

STATE OF NEW YORK

10782

IN ASSEMBLY

July 10, 2020

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

AN ACT to amend the executive law, in relation to costs associated with the establishment of New York state veterans' cemeteries

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

1 Section 1. Paragraphs (b) and (g) of subdivision 2 of section 365 of
2 the executive law, paragraph (b) as added by section 5 of part W of
3 chapter 57 of the laws of 2013, the opening paragraph of paragraph (b)
4 and paragraph (g) as amended by section 11 of part AA of chapter 56 of
5 the laws of 2019, are amended to read as follows:

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

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

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1 certification, the director of the division of veterans' services, the
2 director of the division of the budget, the director of the department
3 of state's division of cemeteries, and the office of the state comp-
4 troller shall consider, but are not limited to, the following factors:

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

7 (ii) ~~[management and operation, including]~~ staffing costs, cost of
8 equipment and equipment maintenance, and security costs;

9 (iii) relevant state and federal requirements and specifications for
10 interment and perpetual care;

11 (iv) estimates provided by the United States department of veterans
12 affairs;

13 (v) any other non-reimbursable fiscal cost, charge or assessment that
14 would be incurred by the cemetery.

15 (g) Nothing in this section shall be construed to authorize the divi-
16 sion of veterans' services to ~~[commence an investigation and study~~
17 ~~pursuant to paragraph (a) of this subdivision, issuing a request for~~
18 ~~proposals pursuant to paragraph (c) of this subdivision, selecting a~~
19 ~~site for the first New York state veterans' cemetery pursuant to para-~~
20 ~~graph (d) of this subdivision, or submitting]~~ submit any application for
21 funding from the government of the United States in accordance with the
22 grant requirements specified in section 2408 of title 38 of the United
23 States code, part 30 of title 38 of the code of federal regulations, and
24 other relevant federal statutes or regulations, for the purpose of seek-
25 ing funds to support the construction, establishment, expansion,
26 improvement, support, operation, or maintenance ~~[and the provision of~~
27 ~~perpetual care]~~ of New York state's ~~[first]~~ veterans' cemetery pursuant
28 to paragraph (e) of this subdivision until the ~~[funds in the veterans~~
29 ~~remembrance and cemetery maintenance and operation fund have been certi-~~
30 ~~fied]~~ completion of the certification pursuant to paragraph (b) of this
31 subdivision.

32 § 2. Section 353 of the executive law is amended by adding a new
33 subdivision 25 to read as follows:

34 25. To make widely available to the public via, among other things,
35 publication on the division's website and free mobile application pursu-
36 ant to subdivision fourteen-a of this section, information regarding the
37 veterans remembrance and cemetery maintenance and operation fund estab-
38 lished pursuant to section ninety-seven-~~mmmm~~ of the state finance law.

39 § 3. This act shall take effect immediately.