

STATE OF NEW YORK

5234

2021-2022 Regular Sessions

IN SENATE

February 26, 2021

Introduced by Sen. SKOUFIS -- 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 general construction law, the executive law, the education law, the election law, the military law, the insurance law, the private housing finance law, the public officers law, the tax law, the economic development law, the civil service law, and the real property tax law, in relation to including members of the space force as being members of the armed forces or veterans eligible for certain credits and benefits

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

1 Section 1. Section 13-a of the general construction law, as amended by
2 chapter 490 of the laws of 2019, is amended to read as follows
3 § 13-a. Armed forces of the United States. "Armed forces of the United
4 States" means the army, navy, marine corps, air force, space force and
5 coast guard, including all components thereof, and the national guard
6 when in the service of the United States pursuant to call as provided by
7 law. Pursuant to this definition no person shall be considered a member
8 or veteran of the armed forces of the United States unless his or her
9 service therein is or was on a full-time active duty basis, other than
10 active duty for training or he or she was employed by the War Shipping
11 Administration or Office of Defense Transportation or their agents as a
12 merchant seaman documented by the United States Coast Guard or Depart-
13 ment of Commerce, or as a civil servant employed by the United States
14 Army Transport Service (later redesignated as the United States Army
15 Transportation Corps, Water Division) or the Naval Transportation
16 Service; and who served satisfactorily as a crew member during the peri-
17 od of armed conflict, December seventh, nineteen hundred forty-one, to
18 August fifteenth, nineteen hundred forty-five, aboard merchant vessels
19 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such

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

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1 terms are defined under federal law (46 USCA 10301 & 10501) and further
2 to include "near foreign" voyages between the United States and Canada,
3 Mexico, or the West Indies via ocean routes, or public vessels in ocean-
4 going service or foreign waters and who has received a Certificate of
5 Release or Discharge from Active Duty and a discharge certificate, or an
6 Honorable Service Certificate/Report of Casualty, from the Department of
7 Defense or he or she served as a United States civilian employed by the
8 American Field Service and served overseas under United States Armies
9 and United States Army Groups in world war II during the period of armed
10 conflict, December seventh, nineteen hundred forty-one through May
11 eighth, nineteen hundred forty-five, and (i) was discharged or released
12 therefrom under honorable conditions, or (ii) has a qualifying condi-
13 tion, as defined in section three hundred fifty of the executive law,
14 and has received a discharge other than bad conduct or dishonorable from
15 such service, 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, or
18 he or she served as a United States civilian Flight Crew and Aviation
19 Ground Support Employee of Pan American World Airways or one of its
20 subsidiaries or its affiliates and served overseas as a result of Pan
21 American's contract with Air Transport Command or Naval Air Transport
22 Service during the period of armed conflict, December fourteenth, nine-
23 teen hundred forty-one through August fourteenth, nineteen hundred
24 forty-five, and (iv) was discharged or released therefrom under honor-
25 able conditions, or (v) has a qualifying condition, as defined in
26 section three hundred fifty of the executive law, and has received a
27 discharge other than bad conduct or dishonorable from such service, or
28 (vi) is a discharged LGBT veteran, as defined in section three hundred
29 fifty of the executive law, and has received a discharge other than bad
30 conduct or dishonorable from such service.

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

33 3. "Veteran" shall mean an individual who served on active duty in the
34 United States army, navy, marine corps, air force, space force, coast
35 guard or the reserves component, or who served in active military
36 service of the United States as a member of the army national guard, air
37 national guard, New York guard or New York naval militia, who was
38 released from such service otherwise than by dishonorable discharge
39 after September eleventh, two thousand one.

