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

4213

2013-2014 Regular Sessions

I N S E N A T E

March 14, 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 tax law, the state finance law and the executive law, in relation to gifts for honor and remembrance of veterans, the establishment of the veterans remembrance and cemetery maintenance and operation fund, and to repeal certain provisions of the executive law relating thereto

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

Section 1. The tax law is amended by adding a new section 627-a to read as follows:

S 627-A. GIFT FOR HONOR AND REMEMBRANCE OF VETERANS. EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-SEVEN-MMMM OF THE STATE FINANCE LAW.

S 2. The state finance law is amended by adding a new section 97-mmmm to read as follows:

S 97-MMMM. VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE, THE DIRECTOR OF THE DIVISION OF VETERANS AFFAIRS AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND".

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

LBD09883-01-3

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTION SIX HUNDRED TWENTY-SEVEN-A OF THE TAX LAW, AND ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. FOR EACH STATE FISCAL YEAR, THERE SHALL BE APPROPRIATED TO THE FUND BY THE STATE, IN ADDITION TO ALL OTHER MONEYS REQUIRED TO BE DEPOSITED INTO SUCH FUND, AN AMOUNT EQUAL TO THE AMOUNTS OF MONIES COLLECTED AND DEPOSITED INTO THE FUND PURSUANT TO SECTION SIX HUNDRED TWENTY-SEVEN-A OF THE TAX LAW, AND THE AMOUNTS OF MONEYS RECEIVED AND DEPOSITED INTO THE FUND FROM GRANTS, GIFTS AND BEQUESTS DURING THE PRECEDING CALENDAR YEAR, AS CERTIFIED BY THE COMPTROLLER. NOTHING IN THIS SECTION SHALL PREVENT THE STATE FROM SOLICITING AND RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

3. ON OR BEFORE THE FIRST DAY OF FEBRUARY OF EACH CALENDAR YEAR, THE COMPTROLLER SHALL CERTIFY TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE AMOUNT OF MONEY DEPOSITED IN VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND DURING THE PRECEDING CALENDAR YEAR AS THE RESULT OF REVENUE DERIVED PURSUANT TO SECTION SIX HUNDRED TWENTY-SEVEN-A OF THE TAX LAW, AND FROM ALL GRANTS, GIFTS AND BEQUESTS.

4. MONEYS OF THE FUND SHALL BE EXPENDED ONLY FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF STATE VETERANS CEMETERIES. AS USED IN THIS SECTION, "THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF STATE VETERANS CEMETERIES" SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) THE PURCHASE, LEASING OR IMPROVEMENT OF LAND FOR THE PURPOSE OF THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF STATE VETERANS CEMETERIES;

(B) THE PURCHASE, LEASING, CONSTRUCTION OR IMPROVEMENT OF BUILDINGS OR INFRASTRUCTURE FOR THE PURPOSE OF THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF STATE VETERANS CEMETERIES;

(C) THE PURCHASE OR LEASING OF EQUIPMENT, TOOLS, BUILDING MATERIALS, LANDSCAPING MATERIALS, MARKERS, MONUMENTS, HEADSTONES, FLAGS, FLAG POLES, OR RELATED REMEMBRANCE OR CEMETERY ITEMS FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF STATE VETERANS CEMETERIES;

(D) THE PAYMENT OF SALARIES, WAGES, BENEFITS, PROFESSIONAL SERVICE FEES, CONTRACT FEES, ASSOCIATION FEES, OR OTHER CHARGES NECESSARY FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF STATE VETERANS CEMETERIES; AND/OR

(E) THE PURCHASE OF ANY OTHER ITEM OR SERVICE NECESSARY FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF A STATE VETERANS CEMETERY.

