

STATE OF NEW YORK

8914

IN ASSEMBLY

January 26, 2024

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

AN ACT to amend 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:

Section 1. Subdivision 6 of section 210 of the economic development law, as amended by section 33 of part PP of chapter 56 of the laws of 2022, is amended to read as follows:

6. "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]~~ veteran as defined in section one of the veterans' services law and who (a) has received an honorable or general discharge from such service, or (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 (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. Section 63 of the public officers law, as amended by section 80 of part PP of section 56 of the laws of 2022, is amended to read as follows:

§ 63. Leave of absence for veterans on Memorial day and Veterans' day. It shall be the duty of the head of every public department and of every court of the state of New York, of every superintendent or foreman on the public works of said state, of the county officers of the several counties of said state, of the town officers of the various towns in this state, of the fire district officers of the various fire districts in this state, and of the head of every department, bureau and office in the government of the various cities and villages in this state, and the

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

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

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

46 § 3. Subdivision 4-a of section 458 of the real property tax law, as
47 amended by section 82 of part PP of chapter 56 of the laws of 2022, is
48 amended to read as follows:

49 4-a. For the purposes of this section, the term "military or naval
50 services" shall be deemed to also include service: (a) by a person who
51 was employed by the War Shipping Administration or Office of Defense
52 Transportation or their agents as a merchant seaman documented by the
53 United States Coast Guard or Department of Commerce, or as a civil serv-
54 ant employed by the United States Army Transport Service (later redesign-
55 nated as the United States Army Transportation Corps, Water Division) or
56 the Naval Transportation Service; and who served satisfactorily as a

1 crew member during the period of armed conflict, December seventh, nine-
2 teen hundred forty-one, to August fifteenth, nineteen hundred forty-
3 five, aboard merchant vessels in oceangoing, i.e., foreign, inter-
4 coastal, or coastwise service as such terms are defined under federal
5 law (46 USCA 10301 & 10501) and further to include "near foreign"
6 voyages between the United States and Canada, Mexico, or the West Indies
7 via ocean routes, or public vessels in oceangoing service or foreign
8 waters and who has received a Certificate of Release or Discharge from
9 Active Duty and a discharge certificate, or an Honorable Service
10 Certificate/Report of Casualty, from the department of defense; (b)
11 service by a United States civilian employed by the American Field
12 Service who served overseas under United States Armies and United States
13 Army Groups in world war II during the period of armed conflict, Decem-
14 ber seventh, nineteen hundred forty-one through May eighth, nineteen
15 hundred forty-five, and who (i) was discharged or released therefrom
16 under honorable conditions, or (ii) has a qualifying condition, as
17 defined in section one of the veterans' services law, and has received a
18 discharge other than bad conduct or dishonorable from such service, or
19 (iii) is a discharged LGBT veteran, as defined in section one of the
20 veterans' services law, and has received a discharge other than bad
21 conduct or dishonorable from such service; ~~(c)~~ (c) service by a United
22 States civilian Flight Crew and Aviation Ground Support Employee of Pan
23 American World Airways or one of its subsidiaries or its affiliates who
24 served overseas as a result of Pan American's contract with Air Trans-
25 port Command or Naval Air Transport Service during the period of armed
26 conflict, December fourteenth, nineteen hundred forty-one through August
27 fourteenth, nineteen hundred forty-five, and who (i) was discharged or
28 released therefrom under honorable conditions, or (ii) has a qualifying
29 condition, as defined in section one of the veterans' services law, and
30 has received a discharge other than bad conduct or dishonorable from
31 such service, or (iii) is a discharged LGBT veteran, as defined in
32 section one of the veterans' services law, and has received a discharge
33 other than bad conduct or dishonorable from such service; or (d) service
34 by a member of the commissioned corps of the national oceanic and atmo-
35 spheric administration or the United States public health service and
36 who (i) was discharged or released therefrom under honorable conditions,
37 or (ii) has a qualifying condition, as defined in section one of the
38 veterans' services law, and has received a discharge other than bad
39 conduct or dishonorable from such service, or (iii) is a discharged LGBT
40 veteran, as defined in section one of the veterans' services law, and
41 has received a discharge other than bad conduct or dishonorable from
42 such service.

