

STATE OF NEW YORK

10204

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Barrett) --
read once and referred to the Committee on Veterans' Affairs

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
18 served satisfactorily as a crew member during the period of armed
19 conflict, December seventh, nineteen hundred forty-one, to August
20 fifteenth, nineteen hundred forty-five, aboard merchant vessels in
21 oceangoing, i.e., foreign, intercoastal, or coastwise service as such
22 terms are defined under federal law (46 USCA 10301 & 10501) and further
23 to include "near foreign" voyages between the United States and Canada,
24 Mexico, or the West Indies via ocean routes, or public vessels in ocean-

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

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1 going service or foreign waters and who has received a Certificate of
2 Release or Discharge from Active Duty and a discharge certificate, or an
3 Honorable Service Certificate/Report of Casualty, from the Department of
4 Defense or [~~he or she~~] the member or veteran served as a United States
5 civilian employed by the American Field Service and served overseas
6 under United States Armies and United States Army Groups in world war II
7 during the period of armed conflict, December seventh, nineteen hundred
8 forty-one through May eighth, nineteen hundred forty-five, and (i) was
9 discharged or released therefrom under honorable conditions, or (ii) has
10 a qualifying condition, as defined in section one of the veterans'
11 services law, and has received a discharge other than bad conduct or
12 dishonorable from such service, or (iii) is a discharged LGBT veteran,
13 as defined in section one of the veterans' services law, and has
14 received a discharge other than bad conduct or dishonorable from such
15 service, or [~~he or she~~] the member or veteran served as a United States
16 civilian Flight Crew and Aviation Ground Support Employee of Pan Ameri-
17 can World Airways or one of its subsidiaries or its affiliates and
18 served overseas as a result of Pan American's contract with Air Trans-
19 port Command or Naval Air Transport Service during the period of armed
20 conflict, December fourteenth, nineteen hundred forty-one through August
21 fourteenth, nineteen hundred forty-five, and (iv) was discharged or
22 released therefrom under honorable conditions, or (v) has a qualifying
23 condition, as defined in section one of the veterans' services law, and
24 has received a discharge other than bad conduct or dishonorable from
25 such service, or (vi) is a discharged LGBT veteran, as defined in
26 section one of the veterans' services law, and has received a discharge
27 other than bad conduct or dishonorable from such service.

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

30 1. "Military service" means the military service of the state, or of
31 the United States, including the army, navy, marine corps, air force,
32 space force, coast guard, merchant marine and all components thereof,
33 and the coast and geodetic survey, the public health service, the
34 national guard when in the service of the United States pursuant to call
35 as provided by law, and the cadets or midshipmen of the United States
36 Military Academy, United States Naval Academy, United States Air Force
37 Academy and United States Coast Guard Academy.

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

40 (a) Insurers shall be prohibited from refusing to issue a motor vehi-
41 cle liability insurance policy to any person with a valid New York state
42 driver's license which has been maintained by such person for at least
43 thirty-nine months prior to the time of application for such policy of
44 insurance solely on the basis that such person has not owned or leased a
45 vehicle during such period, unless such decision is based on sound
46 underwriting and actuarial principles reasonably related to actual or
47 anticipated loss experience. Provided, however, that an applicant demon-
48 strating a continuous, valid out-of-state or out-of-country driver's
49 license during such thirty-nine month period due to active service in
50 the United States army, navy, air force, space force or marines shall be
51 treated as if continuous licensing had been maintained in New York and
52 such person shall not be rejected based solely on the fact that [~~he or~~
53 ~~she~~] such person served in the military.

