STATE OF NEW YORK

7526--A

2021-2022 Regular Sessions

IN SENATE

November 17, 2021

Introduced by Sens. BROOKS, HARCKHAM, REICHLIN-MELNICK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to constituting chapter 13 of the consolidated law, in relation to establishing the veterans' services law and the department of veterans' services; to amend the domestic relations law, the education law, the election law, the environmental conservation law, the executive law, the general municipal law, the labor law, the mental hygiene law, the not-for-profit corporation law, the public health law, the social services law, the state finance law, the defense emergency act of 1951, the administrative code of the city of New York, the New York city charter, the cannabis law, the state technology law, the county law, the economic development law, the correction law, the civil service law, the general business law, the general construction law, the highway law, the insurance law, the judiciary law, the military law, the public housing law, the public officers law, the private housing finance law, the real property tax law, the tax law, the town law, the vehicle and traffic law, and the workers' compensation law, in relation to replacing all instances of the term "division of veterans services" with the term "department of veterans' services" and to making related conforming technical changes; and to repeal certain provisions of the executive law relating to veterans' services and of the military law relating to certain awards and medals

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

Section 1. Articles 17, 17-A and 17-B of the executive law and subdivision 1-c of section 247 of the military law are REPEALED.

§ 2. Chapter 13 of the consolidated laws is enacted to read as follows:

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

LBD13178-05-1

CHAPTER 13 OF THE CONSOLIDATED LAWS
VETERANS' SERVICES
ARTICLE 1
DEPARTMENT OF VETERANS' SERVICES

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§ 1. Definitions. When used in this article:

1. The term "department" means the department of veterans' services.

2. The term "state commissioner" means the New York state commissioner of veterans' services.

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

4. The term "armed forces" means the military and naval forces of the United States.

5. The term "local director" means the director of a county or city veterans' service agency.

6. The term "county director" means a local director of a county veterans' service agency.

7. The term "city director" means a local director of a city veterans' service agency.

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

9. The term "discharged LGBT veteran" means a veteran who was discharged less than honorably from military or naval service due to their sexual orientation or gender identity or expression, as those terms are defined in section two hundred ninety-two of the executive law, or statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity or expression, or the disclosure of such statements, conduct, or acts, that were prohibited by the military or naval service at the time of discharge. The department shall establish a consistent and uniform process to determine whether a veteran qualifies as a discharged LGBT veteran under this subdivision, including, at a minimum, standards for verifying a veteran's status as a discharged LGBT veteran, and a method of demonstrating eligibility as a discharged LGBT veteran.

§ 2. Department of veterans' services. There is hereby created a department of veterans' services. The head of such department shall be the New York state commissioner of veterans' services who shall be a veteran. He or she shall be appointed by the governor and shall hold office during his or her pleasure. Such state commissioner shall receive an annual salary to be fixed by the governor within the limitation provided by law. He or she shall also be entitled to receive his or her expenses actually and necessarily incurred by him or her in the performance of his or her duties. The state commissioner, with the approval of the governor, may establish such bureaus within the department as are necessary and appropriate to carrying out its functions and may consolidate or abolish such bureaus. The state commissioner may appoint such officers, consultants, clerks and other employees and agents as he or she may deem necessary, fix their compensation within the limitation provided by law, and prescribe their duties.

§ 3. Veterans' services commission. 1. There shall be in the department a veterans' services commission, which shall consist of the members and the ex officio members provided for in this section.

2. There shall be thirteen members of the commission who shall be veterans appointed by the governor, including two appointed on recommendation of the temporary president of the senate, one appointed on recommendation of the minority leader of the senate, two appointed on recommendation of the speaker of the assembly, and one appointed on recommendation of the minority leader of the assembly. The appointment of members made by the governor without recommendation shall be subject to advice and consent of the senate. The members of the commission shall serve for terms of three years each. Appointed members presently serving on the commission shall continue to serve for the remainder of the term appointed. Any member chosen to fill a vacancy of such an appointed member occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom he or she is to succeed. Members appointed as provided in this subdivision shall receive no salary or other compensation, but each shall be enti-

tled to receive expenses actually and necessarily incurred in the performance of their duties.

3. Ex officio members. (a) The adjutant general of the state of New York shall be an ex officio member of the commission.

(b) In addition, the state commissioner may appoint the head of any other state agency or their designee as a non-voting, ex officio member of the commission. Such appointments shall expire annually on December thirty-first unless such appointments are renewed by the state commissioner.

4. One of the members of the commission, which shall include the adjutant general, shall be designated as chairperson by the governor. The designation shall be in writing and shall be filed with the commission.

5. The commission shall have power, and it shall be its duty, to assist the state commissioner in the formulation of policies affecting veterans and in the coordination of all operations of state agencies relating to veterans' services.

§ 4. General functions, powers and duties of department. The department, by and through the state commissioner or his or her duly authorized officer or employee, shall have the following functions, powers and duties:

1. To coordinate the program and activities of departments, divisions, boards, bureaus, commissions or agencies of the state or of any political subdivision of the state in providing services and facilities to members of the armed forces and to veterans who are residents of this state and their families.

2. To maintain liaison with other public officials and agencies concerned with the development or execution of plans for members of the armed forces and veterans who are residents of this state, and their families, and to assist in the development and execution of such plans.

3. To establish, direct and supervise a state veterans' services agency; and to create or designate other agencies of the department to aid and assist in the discharge of one or more of its functions, powers or duties under this article, and grant authority to such agencies as may be deemed necessary for the effective accomplishment of any of such functions, powers or duties.

4. To operate and maintain counseling services, rest camps and other agencies and institutions and to administer benefits and facilities for members of the armed forces and veterans who are residents of this state, and their families.

5. To provide seminars three times per year at locations throughout the state to advise veterans and their surviving spouses, who are age sixty-two or older, of veterans' benefits for which they may be eligible from the state and federal governments, and the means of obtaining such benefits.

6. To provide seminars three times per year at locations throughout the state to advise women veterans of their benefits for which they may be eligible from the state and federal governments, the means of obtaining such benefits and other topics, including, but not limited to, health care issues of specific interest to women veterans.

7. To provide in cooperation with the office of general services and the office of the comptroller a series of seminars, that shall be conducted four or more times per year at regional sites located throughout the state of New York for the purpose of advising veteran-owned businesses regarding the opportunities available for obtaining procurement contracts from New York state agencies, municipalities, and authorities. Furthermore the seminars shall provide requirements and training

that will enable veteran-owned businesses to successfully participate in the procurement process.

8. To execute and assist in the execution of plans for the efficient utilization of the resources and facilities of the state in matters related to members of the armed forces and veterans who are residents of this state, and their families.

9. To make studies and analyses and develop and execute plans for assistance and benefits to members of the armed forces and veterans who are residents of this state, and their families, and the creation of agencies, institutions and facilities therefor.

10. To prepare and submit a report, in consultation with the office of temporary and disability assistance, department of labor, and office of children and family services to determine the number of homeless persons in New York state that are veterans. Such report shall include, but not be limited to, the following information to the extent it is reasonably accessible to the department: (a) an analysis of veterans in New York state who are currently homeless, or have been homeless within five years of being released from active duty including an analysis of gender as it relates to homelessness of veterans; (b) data on the number of children of homeless veterans, including the current placement of such children; (c) cases of military sexual trauma experienced by homeless veterans while on active duty or during military training, including a breakdown of the collected data based upon the gender of the victim; and (d) the unemployment rate for New York state veterans. The term "children of homeless veterans" shall mean a person who is unmarried and who is under the age of eighteen years, and is the biological or legally adopted child of a veteran. The report shall be delivered to the governor, the speaker of the assembly and the temporary president of the senate by June thirtieth, two thousand twenty and every three years thereafter. Such report shall be publicly available and posted on the department of veterans' services website.

11. To develop and encourage plans for the occupational reorientation of veterans who are residents of this state, including the determination and certification of civilian equivalents for military experience and the development and encouragement of on-the-job training and apprenticeship training programs. Furthermore, the department shall provide an internet connection to correlate military occupations and skills into civilian translations and terms.

12. To provide information regarding resources that are available to assist veterans in establishing and sustaining a small business by maintaining a small business portal on the department's internet website. Such portal shall provide virtual links to appropriate government programs including, but not limited to the United States Department of Veterans' Affairs. The department may consult with the New York State Small Business Development Center and any other appropriate state agencies. The department shall make reference to this information in its newsletter, at the three seminars sponsored by the department pursuant to subdivisions five, six, and seven of this section and the annual report to the governor and the legislature as provided in subdivision seventeen of this section. Such information required under this subdivision shall be maintained and updated annually. The information may also be made available in printed form.

13. To provide information regarding resources that are available to assist veterans in obtaining employment by maintaining a veterans' employment portal on the department's internet website. Such portal shall provide virtual links to appropriate governmental programs on the

federal and state level, including, but not limited to the United States department of labor and the New York state department of labor. The department may consult with members of the community devoted to helping veterans obtain employment. The department shall make reference to this information pursuant to subdivisions five, six, and seven of this section and the annual report to the governor and the legislature as provided in subdivision seventeen of this section. Such information required under this subdivision shall be maintained and updated annually. The information may also be made available in printed form.

14. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this article.

15. To recommend to the legislature and the governor legislative proposals for the benefit of members of the armed forces and veterans who are residents of this state, and their families.

16. To exercise and perform such other functions, powers and duties as may be deemed necessary to protect the interests and promote the welfare of members of the armed forces and veterans who are residents of this state, and their families.

17. To render each year to the governor and to the legislature a written report of the activities and recommendations of the department.

18. (a) For the purpose of providing for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for state veterans' cemeteries, to seek funding from, and make application for funding to:

(1) the government of the United States, including any agency or public authority thereof;

(2) the government of the state of New York, including any agency or public authority thereof;

(3) any political subdivision of the government of the state of New York, including any agency or public authority thereof; or

(4) any private individual, corporation or foundation;

(b) Pursuant to section twenty-three of this article, to provide for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for state veterans cemeteries;

(c) To expend moneys from the veterans remembrance and cemetery maintenance and operation fund, established pursuant to section ninety-seven-mmmm of the state finance law; and

(d) To evaluate, monitor and otherwise oversee the operation of veterans cemeteries in this state.

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

20. To establish, operate and maintain a toll-free telephone number, under the supervision of the state commissioner, for the purpose of providing callers thereof with information relating to services provided by the department as well as services and programs provided to veterans

by other agencies, bureaus and organizations. Such services and programs shall include, but not be limited to, educational and job benefits, tuition assistance programs, survivor benefits, health and mental health referrals and real property tax exemptions.

21. To establish, operate and maintain a free mobile application, under the supervision of the state commissioner, for the purposes of providing veterans and their family members with information, available on a region-specific basis, relating to services provided by the department as well as services and programs provided to veterans by other state agencies, the federal government, and other organizations. Such services and programs shall include, but not be limited to educational and job benefits, tuition assistance programs, survivor benefits, health and mental health referrals, and real property tax exemptions. The department's website shall contain a link to the free mobile application.

22. To develop, jointly with the commissioner of education, a form by which the parent or person in parental relation to a designated child may, should he or she so elect, report to the department that a parent of such child is a veteran of the armed forces who served in Vietnam during the Vietnam conflict. This form shall: (i) clearly state that the parent or person in parental relation is not required to provide the information requested and that the information will have no bearing upon the services the child will receive; (ii) state that the information will be used exclusively for research purposes and explain those research purposes in plain language; and (iii) provide the address to which the form is to be mailed, should the parent or person in parental relation elect to make such report. For the purposes of this subdivision, the term "designated child" shall mean a child designated by a school district committee on special education pursuant to section forty-four hundred two of the education law as either learning disabled or emotionally disturbed.

23. To process all information received from nursing homes and residential health care facilities, including assisted living and assisted living residences as defined in section forty-six hundred fifty-one of the public health law, and adult care facilities authorized under title two of article seven of the social services law, indicating veteran or veteran spouse status. Such processing shall occur by transmitting such information to state counselors for review and potential linkage to applicable benefits, including but not limited to federal aid and attendance and a federal improved pension program. State counselors shall work with county counselors or any accredited service officers of an organization chartered by the congress of the United States and/or recognized by the department of veterans affairs for claim representation as necessary and where appropriate. Such information shall be protected as personal confidential information under article six-A of the public officers law against disclosure of confidential material, and shall be used only to assist in providing linkage to applicable benefits and entitlements under federal and state law.

24. To include within the annual report as required by subdivision seventeen of this section an accounting of the number of forms received from nursing homes and residential health care facilities, including assisted living and assisted living residences as defined in section forty-six hundred fifty-one of the public health law, and adult care facilities authorized under title two of article seven of the social services law, and the specific number of veterans and spouses of veterans linked to applicable benefits, including, but not limited to federal

aid and attendance and a federal improved pension program. Such report shall evaluate the average time taken by the department between receipt of such information, transmission to veterans counselors and linkage to available benefits. Such report shall also evaluate the effectiveness of the program and make recommendations for improvements as necessary.

25. To encourage the development of and to provide for the establishment of a state women veterans coordinator, as provided in section nineteen of this article.

26. To make available information on accident prevention courses approved by the commissioner of motor vehicles online on the department's website. The department shall provide a link to the department of motor vehicles website pages containing information on the accident prevention courses.

27. To provide information regarding resources that are available to assist veterans who experience mental health or substance abuse problems, and veterans with physical disabilities, by maintaining mental health, substance abuse and physical disabilities portals on the department's internet website. Such portals shall provide virtual links to appropriate governmental programs on the federal and state levels and information on suicide prevention, peer outreach and support, and services that address the special needs of physically disabled veterans. The department may consult with the office of mental health, the office of addiction services and supports, the department of health and the department of labor. The department shall make reference to this information provided pursuant to subdivisions five and six of this section and in the annual report to the governor and the legislature required pursuant to subdivision seventeen of this section. Such information required under this subdivision shall be maintained and updated annually.

28. To include within the annual report as required by subdivision seventeen of this section an accounting of the number of veteran-owned small businesses in the state of New York, to be listed by the following designations: small business concern owned and controlled by veterans as set forth in 15 U.S.C. section 632(Q)(3), as amended from time to time, and service disabled veteran-owned business enterprise as set forth in article three of this chapter. Such listing shall include but not be limited to the name of the veteran owner or owners of each business, location of each such business, the type of each such business and whenever practicable, be divided into categories of labor, services, equipment, materials and recognized construction trades. The department shall request this information annually from the U.S. department of veterans affairs, any other appropriate federal agencies and the department of service-disabled veterans' business development within the New York state office of general services.

29. To maintain a fact sheet on the department's webpage containing (a) contact information for all veterans integrated service networks located within the state, (b) current contact information for the United States veterans health administration including VA medical centers and clinics and (c) contact information for each New York State veterans' home. The fact sheet shall be entitled, "Information for Veterans concerning Health Care Options" and shall be updated annually.

30. To maintain a listing on the department's website of the local veterans' service agencies established pursuant to section fourteen of this article with the name, location, hours of operation and contact information of each county and city veterans' service agency. The department shall also provide this information in its annual report to

the governor and the legislature as required pursuant to subdivision seventeen of this section. Information under this subdivision shall be provided to the department by each local veterans' service agency and shall be updated annually.

31. To maintain a discharge upgrade advisory board program within the department to provide written non-binding advisory opinions to veterans of the state of New York appealing their character of discharge from the discharge review board or the board for corrections of military records for their branch of service on the federal level. Individuals may submit an application with evidence, including all relevant documents, which shall be reviewed by the discharge upgrade advisory board program in a timely manner. If such board finds the veteran's application for a discharge upgrade is meritorious, then the board will provide the veteran with a written opinion advocating for the discharge review board or board for corrections of military or naval records to grant that veteran's appeal. The department shall post information on the discharge upgrade advisory board program on its official webpage. The annual report required by subdivision seventeen of this section shall contain information including, but not limited to, the number of cases reviewed, and the number of cases where a veteran's application was found to be meritorious.

32. To provide information regarding resources that are available to assist veterans who experienced military sexual trauma while on active duty or during military training, by maintaining a military sexual trauma portal on the department's internet website. Such portal shall provide virtual links to appropriate governmental programs on the federal and state levels. The department may consult with the office of mental health and the department of health. The department shall make reference to this information provided pursuant to subdivisions five and six of this section and in the annual report to the governor and the legislature required pursuant to subdivision seventeen of this section. Such information required under this subdivision shall be maintained and updated annually.

33. To make widely available to the public via, among other things, publication on the department's website and free mobile application pursuant to subdivision twenty-one of this section, information regarding the veterans remembrance and cemetery maintenance and operation fund established pursuant to section ninety-seven-mmmm of the state finance law.

34. To coordinate outreach efforts that ensure members of the armed forces and veterans who are residents of this state, and their families, are made aware of services for veterans from any departments, divisions, boards, bureaus, commissions or agencies of the state or any political subdivision of this state.

35. To develop collaborative relationships among state, federal, and local agencies and private organizations, including but not limited to the office of mental health, state office for the aging, and office of addiction services and supports, to help facilitate access to services by members of the armed forces and veterans who are residents of the state and their families.

§ 5. Veteran speaker education program. 1. There is hereby established within the department a veteran speaker education program to be developed and implemented by the commissioner in consultation with the commissioner of the New York state military museum and veterans resource center and in accordance with the provisions of this section. Such program shall provide school districts within this state with a listing

of available veteran speakers willing to visit classrooms for the purpose of discussing their military experience.

2. The department, from its available resources, shall develop an informational pamphlet to be distributed either by mail or electronically to school districts which provides a general overview of the program including its purpose and how to participate. The department shall, in consultation with congressionally chartered veterans organizations and local veterans services agencies, appoint and create a listing of veteran speakers coordinators for each county of the state who shall be listed in the informational pamphlet. The veteran speakers coordinators' duties shall include but not be limited to contacting veterans who reside in their county including those who have participated in the veteran's oral history program at the New York state military museum or the West Point oral history project or the veterans history project of the American Folklore Center or any similar oral history project with information about this program and inquiring as to whether such persons would be willing to participate as speakers or in any other capacity. The listing shall include the names and contact information for such veterans including information describing the type of military service performed by each such person, the time and length of service, geographic area or areas where such person served and rank. The veteran speakers coordinators shall annually update such information regarding the availability of such veterans.

3. No teacher or veteran shall be required to participate in this program. Any teacher who wishes to supplement his or her classroom instruction concerning a particular era in American military history may contact a participating veteran personally to request that such person visit a classroom to discuss his or her military experience. A teacher shall be responsible for ascertaining the appropriateness of any proposed speaker based upon the age of the children and the intended subject matter. Nothing in this section shall be intended to supersede any particular or general school rules or regulations or other laws relating to curriculum.

4. The department shall require a certified copy of the veteran's discharge papers to participate in the veteran speaker program. Such form shall be filed with the department to serve as evidence that such person is a veteran who served in the United States military honorably.

