

STATE OF NEW YORK

7379

2023-2024 Regular Sessions

IN SENATE

May 22, 2023

Introduced by Sen. WEBB -- (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 general construction law, in relation to granting veteran status to certain members of the armed forces of the United States who participated in World Trade Center rescue, recovery, or cleanup

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

1 Section 1. Section 13-a of the general construction law, as amended by
2 section 60 of part PP of chapter 56 of the laws of 2022, is amended to
3 read as follows:
4 § 13-a. Armed forces of the United States. 1. "Armed forces of the
5 United States" means the army, navy, marine corps, air force and coast
6 guard including all components thereof, and the national guard when in
7 the service of the United States pursuant to call as provided by law.
8 Pursuant to this definition no person shall be considered a member or
9 veteran of the armed forces of the United States unless his or her
10 service therein is or was on a full-time active duty basis, other than
11 active duty for training or he or she was employed by the War Shipping
12 Administration or Office of Defense Transportation or their agents as a
13 merchant seaman documented by the United States Coast Guard or Depart-
14 ment of Commerce, or as a civil servant employed by the United States
15 Army Transport Service (later redesignated as the United States Army
16 Transportation Corps, Water Division) or the Naval Transportation
17 Service; and who served satisfactorily as a crew member during the peri-
18 od of armed conflict, December seventh, nineteen hundred forty-one, to
19 August fifteenth, nineteen hundred forty-five, aboard merchant vessels
20 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such
21 terms are defined under federal law (46 USCA 10301 & 10501) and further

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

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1 to include "near foreign" voyages between the United States and Canada,
2 Mexico, or the West Indies via ocean routes, or public vessels in ocean-
3 going service or foreign waters and who has received a Certificate of
4 Release or Discharge from Active Duty and a discharge certificate, or an
5 Honorable Service Certificate/Report of Casualty, from the Department of
6 Defense or he or she served as a United States civilian employed by the
7 American Field Service and served overseas under United States Armies
8 and United States Army Groups in world war II during the period of armed
9 conflict, December seventh, nineteen hundred forty-one through May
10 eighth, nineteen hundred forty-five, and (i) was discharged or released
11 therefrom under honorable conditions, or (ii) has a qualifying condi-
12 tion, as defined in section one of the veterans' services law, and has
13 received a discharge other than bad conduct or dishonorable from such
14 service, or (iii) is a discharged LGBT veteran, as defined in section
15 one of the veterans' services law, and has received a discharge other
16 than bad conduct or dishonorable from such service, or he or she served
17 as a United States civilian Flight Crew and Aviation Ground Support
18 Employee of Pan American World Airways or one of its subsidiaries or its
19 affiliates and served overseas as a result of Pan American's contract
20 with Air Transport Command or Naval Air Transport Service during the
21 period of armed conflict, December fourteenth, nineteen hundred forty-
22 one through August fourteenth, nineteen hundred forty-five, and (iv) was
23 discharged or released therefrom under honorable conditions, or (v) has
24 a qualifying condition, as defined in section one of the veterans'
25 services law, and has received a discharge other than bad conduct or
26 dishonorable from such service, or (vi) is a discharged LGBT veteran, as
27 defined in section one of the veterans' services law, and has received a
28 discharge other than bad conduct or dishonorable from such service.

29 2. Any member of the New York Air National Guard, New York Army
30 National Guard, New York Naval Militia, and New York Guard who partic-
31 ipated in World Trade Center rescue, recovery, or cleanup operations
32 during and in the aftermath of the September eleventh, two thousand one
33 attacks shall, upon submission of proper documentation of service, qual-
34 ify for veteran status under New York state law. Proper documentation
35 must be submitted to the department of veterans' services for consider-
36 ation. Any determination made by such department pertaining to veteran
37 status shall be final.

38 (a) (i) As defined in paragraph (e) of subdivision thirty-six of
39 section two of the retirement and social security law, "participated in
40 World Trade Center rescue, recovery, or cleanup operations" shall mean
41 any member who:

42 (1) Participated in the rescue, recovery, or cleanup operations at the
43 World Trade Center site;

44 (2) Worked at the Fresh Kills Land Fill in New York;

45 (3) Worked at the New York city morgue or the temporary morgue on pier
46 locations on the west side of Manhattan;

47 (4) Manned the barges between the west side of Manhattan and the Fresh
48 Kills Land Fill in New York; or

49 (5) Repaired, cleaned or rehabilitated vehicles or equipment, includ-
50 ing emergency vehicle radio equipment owned by the city of New York that
51 were contaminated by debris in the World Trade Center site, regardless
52 of whether the work on the repair, cleaning, or rehabilitation of said
53 vehicles and equipment was performed within the World Trade Center site,
54 provided such work was performed prior to decontamination of such vehi-
55 cles or equipment.

56 (ii) "Proper documentation of service" shall mean:

1 (1) State active duty orders;

2 (2) Competent lay evidence as defined in 38 CFR § 3.159(a)(2); or

3 (3) Any other documentation which the department will consider on a
4 case-by-case basis.

5 (iii) As defined in paragraph (f) of subdivision thirty-six of section
6 two of the retirement and social security law:

7 "World Trade Center site" shall mean anywhere below a line starting
8 from the Hudson River and Canal Street: east on Canal Street to Pike
9 Street: south on Pike Street to the East River: and extending to the
10 lower tip of Manhattan.

11 (b) Any member of the New York Air National Guard, New York Army
12 National Guard, New York Naval Militia, and New York Guard who qualifies
13 for veteran status, pursuant to this article, is eligible to apply for
14 all state benefits available to veterans who are residents of the state
15 of New York.

16 § 2. This act shall take effect on the same date and in the same
17 manner as section 60 of part PP of chapter 56 of the laws of 2022, takes
18 effect.