S T A T E O F N E W Y O R K

1067

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. MAZIARZ, BONACIC, DeFRANCISCO, LARKIN, LAVALLE, LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to creating and authorizing the presentation of the "civilian medal of valor"; and to amend the state finance law, in relation to establishing the "civilian medal of valor fund"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The legislature hereby finds that the terrorist attacks on the World Trade Towers on the morning of September 11, 2001 have forever changed the lives of all residents of New York state, the United States of America and all other countries of the world. These cowardly and barbaric acts have deprived thousands upon thousands of citizens and individuals throughout the world of their loved ones, and the comfort, support and the security of knowing that they live in a safe place. Today, thousands of United States military personnel are risking their lives and personal safety, and are separated from their family members so that they may protect the citizens of our great nation and to attempt to bring the masterminds behind the cowardly events of September eleventh to justice. The laws of this state and country already provide for various awards, medals and decorations for military personnel who in the service of our country, or in the service of the organized militia of this state have displayed conspicuous acts of valor, heroism, courage or gallantry, either in their military capacities or in a civilian capacity. These medals, decorations and honors include a conspicuous service cross that is presented in the name of the legislature of the state by the governor. The events of September eleventh brought about untold numbers of heroic acts and deeds by so many of the public servants of the state, including firefighters and police

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

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officers of the city of New York and police officers of the port authority of New York and New Jersey as well as ordinary citizens who risked their lives and personal safety to aid and assist others during these events, and the carnage and destruction that immediately followed. In the months and years ahead, the citizens of this state are likely to encounter other and further acts of terrorism that will affect their safety and well being. Events such as the September eleventh terrorist attacks brought out the true nature of the citizens of this great state. In a time of extreme crisis and need, hundreds and thousands of New Yorkers risked life, limb and safety to assist others in similar need and distress. Countless others toiled tirelessly in food banks, blood banks and charitable organizations throughout all of New York. It is the intent of this act to honor the "ordinary citizens" of New York that perform unselfish, courageous acts of gallantry that are worthy of special recognition and honor by the legislature, the governor and all of the citizens of the state. While no action can truly recognize or repay these civilian heroes for their selfless acts of courage and heroism, the legislature finds and determines that it is appropriate to create, pursuant to the terms of this act, the "civilian medal of valor". The civilian medal of valor shall be awarded, in the name of the grateful residents of the state of New York, to the residents of this state that have, either, already displayed a conspicuous act of heroism or courage in assisting other residents of New York, as well as, the residents of other countries, or that may do so in the future.

S 2. The executive law is amended by adding a new section 10 to read as follows:

S 10. CIVILIAN MEDAL OF VALOR. 1. THE GOVERNOR IS HEREBY AUTHORIZED TO PRESENT IN THE NAME OF THE LEGISLATURE OF THE STATE OF NEW YORK AND ON BEHALF OF THE PEOPLE OF THE STATE OF NEW YORK, A CIVILIAN MEDAL, TO BE KNOWN AS THE "CIVILIAN MEDAL OF VALOR". SUCH MEDAL MAY BE AWARDED TO ANY PERSON WHO WAS A CITIZEN OF THE STATE OF NEW YORK (A) AT THE TIME OF THE PRESENTATION OF SUCH MEDAL OR (B) AT THE TIME OF THE ACT OR ACTS GIVING RISE TO THE BASIS FOR WHICH SUCH MEDAL IS BEING AWARDED. THE CIVILIAN MEDAL OF VALOR MAY BE AWARDED TO PERSONS WHO PERFORM A CONSPICUOUS AND UNSELFISH ACT OR ACTS OF VALOR, HEROISM OR COURAGE IN ASSISTING ANY OTHER PERSON OR PERSONS. CANDIDATES FOR THE CIVILIAN MEDAL OF VALOR SHALL, UPON THE RECOMMENDATION OF ONE MEMBER OF THE ASSEMBLY AND ONE SENATOR, BE CONSIDERED FOR SUCH AWARD BY THE CIVILIAN MEDAL OF VALOR COMMITTEE, ESTABLISHED PURSUANT TO SUBDIVISION TWO OF THIS SECTION. FURTHERMORE, SUCH COMMITTEE SHALL PROVIDE FOR THE SUITABLE DESIGN AND INSCRIPTION OF THE CIVILIAN MEDAL OF VALOR.

