

STATE OF NEW YORK

6888

2021-2022 Regular Sessions

IN SENATE

May 20, 2021

Introduced by Sen. BROOKS -- (at request of the Division of Veterans Services) -- 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 real property tax law, the executive law, the education law, the public health law, the civil service law, and the public officers law, in relation to conforming the definition of a veteran serving in the Vietnam war era to newly enacted federal law (H.R. 7105) for veterans who served in-country in the Republic of Vietnam from between February 28, 1961 and April 30, 1975, to any active duty service in the Republic of Vietnam that occurred between November 1, 1955 and April 30, 1975

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

1 Section 1. Paragraph (a) of subdivision 1 of section 458-a of the
2 real property tax law, as amended by chapter 179 of the laws of 2006, is
3 amended to read as follows:
4 (a) "Period of war" means the Spanish-American war; the Mexican border
5 period; World War I; World War II; the hostilities, known as the Korean
6 war, which commenced June twenty-seventh, nineteen hundred fifty and
7 terminated on January thirty-first, nineteen hundred fifty-five; the
8 hostilities, known as the Vietnam war, which commenced [~~February twen-~~
9 ~~ty-eighth, nineteen hundred sixty-one~~] November first, nineteen hundred
10 fifty-five and terminated on May seventh, nineteen hundred seventy-five;
11 and the hostilities, known as the Persian Gulf conflict, which commenced
12 August second, nineteen hundred ninety.
13 § 2. Clause 7 of subparagraph (v) of paragraph a of subdivision 1 of
14 section 364 of the executive law, as amended by chapter 490 of the laws
15 of 2019, is amended to read as follows:

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

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1 (7) in the Vietnam conflict from the [~~twenty-eighth day of February,~~
2 ~~nineteen hundred sixty-one~~] first day of November, nineteen hundred
3 fifty-five to the seventh day of May, nineteen hundred seventy-five;

4 § 3. Paragraph (d) of subdivision 1 of section 668 of the education
5 law, as amended by chapter 261 of the laws of 1995, is amended to read
6 as follows:

7 (d) [~~December twenty-second, nineteen hundred sixty-one~~] November
8 first, nineteen hundred fifty-five to May seventh, nineteen hundred
9 seventy-five.

10 § 4. Subdivision 1 of section 668-c of the education law, as amended
11 by chapter 490 of the laws of 2019, is amended to read as follows:

12 1. Eligible students. Awards shall be made to Vietnam veterans' resi-
13 dent children born with Spina Bifida enrolled in approved undergraduate
14 or graduate programs at degree granting institutions. For the purpose of
15 this section, "Vietnam veteran" shall mean a person who served in Indo-
16 china at any time from the [~~twenty-second day of December, nineteen~~
17 ~~hundred sixty-one~~] first day of November, nineteen hundred fifty-five,
18 to and including the seventh day of May, nineteen hundred seventy-five
19 and (a) was honorably discharged from the armed forces of the United
20 States, or (b) has a qualifying condition, as defined in section three
21 hundred fifty of the executive law, and has received a discharge other
22 than bad conduct or dishonorable from the armed forces of the United
23 States, or (c) is a discharged LGBT veteran, as defined in section three
24 hundred fifty of the executive law, and has received a discharge other
25 than bad conduct or dishonorable from the armed forces of the United
26 States; "born with Spina Bifida" shall mean a diagnosis at birth of such
27 disease inclusive of all forms, manifestations, complications and asso-
28 ciated medical conditions thereof, but shall not include Spina Bifida
29 Occulta. Such diagnosis shall be in accordance with the provisions of
30 the federal Spina Bifida program and shall be documented by the United
31 States Administration of Veterans' Affairs.

