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

6456--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 4, 2009

Introduced by M. of A. ORTIZ, N. RIVERA, COOK, BOYLAND, PHEFFER, ABBATE, NOLAN, SCHIMMINGER, CUSICK, P. RIVERA, CASTRO -- Multi-Sponsored by -- M. of A. BENEDETTO, CANESTRARI, DelMONTE, FARRELL, LUPARDO, MAYER-SOHN, McENENY, WEISENBERG -- read once and referred to the Committee on Veterans' Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the military law, in relation to the issuance of a Cold War certificate

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-b to read as follows:

1-B. THE ADJUTANT GENERAL IS HEREBY AUTHORIZED TO PRESENT IN THE NAME OF THE LEGISLATURE OF THE STATE OF NEW YORK, A CERTIFICATE, TO BE KNOWN AS THE "COLD WAR CERTIFICATE," 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 DURING THE PERIOD OF TIME FROM SEPTEMBER SECOND, NINETEEN HUNDRED FORTY-FIVE THROUGH DECEMBER TWENTY-SIXTH, NINETEEN HUNDRED NINETY-ONE, COMMONLY KNOWN AS THE COLD WAR ERA; AND (IV) WHO WAS HONORABLY DISCHARGED OR RELEASED UNDER HONORABLE CIRCUMSTANCES DURING THE COLD WAR ERA. NOT MORE THAN ONE COLD WAR CERTIFICATE 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. 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

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

NECESSARY FOR THE PROPER PRESENTATION AND DISTRIBUTION OF THE CERTIFICATE.

S 2. Subdivision 4 of section 247 of the military law, as amended by chapter 184 of the laws of 1998, is amended to read as follows:

4. This section shall not be construed to require that a recipient of the conspicuous service cross [or], the conspicuous service star OR THE COLD WAR CERTIFICATE 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. This act shall take effect on the one hundred twentieth day after it shall have become a law. The division of military and naval affairs is authorized to promulgate any and all rules and regulations and take any other measure necessary to implement the provisions of this act on its effective date on or before such date.