40 § 3. Subdivisions 5 and 7 of section 369-h of the executive law,
41 subdivision 5 as added by chapter 22 of the laws of 2014 and subdivision
42 7 as amended by chapter 490 of the laws of 2019, are amended to read as
43 follows:

44 5. "Service-disabled veteran" shall mean (a) in the case of the United
45 States army, navy, air force, space force, marines, coast guard, army
46 national guard or air national guard and/or reserves thereof, a veteran
47 who received a compensation rating of ten percent or greater from the
48 United States department of veterans affairs or from the United States
49 department of defense because of a service-connected disability incurred
50 in the line of duty, and (b) in the case of the New York guard or the
51 New York naval militia and/or reserves thereof, a veteran who certifies,
52 pursuant to the rules and regulations promulgated by the director, to
53 having incurred an injury equivalent to a compensation rating of ten
54 percent or greater from the United States department of veterans affairs
55 or from the United States department of defense because of a service-
56 connected disability incurred in the line of duty.

1 7. "Veteran" shall mean a person who served in the United States army,
2 navy, air force, space force, marines, coast guard, and/or reserves
3 thereof, and/or in the army national guard, air national guard, New York
4 guard and/or the New York naval militia, and who (i) has received an
5 honorable or general discharge from such service, or (ii) has a qualify-
6 ing condition, as defined in section three hundred fifty of this chap-
7 ter, and has received a discharge other than bad conduct or dishonorable
8 from such service, or (iii) is a discharged LGBT veteran, as defined in
9 section three hundred fifty of this chapter, and has received a
10 discharge other than bad conduct or dishonorable from such service.

11 § 4. Paragraph (a) of subdivision 3 of section 365 of the executive
12 law, as added by section 5 of part W of chapter 57 of the laws of 2013,
13 is amended to read as follows:

14 (a) For each New York state veterans cemetery there shall be a manage-
15 ment board. Each such management board shall consist of nine members,
16 including the director of the division who shall serve as chair, and
17 four members, appointed by the governor. Of such four members, not fewer
18 than two shall be a veteran of the United States army, the United States
19 navy, the United States air force, the United States space force, the
20 United States marines, the New York army national guard, the New York
21 air national guard, the New York naval militia, or a member who has
22 served in a theater of combat operations of the United States coast
23 guard or the United States merchant marine. Two members shall be
24 appointed by the temporary president of the senate, and two members
25 shall be appointed by the speaker of the state assembly. At least one of
26 the members appointed by the temporary president of the senate and at
27 least one of the members appointed by the speaker of the assembly shall
28 be a veteran of the United States army, the United States navy, the
29 United States air force, the United States marines, the New York army
30 national guard, the New York air national guard, the New York naval
31 militia, or a member who has served in a theater of combat operations of
32 the United States coast guard or the United States merchant marine. No
33 member shall receive any compensation for his or her service, but
34 members who are not state officials may be reimbursed for their actual
35 and necessary expenses, including travel expenses incurred in perform-
36 ance of their duties. The management board may consult with any federal,
37 state or local entity for the purposes of advancing its purposes,
38 mission and duties.

39 § 5. Subdivision 18 of section 3302 of the education law, as added by
40 section 1 of part A of chapter 328 of the laws of 2014, is amended to
41 read as follows:

42 18. "Uniformed service" or "uniformed services" means the Army, Navy,
43 Air Force, Space Force, Marine Corps, Coast Guard as well as the Commis-
44 sioned Corps of the National Oceanic and Atmospheric Administration, and
45 Public Health Services.

46 § 6. Subdivision 1 of section 10-102 of the election law, as amended
47 by chapter 104 of the laws of 2010, is amended to read as follows:

48 1. "Military service" means the military service of the state, or of
49 the United States, including the army, navy, marine corps, air force,
50 space force, coast guard, merchant marine and all components thereof,
51 and the coast and geodetic survey, the public health service, the
52 national guard when in the service of the United States pursuant to call
53 as provided by law, and the cadets or midshipmen of the United States
54 Military Academy, United States Naval Academy, United States Air Force
55 Academy and United States Coast Guard Academy.

