

STATE OF NEW YORK

5233--B

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Veterans, Homeland Security and Military Affairs in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

11 9. The term "discharged LGBT veteran" means a veteran who was
12 discharged less than honorably from military or naval service or the
13 commissioned corps of the national oceanic and atmospheric adminis-
14 tration or the United States public health service due to their sexual
15 orientation or gender identity or expression, as those terms are defined
16 in section two hundred ninety-two of this chapter, or statements,

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

LBD09436-06-2

1 consensual sexual conduct, or consensual acts relating to sexual orien-
2 tation, gender identity or expression, or the disclosure of such state-
3 ments, conduct, or acts, that were prohibited by the military or naval
4 service at the time of discharge. The division shall establish a
5 consistent and uniform process to determine whether a veteran qualifies
6 as a discharged LGBT veteran under this subdivision, including, at a
7 minimum, standards for verifying a veteran's status as a discharged LGBT
8 veteran, and a method of demonstrating eligibility as a discharged LGBT
9 veteran.

10 § 2. The opening paragraph of paragraph a and paragraph c of subdivi-
11 sion 1 of section 364 of the executive law, the opening paragraph of
12 paragraph a as amended by chapter 490 of the laws of 2019 and paragraph
13 c as added by chapter 751 of the laws of 1985, are amended to read as
14 follows:

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

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

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

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

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

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

20 7. "Veteran" shall mean a person who served in the United States army,
21 navy, air force, marines, coast guard, and/or reserves thereof, and/or
22 in the army national guard, air national guard, New York guard and/or
23 the New York naval militia, and/or who served as a member of the commis-
24 sioned corps of the national oceanic and atmospheric administration
25 and/or the United States public health service and who (i) has received
26 an honorable or general discharge from such service, or (ii) has a qual-
27 ifying condition, as defined in section three hundred fifty of this
28 chapter, and has received a discharge other than bad conduct or
29 dishonorable from such service, or (iii) is a discharged LGBT veteran,
30 as defined in section three hundred fifty of this chapter, and has
31 received a discharge other than bad conduct or dishonorable from such
32 service.

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

36 6. "Veteran" shall mean a person who served in the United States army,
37 navy, air force, marines, coast guard, and/or reserves thereof, and/or
38 in the army national guard, air national guard, New York guard and/or
39 the New York naval militia, and/or who served as a member of the commis-
40 sioned corps of the national oceanic and atmospheric administration
41 and/or the United States public health service and who (a) has received
42 an honorable or general discharge from such service, or (b) has a quali-
43 fying condition, as defined in section three hundred fifty of the execu-
44 tive law, and has received a discharge other than bad conduct or
45 dishonorable from such service, or (c) is a discharged LGBT veteran, as
46 defined in section three hundred fifty of the executive law, and has
47 received a discharge other than bad conduct or dishonorable from such
48 service.

49 § 6. Subdivision 6 of section 210 of the economic development law, as
50 amended by section 33 of part PP of chapter 56 of the laws of 2022, is
51 amended to read as follows:

52 6. "Veteran" shall mean a person who served in the United States army,
53 navy, air force, marines, coast guard, and/or reserves thereof, and/or
54 in the army national guard, air national guard, New York guard and/or
55 the New York naval militia, and/or who served as a member of the commis-
56 sioned corps of the national oceanic and atmospheric administration or

1 the United States public health service and who (a) has received an
2 honorable or general discharge from such service, or (b) has a qualify-
3 ing condition, as defined in section one of the veterans' services law,
4 and has received a discharge other than bad conduct or dishonorable from
5 such service, or (c) is a discharged LGBT veteran, as defined in section
6 one of the veterans' services law, and has received a discharge other
7 than bad conduct or dishonorable from such service.