5. The department shall implement a procedure for evaluations of each speaker to be completed by teachers and students, and maintain such evaluations and make them available upon request to other teachers who plan to participate.

6. The department may consult with other veterans organizations and any branch of the U.S. military in the development of this program.

§ 6. Cooperation and facilities of other departments. To effectuate the purposes of this article, the governor may direct any department, division, board, bureau, commission or agency of the state, or of any political subdivision thereof, to cooperate with and assist and advise the department in the performance of its duties and functions, and to provide such facilities, including personnel, materials and other assistance and data as will enable the department or any of its agencies to properly carry out its activities and effectuate its purposes under this article.

§ 7. Information on status of veterans receiving assistance. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving

health, mental health, family services, criminal justice or employment, including but not limited to the office of addiction services and supports, office of mental health, office of probation and correctional alternatives, office of children and family services, office of temporary and disability assistance, department of health, department of labor, local workforce investment boards, office for people with developmental disabilities, and department of corrections and community supervision, shall request assisted persons to provide information with regard to their veteran status and military experiences. Individuals identifying themselves as veterans shall be advised that the department of veterans' services and local veterans' service agencies established pursuant to section fourteen of this article provide assistance to veterans regarding benefits under federal and state law. Information regarding veterans status and military service provided by assisted persons solely to implement this section shall be protected as personal confidential information under article six-A of the public officers law against disclosure of confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's problems within the agency requesting such information and in referring the veteran to the department of veterans' services for information and assistance with regard to benefits and entitlements under federal and state law.

§ 8. New York state supplemental burial allowance for members of the armed forces of the United States killed in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310. 1. As used in this section, "parent" means a father, a mother, a father through adoption, a mother through adoption, or an individual who, for a period of not less than one year, at any time before the decedent's entry into active military service stood in the relationship of a parent to a decedent who died in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310, or who died from a wound incurred in combat or while serving on duty subject to hostile fire or imminent danger, as defined in 37 USC § 310 or, if two persons stood in the relationship of a parent for one year or more, the person who bore the expenses of the funeral of the decedent.

2. As used in this section, (a) "wound" means a physical injury to a servicemember on active duty caused by (i) a bullet, shrapnel, or other projectile; (ii) a mine or trap; (iii) an explosion; (iv) a vehicle or aircraft accident not caused by the servicemember's willful misconduct; or (v) any other action caused or induced by the enemy directly resulting in physical harm to the servicemember.

(b) "burial receptacle" means (i) a casket, which shall mean a rigid container that is designed for the encasement of human remains and customarily ornamented and lined with fabric, (ii) an urn, which shall mean a container of wood, metal, pottery, or other material designed for the storage of cremated human remains, and/or (iii) an outer burial receptacle, which shall mean a graveliner, burial vault, or other similar type of container for the placement of a casket or urn.

3. There is hereby established within the department a New York state supplemental burial allowance for any member of the armed forces of the United States who: (a) died in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310 or died from a wound incurred in combat or while serving on duty subject to hostile fire or imminent danger, as defined in 37 USC § 310, other than the exceptions noted in paragraphs (d), (e) and (f) of subdivision four of this section, and (b) who was (i) a resident of New York state at the time of

his or her death or (ii) a nonresident of New York state at the time of his or her death and a member of the New York Army National Guard or New York Air National Guard at the time he or she entered title 10, United States Code, federal active duty status during which period of service he or she died.

4. (a) The purpose of the program is to administer and monitor a supplemental allowance program to aid families of military personnel who died in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310, or died from a wound incurred in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310, with respect to expenses incurred in connection with the decedent's funeral and the burial, burial receptacle, cremation, or other interment of the decedent's remains.

(b) Eligible recipients under this program shall be those who bore the cost of the decedent's funeral and burial, burial receptacle, cremation, or other interment, in the following order of priority: (i) a surviving spouse or domestic partner of the decedent; (ii) adult children of the decedent, to include step-children and adopted children; (iii) parents or grandparents of the decedent, and parents-in-law or grandparents-in-law of the decedent; (iv) brothers or sisters of the decedent, to include brothers or sisters adopted by the decedent's immediate family and brothers or sisters with whom the decedent shares only one parent in common, and brothers-in-law or sisters-in-law of the decedent; (v) aunts, uncles, and first cousins of the decedent; and (vi) any other relative. Any applicant convicted of making any false statement in the application for the reimbursement shall be subject to the penalties prescribed in the penal law.

(c) Such burial allowance is a partial reimbursement of an eligible decedent's funeral and burial, burial receptacle, cremation or other interment costs. The reimbursement is generally applicable to two components: (i) funeral expenses, and (ii) expenses arising from the burial, burial receptacle, cremation, or other interment of the decedent's remains. Any allowance granted by the government of the United States, pursuant to 38 U.S.C. §§2301, 2302, 2303, 2306, 2307 and 2308 or 10 U.S.C. § 1482, or by the decedent's state of residence in the case of an allowance eligible pursuant to subparagraph (ii) of paragraph (b) of subdivision three of this section, shall be first applied toward funeral and burial, burial receptacle, cremation or other interment costs. The state may award an allowance of up to six thousand dollars to cover any remaining expenses.

(d) The state shall not award any funds from this allowance to reimburse any costs for the headstone, grave marker, or medallion of the decedent.

(e) The state shall not grant supplemental burial allowance payments for the funeral or the burial, burial receptacle, cremation, or other interment of remains of any decedent whose relations received any reimbursement from this allowance for any previous funeral or burial, burial receptacle, cremation, or other interment of remains for this same decedent.

(f) The state shall not grant supplemental burial allowance payments for any person filing a completed application for such allowance with the state later than: (i) two years after the applicant received final written notice from the United States Department of Veterans Affairs regarding an application for reimbursement of funeral or burial, burial receptacle, cremation or other interment expenses pursuant to 38 U.S.C. §§2301, 2302, 2303, 2306, 2307, or 2308, or 10 U.S.C. § 1482, or any

combination thereof; or (ii) two years after the expiration date of the filing deadline to apply for reimbursement of funeral, burial, burial receptacle, cremation or other interment expenses from the United States Department of Veterans Affairs, as defined in 38 U.S.C. § 2304, if the applicant never applied for reimbursement of funeral, burial, burial receptacle, cremation or interment expenses from the United States Department of Veterans Affairs. Any applications received subsequent to these prescribed periods shall be denied as time-barred.

(g) Applicants shall furnish evidence of the decedent's military service and relevant after action reports or other documents explaining why the application meets eligibility requirements for each case in the manner and form prescribed by the state commissioner or his or her designee. Upon being satisfied that the facts in the application are true, the state commissioner or his or her designee shall certify to the state comptroller the name and address of such recipient. The decision of the state commissioner or his or her designee on all matters regarding any payment from this allowance shall be final.

(h) The state commissioner shall submit a report to the governor, the chairperson of the senate finance committee, and the chairperson of the assembly ways and means committee not later than January fifteenth of each year in which this section is in effect. Such report shall include, but not be limited to, regulations promulgated pursuant to this section, allowances paid, and an account of the monies spent and the relationship of the distributees to the decedent.

§ 9. New York state veteran burial fund. 1. As used in this section, "agent in control of the disposition of remains" means the person responsible or designated to control the disposition of a deceased veteran's remains as defined and outlined in section forty-two hundred one of the public health law. The term "interment" means the disposition of remains as defined in paragraph (g) of section fifteen hundred two of the not-for-profit corporation law. The term "burial" shall include the process as defined in paragraph (e) of section fifteen hundred two of the not-for-profit corporation law.

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

(a) Eligible recipients under this program shall be those who bore the cost of the funeral as the agent in control of the disposition of remains. An application shall be made available to an eligible recipient. Any applicant convicted of making any false statement in the application for the reimbursement shall be subject to the penalties prescribed in the penal law.

(b) Such optional burial allowance is a reimbursement of an eligible decedent's burial and interment costs not to exceed two thousand five hundred dollars in a New York state not-for-profit cemetery. The reimbursement is generally available as a plot interment allowance. Any allowance granted by the government of the United States, pursuant to 38 U.S.C. §§ 2302, 2303, 2306, 2307 and 2308 or 10 U.S.C. § 1482 shall be first applied toward interment costs. An additional allowance of up to

the cost of the actual burial and interment as provided under subdivision nineteen of section four of this article may be awarded to cover any remaining expenses.

(c) Evidence of the military service of the decedent for each case shall be furnished in the manner and form prescribed by the state director; upon being satisfied that the facts in the application are true, the state commissioner shall certify to the state comptroller the name and address of such agent in control of the disposition of remains for reimbursement as provided in this section.

§ 10. Time within which marriage may be solemnized; member of the armed forces. Notwithstanding section thirteen-b of the domestic relations law, where either of the parties making application for a marriage license, pursuant to section thirteen of the domestic relations law, is a member of the armed forces of the United States on active duty the marriage of the parties shall not be solemnized within twenty-four hours after the issuance of the marriage license, nor shall it be solemnized after one hundred eighty days from the date of the issuance of the marriage license. Proof that the applicant is a member of the armed forces of the United States shall be furnished to the satisfaction of the official issuing the marriage license. Every license to marry issued pursuant to the provisions of this section shall state the day and hour the license is issued and shall contain a recital that it is issued pursuant to the provisions of this section.

§ 11. Use of personal confidential information obtained from veterans or family members of veterans receiving services from the state and political subdivisions thereof. 1. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving health, mental health, family services, criminal justice or employment shall be required to solicit information on whether their customer or client is a veteran as defined in section eighty-five of the civil service law or family member of a veteran. Any new forms created after the effective date of this section shall contain the following questions: "Have you served in the United States Armed Forces?" "Has someone in your family served in the United States military?"

2. Individuals identifying themselves as having served in the military or a family member shall be advised that the department of veterans' services and local veterans service agencies established pursuant to section seventeen of this article provide assistance to veterans regarding benefits under federal and state law. Information regarding veterans and military status provided by assisted persons solely to implement this section shall be protected as personal confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's or family member's problems within the agency requesting such information and in referring the veteran or family member to the department of veterans' services for the information and assistance with regard to benefits and entitlements under federal and state law.

§ 12. Acceptance of gifts. The department with the approval of the governor, may accept any gift or grant for any of the purposes of this article. Any moneys so received may be expended by the department to effectuate any of the purposes of this article, subject to the same limitations as to authorization, audit and approval as are prescribed for state moneys appropriated for the purposes of this article.

§ 13. State veterans' service agency. 1. A state veterans' service agency established by the department pursuant to this article shall have

power and it shall be its duty to inform military and naval authorities of the United States and assist members of the armed forces and veterans, who are residents of this state, and their families, in relation to (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation services and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and war veterans and their families, (4) employment and re-employment services, and (5) other matters of similar, related or appropriate nature. The state veterans' service agency also shall perform such other duties as may be assigned by the state commissioner.

2. The state commissioner may, with the approval of the governor, appoint and remove a director of the state veterans' service agency. The state commissioner may from time to time establish, alter or abolish state veterans' service agency districts within the state, establish or abolish offices therefor, and appoint and at pleasure remove a deputy director of the state veterans' service agency for each such district office. With the approval of the state commissioner, the director of the veterans' service agency may appoint such officers, consultants, clerks and other employees as may be necessary to administer the functions of the state veterans' service agency, fix their compensation within the limitation provided by law, and prescribe their duties.

§ 14. Local veterans' service agencies. 1. County veterans' service agencies. There shall be established a county veterans' service agency in each county not wholly included within a city, and there shall be a county director of each county veterans' service agency. Any county director hired after the effective date of this chapter shall be a veteran as defined in New York state statute. The chair of the board of supervisors of a county, with the approval of the board of supervisors, shall appoint and may at pleasure remove a county director of the county veterans' service agency for such county. In a county having a county president, a county executive or other chief executive officer, such president or executive officer shall appoint and may at pleasure remove a county director. The county director may be paid such compensation as shall be fixed by the appointing officer and the board of supervisors. The county director shall appoint such assistants and employees as he or she may deem necessary, other than those, if any, supplied by the state; he or she may prescribe the duties of those appointed by him or her and fix their salaries within the appropriations made available for that purpose by the county and may at pleasure remove any such assistants or employees. The county director shall have jurisdiction throughout the territorial limits of the county, including any city therein which does not have a city veterans' service agency, provided that after the establishment of a city veterans' service agency in any such city, the county director shall not have jurisdiction within such city.

2. City veterans' service agency. There may be established a city veterans' service agency in each city; and there shall be a city director of each city veterans' service agency which is established. The mayor of such city, or the city manager in a city of less than one hundred forty thousand population having a city manager, shall appoint and may at pleasure remove the city director. A city director may be paid such compensation as shall be fixed by the mayor or city manager, as the case may be, empowered to appoint the city director, and the governing body of the city. The city director may appoint such deputies, assistants and employees as he or she may deem necessary other than those, if any, supplied by the state; the director may prescribe the

duties of those appointed by him or her and fix their salaries within the appropriations made available for that purpose by the city and may at pleasure remove any such assistant or employee. A city director shall have jurisdiction throughout the territorial limits of the city.

3. Accreditation. (a) Current county or city directors within three years from the effective date of this subdivision shall take all steps necessary to be accredited as a veterans service organization (VSO) representative. Accreditation shall mean the authority granted by the United States Department of Veterans Affairs to assist veterans and their family members in the preparation, presentation, and prosecution of claims for benefits pursuant to section 5902 of Title 38 U.S.C. and section 14.628 of Title 38 Code of Federal Regulations. Once an application for accreditation is approved by the General Counsel of the United States Department of Veterans Affairs and the applicant is notified of this action, the director of the county or city veterans service agency shall file a copy of the accreditation certificate from the appropriate veterans service organization with the commissioner of the department. Such accreditation shall be maintained during the duration of his or her status as a commissioner of such county or city veterans service agency. The commissioner of the department may determine that satisfactory completion of a course or instruction on veterans' benefits approved by the United States Department of Veterans Affairs and conducted by the department may fulfill the requirements of this subdivision.

(b) Any county or city director hired after the effective date of this chapter shall take all steps necessary to be accredited as a veterans service organization (VSO) representative within eighteen months of such appointment. Accreditation shall mean the authority granted by the United States Department of Veterans Affairs to assist veterans and their family members in the preparation, presentation, and prosecution of claims for benefits pursuant to section 5902 of Title 38 U.S.C. and section 14.628 of Title 38 Code of Federal Regulations. Once an application for accreditation is approved by the General Counsel of the United States Department of Veterans Affairs and the applicant is notified of this action, the director of the county or city veterans service agency shall file a copy of the accreditation certificate from the appropriate veterans service organization with the commissioner of the department. Such accreditation shall be maintained during the duration of his or her status as a director of such county or city veterans service agency. The commissioner of the department may determine that a satisfactory completion of a course of instruction on veterans' benefits approved by the United States Department of Veterans Affairs and conducted by the department may fulfill the requirements of this subdivision.

(c) During the time a director is working toward accreditation pursuant to paragraphs (a) and (b) of this subdivision, such individual may provide services to veterans and their family members as defined in section fifteen of this article other than the preparation, presentation, and prosecution of claims for benefits under federal statutes and regulations.

§ 15. Powers and duties of local veterans' service agencies. 1. A local veterans' service agency shall have power under the direction of the state veterans' service agency, and it shall be its duty to inform military and naval authorities of the United States and assist members of the armed forces and veterans, who are residents of this state, and their families, in relation to (1) matters pertaining to educational

training and retraining services and facilities, (2) health, medical and rehabilitation services and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and war veterans and their families, (4) employment and re-employment services, (5) the process of submitting an application for a discharge upgrade to the discharge upgrade advisory board, and (6) other matters of similar, related or appropriate nature. The local veterans' service agency may also assist families of members of the reserve components of the armed forces and the organized militia ordered into active duty to ensure that they are made aware of and are receiving all appropriate support available to them and are placed in contact with the agencies responsible for such support, including, but not limited to, the division of military and naval affairs and other state agencies responsible for providing such support. The local veterans' service agency also shall perform such other duties as may be assigned by the state commissioner.

2. A local veterans' service agency shall utilize, so far as possible, the services and facilities of existing officers, offices, departments, commissions, boards, bureaus, institutions and other agencies of the state and of the political subdivisions thereof and all such officers and agencies shall cooperate with and extend such services and facilities to the local veterans' service agency as it may require.

§ 16. Location and cost of local veterans' service agencies; deputy local directors. 1. A local director shall designate the location of the local and branch offices of the local veterans' service agency within his or her jurisdiction, which offices shall be open during convenient hours. The cost of maintenance and operation of a county veterans' service agency shall be a county charge and the cost of maintenance and operation of a city veterans' service agency shall be a city charge, excepting that the state commissioner with the approval of the veterans' services commission shall allot and pay, from state moneys made available to him or her for such purposes, to each county veterans' service agency and each city veterans' service agency, an amount equal to fifty per centum of its expenditures for maintenance and operation approved by the state commissioner, provided that in no event shall the amount allotted and paid for such approved expenditures incurred in any given year exceed (1) in the case of any county veterans' service agency in a county having a population of not more than one hundred thousand or in the case of any city veterans' service agency in a city having a population of not more than one hundred thousand, the sum of ten thousand dollars, nor (2) in the case of any county veterans' service agency in a county having a population in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, the sum of ten thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the county in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, nor (3) in the case of any city veterans' service agency in a city having a population in excess of one hundred thousand, the sum of ten thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the city in excess of one hundred thousand. Such population shall be certified in the same manner as provided by section fifty-four of the state finance law.

2. The head of a branch office of a local veterans' service agency shall be a deputy local director of the local veterans' service agency

who shall be appointed by the local director of the county or city in which the branch office is located with the approval of the governing body which makes the appropriation for the maintenance of such branch office; provided, however, that the head of a branch office of a local veterans' service agency which operates in and for two or more adjoining towns or adjoining villages in the same county, and hereinafter in this article referred to as a consolidated branch office, shall be appointed by the local director of the county in which the branch office is located with the approval of the governing body of each town or village which makes an appropriation for or toward the maintenance of such branch office, and any town or village is authorized to enter into an agreement with an adjoining town or an adjoining village in the same county, respectively, or with two or more respective adjoining towns or villages in the same county, providing for their joint undertaking to appropriate and make available moneys for or toward the maintenance of such a consolidated branch office.

§ 17. Local veterans' service committees. The same authority which appoints a local director shall appoint for each county and city veterans' service agency a veterans' service committee to assist the local director and shall appoint a chair thereof. Similar committees may be appointed in each village and town where there is a deputy local director by the mayor of such village and the supervisor of such town in which the branch office of the deputy local director is located or in which it operates. A similar committee may also be appointed in any city in and for which there is not established a separate city veterans' service agency, and in and for which there is a deputy local director and a branch office of the county veterans' service agency; and such appointment in any case shall be made by the city official authorized to appoint a city director in the case of a separate city veterans' service agency.

