

STATE OF NEW YORK

5194--A

2023-2024 Regular Sessions

IN SENATE

February 27, 2023

Introduced by Sens. SKOUFIS, ASHBY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Subdivision 6 of section 210 of the economic development
2 law, as amended by section 33 of part PP of chapter 56 of the laws of
3 2022, is amended to read as follows:

4 6. "Veteran" shall mean a [~~person who served in the United States~~
5 ~~army, navy, air force, marines, coast guard, and/or reserves thereof,~~
6 ~~and/or in the army national guard, air national guard, New York guard~~
7 ~~and/or the New York naval militia]~~ veteran as defined in section one of
8 the veterans' services law and who (a) has received an honorable or
9 general discharge from such service, or (b) has a qualifying condition,
10 as defined in section one of the veterans' services law, and has
11 received a discharge other than bad conduct or dishonorable from such
12 service, or (c) is a discharged LGBT veteran, as defined in section one
13 of the veterans' services law, and has received a discharge other than
14 bad conduct or dishonorable from such service.

15 § 2. Section 63 of the public officers law, as amended by section 80
16 of part PP of section 56 of the laws of 2022, is amended to read as
17 follows:

18 § 63. Leave of absence for veterans on Memorial day and Veterans' day.
19 It shall be the duty of the head of every public department and of every
20 court of the state of New York, of every superintendent or foreman on
21 the public works of said state, of the county officers of the several
22 counties of said state, of the town officers of the various towns in

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

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

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

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

52 4-a. For the purposes of this section, the term "military or naval
53 services" shall be deemed to also include service: (a) by a person who
54 was employed by the War Shipping Administration or Office of Defense
55 Transportation or their agents as a merchant seaman documented by the
56 United States Coast Guard or Department of Commerce, or as a civil serv-

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

46 § 4. Paragraph (e) of subdivision 1 of section 458-a of the real
47 property tax law, as amended by section 83 of part PP of chapter 56 of
48 the laws of 2022, is amended to read as follows:

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

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

1 as defined in section one of the veterans' services law, and has
2 received a discharge other than bad conduct or dishonorable from such
3 service, or (3) is a discharged LGBT veteran, as defined in one of the
4 veterans' services law, and has received a discharge other than bad
5 conduct or dishonorable from such service.

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

9 (a) "Cold War veteran" means a [~~person, male or female,~~] veteran as
10 defined in section one of the veterans' services law who served on
11 active duty in the United States armed forces[~~7~~] during the time period
12 from September second, nineteen hundred forty-five to December twenty-
13 sixth, nineteen hundred ninety-one, and (i) was discharged or released
14 therefrom under honorable conditions, or (ii) has a qualifying condi-
15 tion, as defined in section one of the veterans' services law, and has
16 received a discharge other than bad conduct or dishonorable from such
17 service, or (iii) is a discharged LGBT veteran, as defined in section
18 one of the veterans' services law, and has received a discharge other
19 than bad conduct or dishonorable from such service.

20 § 6. Paragraph (b) of subdivision 1 of section 243 of the military
21 law, as amended by section 71 of part PP of chapter 56 of the laws of
22 2022, is amended to read as follows:

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

icate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or who 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 seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (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, or who 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 fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) 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 (vi) 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; or service in police duty on behalf of the United States government in a foreign country, if such person is a police officer, as defined by section 1.20 of the criminal procedure law, and if such police officer obtained the prior consent of his or her public employer to absent himself or herself from his or her position to engage in the performance of such service; or as an enrollee in the United States maritime service on active duty and, to such extent as may be prescribed by or under the laws of the United States, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the United States government, but shall not include temporary and intermittent gratuitous service in any reserve or auxiliary force. It shall include time spent in reporting for and returning from military duty and shall be deemed to commence when the public employee leaves his or her position and to end when he or she is reinstated to his or her position, provided such reinstatement is within ninety days after the termination of military duty, as hereinafter defined. Notwithstanding the foregoing provisions of this paragraph, the term "military duty" shall not include any of the foregoing services entered upon voluntarily on or after January first, nineteen hundred forty-seven and before June twenty-fifth, nineteen hundred fifty; and, on or after July first, nineteen hundred seventy, the term "military duty" shall not include any voluntary service in excess of four years performed after that date, or the total of any voluntary services, additional or otherwise, in excess of four years performed after that date, shall not exceed five years, if the service in excess of four years is at the request and for the convenience of the federal government, except if such voluntary service is performed during a period of war, or national emergency declared by the president.

§ 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2023.