5. MONEYS SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE DIRECTOR OF VETERANS AFFAIRS.

S 3. Subdivision 12 of section 353 of the executive law is REPEALED and a new subdivision 12 is added to read as follows:

12. (A) FOR THE PURPOSE OF PROVIDING FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR STATE VETERANS CEMETERIES, TO SEEK FUNDING FROM, AND MAKE APPLICATION FOR FUNDING TO:

(1) THE GOVERNMENT OF THE UNITED STATES, INCLUDING ANY AGENCY OR PUBLIC AUTHORITY THEREOF;

(2) THE GOVERNMENT OF THE STATE OF NEW YORK, INCLUDING ANY AGENCY OR PUBLIC AUTHORITY THEREOF;

(3) ANY POLITICAL SUBDIVISION OF THE GOVERNMENT OF THE STATE OF NEW YORK, INCLUDING ANY AGENCY OR PUBLIC AUTHORITY THEREOF; OR

(4) ANY PRIVATE INDIVIDUAL, CORPORATION OR FOUNDATION;

(B) PURSUANT TO SECTION THREE HUNDRED SIXTY-FIVE OF THIS ARTICLE, TO PROVIDE THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR STATE VETERANS CEMETERIES;

(C) TO SERVE AS JOINT CUSTODIAN OF, AND PROVIDE FOR THE EXPENDITURE OF MONEYS FROM, THE VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND, ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-MMMM OF THE STATE FINANCE LAW; AND

(D) TO EVALUATE, MONITOR AND OTHERWISE OVERSEE THE OPERATION OF VETERANS CEMETERIES IN THIS STATE.

S 4. Subdivision 12-a of section 353 of the executive law is REPEALED.

S 5. The executive law is amended by adding a new section 365 to read as follows:

S 365. NEW YORK STATE VETERANS CEMETERIES. 1. LEGISLATIVE INTENT. THE LEGISLATURE FINDS AND DETERMINES THAT THE DEVOTED SERVICE AND SACRIFICE OF VETERANS DESERVES IMPORTANT, UNIQUE AND ETERNAL RECOGNITION BY THE STATE OF NEW YORK. THAT IT IS BY MEANS OF THE DEVOTED SERVICE AND SACRIFICE OF VETERANS THAT THE LIBERTY, FREEDOM AND PROSPERITY, ENJOYED BY ALL NEW YORKERS IS MAINTAINED AND PRESERVED.

THE LEGISLATURE FURTHER FINDS AND DETERMINES THAT TO PROVIDE THIS IMPORTANT, UNIQUE AND ETERNAL RECOGNITION, THE STATE SHALL ESTABLISH A PROGRAM OF NEW YORK STATE VETERANS CEMETERIES IN NEW YORK. SUCH PROGRAM SHALL PROVIDE FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR STATE VETERANS CEMETERIES IN THIS STATE, AND THEREBY FOR THE MEMORIALIZATION AND REMEMBRANCE OF INDIVIDUAL VETERANS AND THEIR SERVICE TO THEIR COMMUNITY, STATE AND NATION.

THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES THAT IT IS THEREFORE NECESSARY TO PROVIDE FOR THE CONSTRUCTION AND ESTABLISHMENT OF ONE OR MORE NEW YORK STATE VETERANS CEMETERIES, AND THAT TO THEREAFTER, PROVIDE FOR THE EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF ALL SUCH CEMETERIES SO CONSTRUCTED AND ESTABLISHED. THE LEGISLATURE ALSO FINDS AND DETERMINES THAT IT IS APPROPRIATE TO HAVE THE RESPONSIBILITY FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR VETERANS CEMETERIES IN THIS STATE, TO BE UNDER THE OVERSIGHT AND DIRECTION OF THE STATE DIVISION OF VETERANS AFFAIRS, AND ITS DIRECTOR, INDIVIDUALLY, AND AS CHAIR OF THE MANAGEMENT BOARD, FOR EACH SUCH VETERANS CEMETERY SO CONSTRUCTED AND ESTABLISHED.

