

# STATE OF NEW YORK

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7605--A

Cal. No. 259

2021-2022 Regular Sessions

## IN ASSEMBLY

May 19, 2021

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Introduced by M. of A. BARRETT, NORRIS -- read once and referred to the Committee on Veterans' Affairs -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the tax law, the executive law, the economic development law, the public officers law, the real property tax law and the military law, in relation to expanding the definition of veteran to include members of the commissioned corps of the national oceanic and atmospheric administration and the United States public health service

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

1 Section 1. Subparagraph (A) of paragraph 2 of subsection (a-2) of  
2 section 606 of the tax law, as amended by chapter 490 of the laws of  
3 2019, is amended to read as follows:

4 (A) who served on active duty in the United States army, navy, air  
5 force, marine corps, coast guard or the reserves thereof, or who served  
6 in active military service of the United States as a member of the army  
7 national guard, air national guard, New York guard or New York naval  
8 militia, or who served as a member of the commissioned corps of the  
9 national oceanic and atmospheric administration or the United States  
10 public health service; who (i) was released from active duty by general  
11 or honorable discharge after September eleventh, two thousand one, or  
12 (ii) has a qualifying condition, as defined in section three hundred  
13 fifty of the executive law, and has received a discharge other than bad  
14 conduct or dishonorable from such service after September eleventh, two  
15 thousand one, or (iii) is a discharged LGBT veteran, as defined in  
16 section three hundred fifty of the executive law, and has received a  
17 discharge other than bad conduct or dishonorable from such service after  
18 September eleventh, two thousand one;

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

LBD09436-04-2

§ 2. Subparagraph (A) of paragraph 2 of subsection (g-1) of section 1511 of the tax law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(A) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia, or who served on active duty as a member of the commissioned corps of the national oceanic and atmospheric administration or the United States public health service; who (i) was released from active duty by general or honorable discharge after September eleventh, two thousand one, or (ii) has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one, or (iii) is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one;

§ 3. Subparagraph 1 of paragraph (b) of subdivision 29 of section 210-B of the tax law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(1) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia, or who served on active duty as a member of the commissioned corps of the national oceanic and atmospheric administration or the United States public health service; who (i) was released from active duty by general or honorable discharge after September eleventh, two thousand one, or (ii) has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one, or (iii) is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one;

§ 4. Subdivisions 3 and 9 of section 350 of the executive law, subdivision 9 as added by chapter 490 of the laws of 2019, are amended to read as follows:

3. The term "veteran" means a person, male or female, resident of this state, who has served in the active military or naval service of the United States or the active service of the commissioned corps of the national oceanic and atmospheric administration or the United States public health service during a war in which the United States engaged and who has been released from such service otherwise than by dishonorable discharge, or who has been furloughed to the reserve.

9. The term "discharged LGBT veteran" means a veteran who was discharged less than honorably from military or naval service or the commissioned corps of the national oceanic and atmospheric administration or the United States public health service due to their sexual orientation or gender identity or expression, as those terms are defined in section two hundred ninety-two of this chapter, or statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity or expression, or the disclosure of such statements, conduct, or acts, that were prohibited by the military or naval service at the time of discharge. The division shall establish a

1 consistent and uniform process to determine whether a veteran qualifies  
2 as a discharged LGBT veteran under this subdivision, including, at a  
3 minimum, standards for verifying a veteran's status as a discharged LGBT  
4 veteran, and a method of demonstrating eligibility as a discharged LGBT  
5 veteran.

