

# STATE OF NEW YORK

8791

## IN SENATE

July 16, 2020

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 mmm 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-mmm of the state finance law. In making such a  
28 certification, the director of the division of veterans' services, the

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

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

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

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

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

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

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

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

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

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

38 § 3. This act shall take effect immediately.