

STATE OF NEW YORK

291--A

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Veterans' Affairs -- 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, the real property tax law and the education 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

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

LBD00229-02-5

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

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

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

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

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

1 treated as if continuous licensing had been maintained in New York and
2 such person shall not be rejected based solely on the fact that [~~he or~~
3 ~~she~~] such person served in the military.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

er, that fees shall be waived for candidates who certify to the state civil service department, a municipal commission or a regional commission that they are unemployed and primarily responsible for the support of a household, or are receiving public assistance. Provided further, the state civil service department shall waive the state application fee for examinations for original appointment for all veterans. Provided further, the state civil service department shall, and a municipal commission may, subject to the approval of the governing board or body of the city or county, as the case may be, or a regional commission or personnel officer, pursuant to governmental agreement, waive application fees for all examinations held between July first, two thousand twenty-three and December thirty-first, two thousand twenty-five. Notwithstanding any other provision of law, for purposes of this section, the term "veteran" shall mean a person who has served in the armed forces of the United States or the reserves thereof, or in the army national guard, air national guard, New York guard, or the New York naval militia, and who (1) has been honorably discharged or released from such service under honorable conditions, or (2) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service. The term "armed forces" shall mean the army, navy, air force, space force, marine corps, and coast guard.

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

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the state civil service department, subject to the approval of the director of the budget, a municipal commission, subject to the approval of the governing board or body of the city or county, as the case may be, or a regional commission or personnel officer, pursuant to governmental agreement, may elect to waive application fees, or to abolish fees for specific classes of positions or types of examinations or candidates, or to establish a uniform schedule of reasonable fees different from those prescribed in paragraph (a) of this subdivision, specifying in such schedule the classes of positions or types of examinations or candidates to which such fees shall apply; provided, however, that fees shall be waived for candidates who certify to the state civil service department, a municipal commission or a regional commission that they are unemployed and primarily responsible for the support of a household, or are receiving public assistance. Provided further, the state civil service department shall waive the state application fee for examinations for original appointment for all veterans. Notwithstanding any other provision of law, for purposes of this section, the term "veteran" shall mean a person who has served in the armed forces of the United States or the reserves thereof, or in the army national guard, air national guard, New York guard, or the New York naval militia, and who (1) has been honorably discharged or released from such service under honorable conditions, or (2) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service. The term "armed forces"

1 shall mean the army, navy, air force, space force, marine corps, and
2 coast guard.

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

6 (e) "Veteran" means a person (i) who served in the active military,
7 naval, space, or air service during a period of war, or who was a recip-
8 ient of the armed forces expeditionary medal, navy expeditionary medal,
9 marine corps expeditionary medal, or global war on terrorism expedition-
10 ary medal, and who (1) was discharged or released therefrom under honor-
11 able conditions, or (2) has a qualifying condition, as defined in
12 section one of the veterans' services 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 one of the veterans'
15 services law, and has received a discharge other than bad conduct or
16 dishonorable from such service, (ii) who was employed by the War Ship-
17 ping Administration or Office of Defense Transportation or their agents
18 as a merchant seaman documented by the United States Coast Guard or
19 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 one of the veterans' services law, and
39 has received a discharge other than bad conduct or dishonorable from
40 such service, or (3) is a discharged LGBT veteran, as defined in section
41 one of the veterans' services law, and has received a discharge other
42 than bad conduct or dishonorable from such service, (iv) who served as a
43 United States civilian Flight Crew and Aviation Ground Support Employee
44 of Pan American World Airways or one of its subsidiaries or its affil-
45 iates and served overseas as a result of Pan American's contract with
46 Air Transport Command or Naval Air Transport Service during the period
47 of armed conflict, December fourteenth, nineteen hundred forty-one
48 through August fourteenth, nineteen hundred forty-five, and who (1) was
49 discharged or released therefrom under honorable conditions, or (2) has
50 a qualifying condition, as defined in section one of the veterans'
51 services law, and has received a discharge other than bad conduct or
52 dishonorable from such service, or (3) is a discharged LGBT veteran, as
53 defined in section one of the veterans' services law, and has received a
54 discharge other than bad conduct or dishonorable from such service, (v)
55 notwithstanding any other provision of law to the contrary, who are
56 members of the reserve components of the armed forces of the United

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

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

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

40 § 14. Paragraph (a) of subdivision 1 of section 2018-d of the educa-
41 tion law, as amended by chapter 300 of the laws of 2020, is amended to
42 read as follows:

43 (a) "Military service" means the military service of the state, or of
44 the United States, including the army, navy, marine corps, air force,
45 coast guard, space force, merchant marine and all components thereof,
46 and the coast and geodetic survey, the public health service, the
47 national guard when in the service of the United States pursuant to call
48 as provided by law, and the cadets or midshipmen of the United States
49 Military Academy, United States Naval Academy, United States Air Force
50 Academy, United States Merchant Marine Academy and United States Coast
51 Guard Academy.

52 § 15. This act shall take effect immediately; provided, however, that
53 the amendments to paragraph (b) of subdivision 5 of section 50 of the
54 civil service law made by section ten of this act shall be subject to
55 the expiration and reversion of such paragraph pursuant to section 2 of

1 part EE of chapter 55 of the laws of 2023, when upon such date the
2 provisions of section eleven of this act shall take effect.