6 § 5. The opening paragraph of paragraph a and paragraph c of subdivi-  
7 sion 1 of section 364 of the executive law, the opening paragraph of  
8 paragraph a as amended by chapter 490 of the laws of 2019 and paragraph  
9 c as added by chapter 751 of the laws of 1985, are amended to read as  
10 follows:

11 The word "veteran," as used in this article shall be taken to mean and  
12 include any person who is a resident of the state of New York, and who  
13 (i) has been or may be given an honorable, general or ordinary discharge  
14 or any other form of release from such service, except a dishonorable  
15 discharge, a bad conduct discharge, an undesirable discharge, a  
16 discharge without honor or a discharge for the good of the service, or  
17 (ii) has a qualifying condition, as defined in section three hundred  
18 fifty of this article, and has received a discharge other than bad  
19 conduct or dishonorable from such service, or (iii) is a discharged LGBT  
20 veteran, as defined in section three hundred fifty of this article, and  
21 has received a discharge other than bad conduct or dishonorable from  
22 such service, and who (iv) was a recipient of the armed forces expedi-  
23 tionary medal, the navy expeditionary medal or the marine corps expedi-  
24 tionary medal for participation in operations in Lebanon from June  
25 first, nineteen hundred eighty-three to December first, nineteen hundred  
26 eighty-seven, in Grenada from October twenty-third, nineteen hundred  
27 eighty-three to November twenty-first, nineteen hundred eighty-three, or  
28 in Panama from December twentieth, nineteen hundred eighty-nine to Janu-  
29 ary thirty-first, nineteen hundred ninety, or (v) served in the commis-  
30 sioned corps of the national oceanic and atmospheric administration or  
31 the United States public health service, or (vi) served on active duty  
32 for ninety days or more in the armed forces of the United States during  
33 any one of the following wars or hostilities:

34 c. The term "active duty" as used in this article shall mean full time  
35 duty in the armed forces or the commissioned corps of the national  
36 oceanic and atmospheric administration or the United States public  
37 health service, other than active duty for training; provided, however,  
38 that "active duty" shall also include any period of active duty for  
39 training during which the individual concerned was disabled or died from  
40 a disease or injury incurred or aggravated during such period.

41 § 6. Subdivision 3 of section 369-b of the executive law, as added by  
42 chapter 557 of the laws of 2013, is amended to read as follows:

43 3. "Veteran" shall mean an individual who served on active duty in the  
44 United States army, navy, marine corps, air force, coast guard or the  
45 reserves component, or who served in active military service of the  
46 United States as a member of the army national guard, air national  
47 guard, New York guard or New York naval militia, or who served in active  
48 service as a member of the commissioned corps of the national oceanic  
49 and atmospheric administration or the United States public health  
50 service, who was released from such service otherwise then by dishonor-  
51 able discharge after September eleventh, two thousand one.

52 § 7. Subdivisions 5 and 7 of section 369-h of the executive law,  
53 subdivision 5 as added by chapter 22 of the laws of 2014 and subdivision  
54 7 as amended by chapter 490 of the laws of 2019, are amended to read as  
55 follows:

5. "Service-disabled veteran" shall mean (a) in the case of the United States army, navy, air force, marines, coast guard, army national guard or air national guard and/or reserves thereof, or the commissioned corps of the national oceanic and atmospheric administration or the United States public health service, a veteran who received a compensation rating of ten percent or greater from the United States department of veterans affairs or from the United States department of defense because of a service-connected disability incurred in the line of duty, and (b) in the case of the New York guard or the New York naval militia and/or reserves thereof, a veteran who certifies, pursuant to the rules and regulations promulgated by the director, to having incurred an injury equivalent to a compensation rating of ten percent or greater from the United States department of veterans affairs or from the United States department of defense because of a service-connected disability incurred in the line of duty.

7. "Veteran" shall mean a person who served in the United States army, navy, air force, marines, coast guard, and/or reserves thereof, and/or in the army national guard, air national guard, New York guard and/or the New York naval militia, and/or who served as a member of the commissioned corps of the national oceanic and atmospheric administration and/or the United States public health service and who (i) has received an honorable or general discharge from such service, or (ii) has a qualifying condition, as defined in section three hundred fifty of this chapter, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section three hundred fifty of this chapter, and has received a discharge other than bad conduct or dishonorable from such service.

