

CHAPTER 13 OF THE CONSOLIDATED LAWS
VETERANS' SERVICES

ARTICLE 1

DEPARTMENT OF VETERANS' SERVICES

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§ 1. Definitions. When used in this article:

- 1. The term "department" means the department of veterans' services.
- 2. The term "state commissioner" means the New York state commissioner of veterans' services.
- 3. The term "veteran" means a person who served on active duty in the uniformed services of the United States, or in the army national guard, air national guard, or service as a commissioned officer in the public health service, commissioned officer of the national oceanic and atmospheric administration or environmental sciences services administration, cadet at a United States armed forces service academy, and who has been released from such service under other than dishonorable conditions.
- 4. The term "uniformed services" means the army, navy, marine corps, air force, space force, coast guard, public health commissioned corps,

and the national oceanic and atmospheric administration commissioned officer corps of the United States.

5. The term "local director" means the director of a county or city veterans' service agency.

6. The term "county director" means a local director of a county veterans' service agency.

7. The term "city director" means a local director of a city veterans' service agency.

8. The term "qualifying condition" means a diagnosis of post-traumatic stress disorder or traumatic brain injury made by, or an experience of military sexual trauma, as described in 38 USC 1720D, as amended from time to time, disclosed to, an individual licensed to provide health care services at a United States Department of Veterans Affairs facility or an individual licensed to provide health care services within the state of New York. The department shall develop a standardized form used to confirm that the veteran has a qualifying condition under this subdivision.

9. The term "discharged LGBT veteran" means a veteran who was discharged less than honorably from the uniformed services due to their sexual orientation or gender identity or expression, as those terms are defined in section two hundred ninety-two of the executive law, or statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity or expression, or the disclosure of such statements, conduct, or acts, that were prohibited by the branch of the uniformed services at the time of discharge. The department shall establish a consistent and uniform process to determine whether a veteran qualifies as a discharged LGBT veteran under this subdivision, including, at a minimum, standards for verifying a veteran's status as a discharged LGBT veteran, and a method of demonstrating eligibility as a discharged LGBT veteran.

§ 2. Department of veterans' services. There is hereby created a department of veterans' services. The head of such department shall be the New York state commissioner of veterans' services who shall be a veteran. He or she shall be appointed by the governor and shall hold office during his or her pleasure. Such state commissioner shall receive an annual salary to be fixed by the governor within the limitation provided by law. He or she shall also be entitled to receive his or her expenses actually and necessarily incurred by him or her in the performance of his or her duties. The state commissioner, with the approval of the governor, may establish such bureaus within the department as are necessary and appropriate to carrying out its functions and may consolidate or abolish such bureaus. The state commissioner may appoint such officers, consultants, clerks and other employees and agents as he or she may deem necessary, fix their compensation within the limitation provided by law, and prescribe their duties.

§ 3. Veterans' services commission. 1. There shall be in the department a veterans' services commission, which shall consist of the members and the ex officio members provided for in this section.

2. There shall be thirteen members of the commission who shall be veterans appointed by the governor, including two appointed on recommendation of the temporary president of the senate, one appointed on recommendation of the minority leader of the senate, two appointed on recommendation of the speaker of the assembly, and one appointed on recommendation of the minority leader of the assembly. The appointment of members made by the governor without recommendation shall be subject to advice and consent of the senate. The members of the commission shall serve for terms of three years each. Appointed members presently serving on the commission shall continue to serve for the remainder of the term appointed. Any member chosen to fill a vacancy of such an appointed member occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom he or she is to succeed. Members appointed as provided in this subdivision shall receive no salary or other compensation, but each shall be entitled to

receive expenses actually and necessarily incurred in the performance of their duties.

3. Ex officio members. (a) The adjutant general of the state of New York shall be an ex officio member of the commission.

(b) In addition, the state commissioner may appoint the head of any other state agency or their designee as a non-voting, ex officio member of the commission. Such appointments shall expire annually on December thirty-first unless such appointments are renewed by the state commissioner.

4. One of the members of the commission, which shall include the adjutant general, shall be designated as chairperson by the governor. The designation shall be in writing and shall be filed with the commission.

5. The commission shall have power, and it shall be its duty, to assist the state commissioner in the formulation of policies affecting veterans and in the coordination of all operations of state agencies relating to veterans' services.

§ 3-a. Veterans employment task force. 1. There shall be in the department a task force on veterans employment opportunities which shall consist of the following thirteen members: the state commissioner, or his or her designee, who shall serve as the chair of the task force; the commissioner of the office of general services, or his or her designee; the president of the state civil service commission, or his or her designee; the commissioner of labor, or his or her designee; the adjutant general for the state of New York, or his or her designee; two members appointed by the governor, one of whom shall be a representative from the private sector; two members appointed by the temporary president of the senate, one of whom shall be a representative from the private sector; two members appointed by the speaker of the assembly, one of whom shall be a representative from the private sector; one member appointed by the minority leader of the senate; and one member appointed by the minority leader of the assembly.

2. No member of the task force shall be disqualified from holding any public office or employment, nor shall he or she forfeit any such office of employment by virtue of his or her appointment pursuant to this section.

3. Members of the task force shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their functions pursuant to this section.

4. On an annual basis, the task force shall hold at least two public hearings. To the extent practicable, such hearings shall be held in different regions of the state. During the public hearings, the task force shall hear the testimony of voluntary witnesses, and may request the production of any documents which are subject to article six of the public officers law and that the task force deems reasonably necessary to carry out its responsibilities.

5. The task force shall issue a report no later than March thirty-first, two thousand twenty-four, and every two years after such date, to the governor, the temporary president of the senate, and the speaker of the assembly. Such report shall include but not be limited to:

(a) recommendations on the development of new methods and programs aimed at assisting the state's veterans in finding and maintaining meaningful employment opportunities;

(b) an analysis of the current methods and programs;

(c) the impact on veterans employment by professional licensing;

(d) the impact of veterans contractor programs;

(e) the impact of tax credits and municipal grants for hiring unemployed veterans; and

(f) any private sector initiatives.

§ 4. General functions, powers and duties of department. The department, by and through the state commissioner or his or her duly authorized officer or employee, shall have the following functions,

powers and duties:

1. To coordinate the program and activities of departments, divisions, boards, bureaus, commissions or agencies of the state or of any political subdivision of the state in providing services and facilities to members of the uniformed services and to veterans who are residents of this state and their families.

2. To maintain liaison with other public officials and agencies concerned with the development or execution of plans for members of the uniformed services and veterans who are residents of this state, and their families, and to assist in the development and execution of such plans.

3. To establish, direct and supervise a state veterans' services agency; and to create or designate other agencies of the department to aid and assist in the discharge of one or more of its functions, powers or duties under this article, and grant authority to such agencies as may be deemed necessary for the effective accomplishment of any of such functions, powers or duties.

4. To operate and maintain veterans benefits advisement and to administer benefits for members of the uniformed services and veterans who are residents of this state, and their families.

5. To provide seminars three times per year at locations throughout the state to advise veterans and their surviving spouses, who are age sixty-two or older, of veterans' benefits for which they may be eligible from the state and federal governments, and the means of obtaining such benefits.

6. To provide seminars three times per year at locations throughout the state to advise women veterans of their benefits for which they may be eligible from the state and federal governments, the means of obtaining such benefits and other topics, including, but not limited to, health care issues of specific interest to women veterans.

7. To provide in cooperation with the office of general services and the office of the comptroller a series of seminars, that shall be conducted four or more times per year at regional sites located throughout the state of New York for the purpose of advising veteran-owned businesses regarding the opportunities available for obtaining procurement contracts from New York state agencies, municipalities, and authorities. Furthermore the seminars shall provide requirements and training that will enable veteran-owned businesses to successfully participate in the procurement process.

8. To execute and assist in the execution of plans for the efficient utilization of the resources and facilities of the state in matters related to members of the uniformed services and veterans who are residents of this state, and their families.

9. To make studies and analyses and develop and execute plans for assistance and benefits to members of the uniformed services and veterans who are residents of this state, and their families, and the creation of agencies, institutions and facilities therefor.