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

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

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

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

10 § 5. Paragraph a and subparagraph 2 of paragraph b of subdivision 1 of
11 section 214 of the military law, paragraph a as added by chapter 853 of
12 the laws of 1953 and subparagraph 2 of paragraph b as amended by chapter
13 625 of the laws of 1965, are amended to read as follows:

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

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

31 § 6. Paragraph (b) of subdivision 1 of section 243 of the military
32 law, as amended by section 71 of part PP of chapter 56 of the laws of
33 2022, is amended to read as follows:

34 (b) The term "military duty" shall mean military service in the mili-
35 tary, naval, aviation, space or marine service of the United States
36 subsequent to July first, nineteen hundred forty, or service under the
37 selective training and service act of nineteen hundred forty, or the
38 national guard and reserve officers mobilization act of nineteen hundred
39 forty, or any other act of congress supplementary or amendatory thereto,
40 or any similar act of congress hereafter enacted and irrespective of the
41 fact that such service was entered upon following a voluntary enlistment
42 therefor or was required under one of the foregoing acts of congress, or
43 service with the United States public health service as a commissioned
44 officer, or service with the American Red Cross while with the armed
45 forces of the United States on foreign service, or service with the
46 special services section of the armed forces of the United States on
47 foreign service, or service in the merchant marine which shall consist
48 of service as an officer or member of the crew on or in connection with
49 a vessel documented under the laws of the United States or a vessel
50 owned by, chartered to, or operated by or for the account or use of the
51 government of the United States, or service by one who was employed by
52 the War Shipping Administration or Office of Defense Transportation or
53 their agents as a merchant seaman documented by the United States Coast
54 Guard or Department of Commerce, or as a civil servant employed by the
55 United States Army Transport Service (later redesignated as the United
56 States Army Transportation Corps, Water Division) or the Naval Transpor-

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

1 include any voluntary service in excess of four years performed after
2 that date, or the total of any voluntary services, additional or other-
3 wise, in excess of four years performed after that date, shall not
4 exceed five years, if the service in excess of four years is at the
5 request and for the convenience of the federal government, except if
6 such voluntary service is performed during a period of war, or national
7 emergency declared by the president.

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

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

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

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

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

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

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

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

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

40 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
41 sion, the state civil service department, subject to the approval of the
42 director of the budget, a municipal commission, subject to the approval
43 of the governing board or body of the city or county, as the case may
44 be, or a regional commission or personnel officer, pursuant to govern-
45 mental agreement, may elect to waive application fees, or to abolish
46 fees for specific classes of positions or types of examinations or
47 candidates, or to establish a uniform schedule of reasonable fees
48 different from those prescribed in paragraph (a) of this subdivision,
49 specifying in such schedule the classes of positions or types of exam-
50 inations or candidates to which such fees shall apply; provided, howev-
51 er, that fees shall be waived for candidates who certify to the state
52 civil service department, a municipal commission or a regional commis-
53 sion that they are unemployed and primarily responsible for the support
54 of a household, or are receiving public assistance. Provided further,
55 the state civil service department shall waive the state application fee
56 for examinations for original appointment for all veterans. Provided

1 further, the state civil service department shall, and a municipal
2 commission may, subject to the approval of the governing board or body
3 of the city or county, as the case may be, or a regional commission or
4 personnel officer, pursuant to governmental agreement, waive application
5 fees for all examinations held between July first, two thousand twenty-
6 three and December thirty-first, two thousand twenty-five. Notwithstand-
7 ing any other provision of law, for purposes of this section, the term
8 "veteran" shall mean a person who has served in the armed forces of the
9 United States or the reserves thereof, or in the army national guard,
10 air national guard, New York guard, or the New York naval militia, and
11 who (1) has been honorably discharged or released from such service
12 under honorable conditions, or (2) has a qualifying condition, as
13 defined in section one of the veterans' services law, and has received a
14 discharge other than bad conduct or dishonorable from such service, or
15 (3) is a discharged LGBT veteran, as defined in section one of the
16 veterans' services law, and has received a discharge other than bad
17 conduct or dishonorable from such service. The term "armed forces" shall
18 mean the army, navy, air force, space force, marine corps, and coast
19 guard.

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

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

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

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

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

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

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

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