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

10 § 63. Leave of absence for veterans on Memorial day and Veterans' day.
11 It shall be the duty of the head of every public department and of every
12 court of the state of New York, of every superintendent or foreman on
13 the public works of said state, of the county officers of the several
14 counties of said state, of the town officers of the various towns in
15 this state, of the fire district officers of the various fire districts
16 in this state, and of the head of every department, bureau and office in
17 the government of the various cities and villages in this state, and the
18 officers of any public benefit corporation or any public authority of
19 this state, or of any public benefit corporation or public authority of
20 any county or subdivision of this state, to give leave of absence with
21 pay for twenty-four hours on the day prescribed by law as a public holi-
22 day for the observance of Memorial day and on the eleventh day of Novem-
23 ber, known as Veterans' day, to every person in the service of the
24 state, the county, the town, the fire district, the city or village, the
25 public benefit corporation or public authority of this state, or any
26 public benefit corporation or public authority of any county or subdivi-
27 sion of this state, as the case may be, (i) who served on active duty in
28 the armed forces of the United States during world war I or world war
29 II, or who was employed by the War Shipping Administration or Office of
30 Defense Transportation or their agents as a merchant seaman documented
31 by the United States Coast Guard or Department of Commerce, or as a
32 civil servant employed by the United States Army Transport Service
33 (later redesignated as the United States Army Transportation Corps,
34 Water Division) or the Naval Transportation Service; and who served
35 satisfactorily as a crew member during the period of armed conflict,
36 December seventh, nineteen hundred forty-one, to August fifteenth, nine-
37 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,
38 foreign, intercoastal, or coastwise service as such terms are defined
39 under federal law (46 USCA 10301 & 10501) and further to include "near
40 foreign" voyages between the United States and Canada, Mexico, or the
41 West Indies via ocean routes, or public vessels in oceangoing service or
42 foreign waters and who has received a Certificate of Release or
43 Discharge from Active Duty and a discharge certificate, or an Honorable
44 Service Certificate/Report of Casualty, from the Department of Defense,
45 or who served as a United States civilian employed by the American Field
46 Service and served overseas under United States Armies and United States
47 Army Groups in world war II during the period of armed conflict, Decem-
48 ber seventh, nineteen hundred forty-one through May eighth, nineteen
49 hundred forty-five, and who (a) was discharged or released therefrom
50 under honorable conditions, or (b) has a qualifying condition, as
51 defined in section three hundred fifty of the executive law, and has
52 received a discharge other than bad conduct or dishonorable from such
53 service, or (c) is a discharged LGBT veteran, as defined in section
54 three hundred fifty of the executive law, and has received a discharge
55 other than bad conduct or dishonorable from such service or who served
56 as a United States civilian Flight Crew and Aviation Ground Support

1 Employee of Pan American World Airways or one of its subsidiaries or its
2 affiliates and served overseas as a result of Pan American's contract
3 with Air Transport Command or Naval Air Transport Service during the
4 period of armed conflict, December fourteenth, nineteen hundred forty-
5 one through August fourteenth, nineteen hundred forty-five, and who (d)
6 was discharged or released therefrom under honorable conditions, or (e)
7 has a qualifying condition, as defined in section three hundred fifty of
8 the executive law, and has received a discharge other than bad conduct
9 or dishonorable from such service, or (f) is a discharged LGBT veteran,
10 as defined in section three hundred fifty of the executive law, and has
11 received a discharge other than bad conduct or dishonorable from such
12 service or during the period of the Korean conflict at any time between
13 the dates of June twenty-seventh, nineteen hundred fifty and January
14 thirty-first, nineteen hundred fifty-five, or during the period of the
15 Vietnam conflict from the [~~twenty-eighth day of February, nineteen~~
16 ~~hundred sixty one~~] first day of November, nineteen hundred fifty-five to
17 the seventh day of May, nineteen hundred seventy-five, or (ii) who
18 served on active duty in the armed forces of the United States and who
19 was a recipient of the armed forces expeditionary medal, navy expedi-
20 tionary medal or marine corps expeditionary medal for participation in
21 operations in Lebanon from June first, nineteen hundred eighty-three to
22 December first, nineteen hundred eighty-seven, in Grenada from October
23 twenty-third, nineteen hundred eighty-three to November twenty-first,
24 nineteen hundred eighty-three, or in Panama from December twentieth,
25 nineteen hundred eighty-nine to January thirty-first, nineteen hundred
26 ninety, or (iii) who served in the armed forces of a foreign country
27 allied with the United States during world war I or world war II, or
28 during the period of the Korean conflict at any time between June twen-
29 ty-seventh, nineteen hundred fifty and January thirty-first, nineteen
30 hundred fifty-five, or during the period of the Vietnam conflict from
31 the first day of November, nineteen hundred fifty-five to the seventh
32 day of May, nineteen hundred seventy-five, or during the period of the
33 Persian Gulf conflict from the second day of August, nineteen hundred
34 ninety to the end of such conflict, or who served on active duty in the
35 army or navy or marine corps or air force or coast guard of the United
36 States, and who (a) was honorably discharged or separated from such
37 service under honorable conditions, or (b) has a qualifying condition,
38 as defined in section three hundred fifty of the executive law, and has
39 received a discharge other than bad conduct or dishonorable from such
40 service, or (c) is a discharged LGBT veteran, as defined in section
41 three hundred fifty of the executive law, and has received a discharge
42 other than bad conduct or dishonorable from such service except where
43 such action would endanger the public safety or the safety or health of
44 persons cared for by the state, in which event such persons shall be
45 entitled to leave of absence with pay on another day in lieu thereof, or
46 (iv) who served on active duty in the commissioned corps of the national
47 oceanic and atmospheric administration or the United States public
48 health service, and who (a) was honorably discharged or separated from
49 such service under honorable conditions, or (b) has a qualifying condi-
50 tion, as defined in section three hundred fifty of the executive law,
51 and has received a discharge other than bad conduct or dishonorable from
52 such service, or (c) is a discharged LGBT veteran, as defined in section
53 three hundred fifty of the executive law, and has received a discharge
54 other than bad conduct or dishonorable from such service except where
55 such action would endanger the public safety or the safety or health of
56 persons cared for by the state, in which event such persons shall be

