

8039

2013-2014 Regular Sessions

I N A S S E M B L Y

June 17, 2013

Introduced by M. of A. FAHY, McDONALD, STECK -- read once and referred
to the Committee on Governmental Operations

AN ACT to amend the military law, in relation to establishing the Lt.
Colonel Todd Clark Memorial Flag Presentment Program

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

1 Section 1. Section 250-a of the military law, as added by chapter 871
2 of the laws of 1965 and as renumbered by chapter 179 of the laws of
3 1970, subdivision 1 as amended by chapter 141 of the laws of 1988, is
4 amended to read as follows:
5 S 250-a. [Flags] LT. COLONEL TODD CLARK MEMORIAL FLAG PRESENTMENT
6 PROGRAM. 1. THERE SHALL BE ESTABLISHED WITHIN THE DIVISION OF MILITARY
7 AND NAVAL AFFAIRS, BY THE ADJUTANT GENERAL, THE LT. COLONEL TODD CLARK
8 MEMORIAL FLAG PRESENTMENT PROGRAM. PURSUANT TO SUCH PROGRAM:
9 A. The adjutant general upon request, may, in his discretion, author-
10 ize the purchase and presentation of a flag of the United States, where
11 such flag is not provided by the United States, to the person designated
12 to dispose of the remains of a member of the organized militia who dies
13 while on the active list, and whose service up to the date of death was
14 honorable.
15 B. IN THE EVENT THE GOVERNOR ORDERS THE FLAGS OF THE UNITED STATES AND
16 THE STATE OF NEW YORK, TO BE LOWERED TO HALF STAFF, IN MEMORIAL OF THE
17 DEATH OF ANY SERVICE MEMBER OF THE ARMY, NAVY (INCLUDING MARINE CORPS),
18 AIR FORCE, OR COAST GUARD OF THE UNITED STATES, OR ANY SERVICE MEMBER OF
19 THE ARMY NATIONAL GUARD, AIR NATIONAL GUARD, STATE GUARD OR NAVAL MILI-
20 TIA, THE ADJUTANT GENERAL, SHALL, IN COOPERATION WITH THE OFFICE OF
21 GENERAL SERVICES, ARRANGE FOR THE PROCUREMENT OF A FLAG OF THE UNITED
22 STATES AND A FLAG OF THE STATE OF NEW YORK, WHICH WERE FLYING OVER THE
23 CAPITOL BUILDING AT THE TIME SUCH FLAGS WERE LOWERED TO HALF STAFF IN
24 COMPLIANCE WITH THE GOVERNOR'S ORDER. UPON THE PROCUREMENT OF SUCH
25 FLAGS, THE ADJUTANT GENERAL, OR HIS OR HER REPRESENTATIVE, SHALL OFFER

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

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1 THE PRESENTMENT OF SUCH FLAGS, WITHOUT COST, TO THE PERSON DESIGNATED TO
2 DISPOSE OF THE REMAINS OF THE SERVICE MEMBER, IN WHOSE HONOR SUCH FLAGS
3 WERE LOWERED IN MEMORIAL.
4 2. For the purposes of this section only, the following persons in the
5 order named shall be designated to dispose of the remains of a decedent:
6 a. Surviving spouse of decedent
7 b. Blood relatives of the decedent
8 c. Adoptive relatives of the decedent
9 d. Person standing in loco parentis to decedent
10 S 2. This act shall take effect immediately.