

8716

2009-2010 Regular Sessions

I N A S S E M B L Y

June 4, 2009

Introduced by M. of A. BALL, SCOZZAFAVA, BURLING, CONTE, TOWNSEND, McDO-
NOUGH, GIGLIO, RAIA, WALKER -- Multi-Sponsored by -- M. of A. CROUCH,
FINCH, MOLINARO, O'MARA -- read once and referred to the Committee on
Veterans' Affairs

AN ACT to amend the military law, in relation to providing for the
"atomic veterans medal" to be granted to certain veterans exposed to
ionizing radiation as a result of atomic weapons tests; to amend the
civil service law, the education law, the military law, the retirement
and social security law and the real property tax law, in relation to
atomic veterans; and to amend the executive law, in relation to
directing the division of veterans' affairs to provide assistance to
atomic veterans and their spouses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "atomic veterans act of 2009".
3 S 2. Subdivisions 1-a and 4 of section 247 of the military law, subdi-
4 vision 1-a as added and subdivision 4 as amended by chapter 184 of the
5 laws of 1998, are amended and a new subdivision 1-b is added to read as
6 follows:
7 1-a. The governor is hereby authorized to present in the name of the
8 legislature of the state of New York, a military decoration, to be known
9 as the "conspicuous service star", bearing a suitable inscription,
10 device, and ribbon, all of which shall be of suitable design, to any
11 person (i) who is a citizen of the state of New York or (ii) who was a
12 citizen of the state of New York while serving in the armed forces of
13 the United States, and who, while serving in the United States Armed
14 Forces, defined as army, air force, navy, marine corps, or coast guard,
15 has, or shall have received a United States unit level decoration denot-
16 ing combat participation and foreign unit awards, issued from a company,
17 regimental, brigade, or division commander, or equivalent naval unit, or

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

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1 issued by the President of the United States, the Congress of the United
2 States, the United States Defense Department or the joint chiefs of
3 staff, such as, but not limited to, a presidential unit citation or a
4 joint meritorious unit award. Not more than one conspicuous service star
5 shall be issued to any one person; nor shall any citation be awarded or
6 presented, under the provisions of this subdivision, to any person whose
7 entire service subsequent to the time of the receipt of such star shall
8 not have been honorable. For each succeeding star as provided herein,
9 such person shall be entitled to wear, as the [chief of staff] ADJUTANT
10 GENERAL of the state may direct, a ribbon whose color and design shall
11 be selected by the division of [military] MILITARY AND NAVAL affairs. In
12 the event of the death of any person during or subsequent to the receipt
13 of such citation the conspicuous service star shall be presented to such
14 representative of the deceased as may be designated. The [chief of
15 staff] ADJUTANT GENERAL shall make such rules and regulations as may be
16 deemed necessary for the proper presentation and distribution of such
17 decorations.