1 entitled to leave of absence with pay on another day in lieu thereof.

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

8 § 8. Section 63 of the public officers law, as amended by section 80
9 of part PP of section 56 of the laws of 2022, is amended to read as
10 follows:

11 § 63. Leave of absence for veterans on Memorial day and Veterans' day.
12 It shall be the duty of the head of every public department and of every
13 court of the state of New York, of every superintendent or foreman on
14 the public works of said state, of the county officers of the several
15 counties of said state, of the town officers of the various towns in
16 this state, of the fire district officers of the various fire districts
17 in this state, and of the head of every department, bureau and office in
18 the government of the various cities and villages in this state, and the
19 officers of any public benefit corporation or any public authority of
20 this state, or of any public benefit corporation or public authority of
21 any county or subdivision of this state, to give leave of absence with
22 pay for twenty-four hours on the day prescribed by law as a public holi-
23 day for the observance of Memorial day and on the eleventh day of Novem-
24 ber, known as Veterans' day, to every person in the service of the
25 state, the county, the town, the fire district, the city or village, the
26 public benefit corporation or public authority of this state, or any
27 public benefit corporation or public authority of any county or subdivi-
28 sion of this state, as the case may be, (i) who served on active duty in
29 the armed forces of the United States during world war I or world war
30 II, or who was employed by the War Shipping Administration or Office of
31 Defense Transportation or their agents as a merchant seaman documented
32 by the United States Coast Guard or Department of Commerce, or as a
33 civil servant employed by the United States Army Transport Service
34 (later redesignated as the United States Army Transportation Corps,
35 Water Division) or the Naval Transportation Service; and who served
36 satisfactorily as a crew member during the period of armed conflict,
37 December seventh, nineteen hundred forty-one, to August fifteenth, nine-
38 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,
39 foreign, intercoastal, or coastwise service as such terms are defined
40 under federal law (46 USCA 10301 & 10501) and further to include "near
41 foreign" voyages between the United States and Canada, Mexico, or the
42 West Indies via ocean routes, or public vessels in oceangoing service or
43 foreign waters and who has received a Certificate of Release or
44 Discharge from Active Duty and a discharge certificate, or an Honorable
45 Service Certificate/Report of Casualty, from the Department of Defense,
46 or who served as a United States civilian employed by the American Field
47 Service and served overseas under United States Armies and United States
48 Army Groups in world war II during the period of armed conflict, Decem-
49 ber seventh, nineteen hundred forty-one through May eighth, nineteen
50 hundred forty-five, and who (a) was discharged or released therefrom
51 under honorable conditions, or (b) has a qualifying condition, as
52 defined in section one of the veterans' services law, and has received a
53 discharge other than bad conduct or dishonorable from such service, or
54 (c) is a discharged LGBT veteran, as defined in section one of the
55 veterans' services law, and has received a discharge other than bad
56 conduct or dishonorable from such service or who served as a United