32 § 5. Paragraph a of subdivision 1 of section 669-a of the education
33 law, as amended by chapter 490 of the laws of 2019, is amended to read
34 as follows:

35 a. "Vietnam veteran" means (i) a person who is a resident of this
36 state, (ii) who served in the armed forces of the United States in Indo-
37 china at any time from the [~~twenty-eighth day of February, nineteen~~
38 ~~hundred sixty-one~~] first day of November, nineteen hundred fifty-five,
39 to and including the seventh day of May, nineteen hundred seventy-five,
40 and (iii) who was either discharged therefrom under honorable condi-
41 tions, including but not limited to honorable discharge, discharge under
42 honorable conditions, or general discharge, or has a qualifying condi-
43 tion, as defined in section three hundred fifty of the executive law,
44 and has received a discharge other than bad conduct or dishonorable from
45 such service, or is a discharged LGBT veteran, as defined in section
46 three hundred fifty of the executive law, and has received a discharge
47 other than bad conduct or dishonorable from such service.

48 § 6. Paragraph (f) of subdivision 1 of section 2632 of the public
49 health law, as amended by chapter 414 of the laws of 2015, is amended to
50 read as follows:

51 (f) Viet Nam conflict between [~~February twenty-eighth, nineteen~~
52 ~~hundred sixty-one~~] November first, nineteen hundred fifty-five and May
53 seventh, nineteen hundred seventy-five, both inclusive; or

54 § 7. Subparagraph 4 of paragraph (c) of subdivision 1 of section 85 of
55 the civil service law, as amended by chapter 179 of the laws of 2006, is
56 amended to read as follows:

1 (4) Hostilities participated in by the military forces of the United
2 States, from the [~~twenty-eighth day of February, nineteen hundred~~
3 ~~sixty-one~~] first day of November, nineteen hundred fifty-five to the
4 seventh day of May, nineteen hundred seventy-five.

5 § 8. Section 63 of the public officers law, as amended by chapter 490
6 of the laws of 2019, is amended to read as follows:

7 § 63. Leave of absence for veterans on Memorial day and Veterans' day.

8 It shall be the duty of the head of every public department and of every
9 court of the state of New York, of every superintendent or foreman on
10 the public works of said state, of the county officers of the several
11 counties of said state, of the town officers of the various towns in
12 this state, of the fire district officers of the various fire districts
13 in this state, and of the head of every department, bureau and office in
14 the government of the various cities and villages in this state, and the
15 officers of any public benefit corporation or any public authority of
16 this state, or of any public benefit corporation or public authority of
17 any county or subdivision of this state, to give leave of absence with
18 pay for twenty-four hours on the day prescribed by law as a public holi-
19 day for the observance of Memorial day and on the eleventh day of Novem-
20 ber, known as Veterans' day, to every person in the service of the
21 state, the county, the town, the fire district, the city or village, the
22 public benefit corporation or public authority of this state, or any
23 public benefit corporation or public authority of any county or subdivi-
24 sion of this state, as the case may be, (i) who served on active duty in
25 the armed forces of the United States during world war I or world war
26 II, or who was employed by the War Shipping Administration or Office of
27 Defense Transportation or their agents as a merchant seaman documented
28 by the United States Coast Guard or Department of Commerce, or as a
29 civil servant employed by the United States Army Transport Service
30 (later redesignated as the United States Army Transportation Corps,
31 Water Division) or the Naval Transportation Service; and who served
32 satisfactorily as a crew member during the period of armed conflict,
33 December seventh, nineteen hundred forty-one, to August fifteenth, nine-
34 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,
35 foreign, intercoastal, or coastwise service as such terms are defined
36 under federal law (46 USCA 10301 & 10501) and further to include "near
37 foreign" voyages between the United States and Canada, Mexico, or the
38 West Indies via ocean routes, or public vessels in oceangoing service or
39 foreign waters and who has received a Certificate of Release or
40 Discharge from Active Duty and a discharge certificate, or an Honorable
41 Service Certificate/Report of Casualty, from the Department of Defense,
42 or who served as a United States civilian employed by the American Field
43 Service and served overseas under United States Armies and United States
44 Army Groups in world war II during the period of armed conflict, Decem-
45 ber seventh, nineteen hundred forty-one through May eighth, nineteen
46 hundred forty-five, and who (a) was discharged or released therefrom
47 under honorable conditions, or (b) has a qualifying condition, as
48 defined in section three hundred fifty of the executive law, and has
49 received a discharge other than bad conduct or dishonorable from such
50 service, or (c) is a discharged LGBT veteran, as defined in section
51 three hundred fifty of the executive law, and has received a discharge
52 other than bad conduct or dishonorable from such service or who served
53 as a United States civilian Flight Crew and Aviation Ground Support
54 Employee of Pan American World Airways or one of its subsidiaries or its
55 affiliates and served overseas as a result of Pan American's contract
56 with Air Transport Command or Naval Air Transport Service during the

