

# STATE OF NEW YORK

7605

2021-2022 Regular Sessions

## IN ASSEMBLY

May 19, 2021

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the tax law, the executive law, the economic development law, the public officers law, the real property tax law and the military law, in relation to expanding the definition of veteran to include members of the commissioned corps of the national oceanic and atmospheric administration and the United States public health service

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

1 Section 1. Subparagraph (A) of paragraph 2 of subsection (a-2) of  
2 section 606 of the tax law, as amended by chapter 490 of the laws of  
3 2019, is amended to read as follows:

4 (A) who served on active duty in the United States army, navy, air  
5 force, marine corps, coast guard or the reserves thereof, or who served  
6 in active military service of the United States as a member of the army  
7 national guard, air national guard, New York guard or New York naval  
8 militia, or who served as a member of the commissioned corps of the  
9 national oceanic and atmospheric administration or the United States  
10 public health service; who (i) was released from active duty by general  
11 or honorable discharge after September eleventh, two thousand one, or  
12 (ii) has a qualifying condition, as defined in section three hundred  
13 fifty of the executive law, and has received a discharge other than bad  
14 conduct or dishonorable from such service after September eleventh, two  
15 thousand one, or (iii) is a discharged LGBT veteran, as defined in  
16 section three hundred fifty of the executive law, and has received a  
17 discharge other than bad conduct or dishonorable from such service after  
18 September eleventh, two thousand one;

19 § 2. Subparagraph (A) of paragraph 2 of subsection (g-1) of section  
20 1511 of the tax law, as amended by chapter 490 of the laws of 2019, is  
21 amended to read as follows:

22 (A) who served on active duty in the United States army, navy, air  
23 force, marine corps, coast guard or the reserves thereof, or who served  
24 in active military service of the United States as a member of the army  
25 national guard, air national guard, New York guard or New York naval

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

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1 militia, or who served on active duty as a member of the commissioned  
2 corps of the national oceanic and atmospheric administration or the  
3 United States public health service; who (i) was released from active  
4 duty by general or honorable discharge after September eleventh, two  
5 thousand one, or (ii) has a qualifying condition, as defined in section  
6 three hundred fifty of the executive law, and has received a discharge  
7 other than bad conduct or dishonorable from such service after September  
8 eleventh, two thousand one, or (iii) is a discharged LGBT veteran, as  
9 defined in section three hundred fifty of the executive law, and has  
10 received a discharge other than bad conduct or dishonorable from such  
11 service after September eleventh, two thousand one;

12 § 3. Subparagraph 1 of paragraph (b) of subdivision 29 of section  
13 210-B of the tax law, as amended by chapter 490 of the laws of 2019, is  
14 amended to read as follows:

15 (1) who served on active duty in the United States army, navy, air  
16 force, marine corps, coast guard or the reserves thereof, or who served  
17 in active military service of the United States as a member of the army  
18 national guard, air national guard, New York guard or New York naval  
19 militia, or who served on active duty as a member of the commissioned  
20 corps of the national oceanic and atmospheric administration or the  
21 United States public health service; who (i) was released from active  
22 duty by general or honorable discharge after September eleventh, two  
23 thousand one, or (ii) has a qualifying condition, as defined in section  
24 three hundred fifty of the executive law, and has received a discharge  
25 other than bad conduct or dishonorable from such service after September  
26 eleventh, two thousand one, or (iii) is a discharged LGBT veteran, as  
27 defined in section three hundred fifty of the executive law, and has  
28 received a discharge other than bad conduct or dishonorable from such  
29 service after September eleventh, two thousand one;

30 § 4. Subdivisions 3 and 9 of section 350 of the executive law, subdivi-  
31 sion 9 as added by chapter 490 of the laws of 2019, are amended to  
32 read as follows:

33 3. The term "veteran" means a person, male or female, resident of this  
34 state, who has served in the active military or naval service of the  
35 United States or the active service of the commissioned corps of the  
36 national oceanic and atmospheric administration or the United States  
37 public health service during a war in which the United States engaged  
38 and who has been released from such service otherwise than by dishonor-  
39 able discharge, or who has been furloughed to the reserve.

