

STATE OF NEW YORK

5233

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 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

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; who (i) was released
10 from active duty by general or honorable discharge after September elev-
11 enth, two thousand one, or (ii) has a qualifying condition, as defined
12 in section three hundred fifty of the executive law, and has received a
13 discharge other than bad conduct or dishonorable from such service after
14 September eleventh, two thousand one, or (iii) is a discharged LGBT
15 veteran, as defined in section three hundred fifty of the executive law,
16 and has received a discharge other than bad conduct or dishonorable from
17 such service after September eleventh, two thousand one;

18 § 2. Subparagraph (A) of paragraph 2 of subsection (g-1) of section
19 1511 of the tax law, as amended by chapter 490 of the laws of 2019, is
20 amended to read as follows:

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

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

16 § 3. Subparagraph 1 of paragraph (b) of subdivision 29 of section
17 210-B of the tax law, as amended by chapter 490 of the laws of 2019, is
18 amended to read as follows:

19 (1) who served on active duty in the United States army, navy, air
20 force, marine corps, coast guard or the reserves thereof, or who served
21 in active military service of the United States as a member of the army
22 national guard, air national guard, New York guard or New York naval
23 militia, or who served on active duty as a member of the commissioned
24 corps of the national oceanic and atmospheric administration; who (i)
25 was released from active duty by general or honorable discharge after
26 September eleventh, two thousand one, or (ii) has a qualifying condi-
27 tion, as defined in section three hundred fifty of the executive law,
28 and has received a discharge other than bad conduct or dishonorable from
29 such service after September eleventh, two thousand one, or (iii) is a
30 discharged LGBT veteran, as defined in section three hundred fifty of
31 the executive law, and has received a discharge other than bad conduct
32 or dishonorable from such service after September eleventh, two thousand
33 one;

34 § 4. Subdivisions 3 and 9 of section 350 of the executive law, subdi-
35 vision 9 as added by chapter 490 of the laws of 2019, are amended to
36 read as follows:

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

44 9. The term "discharged LGBT veteran" means a veteran who was
45 discharged less than honorably from military or naval service or the
46 commissioned corps of the national oceanic and atmospheric adminis-
47 tration due to their sexual orientation or gender identity or
48 expression, as those terms are defined in section two hundred ninety-two
49 of this chapter, or statements, consensual sexual conduct, or consensual
50 acts relating to sexual orientation, gender identity or expression, or
51 the disclosure of such statements, conduct, or acts, that were prohibit-
52 ed by the military or naval service at the time of discharge. The divi-
53 sion shall establish a consistent and uniform process to determine
54 whether a veteran qualifies as a discharged LGBT veteran under this
55 subdivision, including, at a minimum, standards for verifying a veter-

1 an's status as a discharged LGBT veteran, and a method of demonstrating
2 eligibility as a discharged LGBT veteran.

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

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

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

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

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

49 § 7. Subdivisions 5 and 7 of section 369-h of the executive law,
50 subdivision 5 as added by chapter 22 of the laws of 2014 and subdivision
51 7 as amended by chapter 490 of the laws of 2019, are amended to read as
52 follows:

53 5. "Service-disabled veteran" shall mean (a) in the case of the United
54 States army, navy, air force, marines, coast guard, army national guard
55 or air national guard and/or reserves thereof, or the commissioned corps
56 of the national oceanic and atmospheric administration, a veteran who

1 received a compensation rating of ten percent or greater from the United
2 States department of veterans affairs or from the United States depart-
3 ment of defense because of a service-connected disability incurred in
4 the line of duty, and (b) in the case of the New York guard or the New
5 York naval militia and/or reserves thereof, a veteran who certifies,
6 pursuant to the rules and regulations promulgated by the director, to
7 having incurred an injury equivalent to a compensation rating of ten
8 percent or greater from the United States department of veterans affairs
9 or from the United States department of defense because of a service-
10 connected disability incurred in the line of duty.

11 7. "Veteran" shall mean a person who served in the United States army,
12 navy, air force, marines, coast guard, and/or reserves thereof, and/or
13 in the army national guard, air national guard, New York guard and/or
14 the New York naval militia, and/or who served as a member of the commis-
15 sioned corps of the national oceanic and atmospheric administration, and
16 who (i) has received an honorable or general discharge from such
17 service, or (ii) has a qualifying condition, as defined in section three
18 hundred fifty of this chapter, and has received a discharge other than
19 bad conduct or dishonorable from such service, or (iii) is a discharged
20 LGBT veteran, as defined in section three hundred fifty of this chapter,
21 and has received a discharge other than bad conduct or dishonorable from
22 such service.