§ 18. Appropriations for expenses and activities of local veterans' service agencies. Each county and each city of the state in which is established a county veterans' service agency or a city veterans' service agency, as the case may be, is hereby authorized to appropriate and make available to the veterans' service agency of such respective county or city, such sums of money as it may deem necessary to defray the expenses and activities of such agency, and the expenses and activities of such agencies are hereby declared to be proper county and city purposes for which the moneys of the county or city may be expended. Each city in and for which there is not established a separate city veterans' service agency, and each village and town of the state is hereby authorized to appropriate and make available to the deputy local director heading the branch office in and for such city, village or town, if any, of the county veterans' service agency having jurisdiction within such city, village or town, such sums of money as it may deem necessary to defray the salary, expenses and activities of the deputy local director heading such branch office in and for such city, village or town and his or her office, including the salaries of persons employed in such office, and such salaries, expenses and activities are hereby declared to be proper city, village and town purposes for which the moneys of such cities, villages and towns may be expended. Each village and town is also authorized to appropriate and make available to the deputy local director heading the consolidated branch office, if any, for such village or town and any adjoining village or villages, or town or towns, as the case may be, of the county veterans' service agency having jurisdiction within such village or town, such sums of money

as it may determine to defray in part the salary, expenses and activities of the deputy local director heading such consolidated branch office for such village or town and any adjoining village or villages or town or towns, as the case may be, including the salaries of persons employed in such consolidated branch office, and such salaries, expenses and activities are hereby declared to be proper village and town purposes for which the moneys of such villages and towns may be expended.

§ 19. Women veterans coordinator. 1. Definitions. (a) "Veteran" shall have the same meaning as provided in subdivision one of section twenty-two of this article.

(b) "Department" shall mean the state department of veterans' services.

(c) "Women veterans coordinator" shall be a veteran.

2. Such women veterans coordinator shall be appointed by the commissioner.

3. Establishment of women veterans coordinator. There is hereby established within the department, a "women veterans coordinator" who shall work under the direction of the commissioner and whose duties shall include, but not be limited to, the:

(a) identification, development, planning, organization and coordination of all statewide programs and services to meet the needs of women veterans;

(b) recommendation to the commissioner to ensure compliance with all existing department policies and regulations pertaining to the needs of women veterans on the state and federal level and make recommendations regarding the improvement of benefits and services to women veterans;

(c) liaison between the department, the United States Department of Veterans Affairs center for women veterans, the United States Department of Veterans Affairs Advisory Committee on Women Veterans, state veterans nursing homes, state agencies, community groups, advocates and other veterans and military organizations and interested parties;

(d) advocating for all women veterans in the state;

(e) development and maintenance of a clearinghouse for information and resources for women veterans;

(f) promote events and activities that recognize, educate and honor women veterans, including but not limited to seminars required under subdivision six of section four of this article, veteran human rights conferences, veterans benefits and resources events, and veterans cultural competence training;

(g) inclusion of the contributions women veterans have made on behalf of the United States and this state on the department's official website; and

(h) preparation of reports on topics including, but not limited to, the demographics of women veterans, the number of women veterans listed by county, and the unique needs of the women veterans population, to the extent such information is available, to the commissioner on the status of women veterans within New York state.

4. Reports. The women veterans coordinator shall submit a report to the commissioner each year after the effective date of this section. Such report shall include, but not be limited to, a description of the women veterans coordinator's activities for the calendar year and the programs developed pursuant to the provisions of this section. The commissioner shall submit the report or a synopsis of the report to the governor in accordance with the provisions of section four of this article.

§ 20. Creation of annuity. 1. Payment to veterans. a. Any veteran as defined in this article who has been or is hereafter classified by the New York State commission for the visually handicapped as a blind person as defined in section three of chapter four hundred fifteen of the laws of nineteen hundred thirteen, as amended, and continues to be a blind person within the meaning of that section, shall, upon application to the commissioner of the department of veterans' services, be paid out of the treasury of the state for such term as such veteran shall be entitled thereto under the provisions of this article, the sum of one thousand dollars annually, plus any applicable annual adjustment, as provided in this section.

b. The entitlement of any veteran to receive the annuity herein provided shall terminate upon his or her ceasing to continue to be a resident of and domiciled in the state, but such entitlement may be reinstated upon application to the commissioner of veterans' services, if such veteran shall thereafter resume his or her residence and domicile in the state.

c. The effective date of an award of the annuity to a veteran shall be the date of receipt of the application therefor by the commissioner of veterans' services, except that if the application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a veteran shall be the date of receipt of the application for reconsideration by the commissioner of veterans' services.

2. Payment to widows and widowers of blind veterans. a. The unremarried spouse of a veteran who heretofore has died or the unremarried spouse of a veteran dying hereafter, such veteran being at the time of her or his death a recipient of, or eligible for, the benefits above provided, shall, upon application to the commissioner of veterans' services, also be paid out of the treasury of the state the sum of one thousand dollars annually, plus any applicable annual adjustment, for such term as such unremarried spouse shall be entitled thereto under the provisions of this article.

b. The entitlement of any widow or widower to receive the annuity herein provided shall terminate upon her or his death or re-marriage or upon her or his ceasing to continue to be a resident of and domiciled in the state of New York, but such entitlement may be reinstated upon application to the commissioner of veterans' services, if such widow or widower shall thereafter resume her or his residence and domicile in the state.

c. The effective date of an award of the annuity to a widow or widower shall be the day after the date of death of the veteran if the application therefor is received within one year from such date of death. If the application is received after the expiration of the first year following the date of the death of the veteran, the effective date of an award of the annuity to a widow or widower shall be the date of receipt of the application by the commissioner of veterans' services. If an application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a widow or widower shall be the date of receipt of the application for reconsideration by the commissioner of veterans' services.

3. Annual adjustment. Commencing in the year two thousand five, and for each year thereafter, the amount of any annuity payable under this section shall be the same amount as the annuity payable in the preceding year plus a percentage adjustment equal to the annual percentage

increase, if any, for compensation and pension benefits administered by the United States Department of Veterans' Affairs in the previous year. Such percentage increase shall be rounded up to the next highest one-tenth of one percent and shall not be less than one percent nor more than four percent. Commencing in the year two thousand five, the director of veterans' services, not later than February first of each year, shall publish by any reasonable means the amount of the annuity as adjusted payable under this section.

§ 21. Evidence of entitlement. 1. The evidence of such service, blindness, residence and domicile, or of such marriage, widowhood, residence and domicile in each case shall be furnished in the manner and form prescribed by the commissioner of veterans' services who shall examine the same.

2. Upon being satisfied that such service was performed, that other facts and statements in the application of such veteran or widow or widower are true and that the said veteran has been classified by the New York state commission for the visually handicapped as a blind person, where such veteran is not receiving or not entitled to receive a benefit from any existing retirement system to which the state is a contributor, unless such veteran shall have become disabled by reason of loss of sight, while engaged in employment entitling him or her to receive a benefit from any existing retirement system to which the state is a contributor, and as a result of such disability has retired from such employment and is receiving or is entitled to receive a benefit from such retirement system the commissioner of veterans' services shall certify to the state comptroller the name and address of such veteran or widow or widower.

3. Thereafter the department of taxation and finance, through the division of finance, on the audit and warrant of the comptroller, shall pay such veteran or widow or widower such sum as is authorized by the provisions of this article in monthly installments for so long as such veteran or widow or widower shall meet the requirements of this article.

§ 22. Persons who may receive annuity. 1. a. The word "veteran," as used in this article shall be taken to mean and include any person who is a resident of the state of New York, and who (i) has been or may be given an honorable, general or ordinary discharge or any other form of release from such service, except a dishonorable discharge, a bad conduct discharge, an undesirable discharge, a discharge without honor or a discharge for the good of the service, or (ii) has a qualifying condition, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, and who (iv) was a recipient of the armed forces expeditionary medal, the navy expeditionary medal or the marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, or (v) served on active duty for ninety days or more in the armed forces of the United States during any one of the following wars or hostilities:

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

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

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

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

(5) in World War II from the seventh day of December, nineteen hundred forty-one to the thirty-first day of December, nineteen hundred forty-six, inclusive, or who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in ocean-going service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in World War II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, or (vi) is a discharged LGBT veteran, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service;

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

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

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

b. The word "veteran" shall also mean any person who meets the other requirements of paragraph a of this subdivision, who served on active duty for less than ninety days, if he or she was discharged or released from such service for a service-connected disability or who served for a period of ninety consecutive days or more and such period began or ended during any war or period of hostilities as defined in paragraph a of this subdivision.

c. The term "active duty" as used in this article shall mean full time duty in the armed forces, other than active duty for training; provided, however, that "active duty" shall also include any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated during such period.

2. No annuity shall be paid under this article to or for a person who is in prison in a federal, state or local penal institution as a result of conviction of a felony or misdemeanor for any part of the period beginning sixty-one days after his or her imprisonment begins and ending when his or her imprisonment ends.

3. Where any veteran is disqualified for the annuity for any period solely by reason of the provisions of subdivision two of this section, the commissioner of veterans' services shall pay to his or her spouse, if any, the annuity which such veteran would receive for that period but for said subdivision two.

4. In case an unmarried, divorced or widowed veteran or a widow of a deceased annuitant is being furnished hospital treatment, institutional or domiciliary care by the United States or the state, the annuity payable under this article to such veteran or widow or widower may be discontinued after the first day of the seventh calendar month following the month of admission of such veteran or widow for treatment or care. Payment of such annuity shall be resumed if such veteran or widow or widower is discharged from the hospital, institution or home, or if his or her treatment or care therein is otherwise terminated.

5. Where payment of the annuity as hereinbefore authorized is to be made to a mentally incompetent person or a conservatee, such payment may be authorized by the commissioner of veterans' services of the state to be paid only to a duly qualified court-appointed committee or conservator, legally vested with the care of such incompetent's person or property or of such conservatee's property, except that in the case of an incompetent annuitant for whom a committee has not been appointed or a person under a substantial impairment for whom a conservator has not been appointed and who is hospitalized in a United States veterans health administration hospital or in a hospital under the jurisdiction of the state of New York, the commissioner of veterans' services of the state may in his or her discretion certify payment of the annuity, as hereinbefore authorized, to the manager of such United States veterans health administration hospital or to the commissioner of such state hospital for the account of the said incompetent or substantially impaired annuitant.

§ 23. New York state veterans' cemeteries. 1. Legislative intent. The legislature finds and determines that the devoted service and sacrifice of veterans deserve important, unique and eternal recognition by the state of New York. That it is by means of the devoted service and sacrifice of veterans that the liberty, freedom and prosperity enjoyed by all New Yorkers is maintained and preserved.

The legislature further finds and determines that to provide this important, unique and eternal recognition, the state shall establish a program of New York state veterans' cemeteries in New York. Such program shall provide for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for state veterans' cemeteries in this state, and thereby for the memorialization and remembrance of individual veterans and their service to their community, state and nation.

The legislature additionally finds and determines that it is therefore necessary to provide for the construction and establishment of one or more New York state veterans' cemeteries, and that to thereafter, provide for the expansion, improvement, support, operation, maintenance and the provision of perpetual care of all such cemeteries so constructed and established. The legislature also finds and determines that it is appropriate to have the responsibility for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for veterans' cemeteries in this state, to be under the oversight and direction of the state department of veterans' services, and its commissioner, individually, and as chair of the management board, for each such veterans' cemetery so constructed and established.

2. The establishment of the first New York state veterans' cemetery. (a) The commissioner shall issue, on behalf of the department, a public request for information for any local government desiring to have the first state veterans' cemetery located within its political subdivision. Such request shall specify the type of information to be provided, including, at a minimum, a detailed map of the site including potential transportation routes, the history of the site, the types of burials the site could accommodate, and the estimated number of veterans within a seventy-five mile radius of the site. Such requests for information shall be returnable to the department by no later than sixty days following the issuance of the requests for information. Requests for information issued by and returned to the department shall be publicly available and posted on the department's website.

(a-1) Following the deadline for the return of requests for information pursuant to paragraph (a) of this subdivision, the department, in cooperation with the United States Department of Veterans Affairs, and in consultation with, and upon the support of the department of state division of cemeteries, is hereby directed to conduct an investigation and study on the issue of the construction and establishment of the first New York state veterans' cemetery. Such investigation and study shall include, but not be limited to:

(i) Potential site locations for such cemetery, with full consideration as to the needs of the veterans population; only locations within local governments that have submitted a request for information pursuant to paragraph (a) of this subdivision shall be considered and each such submission shall be considered;

(ii) The size of the cemetery and types of grave sites;

(iii) The number of annual interments at the cemetery;

(iv) Transportation accessibility to the cemetery by veterans, their families and the general public;

(v) Costs for construction of the cemetery;

(vi) Costs of operation of the cemetery, including but not limited to staffing costs to maintain the cemetery;

(vii) Scalability of the cemetery for future growth and expansion;

(viii) Potential for funding for the cemetery from federal, local and private sources;
(ix) Cost of maintenance;
(x) Data on the population that would be served by the site;
(xi) The average age of the population in the area covered;
(xii) The mortality rate of the veteran population for the area;
(xiii) Surrounding land use;
(xiv) Topography of the land;
(xv) Site characteristics;
(xvi) Cost of land acquisition;
(xvii) The location of existing cemeteries including but not limited to national veterans' cemeteries, county veterans' cemeteries, cemeteries that have plots devoted to veterans, not-for-profit cemeteries and any other burial ground devoted to veterans and any other type of burial grounds devoted to the interment of human remains that is of public record; and
(xviii) Such other and further items as the commissioner of the department deems necessary for the first state veterans' cemetery to be successful.

A report of the investigation and study conclusions shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the senate committee on veterans, homeland security and military affairs, and the chair of the assembly committee on veterans' affairs by no later than one hundred eighty days after the department has commenced the conduct of the investigation and study.

(a-2) Upon the completion of the investigation and study, the results shall be provided to the selection committee. The selection committee shall consist of nine members as follows:
(i) The commissioner of the department of veterans' services, or his or her representative;
(ii) The director of the division of the budget, or his or her representative;
(iii) Three members appointed by the governor, two of whom shall be veterans;
(iv) Two members appointed by the temporary president of the senate, at least one of whom shall be a veteran; and
(v) Two members appointed by the speaker of the assembly, at least one of whom shall be a veteran.

(a-3) The selection committee shall be subject to articles six and seven of the public officers law. The selection committee shall evaluate the results of the study and, upon a majority vote, make a determination as to the location of the first state veterans' cemetery. In making this determination, the committee's consideration shall, at a minimum, include:
(i) The findings established by the study;
(ii) The submitted responses to the requests for information issued pursuant to paragraph (a) of this subdivision;
(iii) The guidelines for receipt of federal funding specified in 38 USC 2408, 38 CFR 39, and any other relevant federal statute or regulation;
(iv) The possibility of funding from private individuals, corporations, or foundations; and
(v) Any other consideration that would facilitate the successful operation of the first state veterans' cemetery.

(b) The commissioner of the department, the commissioner of the office of general services, and the chair of the division of cemeteries shall

determine the amount of money necessary to fund the non-reimbursable costs of a state veterans' cemetery, such as operation and maintenance, for a period of not less than ten years, provided that such amount shall not include monies that would be recoverable by the cemetery pursuant to a charge of fee for the provision of a gravesite for a non-veteran spouse or eligible dependent. Prior to submitting any application for funding from the government of the United States in accordance with the grant requirements specified in 38 USC 2408, 38 CFR 30, and other relevant federal statutes or regulations, for the purpose of seeking funds to support the construction, establishment, expansion, improvement, support, operation or maintenance of New York state's veterans' cemeteries, the director of the division of the budget and the office of the state comptroller must certify to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee and the chair of the assembly ways and means committee that there are sufficient funds to cover such amount; provided further that such moneys may include the veterans remembrance and cemetery maintenance and operation fund created pursuant to section ninety-seven-mmmm of the state finance law. In making such a certification, the director of the division of the budget and the office of the state comptroller shall consider, but are not limited to, the following factors:

(i) physical attributes of the veterans cemetery, including size, location, and terrain;

(ii) staffing costs, cost of equipment and equipment maintenance, and security costs;

(iii) relevant state and federal requirements and specifications for interment and perpetual care;

(iv) estimates provided by the United States Department of Veterans Affairs;

(v) any other non-reimbursable fiscal cost, charge or assessment that would be incurred by the cemetery.

(c) Once the certification that there are sufficient funds pursuant to paragraph (b) of this subdivision has been made, and no later than thirty days following the selection of the site pursuant to paragraph (a-3) of this subdivision, the commissioner, in consultation with the management board of the first New York state veterans' cemetery, shall commence the application process for funding from the government of the United States, in accordance with the grant requirements specified in section 2408 of title 38 of the United States code, part 39 of title 38 of the code of federal regulations, and any other relevant federal statute or regulation, for the purpose of seeking funds to support the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care of New York state's first veterans' cemetery. Such grant application shall be based on a site selected pursuant to paragraph (a-3) of this subdivision, and shall be consistent with the guidelines for receipt of federal funding pursuant to the relevant provisions of federal law.

(d) A management board for the first New York state veterans' cemetery shall be appointed pursuant to subdivision three of this section.

