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I N S E N A T E

February 9, 2016

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the civil service law, the social services law and the public officers law, in relation to the dates of certain periods of war and hostilities

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

1 Section 1. Subdivision 1 of section 668 of the education law, as
2 amended by chapter 580 of the laws of 1992, paragraphs (a) and (d) as
3 amended by chapter 261 of the laws of 1995, paragraph (b) as amended by
4 chapter 616 of the laws of 1995, paragraphs (f) and (g) as added by
5 chapter 435 of the laws of 2006, is amended to read as follows:
6 1. Period of military service. For a student to be eligible, the
7 parent, or step-parent where the student is the dependent of the step-
8 parent, (i) must have been a recipient of the armed forces expeditionary
9 medal, the navy expeditionary medal or the marine corps expeditionary
10 medal for participation in operations in Lebanon from [June first]
11 AUGUST TWENTY-FIRST, nineteen hundred [eighty-three] EIGHTY-TWO to
12 December first, nineteen hundred eighty-seven, in Grenada from October
13 twenty-third, nineteen hundred eighty-three to November twenty-first,
14 nineteen hundred eighty-three, or in Panama from December twentieth,
15 nineteen hundred eighty-nine to January thirty-first, nineteen hundred
16 ninety, or (ii) must have served on regular active duty (other than for
17 training) in the armed forces of the United States during part of one of
18 the following periods:
19 (a) April sixth, nineteen hundred seventeen to November eleven, nine-
20 teen hundred eighteen.
21 (b) December seven, nineteen hundred forty-one to December thirty-one,
22 nineteen hundred forty-six, or have been employed by the War Shipping
23 Administration or Office of Defense Transportation or their agents as a

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

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1 merchant seaman documented by the United States Coast Guard or Depart-
2 ment of Commerce, or as a civil servant employed by the United States
3 Army Transport Service (later redesignated as the United States Army
4 Transportation Corps, Water Division) or the Naval Transportation
5 Service; and who served satisfactorily as a crew member during the peri-
6 od of armed conflict, December seventh, nineteen hundred forty-one, to
7 August fifteenth, nineteen hundred forty-five, aboard merchant vessels
8 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such
9 terms are defined under federal law (46 USCA 10301 & 10501) and further
10 to include "near foreign" voyages between the United States and Canada,
11 Mexico, or the West Indies via ocean routes, or public vessels in ocean-
12 going service or foreign waters and who has received a Certificate of
13 Release or Discharge from Active Duty and a discharge certificate, or an
14 Honorable Service Certificate/Report of Casualty, from the Department of
15 Defense or have served as a United States civilian employed by the Amer-
16 ican Field Service and served overseas under United States Armies and
17 United States Army Groups in world war II during the period of armed
18 conflict, December seventh, nineteen hundred forty-one through May
19 eighth, nineteen hundred forty-five, and who was discharged or released
20 therefrom under honorable conditions, or have served as a United States
21 civilian Flight Crew and Aviation Ground Support Employee of Pan Ameri-
22 can World Airways or one of its subsidiaries or its affiliates and
23 served overseas as a result of Pan American's contract with Air Trans-
24 port Command or Naval Air Transport Service during the period of armed
25 conflict, December fourteenth, nineteen hundred forty-one through August
26 fourteenth, nineteen hundred forty-five, and who was discharged or
27 released therefrom under honorable conditions.

28 (c) June twenty-seven, nineteen hundred fifty to January thirty-one,
29 nineteen hundred fifty-five.

30 (d) [December twenty-second] FEBRUARY TWENTY-EIGHTH, nineteen hundred
31 sixty-one to May seventh, nineteen hundred seventy-five.

32 (e) August [two] SECOND, nineteen hundred ninety to the end of hostil-
33 ities in the Persian Gulf conflict.

34 (f) From September eighteenth, two thousand one until the end of the
35 United States military efforts in Afghanistan.

36 (g) From October sixteenth, two thousand two until the end of the
37 United States military efforts in Iraq.

38 (H) ANY OTHER PERIOD OF WAR OR HOSTILITIES IN SUCH LOCATIONS AND
39 DURING SUCH PERIODS OF TIME AS SHALL BE DETERMINED FROM TIME TO TIME BY
40 THE FEDERAL DEPARTMENT OF DEFENSE OR THE UNITED STATES CONGRESS.

