STATE OF NEW YORK

8097

2019-2020 Regular Sessions

IN ASSEMBLY

May 31, 2019

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the executive law, the civil service law, the county law, the economic development law, the education law, the election law, the general construction law, the general municipal law, the military law, the correction law, the environmental conservation law, the general business law, the highway law, the insurance law, the judiciary law, the private housing finance law, the public health law, the public housing law, the public officers law, the real property tax law, the social services law, the tax law, the town law, the vehicle and traffic law, and the workers' compensation law, in relation to veterans with qualifying conditions and discharged LGBT veterans

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

Section 1. Section 350 of the executive law is amended by adding two new subdivisions 8 and 9 to read as follows:

8. The term "qualifying condition" means a diagnosis of post-traumatic stress disorder or traumatic brain injury made by, or an experience of military sexual trauma, as described in 38 USC 1720D, as amended from time to time, disclosed to, an individual licensed to provide health care services at a United States Department of Veterans Affairs facility. The division shall develop a standardized form used to confirm that the veteran has a qualifying condition under this subdivision.

9. The term "discharged LGBT veteran" means a veteran who was discharged less than honorably from military or naval service due to their sexual orientation or gender identity or expression, as those terms are defined in section two hundred ninety-two of this chapter, or statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity or expression, or the disclosure of such statements, conduct, or acts, that were prohibited by the military or naval service at the time of discharge. The division shall establish

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

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a consistent and uniform process to determine whether a veteran qualifies as a discharged LGBT veteran under this subdivision, including, at a minimum, standards for verifying a veteran's status as a discharged LGBT veteran, and a method of demonstrating eligibility as a discharged LGBT veteran.

§ 2. Paragraph (b) of subdivision 5 of section 50 of the civil service law, as amended by chapter 35 of the laws of 2018, is amended to read as follows:

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the state civil service department, subject to the approval of the director of the budget, a municipal commission, subject to the approval of the governing board or body of the city or county, as the case may be, or a regional commission or personnel officer, pursuant to governmental agreement, may elect to waive application fees, or to abolish fees for specific classes of positions or types of examinations or candidates, or to establish a uniform schedule of reasonable fees different from those prescribed in paragraph (a) of this subdivision, specifying in such schedule the classes of positions or types of examinations or candidates to which such fees shall apply; provided, however, that fees shall be waived for candidates who certify to the state civil service department, a municipal commission or a regional commission that they are unemployed and primarily responsible for the support of a household, or are receiving public assistance. Provided further, the state civil service department shall waive the state application fee for examinations for original appointment for all veterans. Notwithstanding any other provision of law, for purposes of this section, the term "veteran" shall mean a person who has served in the armed forces of the United States or the reserves thereof, or in the army national guard, air national guard, New York guard, or the New York naval militia, and who **(1)** has been honorably discharged or released from such service under honorable conditions**, or (2) 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 (3) 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**. The term "armed forces" shall mean the army, navy, air force, marine corps, and coast guard.

§ 3. Paragraph (b) of subdivision 1 of section 75 of the civil service law, as amended by chapter 350 of the laws of 1989, is amended to read as follows:

(b) a person holding a position by permanent appointment or employment in the classified service of the state or in the several cities, counties, towns, or villages thereof, or in any other political or civil division of the state or of a municipality, or in the public school service, or in any public or special district, or in the service of any authority, commission or board, or in any other branch of public service, who was honorably discharged or released under honorable circumstances from the armed forces of the United States **including (i) having a qualifying condition as defined in section three hundred fifty of the executive law, and receiving a discharge other than bad conduct or dishonorable from such service, or (ii) being a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and receiving a discharge other than bad conduct or dishonorable from such service,** having served therein as such member in time of war as defined in section eighty-five of this chapter, or who is an exempt

volunteer firefighter as defined in the general municipal law, except when a person described in this paragraph holds the position of private secretary, cashier or deputy of any official or department, or

§ 4. Paragraph (a) of subdivision 1 of section 85 of the civil service law, as amended by chapter 333 of the laws of 1993, is amended to read as follows:

(a) The terms "veteran" and "non-disabled veteran" mean a member of the armed forces of the United States who served therein in time of war, who was honorably discharged or released under honorable circumstances from such service **including (i) having a qualifying condition as defined in section three hundred fifty of the executive law, and receiving a discharge other than bad conduct or dishonorable from such service, or (ii) being a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and receiving a discharge other than bad conduct or dishonorable from such service**, who is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States and who is a resident of the state of New York at the time of application for appointment or promotion or at the time of retention, as the case may be.

§ 5. Subparagraph 2 of paragraph (b) of subdivision 1 of section 85 of the civil service law, as amended by chapter 616 of the laws of 1995, is amended to read as follows:

(2) A veteran who served in world war II, who continued to serve in the armed forces of the United States after the second day of September, nineteen hundred forty-five, 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 **(i)** was discharged or released therefrom under honorable [~~**conditions,**~~] **circumstances 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 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 **(iv)** was discharged or released therefrom under honorable [~~conditions,~~] **circumstances 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,** and who is certified, as hereinbefore provided, by the United States veterans' administration as receiving disability payments upon the certification of such veterans' administration for a disability incurred by him in such service on or before the date that world war II is declared terminated.

§ 6. Section 86 of the civil service law, as amended by chapter 476 of the laws of 2018, is amended to read as follows:

§ 86. Transfer of veterans or exempt volunteer firefighters upon abolition of positions. If the position in the non-competitive or in the labor class held by any honorably discharged veteran of the armed forces of the United States **or by any veteran of the armed forces of the United States released under honorable circumstances from such service including (i) having a qualifying condition as defined in section three hundred fifty of the executive law, and receiving a discharge other than bad conduct or dishonorable from such service, or (ii) being a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and receiving a discharge other than bad conduct or dishonorable from such service,** who served therein in time of war as defined in section eighty-five of this chapter, or by an exempt volunteer firefighter as defined in the general municipal law, shall become unnecessary or be abolished for reasons of economy or otherwise, the honorably discharged veteran or exempt volunteer firefighter holding such position shall not be discharged from the public service but shall be transferred to a similar position wherein a vacancy exists, and shall receive the same compensation therein. It is hereby made the duty of all persons clothed with the power of appointment to make such transfer effective. The right to transfer herein conferred shall continue for a period of one year following the date of abolition of the position, and may be exercised only where a vacancy exists in an appropriate position to which transfer may be made at the time of demand for transfer. Where the positions of more than one such veteran or exempt volunteer firefighter are abolished and a lesser number of vacancies in similar positions exist to which transfer may be made, the veterans or exempt volunteer firefighters whose positions are abolished shall be entitled to transfer to such vacancies in the order of their original appointment in the service. Nothing in this section shall be construed to apply to the position of private secretary, cashier or deputy of any official or department. This section shall have no application to persons encompassed by section eighty-a of this chapter.

§ 7. Section 831 of the county law, as added by chapter 653 of the laws of 1986, is amended to read as follows:

§ 831. Soldier burial plots in Dutchess county. The legislature of the county of Dutchess may authorize the purchase of burial plots and provide for marker settings and perpetual care and maintenance of such plots in one or more of the cemeteries of the county of Dutchess for deceased veterans, who, at the time of death, were residents of the county of Dutchess and who **(i)** were discharged from the armed forces of the United States either honorably or under honorable circumstances**, or**

(ii) had a qualifying condition, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable, or (iii) were a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable. The expense thereof shall be a county charge.

§ 8. Subdivision 6 of section 210 of the economic development law, as added by chapter 398 of the laws of 2018, is amended to read as follows:

6. "Veteran" shall mean a person who served in [~~and who has received an honorable or general discharge from,~~] the United States army, navy, air force, marines, coast guard, and/or reserves thereof, and/or in the army national guard, air national guard, New York guard and/or New York naval militia and who (a) has received an honorable or general discharge from such service, 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.

§ 9. Paragraph c of subdivision 1 of section 360 of the education law, as amended by chapter 699 of the laws of 2005, is amended to read as follows:

c. Adopt and enforce campus rules and regulations not inconsistent with the vehicle and traffic law relating to parking, vehicular and pedestrian traffic, and safety. Such rules and regulations may include provisions for the disposition of abandoned vehicles, removal by towing or otherwise of vehicles parked in violation of such rules at the expense of the owner, the payment of fees for the registration or parking of such vehicles, provided that such campus rules and regulations may provide that any veteran attending the state university as a student shall be exempt from any fees for parking or registering a motor vehicle, and the assessment of administrative fines upon the owner or operator of such vehicles for each violation of the regulations. However, no such fine may be imposed without a hearing or an opportunity to be heard conducted by an officer or board designated by the board of trustees. Such fines, in the case of an officer or employee of state university, may be deducted from the salary or wages of such officer or employee found in violation of such regulations, or in the case of a student of state university found in violation of such regulations, the university may withhold his grades and transcripts until such time as any fine is paid. For purposes of this subdivision, the term "veteran" shall mean a member of the armed forces of the United States who served in such armed forces in time of war and who (i) was honorably discharged or released under honorable circumstances from such service, 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.

§ 10. The opening paragraph of subdivision 6 of section 503 of the education law, as amended by chapter 616 of the laws of 1995, is amended to read as follows:

Credit for service in war after world war I, which shall mean military service during the period commencing the first day of July, nineteen hundred forty, and terminating the thirtieth day of June, nineteen

hundred forty-seven, or during the period commencing the twenty-seventh day of June, nineteen hundred fifty, and terminating the thirty-first day of January, nineteen hundred fifty-five, or during both such periods, as a member of the armed forces of the United States, of any person who **(i)** has been honorably discharged or released under honorable circumstances from such service**, 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 service by one 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 **(iv)** who 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,** 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 **(vii)** was discharged or released therefrom under honorable conditions, **or (viii) 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 (ix) 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,** and who was a teacher in the public schools of this state at the time of his entrance into the armed forces of the United States, provided no compensation was received under the provisions of section two hundred forty-two of the military law, and who returned to public school teaching following discharge or completion of advanced education provided under servicemen's readjustment act of nine-

teen hundred forty-four, or who following such discharge or release entered into a service which would qualify him pursuant to section forty-three of the retirement and social security law to transfer his membership in the New York state teachers' retirement system, shall be provided as follows, any provisions of section two hundred forty-three of the military law to the contrary notwithstanding.