10. To prepare and submit a report, in consultation with the office of temporary and disability assistance, department of labor, and office of children and family services to determine the number of homeless persons in New York state that are veterans. Such report shall include, but not be limited to, the following information to the extent it is reasonably accessible to the department: (a) an analysis of veterans in New York state who are currently homeless, or have been homeless within five years of being released from active duty including an analysis of gender as it relates to homelessness of veterans; (b) data on the number of children of homeless veterans, including the current placement of such children; (c) cases of military sexual trauma experienced by homeless veterans while on active duty or during military training, including a breakdown of the collected data based upon the gender of the victim; and (d) the unemployment rate for New York state veterans. The term "children of homeless veterans" shall mean a person who is unmarried and who is under the age of eighteen years, and is the biological or legally adopted child of a veteran. The report shall be delivered to the

governor, the speaker of the assembly and the temporary president of the senate by June thirtieth, two thousand twenty and every three years thereafter. Such report shall be publicly available and posted on the department of veterans' services website.

11. To develop and encourage plans for the occupational reorientation of veterans who are residents of this state, including the determination and certification of civilian equivalents for military experience and the development and encouragement of on-the-job training and apprenticeship training programs. Furthermore, the department shall provide an internet connection to correlate military occupations and skills into civilian translations and terms.

12. To provide information regarding resources that are available to assist veterans in establishing and sustaining a small business by maintaining a small business portal on the department's internet website. Such portal shall provide virtual links to appropriate government programs including, but not limited to the United States Department of Veterans' Affairs. The department may consult with the New York State Small Business Development Center and any other appropriate state agencies. The department shall make reference to this information in its newsletter, at the three seminars sponsored by the department pursuant to subdivisions five, six, and seven of this section and the annual report to the governor and the legislature as provided in subdivision seventeen of this section. Such information required under this subdivision shall be maintained and updated annually. The information may also be made available in printed form.

13. To provide information regarding resources that are available to assist veterans in obtaining employment by maintaining a veterans' employment portal on the department's internet website. Such portal shall provide virtual links to appropriate governmental programs on the federal and state level, including, but not limited to the United States department of labor, the New York state department of labor, and the New York state department of civil service. The department may consult with members of the community devoted to helping veterans obtain employment. The department shall make reference to this information pursuant to

subdivisions five, six, and seven of this section and the annual report to the governor and the legislature as provided in subdivision seventeen of this section. Such information required under this subdivision shall be maintained and updated annually. The information may also be made available in printed form.

14. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this article.

15. To recommend to the legislature and the governor legislative proposals for the benefit of members of the uniformed services and veterans who are residents of this state, and their families.

16. To exercise and perform such other functions, powers and duties as may be deemed necessary to protect the interests and promote the welfare of members of the uniformed services and veterans who are residents of this state, and their families.

17. To render each year to the governor and to the legislature a written report of the activities and recommendations of the department.

18. (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 twenty-three of this article, to provide for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for state veterans cemeteries;

(c) To expend moneys from the veterans remembrance and cemetery

maintenance and operation fund, established pursuant to section ninety-seven-mmmmm of the state finance law; and

(d) To evaluate, monitor and otherwise oversee the operation of veterans cemeteries in this state.

19. To make application to the government of the United States or any political subdivision, agency or instrumentality thereof, for funds for the purpose of providing an optional fund for the burial of veterans who (i) were honorably discharged or (ii) had a qualifying condition, as defined in section one of this article, and received a discharge other than bad conduct or dishonorable, or (iii) were a discharged LGBT veteran, as defined in section one of this article, and received a discharge other than bad conduct or dishonorable, in any not-for-profit cemetery corporation in this state; provided, however, that all costs associated with the establishment of such optional fund shall be borne by the political subdivision, agency or instrumentality with which the department has contracted.

20. To establish, operate and maintain a toll-free telephone number, under the supervision of the state commissioner, for the purpose of providing callers thereof with information relating to services provided by the department as well as services and programs provided to veterans by other agencies, bureaus and organizations. Such services and programs shall include, but not be limited to, educational and job benefits, tuition assistance programs, survivor benefits, health and mental health referrals and real property tax exemptions.

21. To establish, operate and maintain a free mobile application, under the supervision of the state commissioner, for the purposes of providing veterans and their family members with information, available on a region-specific basis, relating to services provided by the department as well as services and programs provided to veterans by other state agencies, the federal government, and other organizations. Such services and programs shall include, but not be limited to educational and job benefits, tuition assistance programs, survivor benefits, health and mental health referrals, and real property tax exemptions. The department's website shall contain a link to the free

mobile application.

22. To develop, jointly with the commissioner of education, a form by which the parent or person in parental relation to a designated child may, should he or she so elect, report to the department that a parent of such child is a veteran of the uniformed services who served in Vietnam during the Vietnam conflict. This form shall: (i) clearly state that the parent or person in parental relation is not required to provide the information requested and that the information will have no bearing upon the services the child will receive; (ii) state that the information will be used exclusively for research purposes and explain those research purposes in plain language; and (iii) provide the address to which the form is to be mailed, should the parent or person in parental relation elect to make such report. For the purposes of this subdivision, the term "designated child" shall mean a child designated by a school district committee on special education pursuant to section forty-four hundred two of the education law as either learning disabled or emotionally disturbed.

23. To process all information received from nursing homes and residential health care facilities, including assisted living and assisted living residences as defined in section forty-six hundred fifty-one of the public health law, and adult care facilities authorized under title two of article seven of the social services law, indicating veteran or veteran spouse status. Such processing shall occur by transmitting such information to veterans benefits advisors for review and potential linkage to applicable benefits, including but not limited to federal aid and attendance and a federal improved pension program. Veterans benefits advisors shall work with county veterans service officers or any accredited service officers of an organization chartered by the congress of the United States and/or recognized by the department of veterans affairs for claim representation as necessary and where appropriate. Such information shall be protected as personal confidential information under article six-A of the public officers law against disclosure of confidential material, and shall be used only to assist in providing linkage to applicable benefits and entitlements under federal and state law.

24. To include within the annual report as required by subdivision seventeen of this section an accounting of the number of forms received from nursing homes and residential health care facilities, including assisted living and assisted living residences as defined in section forty-six hundred fifty-one of the public health law, and adult care facilities authorized under title two of article seven of the social services law, and the specific number of veterans and spouses of veterans linked to applicable benefits, including, but not limited to federal aid and attendance and a federal improved pension program. Such report shall evaluate the average time taken by the department between receipt of such information, transmission to veterans benefits advisors and linkage to available benefits. Such report shall also evaluate the effectiveness of the program and make recommendations for improvements as necessary.

25. To encourage the development of and to provide for the establishment of a state women veterans coordinator, as provided in section nineteen of this article.

26. To make available information on accident prevention courses approved by the commissioner of motor vehicles online on the department's website. The department shall provide a link to the department of motor vehicles website pages containing information on the accident prevention courses.

27. To provide information regarding resources that are available to assist veterans who experience mental health or substance abuse problems, and veterans with physical disabilities, by maintaining mental health, substance abuse and physical disabilities portals on the department's internet website. Such portals shall provide virtual links to appropriate governmental programs on the federal and state levels and information on suicide prevention, peer outreach and support, and services that address the special needs of physically disabled veterans. The department may consult with the office of mental health, the office of addiction services and supports, the department of health and the department of labor. The department shall make reference to this

information provided pursuant to subdivisions five and six of this section and in the annual report to the governor and the legislature required pursuant to subdivision seventeen of this section. Such information required under this subdivision shall be maintained and updated annually.

28. To include within the annual report as required by subdivision seventeen of this section an accounting of the number of veteran-owned small businesses in the state of New York, to be listed by the following designations: small business concern owned and controlled by veterans as set forth in 15 U.S.C. section 632(Q)(3), as amended from time to time, and service disabled veteran-owned business enterprise as set forth in article three of this chapter. Such listing shall include but not be limited to the name of the veteran owner or owners of each business, location of each such business, the type of each such business and whenever practicable, be divided into categories of labor, services, equipment, materials and recognized construction trades. The department shall request this information annually from the U.S. department of veterans affairs, any other appropriate federal agencies and the department of service-disabled veterans' business development within the New York state office of general services.