1 § 7. Subsection (a) of section 3435-a of the insurance law, as amended
2 by chapter 416 of the laws of 1996, is amended to read as follows:

3 (a) Insurers shall be prohibited from refusing to issue a motor vehi-
4 cle liability insurance policy to any person with a valid New York state
5 driver's license which has been maintained by such person for at least
6 thirty-nine months prior to the time of application for such policy of
7 insurance solely on the basis that such person has not owned or leased a
8 vehicle during such period, unless such decision is based on sound
9 underwriting and actuarial principles reasonably related to actual or
10 anticipated loss experience. Provided, however, that an applicant demon-
11 strating a continuous, valid out-of-state or out-of-country driver's
12 license during such thirty-nine month period due to active service in
13 the United States army, navy, air force, space force or marines shall be
14 treated as if continuous licensing had been maintained in New York and
15 such person shall not be rejected based solely on the fact that he or
16 she served in the military.

17 § 8. Subdivisions 3, 4, and 8 of section 1 of the military law, as
18 amended by section 112 of the laws of 1989, are amended to read as
19 follows:

20 3. The terms "military" and "military and naval" shall mean army or
21 land, air or air force, space force and navy or naval.

22 4. The terms "military or naval" and "military (including air) or
23 naval" shall mean army or land, air or air force, space force or navy or
24 naval.

25 8. The terms "active military service of the United States" and "in
26 the armed forces of the United States" shall mean full time duty in the
27 army, navy (including marine corps), air force, space force or coast
28 guard of the United States.

29 § 9. Paragraph a and subparagraph 2 of paragraph b of subdivision 1 of
30 section 214 of the military law, paragraph a as added by chapter 853 of
31 the laws of 1953 and subparagraph 2 of paragraph b as amended by chapter
32 625 of the laws of 1965, are amended to read as follows:

33 a. has been a commissioned officer in active service for at least
34 twenty years in the organized militia of the state of New York or in the
35 army, air force, space force, navy or marine corps of the United States
36 for at least twenty years and

37 (2) for ten consecutive years of such service immediately preceding
38 his retirement and transfer to the state retired list as provided in
39 this chapter, if he has had actual combat experience in time of war
40 while in the army, air force, space force, navy or marine corps of the
41 United States or if he has served on the active list of a force or forc-
42 es of the organized militia for at least ten years as an enlisted man
43 and at least thirty years as a commissioned officer, shall receive annu-
44 ally from the date of his retirement and transfer to the state retired
45 list as provided in this chapter and during the time he remains on the
46 state retired list seventy-five per centum of the highest annual rate of
47 compensation paid to him by the state for the performance of military or
48 naval duty.

49 § 10. Subdivision 3 of section 1271 of the private housing finance
50 law, as amended by chapter 490 of the laws of 2019, is amended to read
51 as follows:

52 3. "Veteran" shall mean a resident of this state who (a) has served in
53 the United States army, navy, marine corps, air force, space force or
54 coast guard or (b) has served on active duty or ordered to active duty
55 as defined in 10 USC 101 (d)(1) as a member of the national guard or
56 other reserve component of the armed forces of the United States or (c)

1 has served on active duty or ordered to active duty for the state, as a
2 member of the state organized militia as defined in subdivision nine of
3 section one of the military law, and has been released from such service
4 documented by an honorable or general discharge, or has a qualifying
5 condition, as defined in section three hundred fifty of the executive
6 law, and has received a discharge other than bad conduct or dishonorable
7 from such service, or is a discharged LGBT veteran, as defined in
8 section three hundred fifty of the executive law, and has received a
9 discharge other than bad conduct or dishonorable from such service.