(e) The commissioner shall promulgate rules and regulations governing:

(i) The guidelines and standards for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for a state veterans' cemetery. Such guidelines shall include, but not be limited to:

(1) The size and terrain of the cemetery;

(2) The management and operation of the cemetery, including but not limited to:
(A) Hours of operation;
(B) Employees, employee relations, and employee duties;
(C) The conduct and practice of events, ceremonies and programs;
(D) The filing and compliance of the cemetery with state and federal regulators; and
(E) Such other and further operational and management practices and procedures as the commissioner shall determine to be necessary for the successful operation of a state veterans' cemetery.
(3) The layout of plots;
(4) The locations of building and infrastructure, including but not limited to:
(A) Electrical lines and facilities;
(B) Waterlines, irrigation systems, and drainage facilities;
(C) Trees, flowers and other plantings;
(D) Non gravesite memorials, gravesite memorials, mausoleums, columbarium niches, headstones, grave markers, indoor interment facilities, committal-service shelters, signage, flag poles, and other memorial gathering spaces or infrastructure;
(E) Roadways, pedestrian pathways, parking sites, curbs and curb cuts;
(F) Ponds, lakes and other water sites;
(G) Retaining walls, gates, fences, security systems or other devices for cemetery protection; and
(H) Any other buildings, structures or infrastructure necessary for the safe, efficient and effective operation of the cemetery;
(5) The qualifications for interment, consistent with the provisions of state and federal law and any requirements pursuant to the receipt of federal, state, local or private funds;
(6) The location and placement of interments;
(7) Consistent with the provisions of state and federal law and any requirements pursuant to the receipt of federal, state, local or private funds, the financial management of the cemetery, including but not limited to:
(A) The procedures for the protection and implementation of the cemetery's annual budget;
(B) The seeking, collecting, deposit and expenditure of operating funds pursuant to the cemetery's budget;
(C) The seeking, collecting, deposit and expenditure of capital funds pursuant to the cemetery's capital plan;
(D) The seeking, collecting, deposit and expenditure of emergency funds to address an unexpected event;
(E) The assessment, charging, collection and deposit of fees and charges;
(F) The management of cemetery finances, both current and future, with respect to investments; and
(G) Such other and further procedures and activities concerning the financial management of the cemetery;
(8) The provision of perpetual care for the cemetery, including but not limited to:
(A) The frequency, standards and methods for the beautification and maintenance of grounds, memorials, gravesites, buildings, ceremonial sites, or other locations within, or upon the curtilage of the cemetery;
(B) The frequency, standards and methods for the provision of flags, patriotic and military symbols, and other honorary items, at each gravesite and throughout the cemetery; and

(C) Such other and further standards as are necessary to assure the proper perpetual care of the cemetery in a manner befitting the highest level of honor and respect deserving to those veterans and their families interred in the cemetery;

(9) Guidelines and standards for the procurement of land for the cemetery providing that the state veterans' cemetery, and all the property upon which it resides shall be owned in fee simple absolute by the state of New York;

(10) Guidelines and standards for the practices and procedures for the construction and establishment of a state veterans' cemetery, including contracting and purchasing for construction services, professional services, legal services, architectural services, consulting services, as well as the procurement of materials, all consistent with the relevant provisions of federal, state and local law, the regulations promulgated thereunder, and the requirements contained in the grants awarded or pursued from the federal government, or any source of private funding;

(11) Guidelines and standards for the practices and procedures for the expansion and improvement of a state veterans' cemetery, including contracting and purchasing for construction services, professional services, legal services, architectural services, consulting services, as well as the procurement of materials, all consistent with the relevant provisions of federal, state and local law, the regulations promulgated thereunder, and the requirements contained in the grants awarded or pursued from the federal government, or any source of private funding;

(12) Any other guidelines and standards that would facilitate the successful construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for the state veterans' cemetery;

(ii) Guidelines and standards for any local government desiring to have the first state veterans' cemetery located within its political subdivision, including, but not limited to:

(1) The requirement that the local government will comply with all state and federal statutes and regulations concerning the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care of the state veterans' cemetery, and shall satisfy any and all applicable state and federal standards and requirements for the perpetual care of the state veterans' cemetery;

(2) That the state veterans' cemetery, and all the property upon which it resides shall be owned in fee simple absolute by the state of New York;

(3) That all lands upon which such cemetery is constructed and established shall be used solely for state veterans' cemetery purposes, and for the purpose of providing the honor and remembrance of veterans and their service through ceremonies and programs;

(4) Such other and further requirements as the commissioner may deem prudent in the facilitation of the successful siting and operation of a state veterans' cemetery in the jurisdiction of the local government; and

(iii) Such other and further guidelines and standards as are necessary for the successful construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for a state veterans' cemetery.

(f) Upon the approval of the application for funding from the government of the United States, made pursuant to paragraph (c) of this subdi-

vision, the commissioner, upon consultation with the management board, shall commence the process of construction and establishment of the first state veterans' cemetery. Such process shall be consistent with the relevant provisions of local, state and federal law, and the rules and regulations established pursuant to paragraph (e) of this subdivision.

3. Management boards of New York state veterans' cemeteries. (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 commissioner of the department 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 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 shall be appointed by the speaker of the state assembly. At least one of the members appointed by the temporary president of the senate and at least one of the members appointed by the speaker of the assembly shall be a veteran of the United States army, the United States navy, the United States air 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. No member shall receive any compensation for his or her service, but members who are not state officials may be reimbursed for their actual and necessary expenses, including travel expenses incurred in performance of their duties. The management board may consult with any federal, state or local entity for the purposes of advancing its purposes, mission and duties.

(b) The management board shall advise, by majority vote, the commissioner on issues concerning the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for the veterans' cemetery, including but not limited to issues of financial concern, employment relations, cemetery policy, cemetery events and programs, and such other and further issues as the board and commissioner shall deem important.

4. Additional state veterans' cemeteries. (a) Not later than ten years after the construction and establishment of the first New York state veterans' cemetery, and every ten years thereafter, the department, in cooperation with the United States Department of Veterans Affairs, shall conduct an investigation and study on the issue of the construction and establishment of additional New York state veterans' cemeteries. Such investigation and study shall consider, but not be limited to, the study parameters established pursuant to paragraph (a) of subdivision two of this section. A report of the investigation and study required to be conducted pursuant to this subdivision shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the senate committee on veterans, homeland security and military affairs, and the chair of the assembly committee on veterans' affairs, by no later than ninety days after the department has commenced the conduct of the investigation and study;

(b) The report of the investigation and study required to be conducted pursuant to this subdivision shall provide a determination by the director as to whether the state should construct and establish one or more

additional veterans' cemeteries, and shall state the reasoning and basis for such determination; and

(c) The department may, at the discretion of the commissioner, at any time after five years from the completion of construction of the most recently constructed and established state veterans' cemetery, in cooperation with the United States Department of Veterans Affairs, conduct an investigation and study on the issue of the construction and establishment of additional New York state veterans' cemeteries. A report of the investigation and study required to be conducted shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the senate committee on veterans, homeland security and military affairs, and the chair of the assembly committee on veterans' affairs, by no later than ninety days after the department has commenced the conduct of the investigation and study.

(d) If the commissioner, pursuant to the investigation and study conducted pursuant to this subdivision, determines that there shall be an additional state veterans' cemetery in New York state, the commissioner shall provide for the construction and establishment of such new veterans' cemetery pursuant to the same guidelines and standards for the construction and establishment of the first state veterans' cemetery under this section.

5. Expansion and improvement of existing state veterans' cemeteries. The commissioner, in consultation with the management board of a state veterans' cemetery, may provide for the expansion and/or improvement of the cemetery. Such expansion and improvement shall be conducted in accordance with the rules and regulations of the department under paragraph (e) of subdivision two of this section.

§ 24. Veterans health screening. 1. As used in this section: a. "Eligible member" means a member of the New York army national guard or the New York air national guard who served in the Persian Gulf War, as defined in 38 USC 101, or in an area designated as a combat zone by the president of the United States during Operation Enduring Freedom or Operation Iraqi Freedom;

b. "Veteran" means a person, male or female, resident of this state, who has served in the active military, naval or air service of the United States during a time of war in which the United States engaged and who has been released from such service otherwise than by dishonorable discharge, or who has been furloughed to the reserve;

c. "Military physician" includes a physician who is under contract with the United States department of defense to provide physician services to members of the armed forces; and

d. "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

2. On and after February first, two thousand seven, the adjutant general and the state commissioner shall assist any eligible member or veteran who has been experiencing health problems. Such problems may include exposure to toxic materials or harmful physical agents such as depleted uranium. An eligible member or veteran who has been assigned a risk level I, II or III for depleted uranium exposure by his or her branch of service, is referred by a military physician, or has reason to believe that he or she was exposed to toxic materials or harmful physical agents such as depleted uranium during such service, in obtaining federal treatment services. Such treatment shall include, but not be limited to, a best practice health screening test for exposure to depleted uranium using a bioassay procedure involving sensitive methods capable of detecting depleted uranium at low levels and the use of

equipment with the capacity to discriminate between different radioisotopes in naturally occurring levels of uranium and the characteristic ratio and marker for depleted uranium. As more scientific reliable tests become available such test shall be included in the treatment protocol. No state funds shall be used to pay for such tests or such other federal treatment services.

3. On or before February first, two thousand seven, the adjutant general shall submit a report to the chair of the senate veterans, homeland security and military affairs committee and the chair of the assembly veterans' affairs committee on the scope and adequacy of training received by members of the New York army national guard and the New York air national guard on detecting whether their service as eligible members is likely to entail, or to have entailed, exposure to toxic materials or harmful physical agents such as depleted uranium. The report shall include an assessment of the feasibility and cost of adding predeployment training concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat theater or combat zone of operations.

§ 25. Payment to parents of veterans. 1. Annuity established. (a) A parent, identified in 10 USC 1126 as a gold star parent, of a veteran who heretofore has died or a parent of a veteran dying hereafter, shall upon application to the state commissioner, be paid an annual annuity out of the treasury of the state for the sum of five hundred dollars for such term as such parent shall be entitled thereto under the provisions of this article. Commencing in the year two thousand nineteen, the amount of any annuity payable under this section shall be the same amount as the annuity payable in the preceding year plus a percentage adjustment equal to the annual percentage increase, if any, for compensation and pension benefits administered by the United States Department of Veterans Affairs in the previous year. Such percentage increase shall be rounded up to the next highest one-tenth of one percent and shall not be less than one percent nor more than four percent. The commissioner of veterans' services, not later than February first of each year, shall publish by any reasonable means, including but not limited to posting on the department's website, the amount of the annuity as adjusted payable under this section. The term "parent" for the purposes of this section includes mother, father, stepmother, stepfather, mother through adoption and father through adoption.

(b) The entitlement of any parent to receive the annuity provided by paragraph (a) of this subdivision shall terminate upon his or her death or upon his or her ceasing to continue to be a resident of and domiciled in the state of New York, but such entitlement may be reinstated upon application to the state commissioner, if such parent shall thereafter resume his or her residence and domicile in the state.

(c) The effective date of an award of the annuity to a parent shall be the day after the date of death of the veteran if the application therefor is received within one year from date of death. If the application is received after the expiration of the first year following the date of the death of the veteran, the effective date of an award of the annuity to a parent shall be the date of receipt of the application by the state commissioner. If the application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a parent shall be the date of the receipt of the application for reconsideration by the state commissioner.

(d) Any applicant convicted of making any false statement in the application for the annuity shall be subject to penalties prescribed in the penal law.

2. Qualifications. (a) Any gold star parent, who is the parent of a deceased veteran, and who is a resident of and domiciled in the state of New York, shall make application to the department.

(b) No entitlement shall be paid under this section to or for a gold star parent who is in prison in a federal, state, or local penal institution as a result of conviction of a felony or misdemeanor for any part of the period beginning sixty-one days after his or her imprisonment begins and ending with his or her release.

(c) Where one or more gold star parents are disqualified for the annuity for a period under paragraph (b) of this subdivision, the state commissioner shall pay the shares of such disqualified parents to the other parents, if they meet the qualifications on their own.

(d) The decision of the state commissioner on matters regarding the payment of such annuity shall be final.

3. Method of payment. (a) Evidence of the military service of the deceased veteran of the gold star parent for each case shall be furnished in the manner and form prescribed by the state commissioner.

(b) Upon being satisfied that such service was honorable, that other facts and statements in the application of such gold star parent are true, the state commissioner shall certify to the state comptroller the name and address of such gold star parent.

(c) Thereafter, the department of taxation and finance, on the audit and warrant of the comptroller, shall pay such gold star parent such sum as is authorized by the provisions of this section in semi-annual installments for so long as such qualified gold star parent shall meet the requirements of this section.

4. Report. The state commissioner shall submit a report to the governor, the chair of the senate finance committee, and the chair of the assembly ways and means committee not later than January fifteenth of each year this section is in effect. Such report shall include, but not be limited to regulations promulgated pursuant to this section, and a description and evaluation of the program.

§ 26. Cremated remains of a veteran. The cremated remains of a veteran may be disposed of pursuant to the provisions of section forty-two hundred three of the public health law.

§ 27. New York state silver rose veterans service certificate. The commissioner, in consultation with the adjutant general, is hereby authorized to present in the name of the legislature of the state of New York, a certificate, to be known as the "New York State Silver Rose Veterans Service Certificate", bearing a suitable inscription to any person:

1. who is a citizen of the state of New York; or

2. who was a citizen of the state of New York while serving in the armed forces of the United States, and who while serving in the armed forces of the United States, or the organized militia on active duty was exposed to dioxin or phenoxy herbicides, as evinced by a medical diagnosis of a disease associated with dioxin or phenoxy herbicides, and any other proof determined by the adjutant general to be necessary; or

3. who was honorably discharged or released under honorable circumstances.

Not more than one New York state silver rose veterans certificates shall be awarded or presented, under the provisions of this section, to any person whose entire service subsequent to the time of the receipt of

such certificate shall not have been honorable. In the event of the death of any person during or subsequent to the receipt of such certificate it shall be presented to such representative of the deceased as may be designated. The commissioner, in consultation with the adjutant general, shall make such rules and regulations as may be deemed necessary for the proper presentation and distribution of such certificates.

ARTICLE 2
VETERANS EMPLOYMENT ACT

Section 30. Short title.
31. Legislative findings.
32. Definitions.
33. Temporary hiring.
34. Department of civil services responsibilities.
35. Regulations.

§ 30. Short title. This article shall be known and may be cited as the "veterans employment act".

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

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

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

§ 32. Definitions. As used in this article:

1. "State agency" shall mean any department, board, bureau, division, commission, council or committee within the executive branch, the state university of New York, the city university of New York, and all public authorities under the control of the executive branch.

2. "Temporary appointment" shall have the same meaning as provided in section sixty-four of the civil service law.

3. "Veteran" shall mean an individual who served on active duty in the United States army, navy, marine corps, air 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 then by dishonorable discharge after September eleventh, two thousand one.

4. "Veteran temporary hiring list" shall mean a hiring list maintained by the department of civil service.

§ 33. Temporary hiring. Notwithstanding any provision of law to the contrary, a state agency shall select a veteran from the veteran temporary hiring list when making a temporary appointment provided such veteran possesses the applicable skills needed for the temporary assignment.

§ 34. Department of civil services responsibilities. The department of civil service shall:

1. establish and maintain a veteran temporary hiring list, for use by state agencies in the implementation of this article;

2. assist state agencies by making available services of the department of civil service to facilitate the provisions of this article; and

3. establish and maintain, together with the commissioner of the department of veterans' services, a program to educate separating service members as to the benefits available to veterans under this article.

§ 35. Regulations. The president of the state civil service commission shall promulgate such rules and regulations as shall be necessary to implement the provisions of this article.

ARTICLE 3
PARTICIPATION BY SERVICE-DISABLED VETERANS WITH RESPECT TO STATE CONTRACTS

Section 40. Definitions.
41. Division of service-disabled veterans' business development.
42. Opportunities for certified service-disabled veteran-owned business enterprises.
43. Severability.

§ 40. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Certified service-disabled veteran-owned business enterprise" shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation that is:

(a) at least fifty-one percent owned by one or more service-disabled veterans;

(b) an enterprise in which such service-disabled veteran ownership is real, substantial, and continuing;

(c) an enterprise in which such service-disabled veteran ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise;

(d) an enterprise authorized to do business in this state and is independently-owned and operated;

(e) an enterprise that is a small business which has a significant business presence in the state, not dominant in its field and employs, based on its industry, a certain number of persons as determined by the director, but not to exceed three hundred, taking into consideration factors which include, but are not limited to, federal small business administration standards pursuant to 13 CFR part 121 and any amendments thereto; and

(f) certified by the office of general services.

2. "Commissioner" shall mean the commissioner of the office of general services.

3. "Director" shall mean the director of the division of service-disabled veterans' business development.

4. "Division" shall mean the division of service-disabled veterans' business development in the office of general services.

5. "Service-disabled veteran" shall mean (a) in the case of the United States army, navy, air 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.

6. "State agency" shall mean: (a)(i) any state department; or (ii) any division, board, commission or bureau of any state department; or (iii) the state university of New York and the city university of New York, including all their constituent units except community colleges and the independent institutions operating statutory or contract colleges on behalf of the state; or (iv) a board, a majority of whose members are appointed by the governor or who serve by virtue of being state officers or employees as defined in subparagraph (i), (ii) or (iii) of paragraph (i) of subdivision one of section seventy-three of the public officers law.

(b) a "state authority" as defined in subdivision one of section two of the public authorities law, and the following:

Albany County Airport Authority;
Albany Port District Commission;
Alfred, Almond, Hornellsville Sewer Authority;
Battery Park City Authority;
Cayuga County Water and Sewer Authority;
(Nelson A. Rockefeller) Empire State Plaza Performing Arts Center Corporation;
Industrial Exhibit Authority;
Livingston County Water and Sewer Authority;
Long Island Power Authority;
Long Island Rail Road;
Long Island Market Authority;
Manhattan and Bronx Surface Transit Operating Authority;
Metro-North Commuter Railroad;
Metropolitan Suburban Bus Authority;
Metropolitan Transportation Authority;
Natural Heritage Trust;
New York City Transit Authority;
New York Convention Center Operating Corporation;
New York State Bridge Authority;
New York State Olympic Regional Development Authority;
New York State Thruway Authority;
Niagara Falls Public Water Authority;
Niagara Falls Water Board;
Port of Oswego Authority;
Power Authority of the State of New York;
Roosevelt Island Operating Corporation;
Schenectady Metroplex Development Authority;
State Insurance Fund;

Staten Island Rapid Transit Operating Authority;
State University Construction Fund;
Syracuse Regional Airport Authority;
Triborough Bridge and Tunnel Authority;
Upper Mohawk valley regional water board;
Upper Mohawk valley regional water finance authority;
Upper Mohawk valley memorial auditorium authority;
Urban Development Corporation and its subsidiary corporations.

(c) the following only to the extent of state contracts entered into for its own account or for the benefit of a state agency as defined in paragraph (a) or (b) of this subdivision:
Dormitory Authority of the State of New York;
Facilities Development Corporation;
New York State Energy Research and Development Authority;
New York State Science and Technology Foundation.

(d) "state contract" shall mean: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of twenty-five thousand dollars, whereby a contracting agency is committed to expend or does expend funds in return for labor, services including but not limited to legal, financial and other professional services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; (ii) a written agreement in excess of one hundred thousand dollars whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; and (iii) a written agreement in excess of one hundred thousand dollars whereby the owner of a state assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project.

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

§ 41. Division of service-disabled veterans' business development. 1. The head of the division of service-disabled veterans' business development shall be the director who shall be appointed by the governor and who shall hold office at the pleasure of the commissioner.

2. The director may appoint such deputies, assistants, and other employees as may be needed for the performance of the duties prescribed herein subject to the provisions of the civil service law and the rules and regulations of the civil service commission. The director may request and shall receive from any (i) department, division, board, bureau, or executive commission of the state or (ii) state agency, such assistance as may be necessary to carry out the provisions of this article.

3. The director shall have the following powers and duties:

(a) Develop, collect, summarize and disseminate information that will be helpful to persons and organizations throughout the state in under-

taking or promoting the establishment and successful operation of a service-disabled veteran-owned business.

(b) Develop and make available to state agencies a directory of certified service-disabled veteran-owned business enterprises which shall, wherever practicable, be divided into categories of labor, services, supplies, equipment, materials and recognized construction trades and which shall indicate areas or locations of the state where such enterprises are available to perform services. Such directory shall be posted on the office of general services website.