2. THE ESTABLISHMENT OF THE FIRST NEW YORK STATE VETERANS CEMETERY. (A) THE DIVISION, IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE CONSTRUCTION AND ESTABLISHMENT OF THE FIRST NEW YORK STATE VETERANS CEMETERY. SUCH INVESTIGATION AND STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) POTENTIAL SITE LOCATIONS FOR SUCH CEMETERY, WITH FULL CONSIDERATION AS TO THE NEEDS OF THE VETERANS POPULATION;
(II) THE GEOGRAPHICAL SIZE OF THE CEMETERY;
(III) THE NUMBER OF ANNUAL INTERMENTS AT THE CEMETERY;
(IV) ACCESSIBILITY TO THE CEMETERY BY VETERANS, THEIR FAMILIES AND THE GENERAL PUBLIC;
(V) COSTS FOR CONSTRUCTION OF THE CEMETERY;
(VI) COSTS OF OPERATION OF THE CEMETERY;
(VII) SCALABILITY OF THE CEMETERY FOR FUTURE GROWTH AND EXPANSION;
(VIII) POTENTIAL FOR FUNDING FOR THE CEMETERY FROM FEDERAL, LOCAL AND PRIVATE SOURCES; AND
(IX) SUCH OTHER AND FURTHER ITEMS AS THE DIRECTOR OF THE DIVISION DEEMS NECESSARY FOR THE FIRST STATE VETERANS CEMETERY TO BE SUCCESSFUL.

THE INVESTIGATION AND STUDY CONDUCTED PURSUANT TO THIS PARAGRAPH SHALL BE CONCLUDED BY NO LATER THAN OCTOBER THIRTY-FIRST, TWO THOUSAND THIRTEEN, AND A REPORT OF ITS CONCLUSIONS SHALL BE DELIVERED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIR OF THE SENATE COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY COMMITTEE ON VETERANS' AFFAIRS, BY NO LATER THAN NOVEMBER ELEVENTH, TWO THOUSAND THIRTEEN.

(B) BY NO LATER THAN DECEMBER FIRST, TWO THOUSAND THIRTEEN, PURSUANT TO THE RULES AND REGULATIONS ISSUED UNDER PARAGRAPH (F) OF THIS SUBDIVISION, THE DIRECTOR SHALL ISSUE, ON BEHALF OF THE DIVISION, A REQUEST FOR PROPOSALS FOR ANY LOCAL GOVERNMENT DESIRING TO HAVE THE FIRST STATE VETERANS CEMETERY LOCATED WITHIN THEIR POLITICAL SUBDIVISION. SUCH REQUEST FOR PROPOSALS SHALL BE RETURNABLE TO THE DIVISION BY NO LATER THAN JANUARY THIRTY-FIRST, TWO THOUSAND FOURTEEN.

(C) NO LATER THAN FEBRUARY FIFTEENTH, TWO THOUSAND FOURTEEN, THE DIRECTOR, IN CONSULTATION WITH THE MANAGEMENT BOARD OF THE FIRST NEW YORK STATE VETERANS CEMETERY, SHALL SELECT A SITE FOR THE FIRST NEW YORK STATE VETERANS CEMETERY. IN SELECTING SUCH SITE, THE DIRECTOR SHALL CONSIDER:
(I) THE INVESTIGATION AND STUDY, AND THE REPORT PRODUCED BY THE SAME, PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION;
(II) THE SUBMITTED RESPONSES TO THE REQUESTS FOR PROPOSALS ISSUED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION;
(III) THE GUIDELINES FOR RECEIPT OF FEDERAL FUNDING SPECIFIED IN SECTION 2408 OF TITLE 38 OF THE UNITED STATES CODE, PART 39 OF TITLE 38 OF THE CODE OF FEDERAL REGULATIONS, AND ANY OTHER RELEVANT FEDERAL STATUTE OR REGULATION;
(IV) THE POSSIBILITY OF FUNDING FROM PRIVATE INDIVIDUALS, CORPORATIONS OR FOUNDATIONS; AND
(V) ANY OTHER CONSIDERATION THAT WOULD FACILITATE THE SUCCESSFUL OPERATION OF THE FIRST NEW YORK STATE VETERANS CEMETERY.

