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

2660

2013-2014 Regular Sessions

I N S E N A T E

January 23, 2013

Introduced by Sen. BALL -- 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 providing for the "atomic veterans medal" to be granted to certain veterans exposed to ionizing radiation as a result of atomic weapons tests

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 1-a and 4 of section 247 of the military law, subdivision 1-a as added and subdivision 4 as amended by chapter 184 of the laws of 1998, are amended and a new subdivision 1-b is added to read as follows:

1-a. The governor is hereby authorized to present in the name of the legislature of the state of New York, a military decoration, to be known as the "conspicuous service star", bearing a suitable inscription, device, and ribbon, all of which shall be of suitable design, 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, and who, while serving in the United States Armed Forces, defined as army, air force, navy, marine corps, or coast guard, has, or shall have received a United States unit level decoration denoting combat participation and foreign unit awards, issued from a company, regimental, brigade, or division commander, or equivalent naval unit, or issued by the President of the United States, the Congress of the United States, the United States Defense Department or the joint chiefs of staff, such as, but not limited to, a presidential unit citation or a joint meritorious unit award. Not more than one conspicuous service star shall be issued to any one person; nor shall any citation 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 star shall not have been honorable. For each succeeding star as provided herein,

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

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such person shall be entitled to wear, as the [chief of staff] ADJUTANT GENERAL of the state may direct, a ribbon whose color and design shall be selected by the division of [miliary] MILITARY AND NAVAL affairs. In the event of the death of any person during or subsequent to the receipt of such citation the conspicuous service star shall be presented to such representative of the deceased as may be designated. The [chief of staff] ADJUTANT GENERAL shall make such rules and regulations as may be deemed necessary for the proper presentation and distribution of such decorations.

1-B. THE GOVERNOR IS HEREBY AUTHORIZED TO PRESENT IN THE NAME OF THE LEGISLATURE OF THE STATE OF NEW YORK, A MILITARY DECORATION, TO BE KNOWN AS THE "ATOMIC VETERANS MEDAL", BEARING A SUITABLE INSCRIPTION, DEVICE AND RIBBON, ALL OF WHICH SHALL BE OF SUITABLE DESIGN, 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 OR THE ORGANIZED MILITIA, AND WHO, WHILE SERVING IN THE UNITED STATES ARMED FORCES, DEFINED AS THE ARMY, AIR FORCE, NAVY, MARINE CORPS OR COAST GUARD, OR THE ORGANIZED MILITIA WHO WAS EXPOSED TO IONIZING RADIATION AS A RESULT OF ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE. NOT MORE THAN ONE ATOMIC VETERANS MEDAL SHALL BE ISSUED TO ANY ONE PERSON; NOR SHALL ANY CITATION 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. FOR EACH SUCCEEDING MEDAL PRESENTED AS PROVIDED IN THIS SUBDIVISION, SUCH PERSON SHALL BE ENTITLED TO WEAR, AS THE ADJUTANT GENERAL OF THE STATE MAY DIRECT, A RIBBON WHOSE COLOR AND DESIGN SHALL BE SELECTED BY THE DIVISION OF MILITARY AND NAVAL AFFAIRS. IN THE EVENT OF THE DEATH OF ANY PERSON DURING OR SUBSEQUENT TO THE RECEIPT OF SUCH CITATION THE ATOMIC VETERANS MEDAL SHALL BE PRESENTED TO SUCH REPRESENTATIVE OF THE DECEASED AS MAY BE DESIGNATED. THE ADJUTANT GENERAL SHALL MAKE SUCH RULES AND REGULATIONS AS MAY BE DEEMED NECESSARY FOR THE PROPER PRESENTATION AND DISTRIBUTION OF SUCH DECORATIONS.

4. This section shall not be construed to require that a recipient of the conspicuous service cross [or], the conspicuous service star OR THE ATOMIC VETERANS MEDAL 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, COAST GUARD or nurses corps.

S 2. This act shall take effect immediately.