§ 8. Subdivision 6 of section 210 of the economic development law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

6. "Veteran" shall mean a person who served in the United States army, navy, air force, marines, coast guard, and/or reserves thereof, and/or in the army national guard, air national guard, New York guard and/or the New York naval militia, and/or who served as a member of the commissioned corps of the national oceanic and atmospheric administration and/or the United States public health service and who (a) has received an honorable or general discharge from such service, or (b) has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 9. Section 63 of the public officers law, as amended by chapter 606 of the laws of 2021, is amended to read as follows:

§ 63. Leave of absence for veterans on Memorial day and Veterans' day. It shall be the duty of the head of every public department and of every court of the state of New York, of every superintendent or foreman on the public works of said state, of the county officers of the several counties of said state, of the town officers of the various towns in this state, of the fire district officers of the various fire districts in this state, and of the head of every department, bureau and office in the government of the various cities and villages in this state, and the officers of any public benefit corporation or any public authority of this state, or of any public benefit corporation or public authority of

1 any county or subdivision of this state, to give leave of absence with  
2 pay for twenty-four hours on the day prescribed by law as a public holi-  
3 day for the observance of Memorial day and on the eleventh day of Novem-  
4 ber, known as Veterans' day, to every person in the service of the  
5 state, the county, the town, the fire district, the city or village, the  
6 public benefit corporation or public authority of this state, or any  
7 public benefit corporation or public authority of any county or subdivi-  
8 sion of this state, as the case may be, (i) who served on active duty in  
9 the armed forces of the United States during world war I or world war  
10 II, or who was employed by the War Shipping Administration or Office of  
11 Defense Transportation or their agents as a merchant seaman documented  
12 by the United States Coast Guard or Department of Commerce, or as a  
13 civil servant employed by the United States Army Transport Service  
14 (later redesignated as the United States Army Transportation Corps,  
15 Water Division) or the Naval Transportation Service; and who served  
16 satisfactorily as a crew member during the period of armed conflict,  
17 December seventh, nineteen hundred forty-one, to August fifteenth, nine-  
18 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,  
19 foreign, intercoastal, or coastwise service as such terms are defined  
20 under federal law (46 USCA 10301 & 10501) and further to include "near  
21 foreign" voyages between the United States and Canada, Mexico, or the  
22 West Indies via ocean routes, or public vessels in oceangoing service or  
23 foreign waters and who has received a Certificate of Release or  
24 Discharge from Active Duty and a discharge certificate, or an Honorable  
25 Service Certificate/Report of Casualty, from the Department of Defense,  
26 or who served as a United States civilian employed by the American Field  
27 Service and served overseas under United States Armies and United States  
28 Army Groups in world war II during the period of armed conflict, Decem-  
29 ber seventh, nineteen hundred forty-one through May eighth, nineteen  
30 hundred forty-five, and who (a) was discharged or released therefrom  
31 under honorable conditions, or (b) has a qualifying condition, as  
32 defined in section three hundred fifty of the executive law, and has  
33 received a discharge other than bad conduct or dishonorable from such  
34 service, or (c) is a discharged LGBT veteran, as defined in section  
35 three hundred fifty of the executive law, and has received a discharge  
36 other than bad conduct or dishonorable from such service or who served  
37 as a United States civilian Flight Crew and Aviation Ground Support  
38 Employee of Pan American World Airways or one of its subsidiaries or its  
39 affiliates and served overseas as a result of Pan American's contract  
40 with Air Transport Command or Naval Air Transport Service during the  
41 period of armed conflict, December fourteenth, nineteen hundred forty-  
42 one through August fourteenth, nineteen hundred forty-five, and who (d)  
43 was discharged or released therefrom under honorable conditions, or (e)  
44 has a qualifying condition, as defined in section three hundred fifty of  
45 the executive law, and has received a discharge other than bad conduct  
46 or dishonorable from such service, or (f) is a discharged LGBT veteran,  
47 as defined in section three hundred fifty of the executive law, and has  
48 received a discharge other than bad conduct or dishonorable from such  
49 service or during the period of the Korean conflict at any time between  
50 the dates of June twenty-seventh, nineteen hundred fifty and January  
51 thirty-first, nineteen hundred fifty-five, or during the period of the  
52 Vietnam conflict from the ~~twenty-eighth day of February, nineteen~~  
53 ~~hundred sixty-one~~ first day of November, nineteen hundred fifty-five to  
54 the seventh day of May, nineteen hundred seventy-five, or (ii) who  
55 served on active duty in the armed forces of the United States and who  
56 was a recipient of the armed forces expeditionary medal, navy expedi-

