

**RESOLUTION NO. 780 -2020, ADOPTING LOCAL LAW NO. 43-2020, A LOCAL LAW TO AMEND THE SUFFOLK COUNTY CODE TO EXPAND THE DEFINITION OF "VETERAN"**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on September 9, 2020, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE SUFFOLK COUNTY CODE TO EXPAND THE DEFINITION OF "VETERAN"**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 43-2020, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO AMEND THE SUFFOLK COUNTY CODE TO EXPAND THE DEFINITION OF "VETERAN"**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines the County of Suffolk is home to the largest veteran population in New York State.

This Legislature also finds and determines there are many veterans who were discharged by the military for having specific conditions, such as a diagnosis of post-traumatic stress disorder or traumatic brain injury which prevents further service, having experienced military sexual trauma or due to their status as a member of the LGBT community.

This Legislature finds that these discharges in many instances are considered "other than honorable," limiting the veteran's ability to obtain services and assistance upon separation from the military.

This Legislature further finds that New York State recently modified its definition of "veteran" so that those veterans who were discharged because of their LGBT orientation or "qualifying condition" are eligible to receive veteran's services and benefits from the State that they were previously unable to access.

This Legislature determines that the New York Executive Law will specifically define "qualifying condition" and "discharged LGBT veteran" effective November 12, 2020.

This Legislature further determines that Suffolk County should also adopt this new definition and allow veterans to receive the benefits they deserve.

Therefore, the purpose of this law is to amend section 775 of the SUFFOLK COUNTY CODE to align with the modified definition of "veteran."

**Section 2. Amendments.**

Chapter 775 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 775. Taxation**

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**Article V. Exemption for Veterans, Spouses and Unremarried Surviving Spouses of Veterans, Gold Star Parents and Cold War Veterans**

\* \* \* \*

**§ 775-13. Definitions.**

**COLD WAR VETERAN** – [A person who served on active duty in the United States Army, Navy, Marine Corps, Air Force or Coast Guard during the time period from September 2, 1945, to December 26, 1991, who was discharged or released therefrom under honorable conditions.] 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 of the New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section three hundred fifty of the New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service.

\* \* \* \*

**VETERAN –**

A person who:

- A. 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, Naval Expeditionary Medal, Marine Corps Expeditionary Medal or Global War on Terrorism Expeditionary Medal, and who [was discharged or released therefrom under honorable conditions] (i) has received an honorable or general discharge from such service, or (ii) has a qualifying condition, as defined in section three hundred fifty of New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section three hundred fifty of New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service; or
- B. 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 Transportation 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 7, 1941, to August 15, 1945, aboard merchant vessels in oceangoing (i.e., foreign), intercoastal

or coastwide service, as such terms are defined under federal law (46 U.S.C. §§ 10301 and 10501), and further to include near-foreign voyages between the United States, 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 (i) has received an honorable or general discharge from such service, or (ii) has a qualifying condition, as defined in section three hundred fifty of New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section three hundred fifty of New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service;

- C. 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 7, 1941, through May 8, 1945, and who [was discharged or released therefrom under honorable conditions] (i) has received an honorable or general discharge from such service, or (ii) has a qualifying condition, as defined in section three hundred fifty of New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section three hundred fifty of New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service; or
- D. 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 14, 1941, through August 14, 1945, and who [was discharged or released therefrom under honorable conditions.] (i) has received an honorable or general discharge from such service, or (ii) has a qualifying condition, as defined in section three hundred fifty of New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section three hundred fifty of New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service; or
- E. Served as military personnel in the Reserve component of the United States Armed Forces and deemed on active duty under Executive Order 11519, signed March 23, 1970, 35 Federal Register 5003, dated March 24, 1970, and later designated by the United States Department of Defense as "Operation Graphic Hand," and who [was discharged or released therefrom under honorable conditions.] (i) has received an honorable or general discharge from such service, or (ii) has a qualifying condition, as defined in section three hundred fifty of New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section three hundred fifty of New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service.

### **Section 3. Veterans Programs and Agencies.**

All County operated veterans' services agencies and programs that provide New York State- or County-funded benefits to veterans residing within Suffolk County (including the Suffolk County Veteran Resident Identification Card Program) shall utilize the following definition of "veteran" for benefit qualification purposes:

"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 three hundred fifty of New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section three hundred fifty of New York Executive Law, and has received a discharge other than bad conduct or dishonorable from such service.

### **Section 4. Procedure for Qualification.**

Any veteran residing in Suffolk County who wishes to obtain veteran classification pursuant to this law shall prove his or her qualifications under Article 17-b §350 of New York Executive Law as having received general discharge or discharge due to a qualifying condition or status as a discharged LGBT veteran.

### **Section 5. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

### **Section 6. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

### **Section 7. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 8. Effective Date.**

This law shall take effect on November 12, 2020.

[ ] Brackets denote deletion of existing language  
\_\_\_ Underlining denotes addition of new language

DATED: October 6, 2020

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: October 27, 2020

After a public hearing duly held on October 19, 2020  
Filed with the Secretary of State on November 6, 2020