

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 AWARDING 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.