1 States civilian Flight Crew and Aviation Ground Support Employee of Pan
2 American World Airways or one of its subsidiaries or its affiliates and
3 served overseas as a result of Pan American's contract with Air Trans-
4 port Command or Naval Air Transport Service during the period of armed
5 conflict, December fourteenth, nineteen hundred forty-one through August
6 fourteenth, nineteen hundred forty-five, and who (d) was discharged or
7 released therefrom under honorable conditions, or (e) has a qualifying
8 condition, as defined in section one of the veterans' services law, and
9 has received a discharge other than bad conduct or dishonorable from
10 such service, or (f) is a discharged LGBT veteran, as defined in section
11 one of the veterans' services law, and has received a discharge other
12 than bad conduct or dishonorable from such service or during the period
13 of the Korean conflict at any time between the dates of June twenty-sev-
14 enth, nineteen hundred fifty and January thirty-first, nineteen hundred
15 fifty-five, or during the period of the Vietnam conflict from the first
16 day of November, nineteen hundred fifty-five to the seventh day of May,
17 nineteen hundred seventy-five, or (ii) who served on active duty in the
18 armed forces of the United States and who was a recipient of the armed
19 forces expeditionary medal, navy expeditionary medal or marine corps
20 expeditionary medal for participation in operations in Lebanon from June
21 first, nineteen hundred eighty-three to December first, nineteen hundred
22 eighty-seven, in Grenada from October twenty-third, nineteen hundred
23 eighty-three to November twenty-first, nineteen hundred eighty-three, or
24 in Panama from December twentieth, nineteen hundred eighty-nine to Janu-
25 ary thirty-first, nineteen hundred ninety, or (iii) who served in the
26 armed forces of a foreign country allied with the United States during
27 world war I or world war II, or during the period of the Korean conflict
28 at any time between June twenty-seventh, nineteen hundred fifty and
29 January thirty-first, nineteen hundred fifty-five, or during the period
30 of the Vietnam conflict from the first day of November, nineteen hundred
31 fifty-five to the seventh day of May, nineteen hundred seventy-five, or
32 during the period of the Persian Gulf conflict from the second day of
33 August, nineteen hundred ninety to the end of such conflict, or who
34 served on active duty in the army or navy or marine corps or air force
35 or coast guard of the United States, and who (a) was honorably
36 discharged or separated from such service under honorable conditions, or
37 (b) has a qualifying condition, as defined in section one of the veter-
38 ans' services law, and has received a discharge other than bad conduct
39 or dishonorable from such service, or (c) is a discharged LGBT veteran,
40 as defined in section one of the veterans' services law, and has
41 received a discharge other than bad conduct or dishonorable from such
42 service except where such action would endanger the public safety or the
43 safety or health of persons cared for by the state, in which event such
44 persons shall be entitled to leave of absence with pay on another day in
45 lieu thereof, or (iv) who served on active duty in the commissioned
46 corps of the national oceanic and atmospheric administration or the
47 United States public health service, and who (a) was honorably
48 discharged or separated from such service under honorable conditions, or
49 (b) has a qualifying condition, as defined in section one of the veter-
50 ans' services law, and has received a discharge other than bad conduct
51 or dishonorable from such service, or (c) is a discharged LGBT veteran,
52 as defined in section one of the veterans' services law, and has
53 received a discharge other than bad conduct or dishonorable from such
54 service except where such action would endanger the public safety or the
55 safety or health of persons cared for by the state, in which event such
56 persons shall be entitled to leave of absence with pay on another day in