(c) Assist state agencies in the development of programs to foster and promote the use of service-disabled veteran-owned business enterprises on state contracts.

(d) Coordinate the plans, programs and operations of the state government which affect or may contribute to the establishment, preservation and development of service-disabled veteran-owned business enterprises.

(e) To appoint independent hearing officers who by contract or terms of employment shall preside over adjudicatory hearings pursuant to this section for the office and who are assigned no other work by the office.

(f) In conjunction with the commissioner, develop a comprehensive statewide plan and operational guidelines to promote service-disabled veteran-owned business enterprises and to assist them in obtaining opportunities to participate in the procurement of goods and services by the state, including identification of barriers to service-disabled veterans' business development and investigation and evaluation of their impact on achieving the objectives of this article.

4. The commissioner shall:

(a) Coordinate training of all procurement personnel of state agencies, emphasizing increased sensitivity and responsiveness to the unique needs and requirements of service-disabled veteran-owned business enterprises.

(b) Conduct a coordinated review of all existing and proposed state training and technical assistance activities in direct support of the service-disabled veterans' business development program to assure consistency with the objectives of this article.

(c) Evaluate and assess availability of firms for the purpose of increasing participation of such firms in state contracting in consultation with relevant state entities including, but not limited to, the New York state department of veterans' services.

(d) Provide advice and technical assistance to promote service-disabled veteran-owned business enterprises' understanding of state procurement laws, practices and procedures to facilitate and increase the participation of service-disabled veteran-owned business enterprises in state procurement.

(e) Establish regular performance reporting systems regarding implementation of the programs designed to increase service-disabled veteran-owned business participation in procurement contracts by state agencies.

(f) Submit a report by the thirty-first of December each year, to the governor, the temporary president of the senate, the speaker of the assembly and the chairpersons of the senate finance and assembly ways and means committees. Such report shall include information including, but not limited to, the number of contracts entered into pursuant to this article, the average amount of such contracts, the number of service-disabled veteran-owned business enterprises certified, the number of applications for certification as a service-disabled veteran-owned business enterprise, the number of denials for such certification,

the number of appeals of such denials, and the outcome of such appeals and the average time that is required for such certification to be completed. Also to be included shall be the level of service-disabled veteran-owned businesses participating in each agency's contracts for goods and services and on activities of the division and efforts by each contracting agency to promote utilization of service-disabled veteran-owned businesses and to promote and increase participation by certified service-disabled veteran-owned businesses with respect to state contracts and subcontracts to such businesses. Such report may recommend new activities and programs to effectuate the purposes of this article.

5. Certification. (a) The director, or in the absence of the director, the commissioner, within ninety days of the effective date of this article, shall promulgate rules and regulations providing for the establishment of a statewide certification program including rules and regulations governing the approval, denial, or revocation of any such certification. Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in section seventy-three of the civil rights law.

(b) The division of service-disabled veterans' business development shall be responsible for verifying businesses as being owned, operated, and controlled by a service-disabled veteran and for certifying such verified businesses. Status as a service-disabled veteran pursuant to paragraph (a) of this subdivision shall be documented by a copy of the veteran's certificate of release or discharge from active duty, including but not limited to, a DD-214 form or an honorable service certificate/report of casualty from the Department of Defense, a letter of certification by the United States Department of Veterans Affairs or the United States Department of Defense and any additional information that may be required by the division of service-disabled veterans' business development. In the case of the New York guard or the New York naval militia and/or reserves thereof, status as a service-disabled veteran pursuant to this paragraph shall be documented pursuant to rules and regulations promulgated by the director, or in the absence of the director, the commissioner.

(c) Following application for certification pursuant to this section, the director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within thirty days. Within sixty days of submission of a final completed application, the director shall provide the applicant with written notice of a determination by the director approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within thirty days from receipt of notice of such determination, be entitled to a hearing before an independent hearing officer designated for such purpose by the director. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The independent hearing officer shall conduct a hearing and upon the conclusion of such hearing, issue a written recommendation to the director to affirm, reverse, or modify such determination of the director. Such written recommendation shall be issued to the parties. The director, within thirty days, by order, must accept, reject or modify such recommendation of the hearing officer and set

forth in writing the reason therefor. The director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail return receipt requested. The order of the director shall be subject to review pursuant to article seventy-eight of the civil practice law and rules.

(d) All certifications shall be valid for a period of five years.

§ 42. Opportunities for certified service-disabled veteran-owned business enterprises. 1. The director, or in the absence of the director, the commissioner, within ninety days of the effective date of this article shall promulgate rules and regulations for the following purposes:

(a) provide measures and procedures to ensure that certified service-disabled veteran-owned business enterprises are afforded the opportunity for meaningful participation in the performance of state contracts and to assist in state agencies' identification of those state contracts for which certified service-disabled veteran-owned business enterprises may best perform;

(b) provide for measures and procedures that assist state agencies in the identification of state contracts where service-disabled veteran contract goals are practical, feasible and appropriate for the purpose of increasing the utilization of service-disabled veteran-owned business enterprise participation on state contracts;

(c) achieve a statewide goal for participation on state contracts by service-disabled veteran-owned business enterprises of six percent;

(d) provide for procedures relating to submission and receipt of applications by service-disabled veteran-owned business enterprises for certification;

(e) provide for the monitoring and compliance of state contracts by state agencies with respect to the provisions of this article;

(f) provide for the requirement that state agencies submit regular reports, as determined by the director, with respect to their service-disabled veteran-owned business enterprise program activity, including but not limited to, utilization reporting and state contract monitoring and compliance;

(g) notwithstanding any provision of the state finance law, the public buildings law, the highway law, the transportation law or the public authorities law to the contrary, provide for the reservation or set-aside of certain procurements by state agencies in order to achieve the objectives of this article; provided, however, that such procurements shall remain subject to (i) priority of preferred sources pursuant to sections one hundred sixty-two and one hundred sixty-three of the state finance law; (ii) the approval of the comptroller of the state of New York pursuant to section one hundred twelve and section one hundred sixty-three of the state finance law and section twenty-eight hundred seventy-nine-a of the public authorities law; and (iii) the procurement record requirements pursuant to paragraph g of subdivision nine of section one hundred sixty-three of the state finance law; and

(h) provide for any other purposes to effectuate this article.

2. State agencies shall administer the rules and regulations promulgated by the director for the implementation of this article.

§ 43. Severability. If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this article directly involved in the controversy in which the judgment shall have been rendered.

§ 3. Paragraph a of subdivision 3 of section 14-a of the domestic relations law, as separately amended by section 27 of part AA of chapter 56 and chapter 177 of the laws of 2019, is amended to read as follows:

a. No fee shall be charged for any certificate when required by the United States department of veterans affairs or by the [~~division~~] **department** of veterans' services of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the United States department of veterans affairs or by the state of New York.

§ 4. Subdivision 1 of section 19 of the domestic relations law, as amended by section 28 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. Each town and city clerk hereby empowered to issue marriage licenses shall keep a book supplied by the state department of health in which such clerk shall record and index such information as is required therein, which book shall be kept and preserved as a part of the public records of his or her office. Whenever an application is made for a search of such records the city or town clerk, excepting the city clerk of the city of New York, may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which such search is requested and fifty cents for each additional year thereafter, which fees shall be paid in advance of such search. Whenever an application is made for a search of such records in the city of New York, the city clerk of the city of New York may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which search is requested and fifty cents each additional year thereafter. Notwithstanding any other provision of this article, no fee shall be charged for any search or certificate when required by the United States department of veterans affairs or by the [~~division~~] **department** of veterans' services of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the United States department of veterans affairs or by the state of New York. All such affidavits, statements and consents, immediately upon the taking or receiving of the same by the town or city clerk, shall be recorded and indexed as provided herein and shall be public records and open to public inspection whenever the same may be necessary or required for judicial or other proper purposes. At such times as the commissioner shall direct, the said town or city clerk, excepting the city clerk of the city of New York, shall file in the office of the state department of health the original of each affidavit, statement, consent, order of a justice or judge authorizing immediate solemnization of marriage, license and certificate, filed with or made before such clerk during the preceding month. Such clerk shall not be required to file any of said documents with the state department of health until the license is returned with the certificate showing that the marriage to which they refer has been actually performed.

The county clerks of the counties comprising the city of New York shall cause all original applications and original licenses with the marriage solemnization statements thereon heretofore filed with each, and all papers and records and binders relating to such original documents pertaining to marriage licenses issued by said city clerk, in their custody and possession to be removed, transferred, and delivered to the borough offices of the city clerk in each of said counties.

§ 5. Subdivision 1 of section 3308 of the education law, as amended by section 29 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local educational agencies and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. In New York, the state council shall include the commissioner or his or her designee, the [~~director~~] commissioner of the New York state [~~division~~] department of veterans' services or his or her designee, the adjutant general of the state of New York or his or her designee, a superintendent of a school district with a high concentration of military children appointed by the commissioner, a district superintendent of schools of a board of cooperative educational services serving an area with a high concentration of military children appointed by the commissioner, a representative from a military installation appointed by the governor, a representative of military families appointed by the governor, a public member appointed by the governor and one representative each appointed by the speaker of the assembly, the temporary president of the senate and the governor.

§ 6. Subdivision 1 of section 6505-c of the education law, as amended by section 30 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. The commissioner shall develop, jointly with the [~~director~~] commissioner of the [~~division~~] department of veterans' services, a program to facilitate articulation between participation in the military service of the United States or the military service of the state and admission to practice of a profession. The commissioner and the [~~director~~] commissioner of veterans' services shall identify, review and evaluate professional training programs offered through either the military service of the United States or the military service of the state which may, where applicable, be accepted by the department as equivalent education and training in lieu of all or part of an approved program. Particular emphasis shall be placed on the identification of military programs which have previously been deemed acceptable by the department as equivalent education and training, programs which may provide, where applicable, equivalent education and training for those professions which are critical to public health and safety and programs which may provide, where applicable, equivalent education and training for those professions for which shortages exist in the state of New York.

§ 7. The opening paragraph of section 5-211 of the election law, as separately amended by chapters 587 and 672 of the laws of 2019, is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the office of children and family services, the office of temporary and disability assistance and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, [~~division~~]

department of veterans' services, office of mental health, office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office for people with developmental disabilities, commission for the blind, office of [~~alcoholism and substance abuse services~~] addiction services and supports, the office of the advocate for the disabled and all offices which administer programs established or funded by such agencies. Additional participating agencies designated as voter registration offices are the department of state and the district offices of the workers' compensation board. Such agencies shall be required to offer voter registration forms to persons upon initial application for services, renewal or recertification for services and upon change of address relating to such services. Such agencies shall also be responsible for providing assistance to applicants in completing voter registration forms, receiving and transmitting the completed application form from all applicants who wish to have such form transmitted to the appropriate board of elections. The state board of elections shall, together with representatives of the United States department of defense, develop and implement procedures for including recruitment offices of the armed forces of the United States as voter registration offices when such offices are so designated by federal law. The state board of elections shall also make request of the United States Citizenship and Immigration Services to include applications for registration by mail with any materials which are given to new citizens.

§ 8. Subdivision 3 of section 11-0707 of the environmental conservation law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

3. Any person who is a patient at any facility in this state maintained by the United States Veterans Health Administration or at any hospital or sanitorium for treatment of tuberculosis maintained by the state or any municipal corporation thereof or resident patient at any institution of the department of Mental Hygiene, or resident patient at the rehabilitation hospital of the department of Health, or at any rest camp maintained by the state through the [~~Division~~] Department of Veterans' Services [~~in the Executive Department~~] or any incarcerated individual of a conservation work camp within the youth rehabilitation facility of the department of corrections and community supervision, or any incarcerated individual of a youth opportunity or youth rehabilitation center within the Office of Children and Family Services, any resident of a nursing home or residential health care facility as defined in subdivisions two and three of section twenty-eight hundred one of the public health law, or any staff member or volunteer accompanying or assisting one or more residents of such nursing home or residential health care facility on an outing authorized by the administrator of such nursing home or residential health care facility may take fish as if he or she held a fishing license, except that he or she may not take bait fish by net or trap, if he or she has on his or her person an authorization upon a form furnished by the department containing such identifying information and data as may be required by it, and signed by the superintendent or other head of such facility, institution, hospital, sanitarium, nursing home, residential health care facility or rest camp, as the case may be, or by a staff physician thereat duly authorized so to do by the superintendent or other head thereof. Such authorization with respect to incarcerated individuals of said conservation work camps shall be limited to areas under the care, custody and control of the department.

§ 9. Subdivisions 8, 9 and 10 of section 31 of the executive law, subdivision 8 as amended by section 2 of part AA of chapter 56 of the laws of 2019, subdivision 9 as amended by section 106 of subpart B of part C of chapter 62 of the laws of 2011 and subdivision 10 as amended by section 8 of part O of chapter 55 of the laws of 2012, are amended to read as follows:

8. [~~The division of veterans' services.~~

~~9.~~] The division of homeland security and emergency services.

[~~10.~~] 9. Office of information technology services.

§ 10. Subdivision 1 of section 191 of the executive law, as amended by section 3 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. There is hereby established within the division of military and naval affairs a temporary advisory committee on the restoration and display of New York state's military battle flags (hereinafter referred to as the "committee"). The committee shall have thirteen members as follows: the adjutant general, the director of the New York state military heritage museum, the commissioners of education and parks, recreation and historic preservation and the [~~director~~] commissioner of the [~~division~~] department of veterans' services, or their designated representatives, two members appointed each by the governor, speaker of the assembly and majority leader of the senate and one member each appointed by the minority leaders of the senate and assembly and shall serve at the pleasure of the appointing authority. Appointed members shall include individuals with experience in restoration of historical memorabilia, expertise in military history, or a background in historical restoration or fine arts conservation. No appointed member shall be a member of the executive, legislative or judicial branch of the state government at the time of his/her appointment. The advisory committee shall meet at least four times a year. No members shall receive any compensation, but members who are not state officials may receive actual and necessary expenses incurred in the performance of their duties.

§ 11. Subdivision 1 of section 643 of the executive law, as amended by section 14 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. As used in this section, "crime victim-related agency" means any agency of state government which provides services to or deals directly with crime victims, including (a) the office of children and family services, the office for the aging, the [~~division~~] department of veterans' services, the office of probation and correctional alternatives, the department of corrections and community supervision, the office of victim services, the department of motor vehicles, the office of vocational rehabilitation, the workers' compensation board, the department of health, the division of criminal justice services, the office of mental health, every transportation authority and the division of state police, and (b) any other agency so designated by the governor within ninety days of the effective date of this section.

§ 12. Section 99-v of the general municipal law, as amended by section 25 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

§ 99-v. Veterans services; display of events. Each county, city, town or village may adopt a local law to provide a bulletin board to be conspicuously displayed in such county, city, town or village building holding its local legislative body or municipal offices. Such bulletin board shall be used by veterans organizations, the New York state [~~division~~] department of veterans' services, the county veterans service

agency or city veterans service agency to display information regarding veterans in such county, city, town or village. Such information may include, but not be limited to, benefits or upcoming veterans related events in the community.

§ 13. Subdivision 1 of section 168 of the labor law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

1. This section shall apply to all persons employed by the state in the ward, cottage, colony, kitchen and dining room, and guard service personnel in any hospital, school, prison, reformatory or other institution within or subject to the jurisdiction, supervision, control or visitation of the department of corrections and community supervision, the department of health, the department of mental hygiene, the department of social welfare or the [~~division~~] **department** of veterans' services [~~in the executive department~~], and engaged in the performance of such duties as nursing, guarding or attending the incarcerated individuals, patients, wards or other persons kept or housed in such institutions, or in protecting and guarding the buildings and/or grounds thereof, or in preparing or serving food therein.

§ 14. Paragraph 5 of subdivision (b) of section 5.06 of the mental hygiene law, as amended by section 31 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

(5) one member appointed on the recommendation of the state [~~director~~] **commissioner** of the [~~division~~] **department** of veterans' services and one member appointed on the recommendation of the adjutant general of the division of military and naval affairs, at least one of whom shall be a current or former consumer of mental health services or substance use disorder services who is a veteran who has served in a combat theater or combat zone of operations and is a member of a veterans organization;

§ 15. Subdivision (l) of section 7.09 of the mental hygiene law, as added by chapter 378 of the laws of 2019, is amended to read as follows:

(l) Notwithstanding any general or special law to the contrary, the commissioner, in conjunction with the commissioner of [~~alcoholism and substance abuse services~~] **addiction services and supports** and the director of the [~~division~~] **department** of veterans' services shall develop a public education initiative designed to eliminate stigma and misinformation about mental illness and substance use among service members, veterans, and their families, improve their understanding of mental and substance use disorders and the existence of effective treatment, and provide information regarding available resources and how to access them. These public education initiatives may include the use of the internet, including the use of social networking sites.

§ 16. Subdivision (g) of section 202 of the not-for-profit corporation law, as amended by section 33 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

(g) Every corporation receiving any kind of state funding shall ensure the provision on any form required to be completed at application or recertification for the purpose of obtaining financial assistance pursuant to this chapter, that the application form shall contain a check-off question asking whether the applicant or recipient or a member of his or her family served in the United States military, and an option to answer in the affirmative. Where the applicant or recipient answers in the affirmative to such question, the not-for-profit corporation shall ensure that contact information for the state [~~division~~] **department** of veterans' services is provided to such applicant or recipient in addition to any other materials provided.

§ 17. Subdivision (b) of section 1401 of the not-for-profit corporation law, as amended by section 34 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

(b) Removal of remains from private cemeteries to other cemeteries. The supervisor of any town containing a private cemetery may remove any body interred in such cemetery to any other cemetery within the town, if the owners of such cemeteries and the next of kin of the deceased consent to such removal. The owners of a private cemetery may remove the bodies interred therein to any other cemetery within such town, or to any cemetery designated by the next of kin of the deceased. Notice of such removal shall be given within twenty days before such removal personally or by certified mail to the next of kin of the deceased if known and to the clerk and historian of the county in which such real property is situated and notice shall be given to the New York state department of state, division of cemeteries. If any of the deceased are known to be veterans, the owners shall also notify the [~~division~~] department of veterans' services. In the absence of the next of kin, the county clerk, county historian or the [~~division~~] department of veterans' services may act as a guardian to ensure proper reburial.

§ 18. Subdivision 2 of section 3802 of the public health law, as amended by section 23 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

2. In the exercise of the foregoing powers and duties the commissioner shall consult with the [~~director~~] commissioner of the [~~division~~] department of veterans' services and the heads of state agencies charged with responsibility for manpower and health resources.

§ 19. Subdivision 3 of section 3803 of the public health law, as amended by section 24 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

3. In exercising any of his or her powers under this section, the commissioner shall consult with appropriate health care professionals, providers, veterans or organizations representing them, the [~~division~~] department of veterans' services, the United States department of veterans affairs and the United States defense department.

