

# STATE OF NEW YORK

11387

## IN ASSEMBLY

October 22, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Jones) --  
read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the executive law, in relation to a state veterans' cemetery

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

1 Section 1. Paragraph (b) of subdivision 2 of section 365 of the execu-  
2 tive law, as added by section 5 of part W of chapter 57 of the laws of  
3 2013, is amended to read as follows:

4 (b) [~~Prior to the commencement of the investigation and study pursuant~~  
5 ~~to paragraph (a) of this subdivision, the~~] The director of the division  
6 of veterans' affairs, the director of the division of the budget, the  
7 director of the department of state's division of cemeteries, and the  
8 office of the state comptroller must certify to the governor, the tempo-  
9 rary president of the senate, the speaker of the assembly, the chair of  
10 the senate finance committee and the chair of the assembly ways and  
11 means committee that the veterans remembrance and cemetery maintenance  
12 and operation fund, created pursuant to section ninety-seven-mmmmm of the  
13 state finance law, contains moneys sufficient, adjusted to reflect  
14 projected future inflation, to fund the operation, maintenance and the  
15 provision of perpetual care of a state veterans' cemetery for a period  
16 of not less than fifteen years, provided that such amount shall not  
17 include any amount that shall be reimbursed or contributed to the ceme-  
18 tery from the government of the United States or any amount that would  
19 be recoverable by the cemetery pursuant to a charge of fee for the  
20 provision of a grave site for a non-veteran spouse or family member. In  
21 making such a certification, the director of the division of veterans'  
22 affairs, the director of the division of the budget, the director of the  
23 department of state's division of cemeteries, and the office of the  
24 state comptroller shall consider, but are not limited to, the following  
25 factors:

26 (i) physical attributes of the veterans cemetery, including size,  
27 location, and terrain;

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

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- 1 (ii) management and operation, including staffing costs, cost of
- 2 equipment and equipment maintenance, and security costs;
- 3 (iii) relevant state and federal requirements and specifications for
- 4 interment and perpetual care;
- 5 (iv) estimates provided by the United States department of veterans
- 6 affairs;
- 7 (v) any other fiscal cost, charge or assessment that would be incurred
- 8 by the cemetery.
- 9 § 2. This act shall take effect immediately.