2. (A) THERE IS HEREBY CREATED, WITHIN THE EXECUTIVE DEPARTMENT, A CIVILIAN MEDAL OF VALOR COMMITTEE WHICH SHALL BE PERPETUAL IN DURATION AND BE COMPOSED OF NINE MEMBERS. THE MEMBERS OF THE COMMITTEE SHALL BE APPOINTED AS FOLLOWS: THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE AND ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. THE MEMBERSHIP OF SUCH COMMITTEE SHALL REPRESENT THE BROAD SPECTRUM OF THE CITIZENRY OF THIS STATE, EXCEPT THAT LESS THAN ONE-HALF OF THE MEMBERS OF THE COMMITTEE SHALL BE IN THE ARMED FORCES OF THE UNITED STATES OR IN THE ORGANIZED MILITIA OF THE STATE. THE MEMBERS OF THE COMMITTEE SHALL SERVE A TERM OF THREE YEARS, EXCEPT THAT THE INITIAL APPOINTEES SHALL SERVE THE FOLLOWING TERMS: ONE MEMBER APPOINTED BY THE GOVERNOR, ONE MEMBER APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE MEMBER

APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL SERVE A TERM OF ONE YEAR; ONE MEMBER APPOINTED BY THE GOVERNOR, ONE MEMBER APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL SERVE A TERM OF TWO YEARS; AND ONE MEMBER APPOINTED BY THE GOVERNOR, THE MEMBER APPOINTED BY THE MINORITY LEADER OF THE SENATE AND THE MEMBER APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY SHALL SERVE A TERM OF THREE YEARS. THE MEMBERS OF THE COMMITTEE SHALL SERVE UNTIL THEIR SUCCESSORS HAVE BEEN APPOINTED AND HAVE QUALIFIED. EVERY VACANCY OCCURRING IN THE MEMBERSHIP OF THE COMMITTEE SHALL BE FILLED FOR THE UNEXPIRED TERM OF THE VACANT MEMBER IN THE MANNER PROVIDED FOR THE ORIGINAL APPOINTMENT OF SUCH MEMBER. THE CHAIR AND SECRETARY OF THE COMMITTEE SHALL BE ELECTED FROM AMONG THE MEMBERSHIP OF SUCH COMMITTEE BY A MAJORITY VOTE THEREOF.

(B) THE CIVILIAN MEDAL OF VALOR COMMITTEE SHALL MEET NOT LESS THAN ONCE ANNUALLY, AND AT SUCH TIMES AS THE CHAIR, SECRETARY OR ANY THREE MEMBERS SHALL DESIGNATE. THE COMMITTEE UPON CONVENING A MEETING SHALL REVIEW ALL CANDIDATES FOR THE CIVILIAN MEDAL OF VALOR RECOMMENDED NOT LESS THAN THIRTY DAYS PRIOR TO SUCH MEETING. THE COMMITTEE SHALL ADOPT ALL RULES PROVIDING FOR ITS PROCEDURES AND THE SPECIFIC QUALIFICATIONS FOR THE AWARDING OF THE CIVILIAN MEDAL OF VALOR. UPON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE COMMITTEE, A CANDIDATE SHALL BE AWARDED THE CIVILIAN MEDAL OF VALOR. SUCH MEDAL SHALL BE PRESENTED BY THE GOVERNOR, OR, IN THE ALTERNATIVE, BY THE SENATOR AND MEMBER OF THE ASSEMBLY REPRESENTING THE SENATE AND ASSEMBLY DISTRICTS IN WHICH THE MEDAL RECIPIENT RESIDES.

(C) THE MEMBERS OF THE CIVILIAN MEDAL OF VALOR COMMITTEE SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SECTION.

S 3. The state finance law is amended by adding a new section 89-h to read as follows:

S 89-H. CIVILIAN MEDAL OF VALOR FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "CIVILIAN MEDAL OF VALOR FUND".

2. THE CIVILIAN MEDAL OF VALOR FUND SHALL CONSIST OF ALL GRANTS, BEQUESTS, DONATIONS AND ALL OTHER MONEYS APPROPRIATED, CREDITED, GIVEN OR TRANSFERRED THERETO FROM ANY OTHER SOURCE OR FUND.

3. THE MONEYS IN THE CIVILIAN MEDAL OF VALOR FUND SHALL BE KEPT SEPARATE AND APART, AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE OR THE COMPTROLLER, AND SHALL ONLY BE EXPENDED AS PROVIDED BY SUBDIVISION FOUR OF THIS SECTION.

4. THE MONEYS IN THE CIVILIAN MEDAL OF VALOR FUND SHALL BE EXPENDED PURSUANT TO APPROPRIATION FOR THE PURPOSES OF IMPLEMENTING THE PROVISIONS OF SECTION TEN OF THE EXECUTIVE LAW.

S 4. This act shall take effect immediately.