29. To maintain a fact sheet on the department's webpage containing (a) contact information for all veterans integrated service networks located within the state, (b) current contact information for the United States veterans health administration including VA medical centers and clinics and (c) contact information for each New York State veterans' home. The fact sheet shall be entitled, "Information for Veterans concerning Health Care Options" and shall be updated annually.

30. To maintain a listing on the department's website of the local veterans' service agencies established pursuant to section fourteen of this article with the name, location, hours of operation and contact information of each county and city veterans' service agency. The department shall also provide this information in its annual report to the governor and the legislature as required pursuant to subdivision seventeen of this section. Information under this subdivision shall be

provided to the department by each local veterans' service agency and shall be updated annually.

30-a. To provide information on the department's website on volunteer opportunities available to veterans as defined in section one of this article, including but not limited to, (a) a volunteer fire department, after consultation with the office of fire prevention and control to identify the most effective ways to provide useful information about available volunteer opportunities, or (b) an emergency services provider, after consultation with the department of health to identify the most effective ways to provide useful information about available volunteer opportunities.

31. To maintain a discharge upgrade advisory board program within the department to provide written non-binding advisory opinions to veterans of the state of New York appealing their character of discharge from the discharge review board or the board for corrections of military records for their branch of service on the federal level. Individuals may submit an application with evidence, including all relevant documents, which shall be reviewed by the discharge upgrade advisory board program in a timely manner. If such board finds the veteran's application for a discharge upgrade is meritorious, then the board will provide the veteran with a written opinion advocating for the discharge review board or board for corrections of military or naval records to grant that veteran's appeal. The department shall post information on the discharge upgrade advisory board program on its official webpage. The annual report required by subdivision seventeen of this section shall contain information including, but not limited to, the number of cases reviewed, and the number of cases where a veteran's application was found to be meritorious.

32. To provide information regarding resources that are available to assist veterans who experienced military sexual trauma while on active duty or during military training, by maintaining a military sexual trauma portal on the department's internet website. Such portal shall provide virtual links to appropriate governmental programs on the federal and state levels. The department may consult with the office of

mental health and the department of health. The department shall make reference to this information provided pursuant to subdivisions five and six of this section and in the annual report to the governor and the legislature required pursuant to subdivision seventeen of this section. Such information required under this subdivision shall be maintained and updated annually.

33. To make widely available to the public via, among other things, publication on the department's website and free mobile application pursuant to subdivision twenty-one of this section, information regarding the veterans remembrance and cemetery maintenance and operation fund established pursuant to section ninety-seven-mmmm of the state finance law.

34. To prepare and submit a report in consultation with the department of health and the department of mental hygiene including the following information to the extent it is reasonably accessible: (a) the number of veterans who died by suicide; (b) trends of veterans suicide rates over the last five years, including details by period of military service; and (c) a comparison of veterans suicide rates by county, statewide and nationwide. Such report shall be delivered to the governor and legislature no later than June thirteenth, two thousand twenty-four and every three years thereafter. Such report shall also be made available on the division's website.

35. The department shall: (a) forward completed forms received from a coroner, coroner's physician or medical examiner pursuant to section six hundred seventy-seven of the county law to the office of mental hygiene pursuant to subdivision (g) of section 7.07 of the mental hygiene law in a timely manner; and (b) compile such information for inclusion in the annual report pursuant to this section.

36. To coordinate outreach efforts that ensure members of the uniformed services and veterans who are residents of this state, and their families, are made aware of services for veterans from any departments, divisions, boards, bureaus, commissions or agencies of the state or any political subdivision of this state.

37. To develop collaborative relationships among state, federal, and local agencies, veterans' liaisons pursuant to section twenty nine-b of this article, and private organizations, including but not limited to the office of mental health, state office for the aging, and office of addiction services and supports, to help facilitate access to services by members of the uniformed services and veterans who are residents of the state and their families.

38. To develop an application process for congressionally chartered veterans' organizations to receive reimbursement of costs associated with funeral and burial services for indigent veterans pursuant to subdivision one-a of section one hundred forty-eight of the general municipal law. The application shall contain information about the funeral firm whose services were engaged pursuant to section one hundred forty-eight of the general municipal law and any other information that the department may require. The application must be signed and dated by the supervising funeral director.

39. To encourage the development of and provide for the establishment of a state military immigrant family legacy program liaison, as provided in section twenty-nine-b of this article.

§ 5. Veteran speaker education program. 1. There is hereby established within the department a veteran speaker education program to be developed and implemented by the commissioner in consultation with the commissioner of the New York state military museum and veterans resource center and in accordance with the provisions of this section. Such program shall provide school districts within this state with a listing of available veteran speakers willing to visit classrooms for the purpose of discussing their military experience.

2. The department, from its available resources, shall develop an informational pamphlet to be distributed either by mail or electronically to school districts which provides a general overview of the program including its purpose and how to participate. The department

shall, in consultation with congressionally chartered veterans organizations and local veterans services agencies, appoint and create a listing of veteran speakers coordinators for each county of the state who shall be listed in the informational pamphlet. The veteran speakers coordinators' duties shall include but not be limited to contacting veterans who reside in their county including those who have participated in the veteran's oral history program at the New York state military museum or the West Point oral history project or the veterans history project of the American Folklore Center or any similar oral history project with information about this program and inquiring as to whether such persons would be willing to participate as speakers or in any other capacity. The listing shall include the names and contact information for such veterans including information describing the type of military service performed by each such person, the time and length of service, geographic area or areas where such person served and rank. The veteran speakers coordinators shall annually update such information regarding the availability of such veterans.

3. No teacher or veteran shall be required to participate in this program. Any teacher who wishes to supplement his or her classroom instruction concerning a particular era in American military history may contact a participating veteran personally to request that such person visit a classroom to discuss his or her military experience. A teacher shall be responsible for ascertaining the appropriateness of any proposed speaker based upon the age of the children and the intended subject matter. Nothing in this section shall be intended to supersede any particular or general school rules or regulations or other laws relating to curriculum.

4. The department shall require a certified copy of the veteran's discharge papers to participate in the veteran speaker program. Such form shall be filed with the department to serve as evidence that such person is a veteran who served in the United States military honorably.

5. The department shall implement a procedure for evaluations of each speaker to be completed by teachers and students, and maintain such evaluations and make them available upon request to other teachers who

plan to participate.

6. The department may consult with other veterans organizations and any branch of the U.S. military in the development of this program.

§ 6. Cooperation and facilities of other departments. To effectuate the purposes of this article, the governor may direct any department, division, board, bureau, commission or agency of the state, or of any political subdivision thereof, to cooperate with and assist and advise the department in the performance of its duties and functions, and to provide such facilities, including personnel, materials and other assistance and data as will enable the department or any of its agencies to properly carry out its activities and effectuate its purposes under this article.

§ 7. Information on status of veterans receiving assistance. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving health, mental health, family services, criminal justice or employment, including but not limited to the office of addiction services and supports, office of mental health, office of probation and correctional alternatives, office of children and family services, office of temporary and disability assistance, department of health, department of labor, local workforce investment boards, office for people with developmental disabilities, and department of corrections and community supervision, shall request assisted persons to provide information with regard to their veteran status and military experiences. Individuals identifying themselves as veterans, including individuals requesting and obtaining a veteran notation on such individual's driver's license or non-driver identification card pursuant to sections four hundred ninety and five hundred two of the vehicle and traffic law, shall be advised that the department of veterans' services and local veterans' service agencies established pursuant to section fourteen of this article provide assistance to veterans regarding

benefits under federal and state law. Information regarding veterans status and military service provided by assisted persons solely to implement this section shall be protected as personal confidential information under article six-A of the public officers law against disclosure of confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's problems within the agency requesting such information and in referring the veteran to the department of veterans' services for information and assistance with regard to benefits and entitlements under federal and state law.