tionary medal or marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, or (iii) who served in the armed forces of a foreign country allied with the United States during world war I or world war II, or during the period of the Korean conflict at any time between June twenty-seventh, nineteen hundred fifty and January thirty-first, nineteen hundred fifty-five, or during the period of the Vietnam conflict from the first day of November, nineteen hundred fifty-five to the seventh day of May, nineteen hundred seventy-five, or during the period of the Persian Gulf conflict from the second day of August, nineteen hundred ninety to the end of such conflict, or who served on active duty in the army or navy or marine corps or air force or coast guard of the United States, and who (a) was honorably discharged or separated from such service under honorable conditions, or (b) has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service except where such action would endanger the public safety or the safety or health of persons cared for by the state, in which event such persons shall be entitled to leave of absence with pay on another day in lieu thereof, or (iv) who served on active duty in the commissioned corps of the national oceanic and atmospheric administration or the United States public health service, and who (a) was honorably discharged or separated from such service under honorable conditions, or (b) has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service except where such action would endanger the public safety or the safety or health of persons cared for by the state, in which event such persons shall be entitled to leave of absence with pay on another day in lieu thereof. All such persons who are compensated on a per diem, hourly, semi-monthly or monthly basis, with or without maintenance, shall also be entitled to leave of absence with pay under the provisions of this section and no deduction in vacation allowance or budgetary allowable number of working days shall be made in lieu thereof. A refusal to give such leave of absence to one entitled thereto shall be neglect of duty.

§ 10. Subdivision 4-a of section 458 of the real property tax law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

4-a. For the purposes of this section, the term "military or naval services" shall be deemed to also include service: (a) by a person who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nine-

1 teen hundred forty-one, to August fifteenth, nineteen hundred forty-  
2 five, aboard merchant vessels in oceangoing, i.e., foreign, inter-  
3 coastal, or coastwise service as such terms are defined under federal  
4 law (46 USCA 10301 & 10501) and further to include "near foreign"  
5 voyages between the United States and Canada, Mexico, or the West Indies  
6 via ocean routes, or public vessels in oceangoing service or foreign  
7 waters and who has received a Certificate of Release or Discharge from  
8 Active Duty and a discharge certificate, or an Honorable Service  
9 Certificate/Report of Casualty, from the department of defense; (b)  
10 service by a United States civilian employed by the American Field  
11 Service who served overseas under United States Armies and United States  
12 Army Groups in world war II during the period of armed conflict, Decem-  
13 ber seventh, nineteen hundred forty-one through May eighth, nineteen  
14 hundred forty-five, and who (i) was discharged or released therefrom  
15 under honorable conditions, or (ii) has a qualifying condition, as  
16 defined in section three hundred fifty of the executive law, and has  
17 received a discharge other than bad conduct or dishonorable from such  
18 service, or (iii) is a discharged LGBT veteran, as defined in section  
19 three hundred fifty of the executive law, and has received a discharge  
20 other than bad conduct or dishonorable from such service; ~~[or]~~ (c)  
21 service by a United States civilian Flight Crew and Aviation Ground  
22 Support Employee of Pan American World Airways or one of its subsid-  
23 iaries or its affiliates who served overseas as a result of Pan Ameri-  
24 can's contract with Air Transport Command or Naval Air Transport Service  
25 during the period of armed conflict, December fourteenth, nineteen  
26 hundred forty-one through August fourteenth, nineteen hundred forty-  
27 five, and who (i) was discharged or released therefrom under honorable  
28 conditions, or (ii) has a qualifying condition, as defined in section  
29 three hundred fifty of the executive law, and has received a discharge  
30 other than bad conduct or dishonorable from such service, or (iii) is a  
31 discharged LGBT veteran, as defined in section three hundred fifty of  
32 the executive law, and has received a discharge other than bad conduct  
33 or dishonorable from such service; or (d) service by a member of the  
34 commissioned corps of the national oceanic and atmospheric adminis-  
35 tration or the United States public health service and who (i) was  
36 discharged or released therefrom under honorable conditions, or (ii) has  
37 a qualifying condition, as defined in section three hundred fifty of the  
38 executive law, and has received a discharge other than bad conduct or  
39 dishonorable from such service, or (iii) is a discharged LGBT veteran,  
40 as defined in section three hundred fifty of the executive law, and has  
41 received a discharge other than bad conduct or dishonorable from such  
42 service.