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

26 6. "Veteran" shall mean a person who served in the United States army,
27 navy, air force, marines, coast guard, and/or reserves thereof, and/or
28 in the army national guard, air national guard, New York guard and/or
29 the New York naval militia, and/or who served as a member of the commis-
30 sioned corps of the national oceanic and atmospheric administration, and
31 who (a) has received an honorable or general discharge from such
32 service, or (b) has a qualifying condition, as defined in section three
33 hundred fifty of the executive law, and has received a discharge other
34 than bad conduct or dishonorable from such service, or (c) is a
35 discharged LGBT veteran, as defined in section three hundred fifty of
36 the executive law, and has received a discharge other than bad conduct
37 or dishonorable from such service.

38 § 9. Section 63 of the public officers law, as amended by chapter 490
39 of the laws of 2019, is amended to read as follows:

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

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

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

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

40 4-a. For the purposes of this section, the term "military or naval
41 services" shall be deemed to also include service: (a) by a person who
42 was employed by the War Shipping Administration or Office of Defense
43 Transportation or their agents as a merchant seaman documented by the
44 United States Coast Guard or Department of Commerce, or as a civil serv-
45 ant employed by the United States Army Transport Service (later redesis-
46 gnated as the United States Army Transportation Corps, Water Division) or
47 the Naval Transportation Service; and who served satisfactorily as a
48 crew member during the period of armed conflict, December seventh, nine-
49 teen hundred forty-one, to August fifteenth, nineteen hundred forty-
50 five, aboard merchant vessels in oceangoing, i.e., foreign, inter-
51 coastal, or coastwise service as such terms are defined under federal
52 law (46 USCA 10301 & 10501) and further to include "near foreign"
53 voyages between the United States and Canada, Mexico, or the West Indies
54 via ocean routes, or public vessels in oceangoing service or foreign
55 waters and who has received a Certificate of Release or Discharge from
56 Active Duty and a discharge certificate, or an Honorable Service

1 Certificate/Report of Casualty, from the department of defense; (b)
2 service by a United States civilian employed by the American Field
3 Service who served overseas under United States Armies and United States
4 Army Groups in world war II during the period of armed conflict, Decem-
5 ber seventh, nineteen hundred forty-one through May eighth, nineteen
6 hundred forty-five, and who (i) was discharged or released therefrom
7 under honorable conditions, or (ii) has a qualifying condition, as
8 defined in section three hundred fifty of the executive law, and has
9 received a discharge other than bad conduct or dishonorable from such
10 service, or (iii) is a discharged LGBT veteran, as defined in section
11 three hundred fifty of the executive law, and has received a discharge
12 other than bad conduct or dishonorable from such service; ~~(c)~~ (c)
13 service by a United States civilian Flight Crew and Aviation Ground
14 Support Employee of Pan American World Airways or one of its subsid-
15 iaries or its affiliates who served overseas as a result of Pan Ameri-
16 can's contract with Air Transport Command or Naval Air Transport Service
17 during the period of armed conflict, December fourteenth, nineteen
18 hundred forty-one through August fourteenth, nineteen hundred forty-
19 five, and who (i) was discharged or released therefrom under honorable
20 conditions, or (ii) has a qualifying condition, as defined in section
21 three hundred fifty of the executive law, and has received a discharge
22 other than bad conduct or dishonorable from such service, or (iii) is a
23 discharged LGBT veteran, as defined in section three hundred fifty of
24 the executive law, and has received a discharge other than bad conduct
25 or dishonorable from such service; or (d) service by a member of the
26 commissioned corps of the national oceanic and atmospheric adminis-
27 tration 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.

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

37 (e) "Veteran" means a person (i) who served in the active military,
38 naval, or air service during a period of war, or who was a recipient of
39 the armed forces expeditionary medal, navy expeditionary medal, marine
40 corps expeditionary medal, or global war on terrorism expeditionary
41 medal, and who (1) was discharged or released therefrom under honorable
42 conditions, or (2) has a qualifying condition, as defined in section
43 three hundred fifty of the executive law, and has received a discharge
44 other than bad conduct or dishonorable from such service, or (3) is a
45 discharged LGBT veteran, as defined in section three hundred fifty of
46 the executive law, and has received a discharge other than bad conduct
47 or dishonorable from such service, (ii) who was employed by the War
48 Shipping Administration or Office of Defense Transportation or their
49 agents as a merchant seaman documented by the United States Coast Guard
50 or Department of Commerce, or as a civil servant employed by the United
51 States Army Transport Service (later redesignated as the United States
52 Army Transportation Corps, Water Division) or the Naval Transportation
53 Service; and who served satisfactorily as a crew member during the peri-
54 od of armed conflict, December seventh, nineteen hundred forty-one, to
55 August fifteenth, nineteen hundred forty-five, aboard merchant vessels
56 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such