18 1-B. THE GOVERNOR IS HEREBY AUTHORIZED TO PRESENT IN THE NAME OF THE
19 LEGISLATURE OF THE STATE OF NEW YORK, A MILITARY DECORATION, TO BE KNOWN
20 AS THE "ATOMIC VETERANS MEDAL", BEARING A SUITABLE INSCRIPTION, DEVICE
21 AND RIBBON, ALL OF WHICH SHALL BE OF SUITABLE DESIGN, TO ANY PERSON (I)
22 WHO IS A CITIZEN OF THE STATE OF NEW YORK OR (II) WHO WAS A CITIZEN OF
23 THE STATE OF NEW YORK WHILE SERVING IN THE ARMED FORCES OF THE UNITED
24 STATES OR THE ORGANIZED MILITIA, AND WHO, WHILE SERVING IN THE UNITED
25 STATES ARMED FORCES, DEFINED AS THE ARMY, AIR FORCE, NAVY, MARINE CORPS
26 OR COAST GUARD, OR THE ORGANIZED MILITIA WHO WAS EXPOSED TO IONIZING
27 RADIATION AS A RESULT OF ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED
28 STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED
29 SIXTY-THREE. NOT MORE THAN ONE ATOMIC VETERANS MEDAL SHALL BE ISSUED TO
30 ANY ONE PERSON; NOR SHALL ANY CITATION BE AWARDED OR PRESENTED, UNDER
31 THE PROVISIONS OF THIS SUBDIVISION, TO ANY PERSON WHOSE ENTIRE SERVICE
32 SUBSEQUENT TO THE TIME OF THE RECEIPT OF SUCH MEDAL SHALL NOT HAVE BEEN
33 HONORABLE. FOR EACH SUCCEEDING MEDAL PRESENTED AS PROVIDED IN THIS
34 SUBDIVISION, SUCH PERSON SHALL BE ENTITLED TO WEAR, AS THE ADJUTANT
35 GENERAL OF THE STATE MAY DIRECT, A RIBBON WHOSE COLOR AND DESIGN SHALL
36 BE SELECTED BY THE DIVISION OF MILITARY AND NAVAL AFFAIRS. IN THE EVENT
37 OF THE DEATH OF ANY PERSON DURING OR SUBSEQUENT TO THE RECEIPT OF SUCH
38 CITATION THE ATOMIC VETERANS MEDAL SHALL BE PRESENTED TO SUCH REPRESENTATIVE
39 OF THE DECEASED AS MAY BE DESIGNATED. THE ADJUTANT GENERAL SHALL
40 MAKE SUCH RULES AND REGULATIONS AS MAY BE DEEMED NECESSARY FOR THE PROPER
41 PRESENTATION AND DISTRIBUTION OF SUCH DECORATIONS.

42 4. This section shall not be construed to require that a recipient of
43 the conspicuous service cross [or], the conspicuous service star OR THE
44 ATOMIC VETERANS MEDAL has been a resident of the state of New York at
45 the time of his or her entry into the United States army, air force,
46 navy, marine corps, COAST GUARD or nurses corps.

47 S 3. Paragraph (b) of subdivision 1 of section 85 of the civil service
48 law is amended by adding a new subparagraph 4 to read as follows:

49 (4) A VETERAN WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES WHO
50 WAS EXPOSED DURING THE COURSE OF SUCH SERVICE TO IONIZING RADIATION AS
51 THE RESULT OF ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES
52 BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE,
53 AND WHO IS CERTIFIED, AS HEREINBEFORE PROVIDED, BY THE UNITED STATES
54 VETERANS' ADMINISTRATION AS RECEIVING DISABILITY PAYMENTS UPON THE
55 CERTIFICATION OF SUCH VETERANS' ADMINISTRATION FOR A DISABILITY INCURRED
56 BY HIM OR HER IN SUCH SERVICE.

1 S 4. Paragraph (c) of subdivision 1 of section 85 of the civil service
2 law is amended by adding a new subparagraph 9 to read as follows:

3 (9) SERVICE IN THE MILITARY FORCES OF THE UNITED STATES WHICH ENTAILED
4 EXPOSURE TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAPONS TESTS
5 CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND
6 NINETEEN HUNDRED SIXTY-THREE.

7 S 5. The opening paragraph of subdivision 6 of section 503 of the
8 education law, as amended by chapter 616 of the laws of 1995, is amended
9 to read as follows:

10 Credit for service in war after world war I, which shall mean military
11 service during the period commencing the first day of July, nineteen
12 hundred forty, and terminating the thirtieth day of June, nineteen
13 hundred forty-seven, or during the period commencing the twenty-seventh
14 day of June, nineteen hundred fifty, and terminating the thirty-first
15 day of January, nineteen hundred fifty-five, or during both such peri-
16 ods, as a member of the armed forces of the United States, of any person
17 who has been honorably discharged or released under honorable circum-
18 stances from such service, or service by one who was employed by the War
19 Shipping Administration or Office of Defense Transportation or their
20 agents as a merchant seaman documented by the United States Coast Guard
21 or Department of Commerce, or as a civil servant employed by the United
22 States Army Transport Service (later redesignated as the United States
23 Army Transportation Corps, Water Division) or the Naval Transportation
24 Service; and who served satisfactorily as a crew member during the peri-
25 od of armed conflict, December seventh, nineteen hundred forty-one, to
26 August fifteenth, nineteen hundred forty-five, aboard merchant vessels
27 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such
28 terms are defined under federal law (46 USCA 10301 & 10501) and further
29 to include "near foreign" voyages between the United States and Canada,
30 Mexico, or the West Indies via ocean routes, or public vessels in ocean-
31 going service or foreign waters and who has received a Certificate of
32 Release or Discharge from Active Duty and a discharge certificate, or an
33 Honorable Service Certificate/Report of Casualty, from the Department of
34 Defense or who served as a United States civilian employed by the Ameri-
35 can Field Service and served overseas under United States Armies and
36 United States Army Groups in world war II during the period of armed
37 conflict, December seventh, nineteen hundred forty-one through May
38 eighth, nineteen hundred forty-five, and who was discharged or released
39 therefrom under honorable conditions, or who served as a United States
40 civilian Flight Crew and Aviation Ground Support Employee of Pan Ameri-
41 can World Airways or one of its subsidiaries or its affiliates and
42 served overseas as a result of Pan American's contract with Air Trans-
43 port Command or Naval Air Transport Service during the period of armed
44 conflict, December fourteenth, nineteen hundred forty-one through August
45 fourteenth, nineteen hundred forty-five, and who was discharged or
46 released therefrom under honorable conditions, OR WHO SERVED IN THE
47 ARMED FORCES OF THE UNITED STATES AND WHO DURING SUCH SERVICE WAS
48 EXPOSED TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAPONS TESTS
49 CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND
50 NINETEEN HUNDRED SIXTY-THREE, and who was a teacher in the public
51 schools of this state at the time of his entrance into the armed forces
52 of the United States, provided no compensation was received under the
53 provisions of section two hundred forty-two of the military law, and who
54 returned to public school teaching following discharge or completion of
55 advanced education provided under servicemen's readjustment act of nine-
56 teen hundred forty-four, or who following such discharge or release

1 entered into a service which would qualify him pursuant to section
2 forty-three of the retirement and social security law to transfer his
3 membership in the New York state teachers' retirement system, shall be
4 provided as follows, any provisions of section two hundred forty-three
5 of the military law to the contrary notwithstanding.

6 S 6. Paragraph (b) of subdivision 1 of section 243 of the military
7 law, as amended by chapter 248 of the laws of 2001, is amended to read
8 as follows:

9 (b) The term "military duty" shall mean military service in the mili-
10 tary, naval, aviation or marine service of the United States subsequent
11 to July first, nineteen hundred forty, or service under the selective
12 training and service act of nineteen hundred forty, or the national
13 guard and reserve officers mobilization act of nineteen hundred forty,
14 or any other act of congress supplementary or amendatory thereto, or any
15 similar act of congress hereafter enacted and irrespective of the fact
16 that such service was entered upon following a voluntary enlistment
17 therefor or was required under one of the foregoing acts of congress, or
18 service with the United States public health service as a commissioned
19 officer, or service with the American Red Cross while with the armed
20 forces of the United States on foreign service, or service with the
21 special services section of the armed forces of the United States on
22 foreign service, or service in the merchant marine which shall consist
23 of service as an officer or member of the crew on or in connection with
24 a vessel documented under the laws of the United States or a vessel
25 owned by, chartered to, or operated by or for the account or use of the
26 government of the United States, or service by one who was employed by
27 the War Shipping Administration or Office of Defense Transportation or
28 their agents as a merchant seaman documented by the United States Coast
29 Guard or Department of Commerce, or as a civil servant employed by the
30 United States Army Transport Service (later redesignated as the United
31 States Army Transportation Corps, Water Division) or the Naval Transpor-
32 tation Service; and who served satisfactorily as a crew member during
33 the period of armed conflict, December seventh, nineteen hundred forty-
34 one, to August fifteenth, nineteen hundred forty-five, aboard merchant
35 vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service
36 as such terms are defined under federal law (46 USCA 10301 & 10501) and
37 further to include "near foreign" voyages between the United States and
38 Canada, Mexico, or the West Indies via ocean routes, or public vessels
39 in oceangoing service or foreign waters and who has received a Certif-
40 icate of Release or Discharge from Active Duty and a discharge certif-
41 icate, or an Honorable Service Certificate/Report of Casualty, from the
42 Department of Defense, or who served as a United States civilian
43 employed by the American Field Service and served overseas under United
44 States Armies and United States Army Groups in world war II during the
45 period of armed conflict, December seventh, nineteen hundred forty-one
46 through May eighth, nineteen hundred forty-five, and who was discharged
47 or released therefrom under honorable conditions, or who served as a
48 United States civilian Flight Crew and Aviation Ground Support Employee
49 of Pan American World Airways or one of its subsidiaries or its affil-
50 iates and served overseas as a result of Pan American's contract with
51 Air Transport Command or Naval Air Transport Service during the period
52 of armed conflict, December fourteenth, nineteen hundred forty-one
53 through August fourteenth, nineteen hundred forty-five, and who was
54 discharged or released therefrom under honorable conditions; or service
55 in police duty on behalf of the United States government in a foreign
56 country, if such person is a police officer, as defined by section 1.20