§ 11. Subdivision 7 of section 503 of the education law, as amended by chapter 40 of the laws of 1967, is amended to read as follows:

7. A teacher, who was a member of the New York state teachers retirement system but who withdrew his accumulated contributions immediately prior to his entry into, or during his service in the armed forces of the United States in war after World War I, who **(i)** has been honorably discharged or released from service, **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,** provided no compensation was received under the provisions of section two hundred forty-two of the military law, and who returned to public school teaching in the state of New York following such discharge or release, or following completion of advanced education provided under servicemen's readjustment act of nineteen hundred forty-four, any provisions of section two hundred forty-three of the military law to the contrary notwithstanding, will be entitled to credit for service in war after World War I, cost free, provided, however, that such credit will not be allowed until he claims and pays for all prior teaching service credited to him at the time of his termination of membership in the New York state teachers retirement system, and provided further that claim for such service in war after World War I shall be filed by the member with the retirement board before the first day of July, nineteen hundred sixty-eight.

§ 12. Paragraph c of subdivision 9 of section 503 of the education law, as added by chapter 801 of the laws of 1962 and as renumbered by chapter 41 of the laws of 1966, is amended to read as follows:

c. **(i)** has been honorably discharged or released under honorable circumstances from such service, **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,** and

§ 13. Paragraph a of subdivision 10 of section 503 of the education law, as amended by chapter 616 of the laws of 1995, is amended to read as follows:

a. In addition to credit for military service pursuant to section two hundred forty-three of the military law and subdivisions six through nine of this section, a member employed as a full-time teacher by an employer as defined in subdivision three of section five hundred one of [~~the education law~~] **this article** and who joined the retirement system prior to July first, nineteen hundred seventy-three, may obtain credit for military service not in excess of three years and not otherwise creditable under section two hundred forty-three of the military law and subdivisions six through nine of this section, rendered on active duty in the armed forces of the United States during the period commencing July first, nineteen hundred forty, and terminating December thirty-

first, nineteen hundred forty-six, or on service by one 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 on service by one 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 **(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 on service by one 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 **(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,** by a person who was a resident of New York state at the time of entry into such service and at the time of being discharged therefrom under honorable circumstances, and who makes the payments required in accordance with the provisions of this subdivision.

However, no military service shall be creditable under this subdivision in the case of a member who is receiving a military pension (other than for disability) for military service in the armed forces of the United States.

§ 14. Paragraph a of subdivision 10-a of section 503 of the education law, as amended by chapter 616 of the laws of 1995, is amended to read as follows:

a. In addition to credit for military service pursuant to section two hundred forty-three of the military law and subdivisions six through nine of this section, a member who joined the retirement system prior to July first, nineteen hundred seventy-three, and who was not eligible for credit for military service under subdivision ten of this section as a

result of being on a leave of absence without pay between July twentieth, nineteen hundred seventy-six and October fifteenth, nineteen hundred seventy-seven or on leave of absence with less than full pay between July twentieth, nineteen hundred seventy-six and October fifteenth, nineteen hundred seventy-seven, may obtain credit for military service not in excess of three years and not otherwise creditable under section two hundred forty-three of the military law and subdivisions six through nine of this section, rendered on active duty in the armed forces of the United States during the period commencing July first, nineteen hundred forty, and terminating December thirty-first, nineteen hundred forty-six, or on service by one 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 on service by one 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 **(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 on service by one 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 **(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,** by a person who was a resident of New York state at the time of entry into such service and at the time of being discharged therefrom under honorable circumstances, and who makes the payments required in accordance with the provisions of this subdivision.

However, no military service shall be creditable under this subdivision in the case of a member who is receiving a military pension (other

than for disability) for military service in the armed forces of the United States.

§ 15. Paragraph (b) of subdivision 1 of section 668 of the education law, as amended by chapter 616 of the laws of 1995, is amended to read as follows:

(b) December seven, nineteen hundred forty-one to December thirty-one, nineteen hundred forty-six, or have been 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 have 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 **(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 have 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 **(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**.

§ 16. Paragraph (b) of subdivision 2 of section 668 of the education law, as amended by chapter 390 of the laws of 1995, is amended to read as follows:

(b) **(i)** is an honorably discharged veteran of the United States or member of the armed forces of the United States, **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, who is a resident of the state of New York, and who has a current disability of forty percent or more as a result of an injury or illness which is incurred or was incurred during such military service; or

§ 17. Subdivision 1 of section 668-c of the education law, as added by chapter 474 of the laws of 2000, is amended to read as follows:

1. Eligible students. Awards shall be made to Vietnam veterans' resident children born with Spina Bifida enrolled in approved undergraduate or graduate programs at degree granting institutions. For the purpose of this section, "Vietnam veteran" shall mean a person who served in Indochina at any time from the twenty-second day of December, nineteen hundred sixty-one, to and including the seventh day of May, nineteen hundred seventy-five and (a) was honorably discharged from the armed forces of the United States, 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 the armed forces of the United States, 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 the armed forces of the United States; "born with Spina Bifida" shall mean a diagnosis at birth of such disease inclusive of all forms, manifestations, complications and associated medical conditions thereof, but shall not include Spina Bifida Occulta. Such diagnosis shall be in accordance with the provisions of the federal Spina Bifida program and shall be documented by the United States Administration of Veterans' Affairs.

§ 18. Subdivision 1 of section 669-a of the education law, as amended by section 2 of part N of chapter 57 of the laws of 2008, is amended to read as follows:

1. As used in this section, the following terms shall have the following meanings:

a. "Vietnam veteran" means (i) a person who is a resident of this state, (ii) who served in the armed forces of the United States in Indochina at any time from the twenty-eighth day of February, nineteen hundred sixty-one, to and including the seventh day of May, nineteen hundred seventy-five, and (iii) who was either discharged therefrom under honorable conditions, including but not limited to honorable discharge, discharge under honorable conditions, or general discharge, or 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 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.

b. "Persian Gulf veteran" means (i) a person who is a resident of this state, (ii) who served in the armed forces of the United States in the hostilities that occurred in the Persian Gulf from the second day of August, nineteen hundred ninety through the end of such hostilities, and (iii) who was either discharged therefrom under honorable conditions, including but not limited to honorable discharge, discharge under honorable conditions, or general discharge, or 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 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.

c. "Afghanistan veteran" means (i) a person who is a resident of this state, (ii) who served in the armed forces of the United States in the hostilities that occurred in Afghanistan from the eleventh day of September, two thousand one, to the end of such hostilities, and (iii) who was **either** discharged therefrom under honorable conditions, including but not limited to honorable discharge, discharge under honorable conditions, or general discharge**, or 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 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**.

d. "Other eligible combat veteran" means: an individual who (i) is a resident of this state, (ii) served in the armed forces of the United States in hostilities that occurred after February twenty-eighth, nineteen hundred sixty-one, as evidenced by their receipt of an Armed Forces Expeditionary Medal, Navy Expeditionary Medal, or Marine Corps Expeditionary Medal, and (iii) was **either** discharged under honorable conditions, including but not limited to honorable discharge, discharge under honorable conditions, or general discharge**, or 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 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**.

e. "Part time study" means enrollment for at least three but less than twelve semester hours per semester, or the equivalent, in an approved undergraduate or graduate program.

f. "Approved vocational training programs" means programs offered by agencies approved by the commissioner for funding pursuant to this section. The commissioner shall approve only such non-credit programs which are at least three hundred twenty clock hours in length, and which meet standards of instructional quality established in regulations by the commissioner. These standards shall include, but not be limited to, qualifications of administrative and instructional personnel, quality of facilities and equipment, recordkeeping, admission, grading, attendance, and record of placement of completers which meets standards of acceptability as established by the commissioner.

§ 19. Subdivision 15 of section 1-104 of the election law is amended to read as follows:

15. The term "veterans' hospital" means any sanitarium, hospital, soldiers' and sailors' home, United States Veterans' Administration Hospital, or other home or institution, which is used, operated and conducted exclusively for the care, maintenance and treatment of persons serving in [~~or honorably discharged from~~] the military or naval service or coast guard of the United States or the state of New York**, or persons who (a) were honorably discharged from such service, or (b) have a qualifying condition, as defined in section three hundred fifty of the executive law, and have received a discharge other than bad conduct or dishonorable from such service, or (c) are a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and have received a discharge other than bad conduct or dishonorable from such service**.

§ 20. Subdivision 4 of section 5-210 of the election law, as amended by chapter 179 of the laws of 2005, is amended to read as follows:

4. Any qualified person who has been honorably discharged from the military after the twenty-fifth day before a general election**, or who 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 the military after the twenty-fifth day before a general election, or who 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 the military after the twenty-fifth day before a general election,** or who has become a naturalized citizen after the twenty-fifth day before a general election may personally register at the board of elections in the county of his or her residence and vote in the general election held at least ten days after such registration.

