

STATE OF NEW YORK

5190--A

2023-2024 Regular Sessions

IN SENATE

February 27, 2023

Introduced by Sens. SKOUFIS, ASHBY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- 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 general construction law, the election law, the insurance law, the military law, the public officers law, the economic development law, the civil service law and the real property tax law, in relation to including members of the space force as being members of the armed forces or veterans eligible for certain credits and benefits

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

1 Section 1. Section 13-a of the general construction law, as amended by
2 section 60 of part PP of chapter 56 of the laws of 2022, is amended to
3 read as follows:
4 § 13-a. Armed forces of the United States. "Armed forces of the United
5 States" means the army, navy, marine corps, air force, space force and
6 coast guard including all components thereof, and the national guard
7 when in the service of the United States pursuant to call as provided by
8 law. Pursuant to this definition no person shall be considered a member
9 or veteran of the armed forces of the United States unless [~~his or her~~
10 such member or veteran's service therein is or was on a full-time active
11 duty basis, other than active duty for training or [~~he or she~~ such
12 member or veteran was employed by the War Shipping Administration or
13 Office of Defense Transportation or their agents as a merchant seaman
14 documented by the United States Coast Guard or Department of Commerce,
15 or as a civil servant employed by the United States Army Transport
16 Service (later redesignated as the United States Army Transportation
17 Corps, Water Division) or the Naval Transportation Service; and who

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

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

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

37 1. "Military service" means the military service of the state, or of
38 the United States, including the army, navy, marine corps, air force,
39 space force, coast guard, merchant marine and all components thereof,
40 and the coast and geodetic survey, the public health service, the
41 national guard when in the service of the United States pursuant to call
42 as provided by law, and the cadets or midshipmen of the United States
43 Military Academy, United States Naval Academy, United States Air Force
44 Academy and United States Coast Guard Academy.

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

47 (a) Insurers shall be prohibited from refusing to issue a motor vehi-
48 cle liability insurance policy to any person with a valid New York state
49 driver's license which has been maintained by such person for at least
50 thirty-nine months prior to the time of application for such policy of
51 insurance solely on the basis that such person has not owned or leased a
52 vehicle during such period, unless such decision is based on sound
53 underwriting and actuarial principles reasonably related to actual or
54 anticipated loss experience. Provided, however, that an applicant demon-
55 strating a continuous, valid out-of-state or out-of-country driver's
56 license during such thirty-nine month period due to active service in

1 the United States army, navy, air force, space force or marines shall be
2 treated as if continuous licensing had been maintained in New York and
3 such person shall not be rejected based solely on the fact that [~~he-or~~
4 ~~she~~] such person served in the military.

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

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

10 4. The terms "military or naval" and "military (including air) or
11 naval" shall mean army or land, air or air force, space force or space
12 or navy or naval.

13 8. The terms "active military service of the United States" and "in
14 the armed forces of the United States" shall mean full time duty in the
15 army, navy [~~(including)~~, marine corps[~~+~~], air force, space force or
16 coast guard of the United States.

17 § 5. Paragraph a and subparagraph 2 of paragraph b of subdivision 1 of
18 section 214 of the military law, paragraph a as added by chapter 853 of
19 the laws of 1953 and subparagraph 2 of paragraph b as amended by chapter
20 625 of the laws of 1965, are amended to read as follows:

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

25 (2) for ten consecutive years of such service immediately preceding
26 [~~his~~] such officer's retirement and transfer to the state retired list
27 as provided in this chapter, if [~~he~~] such officer has had actual combat
28 experience in time of war while in the army, air force, space force,
29 navy or marine corps of the United States or if [~~he~~] such officer has
30 served on the active list of a force or forces of the organized militia
31 for at least ten years as an enlisted [~~man~~] person and at least thirty
32 years as a commissioned officer, shall receive annually from the date of
33 [~~his~~] such officer's retirement and transfer to the state retired list
34 as provided in this chapter and during the time [~~he~~] such officer
35 remains on the state retired list seventy-five per centum of the highest
36 annual rate of compensation paid to [~~him~~] such officer by the state for
37 the performance of military or naval duty.