43 § 11. Paragraph (e) of subdivision 1 of section 458-a of the real  
44 property tax law, as amended by chapter 490 of the laws of 2019, is  
45 amended to read as follows:

46 (e) "Veteran" means a person (i) who served in the active military,  
47 naval, or air service during a period of war, or who was a recipient of  
48 the armed forces expeditionary medal, navy expeditionary medal, marine  
49 corps expeditionary medal, or global war on terrorism expeditionary  
50 medal, and who (1) was discharged or released therefrom under honorable  
51 conditions, or (2) has a qualifying condition, as defined in section  
52 three hundred fifty of the executive law, and has received a discharge  
53 other than bad conduct or dishonorable from such service, or (3) is a  
54 discharged LGBT veteran, as defined in section three hundred fifty of  
55 the executive law, and has received a discharge other than bad conduct  
56 or dishonorable from such service, (ii) who was employed by the War

1 Shipping Administration or Office of Defense Transportation or their  
2 agents as a merchant seaman documented by the United States Coast Guard  
3 or Department of Commerce, or as a civil servant employed by the United  
4 States Army Transport Service (later redesignated as the United States  
5 Army Transportation Corps, Water Division) or the Naval Transportation  
6 Service; and who served satisfactorily as a crew member during the peri-  
7 od of armed conflict, December seventh, nineteen hundred forty-one, to  
8 August fifteenth, nineteen hundred forty-five, aboard merchant vessels  
9 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
10 terms are defined under federal law (46 USCA 10301 & 10501) and further  
11 to include "near foreign" voyages between the United States and Canada,  
12 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
13 going service or foreign waters and who has received a Certificate of  
14 Release or Discharge from Active Duty and a discharge certificate, or an  
15 Honorable Service Certificate/Report of Casualty, from the department of  
16 defense, (iii) who served as a United States civilian employed by the  
17 American Field Service and served overseas under United States Armies  
18 and United States Army Groups in world war II during the period of armed  
19 conflict, December seventh, nineteen hundred forty-one through May  
20 eighth, nineteen hundred forty-five, and who (1) was discharged or  
21 released therefrom under honorable conditions, or (2) has a qualifying  
22 condition, as defined in section three hundred fifty of the executive  
23 law, and has received a discharge other than bad conduct or dishonorable  
24 from such service, or (3) is a discharged LGBT veteran, as defined in  
25 section three hundred fifty of the executive law, and has received a  
26 discharge other than bad conduct or dishonorable from such service, (iv)  
27 who served as a United States civilian Flight Crew and Aviation Ground  
28 Support Employee of Pan American World Airways or one of its subsid-  
29 iaries or its affiliates and served overseas as a result of Pan Ameri-  
30 can's contract with Air Transport Command or Naval Air Transport Service  
31 during the period of armed conflict, December fourteenth, nineteen  
32 hundred forty-one through August fourteenth, nineteen hundred forty-  
33 five, and who (1) was discharged or released therefrom under honorable  
34 conditions, or (2) has a qualifying condition, as defined in section  
35 three hundred fifty of the executive law, and has received a discharge  
36 other than bad conduct or dishonorable from such service, or (3) is a  
37 discharged LGBT veteran, as defined in section three hundred fifty of  
38 the executive law, and has received a discharge other than bad conduct  
39 or dishonorable from such service, [ex] (v) notwithstanding any other  
40 provision of law to the contrary, who are members of the reserve compo-  
41 nents of the armed forces of the United States who (1) received an  
42 honorable discharge or release therefrom under honorable conditions, or  
43 (2) has a qualifying condition, as defined in section three hundred  
44 fifty of the executive law, and has received a discharge other than bad  
45 conduct or dishonorable from such service, or (3) is a discharged LGBT  
46 veteran, as defined in section three hundred fifty of the executive law,  
47 and has received a discharge other than bad conduct or dishonorable from  
48 such service, but are still members of the reserve components of the  
49 armed forces of the United States provided that such members meet all  
50 other qualifications under the provisions of this section, or (vi) who  
51 served as a member of the commissioned corps of the national oceanic and  
52 atmospheric administration or the United States public health service  
53 and who (1) was discharged or released therefrom under honorable condi-  
54 tions, or (2) has a qualifying condition, as defined in section three  
55 hundred fifty of the executive law, and has received a discharge other  
56 than bad conduct or dishonorable from such service, or (3) is a

