

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

7379--A

2011-2012 Regular Sessions

I N A S S E M B L Y

May 3, 2011

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

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:

1 Section 1. Section 247 of the military law is amended by adding a new
2 subdivision 1-b to read as follows:
3 1-B. THE ADJUTANT GENERAL IS HEREBY AUTHORIZED TO PRESENT IN THE NAME
4 OF THE LEGISLATURE OF THE STATE OF NEW YORK, A CERTIFICATE, TO BE KNOWN
5 AS THE "COLD WAR CERTIFICATE", BEARING A SUITABLE INSCRIPTION, TO ANY
6 PERSON: (I) WHO IS A CITIZEN OF THE STATE OF NEW YORK OR (II) WHO WAS A
7 CITIZEN OF THE STATE OF NEW YORK WHILE SERVING IN THE ARMED FORCES OF
8 THE UNITED STATES; (III) WHO SERVED IN THE UNITED STATES ARMED FORCES
9 DURING THE PERIOD OF TIME FROM SEPTEMBER SECOND, NINETEEN HUNDRED
10 FORTY-FIVE THROUGH DECEMBER TWENTY-SIXTH, NINETEEN HUNDRED NINETY-ONE,
11 COMMONLY KNOWN AS THE COLD WAR ERA; AND (IV) WHO WAS HONORABLY
12 DISCHARGED OR RELEASED UNDER HONORABLE CIRCUMSTANCES DURING THE COLD WAR
13 ERA. NOT MORE THAN ONE COLD WAR CERTIFICATE SHALL BE AWARDED OR
14 PRESENTED, UNDER THE PROVISIONS OF THIS SUBDIVISION, TO ANY PERSON WHOSE
15 ENTIRE SERVICE SUBSEQUENT TO THE TIME OF THE RECEIPT OF SUCH MEDAL SHALL
16 NOT HAVE BEEN HONORABLE. IN THE EVENT OF THE DEATH OF ANY PERSON DURING
17 OR SUBSEQUENT TO THE RECEIPT OF SUCH CERTIFICATE IT SHALL BE PRESENTED
18 TO SUCH REPRESENTATIVE OF THE DECEASED AS MAY BE DESIGNATED. THE ADJU-
19 TANT GENERAL, IN CONSULTATION WITH THE DIRECTOR OF THE DIVISION OF
20 VETERANS' AFFAIRS, SHALL MAKE SUCH RULES AND REGULATIONS AS MAY BE

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

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1 DEEMED NECESSARY FOR THE PROPER PRESENTATION AND DISTRIBUTION OF THE
2 CERTIFICATE.

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

5 4. This section shall not be construed to require that a recipient of
6 the conspicuous service cross [or], the conspicuous service star OR THE
7 COLD WAR CERTIFICATE has been a resident of the state of New York at the
8 time of his or her entry into the United States army, air force, navy,
9 marine corps, or nurses corps.

10 S 3. This act shall take effect on the one hundred twentieth day after
11 it shall have become a law. The division of military and naval affairs
12 is authorized to promulgate any and all rules and regulations and take
13 any other measures necessary to implement the provisions of this act on
14 its effective date on or before such date.