§ 20. Paragraph (j) of subdivision 3 of section 20 of the social services law, as amended by section 32 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

(j) to ensure the provision, on any form required to be completed at application or recertification for the purpose of obtaining financial assistance pursuant to this chapter, the form shall contain a check-off question asking whether the applicant or recipient or a member of his or her family served in the United States military, and an option to answer in the affirmative. Where the applicant or recipient answers in the affirmative to such question, the office of temporary and disability assistance shall ensure that contact information for the state [~~division~~] department of veterans' services is provided to such applicant or recipient addition to any other materials provided.

§ 21. Subdivisions 3 and 4 of section 95-f of the state finance law, as amended by section 15 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

3. Monies of the fund shall be expended for the provision of veterans' counseling services provided by local veterans' service agencies pursuant to section [~~three hundred fifty-seven~~] fourteen of the [~~executive~~] veterans' services law under the direction of the [~~division~~] department of veterans' services.

4. To the extent practicable, the [~~director~~] **commissioner** of the [~~division~~] **department** of veterans' services shall ensure that all monies received during a fiscal year are expended prior to the end of that fiscal year.

§ 22. The opening paragraph of subdivision 2-a and subdivision 5 of section 97-mmmm of the state finance law, as amended by section 16 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

On or before the first day of February each year, the [~~director~~] **commissioner** of the New York state [~~division~~] **department** of veterans' services shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, chair of the senate committee on veterans, homeland security and military affairs, chair of the assembly veterans' affairs committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

5. Moneys shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the [~~director~~] **commissioner** of the [~~division~~] **department** of veterans' services.

§ 23. The opening paragraph of subdivision 2-a and subdivision 4 of section 99-v of the state finance law, as amended by section 17 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

On or before the first day of February each year, the [~~director~~] **commissioner** of the New York state [~~division~~] **department** of veterans' services shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, chair of the senate committee on veterans, homeland security and military affairs, chair of the assembly veterans' affairs committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

4. Moneys of the fund shall be expended only for the assistance and care of homeless veterans, for housing and housing-related expenses, as determined by the [~~division~~] **department** of veterans' services.

§ 24. Subdivision 1 of section 20 of chapter 784 of the laws of 1951, constituting the New York state defense emergency act, as amended by section 38 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. There is hereby continued in the division of military and naval affairs in the executive department a state civil defense commission to consist of the same members as the members of the disaster preparedness commission as established in article two-B of the executive law. In addition, the superintendent of financial services, the chairperson of the workers' compensation board and the [~~director~~] **commissioner** of the [~~division~~] **department** of veterans' services shall be members. The governor shall designate one of the members of the commission to be the chairperson thereof. The commission may provide for its division into subcommittees and for action by such subcommittees with the same force and effect as action by the full commission. The members of the commission, except for those who serve ex officio, shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article but shall receive no additional compensation for services rendered pursuant to this article.

§ 25. Paragraph 2 of subdivision b of section 31-102 of the administrative code of the city of New York, as amended by section 39 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

2. links to websites describing veteran employment services provided by the federal government and New York state government, including, but not limited to, the websites of the United States department of labor, the New York state department of labor, the United States department of veterans affairs, and the New York state [~~division~~] department of veterans' services; and

§ 26. Subdivision a of section 3102 of the New York city charter, as amended by section 40 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

a. Except as otherwise provided by law, the commissioner shall have such powers as provided by the [~~director~~] commissioner of the state department veterans' [~~service agency~~] services' and shall have the duty to inform military and naval authorities of the United States and assist members of the armed forces and veterans, who are residents of the city, and their families, in relation to: (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation service and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and veterans and their families, (4) employment and re-employment services, and (5) other matters of similar, related or appropriate nature. The commissioner shall also assist families of members of the reserve components of the armed forces and the organized militia ordered into active duty to ensure that they are made aware of and are receiving all appropriate support available to them. The department also shall perform such other duties as may be assigned by the state [~~director~~] commissioner of the [~~division~~] department of veterans' services.

§ 27. Subdivision 1 of section 143 of the state finance law, as amended by chapter 96 of the laws of 2019, is amended to read as follows:

1. Notwithstanding any inconsistent provision of any general or special law, the board, division, department, bureau, agency, officer or commission of the state charged with the duty of preparing plans and specifications for and awarding or entering into contracts for the performance of public work may require the payment of a fixed sum of money, not exceeding one hundred dollars, for each copy of such plans and specifications, by persons or corporations desiring a copy thereof. Any person or corporation desiring a copy of such plans and specifications and making the deposit required by this section shall be furnished with one copy of the plans and specifications. Notwithstanding the foregoing, where payment is required it shall be waived upon request by minority- and women-owned business enterprises certified pursuant to article fifteen-A of the executive law or by service-disabled veteran-owned business enterprises certified pursuant to article [~~seventeen-B~~] three of the [~~executive~~] veterans' services law. Such payment may also be waived when such plans and specifications are made available and obtained electronically or in any non-paper form from the board, division, department, bureau, agency, officer or commission of the state.

§ 28. Paragraph j of subdivision 1 and subdivisions 6 and 6-d of section 163 of the state finance law, paragraph j of subdivision 1 as amended by chapter 569 of the laws of 2015, subdivision 6 as amended by chapter 257 of the laws of 2021 and subdivision 6-d as added by chapter 96 of the laws of 2019, are amended to read as follows:

j. "Best value" means the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses, certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the executive law or service-disabled veteran-owned business enterprises as defined in subdivision one of section [~~three hundred sixty-nine-h~~] forty of the [~~executive~~] veterans' services law to be used in evaluation of offers for awarding of contracts for services.

6. Discretionary buying thresholds. Pursuant to guidelines established by the state procurement council: the commissioner may purchase services and commodities for the office of general services or its customer agencies serviced by the office of general services business services center in an amount not exceeding eighty-five thousand dollars without a formal competitive process; state agencies may purchase services and commodities in an amount not exceeding fifty thousand dollars without a formal competitive process; and state agencies may purchase commodities or services from small business concerns or those certified pursuant to [~~articles~~] article fifteen-A [~~and seventeen-B~~] of the executive law and article three of the veterans' services law, or commodities or technology that are recycled or remanufactured in an amount not exceeding five hundred thousand dollars without a formal competitive process and for commodities that are food, including milk and milk products, grown, produced or harvested in New York state in an amount not to exceed two hundred thousand dollars, without a formal competitive process.

6-d. Pursuant to the authority provided in subdivision six of this section, state agencies shall report annually on a fiscal year basis by July first of the ensuing year to the director of the division of minority and women-owned business development the total number and total value of contracts awarded to businesses certified pursuant to article fifteen-A of the executive law, and with respect to contracts awarded to businesses certified pursuant to article [~~seventeen-B~~] three of the [~~executive~~] veterans' services law such information shall be reported to the division of service-disabled veteran-owned business enterprises for inclusion in their respective annual reports.

§ 29. Paragraph (f) of subdivision 5 of section 87 of the cannabis law is amended to read as follows:

(f) "Service-disabled veterans" shall mean persons qualified under article [~~seventeen-B~~] three of the [~~executive~~] veterans' services law.

§ 30. Subdivision 6 of section 224-d of the labor law, as added by section 2 of part AA of chapter 56 of the laws of 2021, is amended to read as follows:

6. Each owner and developer subject to the requirements of this section shall comply with the objectives and goals of certified minority and women-owned business enterprises pursuant to article fifteen-A of the executive law and certified service-disabled veteran-owned businesses pursuant to article [~~seventeen-B~~] three of the [~~executive~~] veterans' services law. The department in consultation with the [~~directors~~] commissioner of the division of minority and women's business development and the director of the division of service-disabled veterans' business development shall make training and resources available to assist minority and women-owned business enterprises and service-disabled veteran-owned business enterprises on covered renewable energy systems to achieve and maintain compliance with prevailing wage require-

ments. The department shall make such training and resources available online and shall afford minority and women-owned business enterprises and service-disabled veteran-owned business enterprises an opportunity to submit comments on such training.

§ 31. Subdivision 3 of section 103-a of the state technology law, as added by chapter 427 of the laws of 2017, is amended to read as follows:

3. The director shall conduct an outreach campaign informing the public of the iCenter and shall conduct specific outreach to minority and women-owned business enterprises certified pursuant to article fifteen-A of the executive law, small businesses as such term is defined in section one hundred thirty-one of the economic development law, and service disabled veteran owned business enterprises certified pursuant to article [~~seventeen-B~~] three of the [~~executive~~] veterans' services law to inform such businesses of iCenter initiatives.

§ 32. Section 831 of the county law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 831. Soldier burial plots in Dutchess county. The legislature of the county of Dutchess may authorize the purchase of burial plots and provide for marker settings and perpetual care and maintenance of such plots in one or more of the cemeteries of the county of Dutchess for deceased veterans, who, at the time of death, were residents of the county of Dutchess and who (i) were discharged from the armed forces of the United States either honorably or under honorable circumstances, or (ii) had a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable, or (iii) were a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable. The expense thereof shall be a county charge.

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

6. "Veteran" shall mean a person who served in the United States army, navy, air force, marines, coast guard, and/or reserves thereof, and/or in the army national guard, air national guard, New York guard and/or New York naval militia and who (a) has received an honorable or general discharge from such service, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 34. Paragraph 1 of subdivision (a) of section 42 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

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

§ 35. 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~~] **one** of the [~~executive~~] **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 [~~three hundred fifty~~] **one** of the [~~executive~~] **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, marine corps, and coast guard.

§ 36. Paragraph (b) of subdivision 1 of section 75 of the civil service law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(b) a person holding a position by permanent appointment or employment in the classified service of the state or in the several cities, counties, towns, or villages thereof, or in any other political or civil

division of the state or of a municipality, or in the public school service, or in any public or special district, or in the service of any authority, commission or board, or in any other branch of public service, who was honorably discharged or released under honorable circumstances from the armed forces of the United States including (i) having a qualifying condition as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and receiving a discharge other than bad conduct or dishonorable from such service, or (ii) being a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and receiving a discharge other than bad conduct or dishonorable from such service, having served therein as such member in time of war as defined in section eighty-five of this chapter, or who is an exempt volunteer firefighter as defined in the general municipal law, except when a person described in this paragraph holds the position of private secretary, cashier or deputy of any official or department, or

§ 37. Paragraph (a) of subdivision 1 of section 85 of the civil service law, as amended by chapter 608 of the laws of 2021, is amended to read as follows:

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

§ 38. Section 86 of the civil service law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 86. Transfer of veterans or exempt volunteer firefighters upon abolition of positions. If the position in the non-competitive or in the labor class held by any honorably discharged veteran of the armed forces of the United States or by any veteran of the armed forces of the United States released under honorable circumstances from such service including (i) having a qualifying condition as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and receiving a discharge other than bad conduct or dishonorable from such service, or (ii) being a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and receiving a discharge other than bad conduct or dishonorable from such service, who served therein in time of war as defined in section eighty-five of this chapter, or by an exempt volunteer firefighter as defined in the general municipal law, shall become unnecessary or be abolished for reasons of economy or otherwise, the honorably discharged veteran or exempt volunteer firefighter holding such position shall not be discharged from the public service but shall be transferred to a similar position wherein a vacancy exists, and shall receive the same compensation therein. It is hereby made the duty of all persons clothed with the power of appointment to make such transfer effective. The right to transfer herein conferred shall continue for a period of one year following the date of abolition of the position, and may be exercised

only where a vacancy exists in an appropriate position to which transfer may be made at the time of demand for transfer. Where the positions of more than one such veteran or exempt volunteer firefighter are abolished and a lesser number of vacancies in similar positions exist to which transfer may be made, the veterans or exempt volunteer firefighters whose positions are abolished shall be entitled to transfer to such vacancies in the order of their original appointment in the service. Nothing in this section shall be construed to apply to the position of private secretary, cashier or deputy of any official or department. This section shall have no application to persons encompassed by section eighty-a of this chapter.

§ 39. Section 13-b of the domestic relations law, as amended by chapter 306 of the laws of 2021, is amended to read as follows:

§ 13-b. Time within which marriage may be solemnized. A marriage shall not be solemnized within twenty-four hours after the issuance of the marriage license, unless authorized by an order of a court of record as hereinafter provided, nor shall it be solemnized after sixty days from the date of the issuance of the marriage license unless authorized pursuant to section [~~three hundred fifty-four-d~~] **ten** of the [~~executive~~] **veterans' services** law. Every license to marry hereafter issued by a town or city clerk, in addition to other requirements specified by this chapter, must contain a statement of the day and the hour the license is issued and the period during which the marriage may be solemnized. It shall be the duty of the clergyman or magistrate performing the marriage ceremony, or if the marriage is solemnized by written contract, of the judge before whom the contract is acknowledged, to annex to or endorse upon the marriage license the date and hour the marriage is solemnized. A judge or justice of the supreme court of this state or the county judge of the county in which either party to be married resides, or the judge of the family court of such county, if it shall appear from an examination of the license and any other proofs submitted by the parties that one of the parties is in danger of imminent death, or by reason of other emergency public interest will be promoted thereby, or that such delay will work irreparable injury or great hardship upon the contracting parties, or one of them, may, make an order authorizing the immediate solemnization of the marriage and upon filing such order with the clergyman or magistrate performing the marriage ceremony, or if the marriage is to be solemnized by written contract, with the judge before whom the contract is acknowledged, such clergyman or magistrate may solemnize such marriage, or such judge may take such acknowledgment as the case may be, without waiting for such three day period and twenty-four hour period to elapse. The clergyman, magistrate or judge must file such order with the town or city clerk who issued the license within five days after the marriage is solemnized. Such town or city clerk must record and index the order in the book required to be kept by him or her for recording affidavits, statements, consents and licenses, and when so recorded the order shall become a public record and available in any prosecution under this section. A person who shall solemnize a marriage in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars for each offense, and in addition thereto, his or her right to solemnize a marriage shall be suspended for ninety days.

§ 40. Paragraph c of subdivision 1 of section 360 of the education law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

§ 41. The opening paragraph of subdivision 6, subdivision 7, paragraph c of subdivision 9, and paragraph a of subdivisions 10 and 10-a of section 503 of the education law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

Credit for service in war after world war I, which shall mean military service during the period commencing the first day of July, nineteen hundred forty, and terminating the thirtieth day of June, nineteen hundred forty-seven, or during the period commencing the twenty-seventh day of June, nineteen hundred fifty, and terminating the thirty-first day of January, nineteen hundred fifty-five, or during both such periods, as a member of the armed forces of the United States, of any person who (i) has been honorably discharged or released under honorable circumstances from such service, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** 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~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or service by one who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or

coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and (iv) who was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (vii) was discharged or released therefrom under honorable conditions, or (viii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (ix) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and who was a teacher in the public schools of this state at the time of his or her entrance into the armed forces of the United States, provided no compensation was received under the provisions of section two hundred forty-two of the military law, and who returned to public school teaching following discharge or completion of advanced education provided under servicemen's readjustment act of nineteen hundred forty-four, or who following such discharge or release entered into a service which would qualify him or her pursuant to section forty-three of the retirement and social security law to transfer his or her membership in the New York state teachers' retirement system, shall be provided as follows, any provisions of section two hundred forty-three of the military law to the contrary notwithstanding.

7. A teacher, who was a member of the New York state teachers retirement system but who withdrew his or her accumulated contributions immediately prior to his or her entry into, or during his or her service in the armed forces of the United States in war after World War I, who (i) has been honorably discharged or released from service, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, provided no compensation was received under the provisions of section two hundred forty-two of the military law, and who returned to public school teach-

ing in the state of New York following such discharge or release, or following completion of advanced education provided under servicemen's readjustment act of nineteen hundred forty-four, any provisions of section two hundred forty-three of the military law to the contrary notwithstanding, will be entitled to credit for service in war after World War I, cost free, provided, however, that such credit will not be allowed until he **or she** claims and pays for all prior teaching service credited to him **or her** at the time of his **or her** termination of membership in the New York state teachers retirement system, and provided further that claim for such service in war after World War I shall be filed by the member with the retirement board before the first day of July, nineteen hundred sixty-eight.

c. (i) has been honorably discharged or released under honorable circumstances from such service, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** 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~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, and

a. In addition to credit for military service pursuant to section two hundred forty-three of the military law and subdivisions six through nine of this section, a member employed as a full-time teacher by an employer as defined in subdivision three of section five hundred one of this article and who joined the retirement system prior to July first, nineteen hundred seventy-three, may obtain credit for military service not in excess of three years and not otherwise creditable under section two hundred forty-three of the military law and subdivisions six through nine of this section, rendered on active duty in the armed forces of the United States during the period commencing July first, nineteen hundred forty, and terminating December thirty-first, nineteen hundred forty-six, or on service by one who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or on service by one who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** 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~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or on service by one who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** 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~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, by a person who was a resident of New York state at the time of entry into such service and at the time of being discharged therefrom under honorable circumstances, and who makes the payments required in accordance with the provisions of this subdivision.

a. In addition to credit for military service pursuant to section two hundred forty-three of the military law and subdivisions six through nine of this section, a member who joined the retirement system prior to July first, nineteen hundred seventy-three, and who was not eligible for credit for military service under subdivision ten of this section as a result of being on a leave of absence without pay between July twentieth, nineteen hundred seventy-six and October fifteenth, nineteen hundred seventy-seven or on leave of absence with less than full pay between July twentieth, nineteen hundred seventy-six and October fifteenth, nineteen hundred seventy-seven, may obtain credit for military service not in excess of three years and not otherwise creditable under section two hundred forty-three of the military law and subdivisions six through nine of this section, rendered on active duty in the armed forces of the United States during the period commencing July first, nineteen hundred forty, and terminating December thirty-first, nineteen hundred forty-six, or on service by one who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or on service by one who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was

discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** 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~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or on service by one who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** 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~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, by a person who was a resident of New York state at the time of entry into such service and at the time of being discharged therefrom under honorable circumstances, and who makes the payments required in accordance with the provisions of this subdivision.

§ 42. Subdivision 5 of section 605 of the education law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

§ 43. Subparagraph 3 of paragraph b of subdivision 3 of section 663 of the education law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(3) The applicant was enlisted in full time active military service in the armed forces of the United States and (i) has been honorably discharged from such service, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and, provided, however, that the applicant has not and will not be claimed as a dependent by either parent for purposes of either federal or state income tax.