1 discharged LGBT veteran, as defined in section three hundred fifty of  
2 the executive law, and has received a discharge other than bad conduct  
3 or dishonorable from such service.

4 § 12. Paragraphs (a) and (c) of subdivision 1 of section 458-b of the  
5 real property tax law, paragraph (a) as amended by chapter 490 of the  
6 laws of 2019 and paragraph (c) as added by chapter 655 of the laws of  
7 2007, are amended to read as follows:

8 (a) "Cold War veteran" means a person, male or female, who served on  
9 active duty in the United States armed forces or the commissioned corps  
10 of the national oceanic and atmospheric administration or the United  
11 States public health service, during the time period from September  
12 second, nineteen hundred forty-five to December twenty-sixth, nineteen  
13 hundred ninety-one, and (i) was discharged or released therefrom under  
14 honorable conditions, or (ii) has a qualifying condition, as defined in  
15 section three hundred fifty of the executive law, and has received a  
16 discharge other than bad conduct or dishonorable from such service, or  
17 (iii) is a discharged LGBT veteran, as defined in section three hundred  
18 fifty of the executive law, and has received a discharge other than bad  
19 conduct or dishonorable from such service.

20 (c) "Active duty" means full-time duty in the United States armed  
21 forces or the commissioned corps of the national oceanic and atmospheric  
22 administration or the United States public health service, other than  
23 active duty for training.

24 § 13. Paragraph (b) of subdivision 1 of section 243 of the military  
25 law, as amended by chapter 490 of the laws of 2019, is amended to read  
26 as follows:

27 (b) The term "military duty" shall mean military service in the mili-  
28 tary, naval, aviation or marine service of the United States subsequent  
29 to July first, nineteen hundred forty, or service under the selective  
30 training and service act of nineteen hundred forty, or the national  
31 guard and reserve officers mobilization act of nineteen hundred forty,  
32 or any other act of congress supplementary or amendatory thereto, or any  
33 similar act of congress hereafter enacted and irrespective of the fact  
34 that such service was entered upon following a voluntary enlistment  
35 therefor or was required under one of the foregoing acts of congress, or  
36 service with the United States public health service as a commissioned  
37 officer, or service with the national oceanic and atmospheric adminis-  
38 tration as a commissioned officer or the United States public health  
39 service, or service with the American Red Cross while with the armed  
40 forces of the United States on foreign service, or service with the  
41 special services section of the armed forces of the United States on  
42 foreign service, or service in the merchant marine which shall consist  
43 of service as an officer or member of the crew on or in connection with  
44 a vessel documented under the laws of the United States or a vessel  
45 owned by, chartered to, or operated by or for the account or use of the  
46 government of the United States, or service by one who was employed by  
47 the War Shipping Administration or Office of Defense Transportation or  
48 their agents as a merchant seaman documented by the United States Coast  
49 Guard or Department of Commerce, or as a civil servant employed by the  
50 United States Army Transport Service (later redesignated as the United  
51 States Army Transportation Corps, Water Division) or the Naval Transpor-  
52 tation Service; and who served satisfactorily as a crew member during  
53 the period of armed conflict, December seventh, nineteen hundred forty-  
54 one, to August fifteenth, nineteen hundred forty-five, aboard merchant  
55 vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service  
56 as such terms are defined under federal law (46 USCA 10301 & 10501) and

