistment was not awarded a discharge or release from such period of

1 service at the time of such completion thereof and who, at such time,
2 would otherwise have been eligible for the award of discharge or
3 released under conditions other than dishonorable.

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

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

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

21 14. The term "uniformed services" means: (a) the armed forces; (b) the
22 commissioned corps of the national oceanic and atmospheric adminis-
23 tration; and (c) the commissioned corps of the United States public
24 health service.

25 § 4. Section 1 of the veterans' services law is amended by adding five
26 new subdivisions 10, 11, 12, 13 and 14 to read as follows:

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

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

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

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

53 14. The term "uniformed services" means: (a) the armed forces; (b) the
54 commissioned corps of the national oceanic and atmospheric adminis-
55 tration; and (c) the commissioned corps of the United States public
56 health service.

§ 5. 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.

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

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

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

(a) For each New York state veterans cemetery there shall be a management board. Each such management board shall consist of nine members, including the director of the division who shall serve as chair, and four members, appointed by the governor. Of such four members, not fewer than two shall be a veteran of the United States army, the United States navy, the United States air force, the United States space force, the United States marines, the New York army national guard, the New York air national guard, the New York naval militia, or a member who has served in a theater of combat operations of the United States coast guard or the United States merchant marine. Two members shall be appointed by the temporary president of the senate, and two members shall be appointed by the speaker of the state assembly. At least one of the members appointed by the temporary president of the senate and at least one of the members appointed by the speaker of the assembly shall be a veteran of the United States army, the United States navy, the United States air force, the United States marines, the New York army national guard, the New York air national guard, the New York naval

1 militia, or a member who has served in a theater of combat operations of
2 the United States coast guard or the United States merchant marine. No
3 member shall receive any compensation for his or her service, but
4 members who are not state officials may be reimbursed for their actual
5 and necessary expenses, including travel expenses incurred in perform-
6 ance of their duties. The management board may consult with any federal,
7 state or local entity for the purposes of advancing its purposes,
8 mission and duties.

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

11 1. "Military service" means the military service of the state, or of
12 the United States, including the army, navy, marine corps, air force,
13 space force, coast guard, merchant marine and all components thereof,
14 and the coast and geodetic survey, the public health service, the
15 national guard when in the service of the United States pursuant to call
16 as provided by law, and the cadets or midshipmen of the United States
17 Military Academy, United States Naval Academy, United States Air Force
18 Academy and United States Coast Guard Academy.

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

21 (a) Insurers shall be prohibited from refusing to issue a motor vehi-
22 cle liability insurance policy to any person with a valid New York state
23 driver's license which has been maintained by such person for at least
24 thirty-nine months prior to the time of application for such policy of
25 insurance solely on the basis that such person has not owned or leased a
26 vehicle during such period, unless such decision is based on sound
27 underwriting and actuarial principles reasonably related to actual or
28 anticipated loss experience. Provided, however, that an applicant demon-
29 strating a continuous, valid out-of-state or out-of-country driver's
30 license during such thirty-nine month period due to active service in
31 the United States army, navy, air force, space force or marines shall be
32 treated as if continuous licensing had been maintained in New York and
33 such person shall not be rejected based solely on the fact that he or
34 she served in the military.

35 § 10. Subdivisions 3, 4, and 8 of section 1 of the military law, as
36 amended by section 112 of the laws of 1989, are amended to read as
37 follows:

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

40 4. The terms "military or naval" and "military (including air) or
41 naval" shall mean army or land, air or air force, space force or navy or
42 naval.

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

47 § 11. Paragraph a and subparagraph 2 of paragraph b of subdivision 1
48 of section 214 of the military law, paragraph a as added by chapter 853
49 of the laws of 1953 and subparagraph 2 of paragraph b as amended by
50 chapter 625 of the laws of 1965, are amended to read as follows:

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

55 (2) for ten consecutive years of such service immediately preceding
56 his retirement and transfer to the state retired list as provided in

1 this chapter, if he has had actual combat experience in time of war
2 while in the army, air force, space force, navy or marine corps of the
3 United States or if he has served on the active list of a force or forc-
4 es of the organized militia for at least ten years as an enlisted man
5 and at least thirty years as a commissioned officer, shall receive annu-
6 ally from the date of his retirement and transfer to the state retired
7 list as provided in this chapter and during the time he remains on the
8 state retired list seventy-five per centum of the highest annual rate of
9 compensation paid to him by the state for the performance of military or
10 naval duty.