38 § 6. Paragraph (b) of subdivision 1 of section 243 of the military
39 law, as amended by section 71 of part PP of chapter 56 of the laws of
40 2022, is amended to read as follows:

41 (b) The term "military duty" shall mean military service in the mili-
42 tary, naval, aviation, space or marine service of the United States
43 subsequent to July first, nineteen hundred forty, or service under the
44 selective training and service act of nineteen hundred forty, or the
45 national guard and reserve officers mobilization act of nineteen hundred
46 forty, or any other act of congress supplementary or amendatory thereto,
47 or any similar act of congress hereafter enacted and irrespective of the
48 fact that such service was entered upon following a voluntary enlistment
49 therefor or was required under one of the foregoing acts of congress, or
50 service with the United States public health service as a commissioned
51 officer, or service with the American Red Cross while with the armed
52 forces of the United States on foreign service, or service with the
53 special services section of the armed forces of the United States on
54 foreign service, or service in the merchant marine which shall consist
55 of service as an officer or member of the crew on or in connection with
56 a vessel documented under the laws of the United States or a vessel

1 owned by, chartered to, or operated by or for the account or use of the
2 government of the United States, or service by one who was employed by
3 the War Shipping Administration or Office of Defense Transportation or
4 their agents as a merchant seaman documented by the United States Coast
5 Guard or Department of Commerce, or as a civil servant employed by the
6 United States Army Transport Service (later redesignated as the United
7 States Army Transportation Corps, Water Division) or the Naval Transporta-
8 tion Service; and who served satisfactorily as a crew member during
9 the period of armed conflict, December seventh, nineteen hundred forty-
10 one, to August fifteenth, nineteen hundred forty-five, aboard merchant
11 vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service
12 as such terms are defined under federal law (46 USCA 10301 & 10501) and
13 further to include "near foreign" voyages between the United States and
14 Canada, Mexico, or the West Indies via ocean routes, or public vessels
15 in oceangoing service or foreign waters and who has received a Certif-
16 icate of Release or Discharge from Active Duty and a discharge certif-
17 icate, or an Honorable Service Certificate/Report of Casualty, from the
18 Department of Defense, or who served as a United States civilian
19 employed by the American Field Service and served overseas under United
20 States Armies and United States Army Groups in world war II during the
21 period of armed conflict, December seventh, nineteen hundred forty-one
22 through May eighth, nineteen hundred forty-five, and who (i) was
23 discharged or released therefrom under honorable conditions, or (ii) has
24 a qualifying condition, as defined in section one of the veterans'
25 services law, and has received a discharge other than bad conduct or
26 dishonorable from such service, or (iii) is a discharged LGBT veteran,
27 as defined in section one of the veterans' services law, and has
28 received a discharge other than bad conduct or dishonorable from such
29 service, or who served as a United States civilian Flight Crew and
30 Aviation Ground Support Employee of Pan American World Airways or one of
31 its subsidiaries or its affiliates and served overseas as a result of
32 Pan American's contract with Air Transport Command or Naval Air Trans-
33 port Service during the period of armed conflict, December fourteenth,
34 nineteen hundred forty-one through August fourteenth, nineteen hundred
35 forty-five, and who (iv) was discharged or released therefrom under
36 honorable conditions, or (v) has a qualifying condition, as defined in
37 section one of the veterans' services law, and has received a discharge
38 other than bad conduct or dishonorable from such service, or (vi) is a
39 discharged LGBT veteran, as defined in section one of the veterans'
40 services law, and has received a discharge other than bad conduct or
41 dishonorable from such service; or service in police duty on behalf of
42 the United States government in a foreign country, if such person is a
43 police officer, as defined by section 1.20 of the criminal procedure
44 law, and if such police officer obtained the prior consent of [~~his or~~
45 ~~her~~] their public employer to absent [~~himself or herself~~] themselves from
46 [~~his or her~~] such police officer's position to engage in the performance
47 of such service; or as an enrollee in the United States maritime service
48 on active duty and, to such extent as may be prescribed by or under the
49 laws of the United States, any period awaiting assignment to such
50 service and any period of education or training for such service in any
51 school or institution under the jurisdiction of the United States
52 government, but shall not include temporary and intermittent gratuitous
53 service in any reserve or auxiliary force. It shall include time spent
54 in reporting for and returning from military duty and shall be deemed to
55 commence when the public employee leaves [~~his or her~~] their position and
56 to end when [~~he or she~~] such public employee is reinstated to [~~his or~~