1 further to include "near foreign" voyages between the United States and  
2 Canada, Mexico, or the West Indies via ocean routes, or public vessels  
3 in oceangoing service or foreign waters and who has received a Certif-  
4 icate of Release or Discharge from Active Duty and a discharge certif-  
5 icate, or an Honorable Service Certificate/Report of Casualty, from the  
6 Department of Defense, or who served as a United States civilian  
7 employed by the American Field Service and served overseas under United  
8 States Armies and United States Army Groups in world war II during the  
9 period of armed conflict, December seventh, nineteen hundred forty-one  
10 through May eighth, nineteen hundred forty-five, and who (i) was  
11 discharged or released therefrom under honorable conditions, or (ii) has  
12 a qualifying condition, as defined in section three hundred fifty of the  
13 executive law, and has received a discharge other than bad conduct or  
14 dishonorable from such service, or (iii) is a discharged LGBT veteran,  
15 as defined in section three hundred fifty of the executive law, and has  
16 received a discharge other than bad conduct or dishonorable from such  
17 service, or who served as a United States civilian Flight Crew and  
18 Aviation Ground Support Employee of Pan American World Airways or one of  
19 its subsidiaries or its affiliates and served overseas as a result of  
20 Pan American's contract with Air Transport Command or Naval Air Trans-  
21 port Service during the period of armed conflict, December fourteenth,  
22 nineteen hundred forty-one through August fourteenth, nineteen hundred  
23 forty-five, and who (iv) was discharged or released therefrom under  
24 honorable conditions, or (v) has a qualifying condition, as defined in  
25 section three hundred fifty of the executive law, and has received a  
26 discharge other than bad conduct or dishonorable from such service, or  
27 (vi) is a discharged LGBT veteran, as defined in section three hundred  
28 fifty of the executive law, and has received a discharge other than bad  
29 conduct or dishonorable from such service; or service in police duty on  
30 behalf of the United States government in a foreign country, if such  
31 person is a police officer, as defined by section 1.20 of the criminal  
32 procedure law, and if such police officer obtained the prior consent of  
33 his or her public employer to absent himself or herself from his or her  
34 position to engage in the performance of such service; or as an enrollee  
35 in the United States maritime service on active duty and, to such extent  
36 as may be prescribed by or under the laws of the United States, any  
37 period awaiting assignment to such service and any period of education  
38 or training for such service in any school or institution under the  
39 jurisdiction of the United States government, but shall not include  
40 temporary and intermittent gratuitous service in any reserve or auxilia-  
41 ry force. It shall include time spent in reporting for and returning  
42 from military duty and shall be deemed to commence when the public  
43 employee leaves his position and to end when he is reinstated to his  
44 position, provided such reinstatement is within ninety days after the  
45 termination of military duty, as hereinafter defined. Notwithstanding  
46 the foregoing provisions of this paragraph, the term "military duty"  
47 shall not include any of the foregoing services entered upon voluntarily  
48 on or after January first, nineteen hundred forty-seven and before June  
49 twenty-fifth, nineteen hundred fifty; and, on or after July first, nine-  
50 teen hundred seventy, the term "military duty" shall not include any  
51 voluntary service in excess of four years performed after that date, or  
52 the total of any voluntary services, additional or otherwise, in excess  
53 of four years performed after that date, shall not exceed five years, if  
54 the service in excess of four years is at the request and for the  
55 convenience of the federal government, except if such voluntary service

1 is performed during a period of war, or national emergency declared by  
2 the president.  
3 § 14. This act shall take effect immediately, provided, however, that  
4 the amendments to subdivisions 5 and 7 of section 369-h of the executive  
5 law made by section seven of this act shall not affect the repeal of  
6 such section and shall be deemed repealed therewith.