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I N   A S S E M B L Y

April 8, 2016

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Introduced by M. of A. DenDEKKER -- read once and referred to the  
Committee on Governmental Employees

AN ACT to amend the military law, in relation to reemployment of members  
of an organized militia called to military service

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

1     Section 1. Section 317 of the military law is amended by adding a new  
2     subdivision 4-a to read as follows:

3     4-A. THE BENEFITS, RIGHTS AND PRIVILEGES GRANTED TO PERSONS IN THE  
4     MILITARY SERVICE BY THIS SECTION SHALL BE EXTENDED AND APPLICABLE TO ANY  
5     PERSON WHO IS EMPLOYED IN THIS STATE BUT WHO IS A RESIDENT OF ANOTHER  
6     STATE AND A MEMBER OF SUCH STATE'S ORGANIZED MILITIA CALLED TO ACTIVE  
7     SERVICE BY THE GOVERNOR OF THE STATE IN WHICH THEY RESIDE; PROVIDED,  
8     HOWEVER, THAT SUCH PROVISIONS SHALL ONLY APPLY IF THE STATE IN WHICH  
9     SUCH PERSON RESIDES PROVIDES A RECIPROCAL GRANT OF SUCH BENEFITS, RIGHTS  
10    AND PRIVILEGES TO PERSONS EMPLOYED IN SUCH STATE WHO ARE MEMBERS OF NEW  
11    YORK'S ORGANIZED MILITIA WHEN CALLED TO ACTIVE SERVICE BY THE GOVERNOR  
12    OF NEW YORK STATE.

13    S 2. Paragraph (a) of subdivision 1 of section 243 of the military  
14    law, as added by chapter 420 of the laws of 1953, is amended to read as  
15    follows:

16    (a) (I) The term "public employee" shall mean an officer or employee  
17    holding a position by appointment or employment in the state of New York  
18    or in the cities, counties, towns, villages or school districts thereof,  
19    or in any other political or civil division of the state or of a munici-  
20    pality, or in any public or special district, or in the service of any  
21    public authority, public benefit corporation, commission or board, or in  
22    any other branch of the public service.

23    (II) THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY PERSON WHO IS  
24    EMPLOYED IN THIS STATE BUT WHO IS A RESIDENT OF ANOTHER STATE AND A  
25    MEMBER OF SUCH STATE'S ORGANIZED MILITIA CALLED TO ACTIVE SERVICE BY THE  
26    GOVERNOR OF THE STATE IN WHICH THEY RESIDE; PROVIDED, HOWEVER, THAT SUCH  
27    PROVISIONS SHALL ONLY APPLY IF THE STATE IN WHICH SUCH PERSON RESIDES  
28    PROVIDES A RECIPROCAL GRANT OF SUCH BENEFITS, RIGHTS AND PRIVILEGES TO

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

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1 PERSONS EMPLOYED BY SUCH STATE WHO ARE MEMBERS OF NEW YORK'S ORGANIZED  
2 MILITIA WHEN CALLED TO ACTIVE SERVICE BY THE GOVERNOR OF NEW YORK STATE.  
3 S 3. This act shall take effect immediately.