43 § 4. Paragraph (e) of subdivision 1 of section 458-a of the real
44 property tax law, as amended by chapter 611 of the laws of 2023, is
45 amended to read as follows:

46 (e) "Veteran" means a person (i) who served in the active military,
47 naval, or air service during a period of war, or who was a recipient of
48 the armed forces expeditionary medal, navy expeditionary medal, marine
49 corps expeditionary medal, or global war on terrorism expeditionary
50 medal, and who (1) was discharged or released therefrom under honorable
51 conditions, or (2) has a qualifying condition, as defined in section one
52 of the veterans' services law, and has received a discharge other than
53 bad conduct or dishonorable from such service, or (3) is a discharged
54 LGBT veteran, as defined in section one of the veterans' services law,
55 and has received a discharge other than bad conduct or dishonorable from
56 such service, (ii) who was employed by the War Shipping Administration

1 or Office of Defense Transportation or their agents as a merchant seaman
2 documented by the United States Coast Guard or Department of Commerce,
3 or as a civil servant employed by the United States Army Transport
4 Service (later redesignated as the United States Army Transportation
5 Corps, Water Division) or the Naval Transportation Service; and who
6 served satisfactorily as a crew member during the period of armed
7 conflict, December seventh, nineteen hundred forty-one, to August
8 fifteenth, nineteen hundred forty-five, aboard merchant vessels in
9 oceangoing, i.e., foreign, intercoastal, or coastwise service as such
10 terms are defined under federal law (46 USCA 10301 & 10501) and further
11 to include "near foreign" voyages between the United States and Canada,
12 Mexico, or the West Indies via ocean routes, or public vessels in ocean-
13 going service or foreign waters and who has received a Certificate of
14 Release or Discharge from Active Duty and a discharge certificate, or an
15 Honorable Service Certificate/Report of Casualty, from the department of
16 defense, (iii) who served as a United States civilian employed by the
17 American Field Service and served overseas under United States Armies
18 and United States Army Groups in world war II during the period of armed
19 conflict, December seventh, nineteen hundred forty-one through May
20 eighth, nineteen hundred forty-five, and who (1) was discharged or
21 released therefrom under honorable conditions, or (2) has a qualifying
22 condition, as defined in section one of the veterans' services law, and
23 has received a discharge other than bad conduct or dishonorable from
24 such service, or (3) is a discharged LGBT veteran, as defined in section
25 one of the veterans' services law, and has received a discharge other
26 than bad conduct or dishonorable from such service, (iv) who served as a
27 United States civilian Flight Crew and Aviation Ground Support Employee
28 of Pan American World Airways or one of its subsidiaries or its affil-
29 iates and served overseas as a result of Pan American's contract with
30 Air Transport Command or Naval Air Transport Service during the period
31 of armed conflict, December fourteenth, nineteen hundred forty-one
32 through August fourteenth, nineteen hundred forty-five, and who (1) was
33 discharged or released therefrom under honorable conditions, or (2) has
34 a qualifying condition, as defined in section one of the veterans'
35 services law, and has received a discharge other than bad conduct or
36 dishonorable from such service, or (3) is a discharged LGBT veteran, as
37 defined in section one of the veterans' services law, and has received a
38 discharge other than bad conduct or dishonorable from such service, (v)
39 notwithstanding any other provision of law to the contrary, who are
40 members of the reserve components of the armed forces of the United
41 States who (1) received an honorable discharge or release therefrom
42 under honorable conditions, or (2) has a qualifying condition, as
43 defined in section one of the veterans' services law, and has received a
44 discharge other than bad conduct or dishonorable from such service, or
45 (3) is a discharged LGBT veteran, as defined in section one of the
46 veterans' services law, and has received a discharge other than bad
47 conduct or dishonorable from such service, but are still members of the
48 reserve components of the armed forces of the United States provided
49 that such members meet all other qualifications under the provisions of
50 this section, ~~[or]~~ (vi) who shall be considered to have been discharged
51 or released from active military service of the United States under
52 honorable conditions if: (1) the individual served in the active mili-
53 tary service of the United States for the period of time such individual
54 was obligated to serve at the time of entry into service; (2) the indi-
55 vidual was not discharged or released from such service at the time of
56 completing such period of obligation due to an intervening enlistment or

reenlistment; (3) the individual would have been eligible for a discharge or release under conditions other than dishonorable at such time except for such intervening enlistment or reenlistment; and (4) the individual served in the active military service of the United States for a period of at least ten years, provided that such individual meets all other qualifications under the provisions of this section, or (vii) who served as a member of the commissioned corps of the national oceanic and atmospheric administration or the United States public health service and who (1) was discharged or released therefrom under honorable conditions, 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.

§ 5. Paragraph (a) of subdivision 1 of section 458-b of the real property tax law, as amended by section 84 of part PP of chapter 56 of the laws of 2022, is amended to read as follows:

(a) "Cold War veteran" means a ~~[person, male or female,]~~ veteran as defined in section one of the veterans' services law 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 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.