1 of the criminal procedure law, and if such police officer obtained the
2 prior consent of his or her public employer to absent himself or herself
3 from his or her position to engage in the performance of such service;
4 or as an enrollee in the United States maritime service on active duty
5 and, to such extent as may be prescribed by or under the laws of the
6 United States, any period awaiting assignment to such service and any
7 period of education or training for such service in any school or insti-
8 tution under the jurisdiction of the United States government; OR WHO
9 SERVED IN THE ARMED FORCES OF THE UNITED STATES AND WHO DURING SUCH
10 SERVICE WAS EXPOSED TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAP-
11 ONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED
12 FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE, but shall not include
13 temporary and intermittent gratuitous service in any reserve or auxilia-
14 ry force. It shall include time spent in reporting for and returning
15 from military duty and shall be deemed to commence when the public
16 employee leaves his position and to end when he is reinstated to his
17 position, provided such reinstatement is within ninety days after the
18 termination of military duty, as hereinafter defined. Notwithstanding
19 the foregoing provisions of this paragraph, the term "military duty"
20 shall not include any of the foregoing services entered upon voluntarily
21 on or after January first, nineteen hundred forty-seven and before June
22 twenty-fifth, nineteen hundred fifty; and, on or after July first, nine-
23 teen hundred seventy, the term "military duty" shall not include any
24 voluntary service in excess of four years performed after that date, or
25 the total of any voluntary services, additional or otherwise, in excess
26 of four years performed after that date, shall not exceed five years, if
27 the service in excess of four years is at the request and for the
28 convenience of the federal government, except if such voluntary service
29 is performed during a period of war, or national emergency declared by
30 the president.

31 S 7. The opening paragraph of paragraph 1 of subdivision 31 of section
32 2 of the retirement and social security law, as amended by chapter 616
33 of the laws of 1995, is amended to read as follows:

34 Military service during the period commencing July first, nineteen
35 hundred forty, and terminating December thirty-first, nineteen hundred
36 forty-six, as a member of the armed forces of the United States, or
37 service by one who was employed by the War Shipping Administration or
38 Office of Defense Transportation or their agents as a merchant seaman
39 documented by the United States Coast Guard or Department of Commerce,
40 or as a civil servant employed by the United States Army Transport
41 Service (later redesignated as the United States Army Transportation
42 Corps, Water Division) or the Naval Transportation Service; and who
43 served satisfactorily as a crew member during the period of armed
44 conflict, December seventh, nineteen hundred forty-one, to August
45 fifteenth, nineteen hundred forty-five, aboard merchant vessels in
46 oceangoing, i.e., foreign, intercoastal, or coastwise service as such
47 terms are defined under federal law (46 USCA 10301 & 10501) and further
48 to include "near foreign" voyages between the United States and Canada,
49 Mexico, or the West Indies via ocean routes, or public vessels in ocean-
50 going service or foreign waters and who has received a Certificate of
51 Release or Discharge from Active Duty and a discharge certificate, or an
52 Honorable Service Certificate/Report of Casualty, from the Department of
53 Defense, or service by one who served as a United States civilian
54 employed by the American Field Service and served overseas under United
55 States Armies and United States Army Groups in world war II during the
56 period of armed conflict, December seventh, nineteen hundred forty-one