40 9. The term "discharged LGBT veteran" means a veteran who was  
41 discharged less than honorably from military or naval service or the  
42 commissioned corps of the national oceanic and atmospheric adminis-  
43 tration or the United States public health service due to their sexual  
44 orientation or gender identity or expression, as those terms are defined  
45 in section two hundred ninety-two of this chapter, or statements,  
46 consensual sexual conduct, or consensual acts relating to sexual orien-  
47 tation, gender identity or expression, or the disclosure of such state-  
48 ments, conduct, or acts, that were prohibited by the military or naval  
49 service at the time of discharge. The division shall establish a  
50 consistent and uniform process to determine whether a veteran qualifies  
51 as a discharged LGBT veteran under this subdivision, including, at a  
52 minimum, standards for verifying a veteran's status as a discharged LGBT  
53 veteran, and a method of demonstrating eligibility as a discharged LGBT  
54 veteran.

55 § 5. The opening paragraph of paragraph a and paragraph c of subdivi-  
56 sion 1 of section 364 of the executive law, the opening paragraph of

1 paragraph a as amended by chapter 490 of the laws of 2019 and paragraph  
2 c as added by chapter 751 of the laws of 1985, are amended to read as  
3 follows:

4 The word "veteran," as used in this article shall be taken to mean and  
5 include any person who is a resident of the state of New York, and who  
6 (i) has been or may be given an honorable, general or ordinary discharge  
7 or any other form of release from such service, except a dishonorable  
8 discharge, a bad conduct discharge, an undesirable discharge, a  
9 discharge without honor or a discharge for the good of the service, or  
10 (ii) has a qualifying condition, as defined in section three hundred  
11 fifty of this article, and has received a discharge other than bad  
12 conduct or dishonorable from such service, or (iii) is a discharged LGBT  
13 veteran, as defined in section three hundred fifty of this article, and  
14 has received a discharge other than bad conduct or dishonorable from  
15 such service, and who (iv) was a recipient of the armed forces expedi-  
16 tionary medal, the navy expeditionary medal or the marine corps expedi-  
17 tionary medal for participation in operations in Lebanon from June  
18 first, nineteen hundred eighty-three to December first, nineteen hundred  
19 eighty-seven, in Grenada from October twenty-third, nineteen hundred  
20 eighty-three to November twenty-first, nineteen hundred eighty-three, or  
21 in Panama from December twentieth, nineteen hundred eighty-nine to Janu-  
22 ary thirty-first, nineteen hundred ninety, or (v) served in the commis-  
23 sioned corps of the national oceanic and atmospheric administration or  
24 the United States public health service, or (vi) served on active duty  
25 for ninety days or more in the armed forces of the United States during  
26 any one of the following wars or hostilities:

27 c. The term "active duty" as used in this article shall mean full time  
28 duty in the armed forces or the commissioned corps of the national  
29 oceanic and atmospheric administration or the United States public  
30 health service, other than active duty for training; provided, however,  
31 that "active duty" shall also include any period of active duty for  
32 training during which the individual concerned was disabled or died from  
33 a disease or injury incurred or aggravated during such period.

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

36 3. "Veteran" shall mean an individual who served on active duty in the  
37 United States army, navy, marine corps, air force, coast guard or the  
38 reserves component, or who served in active military service of the  
39 United States as a member of the army national guard, air national  
40 guard, New York guard or New York naval militia, or who served in active  
41 service as a member of the commissioned corps of the national oceanic  
42 and atmospheric administration or the United States public health  
43 service, who was released from such service otherwise than by dishonor-  
44 able discharge after September eleventh, two thousand one.