(D) NO LATER THAN MARCH FIRST, TWO THOUSAND FOURTEEN, THE DIRECTOR, IN CONSULTATION WITH THE MANAGEMENT BOARD OF THE FIRST NEW YORK STATE VETERANS CEMETERY, SHALL MAKE AN APPLICATION FOR FUNDING FROM THE GOVERNMENT OF THE UNITED STATES, IN ACCORDANCE WITH THE GRANT REQUIREMENTS SPECIFIED IN SECTION 2408 OF TITLE 38 OF THE UNITED STATES CODE, PART 39 OF TITLE 38 OF THE CODE OF FEDERAL REGULATIONS, AND ANY OTHER RELEVANT FEDERAL STATUTE OR REGULATION, FOR THE PURPOSE OF SEEKING FUNDS TO SUPPORT THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF NEW YORK STATE'S FIRST VETERAN CEMETERY. SUCH GRANT APPLICATION SHALL BE BASED ON A SITE SELECTED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION,

AND SHALL BE CONSISTENT WITH THE GUIDELINES FOR RECEIPT OF FEDERAL FUNDING PURSUANT TO THE RELEVANT PROVISIONS OF FEDERAL LAW.

(E) THE GOVERNOR SHALL APPOINT A MANAGEMENT BOARD FOR THE FIRST NEW YORK STATE VETERANS CEMETERY PURSUANT TO SUBDIVISION THREE OF THIS SECTION. THE GOVERNOR SHALL PRESENT APPOINTMENTS FOR CONFIRMATION BY THE SENATE FOR THE MANAGEMENT BOARD OF THE FIRST NEW YORK STATE VETERANS CEMETERY BY NO LATER THAN JANUARY FIFTEENTH, TWO THOUSAND FOURTEEN.

(F) THE DIRECTOR SHALL PROMULGATE RULES AND REGULATIONS GOVERNING:

(I) THE GUIDELINES AND STANDARDS FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR A STATE VETERANS CEMETERY. SUCH GUIDELINES SHALL INCLUDE, BUT NOT BE LIMITED TO:

(1) THE SIZE AND TERRAIN OF THE CEMETERY;

(2) THE MANAGEMENT AND OPERATION OF THE CEMETERY, INCLUDING BUT NOT LIMITED TO:

(A) HOURS OF OPERATION;

(B) EMPLOYEES, EMPLOYEE RELATIONS, AND EMPLOYEE DUTIES;

(C) THE CONDUCT AND PRACTICE OF EVENTS, CEREMONIES AND PROGRAMS;

(D) THE FILING AND COMPLIANCE OF THE CEMETERY WITH STATE AND FEDERAL REGULATORS; AND

(E) SUCH OTHER AND FURTHER OPERATIONAL AND MANAGEMENT PRACTICES AND PROCEDURES AS THE DIRECTOR SHALL DETERMINE TO BE NECESSARY FOR THE SUCCESSFUL OPERATION OF A STATE VETERANS CEMETERY.

(3) THE LAYOUT OF PLOTS;

(4) THE LOCATIONS OF BUILDING AND INFRASTRUCTURE, INCLUDING BUT NOT LIMITED TO:

(A) ELECTRICAL LINES AND FACILITIES;

(B) WATERLINES, IRRIGATION SYSTEMS, AND DRAINAGE FACILITIES;

(C) TREES, FLOWERS AND OTHER PLANTINGS;

(D) NON GRAVESITE MEMORIALS, GRAVESITE MEMORIALS, MAUSOLEUMS, HEADSTONES, GRAVE MARKERS, INDOOR INTERMENT FACILITIES, SIGNAGE, FLAG POLES, AND OTHER MEMORIAL GATHERING SPACES OR INFRASTRUCTURE;

(E) ROADWAYS, PEDESTRIAN PATHWAYS, PARKING SITES, CURBS AND CURB CUTS;

(F) PONDS, LAKES AND OTHER WATER SITES;

(G) RETAINING WALLS, GATES, FENCES, SECURITY SYSTEMS OR OTHER DEVICES FOR CEMETERY PROTECTION; AND

(H) ANY OTHER BUILDINGS, STRUCTURES OR INFRASTRUCTURE NECESSARY FOR THE SAFE, EFFICIENT AND EFFECTIVE OPERATION OF THE CEMETERY;

(5) THE QUALIFICATIONS FOR INTERMENT, CONSISTENT WITH THE PROVISIONS OF STATE AND FEDERAL LAW AND ANY REQUIREMENTS PURSUANT TO THE RECEIPT OF FEDERAL, STATE, LOCAL OR PRIVATE FUNDS;

