

STATE OF NEW YORK

243--A

Cal. No. 737

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

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 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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

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

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Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in ocean-going service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or ~~[he or she]~~ the member or veteran served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and (i) was discharged or released therefrom under honorable conditions, or (ii) 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 (iii) 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, or ~~[he or she]~~ the member or veteran served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and (iv) was discharged or released therefrom under honorable conditions, or (v) 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 (vi) 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.

§ 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 vehicle 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-

1 strating a continuous, valid out-of-state or out-of-country driver's
2 license during such thirty-nine month period due to active service in
3 the United States army, navy, air force, space force or marines shall be
4 treated as if continuous licensing had been maintained in New York and
5 such person shall not be rejected based solely on the fact that [~~he~~ or
6 ~~she~~] such person served in the military.

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

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

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

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

19 § 5. Paragraph a and subparagraph 2 of paragraph b of subdivision 1 of
20 section 214 of the military law, paragraph a as added by chapter 853 of
21 the laws of 1953 and subparagraph 2 of paragraph b as amended by chapter
22 625 of the laws of 1965, are amended to read as follows:

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

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

40 § 6. Paragraph (b) of subdivision 1 of section 243 of the military
41 law, as amended by section 71 of part PP of chapter 56 of the laws of
42 2022, is amended to read as follows:

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

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

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

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

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

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

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

1 authority of this state, or of any public benefit corporation or public
2 authority of any county or subdivision of this state, to give leave of
3 absence with pay for twenty-four hours on the day prescribed by law as a
4 public holiday for the observance of Memorial day and on the eleventh
5 day of November, known as Veterans' day, to every person in the service
6 of the state, the county, the town, the fire district, the city or
7 village, the public benefit corporation or public authority of this
8 state, or any public benefit corporation or public authority of any
9 county or subdivision of this state, as the case may be, (i) who served
10 on active duty in the armed forces of the United States during world war
11 I or world war II, or who was employed by the War Shipping Adminis-
12 tration or Office of Defense Transportation or their agents as a
13 merchant seaman documented by the United States Coast Guard or Depart-
14 ment of Commerce, or as a civil servant employed by the United States
15 Army Transport Service (later redesignated as the United States Army
16 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, or who served as a United States civilian employed by the Amer-
28 ican Field Service and served overseas under United States Armies and
29 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 (a) was discharged or
32 released therefrom under honorable conditions, or (b) 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 (c) 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 or 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 (d) was
44 discharged or released therefrom under honorable conditions, or (e) 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 (f) 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 or
50 during the period of the Korean conflict at any time between the dates
51 of June twenty-seventh, nineteen hundred fifty and January thirty-first,
52 nineteen hundred fifty-five, or during the period of the Vietnam
53 conflict from the first day of November, nineteen hundred fifty-five to
54 the seventh day of May, nineteen hundred seventy-five, or (ii) who
55 served on active duty in the armed forces of the United States and who
56 was a recipient of the armed forces expeditionary medal, navy expedi-

tionary medal or marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, or (iii) who served in the armed forces of a foreign country allied with the United States during world war I or world war II, or during the period of the Korean conflict at any time between June twenty-seventh, nineteen hundred fifty and January thirty-first, nineteen hundred fifty-five, or during the period of the Vietnam conflict from the first day of November, nineteen hundred fifty-five to the seventh day of May, nineteen hundred seventy-five, or during the period of the Persian Gulf conflict from the second day of August, nineteen hundred ninety to the end of such conflict, or who served on active duty in the army or navy or marine corps or air force or space force or coast guard of the United States, and who (a) was honorably discharged or separated from such service under honorable conditions, or (b) 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 (c) 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 except where such action would endanger the public safety or the safety or health of persons cared for by the state, in which event such persons shall be entitled to leave of absence with pay on another day in lieu thereof. All such persons who are compensated on a per diem, hourly, semi-monthly or monthly basis, with or without maintenance, shall also be entitled to leave of absence with pay under the provisions of this section and no deduction in vacation allowance or budgetary allowable number of working days shall be made in lieu thereof. A refusal to give such leave of absence to one entitled thereto shall be neglect of duty.

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

6. "Veteran" shall mean a person who served in the United States army, navy, air force, space force, marines, coast guard, and/or reserves thereof, and/or in the army national guard, air national guard, New York guard and/or New York naval militia and who (a) has received an honorable or general discharge from such service, or (b) 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 (c) 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.

§ 10. Paragraph (b) of subdivision 5 of section 50 of the civil service law, as amended by section 1 of part EE of chapter 55 of the laws of 2023, 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. 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

1 service, or (3) is a discharged LGBT veteran, as defined in section one
2 of the veterans' services law, and has received a discharge other than
3 bad conduct or dishonorable from such service. The term "armed forces"
4 shall mean the army, navy, air force, space force, marine corps, and
5 coast guard.

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

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

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

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

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

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

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

55 § 15. This act shall take effect immediately; provided, however, that
56 the amendments to paragraph (b) of subdivision 5 of section 50 of the

1 civil service law made by section ten of this act shall be subject to
2 the expiration and reversion of such paragraph pursuant to section 2 of
3 part EE of chapter 55 of the laws of 2023, when upon such date the
4 provisions of section eleven of this act shall take effect.