§ 8. New York state supplemental burial allowance for members of the uniformed services of the United States killed in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310. 1. As used in this section, "parent" means a father, a mother, a father through adoption, a mother through adoption, or an individual who, for a period of not less than one year, at any time before the decedent's entry into active military service stood in the relationship of a parent to a decedent who died in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310, or who died from a wound incurred in combat or while serving on duty subject to hostile fire or imminent danger, as defined in 37 USC § 310 or, if two persons stood in the relationship of a parent for one year or more, the person who bore the expenses of the funeral of the decedent.

2. As used in this section, (a) "wound" means a physical injury to a servicemember on active duty caused by (i) a bullet, shrapnel, or other projectile; (ii) a mine or trap; (iii) an explosion; (iv) a vehicle or aircraft accident not caused by the servicemember's willful misconduct; or (v) any other action caused or induced by the enemy directly resulting in physical harm to the servicemember.

(b) "burial receptacle" means (i) a casket, which shall mean a rigid container that is designed for the encasement of human remains and customarily ornamented and lined with fabric, (ii) an urn, which shall mean a container of wood, metal, pottery, or other material designed for the storage of cremated human remains, and/or (iii) an outer burial

receptacle, which shall mean a graveliner, burial vault, or other similar type of container for the placement of a casket or urn.

3. There is hereby established within the department a New York state supplemental burial allowance for any member of the uniformed services of the United States who: (a) died in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310 or died from a wound incurred in combat or while serving on duty subject to hostile fire or imminent danger, as defined in 37 USC § 310, other than the exceptions noted in paragraphs (d), (e) and (f) of subdivision four of this section, and (b) who was (i) a resident of New York state at the time of his or her death or (ii) a nonresident of New York state at the time of his or her death and a member of the New York Army National Guard or New York Air National Guard at the time he or she entered title 10, United States Code, federal active duty status during which period of service he or she died.

4. (a) The purpose of the program is to administer and monitor a supplemental allowance program to aid families of military personnel who died in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310, or died from a wound incurred in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310, with respect to expenses incurred in connection with the decedent's funeral and the burial, burial receptacle, cremation, or other interment of the decedent's remains.

(b) Eligible recipients under this program shall be those who bore the cost of the decedent's funeral and burial, burial receptacle, cremation, or other interment, in the following order of priority: (i) a surviving spouse or domestic partner of the decedent; (ii) adult children of the decedent, to include step-children and adopted children; (iii) parents or grandparents of the decedent, and parents-in-law or grandparents-in-law of the decedent; (iv) siblings of the decedent, to include siblings adopted by the decedent's immediate family and siblings with whom the decedent shares only one parent in common, and siblings-in-law of the decedent; (v) aunts, uncles, and first cousins of the decedent; and (vi) any other relative. Any applicant convicted of making any false statement in the application for the reimbursement

shall be subject to the penalties prescribed in the penal law.

(c) Such burial allowance is a partial reimbursement of an eligible decedent's funeral and burial, burial receptacle, cremation or other interment costs. The reimbursement is generally applicable to two components: (i) funeral expenses, and (ii) expenses arising from the burial, burial receptacle, cremation, or other interment of the decedent's remains. Any allowance granted by the government of the United States, pursuant to 38 U.S.C. §§2301, 2302, 2303, 2306, 2307 and 2308 or 10 U.S.C. § 1482, or by the decedent's state of residence in the case of an allowance eligible pursuant to subparagraph (ii) of paragraph (b) of subdivision three of this section, shall be first applied toward funeral and burial, burial receptacle, cremation or other interment costs. The state may award an allowance of up to six thousand dollars to cover any remaining expenses.

(d) The state shall not award any funds from this allowance to reimburse any costs for the headstone, grave marker, or medallion of the decedent.

(e) The state shall not grant supplemental burial allowance payments for the funeral or the burial, burial receptacle, cremation, or other interment of remains of any decedent whose relations received any reimbursement from this allowance for any previous funeral or burial, burial receptacle, cremation, or other interment of remains for this same decedent.

(f) The state shall not grant supplemental burial allowance payments for any person filing a completed application for such allowance with the state later than: (i) two years after the applicant received final written notice from the United States Department of Veterans Affairs regarding an application for reimbursement of funeral or burial, burial receptacle, cremation or other interment expenses pursuant to 38 U.S.C. §§2301, 2302, 2303, 2306, 2307, or 2308, or 10 U.S.C. § 1482, or any combination thereof; or (ii) two years after the expiration date of the filing deadline to apply for reimbursement of funeral, burial, burial receptacle, cremation or other interment expenses from the United States Department of Veterans Affairs, as defined in 38 U.S.C. § 2304, if the applicant never applied for reimbursement of funeral, burial, burial receptacle, cremation or interment expenses from the United States Department of Veterans Affairs. Any applications received subsequent to

these prescribed periods shall be denied as time-barred.

(g) Applicants shall furnish evidence of the decedent's military service and relevant after action reports or other documents explaining why the application meets eligibility requirements for each case in the manner and form prescribed by the state commissioner or his or her designee. Upon being satisfied that the facts in the application are true, the state commissioner or his or her designee shall certify to the state comptroller the name and address of such recipient. The decision of the state commissioner or his or her designee on all matters regarding any payment from this allowance shall be final.

(h) The state commissioner shall submit a report to the governor, the chairperson of the senate finance committee, and the chairperson of the assembly ways and means committee not later than January fifteenth of each year in which this section is in effect. Such report shall include, but not be limited to, regulations promulgated pursuant to this section, allowances paid, and an account of the monies spent and the relationship of the distributees to the decedent.

§ 9. New York state veteran burial fund. 1. As used in this section, "agent in control of the disposition of remains" means the person responsible or designated to control the disposition of a deceased veteran's remains as defined and outlined in section forty-two hundred one of the public health law. The term "interment" means the disposition of remains as defined in paragraph (g) of section fifteen hundred two of the not-for-profit corporation law. The term "burial" shall include the process as defined in paragraph (e) of section fifteen hundred two of the not-for-profit corporation law.

2. As provided in subdivision nineteen of section four of this article, there is hereby established within the department a New York state veterans burial fund for honorably discharged members of the uniformed services of the United States who were residents of New York state at the time of his or her death who (i) were honorably discharged from such service, or (ii) had a qualifying condition, as defined in section one of this article, and received a discharge other than bad conduct or dishonorable from such service, or (iii) were discharged LGBT

veterans, as defined in section one of this article, and received a discharge other than bad conduct or dishonorable from such service.

(a) Eligible recipients under this program shall be those who bore the cost of the funeral as the agent in control of the disposition of remains. An application shall be made available to an eligible recipient. Any applicant convicted of making any false statement in the application for the reimbursement shall be subject to the penalties prescribed in the penal law.

(b) Such optional burial allowance is a reimbursement of an eligible decedent's burial and interment costs not to exceed two thousand five hundred dollars in a New York state not-for-profit cemetery. The reimbursement is generally available as a plot interment allowance. Any allowance granted by the government of the United States, pursuant to 38 U.S.C. §§ 2302, 2303, 2306, 2307 and 2308 or 10 U.S.C. § 1482 shall be first applied toward interment costs. An additional allowance of up to the cost of the actual burial and interment as provided under subdivision nineteen of section four of this article may be awarded to cover any remaining expenses.

(c) Evidence of the military service of the decedent for each case shall be furnished in the manner and form prescribed by the state commissioner; upon being satisfied that the facts in the application are true, the state commissioner shall certify to the state comptroller the name and address of such agent in control of the disposition of remains for reimbursement as provided in this section.

§ 10. Time within which marriage may be solemnized; member of the uniformed services. Notwithstanding section thirteen-b of the domestic relations law, where either of the parties making application for a marriage license, pursuant to section thirteen of the domestic relations law, is a member of the uniformed services of the United States on active duty the marriage of the parties shall not be solemnized within twenty-four hours after the issuance of the marriage license, nor shall it be solemnized after one hundred eighty days from the date of the issuance of the marriage license. Proof that the applicant is a member of the uniformed services of the United States shall be furnished to the satisfaction of the official issuing the marriage license. Every license

to marry issued pursuant to the provisions of this section shall state the day and hour the license is issued and shall contain a recital that it is issued pursuant to the provisions of this section.