§ 44. Paragraph (b) of subdivisions 1 and 2 of section 668 of the education law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(b) December seven, nineteen hundred forty-one to December thirty-one, nineteen hundred forty-six, or have been employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or have served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or have served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

(b) (i) is an honorably discharged veteran of the United States or member of the armed forces of the United States, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, who is a resident of the state of New York, and who has a current disability of forty percent or more as a result of an injury or illness which is incurred or was incurred during such military service; or

§ 45. Subdivision 1 of section 668-c of the education law, as amended by chapter 606 of the laws of 2021, is amended to read as follows:

1. Eligible students. Awards shall be made to Vietnam veterans' resident children born with Spina Bifida enrolled in approved undergraduate or graduate programs at degree granting institutions. For the purpose of this section, "Vietnam veteran" shall mean a person who served in Indochina at any time from the first day of November, nineteen hundred fifty-five, to and including the seventh day of May, nineteen hundred seventy-five and (a) was honorably discharged from the armed forces of the United States, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from the armed forces of the United States, or (c) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from the armed forces of the United States; "born with Spina Bifida" shall mean a diagnosis at birth of such disease inclusive of all forms, manifestations, complications and associated medical conditions thereof, but shall not include Spina Bifida Occulta. Such diagnosis shall be in accordance with the provisions of the federal Spina Bifida program and shall be documented by the United States Administration of Veterans' Affairs.

§ 46. Paragraphs a, b, c and d of subdivision 1 of section 669-a of the education law, paragraph a as amended by chapter 606 of the laws of 2021 and paragraphs b, c and d as amended by chapter 490 of the laws of 2019, are amended to read as follows:

a. "Vietnam veteran" means (i) a person who is a resident of this state, (ii) who served in the armed forces of the United States in Indochina at any time from the first day of November, nineteen hundred fifty-five, to and including the seventh day of May, nineteen hundred seventy-five, and (iii) who was either discharged therefrom under honorable conditions, including but not limited to honorable discharge, discharge under honorable conditions, or general discharge, or has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service.

b. "Persian Gulf veteran" means (i) a person who is a resident of this state, (ii) who served in the armed forces of the United States in the hostilities that occurred in the Persian Gulf from the second day of August, nineteen hundred ninety through the end of such hostilities, and (iii) who was either discharged therefrom under honorable conditions, including but not limited to honorable discharge, discharge under honorable conditions, or general discharge, or has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veter-**

ans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

c. "Afghanistan veteran" means (i) a person who is a resident of this state, (ii) who served in the armed forces of the United States in the hostilities that occurred in Afghanistan from the eleventh day of September, two thousand one, to the end of such hostilities, and (iii) who was either discharged therefrom under honorable conditions, including but not limited to honorable discharge, discharge under honorable conditions, or general discharge, or has a qualifying condition, as defined in section [three hundred fifty] one of the [executive] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or is a discharged LGBT veteran, as defined in section [three hundred fifty] one of the [executive] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

d. "Other eligible combat veteran" means: an individual who (i) is a resident of this state, (ii) served in the armed forces of the United States in hostilities that occurred after February twenty-eighth, nineteen hundred sixty-one, as evidenced by their receipt of an Armed Forces Expeditionary Medal, Navy Expeditionary Medal, or Marine Corps Expeditionary Medal, and (iii) was either discharged under honorable conditions, including but not limited to honorable discharge, discharge under honorable conditions, or general discharge, or has a qualifying condition, as defined in section [three hundred fifty] one of the [executive] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or is a discharged LGBT veteran, as defined in section [three hundred fifty] one of the [executive] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 47. Subdivision 1 of section 3202 of the education law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

1. A person over five and under twenty-one years of age who has not received a high school diploma is entitled to attend the public schools maintained in the district in which such person resides without the payment of tuition. Provided further that such person may continue to attend the public school in such district in the same manner, if temporarily residing outside the boundaries of the district when relocation to such temporary residence is a consequence of such person's parent or person in parental relationship being called to active military duty, other than training. Notwithstanding any other provision of law to the contrary, the school district shall not be required to provide transportation between a temporary residence located outside of the school district and the school the child attends. A veteran of any age who shall have served as a member of the armed forces of the United States and who (a) shall have been discharged therefrom under conditions other than dishonorable, or (b) has a qualifying condition, as defined in section [three hundred fifty] one of the [executive] 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 [three hundred fifty] one of the [executive] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, may attend any of the public schools of the state upon conditions prescribed by the board of education, and such veterans shall be included in the pupil count for state aid purposes. A nonveteran under twenty-one years of age who has received a high school diploma shall be permitted to attend classes in the schools of the district in

which such person resides or in a school of a board of cooperative educational services upon payment of tuition under such terms and conditions as shall be established in regulations promulgated by the commissioner; provided, however, that a school district may waive the payment of tuition for such nonveteran, but in any case such a nonveteran who has received a high school diploma shall not be counted for any state aid purposes. Nothing herein contained shall, however, require a board of education to admit a child who becomes five years of age after the school year has commenced unless his **or her** birthday occurs on or before the first of December.

§ 48. Clause (h) of subparagraph 3 of paragraph b of subdivision 1 of section 4402 of the education law, as amended by chapter 652 of the laws of 2007, is amended to read as follows:

(h) Provide the form developed pursuant to subdivision [~~fifteen~~] **twenty-two** of section [~~three hundred fifty-three~~] **four** of the [~~executive~~] **veterans' services** law to the parent or person in parental relation of a child designated by the committee as either disabled or emotionally disturbed.

§ 49. Subdivision 15 of section 1-104 of the election law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

§ 50. Subdivision 4 of section 5-210 of the election law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

4. Any qualified person who has been honorably discharged from the military after the twenty-fifth day before a general election, or who has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from the military after the twenty-fifth day before a general election, or who is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from the military after the twenty-fifth day before a general election, or who has become a naturalized citizen after the twenty-fifth day before a general election may personally register at the board of elections in the county of his or her residence and vote in the general election held at least ten days after such registration.

§ 51. Subdivision 16 of section 11-0305 of the environmental conservation law, as amended by chapter 103 of the laws of 2012, is amended to read as follows:

16. Notwithstanding any inconsistent provision of law, to authorize free sport fishing clinics. A free sport fishing clinic shall include, but not be limited to, instruction provided by employees of the department or its designee in recreational angling, including its benefits and

values, and may also include instruction and other information relevant to an understanding of fisheries management, ethics and aquatic ecology and habitat. No license or recreational marine fishing registration is required to take fish by angling while participating in a fishing clinic conducted by the department or its designee that has been designated by the commissioner as a free sport fishing clinic. Such clinics shall be implemented consistent with department standards and in a manner determined by the department to best provide public notice thereof and to maximize public participation therein, so as to promote the recreational opportunities afforded by sport fishing. Further, the commissioner may designate additional fishing events organized through the department that provide physical or emotional rehabilitation for veterans, as defined in subdivision three of section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, or active duty members of the armed forces of the United States, as defined in 10 U.S.C. section 101(d)(1). No license or recreational marine fishing registration shall be required for such veterans or active duty members to take fish by angling while participating in these events.

§ 52. Subdivision 4 of section 11-0715 of the environmental conservation law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

4. A person, resident in the state for at least thirty days immediately prior to the date of application, who (a) has been honorably discharged from service in the armed forces of the United States, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and is certified as having a forty percent or greater service-connected disability is entitled to receive all licenses, privileges, tags, and permits authorized by this title for which he or she is eligible, except turkey permits, renewable each year for a five dollar fee.

§ 53. Subparagraph (iv) of paragraph c of subdivision 1 of section 13-0328 of the environmental conservation law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(iv) licenses shall be issued only to persons who demonstrate in a manner acceptable to the department that they received an average of at least fifteen thousand dollars of income over three consecutive years from commercial fishing or fishing, or who successfully complete a commercial food fish apprenticeship pursuant to subdivision seven of this section. As used in this subparagraph, "commercial fishing" means the taking and sale of marine resources including fish, shellfish, crustacea or other marine biota and "fishing" means commercial fishing and carrying fishing passengers for hire. Individuals who wish to qualify based on income from "fishing" must hold a valid marine and coastal district party and charter boat license. No more than ten percent of the licenses issued each year based on income eligibility pursuant to this paragraph shall be issued to applicants who qualify based solely upon income derived from operation of or employment by a party or charter boat. For the income evaluation of this subdivision, the department may consider persons who would otherwise be eligible but for having served in the United States armed forces on active duty, provided that such individual (1) has received an honorable or general discharge, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~]

one of the [executive] 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 [three hundred fifty] one of the [executive] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, shall not be deemed ineligible.

§ 54. Subdivision 1 of section 130 of the executive law, as amended by section 2 of part V of chapter 58 of the laws of 2020, is amended to read as follows:

1. The secretary of state may appoint and commission as many notaries public for the state of New York as in his or her judgment may be deemed best, whose jurisdiction shall be co-extensive with the boundaries of the state. The appointment of a notary public shall be for a term of four years. An application for an appointment as notary public shall be in form and set forth such matters as the secretary of state shall prescribe. Every person appointed as notary public must, at the time of his or her appointment, be a resident of the state of New York or have an office or place of business in New York state. A notary public who is a resident of the state and who moves out of the state but still maintains a place of business or an office in New York state does not vacate his or her office as a notary public. A notary public who is a nonresident and who ceases to have an office or place of business in this state, vacates his or her office as a notary public. A notary public who is a resident of New York state and moves out of the state and who does not retain an office or place of business in this state shall vacate his or her office as a notary public. A non-resident who accepts the office of notary public in this state thereby appoints the secretary of state as the person upon whom process can be served on his or her behalf. Before issuing to any applicant a commission as notary public, unless he or she be an attorney and counsellor at law duly admitted to practice in this state or a court clerk of the unified court system who has been appointed to such position after taking a civil service promotional examination in the court clerk series of titles, the secretary of state shall satisfy himself or herself that the applicant is of good moral character, has the equivalent of a common school education and is familiar with the duties and responsibilities of a notary public; provided, however, that where a notary public applies, before the expiration of his or her term, for reappointment with the county clerk or where a person whose term as notary public shall have expired applies within six months thereafter for reappointment as a notary public with the county clerk, such qualifying requirements may be waived by the secretary of state, and further, where an application for reappointment is filed with the county clerk after the expiration of the aforementioned renewal period by a person who failed or was unable to re-apply by reason of his or her induction or enlistment in the armed forces of the United States, such qualifying requirements may also be waived by the secretary of state, provided such application for reappointment is made within a period of one year after the military discharge of the applicant under conditions other than dishonorable, or if the applicant has a qualifying condition, as defined in section [three hundred fifty of this chapter] one of the veterans' services law, within a period of one year after the applicant has received a discharge other than bad conduct or dishonorable from such service, or if the applicant is a discharged LGBT veteran, as defined in section [three hundred fifty of this chapter] one of the veterans' services law, within a period of one year after the applicant has received a discharge other than bad conduct or dishonorable

from such service. In any case, the appointment or reappointment of any applicant is in the discretion of the secretary of state. The secretary of state may suspend or remove from office, for misconduct, any notary public appointed by him or her but no such removal shall be made unless the person who is sought to be removed shall have been served with a copy of the charges against him or her and have an opportunity of being heard. No person shall be appointed as a notary public under this article who has been convicted, in this state or any other state or territory, of a crime, unless the secretary makes a finding in conformance with all applicable statutory requirements, including those contained in article twenty-three-A of the correction law, that such convictions do not constitute a bar to appointment.

§ 55. Subdivision 1 of section 32 of the general business law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

1. Every member of the armed forces of the United States who (a) was honorably discharged from such service, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **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 [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, and who is a resident of this state and a veteran of any war, or who shall have served in the armed forces of the United States overseas, and the surviving spouse of any such veteran, if a resident of the state, shall have the right to hawk, peddle, vend and sell goods, wares or merchandise or solicit trade upon the streets and highways within the county of his or her residence, as the case may be, or if such county is embraced wholly by a city, within such city, by procuring a license for that purpose to be issued as herein provided. No part of the lands or premises under the jurisdiction of the division of the state fair in the department of agriculture and markets, shall be deemed a street or highway within the meaning of this section.

§ 56. Section 35 of the general business law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

§ 57. Paragraph (a) of subdivision 1 of section 35-a of the general business law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

§ 58. Paragraph (b) of subdivision 3 of section 69-p of the general business law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

§ 59. The closing paragraph of section 435 of the general business law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

In the case of persons who are or were in the military service and (a) have been or will be discharged under conditions other than dishonorable, or (b) have a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or (c) are discharged LGBT veterans, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and have received a discharge other than bad conduct or dishonorable from such service, the period of one year specified in subdivision one of this section and the period of six months specified in subdivision two of this section need not be continuous. The length of time such person

was engaged in the practice of barbering before entering the military service may be added to any period of time during which such person was or is engaged in the practice of barbering after the termination of military service.

§ 60. Section 13-a of the general construction law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 13-a. Armed forces of the United States. "Armed forces of the United States" means the army, navy, marine corps, air force and coast guard, including all components thereof, and the national guard when in the service of the United States pursuant to call as provided by law. Pursuant to this definition no person shall be considered a member or veteran of the armed forces of the United States unless his or her service therein is or was on a full-time active duty basis, other than active duty for training or he or she was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or he or she served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** 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~~] **one** of the [~~executive~~] **veterans' services** 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~~] **one** of the [~~executive~~] **veterans' services** 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~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 61. Subdivision 1 of section 77 of the general municipal law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

§ 62. Paragraph (a) of subdivision 1 of section 148 of the general municipal law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

§ 63. Section 117-c of the highway law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 117-c. Hawking, peddling, vending, sale of goods, wares or merchandise; Erie county; certain areas. Notwithstanding any law to the contrary, except section thirty-five of the general business law, the county of Erie shall have the power to enact a local law prohibiting hawking, peddling, vending and sale of goods, wares or merchandise or solicitation of trade in the right-of-way of county roads adjacent to arenas,

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

§ 64. Paragraph 11 of subsection (j) of section 2103 of the insurance law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(11) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time and who (A) shall have been discharged therefrom, under conditions other than dishonorable, or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, in a current licensing period, for the duration of such period.

§ 65. Subparagraph (F) of paragraph 3 of subsection (e) and paragraph 2 of subsection (f) of section 2104 of the insurance law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(F) served as a member of the armed forces of the United States at any time, and shall (i) have been discharged under conditions other than dishonorable, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and who within three years prior to his or her entry into the armed forces held a license as insurance broker for similar lines, provided his or her application for such license is filed before one year from the date of final discharge; or

(2) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time, and who (A) shall have been discharged, under conditions other than dishonorable, or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, in a current licensing period, for the duration of such period.

§ 66. Paragraph 2 of subsection (i) of section 2108 of the insurance law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(2) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time and who (A) shall have been discharged, under conditions other than dishonorable, or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, in a current licensing period, for the duration of such period.

§ 67. Paragraph 10 of subsection (h) of section 2137 of the insurance law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(10) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time and who (A) shall have been discharged therefrom, under conditions other than dishonorable, or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, in a current licensing period, for the duration of such period.

§ 68. Paragraph 11 of subsection (i) of section 2139 of the insurance law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(11) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time, and who (A) shall have been discharged therefrom under conditions other than dishonorable, or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, in a current licensing period for the duration of such period.

§ 69. Section 466 of the judiciary law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 466. Attorney's oath of office. 1. Each person, admitted as prescribed in this chapter must, upon his or her admission, take the constitutional oath of office in open court, and subscribe the same in a roll or book, to be kept in the office of the clerk of the appellate division of the supreme court for that purpose.

2. Any person now in actual service in the armed forces of the United States or whose induction or enlistment therein is imminent, or within sixty days after such person (1) has been honorably discharged, or (2)

has received a discharge other than bad conduct or dishonorable from such service, if such person has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, or (3) has received a discharge other than bad conduct or dishonorable from such service, if such person is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, if the appellate division of the supreme court in the department in which such person resides is not in session, may subscribe and take the oath before a justice of that court, with the same force and effect as if it were taken in open court, except that in the first department the oath must be taken before the presiding justice or, in his or her absence, before the senior justice.

§ 70. Subdivision 3 of section 20 of the military law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

3. Any person who has served as a commissioned or warrant officer in the organized militia or in the armed forces of the United States and (a) has been honorably discharged therefrom, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **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 [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, may be commissioned and placed on the state reserve list in the highest grade previously held by him **or her** after complying with such conditions as may be prescribed by regulations issued pursuant to this chapter.

§ 71. Paragraphs (b) and (c) of subdivision 1 and subparagraphs 1 and 2 of paragraph (a) of subdivision 4-b of section 243 of the military law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(b) The term "military duty" shall mean military service in the military, naval, aviation or marine service of the United States subsequent to July first, nineteen hundred forty, or service under the selective training and service act of nineteen hundred forty, or the national guard and reserve officers mobilization act of nineteen hundred forty, or any other act of congress supplementary or amendatory thereto, or any similar act of congress hereafter enacted and irrespective of the fact that such service was entered upon following a voluntary enlistment therefor or was required under one of the foregoing acts of congress, or service with the United States public health service as a commissioned officer, or service with the American Red Cross while with the armed forces of the United States on foreign service, or service with the special services section of the armed forces of the United States on foreign service, or service in the merchant marine which shall consist of service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the government of the United States, or service by one who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant

vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** 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~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** 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~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service; or service in police duty on behalf of the United States government in a foreign country, if such person is a police officer, as defined by section 1.20 of the criminal procedure law, and if such police officer obtained the prior consent of his or her public employer to absent himself or herself from his or her position to engage in the performance of such service; or as an enrollee in the United States maritime service on active duty and, to such extent as may be prescribed by or under the laws of the United States, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the United States government, but shall not include temporary and intermittent gratuitous service in any reserve or auxiliary force. It shall include time spent in reporting for and returning from military duty and shall be deemed to commence when the public employee leaves his **or her** position and to end when he **or she** is reinstated to his **or her** position, provided such reinstatement is within ninety days after the termination of military duty, as hereinafter defined. Notwithstanding the foregoing provisions of this paragraph, the term "military duty" shall not include any of the foregoing services entered upon voluntarily on or after January first, nineteen hundred forty-seven and before June twenty-fifth, nineteen hundred fifty; and, on or after July first, nineteen hundred seventy, the term "military duty" shall not include any voluntary service in excess of four years performed after that date, or the total of any voluntary services, additional or otherwise, in excess of four years performed

after that date, shall not exceed five years, if the service in excess of four years is at the request and for the convenience of the federal government, except if such voluntary service is performed during a period of war, or national emergency declared by the president.

(c) The term "termination of military duty" shall mean the date of a certificate of honorable discharge or a certificate of completion of training and service as set forth in the selective training and service act of nineteen hundred forty, and the national guard and reserve officers mobilization act of nineteen hundred forty or, or a certificate of release or discharge from active duty where an employee (i) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (ii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or in the event of the incurrence of a temporary disability arising out of and in the course of such military duty, the date of termination of such disability. The existence and termination of such temporary disability, in the case of a public employee occupying a position in the classified civil service or of a person on an eligible list for a position in such service, shall be determined by the civil service commission having jurisdiction over such position and, in the case of a public employee occupying a position not in the classified civil service, shall be determined by the officer or body having the power of appointment.