41 S. 2. Subdivision 1 of section 668-c of the education law, as added by
42 chapter 474 of the laws of 2000, is amended to read as follows:

43 1. Eligible students. Awards shall be made to Vietnam veterans' resi-
44 dent children born with Spina Bifida enrolled in approved undergraduate
45 or graduate programs at degree granting institutions. For the purpose of
46 this section, "Vietnam veteran" shall mean a person who served in Indo-
47 china at any time from the [twenty-second] TWENTY-EIGHTH day of [Decem-
48 ber] FEBRUARY, nineteen hundred sixty-one, to and including the seventh
49 day of May, nineteen hundred seventy-five and was honorably discharged
50 from the armed forces of the United States; "born with Spina Bifida"
51 shall mean a diagnosis at birth of such disease inclusive of all forms,
52 manifestations, complications and associated medical conditions thereof,
53 but shall not include Spina Bifida Occulta. Such diagnosis shall be in
54 accordance with the provisions of the federal Spina Bifida program and
55 shall be documented by the United States Administration of Veterans'
56 Affairs.

1 S 3. Subparagraph 5 of paragraph (c) of subdivision 1 of section 85 of
2 the civil service law, as added by chapter 467 of the laws of 1991, is
3 amended and a new subparagraph 9 is added to read as follows:

4 (5) Hostilities participated in by the military forces of the United
5 States in Lebanon, from the [first] TWENTY-FIRST day of [June] AUGUST,
6 nineteen hundred [eighty-three] EIGHTY-TWO to the first day of December,
7 nineteen hundred eighty-seven, as established by receipt of the armed
8 forces expeditionary medal, the navy expeditionary medal, or the marine
9 corps expeditionary medal.

10 (9) ANY OTHER HOSTILITIES OR PERIOD OF WAR PARTICIPATED IN BY THE
11 MILITARY FORCES OF THE UNITED STATES IN SUCH LOCATIONS AND DURING SUCH
12 PERIODS OF TIME AS SHALL BE DETERMINED FROM TIME TO TIME BY THE FEDERAL
13 DEPARTMENT OF DEFENSE OR THE UNITED STATES CONGRESS.

14 S 4. Subdivision 1 of section 168 of the social services law, as
15 amended by chapter 467 of the laws of 1991, is amended to read as
16 follows:

17 1. Veteran means a person, male or female, who has served in the armed
18 forces of the United States in time of war, or who was a recipient of
19 the armed forces expeditionary medal, navy expeditionary medal or marine
20 corps expeditionary medal for participation in operations in Lebanon
21 from [June first, nineteen hundred eighty-three] AUGUST TWENTY-FIRST,
22 NINETEEN HUNDRED EIGHTY-TWO to December first, nineteen hundred eighty-
23 seven, in Grenada from October twenty-third, nineteen hundred eighty-
24 three to November twenty-first, nineteen hundred eighty-three, or in
25 Panama from December twentieth, nineteen hundred eighty-nine to January
26 thirty-first, nineteen hundred ninety, and who has been honorably
27 discharged or released under honorable circumstances from such service
28 or furloughed to the reserve.

29 S 5. Subdivision 2 of section 168 of the social services law is
30 amended by adding a new paragraph 9 to read as follows:

31 (9) ANY OTHER PERIOD OF WAR OR HOSTILITIES IN SUCH LOCATIONS AND
32 DURING SUCH PERIODS OF TIME AS SHALL BE DETERMINED FROM TIME TO TIME BY
33 THE FEDERAL DEPARTMENT OF DEFENSE OR THE UNITED STATES CONGRESS.

34 S 6. Section 63 of the public officers law, as amended by chapter 179
35 of the laws of 2006, is amended to read as follows:

36 S 63. Leave of absence for veterans on Memorial day and Veterans' day.
37 It shall be the duty of the head of every public department and of every
38 court of the state of New York, of every superintendent or foreman on
39 the public works of said state, of the county officers of the several
40 counties of said state, of the town officers of the various towns in
41 this state, of the fire district officers of the various fire districts
42 in this state, and of the head of every department, bureau and office in
43 the government of the various cities and villages in this state, and the
44 officers of any public benefit corporation or any public authority of
45 this state, or of any public benefit corporation or public authority of
46 any county or subdivision of this state, to give leave of absence with
47 pay for twenty-four hours on the day prescribed by law as a public holi-
48 day for the observance of Memorial day and on the eleventh day of Novem-
49 ber, known as Veterans' day, to every person in the service of the
50 state, the county, the town, the fire district, the city or village, the
51 public benefit corporation or public authority of this state, or any
52 public benefit corporation or public authority of any county or subdivi-
53 sion of this state, as the case may be, (i) who served on active duty in
54 the armed forces of the United States during world war I or world war
55 II, or who was employed by the War Shipping Administration or Office of
56 Defense Transportation or their agents as a merchant seaman documented