1 ~~he~~] their position, provided such reinstatement is within ninety days
2 after the termination of military duty, as hereinafter defined. Notwith-
3 standing the foregoing provisions of this paragraph, the term "military
4 duty" shall not include any of the foregoing services entered upon
5 voluntarily on or after January first, nineteen hundred forty-seven and
6 before June twenty-fifth, nineteen hundred fifty; and, on or after July
7 first, nineteen hundred seventy, the term "military duty" shall not
8 include any voluntary service in excess of four years performed after
9 that date, or the total of any voluntary services, additional or other-
10 wise, in excess of four years performed after that date, shall not
11 exceed five years, if the service in excess of four years is at the
12 request and for the convenience of the federal government, except if
13 such voluntary service is performed during a period of war, or national
14 emergency declared by the president.

15 § 7. Subdivision 17 of section 243 of the military law, as amended by
16 chapter 312 of the laws of 1993, is amended to read as follows:

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

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

46 § 63. Leave of absence for veterans on Memorial day and Veterans' day.
47 It shall be the duty of the head of every public department and of every
48 court of the state of New York, of every superintendent or foreman on
49 the public works of said state, of the county officers of the several
50 counties of said state, of the town officers of the various towns in
51 this state, of the fire district officers of the various fire districts
52 in this state, and of the head of every department, bureau and office in
53 the government of the various cities and villages in this state, and the
54 officers of any public benefit corporation or any public authority of
55 this state, or of any public benefit corporation or public authority of
56 any county or subdivision of this state, to give leave of absence with

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

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

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

34 6. "Veteran" shall mean a person who served in the United States army,
35 navy, air force, space force, marines, coast guard, and/or reserves
36 thereof, and/or in the army national guard, air national guard, New York
37 guard and/or New York naval militia and who (a) has received an honor-
38 able or general discharge from such service, or (b) has a qualifying
39 condition, as defined in section one of the veterans' services law, and
40 has received a discharge other than bad conduct or dishonorable from
41 such service, or (c) is a discharged LGBT veteran, as defined in section
42 one of the veterans' services law, and has received a discharge other
43 than bad conduct or dishonorable from such service.

44 § 10. Paragraph (b) of subdivision 5 of section 50 of the civil
45 service law, as amended by section 1 of part EE of chapter 55 of the
46 laws of 2023, is amended to read as follows:

47 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
48 sion, the state civil service department, subject to the approval of the
49 director of the budget, a municipal commission, subject to the approval
50 of the governing board or body of the city or county, as the case may
51 be, or a regional commission or personnel officer, pursuant to govern-
52 mental agreement, may elect to waive application fees, or to abolish
53 fees for specific classes of positions or types of examinations or
54 candidates, or to establish a uniform schedule of reasonable fees
55 different from those prescribed in paragraph (a) of this subdivision,
56 specifying in such schedule the classes of positions or types of exam-

1 inations or candidates to which such fees shall apply; provided, howev-
2 er, that fees shall be waived for candidates who certify to the state
3 civil service department, a municipal commission or a regional commis-
4 sion that they are unemployed and primarily responsible for the support
5 of a household, or are receiving public assistance. Provided further,
6 the state civil service department shall waive the state application fee
7 for examinations for original appointment for all veterans. Provided
8 further, the state civil service department shall, and a municipal
9 commission may, subject to the approval of the governing board or body
10 of the city or county, as the case may be, or a regional commission or
11 personnel officer, pursuant to governmental agreement, waive application
12 fees for all examinations held between July first, two thousand twenty-
13 three and December thirty-first, two thousand twenty-five. Notwithstand-
14 ing any other provision of law, for purposes of this section, the term
15 "veteran" shall mean a person who has served in the armed forces of the
16 United States or the reserves thereof, or in the army national guard,
17 air national guard, New York guard, or the New York naval militia, and
18 who (1) has been honorably discharged or released from such service
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. The term "armed forces" shall
25 mean the army, navy, air force, space force, marine corps, and coast
26 guard.