(6) THE LOCATION AND PLACEMENT OF INTERMENTS;

(7) CONSISTENT WITH THE PROVISIONS OF STATE AND FEDERAL LAW AND ANY REQUIREMENTS PURSUANT TO THE RECEIPT OF FEDERAL, STATE, LOCAL OR PRIVATE FUNDS, THE FINANCIAL MANAGEMENT OF THE CEMETERY, INCLUDING BUT NOT LIMITED TO:

(A) THE PROCEDURES FOR THE PROTECTION AND IMPLEMENTATION OF THE CEMETERY'S ANNUAL BUDGET;

(B) THE SEEKING, COLLECTING, DEPOSIT AND EXPENDITURE OF OPERATING FUNDS PURSUANT TO THE CEMETERY'S BUDGET;

(C) THE SEEKING, COLLECTING, DEPOSIT AND EXPENDITURE OF CAPITAL FUNDS PURSUANT TO THE CEMETERY'S CAPITAL PLAN;

(D) THE SEEKING, COLLECTING, DEPOSIT AND EXPENDITURE OF EMERGENCY FUNDS TO ADDRESS AN UNEXPECTED EVENT;

(E) THE ASSESSMENT, CHARGING, COLLECTION AND DEPOSIT OF FEES AND CHARGES;

(F) THE MANAGEMENT OF CEMETERY FINANCES, BOTH CURRENT AND FUTURE, WITH RESPECT TO INVESTMENTS; AND

(G) SUCH OTHER AND FURTHER PROCEDURES AND ACTIVITIES CONCERNING THE FINANCIAL MANAGEMENT OF THE CEMETERY;

(8) THE PROVISION OF PERPETUAL CARE FOR THE CEMETERY, INCLUDING BUT NOT LIMITED TO:

(A) THE FREQUENCY, STANDARDS AND METHODS FOR THE BEAUTIFICATION AND MAINTENANCE OF GROUNDS, MEMORIALS, GRAVESITES, BUILDINGS, CEREMONIAL SITES, OR OTHER LOCATIONS WITHIN, OR UPON THE CARTILAGE OF THE CEMETERY;

(B) THE FREQUENCY, STANDARDS AND METHODS FOR THE PROVISION OF FLAGS, PATRIOTIC AND MILITARY SYMBOLS, AND OTHER HONORARY ITEMS, AT EACH GRAVESITE AND THROUGHOUT THE CEMETERY; AND

(C) SUCH OTHER AND FURTHER STANDARDS AS ARE NECESSARY TO ASSURE THE PROPER PERPETUAL CARE OF THE CEMETERY IN A MANNER BEFITTING THE HIGHEST LEVEL OF HONOR AND RESPECT DESERVING TO THOSE VETERANS AND THEIR FAMILIES INTERRED IN THE CEMETERY; AND

(9) GUIDELINES AND STANDARDS FOR THE PROCUREMENT OF LAND FOR THE CEMETERY PROVIDING THAT THE STATE VETERANS CEMETERY, AND ALL THE PROPERTY UPON WHICH IT RESIDES SHALL BE OWNED IN FEE SIMPLE ABSOLUTE BY THE STATE OF NEW YORK, EXCEPT THAT UPON ELECTION OF THE DIRECTOR, IN CONSULTATION WITH THE MANAGEMENT BOARD, MAY PERMIT THE INDIVIDUAL BURIAL PLOTS TO BE OWNED BY THE VETERAN OR VETERAN FAMILY MEMBER, OR THEIR DESCENDENTS AUTHORIZED TO BE INTERRED IN SUCH PLOTS;

(10) GUIDELINES AND STANDARDS FOR THE PRACTICES AND PROCEDURES FOR THE CONSTRUCTION AND ESTABLISHMENT OF A STATE VETERANS CEMETERY, INCLUDING CONTRACTING AND PURCHASING FOR CONSTRUCTION SERVICES, PROFESSIONAL SERVICES, LEGAL SERVICES, ARCHITECTURAL SERVICES, CONSULTING SERVICES, AS WELL AS THE PROCUREMENT OF MATERIALS, ALL CONSISTENT WITH THE RELEVANT PROVISIONS OF FEDERAL, STATE AND LOCAL LAW, THE REGULATIONS PROMULGATED THEREUNDER, AND THE REQUIREMENTS CONTAINED IN THE GRANTS AWARDED OR PURSUED FROM THE FEDERAL GOVERNMENT, OR ANY SOURCE OF PRIVATE FUNDING;

