

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

5979

2011-2012 Regular Sessions

I N A S S E M B L Y

March 3, 2011

Introduced by M. of A. BURLING, SAYWARD, CALHOUN, THIELE, GIGLIO, KOLB, HAWLEY, FINCH, CASTELLI -- Multi-Sponsored by -- M. of A. BARCLAY, CROUCH, DUPREY, GOODELL, HAYES, JORDAN, McDONOUGH, McLAUGHLIN, MONTESANO, OAKS, PALMESANO, RAIA, REILICH, WEISENBERG -- read once and referred to the Committee on Governmental Operations

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:

1 Section 1. Legislative intent. The legislature hereby finds that the
2 terrorist attacks on the World Trade Towers on the morning of September
3 11, 2001 have forever changed the lives of all residents of New York
4 state, the United States of America and all other countries of the
5 world. These cowardly and barbaric acts have deprived thousands upon
6 thousands of citizens and individuals throughout the world of their
7 loved ones, and the comfort, support and the security of knowing that
8 they live in a safe place. Today, thousands of United States military
9 personnel are risking their lives and personal safety, and are separated
10 from their family members so that they may protect the citizens of our
11 great nation and to attempt to bring the masterminds behind the cowardly
12 events of September eleventh to justice. The laws of this state and
13 country already provide for various awards, medals and decorations for
14 military personnel who in the service of our country, or in the service
15 of the organized militia of this state have displayed conspicuous acts
16 of valor, heroism, courage or gallantry, either in their military capacities
17 or in a civilian capacity. These medals, decorations and honors
18 include a conspicuous service cross that is presented in the name of the
19 legislature of the state by the governor. The events of September eleventh
20 brought about untold numbers of heroic acts and deeds by so many of

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

LBD01588-01-1

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

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

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

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

1 MEMBER APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE MEMBER
2 APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL SERVE A TERM OF ONE YEAR;
3 ONE MEMBER APPOINTED BY THE GOVERNOR, ONE MEMBER APPOINTED BY THE TEMPO-
4 RARY PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF
5 THE ASSEMBLY SHALL SERVE A TERM OF TWO YEARS; AND ONE MEMBER APPOINTED
6 BY THE GOVERNOR, THE MEMBER APPOINTED BY THE MINORITY LEADER OF THE
7 SENATE AND THE MEMBER APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY
8 SHALL SERVE A TERM OF THREE YEARS. THE MEMBERS OF THE COMMITTEE SHALL
9 SERVE UNTIL THEIR SUCCESSORS HAVE BEEN APPOINTED AND HAVE QUALIFIED.
10 EVERY VACANCY OCCURRING IN THE MEMBERSHIP OF THE COMMITTEE SHALL BE
11 FILLED FOR THE UNEXPIRED TERM OF THE VACANT MEMBER IN THE MANNER
12 PROVIDED FOR THE ORIGINAL APPOINTMENT OF SUCH MEMBER. THE CHAIR AND
13 SECRETARY OF THE COMMITTEE SHALL BE ELECTED FROM AMONG THE MEMBERSHIP OF
14 SUCH COMMITTEE BY A MAJORITY VOTE THEREOF.

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

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

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

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

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

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

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

48 S 4. This act shall take effect immediately.