STATE OF NEW YORK

3306

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sens. HOYLMAN-SIGAL, GALLIVAN, MATTERA, STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the business corporation law and the not-for-profit corporation law, in relation to exempting veterans from the payment of certain fees relating to corporations

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

Section 1. The business corporation law is amended by adding a new section 104-B to read as follows:

§ 104-B. Veteran exemption from fees.

(a) As used in this section, "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 (1) has received an honorable or general discharge from such service, or (2) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service; and such person is a resident of the state of New York at the time undertaking an action subject to a fee pursuant to section one hundred four-A of this article.

(b) Notwithstanding any other provision of law, no veteran shall be required to pay the fees otherwise required by section one hundred four-A of this article within five years of (1) receiving an honorable or general discharge from military service, or (2) receiving confirmation from the department of veterans' services of a qualifying condition, or (3) receiving confirmation from the department of veterans' services of their status as a discharged LGBT veteran.

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

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(c) Status as an eligible veteran pursuant to this section shall be documented pursuant to rules and regulations promulgated by the commissioner of the department of state.

§ 2. The not-for-profit corporation law is amended by adding a new section 104-B to read as follows:

§ 104-B. Veteran exemption from fees.

(a) As used in this section, "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 (1) has received an honorable or general discharge from such service, or (2) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service; and such person is a resident of the state of New York at the time undertaking an action subject to a fee pursuant to section one hundred four-A of this article.

(b) Notwithstanding any other provision of law, no veteran shall be required to pay the fees otherwise required by section one hundred four-A of this article within five years of (1) receiving an honorable or general discharge from military service, or (2) receiving confirmation from the department of veterans' services of a qualifying condition, or (3) receiving confirmation from the department of veterans' services of their status as a discharged LGBT veteran.

(c) Status as an eligible veteran pursuant to this section shall be documented pursuant to rules and regulations promulgated by the commissioner of the department of state.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided however, if section 2 of part PP of chapter 56 of the laws of 2022 shall not have taken effect on or before such date then sections one and two of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2022 takes effect.