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

14 3. "Veteran" shall mean a resident of this state who (a) has served in
15 the United States army, navy, marine corps, air force, space force or
16 coast guard or (b) has served on active duty or ordered to active duty
17 as defined in 10 USC 101 (d)(1) as a member of the national guard or
18 other reserve component of the armed forces of the United States or (c)
19 has served on active duty or ordered to active duty for the state, as a
20 member of the state organized militia as defined in subdivision nine of
21 section one of the military law, and has been released from such service
22 documented by an honorable or general discharge, or has a qualifying
23 condition, as defined in section three hundred fifty of the executive
24 law, and has received a discharge other than bad conduct or dishonorable
25 from such service, or is a discharged LGBT veteran, as defined in
26 section three hundred fifty of the executive law, and has received a
27 discharge other than bad conduct or dishonorable from such service.

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

30 17. Certificates as to service. A certificate signed by the commander,
31 total army personnel center as to persons in the army or in any branch
32 of the United States service while serving pursuant to law with the army
33 of the United States, signed by the commander, naval military personnel
34 as to persons in the United States service while serving pursuant to law
35 with the United States navy, and signed by the commandant, United States
36 marine corps, as to persons in the marine corps, or in any other branch
37 of the United States service while serving pursuant to law with the
38 marine corps, signed by the chief, air force military personnel center
39 as to persons in the United States service while serving pursuant to law
40 with the United States air force, space force personnel center as to
41 persons in the space force or in any other branch of the United States
42 service while serving pursuant to law with the space force of the United
43 States, or signed by an officer designated by any of them, respectively,
44 for the purpose, shall when produced be prima facie evidence as to any
45 of the following facts stated in such certificate: That a person named
46 has not been, or is, or has been in military service; the time when and
47 the place where such person entered military service, his residence at
48 that time, and the rank, branch, and unit of such service that he
49 entered, the dates within which he was in military service, the monthly
50 pay received by such person at the date of issuing the certificate, the
51 time when and the place where such person died in or was discharged from
52 such service. It is the duty of the foregoing officers to furnish such
53 certificate on application, and any such certificate when purporting to
54 be signed by any one of such officers, or by any person purporting upon
55 the face of the certificate to have been so authorized, shall be prima

1 facie evidence of its contents and of the authority of the signer to
2 issue the same.

3 § 14. Section 63 of the public officers law, as amended by chapter 606
4 of the laws of 2021, is amended to read as follows:

5 § 63. Leave of absence for veterans on Memorial day and Veterans' day.
6 It shall be the duty of the head of every public department and of every
7 court of the state of New York, of every superintendent or foreman on
8 the public works of said state, of the county officers of the several
9 counties of said state, of the town officers of the various towns in
10 this state, of the fire district officers of the various fire districts
11 in this state, and of the head of every department, bureau and office in
12 the government of the various cities and villages in this state, and the
13 officers of any public benefit corporation or any public authority of
14 this state, or of any public benefit corporation or public authority of
15 any county or subdivision of this state, to give leave of absence with
16 pay for twenty-four hours on the day prescribed by law as a public holi-
17 day for the observance of Memorial day and on the eleventh day of Novem-
18 ber, known as Veterans' day, to every person in the service of the
19 state, the county, the town, the fire district, the city or village, the
20 public benefit corporation or public authority of this state, or any
21 public benefit corporation or public authority of any county or subdivi-
22 sion of this state, as the case may be, (i) who served on active duty in
23 the armed forces of the United States during world war I or world war
24 II, or who was employed by the War Shipping Administration or Office of
25 Defense Transportation or their agents as a merchant seaman documented
26 by the United States Coast Guard or Department of Commerce, or as a
27 civil servant employed by the United States Army Transport Service
28 (later redesignated as the United States Army Transportation Corps,
29 Water Division) or the Naval Transportation Service; and who served
30 satisfactorily as a crew member during the period of armed conflict,
31 December seventh, nineteen hundred forty-one, to August fifteenth, nine-
32 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,
33 foreign, intercoastal, or coastwise service as such terms are defined
34 under federal law (46 USCA 10301 & 10501) and further to include "near
35 foreign" voyages between the United States and Canada, Mexico, or the
36 West Indies via ocean routes, or public vessels in oceangoing service or
37 foreign waters and who has received a Certificate of Release or
38 Discharge from Active Duty and a discharge certificate, or an Honorable
39 Service Certificate/Report of Casualty, from the Department of Defense,
40 or who served as a United States civilian employed by the American Field
41 Service and served overseas under United States Armies and United States
42 Army Groups in world war II during the period of armed conflict, Decem-
43 ber seventh, nineteen hundred forty-one through May eighth, nineteen
44 hundred forty-five, and who (a) was discharged or released therefrom
45 under honorable conditions, or (b) has a qualifying condition, as
46 defined in section three hundred fifty of the executive law, and has
47 received a discharge other than bad conduct or dishonorable from such
48 service, or (c) is a discharged LGBT veteran, as defined in section
49 three hundred fifty of the executive law, and has received a discharge
50 other than bad conduct or dishonorable from such service or who served
51 as a United States civilian Flight Crew and Aviation Ground Support
52 Employee of Pan American World Airways or one of its subsidiaries or its
53 affiliates and served overseas as a result of Pan American's contract
54 with Air Transport Command or Naval Air Transport Service during the
55 period of armed conflict, December fourteenth, nineteen hundred forty-
56 one through August fourteenth, nineteen hundred forty-five, and who (d)

1 was discharged or released therefrom under honorable conditions, or (e)
2 has a qualifying condition, as defined in section three hundred fifty of
3 the executive law, and has received a discharge other than bad conduct
4 or dishonorable from such service, or (f) is a discharged LGBT veteran,
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 during the period of the Korean conflict at any time between
8 the dates of June twenty-seventh, nineteen hundred fifty and January
9 thirty-first, nineteen hundred fifty-five, or during the period of the
10 Vietnam conflict from the [~~twenty-eighth day of February, nineteen~~
11 ~~hundred sixty-one~~] first day of November, nineteen hundred fifty-five to
12 the seventh day of May, nineteen hundred seventy-five, or (ii) who
13 served on active duty in the armed forces of the United States and who
14 was a recipient of the armed forces expeditionary medal, navy expedi-
15 tionary medal or marine corps expeditionary medal for participation in
16 operations in Lebanon from June first, nineteen hundred eighty-three to
17 December first, nineteen hundred eighty-seven, in Grenada from October
18 twenty-third, nineteen hundred eighty-three to November twenty-first,
19 nineteen hundred eighty-three, or in Panama from December twentieth,
20 nineteen hundred eighty-nine to January thirty-first, nineteen hundred
21 ninety, or (iii) who served in the armed forces of a foreign country
22 allied with the United States during world war I or world war II, or
23 during the period of the Korean conflict at any time between June twen-
24 ty-seventh, nineteen hundred fifty and January thirty-first, nineteen
25 hundred fifty-five, or during the period of the Vietnam conflict from
26 the first day of November, nineteen hundred fifty-five to the seventh
27 day of May, nineteen hundred seventy-five, or during the period of the
28 Persian Gulf conflict from the second day of August, nineteen hundred
29 ninety to the end of such conflict, or who served on active duty in the
30 army or navy or marine corps or air force or space force or coast guard
31 of the United States, and who (a) was honorably discharged or separated
32 from such service under honorable conditions, or (b) has a qualifying
33 condition, as defined in section three hundred fifty of the executive
34 law, and has received a discharge other than bad conduct or dishonorable
35 from such service, or (c) is a discharged LGBT veteran, as defined in
36 section three hundred fifty of the executive law, and has received a
37 discharge other than bad conduct or dishonorable from such service
38 except where such action would endanger the public safety or the safety
39 or health of persons cared for by the state, in which event such persons
40 shall be entitled to leave of absence with pay on another day in lieu
41 thereof. All such persons who are compensated on a per diem, hourly,
42 semi-monthly or monthly basis, with or without maintenance, shall also
43 be entitled to leave of absence with pay under the provisions of this
44 section and no deduction in vacation allowance or budgetary allowable
45 number of working days shall be made in lieu thereof. A refusal to give
46 such leave of absence to one entitled thereto shall be neglect of duty.

