

STATE OF NEW YORK

8387

IN SENATE

June 28, 2010

Introduced by Sens. LARKIN, SKELOS, LEIBELL, FARLEY, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the military law and the public buildings law, in relation to the display of certain flags upon the capitol building

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The military law is amended by adding a new section 267 to
2 read as follows:

3 § 267. Designation of honor and remember flag for fallen members of
4 the armed forces. (a) Legislative intent. The legislature of the state
5 of New York finds and determines that:

6 (1) Since the revolutionary war, more than one million members of the
7 United States armed forces have paid the ultimate price by sacrificing
8 their lives in the line of duty.

9 (2) The contributions of those fallen members of the armed forces are
10 deserving of national recognition.

11 (3) Currently, there is no officially recognized symbolic flag that
12 acknowledges members of the armed forces who died in the line of duty.

13 (b) Adoption. The national honor and remember flag for fallen members
14 of the armed forces shall be the official honor and remember flag for
15 the state of New York. The honor and remember flag is the symbol of our
16 nation's concern and commitment to honoring and remembering the lives of
17 all members of the United States armed forces who have lost their lives
18 in the line of duty.

19 (c) Procurement and distribution of flags. Not later than thirty days
20 after the effective date of this section, the commissioner of general
21 services shall commence the procurement of honor and remember flags and
22 distribute them as necessary.

23 § 2. Subdivision 2 of section 3 of the public buildings law, as
24 amended by chapter 118 of the laws of 1962, is amended to read as
25 follows:

26 2. cause the flags of the United States [and], the state flag bearing
27 the arms of the state and the flag commonly designated as the national

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

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1 honor and remember flag, to be displayed upon the capitol building
2 during the daily sessions of the legislature and on public occasions,
3 and cause the necessary flagstaffs to be erected therefor. Cause the
4 flag of the United States to be appropriately displayed at all times in
5 the senate chamber and in the assembly chamber. Cause the flag of the
6 United States to be appropriately displayed upon the walls of any hall
7 or other meeting place in a public building under his supervision and
8 control during any meeting or gathering of persons to which the public
9 is invited. The necessary expenses incurred thereby shall be paid out of
10 the treasury on the warrant of the comptroller.
11 § 3. This act shall take effect on the thirtieth day after it shall
12 have become a law.





New York State Senate

Memorandum in Support of Legislation

Submitted in accordance with Senate Rule IV, Section 1



SENATE BILL: LARKIN

ASSEMBLY BILL:

TITLE OF BILL:

An Act to amend the military law and the public buildings law, in relation to the display of certain flags upon the capitol building.

PURPOSE:

This bill would provide for the display of the National Honor and Remember Flag for fallen members of the armed forces.

SUMMARY OF SPECIFIC PROVISIONS:

Section one of this bill would add a new section 267 to the executive law, to designate the honor and remember flag for fallen members of the armed forces. Specifically, this bill would:

(a) Provide for a legislative intent which would find and determine that:

(1) Since the revolutionary war, more than one million members of the United States armed forces have paid the ultimate price by sacrificing their lives in the line of duty.

(2) The contributions of those fallen members of the armed forces are deserving of national recognition.

(3) Currently, there is no officially recognized symbolic flag that acknowledges members of the armed forces who died in the line of duty.

(b) Adopt the national honor and remember flag for fallen members of the armed forces as the official honor and remember flag for the state of New York, stating that the honor and remember flag is the symbol of our nation's concern and commitment to honoring and remembering the lives of all members of the United States armed forces who have lost their lives in the line of duty.

(c) Provide for the procurement and distribution of honor and remember flags, by requiring that not later than thirty days after the effective date of this section, the commissioner of general services shall commence the procurement of honor and remember flags and distribute them as necessary.

Section two of this bill would amend section 3 of the public buildings law, to provide that the flag commonly designated as the national honor and remember flag, shall be displayed upon the capitol building during the daily sessions of the legislature and on public occasions,

Section Three of this bill would provide that this act would take effect on the 30th day after it shall have become a law.

JUSTIFICATION:

This bill would provide for the designation and display of the National Honor and Remember Flag by the State of New York.

The National Honor and Remember Flag was established to provide for the honoring and remembering of all the members of the American Armed Forces who have given our nation and its people the ultimate sacrifice, by giving their life in the defense of our nation and its freedom.

Like the Purple Heart, which is the military honor awarded to those who have sustained combat injury or death, the Honor and Remember Flag represents a public recognition that a grateful state and nation can display to expressly show its gratitude to those service personnel and their families.

This bill would provide for the adoption of the Honor and Remember Flag as the official Honor and Remember Flag for the State of New York, and require its display over the State Capitol Building in Albany. Similar legislation is being enacted in other states, as well as by the federal government, as a tribute to our fallen Armed Forces Service Members.

LEGISLATIVE HISTORY:

This is a new bill in the Senate.

FISCAL IMPLICATIONS:

None noted (as this can be maintained within current budget appropriations).

EFFECTIVE DATE:

This act would take effect immediately.

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ON FILE: 06/28/10 Military Law
TITLE....Relates to the display of certain flags upon the capitol building
06/28/10 REFERRED TO RULES