45 § 7. Subdivisions 5 and 7 of section 369-h of the executive law,  
46 subdivision 5 as added by chapter 22 of the laws of 2014 and subdivision  
47 7 as amended by chapter 490 of the laws of 2019, are amended to read as  
48 follows:

49 5. "Service-disabled veteran" shall mean (a) in the case of the United  
50 States army, navy, air force, marines, coast guard, army national guard  
51 or air national guard and/or reserves thereof, or the commissioned corps  
52 of the national oceanic and atmospheric administration or the United  
53 States public health service, a veteran who received a compensation  
54 rating of ten percent or greater from the United States department of  
55 veterans affairs or from the United States department of defense because  
56 of a service-connected disability incurred in the line of duty, and (b)

1 in the case of the New York guard or the New York naval militia and/or  
2 reserves thereof, a veteran who certifies, pursuant to the rules and  
3 regulations promulgated by the director, to having incurred an injury  
4 equivalent to a compensation rating of ten percent or greater from the  
5 United States department of veterans affairs or from the United States  
6 department of defense because of a service-connected disability incurred  
7 in the line of duty.

8 7. "Veteran" shall mean a person who served in the United States army,  
9 navy, air force, marines, coast guard, and/or reserves thereof, and/or  
10 in the army national guard, air national guard, New York guard and/or  
11 the New York naval militia, and/or who served as a member of the commis-  
12 sioned corps of the national oceanic and atmospheric administration  
13 and/or the United States public health service and who (i) has received  
14 an honorable or general discharge from such service, or (ii) has a qual-  
15 ifying condition, as defined in section three hundred fifty of this  
16 chapter, and has received a discharge other than bad conduct or  
17 dishonorable from such service, or (iii) is a discharged LGBT veteran,  
18 as defined in section three hundred fifty of this chapter, and has  
19 received a discharge other than bad conduct or dishonorable from such  
20 service.

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

24 6. "Veteran" shall mean a person who served in the United States army,  
25 navy, air force, marines, coast guard, and/or reserves thereof, and/or  
26 in the army national guard, air national guard, New York guard and/or  
27 the New York naval militia, and/or who served as a member of the commis-  
28 sioned corps of the national oceanic and atmospheric administration  
29 and/or the United States public health service and who (a) has received  
30 an honorable or general discharge from such service, or (b) has a quali-  
31 fying condition, as defined in section three hundred fifty of the execu-  
32 tive law, and has received a discharge other than bad conduct or  
33 dishonorable from such service, or (c) is a discharged LGBT veteran, as  
34 defined in section three hundred fifty of the executive law, and has  
35 received a discharge other than bad conduct or dishonorable from such  
36 service.

37 § 9. Section 63 of the public officers law, as amended by chapter 490  
38 of the laws of 2019, is amended to read as follows:

39 § 63. Leave of absence for veterans on Memorial day and Veterans' day.  
40 It shall be the duty of the head of every public department and of every  
41 court of the state of New York, of every superintendent or foreman on  
42 the public works of said state, of the county officers of the several  
43 counties of said state, of the town officers of the various towns in  
44 this state, of the fire district officers of the various fire districts  
45 in this state, and of the head of every department, bureau and office in  
46 the government of the various cities and villages in this state, and the  
47 officers of any public benefit corporation or any public authority of  
48 this state, or of any public benefit corporation or public authority of  
49 any county or subdivision of this state, to give leave of absence with  
50 pay for twenty-four hours on the day prescribed by law as a public holi-  
51 day for the observance of Memorial day and on the eleventh day of Novem-  
52 ber, known as Veterans' day, to every person in the service of the  
53 state, the county, the town, the fire district, the city or village, the  
54 public benefit corporation or public authority of this state, or any  
55 public benefit corporation or public authority of any county or subdivi-  
56 sion of this state, as the case may be, (i) who served on active duty in

