STATE OF NEW YORK

4611--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 17, 2023

Introduced by M. of A. JEAN-PIERRE -- read once and referred to the Committee on Veterans' Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, the veterans' services law, the social services law and the vehicle and traffic law, in relation to removing the requirement that a veteran served during wartime to be granted certain benefits

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

Section 1. Subdivision 1 of section 55-c of the civil service law, as amended by chapter 340 of the laws of 2008, is amended to read as follows:

1. The commission may determine up to five hundred positions with duties such as can be performed by disabled veterans and veterans with disabilities who are found otherwise qualified to perform satisfactorily the duties of any such position. Upon such determination, the said positions shall be classified in the noncompetitive class, and may be filled only by veterans of the armed forces of the United States [~~who served therein during time of war, as defined in paragraph (c) of subdivision one of section eighty-five of this chapter~~], and (a) who establish by appropriate documentary evidence that they are disabled veterans, as defined in paragraph (b) of subdivision one of section eighty-five of this chapter, or (b) by those veterans, as defined in paragraph (a) of subdivision one of section eighty-five of this chapter, who shall have been certified by the employee health service of the department as being disabled but capable of performing the duties of said positions. Priority in certification and referral of both such disabled veterans and certified disabled but capable veterans shall be given to those veterans who received a wound in combat, as documented by the awarding of the purple heart, as authorized by the United States department of defense, and that wound is the cause of, or a substantially contributing factor

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

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to, the degree of impairment, who otherwise meet the requirements of this section. The number of veterans appointed pursuant to this section shall not exceed five hundred.

§ 2. Subdivision 1 of section 13 of the veterans' services law is amended to read as follows:

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 uniformed services 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 uniformed services 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.

§ 3. Subdivision 1 of section 15 of the veterans' services law is amended to read as follows:

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 uniformed services 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 uniformed services 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 uniformed services 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.

§ 4. Section 168 of the social services law, as added by chapter 871 of the laws of 1948, subdivision 1 and paragraph 5 of subdivision 2 as amended by section 86 of part PP of chapter 56 of the laws of 2022, subdivision 2 as amended by chapter 467 of the laws of 1991, paragraph 7 of subdivision 2 as amended by chapter 606 of the laws of 2021, paragraph (i) of subdivision 3 as amended by chapter 610 of the laws of 1960, paragraphs (n), (p), (q), (r), (s), (t) and (u) of subdivision 3 as added by chapter 219 of the laws of 1983, paragraph (o) of subdivision 3 as added by chapter 643 of the laws of 1959, subdivision 4 as amended by section 78 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

§ 168. Definitions. As used in this title:

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 recipi-

ent 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)~~] **(a)** has been honorably discharged or released under honorable circumstances from such service or furloughed to the reserve, or [~~(2)~~] **(b)** has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or [~~(3)~~] **(c)** is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

2. [~~In time of war means the periods herein set forth for the following wars and conflicts:~~

~~(1) Civil war; from twentieth day of April, eighteen hundred sixty-one to and including the ninth day of April, eighteen hundred sixty-five.~~

~~(2) Spanish-American war; from the twenty-first day of April, eighteen hundred ninety-eight to and including the eleventh day of April, eighteen hundred ninety-nine.~~

~~(3) Philippine insurrection; from the eleventh day of April, eighteen hundred ninety-nine to and including the fourth day of July, nineteen hundred two.~~

~~(4) World war I; from the sixth day of April, nineteen hundred seventeen to and including the eleventh day of November, nineteen hundred eighteen.~~

~~(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 one of the 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 one of the 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 one of the 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 one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.~~

~~(6) Korean conflict; from the twenty-seventh day of June, nineteen hundred fifty to and including the thirty-first day of January, nineteen hundred fifty-five.~~

~~(7) Viet Nam conflict; from the first of November, nineteen hundred fifty-five to and including the seventh day of May, nineteen hundred seventy-five.~~

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

~~3.~~] Veteran organization means the:

(a) Grand Army of the Republic;
(b) United Spanish War Veterans;
(c) American Legion;
(d) Disabled American Veterans;
(e) Veterans of Foreign Wars of the United States;
(f) Jewish War Veterans of the United States, Incorporated;
(g) Catholic War Veterans, Incorporated;
(h) Army and Navy Union of the United States;
(i) Italian American War Veterans of the United States, Incorporated;
(j) Polish Legion of American Veterans, Incorporated;
(k) The Marine Corps League;
(l) Military Order of the Purple Heart, Inc.;
(m) Amvets.
(n) American Veterans of World War II;
(o) Veterans of World War I, U.S.A., Inc.
(p) Polish-American Veterans of World War II;
(q) Masonic War Veterans of the state of N.Y., Inc.;
(r) American Gold Star Mothers, Inc.;
(s) Regular Veterans Association, Inc.;
(t) Vietnam Veterans of America;
(u) Eastern Paralyzed Veterans Association;

[~~4.~~] **3.** Veteran assistance means safety net assistance given pursuant to the provisions of this title, to the persons eligible therefor.

§ 5. Subdivision 3 of section 404-a of the vehicle and traffic law, as added by chapter 601 of the laws of 1987, is amended to read as follows:

3. Registration of vehicles owned by severely disabled veterans. The commissioner shall assign to such motor vehicles, including any vans or pick-up trucks used for transporting handicapped veterans which are not used for commercial purposes and which are owned by such veterans or a not-for-profit corporation serving such veterans, a distinctive number and issue and deliver in such manner as the commissioner may prescribe to the owner a certification of registration, in such form as the commissioner shall prescribe and two number plates, called disabled veteran plates. Said severely disabled veteran plates shall conform to

the requirements of section four hundred one of this [~~chapter~~] article, but shall bear distinctive marks to distinguish them from number plates to be issued to other persons, qualifying under this [~~chapter~~] article. The commissioner in his discretion, may issue, for any registration year, only one plate as a set for a motor vehicle, in which event a set of severely disabled veteran plates for a motor vehicle shall consist of one plate. Where a severely disabled veteran owns more than one vehicle and such vehicle or vehicles is or are used by severely disabled members of the owner's family who reside with the owner, the commissioner shall issue one set of plates for each additional vehicle used by such severely disabled veteran, provided that such user qualifies as a severely disabled veteran in the manner required by this section. For purposes of this subdivision, the term "severely disabled veteran" shall mean [~~any member of the armed forces of the United States who served in time of war,~~] a veteran as defined in section eighty-five of the civil service law, and whose disability qualifies him as a severely disabled person within the meaning of such term as defined in subdivision four of this section.

§ 6. This act shall take effect immediately.