§ 11. Use of personal confidential information obtained from veterans or family members of veterans receiving services from the state and political subdivisions thereof. 1. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving health, mental health, family services, criminal justice or employment shall be required to solicit information on whether their customer or client is a veteran as defined in section eighty-five of the civil service law or family member of a veteran. Any new forms created after the effective date of this section shall contain the following questions: "Have you served in the United States military?" "Has someone in your family served in the United States military?"

2. Individuals identifying themselves as having served in the military or a family member shall be advised that the department of veterans' services and local veterans service agencies established pursuant to section seventeen of this article provide assistance to veterans regarding benefits under federal and state law. Information regarding veterans and military status provided by assisted persons solely to implement this section shall be protected as personal confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's or family member's problems within the agency requesting such information and in referring the veteran or family member to the department of veterans' services for the information and assistance with regard to benefits and entitlements under federal and state law.

§ 12. Acceptance of gifts. The department with the approval of the governor, may accept any gift or grant for any of the purposes of this article. Any moneys so received may be expended by the department to

effectuate any of the purposes of this article, subject to the same limitations as to authorization, audit and approval as are prescribed for state moneys appropriated for the purposes of this article.

§ 13. State veterans' service agency. 1. A state veterans' service agency established by the department pursuant to this article shall have power and it shall be its duty to inform military and naval authorities of the United States and assist members of the uniformed services and veterans, who are residents of this state, and their families, in relation to (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation services and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the uniformed services and veterans and their families, (4) employment and re-employment services, including the employment of veterans with disabilities program under section fifty-five-c of the civil service law, and (5) other matters of similar, related or appropriate nature. The state veterans' service agency also shall perform such other duties as may be assigned by the state commissioner.

2. The state commissioner may, with the approval of the governor, appoint and remove a director of the state veterans' service agency. The state commissioner may from time to time establish, alter or abolish state veterans' service agency districts within the state, establish or abolish offices therefor, and appoint and at pleasure remove a deputy director of the state veterans' service agency for each such district office. With the approval of the state commissioner, the director of the veterans' service agency may appoint such officers, consultants, clerks and other employees as may be necessary to administer the functions of the state veterans' service agency, fix their compensation within the limitation provided by law, and prescribe their duties.

§ 14. Local veterans' service agencies. 1. County veterans' service agencies. There shall be established a county veterans' service agency in each county not wholly included within a city, and there shall be a

county director of each county veterans' service agency. Any county director hired after the effective date of this chapter shall be a veteran as defined in New York state statute. The chair of the board of supervisors of a county, with the approval of the board of supervisors, shall appoint and may at pleasure remove a county director of the county veterans' service agency for such county. In a county having a county president, a county executive or other chief executive officer, such president or executive officer shall appoint and may at pleasure remove a county director. The county director may be paid such compensation as shall be fixed by the appointing officer and the board of supervisors. The county director shall appoint such assistants and employees as he or she may deem necessary, other than those, if any, supplied by the state; he or she may prescribe the duties of those appointed by him or her and fix their salaries within the appropriations made available for that purpose by the county and may at pleasure remove any such assistants or employees. The county director shall have jurisdiction throughout the territorial limits of the county, including any city therein which does not have a city veterans' service agency, provided that after the establishment of a city veterans' service agency in any such city, the county director shall not have jurisdiction within such city.

2. City veterans' service agency. There may be established a city veterans' service agency in each city; and there shall be a city director of each city veterans' service agency which is established. The mayor of such city, or the city manager in a city of less than one hundred forty thousand population having a city manager, shall appoint and may at pleasure remove the city director. A city director may be paid such compensation as shall be fixed by the mayor or city manager, as the case may be, empowered to appoint the city director, and the governing body of the city. The city director may appoint such deputies, assistants and employees as he or she may deem necessary other than those, if any, supplied by the state; the director may prescribe the duties of those appointed by him or her and fix their salaries within the appropriations made available for that purpose by the city and may at pleasure remove any such assistant or employee. A city director shall have jurisdiction throughout the territorial limits of the city.

3. Accreditation. (a) Current county or city directors within three years from the effective date of this subdivision shall take all steps necessary to be accredited as a veterans service organization (VSO) representative. Accreditation shall mean the authority granted by the United States Department of Veterans Affairs to assist veterans and their family members in the preparation, presentation, and prosecution of claims for benefits pursuant to section 5902 of Title 38 U.S.C. and section 14.628 of Title 38 Code of Federal Regulations. Once an application for accreditation is approved by the General Counsel of the United States Department of Veterans Affairs and the applicant is notified of this action, the director of the county or city veterans service agency shall file a copy of the accreditation certificate from the appropriate veterans service organization with the commissioner of the department. Such accreditation shall be maintained during the duration of his or her status as a director of such county or city veterans service agency. The commissioner of the department may determine that satisfactory completion of a course or instruction on veterans' benefits approved by the United States Department of Veterans Affairs and conducted by the department may fulfill the requirements of this subdivision.

(b) Any county or city director hired after the effective date of this chapter shall take all steps necessary to be accredited as a veterans service organization (VSO) representative within eighteen months of such appointment. Accreditation shall mean the authority granted by the United States Department of Veterans Affairs to assist veterans and their family members in the preparation, presentation, and prosecution of claims for benefits pursuant to section 5902 of Title 38 U.S.C. and section 14.628 of Title 38 Code of Federal Regulations. Once an application for accreditation is approved by the General Counsel of the United States Department of Veterans Affairs and the applicant is notified of this action, the director of the county or city veterans service agency shall file a copy of the accreditation certificate from the appropriate veterans service organization with the commissioner of the department. Such accreditation shall be maintained during the duration of his or her status as a director of such county or city veterans service agency. The commissioner of the department may determine that a satisfactory completion of a course of instruction on

veterans' benefits approved by the United States Department of Veterans Affairs and conducted by the department may fulfill the requirements of this subdivision.

(c) During the time a director is working toward accreditation pursuant to paragraphs (a) and (b) of this subdivision, such individual may provide services to veterans and their family members as defined in section fifteen of this article other than the preparation, presentation, and prosecution of claims for benefits under federal statutes and regulations.

§ 15. Powers and duties of local veterans' service agencies. 1. A local veterans' service agency shall have power under the direction of the state veterans' service agency, and it shall be its duty to inform military and naval authorities of the United States and assist members of the uniformed services and veterans, who are residents of this state, and their families, in relation to (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation services and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the uniformed services and veterans and their families, (4) employment and re-employment services, including the employment of veterans with disabilities program under section fifty-five-c of the civil service law, (5) the process of submitting an application for a discharge upgrade to the discharge upgrade advisory board, (6) volunteer opportunities at local volunteer fire departments or emergency services providers to the extent such information is available, and (7) other matters of similar, related or appropriate nature. The local veterans' service agency may also assist families of members of the reserve components of the uniformed services and the organized militia ordered into active duty to ensure that they are made aware of and are receiving all appropriate support available to them and are placed in contact with the agencies responsible for such support, including, but not limited to, the division of military and naval affairs and other state agencies responsible for providing such support. The local veterans' service agency also shall perform such other duties as may be assigned by the state commissioner.

2. A local veterans' service agency shall utilize, so far as possible, the services and facilities of existing officers, offices, departments, commissions, boards, bureaus, institutions and other agencies of the state and of the political subdivisions thereof and all such officers and agencies shall cooperate with and extend such services and facilities to the local veterans' service agency as it may require.

§ 16. Location and cost of local veterans' service agencies; deputy local directors. 1. A local director shall designate the location of the local and branch offices of the local veterans' service agency within his or her jurisdiction, which offices shall be open during convenient hours. The cost of maintenance and operation of a county veterans' service agency shall be a county charge and the cost of maintenance and operation of a city veterans' service agency shall be a city charge, excepting that the state commissioner with the approval of the veterans' services commission shall allot and pay, from state moneys made available to him or her for such purposes, to each county veterans' service agency and each city veterans' service agency, an amount equal to fifty per centum of its expenditures for maintenance and operation approved by the state commissioner, provided that in no event shall the amount allotted and paid for such approved expenditures incurred in any given year exceed (1) in the case of any county veterans' service agency in a county having a population of not more than one hundred thousand or in the case of any city veterans' service agency in a city having a population of not more than one hundred thousand, the sum of twenty-five thousand dollars, nor (2) in the case of any county veterans' service agency in a county having a population in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, the sum of twenty-five thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the county in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, nor (3) in the case of any city veterans' service agency in a city having a population in excess of one hundred thousand, the sum of twenty-five thousand dollars,

and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the city in excess of one hundred thousand. Such population shall be certified in the same manner as provided by section fifty-four of the state finance law.

