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

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I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. BALL, TEDISCO, SPANO, WEISENBERG, BACALLES, BARCLAY, BURLING, CROUCH, ERRIGO, GIGLIO, KOLB, RAIA, McDONOUGH, MOLINARO, REILICH, TOWNSEND -- Multi-Sponsored by -- M. of A. CALHOUN, CONTE, HAYES, McKEVITT, OAKS, SALADINO, SAYWARD, THIELE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the military law, in relation to providing for the "War on Terror expeditionary medal" to be granted to those who provided certain military service abroad

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

Section 1. Subdivisions 1-a and 4 of section 247 of the military law, subdivision 1-a as added and subdivision 4 as amended by chapter 184 of the laws of 1998, are amended and a new subdivision 1-b is added 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] ADJUTANT

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

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GENERAL of the state may direct, a ribbon whose color and design shall be selected by the division of [miliary] MILITARY AND NAVAL 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] ADJUTANT GENERAL shall make such rules and regulations as may be deemed necessary for the proper presentation and distribution of such decorations.

1-B. (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 "WAR ON TERROR EXPEDITIONARY MEDAL", 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 OR THE ORGANIZED MILITIA, AND WHO, WHILE SERVING IN THE UNITED STATES ARMED FORCES, DEFINED AS THE ARMY, AIR FORCE, NAVY, MARINE CORPS OR COAST GUARD, OR THE ORGANIZED MILITIA SERVED ON ACTIVE DUTY DURING THE WAR ON TERROR. NOT MORE THAN ONE WAR ON TERROR EXPEDITIONARY MEDAL 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 MEDAL SHALL NOT HAVE BEEN HONORABLE. FOR EACH SUCCEEDING MEDAL AS PROVIDED IN THIS SUBDIVISION, SUCH PERSON SHALL BE ENTITLED TO WEAR, AS THE ADJUTANT GENERAL OF THE STATE MAY DIRECT, A RIBBON WHOSE COLOR AND DESIGN SHALL BE SELECTED BY THE DIVISION OF MILITARY AND NAVAL AFFAIRS. IN THE EVENT OF THE DEATH OF ANY PERSON DURING OR SUBSEQUENT TO THE RECEIPT OF SUCH CITATION THE WAR ON TERROR EXPEDITIONARY MEDAL SHALL BE PRESENTED TO SUCH REPRESENTATIVE OF THE DECEASED AS MAY BE DESIGNATED. THE ADJUTANT GENERAL SHALL MAKE SUCH RULES AND REGULATIONS AS MAY BE DEEMED NECESSARY FOR THE PROPER PRESENTATION AND DISTRIBUTION OF SUCH DECORATIONS.

(B) FOR THE PURPOSES OF THIS SUBDIVISION, "WAR ON TERROR" SHALL MEAN DEPLOYMENT ABROAD IN OPERATIONS ENDURING FREEDOM AND IRAQI FREEDOM, AS DEFINED BY THE DEPARTMENT OF DEFENSE, IN THE FOLLOWING DESIGNATED SPECIFIC GEOGRAPHIC AREAS: AFGHANISTAN, ALGERIA, BAHRAIN, BOSNIA-HERZEGOVINA, BULGARIA (BOURGAS), CHAD, CRETE, CYPRUS, DIEGO GARCIA, DJIBOUTI, EGYPT, ERITREA, ETHIOPIA, GEORGIA, HUNGARY, IRAN, IRAQ, ISRAEL, JORDON, KAZAKHSTAN, KENYA, KOSOVO (ONLY SPECIFIC GLOBAL WAR ON TERRORISM OPERATIONS NOT ASSOCIATED WITH THE KOSOVO CAMPAIGN AS DEFINED BY THE DEPARTMENT OF DEFENSE), KUWAIT, KYRGYZSTAN, LEBANON, MALI, MAURITANIA, NIGER, OMAN, PAKISTAN, PHILIPPINES, QATAR, ROMANIA (CONSTANTA), SAUDI ARABIA, SOMALIA, SYRIA, TAJIKISTAN, TURKEY, TURKMENISTAN, UGANDA, UNITED ARAB EMIRATES, UZBEKISTAN, YEMEN, THAT PORTION OF THE ARABIAN SEA NORTH OF TEN DEGREES NORTH LATITUDE AND WEST OF SIXTY-EIGHT DEGREES WEST LONGITUDE, BAB EL MANDEB, GULF OF ADEN, GULF OF AQABA, GULF OF OMAN, GULF OF SUEZ, THAT PORTION OF THE MEDITERRANEAN SEA EAST OF TWENTY-EIGHT DEGREES EAST LONGITUDE AND BOARDING AND SEARCHING VESSEL OPERATIONS, PERSIAN GULF, RED SEA, STRAIT OF HORMUZ, AND SUEZ CANAL.

4. This section shall not be construed to require that a recipient of the conspicuous service cross [or], the conspicuous service star OR THE WAR ON TERROR EXPEDITIONARY 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, COAST GUARD or nurses corps.

S 2. This act shall take effect immediately.