1 through May eighth, nineteen hundred forty-five, and who was discharged
2 or released therefrom under honorable conditions, or service by one who
3 served as a United States civilian Flight Crew and Aviation Ground
4 Support Employee of Pan American World Airways or one of its subsid-
5 iaries or its affiliates and served overseas as a result of Pan Ameri-
6 can's contract with Air Transport Command or Naval Air Transport Service
7 during the period of armed conflict, December fourteenth, nineteen
8 hundred forty-one through August fourteenth, nineteen hundred forty-
9 five, and who was discharged or released therefrom under honorable
10 conditions, OR WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES AND
11 WHO DURING SUCH SERVICE WAS EXPOSED TO IONIZING RADIATION AS THE RESULT
12 OF THE ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINE-
13 TEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE, or of any
14 person who:

15 S 8. The opening paragraph of paragraph 1 of subdivision 31 of section
16 302 of the retirement and social security law, as amended by chapter 616
17 of the laws of 1995, is amended to read as follows:

18 Military service during the period commencing July first, nineteen
19 hundred forty, and terminating December thirty-first, nineteen hundred
20 forty-six, as a member of the armed forces of the United States, or
21 service by one who was employed by the War Shipping Administration or
22 Office of Defense Transportation or their agents as a merchant seaman
23 documented by the United States Coast Guard or Department of Commerce,
24 or as a civil servant employed by the United States Army Transport
25 Service (later redesignated as the United States Army Transportation
26 Corps, Water Division) or the Naval Transportation Service; and who
27 served satisfactorily as a crew member during the period of armed
28 conflict, December seventh, nineteen hundred forty-one, to August
29 fifteenth, nineteen hundred forty-five, aboard merchant vessels in
30 oceangoing, i.e., foreign, intercoastal, or coastwise service as such
31 terms are defined under federal law (46 USCA 10301 & 10501) and further
32 to include "near foreign" voyages between the United States and Canada,
33 Mexico, or the West Indies via ocean routes, or public vessels in ocean-
34 going service or foreign waters and who has received a Certificate of
35 Release or Discharge from Active Duty and a discharge certificate, or an
36 Honorable Service Certificate/Report of Casualty, from the Department of
37 Defense, or service by one who served as a United States civilian
38 employed by the American Field Service and served overseas under United
39 States Armies and United States Army Groups in world war II during the
40 period of armed conflict, December seventh, nineteen hundred forty-one
41 through May eighth, nineteen hundred forty-five, and who was discharged
42 or released therefrom under honorable conditions, or service by one who
43 served as a United States civilian Flight Crew and Aviation Ground
44 Support Employee of Pan American World Airways or one of its subsid-
45 iaries or its affiliates and served overseas as a result of Pan Ameri-
46 can's contract with Air Transport Command or Naval Air Transport Service
47 during the period of armed conflict, December fourteenth, nineteen
48 hundred forty-one through August fourteenth, nineteen hundred forty-
49 five, and who was discharged or released therefrom under honorable
50 conditions, OR WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES AND
51 WHO DURING SUCH SERVICE WAS EXPOSED TO IONIZING RADIATION AS THE RESULT
52 OF THE ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINE-
53 TEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE, or of any
54 person who:

55 S 9. Paragraphs (c) and (d) of subdivision 2 of section 1000 of the
56 retirement and social security law, as added by chapter 548 of the laws

1 of 2000, are amended and a new paragraph (e) is added to read as
2 follows:

3 (c) hostilities participated in by the military forces of the United
4 States in Panama, from the twentieth day of December, nineteen hundred
5 eighty-nine to the thirty-first day of January, nineteen hundred ninety,
6 as established by receipt of the armed forces expeditionary medal, the
7 navy expeditionary medal, or the marine corps expeditionary medal; [or]