(11) GUIDELINES AND STANDARDS FOR THE PRACTICES AND PROCEDURES FOR THE EXPANSION AND IMPROVEMENT OF A STATE VETERANS CEMETERY, INCLUDING CONTRACTING AND PURCHASING FOR CONSTRUCTION SERVICES, PROFESSIONAL SERVICES, LEGAL SERVICES, ARCHITECTURAL SERVICES, CONSULTING SERVICES, AS WELL AS THE PROCUREMENT OF MATERIALS, ALL CONSISTENT WITH THE RELEVANT PROVISIONS OF FEDERAL, STATE AND LOCAL LAW, THE REGULATIONS PROMULGATED THEREUNDER, AND THE REQUIREMENTS CONTAINED IN THE GRANTS AWARDED OR PURSUED FROM THE FEDERAL GOVERNMENT, OR ANY SOURCE OF PRIVATE FUNDING;

(12) ANY OTHER GUIDELINES AND STANDARDS THAT WOULD FACILITATE THE SUCCESSFUL CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR THE STATE VETERANS CEMETERY;

(II) GUIDELINES AND STANDARDS FOR THE REQUEST FOR PROPOSALS FOR ANY LOCAL GOVERNMENT DESIRING TO HAVE THE FIRST STATE VETERANS CEMETERY LOCATED WITHIN THEIR POLITICAL SUBDIVISION, PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, INCLUDING, BUT NOT LIMITED TO:

(1) THE FORM, REQUIREMENTS AND STANDARDS REQUIRED FOR SUBMISSION OF A RESPONSE TO THE REQUEST FOR PROPOSALS;

(2) THE REQUIREMENT, IF THE DIRECTOR SO ELECTS, THAT A RESPONSE SHALL REQUIRE THE LOCAL GOVERNMENT TO AGREE TO CONTRACT WITH THE STATE OF NEW YORK THAT ALL COSTS FOR CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF THE VETERANS CEMETERY SHALL BE THE SOLE RESPONSIBILITY OF, AND

PAID BY THE LOCAL GOVERNMENT, AND THAT TO THE EXTENT SUCH COSTS ARE NOT PAID OR REIMBURSED BY THE GOVERNMENT OF THE UNITED STATES, OR A PRIVATE INDIVIDUAL, CORPORATION OR FOUNDATION;

(3) THE REQUIREMENT THAT THE LOCAL GOVERNMENT WILL COMPLY WITH ALL STATE AND FEDERAL STATUTES AND REGULATIONS CONCERNING THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF THE STATE VETERANS CEMETERY, AND SHALL SATISFY ANY AND ALL APPLICABLE STATE AND FEDERAL STANDARDS AND REQUIREMENTS FOR THE PERPETUAL CARE OF THE STATE VETERANS CEMETERY;

(4) THAT THE STATE VETERANS CEMETERY, AND ALL THE PROPERTY UPON WHICH IT RESIDES SHALL BE OWNED IN FEE SIMPLE ABSOLUTE BY THE STATE OF NEW YORK, EXCEPT THAT UPON ELECTION OF THE DIRECTOR, IN CONSULTATION WITH THE MANAGEMENT BOARD, MAY PERMIT THE INDIVIDUAL BURIAL PLOTS TO BE OWNED BY THE VETERAN OR VETERAN FAMILY MEMBER, OR THEIR DESCENDANTS AUTHORIZED TO BE INTERRED TO IN SUCH PLOTS;

(5) THAT ALL LANDS UPON WHICH SUCH CEMETERY IS CONSTRUCTED AND ESTABLISHED SHALL BE USED SOLELY FOR STATE VETERANS CEMETERY PURPOSES, AND FOR THE PURPOSE OF PROVIDING THE HONOR AND REMEMBRANCE OF VETERANS AND THEIR SERVICE THROUGH CEREMONIES AND PROGRAMS;

