

STATE OF NEW YORK

7606--A

Cal. No. 260

2021-2022 Regular Sessions

IN ASSEMBLY

May 19, 2021

Introduced by M. of A. BARRETT, NORRIS -- read once and referred to the Committee on Veterans' Affairs -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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

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

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

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

LBD09383-04-2

terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in ocean-going service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or he or she served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service, or he or she served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service, or (vi) is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service.

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

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

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

9. The term "discharged LGBT veteran" means a veteran who was discharged less than honorably from military [~~or~~], naval or air 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 or air service at the time of discharge. The division shall establish 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 veter-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 1. "Military service" means the military service of the state, or of
44 the United States, including the army, navy, marine corps, air force,
45 space force, coast guard, merchant marine and all components thereof,
46 and the coast and geodetic survey, the public health service, the
47 national guard when in the service of the United States pursuant to call
48 as provided by law, and the cadets or midshipmen of the United States
49 Military Academy, United States Naval Academy, United States Air Force
50 Academy and United States Coast Guard Academy.

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

53 (a) Insurers shall be prohibited from refusing to issue a motor vehi-
54 cle liability insurance policy to any person with a valid New York state
55 driver's license which has been maintained by such person for at least
56 thirty-nine months prior to the time of application for such policy of

1 insurance solely on the basis that such person has not owned or leased a
2 vehicle during such period, unless such decision is based on sound
3 underwriting and actuarial principles reasonably related to actual or
4 anticipated loss experience. Provided, however, that an applicant demon-
5 strating a continuous, valid out-of-state or out-of-country driver's
6 license during such thirty-nine month period due to active service in
7 the United States army, navy, air force, space force or marines shall be
8 treated as if continuous licensing had been maintained in New York and
9 such person shall not be rejected based solely on the fact that he or
10 she served in the military.

11 § 8. Subdivisions 3, 4, and 8 of section 1 of the military law, as
12 amended by section 112 of the laws of 1989, are amended to read as
13 follows:

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

16 4. The terms "military or naval" and "military (including air) or
17 naval" shall mean army or land, air or air force, space force or navy or
18 naval.

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

23 § 9. Paragraph a and subparagraph 2 of paragraph b of subdivision 1 of
24 section 214 of the military law, paragraph a as added by chapter 853 of
25 the laws of 1953 and subparagraph 2 of paragraph b as amended by chapter
26 625 of the laws of 1965, are amended to read as follows:

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

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

43 § 10. Subdivision 3 of section 1271 of the private housing finance
44 law, as amended by chapter 490 of the laws of 2019, is amended to read
45 as follows:

46 3. "Veteran" shall mean a resident of this state who (a) has served in
47 the United States army, navy, marine corps, air force, space force or
48 coast guard or (b) has served on active duty or ordered to active duty
49 as defined in 10 USC 101 (d)(1) as a member of the national guard or
50 other reserve component of the armed forces of the United States or (c)
51 has served on active duty or ordered to active duty for the state, as a
52 member of the state organized militia as defined in subdivision nine of
53 section one of the military law, and has been released from such service
54 documented by an honorable or general discharge, or has a qualifying
55 condition, as defined in section three hundred fifty of the executive
56 law, and has received a discharge other than bad conduct or dishonorable

1 from such service, or is a discharged LGBT veteran, as defined in
2 section three hundred fifty of the executive law, and has received a
3 discharge other than bad conduct or dishonorable from such service.

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

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

34 § 12. Section 63 of the public officers law, as amended by chapter 606
35 of the laws of 2021, is amended to read as follows:

36 § 63. Leave of absence for veterans on Memorial day and Veterans' day.
37 It shall be the duty of the head of every public department and of every
38 court of the state of New York, of every superintendent or foreman on
39 the public works of said state, of the county officers of the several
40 counties of said state, of the town officers of the various towns in
41 this state, of the fire district officers of the various fire districts
42 in this state, and of the head of every department, bureau and office in
43 the government of the various cities and villages in this state, and the
44 officers of any public benefit corporation or any public authority of
45 this state, or of any public benefit corporation or public authority of
46 any county or subdivision of this state, to give leave of absence with
47 pay for twenty-four hours on the day prescribed by law as a public holi-
48 day for the observance of Memorial day and on the eleventh day of Novem-
49 ber, known as Veterans' day, to every person in the service of the
50 state, the county, the town, the fire district, the city or village, the
51 public benefit corporation or public authority of this state, or any
52 public benefit corporation or public authority of any county or subdivi-
53 sion of this state, as the case may be, (i) who served on active duty in
54 the armed forces of the United States during world war I or world war
55 II, or who was employed by the War Shipping Administration or Office of
56 Defense Transportation or their agents as a merchant seaman documented