47 § 15. Section 63 of the public officers law, as amended by section 80
48 of part PP of chapter 56 of the laws of 2022, is amended to read as
49 follows:

50 § 63. Leave of absence for veterans on Memorial day and Veterans' day.
51 It shall be the duty of the head of every public department and of every
52 court of the state of New York, of every superintendent or foreman on
53 the public works of said state, of the county officers of the several
54 counties of said state, of the town officers of the various towns in
55 this state, of the fire district officers of the various fire districts
56 in this state, and of the head of every department, bureau and office in

1 the government of the various cities and villages in this state, and the
2 officers of any public benefit corporation or any public authority of
3 this state, or of any public benefit corporation or public authority of
4 any county or subdivision of this state, to give leave of absence with
5 pay for twenty-four hours on the day prescribed by law as a public holi-
6 day for the observance of Memorial day and on the eleventh day of Novem-
7 ber, known as Veterans' day, to every person in the service of the
8 state, the county, the town, the fire district, the city or village, the
9 public benefit corporation or public authority of this state, or any
10 public benefit corporation or public authority of any county or subdivi-
11 sion of this state, as the case may be, (i) who served on active duty in
12 the armed forces of the United States during world war I or world war
13 II, or who was employed by the War Shipping Administration or Office of
14 Defense Transportation or their agents as a merchant seaman documented
15 by the United States Coast Guard or Department of Commerce, or as a
16 civil servant employed by the United States Army Transport Service
17 (later redesignated as the United States Army Transportation Corps,
18 Water Division) or the Naval Transportation Service; and who served
19 satisfactorily as a crew member during the period of armed conflict,
20 December seventh, nineteen hundred forty-one, to August fifteenth, nine-
21 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,
22 foreign, intercoastal, or coastwise service as such terms are defined
23 under federal law (46 USCA 10301 & 10501) and further to include "near
24 foreign" voyages between the United States and Canada, Mexico, or the
25 West Indies via ocean routes, or public vessels in oceangoing service or
26 foreign waters and who has received a Certificate of Release or
27 Discharge from Active Duty and a discharge certificate, or an Honorable
28 Service Certificate/Report of Casualty, from the Department of Defense,
29 or who served as a United States civilian employed by the American Field
30 Service and served overseas under United States Armies and United States
31 Army Groups in world war II during the period of armed conflict, Decem-
32 ber seventh, nineteen hundred forty-one through May eighth, nineteen
33 hundred forty-five, and who (a) was discharged or released therefrom
34 under honorable conditions, or (b) has a qualifying condition, as
35 defined in section one of the veterans' services law, and has received a
36 discharge other than bad conduct or dishonorable from such service, or
37 (c) is a discharged LGBT veteran, as defined in section one of the
38 veterans' services law, and has received a discharge other than bad
39 conduct or dishonorable from such service or who served as a United
40 States civilian Flight Crew and Aviation Ground Support Employee of Pan
41 American World Airways or one of its subsidiaries or its affiliates and
42 served overseas as a result of Pan American's contract with Air Trans-
43 port Command or Naval Air Transport Service during the period of armed
44 conflict, December fourteenth, nineteen hundred forty-one through August
45 fourteenth, nineteen hundred forty-five, and who (d) was discharged or
46 released therefrom under honorable conditions, or (e) has a qualifying
47 condition, as defined in section one of the veterans' services law, and
48 has received a discharge other than bad conduct or dishonorable from
49 such service, or (f) is a discharged LGBT veteran, as defined in section
50 one of the veterans' services law, and has received a discharge other
51 than bad conduct or dishonorable from such service or during the period
52 of the Korean conflict at any time between the dates of June twenty-sev-
53 enth, nineteen hundred fifty and January thirty-first, nineteen hundred
54 fifty-five, or during the period of the Vietnam conflict from the first
55 day of November, nineteen hundred fifty-five to the seventh day of May,
56 nineteen hundred seventy-five, or (ii) who served on active duty in the