10 § 11. Subdivision 17 of section 243 of the military law, as amended by
11 chapter 312 of the laws of 1993, is amended to read as follows

12 17. Certificates as to service. A certificate signed by the commander,
13 total army personnel center as to persons in the army or in any branch
14 of the United States service while serving pursuant to law with the army
15 of the United States, signed by the commander, naval military personnel
16 as to persons in the United States service while serving pursuant to law
17 with the United States navy, and signed by the commandant, United States
18 marine corps, as to persons in the marine corps, or in any other branch
19 of the United States service while serving pursuant to law with the
20 marine corps, signed by the chief, air force military personnel center
21 as to persons in the United States service while serving pursuant to law
22 with the United States air force, space force personnel center as to
23 persons in the space force or in any other branch of the United States
24 service while serving pursuant to law with the space force of the United
25 States, or signed by an officer designated by any of them, respectively,
26 for the purpose, shall when produced be prima facie evidence as to any
27 of the following facts stated in such certificate: That a person named
28 has not been, or is, or has been in military service; the time when and
29 the place where such person entered military service, his residence at
30 that time, and the rank, branch, and unit of such service that he
31 entered, the dates within which he was in military service, the monthly
32 pay received by such person at the date of issuing the certificate, the
33 time when and the place where such person died in or was discharged from
34 such service. It is the duty of the foregoing officers to furnish such
35 certificate on application, and any such certificate when purporting to
36 be signed by any one of such officers, or by any person purporting upon
37 the face of the certificate to have been so authorized, shall be prima
38 facie evidence of its contents and of the authority of the signer to
39 issue the same.

40 § 12. Section 63 of the public officers law, as amended by chapter 490
41 of the laws of 2019, is amended to read as follows:

42 § 63. Leave of absence for veterans on Memorial day and Veterans' day.
43 It shall be the duty of the head of every public department and of every
44 court of the state of New York, of every superintendent or foreman on
45 the public works of said state, of the county officers of the several
46 counties of said state, of the town officers of the various towns in
47 this state, of the fire district officers of the various fire districts
48 in this state, and of the head of every department, bureau and office in
49 the government of the various cities and villages in this state, and the
50 officers of any public benefit corporation or any public authority of
51 this state, or of any public benefit corporation or public authority of
52 any county or subdivision of this state, to give leave of absence with
53 pay for twenty-four hours on the day prescribed by law as a public holi-
54 day for the observance of Memorial day and on the eleventh day of Novem-
55 ber, known as Veterans' day, to every person in the service of the
56 state, the county, the town, the fire district, the city or village, the

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

1 teen hundred ninety, or (iii) who served in the armed forces of a
2 foreign country allied with the United States during world war I or
3 world war II, or during the period of the Korean conflict at any time
4 between June twenty-seventh, nineteen hundred fifty and January thirty-
5 first, nineteen hundred fifty-five, or during the period of the Vietnam
6 conflict from the twenty-eighth day of February, nineteen hundred
7 sixty-one to the seventh day of May, nineteen hundred seventy-five, or
8 during the period of the Persian Gulf conflict from the second day of
9 August, nineteen hundred ninety to the end of such conflict, or who
10 served on active duty in the army or navy or marine corps or air force
11 or space force or coast guard of the United States, and who (a) was
12 honorably discharged or separated from such service under honorable
13 conditions, or (b) has a qualifying condition, as defined in section
14 three hundred fifty of the executive law, and has received a discharge
15 other than bad conduct or dishonorable from such service, or (c) is a
16 discharged LGBT veteran, as defined in section three hundred fifty of
17 the executive law, and has received a discharge other than bad conduct
18 or dishonorable from such service except where such action would endan-
19 ger the public safety or the safety or health of persons cared for by
20 the state, in which event such persons shall be entitled to leave of
21 absence with pay on another day in lieu thereof. All such persons who
22 are compensated on a per diem, hourly, semi-monthly or monthly basis,
23 with or without maintenance, shall also be entitled to leave of absence
24 with pay under the provisions of this section and no deduction in vaca-
25 tion allowance or budgetary allowable number of working days shall be
26 made in lieu thereof. A refusal to give such leave of absence to one
27 entitled thereto shall be neglect of duty.