1 the armed forces of the United States during world war I or world war  
2 II, or who was employed by the War Shipping Administration or Office of  
3 Defense Transportation or their agents as a merchant seaman documented  
4 by the United States Coast Guard or Department of Commerce, or as a  
5 civil servant employed by the United States Army Transport Service  
6 (later redesignated as the United States Army Transportation Corps,  
7 Water Division) or the Naval Transportation Service; and who served  
8 satisfactorily as a crew member during the period of armed conflict,  
9 December seventh, nineteen hundred forty-one, to August fifteenth, nine-  
10 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,  
11 foreign, intercoastal, or coastwise service as such terms are defined  
12 under federal law (46 USCA 10301 & 10501) and further to include "near  
13 foreign" voyages between the United States and Canada, Mexico, or the  
14 West Indies via ocean routes, or public vessels in oceangoing service or  
15 foreign waters and who has received a Certificate of Release or  
16 Discharge from Active Duty and a discharge certificate, or an Honorable  
17 Service Certificate/Report of Casualty, from the Department of Defense,  
18 or who served as a United States civilian employed by the American Field  
19 Service and served overseas under United States Armies and United States  
20 Army Groups in world war II during the period of armed conflict, Decem-  
21 ber seventh, nineteen hundred forty-one through May eighth, nineteen  
22 hundred forty-five, and who (a) was discharged or released therefrom  
23 under honorable conditions, or (b) has a qualifying condition, as  
24 defined in section three hundred fifty of the executive law, and has  
25 received a discharge other than bad conduct or dishonorable from such  
26 service, or (c) is a discharged LGBT veteran, as defined in section  
27 three hundred fifty of the executive law, and has received a discharge  
28 other than bad conduct or dishonorable from such service or who served  
29 as a United States civilian Flight Crew and Aviation Ground Support  
30 Employee of Pan American World Airways or one of its subsidiaries or its  
31 affiliates and served overseas as a result of Pan American's contract  
32 with Air Transport Command or Naval Air Transport Service during the  
33 period of armed conflict, December fourteenth, nineteen hundred forty-  
34 one through August fourteenth, nineteen hundred forty-five, and who (d)  
35 was discharged or released therefrom under honorable conditions, or (e)  
36 has a qualifying condition, as defined in section three hundred fifty of  
37 the executive law, and has received a discharge other than bad conduct  
38 or dishonorable from such service, or (f) is a discharged LGBT veteran,  
39 as defined in section three hundred fifty of the executive law, and has  
40 received a discharge other than bad conduct or dishonorable from such  
41 service or during the period of the Korean conflict at any time between  
42 the dates of June twenty-seventh, nineteen hundred fifty and January  
43 thirty-first, nineteen hundred fifty-five, or during the period of the  
44 Vietnam conflict from the twenty-eighth day of February, nineteen  
45 hundred sixty-one to the seventh day of May, nineteen hundred seventy-  
46 five, or (ii) who served on active duty in the armed forces of the  
47 United States and who was a recipient of the armed forces expeditionary  
48 medal, navy expeditionary medal or marine corps expeditionary medal for  
49 participation in operations in Lebanon from June first, nineteen hundred  
50 eighty-three to December first, nineteen hundred eighty-seven, in Grena-  
51 da from October twenty-third, nineteen hundred eighty-three to November  
52 twenty-first, nineteen hundred eighty-three, or in Panama from December  
53 twentieth, nineteen hundred eighty-nine to January thirty-first, nine-  
54 teen hundred ninety, or (iii) who served in the armed forces of a  
55 foreign country allied with the United States during world war I or  
56 world war II, or during the period of the Korean conflict at any time