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

35 § 16. Subdivision 6 of section 210 of the economic development law, as
36 amended by chapter 490 of the laws of 2019, is amended to read as
37 follows:

38 6. "Veteran" shall mean a person who served in the United States army,
39 navy, air force, space force, marines, coast guard, and/or reserves
40 thereof, and/or in the army national guard, air national guard, New York
41 guard and/or New York naval militia and who (a) has received an honor-
42 able or general discharge from such service, or (b) has a qualifying
43 condition, as defined in section three hundred fifty of the executive
44 law, and has received a discharge other than bad conduct or dishonorable
45 from such service, or (c) is a discharged LGBT veteran, as defined in
46 section three hundred fifty of the executive law, and has received a
47 discharge other than bad conduct or dishonorable from such service.

48 § 17. Subdivision 6 of section 210 of the economic development law,
49 as amended by section 33 of part PP of chapter 56 of the laws of 2022,
50 is amended to read as follows:

51 6. "Veteran" shall mean a person who served in the United States army,
52 navy, air force, space force, marines, coast guard, and/or reserves
53 thereof, and/or in the army national guard, air national guard, New York
54 guard and/or New York naval militia and who (a) has received an honor-
55 able or general discharge from such service, or (b) has a qualifying
56 condition, as defined in section one of the veterans' services law, and

1 has received a discharge other than bad conduct or dishonorable from
2 such service, or (c) is a discharged LGBT veteran, as defined in section
3 one of the veterans' services law, and has received a discharge other
4 than bad conduct or dishonorable from such service.

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

8 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
9 sion, the state civil service department, subject to the approval of the
10 director of the budget, a municipal commission, subject to the approval
11 of the governing board or body of the city or county, as the case may
12 be, or a regional commission or personnel officer, pursuant to govern-
13 mental agreement, may elect to waive application fees, or to abolish
14 fees for specific classes of positions or types of examinations or
15 candidates, or to establish a uniform schedule of reasonable fees
16 different from those prescribed in paragraph (a) of this subdivision,
17 specifying in such schedule the classes of positions or types of exam-
18 inations or candidates to which such fees shall apply; provided, howev-
19 er, that fees shall be waived for candidates who certify to the state
20 civil service department, a municipal commission or a regional commis-
21 sion that they are unemployed and primarily responsible for the support
22 of a household, or are receiving public assistance. Provided further,
23 the state civil service department shall waive the state application fee
24 for examinations for original appointment for all veterans. Notwith-
25 standing any other provision of law, for purposes of this section, the
26 term "veteran" shall mean a person who has served in the armed forces of
27 the United States or the reserves thereof, or in the army national
28 guard, air national guard, New York guard, or the New York naval mili-
29 tia, and who (1) has been honorably discharged or released from such
30 service under honorable conditions, or (2) has a qualifying condition,
31 as defined in section three hundred fifty of the executive law, and has
32 received a discharge other than bad conduct or dishonorable from such
33 service, or (3) is a discharged LGBT veteran, as defined in section
34 three hundred fifty of the executive law, and has received a discharge
35 other than bad conduct or dishonorable from such service. The term
36 "armed forces" shall mean the army, navy, air force, space force, marine
37 corps, and coast guard.

38 § 19. Paragraph (b) of subdivision 5 of section 50 of the civil
39 service law, as amended by section 35 of part PP of chapter 56 of the
40 laws of 2022, is amended to read as follows:

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

1 for examinations for original appointment for all veterans. Notwith-
2 standing any other provision of law, for purposes of this section, the
3 term "veteran" shall mean a person who has served in the armed forces of
4 the United States or the reserves thereof, or in the army national
5 guard, air national guard, New York guard, or the New York naval mili-
6 tia, and who (1) has been honorably discharged or released from such
7 service under honorable conditions, or (2) has a qualifying condition,
8 as defined in section one of the veterans' services law, and has
9 received a discharge other than bad conduct or dishonorable from such
10 service, or (3) is a discharged LGBT veteran, as defined in section one
11 of the veterans' services law, and has received a discharge other than
12 bad conduct or dishonorable from such service. The term "armed forces"
13 shall mean the army, navy, air force, space force, marine corps, and
14 coast guard.