(6) THE REQUIREMENT, IF THE DIRECTOR SO ELECTS, THAT A RESPONSE SHALL REQUIRE THE LOCAL GOVERNMENT TO AGREE TO AUTHORIZE THE STATE OF NEW YORK, IN THE EVENT THAT THE LOCAL GOVERNMENT FAILS TO PERFORM ITS OBLIGATIONS UNDER THE CONTRACT WITH THE STATE OF NEW YORK, THAT THE COMPTROLLER MAY RECOUP ANY UNPAID AMOUNTS OR ANY AMOUNTS NECESSARY FOR THE STATE TO ASSUME THE OBLIGATIONS WHICH THE LOCAL GOVERNMENT FAILED TO PERFORM, AND THE COMPTROLLER SHALL, TO THE EXTENT NOT OTHERWISE PROHIBITED BY LAW, WITHHOLD SUCH AMOUNT FROM ANY STATE AID OR OTHER AMOUNT PAYABLE TO SUCH LOCAL GOVERNMENT; AND

(7) SUCH OTHER AND FURTHER REQUIREMENTS AS THE DIRECTOR MAY DEEM PRUDENT IN THE FACILITATION OF THE SUCCESSFUL SITING AND OPERATION OF A STATE VETERANS CEMETERY IN THE JURISDICTION OF THE LOCAL GOVERNMENT; AND

(III) SUCH OTHER AND FURTHER GUIDELINES AND STANDARDS AS ARE NECESSARY FOR THE SUCCESSFUL CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR A STATE VETERANS CEMETERY;

(G) UPON THE ACCUMULATION OF SUFFICIENT FUNDS IN THE VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND, TO PROVIDE FOR THE DESIGN, CONSTRUCTION AND ESTABLISHMENT OF A STATE VETERANS CEMETERY, AND FOR THE SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF SUCH CEMETERY FOR A PERIOD OF NOT LESS THAN TEN YEARS, ACCORDING TO ESTIMATES IN THE BUDGET ADOPTED BY THE MANAGEMENT BOARD PURSUANT TO THE GUIDELINES AND PROCEDURES ESTABLISHED IN PARAGRAPH (F) OF THIS SUBDIVISION, THE DIRECTOR, UPON CONSULTATION WITH THE MANAGEMENT BOARD, SHALL COMMENCE THE PROCESS OF CONSTRUCTION AND ESTABLISHMENT OF THE FIRST STATE VETERANS CEMETERY. SUCH PROCESS SHALL BE CONSISTENT WITH THE RELEVANT PROVISIONS OF LOCAL, STATE AND FEDERAL LAW, AND THE RULES AND REGULATIONS ESTABLISHED PURSUANT TO PARAGRAPH (F) OF THIS SUBDIVISION.

3. MANAGEMENT BOARDS OF NEW YORK STATE VETERANS CEMETERIES. (A) FOR EACH NEW YORK STATE VETERANS CEMETERY THERE SHALL BE A MANAGEMENT BOARD. EACH SUCH MANAGEMENT BOARD SHALL CONSIST OF SEVEN MEMBERS, INCLUDING THE DIRECTOR OF THE DIVISION WHO SHALL SERVE AS CHAIR, AND SIX MEMBERS, APPOINTED BY THE GOVERNOR UPON ADVICE AND CONSENT OF THE SENATE. OF SUCH SIX MEMBERS, NOT LESS THAN FIVE SHALL BE A VETERAN OF THE UNITED STATES ARMY, THE UNITED STATES NAVY, THE UNITED STATES AIR FORCE, THE UNITED STATES MARINES, THE NEW YORK ARMY NATIONAL GUARD, THE NEW YORK AIR NATIONAL GUARD, THE NEW YORK NAVAL MILITIA, OR A MEMBER WHO HAS SERVED

IN A THEATER OF COMBAT OPERATIONS OF THE UNITED STATES COAST GUARD OR THE UNITED STATES MERCHANT MARINES.