1 by the United States Coast Guard or Department of Commerce, or as a
2 civil servant employed by the United States Army Transport Service
3 (later redesignated as the United States Army Transportation Corps,
4 Water Division) or the Naval Transportation Service; and who served
5 satisfactorily as a crew member during the period of armed conflict,
6 December seventh, nineteen hundred forty-one, to August fifteenth, nine-
7 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,
8 foreign, intercoastal, or coastwise service as such terms are defined
9 under federal law (46 USCA 10301 & 10501) and further to include "near
10 foreign" voyages between the United States and Canada, Mexico, or the
11 West Indies via ocean routes, or public vessels in oceangoing service or
12 foreign waters and who has received a Certificate of Release or
13 Discharge from Active Duty and a discharge certificate, or an Honorable
14 Service Certificate/Report of Casualty, from the Department of Defense,
15 or who served as a United States civilian employed by the American Field
16 Service and served overseas under United States Armies and United States
17 Army Groups in world war II during the period of armed conflict, Decem-
18 ber seventh, nineteen hundred forty-one through May eighth, nineteen
19 hundred forty-five, and who (a) was discharged or released therefrom
20 under honorable conditions, or (b) has a qualifying condition, as
21 defined in section three hundred fifty of the executive law, and has
22 received a discharge other than bad conduct or dishonorable from such
23 service, or (c) is a discharged LGBT veteran, as defined in section
24 three hundred fifty of the executive law, and has received a discharge
25 other than bad conduct or dishonorable from such service or who served
26 as a United States civilian Flight Crew and Aviation Ground Support
27 Employee of Pan American World Airways or one of its subsidiaries or its
28 affiliates and served overseas as a result of Pan American's contract
29 with Air Transport Command or Naval Air Transport Service during the
30 period of armed conflict, December fourteenth, nineteen hundred forty-
31 one through August fourteenth, nineteen hundred forty-five, and who (d)
32 was discharged or released therefrom under honorable conditions, or (e)
33 has a qualifying condition, as defined in section three hundred fifty of
34 the executive law, and has received a discharge other than bad conduct
35 or dishonorable from such service, or (f) is a discharged LGBT veteran,
36 as defined in section three hundred fifty of the executive law, and has
37 received a discharge other than bad conduct or dishonorable from such
38 service or during the period of the Korean conflict at any time between
39 the dates of June twenty-seventh, nineteen hundred fifty and January
40 thirty-first, nineteen hundred fifty-five, or during the period of the
41 Vietnam conflict from the ~~[twenty-eighth day of February, nineteen~~
42 ~~hundred sixty-one]~~ first day of November, nineteen hundred fifty-five to
43 the seventh day of May, nineteen hundred seventy-five, or (ii) who
44 served on active duty in the armed forces of the United States and who
45 was a recipient of the armed forces expeditionary medal, navy expedi-
46 tionary medal or marine corps expeditionary medal for participation in
47 operations in Lebanon from June first, nineteen hundred eighty-three to
48 December first, nineteen hundred eighty-seven, in Grenada from October
49 twenty-third, nineteen hundred eighty-three to November twenty-first,
50 nineteen hundred eighty-three, or in Panama from December twentieth,
51 nineteen hundred eighty-nine to January thirty-first, nineteen hundred
52 ninety, or (iii) who served in the armed forces of a foreign country
53 allied with the United States during world war I or world war II, or
54 during the period of the Korean conflict at any time between June twen-
55 ty-seventh, nineteen hundred fifty and January thirty-first, nineteen
56 hundred fifty-five, or during the period of the Vietnam conflict from

1 the first day of November, nineteen hundred fifty-five to the seventh
2 day of May, nineteen hundred seventy-five, or during the period of the
3 Persian Gulf conflict from the second day of August, nineteen hundred
4 ninety to the end of such conflict, or who served on active duty in the
5 army or navy or marine corps or air force or space force or coast guard
6 of the United States, and who (a) was honorably discharged or separated
7 from such service under honorable conditions, or (b) has a qualifying
8 condition, as defined in section three hundred fifty of the executive
9 law, and has received a discharge other than bad conduct or dishonorable
10 from such service, or (c) is a discharged LGBT veteran, as defined in
11 section three hundred fifty of the executive law, and has received a
12 discharge other than bad conduct or dishonorable from such service
13 except where such action would endanger the public safety or the safety
14 or health of persons cared for by the state, in which event such persons
15 shall be entitled to leave of absence with pay on another day in lieu
16 thereof. All such persons who are compensated on a per diem, hourly,
17 semi-monthly or monthly basis, with or without maintenance, shall also
18 be entitled to leave of absence with pay under the provisions of this
19 section and no deduction in vacation allowance or budgetary allowable
20 number of working days shall be made in lieu thereof. A refusal to give
21 such leave of absence to one entitled thereto shall be neglect of duty.

22 § 13. Subparagraph 1 of paragraph b of subdivision 29 of section 210-B
23 of the tax law, as amended by chapter 490 of the laws of 2019, is
24 amended to read as follows:

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

38 § 14. Subparagraph (A) of paragraph 2 of subsection (a-2) of section
39 606 of the tax law, as amended by chapter 490 of the laws of 2019, is
40 amended to read as follows:

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

54 § 15. Subparagraph (A) of paragraph 2 of subdivision (g-1) of section
55 1511 of the tax law, as amended by chapter 490 of the laws of 2019, is
56 amended to read as follows:

(A) who served on active duty in the United States army, navy, air force, space 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;

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

6. "Veteran" shall mean a person who served in the United States army, navy, air force, space force, marines, coast guard, and/or reserves thereof, and/or in the army national guard, air national guard, New York guard and/or 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.

§ 17. Paragraph (b) of subdivision 5 of section 50 of the civil service law, as amended by chapter 490 of the laws of 2019, 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

1 other than bad conduct or dishonorable from such service. The term
2 "armed forces" shall mean the army, navy, air force, space force, marine
3 corps, and coast guard.

4 § 18. Paragraph (e) of subdivision 1 of section 458-a of the real
5 property tax law, as amended by chapter 490 of the laws of 2019, is
6 amended to read as follows:

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

1 provision of law to the contrary, who are members of the reserve compo-
2 nents of the armed forces of the United States who (1) received an
3 honorable discharge or release therefrom under honorable conditions, or
4 (2) has a qualifying condition, as defined in section three hundred
5 fifty of the executive law, and has received a discharge other than bad
6 conduct or dishonorable from such service, or (3) is a discharged LGBT
7 veteran, as defined in section three hundred fifty of the executive law,
8 and has received a discharge other than bad conduct or dishonorable from
9 such service, but are still members of the reserve components of the
10 armed forces of the United States provided that such members meet all
11 other qualifications under the provisions of this section.

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