1 by the United States Coast Guard or Department of Commerce, or as a
2 civil servant employed by the United States Army Transport Service
3 (later redesignated as the United States Army Transportation Corps,
4 Water Division) or the Naval Transportation Service; and who served
5 satisfactorily as a crew member during the period of armed conflict,
6 December seventh, nineteen hundred forty-one, to August fifteenth, nine-
7 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,
8 foreign, intercoastal, or coastwise service as such terms are defined
9 under federal law (46 USCA 10301 & 10501) and further to include "near
10 foreign" voyages between the United States and Canada, Mexico, or the
11 West Indies via ocean routes, or public vessels in oceangoing service or
12 foreign waters and who has received a Certificate of Release or
13 Discharge from Active Duty and a discharge certificate, or an Honorable
14 Service Certificate/Report of Casualty, from the Department of Defense,
15 or who served as a United States civilian employed by the American Field
16 Service and served overseas under United States Armies and United States
17 Army Groups in world war II during the period of armed conflict, Decem-
18 ber seventh, nineteen hundred forty-one through May eighth, nineteen
19 hundred forty-five, and who was discharged or released therefrom under
20 honorable conditions, or who served as a United States civilian Flight
21 Crew and Aviation Ground Support Employee of Pan American World Airways
22 or one of its subsidiaries or its affiliates and served overseas as a
23 result of Pan American's contract with Air Transport Command or Naval
24 Air Transport Service during the period of armed conflict, December
25 fourteenth, nineteen hundred forty-one through August fourteenth, nine-
26 teen hundred forty-five, and who was discharged or released therefrom
27 under honorable conditions, or during the period of the Korean conflict
28 at any time between the dates of June twenty-seventh, nineteen hundred
29 fifty and January thirty-first, nineteen hundred fifty-five, or during
30 the period of the Vietnam conflict from the twenty-eighth day of Febru-
31 ary, nineteen hundred sixty-one to the seventh day of May, nineteen
32 hundred seventy-five, or (ii) who served on active duty in the armed
33 forces of the United States and who was a recipient of the armed forces
34 expeditionary medal, navy expeditionary medal or marine corps expedi-
35 tionary medal for participation in operations in Lebanon from [June
36 first, nineteen hundred eighty-three] AUGUST TWENTY-FIRST, NINETEEN
37 HUNDRED EIGHTY-TWO to December first, nineteen hundred eighty-seven, in
38 Grenada from October twenty-third, nineteen hundred eighty-three to
39 November twenty-first, nineteen hundred eighty-three, [or] in Panama
40 from December twentieth, nineteen hundred eighty-nine to January thir-
41 ty-first, nineteen hundred ninety, OR DURING ANY OTHER PERIOD OF WAR OR
42 HOSTILITIES IN SUCH LOCATIONS AND DURING SUCH PERIODS OF TIME AS SHALL
43 BE DETERMINED FROM TIME TO TIME BY THE FEDERAL DEPARTMENT OF DEFENSE OR
44 THE UNITED STATES CONGRESS, or (iii) who served in the armed forces of a
45 foreign country allied with the United States during world war I or
46 world war II, or during the period of the Korean conflict at any time
47 between June twenty-seventh, nineteen hundred fifty and January thirty-
48 first, nineteen hundred fifty-five, or during the period of the Vietnam
49 conflict from the twenty-eighth day of February, nineteen hundred
50 sixty-one to the seventh day of May, nineteen hundred seventy-five, or
51 during the period of the Persian Gulf conflict from the second day of
52 August, nineteen hundred ninety to the end of such conflict, or who
53 served on active duty in the army or navy or marine corps or air force
54 or coast guard of the United States, and who was honorably discharged or
55 separated from such service under honorable conditions, except where
56 such action would endanger the public safety or the safety or health of

1 persons cared for by the state, in which event such persons shall be
2 entitled to leave of absence with pay on another day in lieu thereof.
3 All such persons who are compensated on a per diem, hourly, semi-monthly
4 or monthly basis, with or without maintenance, shall also be entitled to
5 leave of absence with pay under the provisions of this section and no
6 deduction in vacation allowance or budgetary allowable number of working
7 days shall be made in lieu thereof. A refusal to give such leave of
8 absence to one entitled thereto shall be neglect of duty.

9 S 7. Notwithstanding any other provisions of law to the contrary, any
10 provisions of law which grant benefits or eligibility to veterans who
11 served in the armed forces of the United States during a period of war
12 or hostilities, such period shall include any additional period of war
13 or hostilities in such locations and during such periods of time as
14 shall be determined from time to time by the federal Department of
15 Defense or the United States Congress.

16 S 8. This act shall take effect immediately.