1 period of armed conflict, December fourteenth, nineteen hundred forty-
2 one through August fourteenth, nineteen hundred forty-five, and who (d)
3 was discharged or released therefrom under honorable conditions, or (e)
4 has a qualifying condition, as defined in section three hundred fifty of
5 the executive law, and has received a discharge other than bad conduct
6 or dishonorable from such service, or (f) is a discharged LGBT veteran,
7 as defined in section three hundred fifty of the executive law, and has
8 received a discharge other than bad conduct or dishonorable from such
9 service or during the period of the Korean conflict at any time between
10 the dates of June twenty-seventh, nineteen hundred fifty and January
11 thirty-first, nineteen hundred fifty-five, or during the period of the
12 Vietnam conflict from the twenty-eighth day of February, nineteen
13 hundred sixty-one to the seventh day of May, nineteen hundred seventy-
14 five, or (ii) who served on active duty in the armed forces of the
15 United States and who was a recipient of the armed forces expeditionary
16 medal, navy expeditionary medal or marine corps expeditionary medal for
17 participation in operations in Lebanon from June first, nineteen hundred
18 eighty-three to December first, nineteen hundred eighty-seven, in Grena-
19 da from October twenty-third, nineteen hundred eighty-three to November
20 twenty-first, nineteen hundred eighty-three, or in Panama from December
21 twentieth, nineteen hundred eighty-nine to January thirty-first, nine-
22 teen hundred ninety, or (iii) who served in the armed forces of a
23 foreign country allied with the United States during world war I or
24 world war II, or during the period of the Korean conflict at any time
25 between June twenty-seventh, nineteen hundred fifty and January thirty-
26 first, nineteen hundred fifty-five, or during the period of the Vietnam
27 conflict from the [~~twenty eighth day of February, nineteen hundred~~
28 ~~sixty-one~~] first day of November, nineteen hundred fifty-five to the
29 seventh day of May, nineteen hundred seventy-five, or during the period
30 of the Persian Gulf conflict from the second day of August, nineteen
31 hundred ninety to the end of such conflict, or who served on active duty
32 in the army or navy or marine corps or air force or coast guard of the
33 United States, and who (a) was honorably discharged or separated from
34 such service under honorable conditions, or (b) has a qualifying condi-
35 tion, as defined in section three hundred fifty of the executive law,
36 and has received a discharge other than bad conduct or dishonorable from
37 such service, or (c) is a discharged LGBT veteran, as defined in section
38 three hundred fifty of the executive law, and has received a discharge
39 other than bad conduct or dishonorable from such service except where
40 such action would endanger the public safety or the safety or health of
41 persons cared for by the state, in which event such persons shall be
42 entitled to leave of absence with pay on another day in lieu thereof.
43 All such persons who are compensated on a per diem, hourly, semi-monthly
44 or monthly basis, with or without maintenance, shall also be entitled to
45 leave of absence with pay under the provisions of this section and no
46 deduction in vacation allowance or budgetary allowable number of working
47 days shall be made in lieu thereof. A refusal to give such leave of
48 absence to one entitled thereto shall be neglect of duty.

49 § 9. This act shall take effect immediately.