§ 21. Subdivision 13 of section 353 of the executive law, as added by chapter 652 of the laws of 2007, is amended to read as follows:

13. To make application to the government of the United States or any political subdivision, agency or instrumentality thereof, for funds for the purpose of providing an optional fund for the burial of [~~honorably discharged~~] veterans **who (i) were honorably discharged or (ii) had a qualifying condition, as defined in section three hundred fifty of this article, and received a discharge other than bad conduct or dishonorable, or (iii) were a discharged LGBT veteran, as defined in section three hundred fifty of this article, and received a discharge other than bad conduct or dishonorable,** in any not-for-profit cemetery corporation in this state; provided, however, that all costs associated with the establishment of such optional fund shall be borne by the political subdivision, agency or instrumentality with which the division has contracted.

§ 22. The opening paragraph of subdivision 2 of section 354-c of the executive law, as added by chapter 652 of the laws of 2007, is amended to read as follows:

As provided in subdivision thirteen of section three hundred fifty-three of this article, there is hereby established within the division a New York state veterans burial fund for honorably discharged members of the armed forces of the United States who were residents of New York state at the time of his or her death **who (i) were honorably discharged from such service, or (ii) had a qualifying condition, as defined in section three hundred fifty of this article, and received a discharge other than bad conduct or dishonorable from such service, or (iii) were discharged LGBT veterans, as defined in section three hundred fifty of this article, and received a discharge other than bad conduct or dishonorable from such service**.

§ 23. Paragraph a of subdivision 1 of section 364 of the executive law, as amended by chapter 333 of the laws of 1993, subparagraph 5 as amended by chapter 616 of the laws of 1995, and subparagraph 7 as amended by chapter 179 of the laws of 2006, is amended to read as follows:

a. The word "veteran," as used in this article shall be taken to mean and include any person who is a resident of the state of New York, and who **(i)** has been or may be given an honorable, general or ordinary discharge or any other form of release from such service, except a dishonorable discharge, a bad conduct discharge, an undesirable discharge, a discharge without honor or a discharge for the good of the service, **or (ii) has a qualifying condition, as defined in section three hundred fifty of this article, 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 article, and has received a discharge other than bad conduct or dishonorable from such service, and who [~~(i)~~] **(iv)** was a recipient of the armed forces expeditionary medal, the navy expeditionary medal or the 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 twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, or [~~(ii)~~] **(v)** served on active duty for ninety days or more in the armed forces of the United States during any one of the following wars or hostilities:

(1) in the Spanish-American war from the twenty-first day of April, eighteen hundred ninety-eight to the eleventh day of April, eighteen hundred ninety-nine, inclusive;

(2) in the Philippine insurrection or the China relief expedition from the eleventh day of April, eighteen hundred ninety-nine to the fourth day of July, nineteen hundred two, inclusive;

(3) in the Mexican border campaign from the ninth day of May, nineteen hundred sixteen, to the fifth day of April, nineteen hundred seventeen, inclusive;

(4) in world war I from the sixth day of April, nineteen hundred seventeen to the eleventh day of November, nineteen hundred eighteen, inclusive;

(5) in world war II from the seventh day of December, nineteen hundred forty-one to the thirty-first day of December, nineteen hundred forty-six, inclusive, 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 **(i)** was discharged or released therefrom under honorable conditions, **or (ii) has a qualifying condition, as defined in section three hundred fifty of this article, 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 article, 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 Ameri-

can'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 **(iv)** was discharged or released therefrom under honorable conditions**, or (v) has a qualifying condition, as defined in section three hundred fifty of this article, 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 this article, and has received a discharge other than bad conduct or dishonorable from such service**;

(6) in the Korean hostilities from the twenty-seventh day of June, nineteen hundred fifty to the thirty-first day of January, nineteen hundred fifty-five, inclusive;

(7) in the Vietnam conflict from the twenty-eighth day of February, nineteen hundred sixty-one to the seventh day of May, nineteen hundred seventy-five;

(8) in the Persian Gulf conflict from the second day of August, nineteen hundred ninety to the end of such conflict.

§ 24. Section 369-a of the executive law, as added by chapter 557 of the laws of 2013, is amended to read as follows:

§ 369-a. Legislative findings. The legislature hereby finds that it is estimated that over the next five years, forty-four thousand veterans are expected to return to this state from their military posts, making the Empire State home to one of the largest veteran populations in the country. Shockingly, the unemployment rate for Post-9/11 veterans in New York was 10.7% in two thousand twelve, which is nearly one percent higher than the national average and higher than the state's overall 8.2% unemployment rate. The legislature has found previously that it is in the interest of the state to ensure that returning veterans have employment opportunities available upon their separation from military service.

The state already encourages private businesses to hire military veterans through tax credits and other economic incentives. In addition, the legislature has previously found that state agencies spend millions of dollars annually on temporary staff hired from temporary employment service companies to cover temporary staffing needs. These temporary state jobs could serve as a bridge for recently discharged military veterans who have yet to find full-time permanent work. In addition, these temporary assignments could serve to develop the next generation of the state workforce and help with succession planning for the current workforce.

The legislature declares it to be the policy of this state to use [~~**honorably discharged**~~] veterans for temporary appointments in state agencies rather than utilizing temporary employment service companies in order to provide employment opportunities for returning military veterans.

§ 25. Subdivision 7 of section 369-h of the executive law, as added by chapter 22 of the laws of 2014, is amended to read as follows:

7. "Veteran" shall mean a person who served in [~~**and who has received an honorable or general discharge from,**~~] the United States army, navy, air 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.

§ 26. Section 13-a of the general construction law, as amended by chapter 616 of the laws of 1995, 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 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 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 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**.

§ 27. Paragraph (a) of subdivision 1 of section 148 of the general municipal law, as amended by chapter 613 of the laws of 1986, is amended to read as follows:

(a) The board of supervisors in each of the counties, or the board of estimate in the city of New York, shall designate some proper person, association or commission, other than that designated for the care of burial of public charges or criminals, who shall cause to be interred the body of any [~~honorably discharged~~] member of the armed forces of the United States **who (i) was honorably discharged from such service or (ii) had a qualifying condition, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service, or (iii) was a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service**, or the body of any minor child or either parent, or the spouse or unremarried surviving spouse of any such member of the armed forces of the United States, if such person shall hereafter die in a county or in the city of New York without leaving sufficient means to defray his or her funeral expenses.

§ 28. Paragraph (b) of subdivision 2 of section 148 of the general municipal law, as amended by chapter 63 of the laws of 1976, is amended to read as follows:

(b) The headstone at the grave of the spouse or surviving spouse of such [~~honorably discharged~~] member of the armed forces of the United States shall contain the name of the deceased, the war in which his or her spouse served and, if possible, the organization to which he or she belonged or in which he or she served.

§ 29. Subdivision 1-b of section 247 of the military law, as amended by section 26 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1-b. The adjutant general is hereby authorized to present in the name of the legislature of the state of New York, a certificate, to be known as the "Cold War Certificate", bearing a suitable inscription, to any person: (i) who is a citizen of the state of New York or (ii) who was a citizen of the state of New York while serving in the armed forces of the United States; (iii) who served in the United States Armed Forces during the period of time from September second, nineteen hundred forty-five through December twenty-sixth, nineteen hundred ninety-one, commonly known as the Cold War Era; and (iv) who was honorably discharged or released under honorable circumstances during the Cold War Era**, or has a qualifying condition, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable during the Cold War Era, or is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable during the Cold War Era**. Not more than one Cold War Certificate shall be awarded or presented, under the provisions of this subdivision, to any person whose entire service subsequent to the time of the receipt of such medal shall not have been honorable. In the event of the death of any person during or subsequent to the receipt of such certificate it shall be presented to such representative of the deceased as may be designated. The adjutant general, in consultation with the director of the division of veterans' services, shall make such rules and regulations as may be deemed necessary for the proper presentation and distribution of the certificate.

§ 30. Paragraph 1 of subdivision (a) of section 42 of the correction law, as amended by chapter 139 of the laws of 2014, is amended to read as follows:

1. There shall be within the commission a citizen's policy and complaint review council. It shall consist of nine persons to be appointed by the governor, by and with the advice and consent of the senate. One person so appointed shall have served in the armed forces of the United States in any foreign war, conflict or military occupation, who (i) was discharged therefrom under other than dishonorable 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 shall be a duly licensed mental health professional who has professional experience or training with regard to post-traumatic stress syndrome. One person so appointed shall be an attorney admitted to practice in this state. One person so appointed shall be a former inmate of a correctional facility. One person so appointed shall be a former correction officer. One person so appointed shall be a former resident of a division for youth secure center or a health care professional duly licensed to practice in this state. One person so appointed shall be a former employee of the office of children and family services who has directly supervised youth in a secure residential center operated by such office. In addition, the governor shall designate one of the full-time members other than the chairman of the commission as chairman of the council to serve as such at the pleasure of the governor.

§ 31. Subdivision 5 of section 605 of the education law, as separately amended by chapters 645 and 844 of the laws of 1975, is amended to read as follows:

5. Regents scholarships for war veterans. Regents scholarships for war veterans shall be awarded on a competitive basis, for study beginning with the college year nineteen hundred seventy-five--nineteen hundred seventy-six. Six hundred such scholarships shall be awarded in such year to veterans of the armed forces of the United States who have served on active duty (other than for training) between October one, nineteen hundred sixty-one and March twenty-nine, nineteen hundred seventy-three, and who on the date by which applications are required to be submitted (a) have been released from such active duty on conditions not other than honorable, or (b) have a qualifying condition, as defined in section three hundred fifty of the executive law, and have received a discharge other than bad conduct or dishonorable from such service, or (c) are discharged LGBT veterans, as defined in section three hundred fifty of the executive law, and have received a discharge other than bad conduct or dishonorable from such service. Such scholarships shall be allocated to each county in the state in the same ratio that the number of legal residents in such county, as determined by the most recent federal census, bears to the total number of residents in the state; provided, however, that no county shall be allocated fewer scholarships than such county received during the year nineteen hundred sixty-eight--sixty-nine.

