

# 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.

LBD09383-06-2

1 Transportation Corps, Water Division) or the Naval Transportation  
2 Service; and who served satisfactorily as a crew member during the peri-  
3 od of armed conflict, December seventh, nineteen hundred forty-one, to  
4 August fifteenth, nineteen hundred forty-five, aboard merchant vessels  
5 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
6 terms are defined under federal law (46 USCA 10301 & 10501) and further  
7 to include "near foreign" voyages between the United States and Canada,  
8 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
9 going service or foreign waters and who has received a Certificate of  
10 Release or Discharge from Active Duty and a discharge certificate, or an  
11 Honorable Service Certificate/Report of Casualty, from the Department of  
12 Defense or he or she served as a United States civilian employed by the  
13 American Field Service and served overseas under United States Armies  
14 and United States Army Groups in world war II during the period of armed  
15 conflict, December seventh, nineteen hundred forty-one through May  
16 eighth, nineteen hundred forty-five, and (i) was discharged or released  
17 therefrom under honorable conditions, or (ii) has a qualifying condi-  
18 tion, as defined in section three hundred fifty of the executive law,  
19 and has received a discharge other than bad conduct or dishonorable from  
20 such service, or (iii) is a discharged LGBT veteran, as defined in  
21 section three hundred fifty of the executive law, and has received a  
22 discharge other than bad conduct or dishonorable from such service, or  
23 he or she served as a United States civilian Flight Crew and Aviation  
24 Ground Support Employee of Pan American World Airways or one of its  
25 subsidiaries or its affiliates and served overseas as a result of Pan  
26 American's contract with Air Transport Command or Naval Air Transport  
27 Service during the period of armed conflict, December fourteenth, nine-  
28 teen hundred forty-one through August fourteenth, nineteen hundred  
29 forty-five, and (iv) was discharged or released therefrom under honor-  
30 able conditions, or (v) has a qualifying condition, as defined in  
31 section three hundred fifty of the executive law, and has received a  
32 discharge other than bad conduct or dishonorable from such service, or  
33 (vi) is a discharged LGBT veteran, as defined in section three hundred  
34 fifty of the executive law, and has received a discharge other than bad  
35 conduct or dishonorable from such service.

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

39 § 13-a. Armed forces of the United States. "Armed forces of the United  
40 States" means the army, navy, marine corps, air force, space force and  
41 coast guard, including all components thereof, and the national guard  
42 when in the service of the United States pursuant to call as provided by  
43 law. Pursuant to this definition no person shall be considered a member  
44 or veteran of the armed forces of the United States unless his or her  
45 service therein is or was on a full-time active duty basis, other than  
46 active duty for training or he or she was employed by the War Shipping  
47 Administration or Office of Defense Transportation or their agents as a  
48 merchant seaman documented by the United States Coast Guard or Depart-  
49 ment of Commerce, or as a civil servant employed by the United States  
50 Army Transport Service (later redesignated as the United States Army  
51 Transportation Corps, Water Division) or the Naval Transportation  
52 Service; and who served satisfactorily as a crew member during the peri-  
53 od of armed conflict, December seventh, nineteen hundred forty-one, to  
54 August fifteenth, nineteen hundred forty-five, aboard merchant vessels  
55 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
56 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.

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

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

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

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

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

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

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

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

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

54 13. The term "reserve component" means with respect of the armed forc-  
55 es: (a) the army reserve; (b) the navy reserve; (c) the marine corps  
56 reserve; (d) the air force reserve; (e) the coast guard reserve; (f) the

1 army national guard of the United States; and (g) the air national guard  
2 of the United States.

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

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

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

16 § 6. Subdivisions 5 and 7 of section 369-h of the executive law,  
17 subdivision 5 as added by chapter 22 of the laws of 2014 and subdivision  
18 7 as amended by chapter 490 of the laws of 2019, are amended to read as  
19 follows:

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

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

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

46 (a) For each New York state veterans cemetery there shall be a manage-  
47 ment board. Each such management board shall consist of nine members,  
48 including the director of the division who shall serve as chair, and  
49 four members, appointed by the governor. Of such four members, not fewer  
50 than two shall be a veteran of the United States army, the United States  
51 navy, the United States air force, the United States space force, the  
52 United States marines, the New York army national guard, the New York  
53 air national guard, the New York naval militia, or a member who has  
54 served in a theater of combat operations of the United States coast  
55 guard or the United States merchant marine. Two members shall be  
56 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

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

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

55 § 63. Leave of absence for veterans on Memorial day and Veterans' day.  
56 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:

1 6. "Veteran" shall mean a person who served in the United States army,  
2 navy, air force, space force, marines, coast guard, and/or reserves  
3 thereof, and/or in the army national guard, air national guard, New York  
4 guard and/or New York naval militia and who (a) has received an honor-  
5 able or general discharge from such service, or (b) has a qualifying  
6 condition, as defined in section one of the veterans' services law, and  
7 has received a discharge other than bad conduct or dishonorable from  
8 such service, or (c) is a discharged LGBT veteran, as defined in section  
9 one of the veterans' services law, and has received a discharge other  
10 than bad conduct or dishonorable from such service.

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

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

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

47 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
48 sion, the state civil service department, subject to the approval of the  
49 director of the budget, a municipal commission, subject to the approval  
50 of the governing board or body of the city or county, as the case may  
51 be, or a regional commission or personnel officer, pursuant to govern-  
52 mental agreement, may elect to waive application fees, or to abolish  
53 fees for specific classes of positions or types of examinations or  
54 candidates, or to establish a uniform schedule of reasonable fees  
55 different from those prescribed in paragraph (a) of this subdivision,  
56 specifying in such schedule the classes of positions or types of exam-

1 inations or candidates to which such fees shall apply; provided, howev-  
2 er, that fees shall be waived for candidates who certify to the state  
3 civil service department, a municipal commission or a regional commis-  
4 sion that they are unemployed and primarily responsible for the support  
5 of a household, or are receiving public assistance. Provided further,  
6 the state civil service department shall waive the state application fee  
7 for examinations for original appointment for all veterans. Notwith-  
8 standing any other provision of law, for purposes of this section, the  
9 term "veteran" shall mean a person who has served in the armed forces of  
10 the United States or the reserves thereof, or in the army national  
11 guard, air national guard, New York guard, or the New York naval mili-  
12 tia, and who (1) has been honorably discharged or released from such  
13 service under honorable conditions, or (2) has a qualifying condition,  
14 as defined in section one of the veterans' services law, and has  
15 received a discharge other than bad conduct or dishonorable from such  
16 service, or (3) is a discharged LGBT veteran, as defined in section one  
17 of the veterans' services law, and has received a discharge other than  
18 bad conduct or dishonorable from such service. The term "armed forces"  
19 shall mean the army, navy, air force, space force, marine corps, and  
20 coast guard.

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

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

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

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

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