1 between June twenty-seventh, nineteen hundred fifty and January thirty-  
2 first, nineteen hundred fifty-five, or during the period of the Vietnam  
3 conflict from the twenty-eighth day of February, nineteen hundred  
4 sixty-one to the seventh day of May, nineteen hundred seventy-five, or  
5 during the period of the Persian Gulf conflict from the second day of  
6 August, nineteen hundred ninety to the end of such conflict, or who  
7 served on active duty in the army or navy or marine corps or air force  
8 or coast guard of the United States, and who (a) was honorably  
9 discharged or separated from such service under honorable conditions, or  
10 (b) has a qualifying condition, as defined in section three hundred  
11 fifty of the executive law, and has received a discharge other than bad  
12 conduct or dishonorable from such service, or (c) is a discharged LGBT  
13 veteran, as defined in section three hundred fifty of the executive law,  
14 and has received a discharge other than bad conduct or dishonorable from  
15 such service except where such action would endanger the public safety  
16 or the safety or health of persons cared for by the state, in which  
17 event such persons shall be entitled to leave of absence with pay on  
18 another day in lieu thereof, or (iv) who served on active duty in the  
19 commissioned corps of the national oceanic and atmospheric adminis-  
20 tration or the United States public health service, and who (a) was  
21 honorably discharged or separated from such service under honorable  
22 conditions, or (b) has a qualifying condition, as defined in section  
23 three hundred fifty of the executive law, and has received a discharge  
24 other than bad conduct or dishonorable from such service, or (c) is a  
25 discharged LGBT veteran, as defined in section three hundred fifty of  
26 the executive law, and has received a discharge other than bad conduct  
27 or dishonorable from such service except where such action would endan-  
28 ger the public safety or the safety or health of persons cared for by  
29 the state, in which event such persons shall be entitled to leave of  
30 absence with pay on another day in lieu thereof. All such persons who  
31 are compensated on a per diem, hourly, semi-monthly or monthly basis,  
32 with or without maintenance, shall also be entitled to leave of absence  
33 with pay under the provisions of this section and no deduction in vaca-  
34 tion allowance or budgetary allowable number of working days shall be  
35 made in lieu thereof. A refusal to give such leave of absence to one  
36 entitled thereto shall be neglect of duty.

37 § 10. Subdivision 4-a of section 458 of the real property tax law, as  
38 amended by chapter 490 of the laws of 2019, is amended to read as  
39 follows:

40 4-a. For the purposes of this section, the term "military or naval  
41 services" shall be deemed to also include service: (a) by a person who  
42 was employed by the War Shipping Administration or Office of Defense  
43 Transportation or their agents as a merchant seaman documented by the  
44 United States Coast Guard or Department of Commerce, or as a civil serv-  
45 ant employed by the United States Army Transport Service (later redesis-  
46 gnated as the United States Army Transportation Corps, Water Division) or  
47 the Naval Transportation Service; and who served satisfactorily as a  
48 crew member during the period of armed conflict, December seventh, nine-  
49 teen hundred forty-one, to August fifteenth, nineteen hundred forty-  
50 five, aboard merchant vessels in oceangoing, i.e., foreign, inter-  
51 coastal, or coastwise service as such terms are defined under federal  
52 law (46 USCA 10301 & 10501) and further to include "near foreign"  
53 voyages between the United States and Canada, Mexico, or the West Indies  
54 via ocean routes, or public vessels in oceangoing service or foreign  
55 waters and who has received a Certificate of Release or Discharge from  
56 Active Duty and a discharge certificate, or an Honorable Service

1 Certificate/Report of Casualty, from the department of defense; (b)  
2 service by a United States civilian employed by the American Field  
3 Service who served overseas under United States Armies and United States  
4 Army Groups in world war II during the period of armed conflict, Decem-  
5 ber seventh, nineteen hundred forty-one through May eighth, nineteen  
6 hundred forty-five, and who (i) was discharged or released therefrom  
7 under honorable conditions, or (ii) has a qualifying condition, as  
8 defined in section three hundred fifty of the executive law, and has  
9 received a discharge other than bad conduct or dishonorable from such  
10 service, or (iii) is a discharged LGBT veteran, as defined in section  
11 three hundred fifty of the executive law, and has received a discharge  
12 other than bad conduct or dishonorable from such service; ~~or~~ (c)  
13 service by a United States civilian Flight Crew and Aviation Ground  
14 Support Employee of Pan American World Airways or one of its subsid-  
15 iaries or its affiliates who served overseas as a result of Pan Ameri-  
16 can's contract with Air Transport Command or Naval Air Transport Service  
17 during the period of armed conflict, December fourteenth, nineteen  
18 hundred forty-one through August fourteenth, nineteen hundred forty-  
19 five, and who (i) was discharged or released therefrom under honorable  
20 conditions, or (ii) has a qualifying condition, as defined in section  
21 three hundred fifty of the executive law, and has received a discharge  
22 other than bad conduct or dishonorable from such service, or (iii) is a  
23 discharged LGBT veteran, as defined in section three hundred fifty of  
24 the executive law, and has received a discharge other than bad conduct  
25 or dishonorable from such service; or (d) service by a member of the  
26 commissioned corps of the national oceanic and atmospheric adminis-  
27 tration or the United States public health service and who (i) was  
28 discharged or released therefrom under honorable conditions, or (ii) has  
29 a qualifying condition, as defined in section three hundred fifty of the  
30 executive law, and has received a discharge other than bad conduct or  
31 dishonorable from such service, or (iii) is a discharged LGBT veteran,  
32 as defined in section three hundred fifty of the executive law, and has  
33 received a discharge other than bad conduct or dishonorable from such  
34 service.

