

STATE OF NEW YORK

291

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

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

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

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

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

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

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

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

1 such person shall not be rejected based solely on the fact that [~~he or~~
2 ~~she~~] such person served in the military.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
29 sion, the state civil service department, subject to the approval of the
30 director of the budget, a municipal commission, subject to the approval
31 of the governing board or body of the city or county, as the case may
32 be, or a regional commission or personnel officer, pursuant to govern-
33 mental agreement, may elect to waive application fees, or to abolish
34 fees for specific classes of positions or types of examinations or
35 candidates, or to establish a uniform schedule of reasonable fees
36 different from those prescribed in paragraph (a) of this subdivision,
37 specifying in such schedule the classes of positions or types of exam-
38 inations or candidates to which such fees shall apply; provided, howev-
39 er, that fees shall be waived for candidates who certify to the state
40 civil service department, a municipal commission or a regional commis-
41 sion that they are unemployed and primarily responsible for the support
42 of a household, or are receiving public assistance. Provided further,
43 the state civil service department shall waive the state application fee
44 for examinations for original appointment for all veterans. Notwith-
45 standing any other provision of law, for purposes of this section, the
46 term "veteran" shall mean a person who has served in the armed forces of
47 the United States or the reserves thereof, or in the army national
48 guard, air national guard, New York guard, or the New York naval mili-
49 tia, and who (1) has been honorably discharged or released from such
50 service under honorable conditions, or (2) has a qualifying condition,
51 as defined in section one of the veterans' services law, and has
52 received a discharge other than bad conduct or dishonorable from such
53 service, or (3) is a discharged LGBT veteran, as defined in section one
54 of the veterans' services law, and has received a discharge other than
55 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 corps),
29 air force, space force, or coast guard of the United States, or any
30 service member of the army national guard, air national guard, state
31 guard or naval militia, the adjutant general, shall, in cooperation with
32 the office of general services, arrange for the procurement of a flag of
33 the United States and a flag of the State of New York, which were flying
34 over the capitol building at the time such flags were lowered to half
35 staff in compliance with the governor's order. Upon the procurement of
36 such flags, the adjutant general, or [~~his or her~~] their representative,
37 shall offer the presentment of such flags, without cost, to the person
38 designated to dispose of the remains of the service member, in whose
39 honor such flags were lowered in memorial.

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