15 § 20. Paragraph (e) of subdivision 1 of section 458-a of the real
16 property tax law, as amended by chapter 490 of the laws of 2019, is
17 amended to read as follows:

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

1 iaries or its affiliates and served overseas as a result of Pan Ameri-
2 can's contract with Air Transport Command or Naval Air Transport Service
3 during the period of armed conflict, December fourteenth, nineteen
4 hundred forty-one through August fourteenth, nineteen hundred forty-
5 five, and who (1) was discharged or released therefrom under honorable
6 conditions, or (2) has a qualifying condition, as defined in section
7 three hundred fifty of the executive law, and has received a discharge
8 other than bad conduct or dishonorable from such service, or (3) is a
9 discharged LGBT veteran, as defined in section three hundred fifty of
10 the executive law, and has received a discharge other than bad conduct
11 or dishonorable from such service, or (v) notwithstanding any other
12 provision of law to the contrary, who are members of the reserve compo-
13 nents of the armed forces of the United States who (1) received an
14 honorable discharge or release therefrom under honorable conditions, or
15 (2) 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, or (3) is a discharged LGBT
18 veteran, as defined in section three hundred fifty of the executive law,
19 and has received a discharge other than bad conduct or dishonorable from
20 such service, but are still members of the reserve components of the
21 armed forces of the United States provided that such members meet all
22 other qualifications under the provisions of this section.

23 § 21. Paragraph (e) of subdivision 1 of section 458-a of the real
24 property tax law, as amended by section 83 of part PP of chapter 56 of
25 the laws of 2022, is amended to read as follows:

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

1 released therefrom under honorable conditions, or (2) has a qualifying
2 condition, as defined in section one of the veterans' services law, and
3 has received a discharge other than bad conduct or dishonorable from
4 such service, or (3) is a discharged LGBT veteran, as defined in section
5 one of the veterans' services law, and has received a discharge other
6 than bad conduct or dishonorable from such service, (iv) who served as a
7 United States civilian Flight Crew and Aviation Ground Support Employee
8 of Pan American World Airways or one of its subsidiaries or its affil-
9 iates and served overseas as a result of Pan American's contract with
10 Air Transport Command or Naval Air Transport Service during the period
11 of armed conflict, December fourteenth, nineteen hundred forty-one
12 through August fourteenth, nineteen hundred forty-five, and who (1) was
13 discharged or released therefrom under honorable conditions, or (2) has
14 a qualifying condition, as defined in section one of the veterans'
15 services law, and has received a discharge other than bad conduct or
16 dishonorable from such service, or (3) is a discharged LGBT veteran, as
17 defined in section one of the veterans' services law, and has received a
18 discharge other than bad conduct or dishonorable from such service, or
19 (v) notwithstanding any other provision of law to the contrary, who are
20 members of the reserve components of the armed forces of the United
21 States who (1) received an honorable discharge or release therefrom
22 under honorable conditions, or (2) has a qualifying condition, as
23 defined in section one of the veterans' services law, and has received a
24 discharge other than bad conduct or dishonorable from such service, or
25 (3) is a discharged LGBT veteran, as defined in section one of the
26 veterans' services law, and has received a discharge other than bad
27 conduct or dishonorable from such service, but are still members of the
28 reserve components of the armed forces of the United States provided
29 that such members meet all other qualifications under the provisions of
30 this section.

31 § 22. This act shall take effect immediately, provided, however, that
32 the amendments made to subdivisions 5 and 7 of section 369-h of the
33 executive law made by section six of this act shall not affect the
34 repeal of such section and shall be deemed repealed therewith; provided
35 further, that the amendments to articles 17, 17-A, and 17-B of the exec-
36 utive law made by sections three, five, and seven of this act shall not
37 affect the repeal of such articles and shall be deemed repealed there-
38 with; and provided further, that sections two, four, fifteen, seventeen,
39 nineteen and twenty-one of this act shall take effect on the same date
40 and in the same manner as part PP of chapter 56 of the laws of 2022,
41 takes effect.