27 § 11. Paragraph (b) of subdivision 5 of section 50 of the civil
28 service law, as amended by section 35 of part PP of chapter 56 of the
29 laws of 2022, is amended to read as follows:

30 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
31 sion, the state civil service department, subject to the approval of the
32 director of the budget, a municipal commission, subject to the approval
33 of the governing board or body of the city or county, as the case may
34 be, or a regional commission or personnel officer, pursuant to govern-
35 mental agreement, may elect to waive application fees, or to abolish
36 fees for specific classes of positions or types of examinations or
37 candidates, or to establish a uniform schedule of reasonable fees
38 different from those prescribed in paragraph (a) of this subdivision,
39 specifying in such schedule the classes of positions or types of exam-
40 inations or candidates to which such fees shall apply; provided, howev-
41 er, that fees shall be waived for candidates who certify to the state
42 civil service department, a municipal commission or a regional commis-
43 sion that they are unemployed and primarily responsible for the support
44 of a household, or are receiving public assistance. Provided further,
45 the state civil service department shall waive the state application fee
46 for examinations for original appointment for all veterans. Notwith-
47 standing any other provision of law, for purposes of this section, the
48 term "veteran" shall mean a person who has served in the armed forces of
49 the United States or the reserves thereof, or in the army national
50 guard, air national guard, New York guard, or the New York naval mili-
51 tia, and who (1) has been honorably discharged or released from such
52 service under honorable conditions, or (2) has a qualifying condition,
53 as defined in section one of the veterans' services law, and has
54 received a discharge other than bad conduct or dishonorable from such
55 service, or (3) is a discharged LGBT veteran, as defined in section one
56 of the veterans' services law, and has received a discharge other than

1 bad conduct or dishonorable from such service. The term "armed forces"
2 shall mean the army, navy, air force, space force, marine corps, and
3 coast guard.

4 § 12. Paragraph (e) of subdivision 1 of section 458-a of the real
5 property tax law, as amended by chapter 611 of the laws of 2023, is
6 amended to read as follows:

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

1 members of the reserve components of the armed forces of the United
2 States who (1) received an honorable discharge or release therefrom
3 under honorable conditions, or (2) has a qualifying condition, as
4 defined in section one of the veterans' services law, and has received a
5 discharge other than bad conduct or dishonorable from such service, or
6 (3) is a discharged LGBT veteran, as defined in section one of the
7 veterans' services law, and has received a discharge other than bad
8 conduct or dishonorable from such service, but are still members of the
9 reserve components of the armed forces of the United States provided
10 that such members meet all other qualifications under the provisions of
11 this section, or (vi) who shall be considered to have been discharged or
12 released from active military service of the United States under honor-
13 able conditions if: (1) the individual served in the active military
14 service of the United States for the period of time such individual was
15 obligated to serve at the time of entry into service; (2) the individual
16 was not discharged or released from such service at the time of complet-
17 ing such period of obligation due to an intervening enlistment or reen-
18 listment; (3) the individual would have been eligible for a discharge or
19 release under conditions other than dishonorable at such time except for
20 such intervening enlistment or reenlistment; and (4) the individual
21 served in the active military service of the United States for a period
22 of at least ten years, provided that such individual meets all other
23 qualifications under the provisions of this section.

24 § 13. Paragraph b of subdivision 1 of section 250-a of the military
25 law, as added by chapter 465 of the laws of 2013, is amended to read as
26 follows:

27 b. In the event the governor orders the flags of the United States and
28 the State of New York, to be lowered to half staff, in memorial of the
29 death of any service member of the army, navy (including marine corps),
30 air force, space force, or coast guard of the United States, or any
31 service member of the army national guard, air national guard, state
32 guard or naval militia, the adjutant general, shall, in cooperation with
33 the office of general services, arrange for the procurement of a flag of
34 the United States and a flag of the State of New York, which were flying
35 over the capitol building at the time such flags were lowered to half
36 staff in compliance with the governor's order. Upon the procurement of
37 such flags, the adjutant general, or [~~his or her~~] their representative,
38 shall offer the presentment of such flags, without cost, to the person
39 designated to dispose of the remains of the service member, in whose
40 honor such flags were lowered in memorial.

41 § 14. This act shall take effect immediately; provided, however, that
42 the amendments to paragraph (b) of subdivision 5 of section 50 of the
43 civil service law made by section ten of this act shall be subject to
44 the expiration and reversion of such paragraph pursuant to section 2 of
45 part EE of chapter 55 of the laws of 2023, when upon such date the
46 provisions of section eleven of this act shall take effect.