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I N  S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the military law, in relation to the issuance of a New York State Vietnam War Service Medal

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

Section 1. Section 247 of the military law is amended by adding a new subdivision 1-c to read as follows:

1-C. THE ADJUTANT GENERAL IS HEREBY AUTHORIZED TO PRESENT IN THE NAME OF THE LEGISLATURE OF THE STATE OF NEW YORK, A MEDAL, TO BE KNOWN AS THE "NEW YORK STATE VIETNAM WAR SERVICE MEDAL", BEARING A SUITABLE INSCRIPTION, TO ANY PERSON: (I) WHO IS A CITIZEN OF THE STATE OF NEW YORK; OR (II) WHO WAS A CITIZEN OF THE STATE OF NEW YORK WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES; (III) WHO SERVED IN THE UNITED STATES ARMED FORCES, DEFINED AS ARMY, AIR FORCE, NAVY, MARINE CORPS, OR COAST GUARD, OR THE ORGANIZED MILITIA ON ACTIVE DUTY ABROAD IN THE VIETNAM WAR DURING THE PERIOD OF TIME FROM NOVEMBER FIRST, NINETEEN HUNDRED FIFTY-FIVE THROUGH APRIL THIRTIETH, NINETEEN HUNDRED SEVENTY-FIVE; AND (IV) WHO WAS HONORABLY DISCHARGED OR RELEASED UNDER HONORABLE CIRCUMSTANCES DURING THE VIETNAM WAR. NOT MORE THAN ONE NEW YORK STATE VIETNAM WAR SERVICE MEDAL SHALL BE AWARDED OR PRESENTED, UNDER THE PROVISIONS OF THIS SUBDIVISION, TO ANY PERSON WHOSE ENTIRE SERVICE SUBSEQUENT TO THE TIME OF THE RECEIPT OF SUCH MEDAL SHALL NOT HAVE BEEN HONORABLE. FOR EACH SUCCEEDING STAR AS PROVIDED HEREIN, SUCH PERSON SHALL BE ENTITLED TO WEAR, AS THE CHIEF OF STAFF OF THE STATE MAY DIRECT, A RIBBON WHOSE COLOR AND DESIGN SHALL BE SELECTED BY THE DIVISION OF MILITARY AFFAIRS. IN THE EVENT OF THE DEATH OF ANY PERSON DURING OR SUBSEQUENT TO THE RECEIPT OF SUCH CERTIFICATE IT SHALL BE PRESENTED TO SUCH REPRESENTATIVE OF THE DECEASED AS MAY BE DESIGNATED. THE ADJUTANT GENERAL, IN CONSULTATION WITH THE DIRECTOR OF THE DIVISION OF VETERANS' AFFAIRS, SHALL MAKE SUCH RULES AND REGULATIONS AS MAY BE DEEMED NECESSARY FOR THE PROPER PRESENTATION AND DISTRIBUTION OF SUCH MEDALS.

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

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S 2. Subdivision 4 of section 247 of the military law, as amended by chapter 477 of the laws of 2013, is amended to read as follows:

4. This section shall not be construed to require that a recipient of the conspicuous service cross, the conspicuous service star [or], the Cold War Certificate OR THE NEW YORK STATE VIETNAM WAR SERVICE MEDAL has been a resident of the state of New York at the time of his or her entry into the United States army, air force, navy, marine corps, or nurses corps.

S 3. Subdivision 1-a of section 247 of the military law, as added by chapter 184 of the laws of 1998, is amended to read as follows:

1-a. The governor is hereby authorized to present in the name of the legislature of the state of New York, a military decoration, to be known as the "conspicuous service star", bearing a suitable inscription, device, and ribbon, all of which shall be of suitable design, to any person (i) who is a citizen of the state of New York or (ii) who was a citizen of the state of New York while serving in the armed forces of the United States, and who, while serving in the United States Armed Forces, defined as army, air force, navy, marine corps, or coast guard, has, or shall have received a United States unit level decoration denoting combat participation and foreign unit awards, issued from a company, regimental, brigade, or division commander, or equivalent naval unit, or issued by the President of the United States, the Congress of the United States, the United States Defense Department or the joint chiefs of staff, such as, but not limited to, a presidential unit citation or a joint meritorious unit award. Not more than one conspicuous service star shall be issued to any one person; nor shall any citation be awarded or presented, under the provisions of this subdivision, to any person whose entire service subsequent to the time of the receipt of such star shall not have been honorable. For each succeeding star as provided herein, such person shall be entitled to wear, as the chief of staff of the state may direct, a ribbon whose color and design shall be selected by the division of [miliary] MILITARY affairs. In the event of the death of any person during or subsequent to the receipt of such citation the conspicuous service star shall be presented to such representative of the deceased as may be designated. The chief of staff shall make such rules and regulations as may be deemed necessary for the proper presentation and distribution of such decorations.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that if chapter 477 of the laws of 2013 shall not have taken effect on or before such date then section two of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2013 takes effect. The division of military and naval affairs is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement the provisions of this act on its effective date on or before such date.