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

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

11 4-a. For the purposes of this section, the term "military or naval
12 services" shall be deemed to also include service: (a) by a person who
13 was employed by the War Shipping Administration or Office of Defense
14 Transportation or their agents as a merchant seaman documented by the
15 United States Coast Guard or Department of Commerce, or as a civil serv-
16 ant employed by the United States Army Transport Service (later redesign-
17 nated as the United States Army Transportation Corps, Water Division) or
18 the Naval Transportation Service; and who served satisfactorily as a
19 crew member during the period of armed conflict, December seventh, nine-
20 teen hundred forty-one, to August fifteenth, nineteen hundred forty-
21 five, aboard merchant vessels in oceangoing, i.e., foreign, inter-
22 coastal, or coastwise service as such terms are defined under federal
23 law (46 USCA 10301 & 10501) and further to include "near foreign"
24 voyages between the United States and Canada, Mexico, or the West Indies
25 via ocean routes, or public vessels in oceangoing service or foreign
26 waters and who has received a Certificate of Release or Discharge from
27 Active Duty and a discharge certificate, or an Honorable Service
28 Certificate/Report of Casualty, from the department of defense; (b)
29 service by a United States civilian employed by the American Field
30 Service who served overseas under United States Armies and United States
31 Army Groups in world war II during the period of armed conflict, Decem-
32 ber seventh, nineteen hundred forty-one through May eighth, nineteen
33 hundred forty-five, and who (i) was discharged or released therefrom
34 under honorable conditions, or (ii) has a qualifying condition, as
35 defined in section three hundred fifty of the executive law, and has
36 received a discharge other than bad conduct or dishonorable from such
37 service, or (iii) is a discharged LGBT veteran, as defined in section
38 three hundred fifty of the executive law, and has received a discharge
39 other than bad conduct or dishonorable from such service; ~~or~~ (c)
40 service by a United States civilian Flight Crew and Aviation Ground
41 Support Employee of Pan American World Airways or one of its subsid-
42 iaries or its affiliates who served overseas as a result of Pan Ameri-
43 can's contract with Air Transport Command or Naval Air Transport Service
44 during the period of armed conflict, December fourteenth, nineteen
45 hundred forty-one through August fourteenth, nineteen hundred forty-
46 five, and who (i) was discharged or released therefrom under honorable
47 conditions, or (ii) has a qualifying condition, 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, or (iii) is a
50 discharged LGBT veteran, as defined in section three hundred fifty of
51 the executive law, and has received a discharge other than bad conduct
52 or dishonorable from such service; or (d) service by a member of the
53 commissioned corps of the national oceanic and atmospheric adminis-
54 tration or the United States public health service and who (i) was
55 discharged or released therefrom under honorable conditions, or (ii) has
56 a qualifying condition, as defined in section three hundred fifty of the

1 executive law, and has received a discharge other than bad conduct or
2 dishonorable from such service, or (iii) is a discharged LGBT veteran,
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.

6 § 10. Subdivision 4-a of section 458 of the real property tax law, as
7 amended by section 82 of part PP of chapter 56 of the laws of 2022, is
8 amended to read as follows:

9 4-a. For the purposes of this section, the term "military or naval
10 services" shall be deemed to also include service: (a) by a person who
11 was employed by the War Shipping Administration or Office of Defense
12 Transportation or their agents as a merchant seaman documented by the
13 United States Coast Guard or Department of Commerce, or as a civil serv-
14 ant employed by the United States Army Transport Service (later redesis-
15 gnated as the United States Army Transportation Corps, Water Division) or
16 the Naval Transportation Service; and who served satisfactorily as a
17 crew member during the period of armed conflict, December seventh, nine-
18 teen hundred forty-one, to August fifteenth, nineteen hundred forty-
19 five, aboard merchant vessels in oceangoing, i.e., foreign, inter-
20 coastal, or coastwise service as such terms are defined under federal
21 law (46 USCA 10301 & 10501) and further to include "near foreign"
22 voyages between the United States and Canada, Mexico, or the West Indies
23 via ocean routes, or public vessels in oceangoing service or foreign
24 waters and who has received a Certificate of Release or Discharge from
25 Active Duty and a discharge certificate, or an Honorable Service
26 Certificate/Report of Casualty, from the department of defense; (b)
27 service by a United States civilian employed by the American Field
28 Service who served overseas under United States Armies and United States
29 Army Groups in world war II during the period of armed conflict, Decem-
30 ber seventh, nineteen hundred forty-one through May eighth, nineteen
31 hundred forty-five, and who (i) was discharged or released therefrom
32 under honorable conditions, or (ii) has a qualifying condition, as
33 defined in section one of the veterans' services law, and has received a
34 discharge other than bad conduct or dishonorable from such service, or
35 (iii) is a discharged LGBT veteran, as defined in section one of the
36 veterans' services law, and has received a discharge other than bad
37 conduct or dishonorable from such service; ~~or~~ (c) service by a United
38 States civilian Flight Crew and Aviation Ground Support Employee of Pan
39 American World Airways or one of its subsidiaries or its affiliates who
40 served overseas as a result of Pan American's contract with Air Trans-
41 port Command or Naval Air Transport Service during the period of armed
42 conflict, December fourteenth, nineteen hundred forty-one through August
43 fourteenth, nineteen hundred forty-five, and who (i) was discharged or
44 released therefrom under honorable conditions, or (ii) has a qualifying
45 condition, as defined in section one of the veterans' services law, and
46 has received a discharge other than bad conduct or dishonorable from
47 such service, or (iii) is a discharged LGBT veteran, as defined in
48 section one of the veterans' services law, and has received a discharge
49 other than bad conduct or dishonorable from such service; or (d) service
50 by a member of the commissioned corps of the national oceanic and atmo-
51 spheric administration or the United States public health service and
52 who (i) was discharged or released therefrom under honorable conditions,
53 or (ii) has a qualifying condition, as defined in section one of the
54 veterans' services law, and has received a discharge other than bad
55 conduct or dishonorable from such service, or (iii) is a discharged LGBT
56 veteran, as defined in section one of the veterans' services law, and

1 has received a discharge other than bad conduct or dishonorable from
2 such service.

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

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

1 nents of the armed forces of the United States who (1) received an
2 honorable discharge or release therefrom under honorable conditions, or
3 (2) has a qualifying condition, as defined in section three hundred
4 fifty of the executive law, and has received a discharge other than bad
5 conduct or dishonorable from such service, or (3) is a discharged LGBT
6 veteran, as defined in section three hundred fifty of the executive law,
7 and has received a discharge other than bad conduct or dishonorable from
8 such service, but are still members of the reserve components of the
9 armed forces of the United States provided that such members meet all
10 other qualifications under the provisions of this section, or (vi) who
11 served as a member of the commissioned corps of the national oceanic and
12 atmospheric administration or the United States public health service
13 and who (1) was discharged or released therefrom under honorable condi-
14 tions, or (2) has a qualifying condition, as defined in section three
15 hundred fifty of the executive law, and has received a discharge other
16 than bad conduct or dishonorable from such service, or (3) is a
17 discharged LGBT veteran, as defined in section three hundred fifty of
18 the executive law, and has received a discharge other than bad conduct
19 or dishonorable from such service.

20 § 12. Paragraph (e) of subdivision 1 of section 458-a of the real
21 property tax law, as amended by section 83 of part PP of chapter 56 of
22 the laws of 2022, is amended to read as follows:

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

1 such service, or (3) is a discharged LGBT veteran, as defined in section
2 one of the veterans' services law, and has received a discharge other
3 than bad conduct or dishonorable from such service, (iv) who served as a
4 United States civilian Flight Crew and Aviation Ground Support Employee
5 of Pan American World Airways or one of its subsidiaries or its affil-
6 iates and served overseas as a result of Pan American's contract with
7 Air Transport Command or Naval Air Transport Service during the period
8 of armed conflict, December fourteenth, nineteen hundred forty-one
9 through August fourteenth, nineteen hundred forty-five, and who (1) was
10 discharged or released therefrom under honorable conditions, or (2) has
11 a qualifying condition, as defined in section one of the veterans'
12 services law, and has received a discharge other than bad conduct or
13 dishonorable from such service, or (3) is a discharged LGBT veteran, as
14 defined in section one of the veterans' services law, and has received a
15 discharge other than bad conduct or dishonorable from such service, [~~or~~]
16 (v) notwithstanding any other provision of law to the contrary, who are
17 members of the reserve components of the armed forces of the United
18 States who (1) received an honorable discharge or release therefrom
19 under honorable conditions, or (2) has a qualifying condition, as
20 defined in section one of the veterans' services law, and has received a
21 discharge other than bad conduct or dishonorable from such service, or
22 (3) is a discharged LGBT veteran, as defined in section one of the
23 veterans' services law, and has received a discharge other than bad
24 conduct or dishonorable from such service, but are still members of the
25 reserve components of the armed forces of the United States provided
26 that such members meet all other qualifications under the provisions of
27 this section, or (vi) who served as a member of the commissioned corps
28 of the national oceanic and atmospheric administration or the United
29 States public health service and who (1) was discharged or released
30 therefrom under honorable conditions, or (2) has a qualifying condition,
31 as defined in section one of the veterans' services law, and has
32 received a discharge other than bad conduct or dishonorable from such
33 service, or (3) is a discharged LGBT veteran, as defined in one of the
34 veterans' services law, and has received a discharge other than bad
35 conduct or dishonorable from such service.

36 § 13. Paragraphs (a) and (c) of subdivision 1 of section 458-b of the
37 real property tax law, paragraph (a) as amended by chapter 490 of the
38 laws of 2019 and paragraph (c) as added by chapter 655 of the laws of
39 2007, are amended to read as follows:

40 (a) "Cold War veteran" means a person, male or female, who served on
41 active duty in the United States armed forces or the commissioned corps
42 of the national oceanic and atmospheric administration or the United
43 States public health service, during the time period from September
44 second, nineteen hundred forty-five to December twenty-sixth, nineteen
45 hundred ninety-one, and (i) was discharged or released therefrom under
46 honorable conditions, or (ii) has a qualifying condition, as defined in
47 section three hundred fifty of the executive law, and has received a
48 discharge other than bad conduct or dishonorable from such service, or
49 (iii) is a discharged LGBT veteran, as defined in section three hundred
50 fifty of the executive law, and has received a discharge other than bad
51 conduct or dishonorable from such service.

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

1 § 14. Paragraph (a) of subdivision 1 of section 458-b of the real
2 property tax law, as amended by section 84 of part PP of chapter 56 of
3 the laws of 2022, is amended to read as follows:

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

16 § 15. Paragraph (b) of subdivision 1 of section 243 of the military
17 law, as amended by chapter 490 of the laws of 2019, is amended to read
18 as follows:

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

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

50 § 16. Paragraph (b) of subdivision 1 of section 243 of the military
51 law, as amended by section 71 of part PP of chapter 56 of the laws of
52 2022, is amended to read as follows:

53 (b) The term "military duty" shall mean military service in the mili-
54 tary, naval, aviation or marine service of the United States subsequent
55 to July first, nineteen hundred forty, or service under the selective
56 training and service act of nineteen hundred forty, or the national