35 § 11. Paragraph (e) of subdivision 1 of section 458-a of the real  
36 property tax law, as amended by chapter 490 of the laws of 2019, is  
37 amended to read as follows:

38 (e) "Veteran" means a person (i) who served in the active military,  
39 naval, or air service during a period of war, or who was a recipient of  
40 the armed forces expeditionary medal, navy expeditionary medal, marine  
41 corps expeditionary medal, or global war on terrorism expeditionary  
42 medal, and who (1) was discharged or released therefrom under honorable  
43 conditions, or (2) has a qualifying condition, as defined in section  
44 three hundred fifty of the executive law, and has received a discharge  
45 other than bad conduct or dishonorable from such service, or (3) is a  
46 discharged LGBT veteran, as defined in section three hundred fifty of  
47 the executive law, and has received a discharge other than bad conduct  
48 or dishonorable from such service, (ii) who was employed by the War  
49 Shipping Administration or Office of Defense Transportation or their  
50 agents as a merchant seaman documented by the United States Coast Guard  
51 or Department of Commerce, or as a civil servant employed by the United  
52 States Army Transport Service (later redesignated as the United States  
53 Army Transportation Corps, Water Division) or the Naval Transportation  
54 Service; and who served satisfactorily as a crew member during the peri-  
55 od of armed conflict, December seventh, nineteen hundred forty-one, to  
56 August fifteenth, nineteen hundred forty-five, aboard merchant vessels

1 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
2 terms are defined under federal law (46 USCA 10301 & 10501) and further  
3 to include "near foreign" voyages between the United States and Canada,  
4 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
5 going service or foreign waters and who has received a Certificate of  
6 Release or Discharge from Active Duty and a discharge certificate, or an  
7 Honorable Service Certificate/Report of Casualty, from the department of  
8 defense, (iii) who served as a United States civilian employed by the  
9 American Field Service and served overseas under United States Armies  
10 and United States Army Groups in world war II during the period of armed  
11 conflict, December seventh, nineteen hundred forty-one through May  
12 eighth, nineteen hundred forty-five, and who (1) was discharged or  
13 released therefrom under honorable conditions, or (2) has a qualifying  
14 condition, as defined in section three hundred fifty of the executive  
15 law, and has received a discharge other than bad conduct or dishonorable  
16 from such service, or (3) is a discharged LGBT veteran, as defined in  
17 section three hundred fifty of the executive law, and has received a  
18 discharge other than bad conduct or dishonorable from such service, (iv)  
19 who served as a United States civilian Flight Crew and Aviation Ground  
20 Support Employee of Pan American World Airways or one of its subsid-  
21 iaries or its affiliates and served overseas as a result of Pan Ameri-  
22 can's contract with Air Transport Command or Naval Air Transport Service  
23 during the period of armed conflict, December fourteenth, nineteen  
24 hundred forty-one through August fourteenth, nineteen hundred forty-  
25 five, and who (1) was discharged or released therefrom under honorable  
26 conditions, or (2) has a qualifying condition, as defined in section  
27 three hundred fifty of the executive law, and has received a discharge  
28 other than bad conduct or dishonorable from such service, or (3) is a  
29 discharged LGBT veteran, as defined in section three hundred fifty of  
30 the executive law, and has received a discharge other than bad conduct  
31 or dishonorable from such service, [~~or~~] (v) notwithstanding any other  
32 provision of law to the contrary, who are members of the reserve compo-  
33 nents of the armed forces of the United States who (1) received an  
34 honorable discharge or release therefrom under honorable conditions, or  
35 (2) has a qualifying condition, as defined in section three hundred  
36 fifty of the executive law, and has received a discharge other than bad  
37 conduct or dishonorable from such service, or (3) is a discharged LGBT  
38 veteran, as defined in section three hundred fifty of the executive law,  
39 and has received a discharge other than bad conduct or dishonorable from  
40 such service, but are still members of the reserve components of the  
41 armed forces of the United States provided that such members meet all  
42 other qualifications under the provisions of this section, or (vi) who  
43 served as a member of the commissioned corps of the national oceanic and  
44 atmospheric administration or the United States public health service  
45 and who (1) was discharged or released therefrom under honorable condi-  
46 tions, or (2) has a qualifying condition, as defined in section three  
47 hundred fifty of the executive law, and has received a discharge other  
48 than bad conduct or dishonorable from such service, or (3) is a  
49 discharged LGBT veteran, as defined in section three hundred fifty of  
50 the executive law, and has received a discharge other than bad conduct  
51 or dishonorable from such service.