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

31 (1) who served on active duty in the United States army, navy, air
32 force, space force, marine corps, coast guard or the reserves thereof,
33 or who served in active military service of the United States as a
34 member of the army national guard, air national guard, New York guard or
35 New York naval militia; who (i) was released from active duty by general
36 or honorable discharge after September eleventh, two thousand one, or
37 (ii) has a qualifying condition, as defined in section three hundred
38 fifty of the executive law, and has received a discharge other than bad
39 conduct or dishonorable from such service after September eleventh, two
40 thousand one, or (iii) is a discharged LGBT veteran, as defined in
41 section three hundred fifty of the executive law, and has received a
42 discharge other than bad conduct or dishonorable from such service after
43 September eleventh, two thousand one;

44 § 14. Subparagraph (A) of paragraph 2 of subsection (a-2) of section
45 606 of the tax law, as amended by chapter 490 of the laws of 2019, is
46 amended to read as follows:

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

1 section three hundred fifty of the executive law, and has received a
2 discharge other than bad conduct or dishonorable from such service after
3 September eleventh, two thousand one;

4 § 15. Subparagraph (A) of paragraph 2 of subdivision (g-1) of section
5 1511 of the tax law, as amended by chapter 490 of the laws of 2019, is
6 amended to read as follows:

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

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

23 6. "Veteran" shall mean a person who served in the United States army,
24 navy, air force, space force, marines, coast guard, and/or reserves
25 thereof, and/or in the army national guard, air national guard, New York
26 guard and/or New York naval militia and who (a) has received an honor-
27 able or general discharge from such service, or (b) has a qualifying
28 condition, as defined in section three hundred fifty of the executive
29 law, and has received a discharge other than bad conduct or dishonorable
30 from such service, or (c) is a discharged LGBT veteran, as defined in
31 section three hundred fifty of the executive law, and has received a
32 discharge other than bad conduct or dishonorable from such service.

33 § 17. Paragraph (b) of subdivision 5 of section 50 of the civil
34 service law, as amended by chapter 490 of the laws of 2019, is amended
35 to read as follows:

36 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
37 sion, the state civil service department, subject to the approval of the
38 director of the budget, a municipal commission, subject to the approval
39 of the governing board or body of the city or county, as the case may
40 be, or a regional commission or personnel officer, pursuant to govern-
41 mental agreement, may elect to waive application fees, or to abolish
42 fees for specific classes of positions or types of examinations or
43 candidates, or to establish a uniform schedule of reasonable fees
44 different from those prescribed in paragraph (a) of this subdivision,
45 specifying in such schedule the classes of positions or types of exam-
46 inations or candidates to which such fees shall apply; provided, howev-
47 er, that fees shall be waived for candidates who certify to the state
48 civil service department, a municipal commission or a regional commis-
49 sion that they are unemployed and primarily responsible for the support
50 of a household, or are receiving public assistance. Provided further,
51 the state civil service department shall waive the state application fee
52 for examinations for original appointment for all veterans. Notwith-
53 standing any other provision of law, for purposes of this section, the
54 term "veteran" shall mean a person who has served in the armed forces of
55 the United States or the reserves thereof, or in the army national
56 guard, air national guard, New York guard, or the New York naval mili-

1 tia, and who (1) has been honorably discharged or released from such
2 service under honorable conditions, or (2) has a qualifying condition,
3 as defined in section three hundred fifty of the executive law, and has
4 received a discharge other than bad conduct or dishonorable from such
5 service, or (3) is a discharged LGBT veteran, as defined in section
6 three hundred fifty of the executive law, and has received a discharge
7 other than bad conduct or dishonorable from such service. The term
8 "armed forces" shall mean the army, navy, air force, space force, marine
9 corps, and coast guard.