§ 32. Subparagraph 3 of paragraph b of subdivision 3 of section 663 of the education law, as added by chapter 101 of the laws of 1992, is amended to read as follows:

(3) The applicant was enlisted in full time active military service in the armed forces of the United States and (i) has been honorably discharged from such service, 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, and, provided, however, that the applicant has not and will not be claimed as a dependent by either parent for purposes of either federal or state income tax.

§ 33. Subdivision 1 of section 3202 of the education law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

1. A person over five and under twenty-one years of age who has not received a high school diploma is entitled to attend the public schools maintained in the district in which such person resides without the payment of tuition. Provided further that such person may continue to attend the public school in such district in the same manner, if temporarily residing outside the boundaries of the district when relocation to such temporary residence is a consequence of such person's parent or person in parental relationship being called to active military duty, other than training. Notwithstanding any other provision of law to the contrary, the school district shall not be required to provide transportation between a temporary residence located outside of the school district and the school the child attends. A veteran of any age who shall have served as a member of the armed forces of the United States and who (a) shall have been discharged therefrom under conditions other than dishonorable, 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, may attend any of the public schools of the state upon conditions prescribed by the board of education, and such veterans shall be included in the pupil count for state aid purposes. A nonveteran under twenty-one years of age who has received a high school diploma shall be permitted to attend classes in the schools of the district in which such person resides or in a school of a board of cooperative educational services upon payment of tuition under such terms and conditions as shall be established in regulations promulgated by the commissioner; provided, however, that a school district may waive the payment of tuition for such nonveteran, but in any case such a nonveteran who has received a high school diploma shall not be counted for any state aid purposes. Nothing herein contained shall, however, require a board of education to admit a child who becomes five years of age after the school year has commenced unless his birthday occurs on or before the first of December.

§ 34. Subdivision 4 of section 11-0715 of the environmental conservation law, as amended by section 6 of part R of chapter 58 of the laws of 2013, is amended to read as follows:

4. A person, resident in the state for at least thirty days immediately prior to the date of application, who (a) has been honorably discharged from service in the armed forces of the United States, 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, and is certified as having a forty percent or greater service-connected disability is entitled to receive all licenses, privileges,

tags, and permits authorized by this title for which he or she is eligible, except turkey permits, renewable each year for a five dollar fee.

§ 35. Subparagraph (iv) of paragraph c of subdivision 1 of section 13-0328 of the environmental conservation law, as amended by chapter 21 of the laws of 2019, is amended to read as follows:

(iv) licenses shall be issued only to persons who demonstrate in a manner acceptable to the department that they received an average of at least fifteen thousand dollars of income over three consecutive years from commercial fishing or fishing, or who successfully complete a commercial food fish apprenticeship pursuant to subdivision seven of this section. As used in this subparagraph, "commercial fishing" means the taking and sale of marine resources including fish, shellfish, crustacea or other marine biota and "fishing" means commercial fishing and carrying fishing passengers for hire. Individuals who wish to qualify based on income from "fishing" must hold a valid marine and coastal district party and charter boat license. No more than ten percent of the licenses issued each year based on income eligibility pursuant to this paragraph shall be issued to applicants who qualify based solely upon income derived from operation of or employment by a party or charter boat. For the income evaluation of this subdivision, the department may consider persons who would otherwise be eligible but for having served in the United States armed forces on active duty, provided that such individual **(1)** has received an honorable or general discharge, **or (2) 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 (3) 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,** shall not be deemed ineligible.

§ 36. Subdivision 1 of section 130 of the executive law, as amended by section 1 of subpart D of part II of chapter 55 of the laws of 2019, is amended to read as follows:

1. The secretary of state may appoint and commission as many notaries public for the state of New York as in his or her judgment may be deemed best, whose jurisdiction shall be co-extensive with the boundaries of the state. The appointment of a notary public shall be for a term of four years. An application for an appointment as notary public shall be in form and set forth such matters as the secretary of state shall prescribe. Every person appointed as notary public must, at the time of his or her appointment, be a citizen of the United States and either a resident of the state of New York or have an office or place of business in New York state. A notary public who is a resident of the state and who moves out of the state but still maintains a place of business or an office in New York state does not vacate his or her office as a notary public. A notary public who is a nonresident and who ceases to have an office or place of business in this state, vacates his or her office as a notary public. A notary public who is a resident of New York state and moves out of the state and who does not retain an office or place of business in this state shall vacate his or her office as a notary public. A non-resident who accepts the office of notary public in this state thereby appoints the secretary of state as the person upon whom process can be served on his or her behalf. Before issuing to any applicant a commission as notary public, unless he or she be an attorney and counsellor at law duly admitted to practice in this state or a court clerk of the unified court system who has been appointed to such position after taking a civil service promotional examination in the court

clerk series of titles, the secretary of state shall satisfy himself or herself that the applicant is of good moral character, has the equivalent of a common school education and is familiar with the duties and responsibilities of a notary public; provided, however, that where a notary public applies, before the expiration of his or her term, for reappointment with the county clerk or where a person whose term as notary public shall have expired applies within six months thereafter for reappointment as a notary public with the county clerk, such qualifying requirements may be waived by the secretary of state, and further, where an application for reappointment is filed with the county clerk after the expiration of the aforementioned renewal period by a person who failed or was unable to re-apply by reason of his or her induction or enlistment in the armed forces of the United States, such qualifying requirements may also be waived by the secretary of state, provided such application for reappointment is made within a period of one year after the military discharge of the applicant under conditions other than dishonorable**, or if the applicant has a qualifying condition, as defined in section three hundred fifty of this chapter, within a period of one year after the applicant has received a discharge other than bad conduct or dishonorable from such service, or if the applicant is a discharged LGBT veteran, as defined in section three hundred fifty of this chapter, within a period of one year after the applicant has received a discharge other than bad conduct or dishonorable from such service**. In any case, the appointment or reappointment of any applicant is in the discretion of the secretary of state. The secretary of state may suspend or remove from office, for misconduct, any notary public appointed by him or her but no such removal shall be made unless the person who is sought to be removed shall have been served with a copy of the charges against him or her and have an opportunity of being heard. No person shall be appointed as a notary public under this article who has been convicted, in this state or any other state or territory, of a crime, unless the secretary makes a finding in conformance with all applicable statutory requirements, including those contained in article twenty-three-A of the correction law, that such convictions do not constitute a bar to appointment.

§ 37. Subdivisions 1, 2, and 3 of section 32 of the general business law, subdivisions 1 and 3 as amended by chapter 650 of the laws of 1976 and subdivision 2 as amended by chapter 321 of the laws of 1955, are amended to read as follows:

1. Every [~~**honorably discharged**~~] member of the armed forces of the United States[~~**,**~~] **who (a) was honorably discharged from such service, 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, and** who is a resident of this state and a veteran of any war, or who shall have served in the armed forces of the United States overseas, and the surviving spouse of any such veteran, if a resident of the state, shall have the right to hawk, peddle, vend and sell goods, wares or merchandise or solicit trade upon the streets and highways within the county of his or her residence, as the case may be, or if such county is embraced wholly by a city, within such city, by procuring a license for that purpose to be issued as herein provided. No part of the lands or premises under the jurisdiction of the division of the

state fair in the department of agriculture and markets, shall be deemed a street or highway within the meaning of this section.

2. Any such former member of the armed forces of the United States may present to the clerk of any county in which he has resided for a period of at least six months, his original certificate of [~~honorable~~] release or discharge from active duty, or a copy thereof duly certified by the recording officer or a certificate in lieu of lost discharge issued by a department of the armed forces of the United States which shall show that the person presenting it is a veteran of any war, or that he has served overseas in the armed forces of the United States. He shall also fill out a blank which shall when filled out state his name, residence at the time of application, nature of goods to be sold, and if the applicant is working on commission or percentage for any person, firm or corporation, the name and business address of such person, firm or corporation. This statement shall be signed by the applicant in the presence of the county clerk, or a deputy designated by him, and the name on this application and on the original certificate of [~~honorable~~] release or discharge from active duty shall be compared by the county clerk to ascertain if the person so applying is the same person named in the original certificate of [~~honorable~~] release or discharge from active duty. Such county clerk when so satisfied shall issue, without cost, to such former member of the armed forces of the United States, a license certifying him to be entitled to the benefits of this section.

3. A copy of this statement shall be attached to the license granted by the county clerk and shall remain attached thereto. On presentation to such clerk of the affidavit of such surviving spouse and two other residents of the county, that he or she is such surviving spouse, accompanied by such original certificate of [~~honorable~~] release or discharge from active duty of his or her deceased spouse, and the filing of the statement hereinabove required, such county clerk shall issue, without cost to the surviving spouse, a license certifying the surviving spouse to be entitled to the benefits of this section.

§ 38. Section 35 of the general business law, as amended by chapter 550 of the laws of 1978, is amended to read as follows:

§ 35. Municipal regulations. This article shall not affect the application of any ordinance, by-law or regulation of a municipal corporation relating to hawkers and peddlers within the limits of such corporations, but the provisions of this article are to be complied with in addition to the requirements of any such ordinance, by-law or regulation; provided, however, that no such by-law, ordinance or regulation shall prevent or in any manner interfere with the hawking or peddling, without the use of any but a hand driven vehicle, in any street, avenue, alley, lane or park of a municipal corporation, by any honorably discharged member of the armed forces of the United States who (1) was honorably discharged from such service, or (2) 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 (3) 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, and who is physically disabled as a result of injuries received while in the service of said armed forces and the holder of a license granted pursuant to section thirty-two of this article.