52 § 12. Paragraphs (a) and (c) of subdivision 1 of section 458-b of the  
53 real property tax law, paragraph (a) as amended by chapter 490 of the  
54 laws of 2019 and paragraph (c) as added by chapter 655 of the laws of  
55 2007, are amended to read as follows:

1 (a) "Cold War veteran" means a person, male or female, who served on  
2 active duty in the United States armed forces or the commissioned corps  
3 of the national oceanic and atmospheric administration or the United  
4 States public health service, during the time period from September  
5 second, nineteen hundred forty-five to December twenty-sixth, nineteen  
6 hundred ninety-one, and (i) was discharged or released therefrom under  
7 honorable conditions, or (ii) has a qualifying condition, as defined in  
8 section three hundred fifty of the executive law, and has received a  
9 discharge other than bad conduct or dishonorable from such service, or  
10 (iii) is a discharged LGBT veteran, as defined in section three hundred  
11 fifty of the executive law, and has received a discharge other than bad  
12 conduct or dishonorable from such service.

13 (c) "Active duty" means full-time duty in the United States armed  
14 forces or the commissioned corps of the national oceanic and atmospheric  
15 administration or the United States public health service, other than  
16 active duty for training.

17 § 13. Paragraph (b) of subdivision 1 of section 243 of the military  
18 law, as amended by chapter 490 of the laws of 2019, is amended to read  
19 as follows:

20 (b) The term "military duty" shall mean military service in the mili-  
21 tary, naval, aviation or marine service of the United States subsequent  
22 to July first, nineteen hundred forty, or service under the selective  
23 training and service act of nineteen hundred forty, or the national  
24 guard and reserve officers mobilization act of nineteen hundred forty,  
25 or any other act of congress supplementary or amendatory thereto, or any  
26 similar act of congress hereafter enacted and irrespective of the fact  
27 that such service was entered upon following a voluntary enlistment  
28 therefor or was required under one of the foregoing acts of congress, or  
29 service with the United States public health service as a commissioned  
30 officer, or service with the national oceanic and atmospheric adminis-  
31 tration as a commissioned officer or the United States public health  
32 service, or service with the American Red Cross while with the armed  
33 forces of the United States on foreign service, or service with the  
34 special services section of the armed forces of the United States on  
35 foreign service, or service in the merchant marine which shall consist  
36 of service as an officer or member of the crew on or in connection with  
37 a vessel documented under the laws of the United States or a vessel  
38 owned by, chartered to, or operated by or for the account or use of the  
39 government of the United States, or service by one who was employed by  
40 the War Shipping Administration or Office of Defense Transportation or  
41 their agents as a merchant seaman documented by the United States Coast  
42 Guard or Department of Commerce, or as a civil servant employed by the  
43 United States Army Transport Service (later redesignated as the United  
44 States Army Transportation Corps, Water Division) or the Naval Transpor-  
45 tation Service; and who served satisfactorily as a crew member during  
46 the period of armed conflict, December seventh, nineteen hundred forty-  
47 one, to August fifteenth, nineteen hundred forty-five, aboard merchant  
48 vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service  
49 as such terms are defined under federal law (46 USCA 10301 & 10501) and  
50 further to include "near foreign" voyages between the United States and  
51 Canada, Mexico, or the West Indies via ocean routes, or public vessels  
52 in oceangoing service or foreign waters and who has received a Certif-  
53 icate of Release or Discharge from Active Duty and a discharge certif-  
54 icate, or an Honorable Service Certificate/Report of Casualty, from the  
55 Department of Defense, or who served as a United States civilian  
56 employed by the American Field Service and served overseas under United