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

13 (e) "Veteran" means a person (i) who served in the active military,
14 naval, space, or air service during a period of war, or who was a recip-
15 ient of the armed forces expeditionary medal, navy expeditionary medal,
16 marine corps expeditionary medal, or global war on terrorism expedition-
17 ary medal, and who (1) was discharged or released therefrom under honor-
18 able conditions, or (2) has a qualifying condition, as defined in
19 section three hundred fifty of the executive law, and has received a
20 discharge other than bad conduct or dishonorable from such service, or
21 (3) is a discharged LGBT veteran, as defined in section three hundred
22 fifty of the executive law, and has received a discharge other than bad
23 conduct or dishonorable from such service, (ii) who was employed by the
24 War Shipping Administration or Office of Defense Transportation or their
25 agents as a merchant seaman documented by the United States Coast Guard
26 or Department of Commerce, or as a civil servant employed by the United
27 States Army Transport Service (later redesignated as the United States
28 Army Transportation Corps, Water Division) or the Naval Transportation
29 Service; and who served satisfactorily as a crew member during the peri-
30 od of armed conflict, December seventh, nineteen hundred forty-one, to
31 August fifteenth, nineteen hundred forty-five, aboard merchant vessels
32 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such
33 terms are defined under federal law (46 USCA 10301 & 10501) and further
34 to include "near foreign" voyages between the United States and Canada,
35 Mexico, or the West Indies via ocean routes, or public vessels in ocean-
36 going service or foreign waters and who has received a Certificate of
37 Release or Discharge from Active Duty and a discharge certificate, or an
38 Honorable Service Certificate/Report of Casualty, from the department of
39 defense, (iii) who served as a United States civilian employed by the
40 American Field Service and served overseas under United States Armies
41 and United States Army Groups in world war II during the period of armed
42 conflict, December seventh, nineteen hundred forty-one through May
43 eighth, nineteen hundred forty-five, and who (1) was discharged or
44 released therefrom under honorable conditions, or (2) has a qualifying
45 condition, as defined in section three hundred fifty of the executive
46 law, and has received a discharge other than bad conduct or dishonorable
47 from such service, or (3) is a discharged LGBT veteran, as defined in
48 section three hundred fifty of the executive law, and has received a
49 discharge other than bad conduct or dishonorable from such service, (iv)
50 who served as a United States civilian Flight Crew and Aviation Ground
51 Support Employee of Pan American World Airways or one of its subsid-
52 iaries or its affiliates and served overseas as a result of Pan Ameri-
53 can's contract with Air Transport Command or Naval Air Transport Service
54 during the period of armed conflict, December fourteenth, nineteen
55 hundred forty-one through August fourteenth, nineteen hundred forty-
56 five, and who (1) was discharged or released therefrom under honorable

1 conditions, or (2) has a qualifying condition, as defined in section
2 three hundred fifty of the executive law, and has received a discharge
3 other than bad conduct or dishonorable from such service, or (3) is a
4 discharged LGBT veteran, as defined in section three hundred fifty of
5 the executive law, and has received a discharge other than bad conduct
6 or dishonorable from such service, or (v) notwithstanding any other
7 provision of law to the contrary, who are members of the reserve compo-
8 nents of the armed forces of the United States who (1) received an
9 honorable discharge or release therefrom under honorable conditions, or
10 (2) has a qualifying condition, as defined in section three hundred
11 fifty of the executive law, and has received a discharge other than bad
12 conduct or dishonorable from such service, or (3) is a discharged LGBT
13 veteran, as defined in section three hundred fifty of the executive law,
14 and has received a discharge other than bad conduct or dishonorable from
15 such service, but are still members of the reserve components of the
16 armed forces of the United States provided that such members meet all
17 other qualifications under the provisions of this section.

18 § 19. This act shall take effect immediately, provided, however, that
19 the amendments made to subdivisions 5 and 7 of section 369-h of the
20 executive law made by section three of this act shall not affect the
21 repeal of such subdivisions and shall be deemed repealed therewith.