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, (iii) who 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 who (1) was discharged or
12 released therefrom under honorable conditions, or (2) has a qualifying
13 condition, as defined in section three hundred fifty of the executive
14 law, and has received a discharge other than bad conduct or dishonorable
15 from such service, or (3) 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, (iv)
18 who served as a United States civilian Flight Crew and Aviation Ground
19 Support Employee of Pan American World Airways or one of its subsid-
20 iaries or its affiliates and served overseas as a result of Pan Ameri-
21 can's contract with Air Transport Command or Naval Air Transport Service
22 during the period of armed conflict, December fourteenth, nineteen
23 hundred forty-one through August fourteenth, nineteen hundred forty-
24 five, and who (1) was discharged or released therefrom under honorable
25 conditions, or (2) has a qualifying condition, as defined in section
26 three hundred fifty of the executive law, and has received a discharge
27 other than bad conduct or dishonorable from such service, or (3) is a
28 discharged LGBT veteran, as defined in section three hundred fifty of
29 the executive law, and has received a discharge other than bad conduct
30 or dishonorable from such service, [~~ex~~] (v) notwithstanding any other
31 provision of law to the contrary, who are members of the reserve compo-
32 nents of the armed forces of the United States who (1) received an
33 honorable discharge or release therefrom under honorable conditions, or
34 (2) has a qualifying condition, as defined in section three hundred
35 fifty of the executive law, and has received a discharge other than bad
36 conduct or dishonorable from such service, or (3) is a discharged LGBT
37 veteran, as defined in section three hundred fifty of the executive law,
38 and has received a discharge other than bad conduct or dishonorable from
39 such service, but are still members of the reserve components of the
40 armed forces of the United States provided that such members meet all
41 other qualifications under the provisions of this section, or (vi) who
42 served as a member of the commissioned corps of the national oceanic and
43 atmospheric administration and who (1) was discharged or released there-
44 from under honorable conditions, or (2) has a qualifying condition, as
45 defined in section three hundred fifty of the executive law, and has
46 received a discharge other than bad conduct or dishonorable from such
47 service, or (3) is a discharged LGBT veteran, as defined in section
48 three hundred fifty of the executive law, and has received a discharge
49 other than bad conduct or dishonorable from such service.

50 § 12. Paragraphs (a) and (c) of subdivision 1 of section 458-b of the
51 real property tax law, paragraph (a) as amended by chapter 490 of the
52 laws of 2019 and paragraph (c) as added by chapter 655 of the laws of
53 2007, are amended to read as follows:

54 (a) "Cold War veteran" means a person, male or female, who served on
55 active duty in the United States armed forces or the commissioned corps
56 of the national oceanic and atmospheric administration, during the time

1 period from September second, nineteen hundred forty-five to December
2 twenty-sixth, nineteen hundred ninety-one, and (i) was discharged or
3 released therefrom under honorable conditions, or (ii) has a qualifying
4 condition, as defined in section three hundred fifty of the executive
5 law, and has received a discharge other than bad conduct or dishonorable
6 from such service, or (iii) is a discharged LGBT veteran, as defined in
7 section three hundred fifty of the executive law, and has received a
8 discharge other than bad conduct or dishonorable from such service.

9 (c) "Active duty" means full-time duty in the United States armed
10 forces or the commissioned corps of the national oceanic and atmospheric
11 administration, other than active duty for training.