(B) THE MANAGEMENT BOARD SHALL ADVISE, BY MAJORITY VOTE, THE DIRECTOR ON ISSUES CONCERNING THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR THE VETERANS CEMETERY, INCLUDING BUT NOT LIMITED TO ISSUES OF FINANCIAL CONCERN, EMPLOYMENT RELATIONS, CEMETERY POLICY, CEMETERY EVENTS AND PROGRAMS, AND SUCH OTHER AND FURTHER ISSUES AS THE BOARD AND DIRECTOR SHALL DEEM IMPORTANT.

4. ADDITIONAL STATE VETERANS CEMETERIES. (A) NOT LATER THAN TEN YEARS AFTER THE CONSTRUCTION AND ESTABLISHMENT OF THE FIRST NEW YORK STATE VETERANS CEMETERY, AND EVERY TEN YEARS THEREAFTER, THE DIVISION, IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, SHALL CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE CONSTRUCTION AND ESTABLISHMENT OF ADDITIONAL NEW YORK STATE VETERANS CEMETERIES. SUCH INVESTIGATION AND STUDY SHALL CONSIDER, BUT NOT BE LIMITED TO, THE STUDY PARAMETERS ESTABLISHED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION. A REPORT OF THE INVESTIGATION AND STUDY REQUIRED TO BE CONDUCTED PURSUANT TO THIS SUBDIVISION SHALL BE DELIVERED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIR OF THE SENATE COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY COMMITTEE ON VETERANS' AFFAIRS, BY NO LATER THAN NINETY DAYS AFTER THE DIVISION HAS COMMENCED THE CONDUCT OF THE INVESTIGATION AND STUDY;

(B) THE REPORT OF THE INVESTIGATION AND STUDY REQUIRED TO BE CONDUCTED PURSUANT TO THIS SUBDIVISION SHALL PROVIDE A DETERMINATION BY THE DIRECTOR AS TO WHETHER THE STATE SHOULD CONSTRUCT AND ESTABLISH ONE OR MORE ADDITIONAL VETERANS CEMETERIES, AND SHALL STATE THE REASONING AND BASIS FOR SUCH DETERMINATION; AND

(C) THE DIVISION MAY, AT THE DISCRETION OF THE DIRECTOR, AT ANY TIME AFTER FIVE YEARS FROM THE COMPLETION OF CONSTRUCTION OF THE MOST RECENTLY CONSTRUCTED AND ESTABLISHED STATE VETERANS CEMETERY, IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE CONSTRUCTION AND ESTABLISHMENT OF ADDITIONAL NEW YORK STATE VETERANS CEMETERIES. A REPORT OF THE INVESTIGATION AND STUDY REQUIRED TO BE CONDUCTED SHALL BE DELIVERED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY COMMITTEE ON VETERANS' AFFAIRS, BY NO LATER THAN NINETY DAYS AFTER THE DIVISION HAS COMMENCED THE CONDUCT OF THE INVESTIGATION AND STUDY.

(D) IF THE DIRECTOR, PURSUANT TO THE INVESTIGATION AND STUDY CONDUCTED PURSUANT TO THIS SUBDIVISION, DETERMINES THAT THERE SHALL BE AN ADDITIONAL STATE VETERANS CEMETERY IN NEW YORK STATE, THE DIRECTOR SHALL PROVIDE FOR THE CONSTRUCTION AND ESTABLISHMENT OF SUCH NEW VETERANS CEMETERY PURSUANT TO THE SAME GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND ESTABLISHMENT OF THE FIRST STATE VETERANS CEMETERY UNDER THIS SECTION.

5. EXPANSION AND IMPROVEMENT OF EXISTING STATE VETERANS CEMETERIES. THE DIRECTOR, IN CONSULTATION WITH THE MANAGEMENT BOARD OF A STATE VETERANS CEMETERY, MAY PROVIDE FOR THE EXPANSION AND/OR IMPROVEMENT OF THE CEMETERY. SUCH EXPANSION AND IMPROVEMENT SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE DIVISION UNDER PARAGRAPH (F) OF SUBDIVISION TWO OF THIS SECTION.

S 6. This act shall take effect immediately.