§ 6. Paragraph (b) of subdivision 1 of section 243 of the military law, as amended by section 71 of part PP of chapter 56 of the laws of 2022, is amended to read as follows:

(b) The term "military duty" shall mean military service in the military, naval, aviation or marine service of the United States subsequent to July first, nineteen hundred forty, or service under the selective training and service act of nineteen hundred forty, or the national guard and reserve officers mobilization act of nineteen hundred forty, or any other act of congress supplementary or amendatory thereto, or any similar act of congress hereafter enacted and irrespective of the fact that such service was entered upon following a voluntary enlistment therefor or was required under one of the foregoing acts of congress, or service with the United States public health service as a commissioned officer, or service with the national oceanic and atmospheric administration as a commissioned officer or the United States public health service, or service with the American Red Cross while with the armed forces of the United States on foreign service, or service with the special services section of the armed forces of the United States on foreign service, or service in the merchant marine which shall consist of service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the government of the United States, or service by one 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

1 States Army Transportation Corps, Water Division) or the Naval Transpor-
2 tation Service; and who served satisfactorily as a crew member during
3 the period of armed conflict, December seventh, nineteen hundred forty-
4 one, to August fifteenth, nineteen hundred forty-five, aboard merchant
5 vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service
6 as such terms are defined under federal law (46 USCA 10301 & 10501) and
7 further to include "near foreign" voyages between the United States and
8 Canada, Mexico, or the West Indies via ocean routes, or public vessels
9 in oceangoing service or foreign waters and who has received a Certif-
10 icate of Release or Discharge from Active Duty and a discharge certif-
11 icate, or an Honorable Service Certificate/Report of Casualty, from the
12 Department of Defense, or who served as a United States civilian
13 employed by the American Field Service and served overseas under United
14 States Armies and United States Army Groups in world war II during the
15 period of armed conflict, December seventh, nineteen hundred forty-one
16 through May eighth, nineteen hundred forty-five, and who (i) was
17 discharged or released therefrom under honorable conditions, or (ii) has
18 a qualifying condition, as defined in section one of the veterans'
19 services law, and has received a discharge other than bad conduct or
20 dishonorable from such service, or (iii) is a discharged LGBT veteran,
21 as defined in section one of the veterans' services law, and has
22 received a discharge other than bad conduct or dishonorable from such
23 service, or who served as a United States civilian Flight Crew and
24 Aviation Ground Support Employee of Pan American World Airways or one of
25 its subsidiaries or its affiliates and served overseas as a result of
26 Pan American's contract with Air Transport Command or Naval Air Trans-
27 port Service during the period of armed conflict, December fourteenth,
28 nineteen hundred forty-one through August fourteenth, nineteen hundred
29 forty-five, and who (iv) was discharged or released therefrom under
30 honorable conditions, or (v) has a qualifying condition, as defined in
31 section one of the veterans' services law, and has received a discharge
32 other than bad conduct or dishonorable from such service, or (vi) is a
33 discharged LGBT veteran, as defined in section one of the veterans'
34 services law, and has received a discharge other than bad conduct or
35 dishonorable from such service; or service in police duty on behalf of
36 the United States government in a foreign country, if such person is a
37 police officer, as defined by section 1.20 of the criminal procedure
38 law, and if such police officer obtained the prior consent of his or her
39 public employer to absent himself or herself from his or her position to
40 engage in the performance of such service; or as an enrollee in the
41 United States maritime service on active duty and, to such extent as may
42 be prescribed by or under the laws of the United States, any period
43 awaiting assignment to such service and any period of education or
44 training for such service in any school or institution under the juris-
45 diction of the United States government, but shall not include temporary
46 and intermittent gratuitous service in any reserve or auxiliary force.
47 It shall include time spent in reporting for and returning from military
48 duty and shall be deemed to commence when the public employee leaves his
49 or her position and to end when he or she is reinstated to his or her
50 position, provided such reinstatement is within ninety days after the
51 termination of military duty, as hereinafter defined. Notwithstanding
52 the foregoing provisions of this paragraph, the term "military duty"
53 shall not include any of the foregoing services entered upon voluntarily
54 on or after January first, nineteen hundred forty-seven and before June
55 twenty-fifth, nineteen hundred fifty; and, on or after July first, nine-
56 teen hundred seventy, the term "military duty" shall not include any

1 voluntary service in excess of four years performed after that date, or
2 the total of any voluntary services, additional or otherwise, in excess
3 of four years performed after that date, shall not exceed five years, if
4 the service in excess of four years is at the request and for the
5 convenience of the federal government, except if such voluntary service
6 is performed during a period of war, or national emergency declared by
7 the president.

8 § 7. This act shall take effect immediately on the first of April next
9 succeeding the date on which it shall have become a law.