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

15 (b) The term "military duty" shall mean military service in the mili-
16 tary, naval, aviation or marine service of the United States subsequent
17 to July first, nineteen hundred forty, or service under the selective
18 training and service act of nineteen hundred forty, or the national
19 guard and reserve officers mobilization act of nineteen hundred forty,
20 or any other act of congress supplementary or amendatory thereto, or any
21 similar act of congress hereafter enacted and irrespective of the fact
22 that such service was entered upon following a voluntary enlistment
23 therefor or was required under one of the foregoing acts of congress, or
24 service with the United States public health service as a commissioned
25 officer, or service with the national oceanic and atmospheric adminis-
26 tration as a commissioned officer, or service with the American Red
27 Cross while with the armed forces of the United States on foreign
28 service, or service with the special services section of the armed forc-
29 es of the United States on foreign service, or service in the merchant
30 marine which shall consist of service as an officer or member of the
31 crew on or in connection with a vessel documented under the laws of the
32 United States or a vessel owned by, chartered to, or operated by or for
33 the account or use of the government of the United States, or service by
34 one who was employed by the War Shipping Administration or Office of
35 Defense Transportation or their agents as a merchant seaman documented
36 by the United States Coast Guard or Department of Commerce, or as a
37 civil servant employed by the United States Army Transport Service
38 (later redesignated as the United States Army Transportation Corps,
39 Water Division) or the Naval Transportation Service; and who served
40 satisfactorily as a crew member during the period of armed conflict,
41 December seventh, nineteen hundred forty-one, to August fifteenth, nine-
42 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,
43 foreign, intercoastal, or coastwise service as such terms are defined
44 under federal law (46 USCA 10301 & 10501) and further to include "near
45 foreign" voyages between the United States and Canada, Mexico, or the
46 West Indies via ocean routes, or public vessels in oceangoing service or
47 foreign waters and who has received a Certificate of Release or
48 Discharge from Active Duty and a discharge certificate, or an Honorable
49 Service Certificate/Report of Casualty, from the Department of Defense,
50 or who served as a United States civilian employed by the American Field
51 Service and served overseas under United States Armies and United States
52 Army Groups in world war II during the period of armed conflict, Decem-
53 ber seventh, nineteen hundred forty-one through May eighth, nineteen
54 hundred forty-five, and who (i) was discharged or released therefrom
55 under honorable conditions, or (ii) has a qualifying condition, as
56 defined in section three hundred fifty of the executive law, and has

1 received a discharge other than bad conduct or dishonorable from such
2 service, or (iii) is a discharged LGBT veteran, as defined in section
3 three hundred fifty of the executive law, and has received a discharge
4 other than bad conduct or dishonorable from such service, or who served
5 as a United States civilian Flight Crew and Aviation Ground Support
6 Employee of Pan American World Airways or one of its subsidiaries or its
7 affiliates and served overseas as a result of Pan American's contract
8 with Air Transport Command or Naval Air Transport Service during the
9 period of armed conflict, December fourteenth, nineteen hundred forty-
10 one through August fourteenth, nineteen hundred forty-five, and who (iv)
11 was discharged or released therefrom under honorable conditions, or (v)
12 has a qualifying condition, as defined in section three hundred fifty of
13 the executive law, and has received a discharge other than bad conduct
14 or dishonorable from such service, or (vi) 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 service in police duty on behalf of the United States
18 government in a foreign country, if such person is a police officer, as
19 defined by section 1.20 of the criminal procedure law, and if such
20 police officer obtained the prior consent of his or her public employer
21 to absent himself or herself from his or her position to engage in the
22 performance of such service; or as an enrollee in the United States
23 maritime service on active duty and, to such extent as may be prescribed
24 by or under the laws of the United States, any period awaiting assign-
25 ment to such service and any period of education or training for such
26 service in any school or institution under the jurisdiction of the
27 United States government, but shall not include temporary and intermit-
28 tent gratuitous service in any reserve or auxiliary force. It shall
29 include time spent in reporting for and returning from military duty and
30 shall be deemed to commence when the public employee leaves his position
31 and to end when he is reinstated to his position, provided such rein-
32 statement is within ninety days after the termination of military duty,
33 as hereinafter defined. Notwithstanding the foregoing provisions of this
34 paragraph, the term "military duty" shall not include any of the forego-
35 ing services entered upon voluntarily on or after January first, nine-
36 teen hundred forty-seven and before June twenty-fifth, nineteen hundred
37 fifty; and, on or after July first, nineteen hundred seventy, the term
38 "military duty" shall not include any voluntary service in excess of
39 four years performed after that date, or the total of any voluntary
40 services, additional or otherwise, in excess of four years performed
41 after that date, shall not exceed five years, if the service in excess
42 of four years is at the request and for the convenience of the federal
43 government, except if such voluntary service is performed during a peri-
44 od of war, or national emergency declared by the president.

45 § 14. This act shall take effect immediately, provided, however, that
46 the amendments to subdivisions 5 and 7 of section 369-h of the executive
47 law made by section seven of this act shall not affect the repeal of
48 such section and shall be deemed repealed therewith.