§ 39. Paragraph (a) of subdivision 1 of section 35-a of the general business law, as added by chapter 227 of the laws of 1998, is amended to read as follows:

(a) In cities having a population of one million or more, the official designated by a local law or ordinance to issue a local license to hawk, peddle, vend and sell goods, wares or merchandise or solicit trade upon the streets and highways within such city shall issue specialized vending licenses to [~~honorably discharged~~] members of the armed forces of the United States who **(i) were honorably discharged from such service, or (ii) have a qualifying condition, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service, or (iii) are a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service, and who** are physically disabled as a result of injuries received while in the service of said armed forces and who are eligible to hold licenses granted pursuant to section thirty-two of this article. Such specialized vending licenses shall authorize holders thereof to hawk or peddle within such city in accordance with the provisions contained in this section. Specialized vending licenses issued under this section shall permit the holders thereof to vend on any block face, and no licensee authorized under this section shall be restricted in any way from vending in any area, except as provided in this section.

§ 40. Paragraph (b) of subdivision 3 of section 69-p of the general business law, as amended by chapter 575 of the laws of 1993, is amended to read as follows:

(b) In the case of persons who are or were in the military service and **(i)** have been or will be discharged under conditions other than dishonorable, **or (ii) have a qualifying condition, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service, or (iii) are discharged LGBT veterans, as defined in section three hundred fifty of the executive law, and have received a discharge other than bad conduct or dishonorable from such service,** the period of two years specified in subdivision one of this section need not be continuous. The length of time such person was engaged in the business of installing, servicing or maintaining security or fire alarm systems before entering the military service may be added to any period of time during which such person was or is engaged in the business of installing, servicing or maintaining security or fire alarm systems after the termination of military service.

§ 41. The closing paragraph of section 435 of the general business law, as added by chapter 801 of the laws of 1946, is amended to read as follows:

In the case of persons who are or were in the military service and **(a)** have been or will be discharged under conditions other than dishonorable, **or (b) have a qualifying condition, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service, or (c) are discharged LGBT veterans, as defined in section three hundred fifty of the executive law, and have received a discharge other than bad conduct or dishonorable from such service,** the period of one year specified in subdivision one of this section and the period of six months specified in subdivision two of this section need not be continuous. The length of time such person was engaged in the practice of barbering before entering the military service may be added to any period of time during which such person was or is engaged in the practice of barbering after the termination of military service.

§ 42. Subdivision 1 of section 77 of the general municipal law, as amended by chapter 476 of the laws of 2018, is amended to read as follows:

1. A municipal corporation may lease, for not exceeding five years, to a post or posts of the Grand Army of the Republic, Veterans of Foreign Wars of the United States, American Legion, Catholic War Veterans, Inc., Disabled American Veterans, the Army and Navy Union, U.S.A., Marine Corps League, AMVETS, American Veterans of World War II, Jewish War Veterans of the United States, Inc., Italian American War Veterans of the United States, Incorporated, Masonic War Veterans of the State of New York, Inc., Veterans of World War I of the United States of America Department of New York, Inc., Polish-American Veterans of World War II, Amsterdam, N.Y., Inc., Polish-American Veterans of World War II, Schenectady, N.Y., Inc., Polish Legion of American Veterans, Inc., Vietnam Veterans of America or other veteran organization of [~~honorably discharged~~] members of the armed forces of the United States **who (a) were honorably discharged from such service or (b) have a qualifying condition, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service, or (c) are discharged LGBT veterans, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service,** or to an incorporated organization or an association of either active or exempt volunteer firefighters, a public building or part thereof, belonging to such municipal corporation, except schoolhouses in actual use as such, without expense, or at a nominal rent, fixed by the board or council having charge of such buildings and provide furniture and furnishings, and heat, light and janitor service therefor, in like manner.

§ 43. Section 117-c of the highway law, as added by chapter 387 of the laws of 1998, is amended to read as follows:

§ 117-c. Hawking, peddling, vending, sale of goods, wares or merchandise; Erie county; certain areas. Notwithstanding any law to the contrary, except section thirty-five of the general business law, the county of Erie shall have the power to enact a local law prohibiting hawking, peddling, vending and sale of goods, wares or merchandise or solicitation of trade in the right-of-way of county roads adjacent to arenas, stadiums, auditoriums or like facilities, which contain fifty thousand or more seats, which are used for events likely to attract large numbers of spectators, including but not limited to home games of a National Football League franchise. Provided, however, that the power to enact such local law shall be subject to the requirement that provision be made, by lease agreement, regulation or otherwise, for the hawking, peddling, vending and sales of goods, wares or merchandise or solicitation of trade in designated vending areas on the ground of county-owned lands leased for use as an arena, stadium or auditorium or like facility which contain fifty thousand or more seats; and further provided that [~~honorably discharged~~] members of the armed forces of the United States who **(a) were honorably discharged from such service, or (b) have a qualifying condition, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service, or (c) are discharged LGBT veterans, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service, and who** are entitled to hawk, vend, sell or peddle merchandise in the public right-of-way pursuant to sections thirty-two and thirty-five of the

general business law, shall be given first preference in any assignment or vending locations or in the allocation of such locations.

§ 44. Subparagraph (F) of paragraph 3 of subsection (e) of section 2104 of the insurance law, as amended by chapter 687 of the laws of 2003, is amended to read as follows:

(F) served as a member of the armed forces of the United States at any time, and shall **(i)** have been discharged under conditions other than dishonorable**, 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,** and who within three years prior to his entry into the armed forces held a license as insurance broker for similar lines, provided his application for such license is filed before one year from the date of final discharge; or

§ 45. Paragraph 2 of subsection (f) of section 2104 of the insurance law is amended to read as follows:

(2) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time, and who **(A)** shall have been discharged, under conditions other than dishonorable, **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,** in a current licensing period, for the duration of such period.

§ 46. Paragraph 11 of subsection (j) of section 2103 of the insurance law, as added by chapter 769 of the laws of 1984, is amended to read as follows:

(11) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time and who **(A)** shall have been discharged therefrom, under conditions other than dishonorable, **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,** in a current licensing period, for the duration of such period.

§ 47. Paragraph 2 of subsection (i) of section 2108 of the insurance law is amended to read as follows:

(2) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time and who **(A)** shall have been discharged, under conditions other than dishonorable, **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,** in a current licensing period, for the duration of such period.

§ 48. Paragraph 10 of subsection (h) of section 2137 of the insurance law, as added by chapter 499 of the laws of 2009, is amended to read as follows:

(10) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time and who **(A)** shall have been discharged therefrom, under conditions other than dishonorable, **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,** in a current licensing period, for the duration of such period.

§ 49. Paragraph 11 of subsection (i) of section 2139 of the insurance law, as added by section 14 of part V of chapter 57 of the laws of 2014, is amended to read as follows:

(11) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time, and who **(A)** shall have been discharged therefrom under conditions other than dishonorable, **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,** in a current licensing period for the duration of such period.

§ 50. Section 466 of the judiciary law, as amended by chapter 455 of the laws of 1960, is amended to read as follows:

§ 466. Attorney's oath of office. Each person, admitted as prescribed in this chapter must, upon his **or her** admission, take the constitutional oath of office in open court, and subscribe the same in a roll or book, to be kept in the office of the clerk of the appellate division of the supreme court for that purpose.

Any person now in actual service in the armed forces of the United States or whose induction or enlistment therein is imminent, or within sixty days after [~~he~~] **such person (1)** has been honorably discharged, **or (2) has received a discharge other than bad conduct or dishonorable from such service, if such person has a qualifying condition, as defined in section three hundred fifty of the executive law, or (3) has received a discharge other than bad conduct or dishonorable from such service, if such person is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law,** if the appellate division of the supreme court in the department in which such person resides is not in session, may subscribe and take the oath before a justice of that court, with the same force and effect as if it were taken in open court, except that in the first department the oath must be taken before the presiding justice or, in his **or her** absence, before the senior justice.

§ 51. Subdivision 3 of section 20 of the military law, as added by chapter 825 of the laws of 1950, is amended to read as follows:

3. Any person who has served as a commissioned or warrant officer in the organized militia or in the armed forces of the United States and **(a)** has been honorably discharged therefrom**, 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,** may be commissioned and placed on the state reserve list in the highest

grade previously held by him after complying with such conditions as may be prescribed by regulations issued pursuant to this chapter.

§ 52. Subdivision 2 of section 238 of the military law, as amended by chapter 302 of the laws of 1967, is amended to read as follows:

2. Any person, except members of the armed forces of the United States, members of the organized militia of this or any other state, personnel of the independent military organizations designated in section two hundred forty of this article, members of associations wholly composed of persons **who (a) were** honorably discharged from the armed forces of the United States**, or (b) have a qualifying condition, as defined in section three hundred fifty of the executive law, and have received a discharge other than bad conduct or dishonorable from the armed forces of the United States, or (c) are discharged LGBT veterans, as defined in section three hundred fifty of the executive law, and have received a discharge other than bad conduct or dishonorable from the armed forces of the United States,** and members of associations wholly composed of sons of veterans of any war of the United States, who shall wear any uniform or any device, strap, knot or insignia of any design or character used as a designation of grade, rank or office, such as are by law or by regulation, duly promulgated, prescribed for the use of the organized militia or similar thereto; or,

§ 53. Paragraphs (b) and (c) of subdivision 1 of section 243 of the military law, paragraph (b) as amended by chapter 248 of the laws of 2001 and paragraph (c) as added by chapter 420 of the laws of 1953, are amended to read as follows:

(b) The term "military duty" shall mean military service in the military, naval, aviation or marine service of the United States subsequent to July first, nineteen hundred forty, or service under the selective training and service act of nineteen hundred forty, or the national guard and reserve officers mobilization act of nineteen hundred forty, or any other act of congress supplementary or amendatory thereto, or any similar act of congress hereafter enacted and irrespective of the fact that such service was entered upon following a voluntary enlistment therefor or was required under one of the foregoing acts of congress, or service with the United States public health service as a commissioned officer, or service with the American Red Cross while with the armed forces of the United States on foreign service, or service with the special services section of the armed forces of the United States on foreign service, or service in the merchant marine which shall consist of service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the government of the United States, or service by one 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 Certif-

icate 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 **(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 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 **(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**; or service in police duty on behalf of the United States government in a foreign country, if such person is a police officer, as defined by section 1.20 of the criminal procedure law, and if such police officer obtained the prior consent of his or her public employer to absent himself or herself from his or her position to engage in the performance of such service; or as an enrollee in the United States maritime service on active duty and, to such extent as may be prescribed by or under the laws of the United States, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the United States government, but shall not include temporary and intermittent gratuitous service in any reserve or auxiliary force. It shall include time spent in reporting for and returning from military duty and shall be deemed to commence when the public employee leaves his position and to end when he is reinstated to his position, provided such reinstatement is within ninety days after the termination of military duty, as hereinafter defined. Notwithstanding the foregoing provisions of this paragraph, the term "military duty" shall not include any of the foregoing services entered upon voluntarily on or after January first, nineteen hundred forty-seven and before June twenty-fifth, nineteen hundred fifty; and, on or after July first, nineteen hundred seventy, the term "military duty" shall not include any voluntary service in excess of four years performed after that date, or the total of any voluntary services, additional or otherwise, in excess of four years performed after that date, shall not exceed five years, if the service in excess of four years is at the request and for the convenience of the federal government, except if such voluntary service is performed during a period of war, or national emergency declared by the president.

(c) The term "termination of military duty" shall mean the date of a certificate of honorable discharge or a certificate of completion of

training and service as set forth in the selective training and service act of nineteen hundred forty, and the national guard and reserve officers mobilization act of nineteen hundred forty or, **or a certificate of release or discharge from active duty where an employee (i) 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 (ii) 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** in the event of the incurrence of a temporary disability arising out of and in the course of such military duty, the date of termination of such disability. The existence and termination of such temporary disability, in the case of a public employee occupying a position in the classified civil service or of a person on an eligible list for a position in such service, shall be determined by the civil service commission having jurisdiction over such position and, in the case of a public employee occupying a position not in the classified civil service, shall be determined by the officer or body having the power of appointment.

§ 54. Subparagraphs 1 and 2 of paragraph (a) of subdivision 4-b of section 243 of the military law, subparagraph 1 as amended by chapter 739 of the laws of 1987 and subparagraph 2 as amended by chapter 467 of the laws of 1991, are amended to read as follows:

(1) "New York city veteran of world war II". Any member of the New York city employees' retirement system in city-service who, after his last membership in such system began, served as a member of the armed forces of the United States during the period beginning on December seventh, nineteen hundred forty-one and ending on December thirty-first, nineteen hundred forty-six, and **(i)** was honorably discharged or released under honorable circumstances from such service**, 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**.

(2) "New York city veteran of the Korean conflict." Any member of the New York city employees' retirement system in city-service who, after his last membership in such system began, served as a member of the armed forces of the United States during the period beginning on the twenty-seventh of June, nineteen hundred fifty and ending on the thirty-first day of January, nineteen hundred fifty-five, and **(i)** was honorably discharged or released under honorable circumstances from such service**, 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**.

§ 55. Section 245 of the military law, as amended by chapter 713 of the laws of 1964, is amended to read as follows:

§ 245. Retirement allowances of certain war veterans. Any member of a teachers' retirement system to which the city of New York is required by law to make contributions on account of such member who **(i)** is an honorably discharged member of any branch of the armed forces of the United States, **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, 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, having served as such during the time of war and who has attained the age of fifty years, may retire upon his own request upon written application to the board setting forth at what time not less than thirty days subsequent to the execution and filing thereof he desires to be retired, provided that such member at the time so specified for his retirement shall have completed at least twenty-five years of allowable service. Upon retirement such member shall receive an annuity of equivalent actuarial value to his accumulated deductions, and, in addition, a pension beginning immediately, having a value equal to the present value of the pension that would have become payable had he continued at his current salary to the age at which he would have first become eligible for service retirement, provided, however, that the said member on making application for retirement shall pay into the retirement fund a sum of money which calculated on an actuarial basis, together with his prior contributions and other accumulations in said fund then to his credit, shall be sufficient to entitle the said member to the same annuity and pension that he would have received had he remained in the service of the city until he had attained the age at which he otherwise would have first become eligible for service retirement.

Notwithstanding any other provision of this section or of any general, special or local law or code to the contrary, a member of any such teachers' retirement system who (i) is separated or discharged under honorable conditions from any branch of the armed forces of the United States, 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, 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, having served as such during the time of war and who has attained the age of fifty years, may retire upon his own request upon written application to the board setting forth at what time, not less than thirty days subsequent to the execution and filing thereof, he desires to be retired, provided that such member at that time so specified for his retirement shall have completed at least twenty-five years of allowable service. Upon reaching his previously selected minimum retirement age, such member shall receive an annuity of equivalent actuarial value, at that time, to his accumulated deductions, and, in addition, a pension based upon his credited years of allowable service, plus the pension-for-increased-take-home-pay, if any. Should such member die before reaching his retirement age, then any beneficiary under a selected option shall be eligible for benefits under such option at the date upon which the member would have reached his selected retirement age.

§ 56. Section 249 of the military law, as added by chapter 420 of the laws of 1953, is amended to read as follows:

§ 249. State and municipal officers and employees granted leaves of absence on July fourth in certain cases. Each officer and employee of the state or of a municipal corporation or of any other political subdivision thereof who was a member of the national guard or naval militia or a member of the reserve corps at a time when the United States was not at war and who (i) has been honorably discharged therefrom, 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, shall, in so far as practicable, be entitled to absent himself from his duties or service, with pay, on July fourth of each year. Notwithstanding the provisions of any general, special or local law or the provisions of any city charter, no such officer or employee shall be subjected by any person whatever directly or indirectly by reason of such absence to any loss or diminution of vacation or holiday privilege or be prejudiced by reason of such absence with reference to promotion or continuance in office or employment or to reappointment to office or to re-employment.

§ 57. Subdivision 3 of section 1271 of the private housing finance law, as added by section 1 of part Y of chapter 56 of the laws of 2018, is amended to read as follows:

3. "Veteran" shall mean a resident of this state who (a) has served in the United States army, navy, marine corps, air force or coast guard or (b) has served on active duty or ordered to active duty as defined in 10 USC 101 (d)(1) as a member of the national guard or other reserve component of the armed forces of the United States or (c) has served on active duty or ordered to active duty for the state, as a member of the state organized militia as defined in subdivision nine of section one of the military law, and has been released from such service documented by an honorable or general discharge, or 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 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.

§ 58. Subdivision 8-a of section 2165 of the public health law, as added by chapter 542 of the laws of 1998, is amended to read as follows:

8-a. Proof of [~~honorable~~] discharge from the armed services within ten years from the date of application to an institution shall qualify as a certificate enabling a student to attend the institution pending actual receipt of immunization records from the armed services. If while awaiting the receipt of actual immunization records a health risk shall arise at an institution, a student presenting a certificate under the terms of this subdivision shall be removed from the institution if proper immunization cannot be proved or otherwise rectified.

§ 59. The opening paragraph and paragraph (d) of subdivision 1 of section 2632 of the public health law, as amended by chapter 414 of the laws of 2015, are amended to read as follows:

Every veteran of the armed forces of the United States, who (i) (A) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days, 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 after serving on active duty therein for a period of not less than thirty days, 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 after serving on active duty therein for a period of not less than thirty days, or (ii) (A) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days 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 after serving on active duty therein for a period of not less than thirty days, 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 after serving on active duty therein for a period of not less than thirty days, 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 twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, or in Bosnia and Herzgegovina from November twenty-first, nineteen hundred ninety-five to November first, two thousand seven, or was a recipient of the Kosovo campaign medal or (iii) (A) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days 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 after serving on active duty therein for a period of not less than thirty days, 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 after serving on active duty therein for a period of not less than thirty days, and who served during the period of actual hostilities of either

(d) world war II between December seventh, nineteen hundred forty-one and December thirty-first, nineteen hundred forty-six, both inclusive, 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 (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 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 **(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**; or

§ 60. Subdivision 3 of section 3422 of the public health law, as added by chapter 854 of the laws of 1971, is amended to read as follows:

3. A candidate who fails to attain a passing grade on his licensing examination is entitled to a maximum of three re-examinations; provided, however, that if such candidate fails to attain a passing grade within three years after completion of his training, he must requalify in accordance with the provisions of the public health law and rules and regulations promulgated thereunder existing and in force as of the date of subsequent application for licensing examination, except that a satisfactorily completed required course of study need not be recompleted. A candidate inducted into the armed forces of the United States during or after completion of training may **(a)** after honorable discharge **or (b) after a discharge other than bad conduct or dishonorable where the candidate (i) has a qualifying condition, as defined in section three hundred fifty of the executive law, or (ii) is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law,** and upon proper application as required by the department be eligible for an exemption with respect to time served in such service.