1 States Armies and United States Army Groups in world war II during the  
2 period of armed conflict, December seventh, nineteen hundred forty-one  
3 through May eighth, nineteen hundred forty-five, and who (i) was  
4 discharged or released therefrom under honorable conditions, or (ii) has  
5 a qualifying condition, as defined in section three hundred fifty of the  
6 executive law, and has received a discharge other than bad conduct or  
7 dishonorable from such service, or (iii) is a discharged LGBT veteran,  
8 as defined in section three hundred fifty of the executive law, and has  
9 received a discharge other than bad conduct or dishonorable from such  
10 service, or who served as a United States civilian Flight Crew and  
11 Aviation Ground Support Employee of Pan American World Airways or one of  
12 its subsidiaries or its affiliates and served overseas as a result of  
13 Pan American's contract with Air Transport Command or Naval Air Trans-  
14 port Service during the period of armed conflict, December fourteenth,  
15 nineteen hundred forty-one through August fourteenth, nineteen hundred  
16 forty-five, and who (iv) was discharged or released therefrom under  
17 honorable conditions, or (v) has a qualifying condition, as defined in  
18 section three hundred fifty of the executive law, and has received a  
19 discharge other than bad conduct or dishonorable from such service, or  
20 (vi) is a discharged LGBT veteran, as defined in section three hundred  
21 fifty of the executive law, and has received a discharge other than bad  
22 conduct or dishonorable from such service; or service in police duty on  
23 behalf of the United States government in a foreign country, if such  
24 person is a police officer, as defined by section 1.20 of the criminal  
25 procedure law, and if such police officer obtained the prior consent of  
26 his or her public employer to absent himself or herself from his or her  
27 position to engage in the performance of such service; or as an enrollee  
28 in the United States maritime service on active duty and, to such extent  
29 as may be prescribed by or under the laws of the United States, any  
30 period awaiting assignment to such service and any period of education  
31 or training for such service in any school or institution under the  
32 jurisdiction of the United States government, but shall not include  
33 temporary and intermittent gratuitous service in any reserve or auxilia-  
34 ry force. It shall include time spent in reporting for and returning  
35 from military duty and shall be deemed to commence when the public  
36 employee leaves his position and to end when he is reinstated to his  
37 position, provided such reinstatement is within ninety days after the  
38 termination of military duty, as hereinafter defined. Notwithstanding  
39 the foregoing provisions of this paragraph, the term "military duty"  
40 shall not include any of the foregoing services entered upon voluntarily  
41 on or after January first, nineteen hundred forty-seven and before June  
42 twenty-fifth, nineteen hundred fifty; and, on or after July first, nine-  
43 teen hundred seventy, the term "military duty" shall not include any  
44 voluntary service in excess of four years performed after that date, or  
45 the total of any voluntary services, additional or otherwise, in excess  
46 of four years performed after that date, shall not exceed five years, if  
47 the service in excess of four years is at the request and for the  
48 convenience of the federal government, except if such voluntary service  
49 is performed during a period of war, or national emergency declared by  
50 the president.

51 § 14. This act shall take effect immediately, provided, however, that  
52 the amendments to subdivisions 5 and 7 of section 369-h of the executive  
53 law made by section seven of this act shall not affect the repeal of  
54 such section and shall be deemed repealed therewith.