2. The head of a branch office of a local veterans' service agency shall be a deputy local director of the local veterans' service agency who shall be appointed by the local director of the county or city in which the branch office is located with the approval of the governing body which makes the appropriation for the maintenance of such branch office; provided, however, that the head of a branch office of a local veterans' service agency which operates in and for two or more adjoining towns or adjoining villages in the same county, and hereinafter in this article referred to as a consolidated branch office, shall be appointed by the local director of the county in which the branch office is located with the approval of the governing body of each town or village which makes an appropriation for or toward the maintenance of such branch office, and any town or village is authorized to enter into an agreement with an adjoining town or an adjoining village in the same county, respectively, or with two or more respective adjoining towns or villages in the same county, providing for their joint undertaking to appropriate and make available moneys for or toward the maintenance of such a consolidated branch office.

§ 17. Local veterans' service committees. The same authority which appoints a local director shall appoint for each county and city veterans' service agency a veterans' service committee to assist the local director and shall appoint a chair thereof. Similar committees may be appointed in each village and town where there is a deputy local director by the mayor of such village and the supervisor of such town in which the branch office of the deputy local director is located or in which it operates. A similar committee may also be appointed in any city in and for which there is not established a separate city veterans' service agency, and in and for which there is a deputy local director and a branch office of the county veterans' service agency; and such

appointment in any case shall be made by the city official authorized to appoint a city director in the case of a separate city veterans' service agency.

§ 18. Appropriations for expenses and activities of local veterans' service agencies. Each county and each city of the state in which is established a county veterans' service agency or a city veterans' service agency, as the case may be, is hereby authorized to appropriate and make available to the veterans' service agency of such respective county or city, such sums of money as it may deem necessary to defray the expenses and activities of such agency, and the expenses and activities of such agencies are hereby declared to be proper county and city purposes for which the moneys of the county or city may be expended. Each city in and for which there is not established a separate city veterans' service agency, and each village and town of the state is hereby authorized to appropriate and make available to the deputy local director heading the branch office in and for such city, village or town, if any, of the county veterans' service agency having jurisdiction within such city, village or town, such sums of money as it may deem necessary to defray the salary, expenses and activities of the deputy local director heading such branch office in and for such city, village or town and his or her office, including the salaries of persons employed in such office, and such salaries, expenses and activities are hereby declared to be proper city, village and town purposes for which the moneys of such cities, villages and towns may be expended. Each village and town is also authorized to appropriate and make available to the deputy local director heading the consolidated branch office, if any, for such village or town and any adjoining village or villages, or town or towns, as the case may be, of the county veterans' service agency having jurisdiction within such village or town, such sums of money as it may determine to defray in part the salary, expenses and activities of the deputy local director heading such consolidated branch office for such village or town and any adjoining village or villages or town or towns, as the case may be, including the salaries of persons employed in such consolidated branch office, and such salaries, expenses and activities are hereby declared to be proper village and town

purposes for which the moneys of such villages and towns may be expended.

§ 19. Women veterans coordinator. 1. Definitions. (a) "Veteran" shall have the same meaning as defined in section one of this article.

(b) "Department" shall mean the state department of veterans' services.

(c) "Women veterans coordinator" shall be a veteran.

2. Such women veterans coordinator shall be appointed by the commissioner.

3. Establishment of women veterans coordinator. There is hereby established within the department, a "women veterans coordinator" who shall work under the direction of the commissioner and whose duties shall include, but not be limited to, the:

(a) identification, development, planning, organization and coordination of all statewide programs and services to meet the needs of women veterans;

(b) recommendation to the commissioner to ensure compliance with all existing department policies and regulations pertaining to the needs of women veterans on the state and federal level and make recommendations regarding the improvement of benefits and services to women veterans;

(c) liaison between the department, the United States Department of Veterans Affairs center for women veterans, the United States Department of Veterans Affairs Advisory Committee on Women Veterans, state veterans nursing homes, state agencies, community groups, advocates and other veterans and military organizations and interested parties and, as it pertains to the veteran maternity care program established pursuant to section twenty-nine-c of this article, the commissioners of health and mental health, hospitals, federal, state, and local health officials, obstetricians, midwives, pediatricians, veterans and veterans advocates;

(d) advocating for all women veterans in the state;

(e) development and maintenance of a clearinghouse for information and resources for women veterans;

(f) promote events and activities that recognize, educate and honor

women veterans, including but not limited to seminars required under subdivision six of section four of this article, veteran human rights conferences, veterans benefits and resources events, and veterans cultural competence training;

(g) inclusion of the contributions women veterans have made on behalf of the United States and this state on the department's official website;

(h) preparation of reports on topics including, but not limited to, the demographics of women veterans, the number of women veterans listed by county, and the unique needs of the women veterans population, to the extent such information is available, to the commissioner on the status of women veterans within New York state;

(i) development and implementation of a maternity care program, in consultation with the United States Department of Veterans Affairs, the department of health and the office of mental health, to improve the capacity of maternity care providers to address the unique needs of pregnant and postpartum veterans, particularly regarding mental and behavioral health conditions; and

(j) conspicuously posting on the department's website a link to the federal women veterans call center number 1-855-VA-WOMEN.

4. Reports. The women veterans coordinator shall submit a report to the commissioner each year after the effective date of this section. Such report shall include, but not be limited to, a description of the women veterans coordinator's activities for the calendar year and the programs developed pursuant to the provisions of this section. The commissioner shall submit the report or a synopsis of the report to the governor in accordance with the provisions of section four of this article.

§ 20. Women veterans advisory committee. 1. The women veterans advisory committee is hereby created consisting of twelve members, with members appointed as follows: (a) six members by the governor; (b) two members by the temporary president of the senate; (c) two members by the speaker of the assembly; and (d) one member each by the minority leader of the senate and the minority leader of the assembly. All appointed

members must be women, and veterans who served in the United States uniformed services including members of the reserve component. Each veteran shall have received an honorable discharge or have a qualifying condition as defined in section one of this article.

2. In making appointments pursuant to subdivision one of this section, the following shall be considered:

(a) whether the appointments provide a geographical balance between the urban and rural areas of this state and represent the cultural diversity of this state; and

(b) the level of activity of the woman in the veteran community.

3. The committee shall elect a chair from among its members.

4. Each member of the committee shall serve a term of four years.

5. A vacancy on the committee shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

6. The committee shall meet at least four times per year at the call of the chair.

7. A majority of the members of the committee appointed constitutes a quorum.

8. Each member of the committee:

(a) serves without compensation, except that a member of the committee who is a state officer or employee may receive her regular compensation while engaging in the business of the committee; and

(b) shall be entitled to receive reimbursement for any actual, necessary expenses incurred in the course of performing business for the committee.

9. The committee shall:

(a) support and assist the department of veterans' services and the women veterans coordinator pursuant to section nineteen of this article in:

(i) locating, educating and advocating for all women veterans in this state;

(ii) identifying the unique needs of women veterans;

(iii) conducting outreach and education through various means, including, without limitation, the organization of statewide women veterans events, the promotion of benefits and health care for women veterans and the development of programs that inform students, business leaders and educators about the important role women play in the uniformed services of the United States;

(iv) educating women veterans as to benefits and programs that are available to them;

(v) at least annually, making such recommendations as may be deemed necessary or advisable to the governor, the state legislature, the commissioner of the department of veterans' services and such other offices of this state as may be appropriate;

(vi) making information available regarding job and career opportunities;

(vii) providing outreach regarding available resources for veterans with a qualifying condition as defined in section one of this article; and

(viii) advocating on behalf of women veterans to ensure that the programs and policies of this state and of the United States department of veterans' affairs remain open to women and mindful of the elements of the experience of a veteran that are unique to women.