§ 61. Subparagraph 2 of paragraph b of subdivision 1 of section 156 of the public housing law, as amended by chapter 639 of the laws of 1968, is amended to read as follows:

(2) **(i)** have been thereafter discharged or released therefrom under conditions other than dishonorable, **or (ii) have a qualifying condition, as defined in section three hundred fifty of the executive law, and have received a discharge other than bad conduct or dishonorable from such service, or (iii) are discharged LGBT veterans, as defined in section three hundred fifty of the executive law, and have received a discharge other than bad conduct or dishonorable from such service,** or **(iv)** died in such service, not more than five years prior to the time of application for admission to such project, and

§ 62. Section 63 of the public officers law, as amended by chapter 179 of the laws of 2006, is amended to read as follows:

§ 63. Leave of absence for veterans on Memorial day and Veterans' day. It shall be the duty of the head of every public department and of every court of the state of New York, of every superintendent or foreman on the public works of said state, of the county officers of the several counties of said state, of the town officers of the various towns in this state, of the fire district officers of the various fire districts in this state, and of the head of every department, bureau and office in the government of the various cities and villages in this state, and the officers of any public benefit corporation or any public authority of this state, or of any public benefit corporation or public authority of any county or subdivision of this state, to give leave of absence with pay for twenty-four hours on the day prescribed by law as a public holiday 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

twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, or (iii) who served in the armed forces of a foreign country allied with the United States during world war I or world war II, or during the period of the Korean conflict at any time between 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 during the period of the Persian Gulf conflict from the second day of August, nineteen hundred ninety to the end of such conflict, or who served on active duty in the army or navy or marine corps or air force or coast guard of the United States, and who **(a)** was honorably discharged or separated from such service 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** except where such action would endanger the public safety or the safety or health of persons cared for by the state, in which event such persons shall be entitled to leave of absence with pay on another day in lieu thereof. All such persons who are compensated on a per diem, hourly, semi-monthly or monthly basis, with or without maintenance, shall also be entitled to leave of absence with pay under the provisions of this section and no deduction in vacation allowance or budgetary allowable number of working days shall be made in lieu thereof. A refusal to give such leave of absence to one entitled thereto shall be neglect of duty.

§ 63. Subdivision 2 of section 458 of the real property tax law, as amended by chapter 63 of the laws of 1976, is amended to read as follows:

2. Real property purchased with moneys collected by popular subscription in partial recognition of extraordinary services rendered by any [~~**honorably discharged**~~] veteran of world war one, world war two, or of the hostilities which commenced June twenty-seventh, nineteen hundred fifty, who **(a) was honorably discharged from such service, 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, and who** sustained permanent disability while on military duty, either total or partial, and owned by the person who sustained such injuries, or by his or her spouse or unremarried surviving spouse, or dependent father or mother, is subject to taxation as herein provided. Such property shall be assessed in the same manner as other real property in the tax district. At the meeting of the assessors to hear complaints concerning the assessments, a verified application for the exemption of such real property from taxation may be presented to them by or on behalf of the owner thereof, which application must show the facts on which the exemption is claimed, including the amount of moneys so raised and used in or toward the purchase of such property. No exemption on account of any such gift shall be allowed in excess of five thousand dollars. The application for exemption shall be presented and action thereon taken in the manner provided by subdivision one of this

section. If no application for exemption be granted, the property shall be subject to taxation for all purposes. The provisions herein, relating to the assessment and exemption of property purchased with moneys raised by popular subscription, apply and shall be enforced in each municipal corporation authorized to levy taxes.

§ 64. Subdivision 4-a of section 458 of the real property tax law, as amended by chapter 616 of the laws of 1995, is amended to read as follows:

4-a. For the purposes of this section, the term "military or naval services" shall be deemed to also include service: (a) by a person 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; (b) service by a United States civilian employed by the American Field Service who 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 **(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 (c) service by a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates who 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 **(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**.

§ 65. Paragraph (e) of subdivision 1 of section 458-a of the real property tax law, as amended by chapter 384 of the laws of 2008, is amended to read as follows:

(e) "Veteran" means a person (i) who served in the active military, naval, or air service during a period of war, or who was a recipient of the armed forces expeditionary medal, navy expeditionary medal, marine

corps expeditionary medal, or global war on terrorism expeditionary medal, and who **(1)** was discharged or released therefrom under honorable conditions, **or (2) 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 (3) 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,** (ii) 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, (iii) 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 **(1)** was discharged or released therefrom under honorable conditions, **or (2) 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 (3) 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,** (iv) 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 **(1)** was discharged or released therefrom under honorable conditions, **or (2) 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 (3) 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 (v) notwithstanding any other provision of law to the contrary, who are members of the reserve components of the armed forces of the United States who **(1)** received an honorable discharge or release therefrom under honorable conditions, **or (2) 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 (3) 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,** but are still members of the reserve components of the

armed forces of the United States provided that such members meet all other qualifications under the provisions of this section.

§ 66. Subdivision 10 of section 458-a of the real property tax law, as amended by chapter 141 of the laws of 2017, is amended to read as follows:

10. A county, city, town, village or school district may adopt a local law or resolution to include those military personnel who served in the Reserve component of the United States Armed Forces that were deemed on active duty under Executive Order 11519 signed March twenty-third, nineteen hundred seventy, 35 Federal Register 5003, dated March twenty-fourth, nineteen hundred seventy and later designated by the United States Department of Defense as Operation Graphic Hand, if such member **(1)** was discharged or released therefrom under honorable conditions, **or (2) 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 (3) 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,** provided that such veteran meets all other qualifications of this section.

§ 67. Paragraph (a) of subdivision 1 of section 458-b of the real property tax law, as amended by chapter 6 of the laws of 2008, is amended to read as follows:

(a) "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, 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**.

§ 68. Subparagraph (v) of paragraph (a) of subdivision 1 of section 122 of the social services law, as amended by chapter 214 of the laws of 1998, is amended to read as follows:

(v) any alien lawfully residing in the state who is on active duty in the armed forces (other than active duty for training) or who **(1)** has received an honorable discharge (and not on account of alienage) from the armed forces**, or (2) 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 (and not on account of alienage) from the armed forces, or (3) 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 (and not on account of alienage) from the armed forces,** or the spouse, unremarried surviving spouse or unmarried dependent child of any such alien, if such alien, spouse or dependent child is a qualified alien as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended;

§ 69. Subdivision 1 of section 168 of the social services law, as amended by chapter 467 of the laws of 1991, is amended to read as follows:

1. Veteran means a person, male or female, who has served in the armed forces of the United States in time of war, or 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 twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, and who **(1)** has been honorably discharged or released under honorable circumstances from such service or furloughed to the reserve**, or (2) 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 (3) 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**.

§ 70. Paragraph 5 of subdivision 2 of section 168 of the social services law, as amended by chapter 616 of the laws of 1995, is amended to read as follows:

(5) World war II; from the seventh day of December, nineteen hundred forty-one to and including the thirty-first day of December, nineteen hundred forty-six, 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 **(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 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 **(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.

§ 71. Subparagraph 1 of paragraph (b) of subdivision 29 of section 210-B of the tax law, as amended by section 1 of part Q of chapter 59 of the laws of 2018, is amended to read as follows:

(1) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, 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 **(i)** was released from active duty by general or honorable discharge after September eleventh, two thousand one**, 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 after September eleventh, two thousand one, 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 after September eleventh, two thousand one**;

§ 72. Subparagraph (A) of paragraph 2 of subsection (a-2) of section 606 of the tax law, as amended by section 2 of part Q of chapter 59 of the laws of 2018, is amended to read as follows:

(A) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, 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 **(i)** was released from active duty by general or honorable discharge after September eleventh, two thousand one**, 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 after September eleventh, two thousand one, 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 after September eleventh, two thousand one**;

§ 73. Subparagraph (A) of paragraph 2 of subsection (g-1) of section 1511 of the tax law, as amended by section 3 of part Q of chapter 59 of the laws of 2018, is amended to read as follows:

(A) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, 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 **(i)** was released from active duty by general or honorable discharge after September eleventh, two thousand one**, 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 after September eleventh, two thousand one, 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 after September eleventh, two thousand one**;

§ 74. Section 295 of the town law, as amended by chapter 658 of the laws of 2004, is amended to read as follows:

§ 295. Removal of remains of deceased members of armed forces. Upon a verified petition presented to a judge of a court of record by any armed forces' organization in any town or city in this state by a majority of

its officers, or a majority of any memorial committee in any town or city where there are two or more veteran armed forces' organizations, or in towns or cities where there are no veteran armed forces' organizations, upon the petition of five or more veterans of the armed forces, the judge to whom said verified petition is presented shall make an order to show cause, returnable before him at a time and place within the county in not less than fourteen or more than twenty days from the date of presentation of said petition, why the remains of any deceased members of the armed forces buried in potter's field, or in any neglected or abandoned cemeteries, should not be removed to and reinterred in a properly kept incorporated cemetery in the same town or city or in a town adjoining the town or city in which the remains of a deceased member of the armed forces are buried, and to fix the amount of the expenses for such removal and reinterment, and the order to show cause shall provide for its publication in a newspaper, to be designated in the order, which is published nearest to the cemetery from which the removal is sought to be made, once in each week for two successive weeks. The verified petition presented to the judge shall show that the petitioners are a majority of the officers of a veteran armed forces organization, or a majority of a memorial committee in towns or cities where two or more veteran armed forces organizations exist, or that the petitioners are honorably discharged veterans of the armed forces in towns or cities where no veteran armed forces organization exists, **or that the petitioners have a qualifying condition, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service and are in towns or cities where no veteran armed forces organizations exist, or that the petitioners are discharged LGBT veterans, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service and are in towns and cities where no veteran armed forces organizations exist,** and (1) the name of the deceased member or members of the armed forces, whose remains are sought to be removed, and if known the unit in which he or they served; (2) the name and location of the cemetery in which he is interred and from which removal is asked to be made; (3) the name and location of the incorporated cemetery to which the remains are desired to be removed and reinterred; (4) the facts showing the reasons for such removal. Upon the return day of the order to show cause and at the time and place fixed in said order, upon filing proof of publication of the order to show cause with the judge, if no objection is made thereto, he shall make an order directing the removal of the remains of said deceased member or members of the armed forces to the cemetery designated in the petition within the town or city or within a town adjoining the town or city in which the remains are then buried and shall specify in the order the amount of the expenses of such removal, which expenses of removal and reinterment, including the expense of the proceeding under this section, shall be a charge upon the county in which the town or city is situated from which the removal is made and such expenses shall be a county charge and audited by the board of supervisors of the county and paid in the same manner as other county charges. On and after the removal and reinterment of the remains of the deceased member or members of the armed forces in the armed forces' plot, the expenses for annual care of the grave in the armed forces' burial plot to which the removal is made shall be annually provided by the town or city in which the remains were originally buried, at the rate of not to exceed twenty dollars per grave, and shall be paid annually to the incorporated ceme-