1 guard and reserve officers mobilization act of nineteen hundred forty,
2 or any other act of congress supplementary or amendatory thereto, or any
3 similar act of congress hereafter enacted and irrespective of the fact
4 that such service was entered upon following a voluntary enlistment
5 therefor or was required under one of the foregoing acts of congress, or
6 service with the United States public health service as a commissioned
7 officer, or service with the national oceanic and atmospheric adminis-
8 tration as a commissioned officer or the United States public health
9 service, or service with the American Red Cross while with the armed
10 forces of the United States on foreign service, or service with the
11 special services section of the armed forces of the United States on
12 foreign service, or service in the merchant marine which shall consist
13 of service as an officer or member of the crew on or in connection with
14 a vessel documented under the laws of the United States or a vessel
15 owned by, chartered to, or operated by or for the account or use of the
16 government of the United States, or service by one who was employed by
17 the War Shipping Administration or Office of Defense Transportation or
18 their agents as a merchant seaman documented by the United States Coast
19 Guard or Department of Commerce, or as a civil servant employed by the
20 United States Army Transport Service (later redesignated as the United
21 States Army Transportation Corps, Water Division) or the Naval Transpor-
22 tation Service; and who served satisfactorily as a crew member during
23 the period of armed conflict, December seventh, nineteen hundred forty-
24 one, to August fifteenth, nineteen hundred forty-five, aboard merchant
25 vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service
26 as such terms are defined under federal law (46 USCA 10301 & 10501) and
27 further to include "near foreign" voyages between the United States and
28 Canada, Mexico, or the West Indies via ocean routes, or public vessels
29 in oceangoing service or foreign waters and who has received a Certif-
30 icate of Release or Discharge from Active Duty and a discharge certif-
31 icate, or an Honorable Service Certificate/Report of Casualty, from the
32 Department of Defense, or who served as a United States civilian
33 employed by the American Field Service and served overseas under United
34 States Armies and United States Army Groups in world war II during the
35 period of armed conflict, December seventh, nineteen hundred forty-one
36 through May eighth, nineteen hundred forty-five, and who (i) was
37 discharged or released therefrom under honorable conditions, or (ii) has
38 a qualifying condition, as defined in section one of the veterans'
39 services law, and has received a discharge other than bad conduct or
40 dishonorable from such service, or (iii) is a discharged LGBT veteran,
41 as defined in section one of the veterans' services law, and has
42 received a discharge other than bad conduct or dishonorable from such
43 service, or who served as a United States civilian Flight Crew and
44 Aviation Ground Support Employee of Pan American World Airways or one of
45 its subsidiaries or its affiliates and served overseas as a result of
46 Pan American's contract with Air Transport Command or Naval Air Trans-
47 port Service during the period of armed conflict, December fourteenth,
48 nineteen hundred forty-one through August fourteenth, nineteen hundred
49 forty-five, and who (iv) was discharged or released therefrom under
50 honorable conditions, or (v) has a qualifying condition, as defined in
51 section one of the veterans' services law, and has received a discharge
52 other than bad conduct or dishonorable from such service, or (vi) is a
53 discharged LGBT veteran, as defined in section one of the veterans'
54 services law, and has received a discharge other than bad conduct or
55 dishonorable from such service; or service in police duty on behalf of
56 the United States government in a foreign country, if such person is a

1 police officer, as defined by section 1.20 of the criminal procedure
2 law, and if such police officer obtained the prior consent of his or her
3 public employer to absent himself or herself from his or her position to
4 engage in the performance of such service; or as an enrollee in the
5 United States maritime service on active duty and, to such extent as may
6 be prescribed by or under the laws of the United States, any period
7 awaiting assignment to such service and any period of education or
8 training for such service in any school or institution under the juris-
9 diction of the United States government, but shall not include temporary
10 and intermittent gratuitous service in any reserve or auxiliary force.
11 It shall include time spent in reporting for and returning from military
12 duty and shall be deemed to commence when the public employee leaves his
13 or her position and to end when he or she is reinstated to his or her
14 position, provided such reinstatement is within ninety days after the
15 termination of military duty, as hereinafter defined. Notwithstanding
16 the foregoing provisions of this paragraph, the term "military duty"
17 shall not include any of the foregoing services entered upon voluntarily
18 on or after January first, nineteen hundred forty-seven and before June
19 twenty-fifth, nineteen hundred fifty; and, on or after July first, nine-
20 teen hundred seventy, the term "military duty" shall not include any
21 voluntary service in excess of four years performed after that date, or
22 the total of any voluntary services, additional or otherwise, in excess
23 of four years performed after that date, shall not exceed five years, if
24 the service in excess of four years is at the request and for the
25 convenience of the federal government, except if such voluntary service
26 is performed during a period of war, or national emergency declared by
27 the president.

28 § 17. This act shall take effect immediately, provided, however, that
29 the amendments to subdivisions 5 and 7 of section 369-h of the executive
30 law made by section four of this act shall not affect the repeal of such
31 section and shall be deemed repealed therewith; provided, further that
32 the amendments to articles 17, 17-A and 17-B of the executive law made
33 by sections one, two, three and four of this act shall not affect the
34 repeal of such articles and shall be deemed repealed therewith; and
35 provided, further that sections six, eight, ten, twelve, fourteen and
36 sixteen of this act shall take effect on the same date and in the same
37 manner as part PP of chapter 56 of the laws of 2022, takes effect.