

6160

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the military law, in relation to the issuance of a New York State Korean War Service Medal

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-c to read as follows:
3 1-C. THE ADJUTANT GENERAL IS HEREBY AUTHORIZED TO PRESENT IN THE NAME
4 OF THE LEGISLATURE OF THE STATE OF NEW YORK, A MEDAL, TO BE KNOWN AS THE
5 "NEW YORK STATE KOREAN WAR SERVICE MEDAL", BEARING A SUITABLE
6 INSCRIPTION, TO ANY PERSON: (I) WHO IS A CITIZEN OF THE STATE OF NEW
7 YORK, OR (II) WHO WAS A CITIZEN OF THE STATE OF NEW YORK WHILE SERVING
8 IN THE ARMED FORCES OF THE UNITED STATES; (III) WHO SERVED IN THE UNITED
9 STATES ARMED FORCES, DEFINED AS ARMY, AIR FORCE, NAVY, MARINE CORPS, OR
10 COAST GUARD, OR THE ORGANIZED MILITIA ON ACTIVE DUTY ABROAD IN THE KORE-
11 AN WAR DURING THE PERIOD OF TIME FROM JUNE TWENTY-FIFTH, NINETEEN
12 HUNDRED FIFTY THROUGH JULY TWENTY-SEVENTH, NINETEEN HUNDRED FIFTY-THREE;
13 AND (IV) WHO WAS HONORABLY DISCHARGED OR RELEASED UNDER HONORABLE
14 CIRCUMSTANCES DURING THE KOREAN WAR. NOT MORE THAN ONE NEW YORK STATE
15 KOREAN WAR SERVICE MEDAL SHALL BE AWARDED OR PRESENTED, UNDER THE
16 PROVISIONS OF THIS SUBDIVISION, TO ANY PERSON WHOSE ENTIRE SERVICE
17 SUBSEQUENT TO THE TIME OF THE RECEIPT OF SUCH MEDAL SHALL NOT HAVE BEEN
18 HONORABLE. FOR EACH SUCCEEDING STAR AS PROVIDED HEREIN, SUCH PERSON
19 SHALL BE ENTITLED TO WEAR, AS THE CHIEF OF STAFF OF THE STATE MAY
20 DIRECT, A RIBBON WHOSE COLOR AND DESIGN SHALL BE SELECTED BY THE DIVI-
21 SION OF MILITARY AFFAIRS. IN THE EVENT OF THE DEATH OF ANY PERSON DURING
22 OR SUBSEQUENT TO THE RECEIPT OF SUCH CERTIFICATE IT SHALL BE PRESENTED
23 TO SUCH REPRESENTATIVE OF THE DECEASED AS MAY BE DESIGNATED. THE ADJU-
24 TANT GENERAL, IN CONSULTATION WITH THE DIRECTOR OF THE DIVISION OF
25 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 SUCH
2 MEDALS.

3 S 2. Subdivision 4 of section 247 of the military law, as amended by
4 chapter 477 of the laws of 2013, 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, the conspicuous service star [or], the
7 Cold War Certificate OR THE NEW YORK STATE KOREAN WAR SERVICE MEDAL has
8 been a resident of the state of New York at the time of his or her entry
9 into the United States army, air force, navy, marine corps, or nurses
10 corps.

11 S 3. Subdivision 1-a of section 247 of the military law, as added by
12 chapter 184 of the laws of 1998, is amended to read as follows:

13 1-a. The governor is hereby authorized to present in the name of the
14 legislature of the state of New York, a military decoration, to be known
15 as the "conspicuous service star", bearing a suitable inscription,
16 device, and ribbon, all of which shall be of suitable design, to any
17 person (i) who is a citizen of the state of New York or (ii) who was a
18 citizen of the state of New York while serving in the armed forces of
19 the United States, and who, while serving in the United States Armed
20 Forces, defined as army, air force, navy, marine corps, or coast guard,
21 has, or shall have received a United States unit level decoration denot-
22 ing combat participation and foreign unit awards, issued from a company,
23 regimental, brigade, or division commander, or equivalent naval unit, or
24 issued by the President of the United States, the Congress of the United
25 States, the United States Defense Department or the joint chiefs of
26 staff, such as, but not limited to, a presidential unit citation or a
27 joint meritorious unit award. Not more than one conspicuous service star
28 shall be issued to any one person; nor shall any citation be awarded or
29 presented, under the provisions of this subdivision, to any person whose
30 entire service subsequent to the time of the receipt of such star shall
31 not have been honorable. For each succeeding star as provided herein,
32 such person shall be entitled to wear, as the chief of staff of the
33 state may direct, a ribbon whose color and design shall be selected by
34 the division of [military] MILITARY affairs. In the event of the death
35 of any person during or subsequent to the receipt of such citation the
36 conspicuous service star shall be presented to such representative of
37 the deceased as may be designated. The chief of staff shall make such
38 rules and regulations as may be deemed necessary for the proper presen-
39 tation and distribution of such decorations.

40 S 4. This act shall take effect on the one hundred twentieth day after
41 it shall have become a law; provided, however, that if chapter 477 of
42 the laws of 2013 shall not have taken effect on or before such date,
43 then this act shall take effect on the same date and in the same manner
44 as chapter 477 of the laws of 2013 takes effect. The division of mili-
45 tary and naval affairs is authorized to promulgate any and all rules and
46 regulations and take any other measures necessary to implement the
47 provisions of this act on its effective date on or before such date.