STATE OF NEW YORK

120

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. ORTT -- 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 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 Assembly, do enact as follows:

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

4-a. The benefits, rights and privileges granted to persons in the military service by this section shall be extended and applicable to any person who is employed in this state but who is a resident of another state and a member of such state's organized militia called to active service by the governor of the state in which they reside; provided, however, that such provisions shall only apply if the state in which such person resides provides a reciprocal grant of such benefits, rights and privileges to persons employed in such state who are members of New York's organized militia when called to active service by the governor of New York state.

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

(a) **(i)** The term "public employee" shall mean an officer or employee holding a position by appointment or employment in the state of New York or in the cities, counties, towns, villages or school districts thereof, or in any other political or civil division of the state or of a municipality, or in any public or special district, or in the service of any public authority, public benefit corporation, commission or board, or in any other branch of the public service.

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

LBD02384-01-9

(ii) The provisions of this section shall apply to any person who is employed in this state but who is a resident of another state and a member of such state's organized militia called to active service by the governor of the state in which they reside; provided, however, that such provisions shall only apply if the state in which such person resides provides a reciprocal grant of such benefits, rights and privileges to persons employed by such state who are members of New York's organized militia when called to active service by the governor of New York state.

§ 3. This act shall take effect immediately.