tery association to which the remains of each deceased member of the armed forces may be removed and reinterred. The petition and order shall be filed in the county clerk's office of the county in which the remains of the deceased member of the armed forces were originally interred, and the service of a certified copy of the final order upon the cemetery association shall be made prior to any removal. Any relative of the deceased member or members of the armed forces, or the officer of any cemetery association in which the remains of the deceased member or members of the armed forces were originally interred, or the authorities of the county in which the member or members of the armed forces were originally buried, may oppose the granting of said order and the judge shall summarily hear the statement of the parties and make such order as the justice and equity of the application shall require. Any headstone or monument which marks the grave of the deceased member of the armed forces shall be removed and reset at the grave in the cemetery in which the removal is permitted to be made and in each case the final order shall provide the amount of the expenses of such removals and reinterment and resetting of the headstone or monument, including the expenses of the proceedings under this section; except that where provision is otherwise made for the purchase or erection of a new headstone, monument or marker at the grave in the cemetery to which such removal is permitted, such old headstone or monument need not be so removed and reset, in which case such final order shall not provide for the expense of resetting. The order shall designate the person or persons having charge of the removals and reinterments. Upon completion of the removal, reinterment and resetting of the headstones or monuments, the person or persons having charge of the same shall make a verified report of the removal, reinterment and resetting of the headstone or monument and file the report in the clerk's office of the proper county. The words "member of the armed forces" shall be construed to mean [~~an honorably discharged~~] **a** member of the armed forces who served in the armed forces of the United States **and who (5) was honorably discharged from such service, or (6) 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 (7) 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**, and the words "armed forces plot" shall be construed to mean a plot of land in any incorporated cemetery set apart to be exclusively used as a place for interring the remains of deceased veterans of the armed forces of the United States.

§ 75. Section 404-v of the vehicle and traffic law, as added by chapter 389 of the laws of 2004, is amended to read as follows:

§ 404-v. Distinctive plates for the United States Naval Armed Guard. 1. Any [~~honorably discharged~~] member of the United States Naval Armed Guard residing in this state shall, upon request, be issued a license plate bearing the words "United States Naval Armed Guard", or such other phrase as the commissioner shall designate showing the registrant served in the United States Naval Armed Guard. Application for such license plate shall be filed with the commissioner in such form and detail as the commissioner shall prescribe.

2. The distinctive plate authorized pursuant to this section shall be issued upon proof, satisfactory to the commissioner, that the applicant is [~~an honorably discharged~~] **a** veteran who served in the United States Naval Armed Guard **and who (1) was honorably discharged from such service, or (2) 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 (3) 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.

3. A distinctive plate issued pursuant to this section shall be issued in the same manner as other number plates upon payment of the regular registration fee prescribed by section four hundred one of this article, provided, however, that an additional one-time service charge of ten dollars shall be charged for such plate. Provided, however, that one year after the effective date of this section funds in the amount of five thousand dollars, or so much thereof as may be available, shall be allocated from such funds to the department to offset costs associated with the production of such license plates.

§ 76. Subdivision 1 of section 404-w of the vehicle and traffic law, as added by chapter 105 of the laws of 2005, is amended to read as follows:

1. Any war on terror veteran residing in this state shall, upon request, be issued a license plate bearing the words "War on Terror veteran". Application for said license plate shall be filed with the commissioner in such form and detail as the commissioner shall prescribe. For purposes of this section, a "war on terror" veteran shall mean:

(a) a person who served in the armed forces of the United States in the hostilities that occurred in the Persian Gulf from the eleventh day of September, two thousand one, to the end of such hostilities, who (i) was discharged therefrom under other than dishonorable 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

(b) a person who served in the armed forces of the United States in the hostilities that occurred in Afghanistan from the eleventh day of September, two thousand one, to the end of such hostilities, who (i) was discharged therefrom under other than dishonorable 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.

§ 77. Subdivision 3 of section 404-w of the vehicle and traffic law, as added by chapter 493 of the laws of 2005, is amended to read as follows:

3. For the purposes of this section, "Persian Gulf veteran" shall mean a person who is a resident of this state, who served in the armed forces of the United States in the hostilities that occurred in the Persian Gulf from the second day of August, nineteen hundred ninety to the end of such hostilities, and [~~were~~] was (a) honorably discharged from the military, 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.

§ 78. Subdivision 3 of section 404-y of the vehicle and traffic law, as added by chapter 107 of the laws of 2017, is amended to read as follows:

3. For the purposes of this section, the following terms shall have the following meanings:

(a) "Veteran of the Iraq War" shall mean a person who is a resident of this state, who served in the armed forces of the United States in the hostilities that occurred in Iraq from the sixteenth day of October, two thousand two to the end of such hostilities who **(i)** was discharged therefrom under other than dishonorable 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**; and

(b) "Veteran of the Afghanistan War" shall mean a person who is a resident of this state, who served in the armed forces of the United States in the hostilities that occurred in Afghanistan from the seventh day of October, two thousand one to the end of such hostilities who **(i)** was discharged therefrom under other than dishonorable 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**.

§ 79. Paragraph (b) of subdivision 3 of section 490 of the vehicle and traffic law, as amended by chapter 429 of the laws of 2014, is amended to read as follows:

(b) The identification card shall contain a distinguishing number or mark and adequate space upon which an anatomical gift, pursuant to article forty-three of the public health law, by the holder may be recorded and shall contain such other information and shall be issued in such form as the commissioner shall determine; provided, however, every identification card or renewal thereof issued to a person under the age of twenty-one years shall have prominently imprinted thereon the statement "UNDER 21 YEARS OF AGE" in notably distinctive print or format. Provided, further, however, that every identification card issued to an applicant who was a member of the armed forces of the United States and **(i)** received an honorable discharge or was 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,** shall, upon his or her request and submission of proof as set forth herein, contain a distinguishing mark, in such form as the commissioner shall determine, indicating that he or she is a veteran. Such proof shall consist of a certificate of release or discharge from active duty including but not limited to a DD Form 214 or other proof satisfactory to the commissioner. The commissioner shall not require fees for the issuance of such identification cards or renewals thereof to persons under twenty-one years of age which are different from the fees required for the issuance

of identification cards or renewals thereof to persons twenty-one years of age or over, nor fees to persons requesting a veteran distinguishing mark which are different from fees that would otherwise be required. Provided, however, that notwithstanding the provisions of section four hundred ninety-one of this article, the commissioner shall not require any fees for the duplication or amendment of an identification card prior to its renewal if such duplication or amendment was solely for the purpose of adding a veteran distinguishing mark to such identification card.

§ 80. Paragraph (a-1) of subdivision 1 of section 504 of the vehicle and traffic law, as amended by chapter 429 of the laws of 2014, is amended to read as follows:

(a-1) Every license or renewal thereof issued to an applicant who was a member of the armed forces of the United States and **who (i)** received an honorable discharge or was 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,** shall, upon his or her request and submission of proof as set forth herein, contain a distinguishing mark, in such form as the commissioner shall determine, indicating that he or she is a veteran. Such proof shall consist of a certificate of release or discharge from active duty including but not limited to a DD Form 214 or other proof satisfactory to the commissioner. The commissioner shall not require fees for the issuance of such licenses or renewals thereof to persons requesting a veteran distinguishing mark which are different from fees otherwise required; provided, however, that notwithstanding the provisions of this section, the commissioner shall not require fees for a duplication or amendment of a license prior to its renewal if such duplication or amendment was solely for the purpose of adding a veteran distinguishing mark to such license.

§ 81. Paragraph (a) of subdivision 8 of section 15 of the workers' compensation law, as amended by chapter 635 of the laws of 1996, is amended to read as follows:

(a) Declaration of policy and legislative intent. As a guide to the interpretation and application of this subdivision, the policy and intent of this legislature is declared to be as follows:

First: That every person in this state who works for a living is entitled to reasonable opportunity to maintain his independence and self-respect through self-support even after he/she has been physically handicapped by injury or disease;

Second: That any plan which will reasonably, equitably and practically operate to break down hindrances and remove obstacles to the employment of partially disabled persons **who (i) are** honorably discharged from our armed forces, **or (ii) have a qualifying condition, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service, or (iii) are discharged LGBT veterans, as defined in section three hundred fifty of the executive law, and received a discharge other than bad conduct or dishonorable from such service,** or any other physically handicapped persons, is of vital importance to the state and its people and is of concern to this legislature;

Third: That it is the considered judgment of this legislature that the system embodied in this subdivision, which makes a logical and equitable

adjustment of the liability under the workers' compensation law which an employer must assume in hiring employees, constitutes a practical and reasonable approach to a solution of the problem for the employment of physically handicapped persons.

Moreover, because of the insidious nature of slowly developing diseases such as silicosis and other dust diseases and because of the reluctance on the part of employers to employ persons previously exposed to silica or other harmful dust, means should also be provided whereby employers will be encouraged to employ and to continue the employment of such persons, by apportioning liability fairly between the employer and industry as a whole without at the same time removing any incentive for the prevention of harmful dust diseases.

§ 82. This act shall take effect one year after it shall have become a law; provided, however that the amendments to subdivision 7 of section 369-h of the executive law made by section twenty-five of this act shall not affect the repeal of such section and shall be deemed repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.