

2015-2016 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2015

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Introduced by M. of A. RYAN -- 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  
21    the public servants of the state, including firefighters and police  
22    officers of the city of New York and police officers of the port author-

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

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

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

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

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

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

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

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

29 S 3. The state finance law is amended by adding a new section 89-i to  
30 read as follows:

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

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

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

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

46 S 4. This act shall take effect immediately.