(1) "New York city veteran of world war II". Any member of the New York city employees' retirement system in city-service who, after his or her last membership in such system began, served as a member of the armed forces of the United States during the period beginning on December seventh, nineteen hundred forty-one and ending on December thirty-first, nineteen hundred forty-six, and (i) was honorably discharged or released under honorable circumstances from such service, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

(2) "New York city veteran of the Korean conflict." Any member of the New York city employees' retirement system in city-service who, after his or her last membership in such system began, served as a member of the armed forces of the United States during the period beginning on the twenty-seventh of June, nineteen hundred fifty and ending on the thirty-first day of January, nineteen hundred fifty-five, and (i) was honorably discharged or released under honorable circumstances from such service, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 72. Section 245 of the military law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 245. Retirement allowances of certain war veterans. 1. Any member of a teachers' retirement system to which the city of New York is

required by law to make contributions on account of such member who (i) is an honorably discharged member of any branch of the armed forces of the United States, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable, having served as such during the time of war and who has attained the age of fifty years, may retire upon his or her own request upon written application to the board setting forth at what time not less than thirty days subsequent to the execution and filing thereof he or she desires to be retired, provided that such member at the time so specified for his or her retirement shall have completed at least twenty-five years of allowable service. Upon retirement such member shall receive an annuity of equivalent actuarial value to his or her accumulated deductions, and, in addition, a pension beginning immediately, having a value equal to the present value of the pension that would have become payable had he or she continued at his or her current salary to the age at which he or she would have first become eligible for service retirement, provided, however, that the said member on making application for retirement shall pay into the retirement fund a sum of money which calculated on an actuarial basis, together with his or her prior contributions and other accumulations in said fund then to his or her credit, shall be sufficient to entitle the said member to the same annuity and pension that he or she would have received had he or she remained in the service of the city until he or she had attained the age at which he or she otherwise would have first become eligible for service retirement.

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

§ 73. Subdivision 1-b of section 247 of the military law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

§ 74. Section 249 of the military law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

§ 75. Subparagraph 2 of paragraph b of subdivision 1 of section 156 of the public housing law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(2) (i) have been thereafter discharged or released therefrom under conditions other than dishonorable, or (ii) have a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and have received a discharge other than bad

conduct or dishonorable from such service, or (iii) are discharged LGBT veterans, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and have received a discharge other than bad conduct or dishonorable from such service, or (iv) died in such service, not more than five years prior to the time of application for admission to such project, and

§ 76. The opening paragraph and paragraph (d) of subdivision 1 of section 2632 of the public health law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

Every veteran of the armed forces of the United States, who (i) (A) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days, or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, or (C) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, or (ii) (A) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, or (C) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, and who was a recipient of the armed forces expeditionary medal, navy expeditionary medal or marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, or in Bosnia and Herzgegovina from November twenty-first, nineteen hundred ninety-five to November first, two thousand seven, or was a recipient of the Kosovo campaign medal or (iii) (A) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, or (C) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, and who served during the period of actual hostilities of either

(d) world war II between December seventh, nineteen hundred forty-one and December thirty-first, nineteen hundred forty-six, both inclusive, or who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a

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

§ 77. Subdivision 5 of section 2805-b of the public health law, as amended by section 21 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

5. The staff of a general hospital shall: (a) inquire whether or not the person admitted has served in the United States armed forces. Such information shall be listed on the admissions form; (b) notify any admittee who is a veteran of the possible availability of services at a hospital operated by the United States veterans health administration, and, upon request by the admittee, such staff shall make arrangements for the individual's transfer to a United States veterans health administration hospital, provided, however, that transfers shall be authorized only after it has been determined, according to accepted clinical and medical standards, that the patient's condition has stabilized and transfer can be accomplished safely and without complication; and (c) provide any admittee who has served in the United States armed forces with a copy of the "Information for Veterans concerning Health Care Options" fact sheet, maintained by the [~~division~~] **department** of veterans' services pursuant to subdivision [~~twenty-three~~] **twenty-nine** of

section [~~three hundred fifty-three~~] four of the [~~executive~~] veterans' services law prior to discharging or transferring the patient. The commissioner shall promulgate rules and regulations for notifying such admittees of possible available services and for arranging a requested transfer.

§ 78. Subdivision 2 of section 2805-o of the public health law, as amended by chapter 609 of the laws of 2021, is amended to read as follows:

2. Every nursing home, residential health care facility and assisted living residences shall in writing advise all individuals identifying themselves as veterans or spouses of veterans that the [~~division~~] department of veterans' services and local veterans' service agencies established pursuant to section [~~three hundred fifty-seven~~] fourteen of the [~~executive~~] veterans'services law to provide assistance to veterans and their spouses regarding benefits under federal and state law. Such written information shall include the name, address and telephone number of the New York state [~~division~~] department of veterans' services, the nearest [~~division~~] department of veterans' services office, the nearest county or city veterans' service agency and the nearest accredited veterans' service officer.

§ 79. Subdivision 3 of section 3422 of the public health law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

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

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

state, the county, the town, the fire district, the city or village, the public benefit corporation or public authority of this state, or any public benefit corporation or public authority of any county or subdivision of this state, as the case may be, (i) who served on active duty in the armed forces of the United States during world war I or world war II, or who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (a) was discharged or released therefrom under honorable conditions, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **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 [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (d) was discharged or released therefrom under honorable conditions, or (e) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** 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~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service or during the period of the Korean conflict at any time between the dates of June twenty-seventh, nineteen hundred fifty and January thirty-first, nineteen hundred fifty-five, or during the period of the Vietnam conflict from the twenty-eighth day of February, nineteen hundred sixty-one to the seventh day of May, nineteen hundred seventy-five, or (ii) who served on active duty in the armed forces of the United States and who was a recipient of the armed forces expeditionary medal, navy expeditionary medal or marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nine-

teen 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 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~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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.

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

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

§ 82. Subdivisions 2 and 4-a of section 458 of the real property tax law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

2. Real property purchased with moneys collected by popular subscription in partial recognition of extraordinary services rendered by any veteran of world war one, world war two, or of the hostilities which commenced June twenty-seventh, nineteen hundred fifty, who (a) was honorably discharged from such service, or (b) has a qualifying condi-

tion, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **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 [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, and who sustained permanent disability while on military duty, either total or partial, and owned by the person who sustained such injuries, or by his or her spouse or unremarried surviving spouse, or dependent father or mother, is subject to taxation as herein provided. Such property shall be assessed in the same manner as other real property in the tax district. At the meeting of the assessors to hear complaints concerning the assessments, a verified application for the exemption of such real property from taxation may be presented to them by or on behalf of the owner thereof, which application must show the facts on which the exemption is claimed, including the amount of moneys so raised and used in or toward the purchase of such property. No exemption on account of any such gift shall be allowed in excess of five thousand dollars. The application for exemption shall be presented and action thereon taken in the manner provided by subdivision one of this section. If no application for exemption be granted, the property shall be subject to taxation for all purposes. The provisions herein, relating to the assessment and exemption of property purchased with moneys raised by popular subscription, apply and shall be enforced in each municipal corporation authorized to levy taxes.

4-a. For the purposes of this section, the term "military or naval services" shall be deemed to also include service: (a) by a person who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the department of defense; (b) service by a United States civilian employed by the American Field Service who served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** 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~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service; or (c) service by a United States civilian Flight Crew and Aviation Ground Support Employee of Pan

American World Airways or one of its subsidiaries or its affiliates who served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 83. Paragraph (e) of subdivision 1 and subdivisions 9 and 10 of section 458-a of the real property tax law, paragraph (e) of subdivision 1 and subdivision 10 as amended by chapter 490 of the laws of 2019, subdivision 9 as amended by section 36 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

(e) "Veteran" means a person (i) who served in the active military, naval, or air service during a period of war, or who was a recipient of the armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal, and who (1) was discharged or released therefrom under honorable conditions, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] 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 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~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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.

9. The commissioner shall develop in consultation with the [~~director~~] commissioner of the New York state [~~division~~] department of veterans' services a listing of documents to be used to establish eligibility under this section, including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of [~~Causality~~] Casualty from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the [~~division~~] department of veterans' services and the office of real property tax services.

10. A county, city, town, village or school district may adopt a local law or resolution to include those military personnel who served in the Reserve component of the United States Armed Forces that were deemed on active duty under Executive Order 11519 signed March twenty-third, nineteen hundred seventy, 35 Federal Register 5003, dated March twenty-fourth, nineteen hundred seventy and later designated by the United States Department of Defense as Operation Graphic Hand, if such member (1) was discharged or released therefrom under honorable conditions, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, provided that such veteran meets all other qualifications of this section.

§ 84. Paragraph (a) of subdivision 1 and subdivision 8 of section 458-b of the real property tax law, paragraph (a) of subdivision 1 as

amended by chapter 490 of the laws of 2019, subdivision 8 as amended by section 37 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

(a) "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, and (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

8. The commissioner shall develop in consultation with the [~~director~~] commissioner of the New York state [~~division~~] department of veterans' services a listing of documents to be used to establish eligibility under this section, including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of [~~Causality~~] Casualty from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the [~~division~~] department of veterans' services and the office of real property tax services.

§ 85. Subparagraph (v) of paragraph (a) of subdivision 1 of section 122 of the social services law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(v) any alien lawfully residing in the state who is on active duty in the armed forces (other than active duty for training) or who (1) has received an honorable discharge (and not on account of alienage) from the armed forces, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable (and not on account of alienage) from the armed forces, or (3) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable (and not on account of alienage) from the armed forces, or the spouse, unremarried surviving spouse or unmarried dependent child of any such alien, if such alien, spouse or dependent child is a qualified alien as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended;

§ 86. Subdivision 1 and paragraph 5 of subdivision 2 of section 168 of the social services law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

1. Veteran means a person, male or female, who has served in the armed forces of the United States in time of war, or who was a recipient of the armed forces expeditionary medal, navy expeditionary medal or marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, and who

(1) has been honorably discharged or released under honorable circumstances from such service or furloughed to the reserve, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

(5) World war II; from the seventh day of December, nineteen hundred forty-one to and including the thirty-first day of December, nineteen hundred forty-six, or who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

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

(1) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, or who served

in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia; who (i) was released from active duty by general or honorable discharge after September eleventh, two thousand one, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one;

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

(A) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia; who (i) was released from active duty by general or honorable discharge after September eleventh, two thousand one, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one;

§ 89. Paragraph 18-a of subdivision (a) of section 1115 of the tax law, as added by chapter 478 of the laws of 2016, is amended to read as follows:

(18-a) Tangible personal property manufactured and sold by a veteran, as defined in section [~~three hundred sixty-four~~] twenty-two of the [~~executive~~] veterans' services law, for the benefit of a veteran's service organization, provided that such person or any member of his or her household does not conduct a trade or business in which similar items are sold, the first two thousand five hundred dollars of receipts from such sales in a calendar year.

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

(A) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia; who (i) was released from active duty by general or honorable discharge after September eleventh, two thousand one, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one;

§ 91. Section 295 of the town law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

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

§ 92. Subdivision 2 of section 404-v of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

2. The distinctive plate authorized pursuant to this section shall be issued upon proof, satisfactory to the commissioner, that the applicant is a veteran who served in the United States Naval Armed Guard and who (1) was honorably discharged from such service, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~exec-~~

~~utive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 93. Subdivision 3 of section 404-v of the vehicle and traffic law, as amended by section 19 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

3. A distinctive plate issued pursuant to this section shall be issued in the same manner as other number plates upon the payment of the regular registration fee prescribed by section four hundred one of this article, provided, however, that an additional annual service charge of fifteen dollars shall be charged for such plate. Such annual service charge shall be deposited to the credit of the Eighth Air Force Historical Society fund established pursuant to section ninety-five-f of the state finance law and shall be used for veterans' counseling services provided by local veterans' service agencies pursuant to section [~~three hundred fifty-seven~~] fourteen of the [~~executive~~] veterans' services law under the direction of the [~~division~~] department of veterans' services. Provided, however, that one year after the effective date of this section funds in the amount of five thousand dollars, or so much thereof as may be available, shall be allocated to the department to offset costs associated with the production of such license plates.

§ 94. Paragraphs (a) and (b) of subdivision 1 of section 404-w of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(a) a person who served in the armed forces of the United States in the hostilities that occurred in the Persian Gulf from the eleventh day of September, two thousand one, to the end of such hostilities, who (i) was discharged therefrom under other than dishonorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service; or

(b) a person who served in the armed forces of the United States in the hostilities that occurred in Afghanistan from the eleventh day of September, two thousand one, to the end of such hostilities, who (i) was discharged therefrom under other than dishonorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 95. Subdivision 3 of section 404-w of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

3. For the purposes of this section, "Persian Gulf veteran" shall mean a person who is a resident of this state, who served in the armed forces of the United States in the hostilities that occurred in the Persian Gulf from the second day of August, nineteen hundred ninety to the end of such hostilities, and was (a) honorably discharged from the military, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] 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 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 96. Paragraphs (a) and (b) of subdivision 3 of section 404-y of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(a) "Veteran of the Iraq War" shall mean a person who is a resident of this state, who served in the armed forces of the United States in the hostilities that occurred in Iraq from the sixteenth day of October, two thousand two to the end of such hostilities who (i) was discharged therefrom under other than dishonorable conditions or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service; and

(b) "Veteran of the Afghanistan War" shall mean a person who is a resident of this state, who served in the armed forces of the United States in the hostilities that occurred in Afghanistan from the seventh day of October, two thousand one to the end of such hostilities who (i) was discharged therefrom under other than dishonorable conditions or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 97. Paragraph (b) of subdivision 3 of section 490 of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

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

§ 98. Paragraph (a-1) of subdivision 1 of section 504 of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(a-1) Every license or renewal thereof issued to an applicant who was a member of the armed forces of the United States and who (i) received an honorable discharge or was released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services 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~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, shall, upon his or her request and submission of proof as set forth herein, contain a distinguishing mark, in such form as the commissioner shall determine, indicating that he or she is a veteran. Such proof shall consist of a certificate of release or discharge from active duty including but not limited to a DD Form 214 or other proof satisfactory to the commissioner. The commissioner shall not require fees for the issuance of such licenses or renewals thereof to persons requesting a veteran distinguishing mark which are different from fees otherwise required; provided, however, that notwithstanding the provisions of this section, the commissioner shall not require fees for a duplication or amendment of a license prior to its renewal if such duplication or amendment was solely for the purpose of adding a veteran distinguishing mark to such license.

§ 99. The second undesignated subparagraph of paragraph (a) of subdivision 8 of section 15 of the workers' compensation law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

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

§ 100. Transfer of powers of the division of veterans' services. The functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, shall be transferred and assigned to, and assumed by and devolved upon, the department of veterans' services.

§ 101. Abolition of the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, the division of veterans' services shall be abolished.

§ 102. Continuity of authority of the division of veterans' services. Except as herein otherwise provided, upon the transfer pursuant to this act of the functions and powers possessed by, and all of the obligations and duties of, the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, for the purpose of succession, all functions, powers, duties and obligations of the department of veterans' services shall be deemed and be held to constitute the continuation of such functions, powers, duties and obligations and not a different agency.

§ 103. Transfer of records of the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, all books, papers, records and property pertaining to the division of veterans' services shall be transferred to and maintained by the department of veterans' services.

§ 104. Completion of unfinished business of the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, any business or other matter undertaken or commenced by the division of veterans' services pertaining to or connected with the functions, powers, obligations and duties so transferred and assigned to the department of veterans' services, may be conducted or completed by the department of veterans' services.

§ 105. Terms occurring in laws, contracts or other documents of or pertaining to the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, as prescribed by this act, whenever the division of veterans' services and the commissioner thereof, the functions, powers, obligations and duties of which are transferred to the department of veterans' services, are referred to or designated in any law, regulation, contract or document pertaining to the functions, powers, obligations and duties transferred and assigned pursuant to this act, such reference or designation shall be deemed to refer to the department of veterans' services and its commissioner.

§ 106. (a) Wherever the term "division of veterans' services" appears in the consolidated or unconsolidated laws of this state, such term is hereby changed to "department of veterans' services".

(b) The legislative bill drafting commission is hereby directed to effectuate this provision, and shall be guided by a memorandum of instruction setting forth the specific provisions of law to be amended. Such memorandum shall be transmitted to the legislative bill drafting commission within sixty days of enactment of this provision. Such memorandum shall be issued jointly by the governor, the temporary president

of the senate and the speaker of the assembly, or by the delegate of each.

§ 107. Existing rights and remedies of or pertaining to the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, no existing right or remedy of the state, including the division of veterans' services, shall be lost, impaired or affected by reason of this act.

§ 108. Pending actions and proceedings of or pertaining to the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, no action or proceeding pending on the effective date of this act, brought by or against the division of veterans' services or the commissioner thereof shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the New York state department of veterans' services. In all such actions and proceedings, the New York state department of veterans' services, upon application to the court, shall be substituted as a party.

§ 109. Continuation of rules and regulations of or pertaining to the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, all rules, regulations, acts, orders, determinations, decisions, licenses, registrations and charters of the division of veterans' services, pertaining to the functions transferred and assigned by this act to the department of veterans' services, in force at the time of such transfer, assignment, assumption or devolution shall continue in force and effect as rules, regulations, acts, determinations and decisions of the department of veterans' services until duly modified or repealed.

§ 110. Transfer of appropriations heretofore made to the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, all appropriations and reappropriations which shall have been made available as of the date of such transfer to the division of veterans' services or segregated pursuant to law, to the extent of remaining unexpended or unencumbered balances thereof, whether allocated or unallocated and whether obligated or unobligated, shall be transferred to and made available for use and expenditure by the department of veterans' services and shall be payable on vouchers certified or approved by the commissioner of taxation and finance, on audit and warrant of the comptroller. Payments of liabilities for expenses of personnel services, maintenance and operation which shall have been incurred as of the date of such transfer by the division of veterans' services, and for liabilities incurred and to be incurred in completing its affairs shall also be made on vouchers certified or approved by the commissioner of veterans' services, on audit and warrant of the comptroller.

§ 111. Transfer of employees. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, provision shall be made for the transfer of all employees from the division of veterans' services into the department of veterans' services. Employees so transferred shall be transferred without further examination or qualification to the same or similar titles and shall remain in the same collective bargaining units and shall retain their respective civil service classifications, status and rights pursuant to their collective bargaining units and collective bargaining agreements.

§ 112. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 113. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that the amendments to subdivision (l) of section 7.09 of the mental hygiene law made by section fifteen of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and provided further that the amendments to paragraph j of subdivision 1 and subdivisions 6 and 6-d of section 163 of the state finance law made by section twenty-eight of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith; and provided further, that if section 2 of part AA of chapter 56 of the laws of 2021 shall not have taken effect on or before such date, then section thirty of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2021, takes effect; and provided further that the amendments to subdivision 3 of section 103-a of the state technology law made by section thirty-one of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith; and provided further, that if chapter 609 of the laws of 2021 shall not have taken effect on or before such date, then section seventy-eight of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2021 takes effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.