(b) submit a report on or before February fifteenth of each year, outlining the activities of the committee during the preceding calendar year and any recommendations of the committee to the governor and legislature. The report must include, without limitation, information pertaining to:

(i) the demographics of women veterans;

(ii) the current contributions that women veterans have made on behalf of the United States and this state;

(iii) the unique needs of the population of women veterans;

(iv) recommendations regarding what steps should be taken to reduce misinformation and improve support for programs for women veterans; and

(v) outreach activities undertaken by the committee.

10. The department of veterans' services shall help support the committee's activities.

§ 21. Creation of annuity. 1. Payment to veterans. a. Any veteran as defined in this article who has been or is hereafter classified by the New York State commission for the visually handicapped as a blind person as defined in section three of chapter four hundred fifteen of the laws of nineteen hundred thirteen, as amended, and continues to be a blind person within the meaning of that section, shall, upon application to the commissioner of the department of veterans' services, be paid out of the treasury of the state for such term as such veteran shall be entitled thereto under the provisions of this article, the sum of one thousand dollars annually, plus any applicable annual adjustment, as provided in this section.

b. The entitlement of any veteran to receive the annuity herein provided shall terminate upon his or her ceasing to continue to be a resident of and domiciled in the state, but such entitlement may be reinstated upon application to the commissioner of veterans' services, if such veteran shall thereafter resume his or her residence and domicile in the state.

c. The effective date of an award of the annuity to a veteran shall be the date of receipt of the application therefor by the commissioner of veterans' services, except that if the application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a veteran shall be the date of receipt of the application for reconsideration by the commissioner of veterans' services.

2. Payment to widows and widowers of blind veterans. a. The unremarried spouse of a veteran who heretofore has died or the unremarried spouse of a veteran dying hereafter, such veteran being at the time of her or his death a recipient of, or eligible for, the benefits above provided, shall, upon application to the commissioner of veterans' services, also be paid out of the treasury of the state the

sum of one thousand dollars annually, plus any applicable annual adjustment, for such term as such unremarried spouse shall be entitled thereto under the provisions of this article.

b. The entitlement of any widow or widower to receive the annuity herein provided shall terminate upon her or his death or re-marriage or upon her or his ceasing to continue to be a resident of and domiciled in the state of New York, but such entitlement may be reinstated upon application to the commissioner of veterans' services, if such widow or widower shall thereafter resume her or his residence and domicile in the state.

c. The effective date of an award of the annuity to a widow or widower shall be the day after the date of death of the veteran if the application therefor is received within one year from such date of death. If the application is received after the expiration of the first year following the date of the death of the veteran, the effective date of an award of the annuity to a widow or widower shall be the date of receipt of the application by the commissioner of veterans' services. If an application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a widow or widower shall be the date of receipt of the application for reconsideration by the commissioner of veterans' services.

3. Annual adjustment. Commencing in the year two thousand five, and for each year thereafter, the amount of any annuity payable under this section shall be the same amount as the annuity payable in the preceding year plus a percentage adjustment equal to the annual percentage increase, if any, for compensation and pension benefits administered by the United States Department of Veterans' Affairs in the previous year. Such percentage increase shall be rounded up to the next highest one-tenth of one percent and shall not be less than one percent nor more than four percent. Commencing in the year two thousand five, the commissioner of veterans' services, not later than February first of each year, shall publish by any reasonable means the amount of the annuity as adjusted payable under this section.

§ 22. Evidence of entitlement. 1. The evidence of such service, blindness, residence and domicile, or of such marriage, widowhood, residence and domicile in each case shall be furnished in the manner and form prescribed by the commissioner of veterans' services who shall examine the same.

2. Upon being satisfied that such service was performed, that other facts and statements in the application of such veteran or widow or widower are true and that the said veteran has been classified by the New York state commission for the visually handicapped as a blind person, where such veteran is not receiving or not entitled to receive a benefit from any existing retirement system to which the state is a contributor, unless such veteran shall have become disabled by reason of loss of sight, while engaged in employment entitling him or her to receive a benefit from any existing retirement system to which the state is a contributor, and as a result of such disability has retired from such employment and is receiving or is entitled to receive a benefit from such retirement system the commissioner of veterans' services shall certify to the state comptroller the name and address of such veteran or widow or widower.

3. Thereafter the department of taxation and finance, through the division of finance, on the audit and warrant of the comptroller, shall pay such veteran or widow or widower such sum as is authorized by the provisions of this article in monthly installments for so long as such veteran or widow or widower shall meet the requirements of this article.

§ 23. Persons who may receive annuity. 1. a. The word "veteran" means a veteran as defined in section one of this article who is a resident, and who (i) has been or may be released from such service under other than dishonorable conditions, or (ii) has a qualifying condition, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section one of this article, and

has received a discharge other than bad conduct or dishonorable from such service, and who (iv) was a recipient of the armed forces expeditionary medal, the navy expeditionary medal or the marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, or (v) served on active duty for ninety days or more in the uniformed services of the United States during any one of the following wars or hostilities:

(1) in the Spanish-American war from the twenty-first day of April, eighteen hundred ninety-eight to the eleventh day of April, eighteen hundred ninety-nine, inclusive;

(2) in the Philippine insurrection or the China relief expedition from the eleventh day of April, eighteen hundred ninety-nine to the fourth day of July, nineteen hundred two, inclusive;

(3) in the Mexican border campaign from the ninth day of May, nineteen hundred sixteen, to the fifth day of April, nineteen hundred seventeen, inclusive;

(4) in World War I from the sixth day of April, nineteen hundred seventeen to the eleventh day of November, nineteen hundred eighteen, inclusive;

(5) in World War II from the seventh day of December, nineteen hundred forty-one to the thirty-first day of December, nineteen hundred forty-six, inclusive, or who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and

Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in World War II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, or (vi) is a discharged LGBT veteran, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service;

(6) in the Korean hostilities from the twenty-seventh day of June, nineteen hundred fifty to the thirty-first day of January, nineteen hundred fifty-five, inclusive;

(7) in the Vietnam conflict from the first day of November, nineteen hundred fifty-five to the seventh day of May, nineteen hundred seventy-five;

(8) in the Persian Gulf conflict from the second day of August, nineteen hundred ninety to the end of such conflict.

b. The word "veteran" shall also mean any person who meets the other

requirements of paragraph a of this subdivision, who served on active duty for less than ninety days, if he or she was discharged or released from such service for a service-connected disability or who served for a period of ninety consecutive days or more and such period began or ended during any war or period of hostilities as defined in paragraph a of this subdivision.

c. The term "active duty" as used in this article shall mean full time duty in the uniformed services, other than active duty for training; provided, however, that "active duty" shall also include any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated during such period.

2. No annuity shall be paid under this article to or for a person who is in prison in a federal, state or local penal institution as a result of conviction of a felony or misdemeanor for any part of the period beginning sixty-one days after his or her imprisonment begins and ending when his or her imprisonment ends.

3. Where any veteran is disqualified for the annuity for any period solely by reason of the provisions of subdivision two of this section, the commissioner of veterans' services shall pay to his or her spouse, if any, the annuity which such veteran would receive for that period but for said subdivision two.

4. In case an unmarried, divorced or widowed veteran or a widow of a deceased annuitant is being furnished hospital treatment, institutional or domiciliary care by the United States or the state, the annuity payable under this article to such veteran or widow or widower may be discontinued after the first day of the seventh calendar month following the month of admission of such veteran or widow for treatment or care. Payment of such annuity shall be resumed if such veteran or widow or widower is discharged from the hospital, institution or home, or if his or her treatment or care therein is otherwise terminated.

5. Where payment of the annuity as hereinbefore authorized is to be

made to a mentally incompetent person or a conservatee, such payment may be authorized by the commissioner of veterans' services of the state to be paid only to a duly qualified court-appointed committee or conservator, legally vested with the care of such incompetent's person or property or of such conservatee's property, except that in the case of an incompetent annuitant for whom a committee has not been appointed or a person under a substantial impairment for whom a conservator has not been appointed and who is hospitalized in a United States veterans health administration hospital or in a hospital under the jurisdiction of the state of New York, the commissioner of veterans' services of the state may in his or her discretion certify payment of the annuity, as hereinbefore authorized, to the manager of such United States veterans health administration hospital or to the commissioner of such state hospital for the account of the said incompetent or substantially impaired annuitant.

