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

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2013-2014 Regular Sessions

I N S E N A T E

June 16, 2013

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

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:

Section 1. Section 250-a of the military law, as added by chapter 871 of the laws of 1965 and as renumbered by chapter 179 of the laws of 1970, subdivision 1 as amended by chapter 141 of the laws of 1988, is amended to read as follows:

S 250-a. [Flags] LT. COLONEL TODD CLARK MEMORIAL FLAG PRESENTMENT PROGRAM. 1. THERE SHALL BE ESTABLISHED WITHIN THE DIVISION OF MILITARY AND NAVAL AFFAIRS, BY THE ADJUTANT GENERAL, THE LT. COLONEL TODD CLARK MEMORIAL FLAG PRESENTMENT PROGRAM. PURSUANT TO SUCH PROGRAM:

A. The adjutant general upon request, may, in his discretion, authorize the purchase and presentation of a flag of the United States, where such flag is not provided by the United States, to the person designated to dispose of the remains of a member of the organized militia who dies while on the active list, and whose service up to the date of death was honorable.

B. IN THE EVENT THE GOVERNOR ORDERS THE FLAGS OF THE UNITED STATES AND THE STATE OF NEW YORK, TO BE LOWERED TO HALF STAFF, IN MEMORIAL OF THE DEATH OF ANY SERVICE MEMBER OF THE ARMY, NAVY (INCLUDING MARINE CORPS), AIR FORCE, OR COAST GUARD OF THE UNITED STATES, OR ANY SERVICE MEMBER OF THE ARMY NATIONAL GUARD, AIR NATIONAL GUARD, STATE GUARD OR NAVAL MILITIA, THE ADJUTANT GENERAL, SHALL, IN COOPERATION WITH THE OFFICE OF GENERAL SERVICES, ARRANGE FOR THE PROCUREMENT OF A FLAG OF THE UNITED STATES AND A FLAG OF THE STATE OF NEW YORK, WHICH WERE FLYING OVER THE CAPITOL BUILDING AT THE TIME SUCH FLAGS WERE LOWERED TO HALF STAFF IN COMPLIANCE WITH THE GOVERNOR'S ORDER. UPON THE PROCUREMENT OF SUCH 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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THE PRESENTMENT OF SUCH FLAGS, WITHOUT COST, TO THE PERSON DESIGNATED TO DISPOSE OF THE REMAINS OF THE SERVICE MEMBER, IN WHOSE HONOR SUCH FLAGS WERE LOWERED IN MEMORIAL.

2. For the purposes of this section only, the following persons in the order named shall be designated to dispose of the remains of a decedent:

a. Surviving spouse of decedent

b. Blood relatives of the decedent

c. Adoptive relatives of the decedent

d. Person standing in loco parentis to decedent

S 2. This act shall take effect immediately.