

STATE OF NEW YORK

5234--B

2021-2022 Regular Sessions

IN SENATE

February 26, 2021

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Veterans, Homeland Security and Military Affairs in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. Section 13-a of the general construction law, as amended by
2 chapter 490 of the laws of 2019, is amended to read as follows:
3 § 13-a. Armed forces of the United States. "Armed forces of the United
4 States" means the army, navy, marine corps, air force, space force and
5 coast guard, including all components thereof, and the national guard
6 when in the service of the United States pursuant to call as provided by
7 law. Pursuant to this definition no person shall be considered a member
8 or veteran of the armed forces of the United States unless his or her
9 service therein is or was on a full-time active duty basis, other than
10 active duty for training or he or she was employed by the War Shipping
11 Administration or Office of Defense Transportation or their agents as a
12 merchant seaman documented by the United States Coast Guard or Depart-
13 ment of Commerce, or as a civil servant employed by the United States
14 Army Transport Service (later redesignated as the United States Army

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

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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.

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

§ 13-a. Armed forces of the United States. "Armed forces of the United States" means the army, navy, marine corps, air force, space force and coast guard, including all components thereof, and the national guard when in the service of the United States pursuant to call as provided by law. Pursuant to this definition no person shall be considered a member or veteran of the armed forces of the United States unless his or her service therein is or was on a full-time active duty basis, other than active duty for training or he or she was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further

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

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

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

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

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

10. The term "discharge or release" includes: (a) retirement from the active military, naval, air, or space service; and (b) the satisfactory completion of the period of active military, naval, air, or space 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.

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

10. The term "discharge or release" includes: (a) retirement from the active military, naval, air, or space service; and (b) the satisfactory completion of the period of active military, naval, air, or space 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.

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

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

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

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

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

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

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

1 shall be appointed by the speaker of the state assembly. At least one of
2 the members appointed by the temporary president of the senate and at
3 least one of the members appointed by the speaker of the assembly shall
4 be a veteran of the United States army, the United States navy, the
5 United States air force, the United States marines, the New York army
6 national guard, the New York air national guard, the New York naval
7 militia, or a member who has served in a theater of combat operations of
8 the United States coast guard or the United States merchant marine. No
9 member shall receive any compensation for his or her service, but
10 members who are not state officials may be reimbursed for their actual
11 and necessary expenses, including travel expenses incurred in perform-
12 ance of their duties. The management board may consult with any federal,
13 state or local entity for the purposes of advancing its purposes,
14 mission and duties.

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

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

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

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

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

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

46 4. The terms "military or naval" and "military (including air) or
47 naval" shall mean army or land, air or air force, space force or navy or
48 naval.

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

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

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

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

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

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

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

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

1 time when and the place where such person died in or was discharged from
2 such service. It is the duty of the foregoing officers to furnish such
3 certificate on application, and any such certificate when purporting to
4 be signed by any one of such officers, or by any person purporting upon
5 the face of the certificate to have been so authorized, shall be prima
6 facie evidence of its contents and of the authority of the signer to
7 issue the same.

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

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

§ 15. Section 63 of the public officers law, as amended by section 80 of part PP of chapter 56 of the laws of 2022, 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

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

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

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

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

53 § 17. Subdivision 6 of section 210 of the economic development law,
54 as amended by section 33 of part PP of chapter 56 of the laws of 2022,
55 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 one of the veterans' services 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 one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

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

§ 19. Paragraph (b) of subdivision 5 of section 50 of the civil service law, as amended by section 35 of part PP of chapter 56 of the laws of 2022, 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 exam-

inations 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 one of the veterans' services 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 one of the veterans' services 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, space force, marine corps, and coast guard.

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

(e) "Veteran" means a person (i) who served in the active military, naval, space, 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.

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

(e) "Veteran" means a person (i) who served in the active military, naval, space, 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 one of the veterans' services 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 one of the veterans' services 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

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

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