

1 S 369-M. ELIGIBILITY OF DISCHARGED LGBT VETERANS FOR STATE BENEFITS.
2 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO VETERAN SHALL BE
3 DENIED ELIGIBILITY FOR ANY PROGRAM, SERVICE, BENEFIT, OR ACTIVITY OF
4 DEPARTMENTS, DIVISIONS, BOARDS, BUREAUS, COMMISSIONS OR AGENCIES OF THE
5 STATE OR OF ANY POLITICAL SUBDIVISION OF THE STATE THAT PROVIDES
6 SERVICES OR FACILITIES TO VETERANS FOR WHICH THEY WOULD OTHERWISE BE
7 ELIGIBLE, SOLELY ON THE BASIS OF THE VETERAN'S STATUS AS A DISCHARGED
8 LGBT VETERAN.

9 2. A CERTIFICATE OF ELIGIBILITY ISSUED BY THE DIVISION TO A DISCHARGED
10 LGBT VETERAN PURSUANT TO SECTION THREE HUNDRED SIXTY-NINE-N OF THIS
11 ARTICLE SHALL BE SUFFICIENT PROOF OF ELIGIBILITY FOR ANY SUCH PROGRAM,
12 SERVICE, BENEFIT, OR ACTIVITY.

13 S 369-N. ELIGIBILITY CERTIFICATION FOR DISCHARGED LGBT VETERANS. 1.
14 TO EFFECTUATE THE PURPOSES OF SECTION THREE HUNDRED SIXTY-NINE-M OF THIS
15 ARTICLE, THE DIVISION SHALL ESTABLISH A CONSISTENT AND UNIFORM PROCESS
16 FOR THE ISSUANCE OF CERTIFICATES OF ELIGIBILITY FOR DISCHARGED LGBT
17 VETERANS TO ACT AS PROOF OF ELIGIBILITY FOR ANY PROGRAM, SERVICE, BENE-
18 FIT, OR ACTIVITY OF THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE.

19 2. A DISCHARGED LGBT VETERAN SEEKING SUCH A CERTIFICATE OF ELIGIBILITY
20 SHALL BE REQUIRED TO PROVIDE EITHER:

21 (A) DOCUMENTS CONSISTING OF: (I) A COPY OF THE VETERAN'S DISCHARGE
22 PAPERS; (II) A PERSONAL AFFIDAVIT OF THE CIRCUMSTANCES SURROUNDING THE
23 DISCHARGE; AND (III) ANY RELEVANT RECORDS PERTAINING TO THE DISCHARGE;
24 OR

25 (B) A PERSONAL AFFIDAVIT: (I) OF THE CIRCUMSTANCES SURROUNDING THE
26 DISCHARGE; AND (II) CERTIFYING THAT THE VETERAN DOES NOT HAVE THE DOCU-
27 MENTS SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION.

28 3. IF A DISCHARGED LGBT VETERAN PROVIDES THE DIVISION WITH AN AFFIDA-
29 VIT DESCRIBED IN PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION, THE
30 DIVISION MAY ATTEMPT TO RETRIEVE THE DOCUMENTS SPECIFIED IN PARAGRAPH
31 (A) OF SUBDIVISION TWO OF THIS SECTION FROM THE UNITED STATES DEPARTMENT
32 OF DEFENSE. IN NO CASE, HOWEVER, SHALL THE ABSENCE OF SUCH DOCUMENTS BE
33 CONSIDERED A REASON TO DENY A VETERAN A CERTIFICATE PURSUANT TO SUBDIVI-
34 SION ONE OF THIS SECTION.

35 4. A DISCHARGED LGBT VETERAN SHALL ONLY RECEIVE SUCH CERTIFICATION
36 FROM THE DIVISION IF, WITH RESPECT TO THEIR ORIGINAL DISCHARGE, THERE
37 WERE NO AGGRAVATING CIRCUMSTANCES THAT WOULD HAVE INDEPENDENTLY LED TO A
38 DISCHARGE CHARACTERIZATION THAT WAS LESS THAN HONORABLE.

39 5. THE DIVISION SHALL MAKE AVAILABLE INFORMATION ABOUT THE PROCESS FOR
40 OBTAINING CERTIFICATES OF ELIGIBILITY FOR DISCHARGED LGBT VETERANS ON
41 THE DIVISION'S WEBSITE.

42 6. THE STATE DIRECTOR SHALL PROMULGATE AND ADOPT SUITABLE RULES AND
43 REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

44 S 369-O. COOPERATION AND FACILITIES OF OTHER DEPARTMENTS. TO EFFECTU-
45 ATE THE PURPOSES OF THIS ARTICLE, THE GOVERNOR MAY DIRECT ANY RELEVANT
46 DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION OR AGENCY OF THE STATE,
47 OR OF ANY POLITICAL SUBDIVISION THEREOF, TO COOPERATE WITH AND ASSIST
48 AND ADVISE THE DIVISION IN THE PERFORMANCE OF ITS DUTIES AND FUNCTIONS,
49 AND TO PROVIDE SUCH FACILITIES, INCLUDING PERSONNEL, MATERIALS AND OTHER
50 ASSISTANCE AND DATA AS WILL ENABLE THE DIVISION OR ANY OF ITS AGENCIES
51 TO PROPERLY CARRY OUT ITS ACTIVITIES AND EFFECTUATE ITS PURPOSES UNDER
52 THIS ARTICLE.

53 S 3. Subdivision 14 of section 353 of the executive law, as added by
54 chapter 444 of the laws of 1988 and as renumbered by chapter 652 of the
55 laws of 2007, is amended to read as follows:

1 14. To establish, operate and maintain a toll-free telephone number,
2 under the supervision of the state director, for the purpose of provid-
3 ing callers thereof with information relating to services provided by
4 the division as well as services and programs provided to veterans by
5 other agencies, bureaus and organizations AND BY OBTAINING CERTIFICATES
6 OF ELIGIBILITY FOR DISCHARGED LGBT VETERANS PURSUANT TO SECTION THREE
7 HUNDRED SIXTY-NINE-N OF THIS CHAPTER. Such services and programs shall
8 include, but not be limited to, educational and job benefits, tuition
9 assistance programs, survivor benefits, health and mental health refer-
10 rals and real property tax exemptions.

11 S 4. This act shall take effect on the ninetieth day after it shall
12 have become a law; provided that effective immediately, the division of
13 veterans' affairs is authorized to implement rules and regulations for
14 the timely implementation of this act on its effective date.