8 (d) hostilities participated in by the military forces of the United
9 States, from the second day of August, nineteen hundred ninety, to the
10 end of such hostilities in case of a veteran who served in the theater
11 of operations including Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the
12 United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the
13 Persian Gulf, the Red Sea, and the airspace above these locations[.]; OR

14 (E) SERVICE IN THE ARMED FORCES OF THE UNITED STATES AND WHO DURING
15 SUCH SERVICE WAS EXPOSED TO IONIZING RADIATION AS THE RESULT OF ATOMIC
16 WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED
17 FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE.

18 S 10. Subdivision 4-a of section 458 of the real property tax law, as
19 amended by chapter 616 of the laws of 1995, is amended to read as
20 follows:

21 4-a. For the purposes of this section, the term "military or naval
22 services" shall be deemed to also include service: (a) by a person who
23 was employed by the War Shipping Administration or Office of Defense
24 Transportation or their agents as a merchant seaman documented by the
25 United States Coast Guard or Department of Commerce, or as a civil serv-
26 ant employed by the United States Army Transport Service (later redesign-
27 ated as the United States Army Transportation Corps, Water Division) or
28 the Naval Transportation Service; and who served satisfactorily as a
29 crew member during the period of armed conflict, December seventh, nine-
30 teen hundred forty-one, to August fifteenth, nineteen hundred forty-
31 five, aboard merchant vessels in oceangoing, i.e., foreign, inter-
32 coastal, or coastwise service as such terms are defined under federal
33 law (46 USCA 10301 & 10501) and further to include "near foreign"
34 voyages between the United States and Canada, Mexico, or the West Indies
35 via ocean routes, or public vessels in oceangoing service or foreign
36 waters and who has received a Certificate of Release or Discharge from
37 Active Duty and a discharge certificate, or an Honorable Service
38 Certificate/Report of Casualty, from the department of defense; (b)
39 service by a United States civilian employed by the American Field
40 Service who served overseas under United States Armies and United States
41 Army Groups in world war II during the period of armed conflict, Decem-
42 ber seventh, nineteen hundred forty-one through May eighth, nineteen
43 hundred forty-five, and who was discharged or released therefrom under
44 honorable conditions; [or] (c) service by a United States civilian
45 Flight Crew and Aviation Ground Support Employee of Pan American World
46 Airways or one of its subsidiaries or its affiliates who served overseas
47 as a result of Pan American's contract with Air Transport Command or
48 Naval Air Transport Service during the period of armed conflict, Decem-
49 ber fourteenth, nineteen hundred forty-one through August fourteenth,
50 nineteen hundred forty-five, and who was discharged or released there-
51 from under honorable conditions; OR (D) SERVICE IN THE ARMED FORCES OF
52 THE UNITED STATES WHICH ENTAILED, AS PART OF SUCH SERVICE, EXPOSURE TO
53 IONIZING RADIATION AS THE RESULT OF THE ATOMIC WEAPONS TESTS CONDUCTED
54 BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN
55 HUNDRED SIXTY-THREE.

1 S 11. Paragraph (e) of subdivision 1 of section 458-a of the real
2 property tax law, as amended by chapter 384 of the laws of 2008, is
3 amended to read as follows:

4 (e) "Veteran" means a person (i) who served in the active military,
5 naval, or air service during a period of war, or who was a recipient of
6 the armed forces expeditionary medal, navy expeditionary medal, marine
7 corps expeditionary medal, or global war on terrorism expeditionary
8 medal, and who was discharged or released therefrom under honorable
9 conditions, (ii) who was employed by the War Shipping Administration or
10 Office of Defense Transportation or their agents as a merchant seaman
11 documented by the United States Coast Guard or Department of Commerce,
12 or as a civil servant employed by the United States Army Transport
13 Service (later redesignated as the United States Army Transportation
14 Corps, Water Division) or the Naval Transportation Service; and who
15 served satisfactorily as a crew member during the period of armed
16 conflict, December seventh, nineteen hundred forty-one, to August
17 fifteenth, nineteen hundred forty-five, aboard merchant vessels in
18 oceangoing, i.e., foreign, intercoastal, or coastwise service as such
19 terms are defined under federal law (46 USCA 10301 & 10501) and further
20 to include "near foreign" voyages between the United States and Canada,
21 Mexico, or the West Indies via ocean routes, or public vessels in ocean-
22 going service or foreign waters and who has received a Certificate of
23 Release or Discharge from Active Duty and a discharge certificate, or an
24 Honorable Service Certificate/Report of Casualty, from the department of
25 defense, (iii) who served as a United States civilian employed by the
26 American Field Service and served overseas under United States Armies
27 and United States Army Groups in world war II during the period of armed
28 conflict, December seventh, nineteen hundred forty-one through May
29 eighth, nineteen hundred forty-five, and who was discharged or released
30 therefrom under honorable conditions, (iv) who served as a United States
31 civilian Flight Crew and Aviation Ground Support Employee of Pan Ameri-
32 can World Airways or one of its subsidiaries or its affiliates and
33 served overseas as a result of Pan American's contract with Air Trans-
34 port Command or Naval Air Transport Service during the period of armed
35 conflict, December fourteenth, nineteen hundred forty-one through August
36 fourteenth, nineteen hundred forty-five, and who was discharged or
37 released therefrom under honorable conditions, [or] (v) notwithstanding
38 any other provision of law to the contrary, who are members of the
39 reserve components of the armed forces of the United States who received
40 an honorable discharge or release therefrom under honorable conditions,
41 but are still members of the reserve components of the armed forces of
42 the United States provided that such members meet all other qualifica-
43 tions under the provisions of this section, OR (VI) WHO SERVED IN THE
44 ARMED FORCES OF THE UNITED STATES AND WHO DURING SUCH SERVICE WAS
45 EXPOSED TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAPONS TESTS
46 CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND
47 NINETEEN HUNDRED SIXTY-THREE.

48 S 12. Section 353 of the executive law is amended by adding a new
49 subdivision 20 to read as follows:

50 20. (A) TO IDENTIFY ALL RESIDENTS OF THIS STATE WHO SERVED IN THE
51 ARMED FORCES OF THE UNITED STATES AND WHO WHILE ENGAGED IN SUCH SERVICE
52 WERE EXPOSED TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAPONS TESTS
53 BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN
54 HUNDRED SIXTY-THREE, AND THE SURVIVING SPOUSES OF ANY SUCH VETERAN.

55 (B) TO ADVISE SUCH RESIDENT OR SURVIVING SPOUSE OF THE PROVISIONS OF
56 THE FEDERAL RADIATION EXPOSURE COMPENSATION ACT AND THEIR RIGHT TO FILE

1 A CLAIM THEREUNDER, AND TO PROVIDE SUCH ASSISTANCE AS SHALL BE NECESSARY
2 FOR THE FILING OF SUCH A CLAIM.

3 S 13. This act shall take effect immediately.

FISCAL NOTE.--This bill would establish the atomic veterans medal for members of the armed forces or organized militia exposed to ionizing radiation as a result of atomic weapons tests conducted by the United States between 1945 and 1963.

Insofar as this affects the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System, this bill would provide up to 4 additional years of service credit at no charge to current members who were members of either system prior to leaving for war and returned to employment within one year of leaving the military. In all likelihood, there would be few, if any, that would be affected by this legislation.

If this bill is enacted, insofar as this proposal affects the New York State and Local Employees' Retirement System, there would be an estimated past service cost which would exceed 10 percent of each member's salary for each year of additional service credit that granted.

Insofar as this proposal affects the New York State and Local Police and Fire Retirement System, the cost per person would vary greatly. If a member is granted this additional service credit to enable immediate retirement, the cost would exceed 30% of the member's salary for each year of additional service credit. For a member on a retirement plan which is capped after reaching a certain number of years of service credit, there would be no benefit from this additional service credit if they will or already have reached the cap without this service credit.

This estimate, dated June 1, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-257, prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.