§ 24. New York state veterans' cemeteries. 1. Legislative intent. The legislature finds and determines that the devoted service and sacrifice of veterans deserve 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 department of veterans' services, and its commissioner, 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 commissioner shall issue, on behalf of the department, a public request for information for any local government desiring to have the first state veterans' cemetery located within its political subdivision. Such request shall specify the type of information to be provided, including, at a minimum, a detailed map of the site including potential transportation routes, the history of the site, the types of burials the site could accommodate, and the estimated number of veterans within a seventy-five mile radius of the site. Such requests for information shall be returnable to the department by no later than sixty days following the issuance of the requests for information. Requests for information issued by and returned to the department shall be publicly available and posted on the department's website.

(a-1) Following the deadline for the return of requests for information pursuant to paragraph (a) of this subdivision, the department, in cooperation with the United States Department of Veterans Affairs, and in consultation with, and upon the support of the department of state division of cemeteries, 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; only locations within local governments that have submitted a request for information pursuant to paragraph (a) of this subdivision shall be considered and each such submission shall be considered;

(ii) The size of the cemetery and types of grave sites;

- (iii) The number of annual interments at the cemetery;
- (iv) Transportation 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, including but not limited to staffing costs to maintain 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;
- (ix) Cost of maintenance;
- (x) Data on the population that would be served by the site;
- (xi) The average age of the population in the area covered;
- (xii) The mortality rate of the veteran population for the area;
- (xiii) Surrounding land use;
- (xiv) Topography of the land;
- (xv) Site characteristics;
- (xvi) Cost of land acquisition;
- (xvii) The location of existing cemeteries including but not limited to national veterans' cemeteries, county veterans' cemeteries, cemeteries that have plots devoted to veterans, not-for-profit cemeteries and any other burial ground devoted to veterans and any other type of burial grounds devoted to the interment of human remains that is of public record; and
- (xviii) Such other and further items as the commissioner of the department deems necessary for the first state veterans' cemetery to be successful.

A report of the investigation and study 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 one hundred eighty days after the department has commenced the conduct of the investigation and study.

(a-2) Upon the completion of the investigation and study, the results shall be provided to the selection committee. The selection committee shall consist of nine members as follows:

- (i) The commissioner of the department of veterans' services, or his

or her representative;

(ii) The director of the division of the budget, or his or her representative;

(iii) Three members appointed by the governor, two of whom shall be veterans;

(iv) Two members appointed by the temporary president of the senate, at least one of whom shall be a veteran; and

(v) Two members appointed by the speaker of the assembly, at least one of whom shall be a veteran.

(a-3) The selection committee shall be subject to articles six and seven of the public officers law. The selection committee shall evaluate the results of the study and, upon a majority vote, make a determination as to the location of the first state veterans' cemetery. In making this determination, the committee's consideration shall, at a minimum, include:

(i) The findings established by the study;

(ii) The submitted responses to the requests for information issued pursuant to paragraph (a) of this subdivision;

(iii) The guidelines for receipt of federal funding specified in 38 USC 2408, 38 CFR 39, 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 state veterans' cemetery.

(b) The commissioner of the department, the commissioner of the office of general services, and the chair of the division of cemeteries shall determine the amount of money necessary to fund the non-reimbursable costs of a state veterans' cemetery, such as operation and maintenance, for a period of not less than ten years, provided that such amount shall not include monies that would be recoverable by the cemetery pursuant to a charge of fee for the provision of a gravesite for a non-veteran spouse or eligible dependent. Prior to submitting any application for funding from the government of the United States in accordance with the grant requirements specified in 38 USC 2408, 38 CFR 30, and other relevant federal statutes or regulations, for the purpose of seeking funds to support the construction, establishment, expansion,

improvement, support, operation or maintenance of New York state's veterans' cemeteries, the director of the division of the budget and the office of the state comptroller must 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 that there are sufficient funds to cover such amount; provided further that such moneys may include the veterans remembrance and cemetery maintenance and operation fund created pursuant to section ninety-seven-mmmm of the state finance law. In making such a certification, the director of the division of the budget and the office of the state comptroller shall consider, but are not limited to, the following factors:

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

- (ii) staffing costs, cost of equipment and equipment maintenance, and security costs;

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

- (iv) estimates provided by the United States Department of Veterans Affairs;

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

(c) Once the certification that there are sufficient funds pursuant to paragraph (b) of this subdivision has been made, and no later than thirty days following the selection of the site pursuant to paragraph (a-3) of this subdivision, the commissioner, in consultation with the management board of the first New York state veterans' cemetery, shall commence the application process 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 veterans' cemetery. Such grant application shall be based on a site selected pursuant to paragraph (a-3) of this subdivision, and shall be consistent with the guidelines for receipt of federal funding

pursuant to the relevant provisions of federal law.

(d) A management board for the first New York state veterans' cemetery shall be appointed pursuant to subdivision three of this section.

(e) The commissioner 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 commissioner 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, columbarium niches, headstones, grave markers, indoor interment facilities, committal-service shelters, 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 curtilage 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;

(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;

(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 any local government desiring to have the first state veterans' cemetery located within its political subdivision, including, but not limited to:

(1) 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;

(2) 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;

(3) 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;

(4) Such other and further requirements as the commissioner 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.

(f) Upon the approval of the application for funding from the government of the United States, made pursuant to paragraph (c) of this subdivision, the commissioner, 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 (e) 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 nine members, including the commissioner of the department who shall serve as chair, and four members, appointed by the governor. Of such four members, not fewer than two shall be a veteran of the United States as defined in section one of this article or a member of the New York army national guard or the New York air national guard, or the New York naval militia. Two members shall be appointed by the temporary president of the senate, and two members shall be appointed by the speaker of the state assembly. At least one of the members appointed by the temporary president of the senate and at least one of the members appointed by the speaker of the assembly shall be a veteran of the United States as defined in section one of this article or a member of the New York army national guard or the New York air national guard, or the New York naval militia. No member shall receive any compensation for his or her service, but members who are not state officials may be reimbursed for their actual and necessary expenses, including travel expenses incurred in performance of their duties. The management board may consult with any federal, state or local entity for the purposes of advancing its

purposes, mission and duties.

(b) The management board shall advise, by majority vote, the commissioner 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 commissioner 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 department, 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 department 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 department may, at the discretion of the commissioner, 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 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 department has commenced the conduct of the investigation and study.

(d) If the commissioner, 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 commissioner 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 commissioner, 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 department under paragraph (e) of subdivision two of this section.

§ 25. Veterans health screening. 1. As used in this section: a. "Eligible member" means a member of the New York army national guard or the New York air national guard who served in the Persian Gulf War, as defined in 38 USC 101, or in an area designated as a combat zone by the president of the United States during Operation Enduring Freedom or Operation Iraqi Freedom;

b. "Veteran" means a person as defined in section one of this article who is a resident of the state;

c. "Military physician" includes a physician who is under contract with the United States department of defense to provide physician services to members of the uniformed services; and

d. "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

2. On and after February first, two thousand seven, the adjutant general and the state commissioner shall assist any eligible member or veteran who has been experiencing health problems. Such problems may include exposure to toxic materials or harmful physical agents such as depleted uranium. An eligible member or veteran who has been assigned a risk level I, II or III for depleted uranium exposure by his or her branch of service, is referred by a military physician, or has reason to believe that he or she was exposed to toxic materials or harmful physical agents such as depleted uranium during such service, in obtaining federal treatment services. Such treatment shall include, but not be limited to, a best practice health screening test for exposure to depleted uranium using a bioassay procedure involving sensitive methods capable of detecting depleted uranium at low levels and the use of equipment with the capacity to discriminate between different radioisotopes in naturally occurring levels of uranium and the characteristic ratio and marker for depleted uranium. As more scientific reliable tests become available such test shall be included in the treatment protocol. No state funds shall be used to pay for such tests or such other federal treatment services.

3. On or before February first, two thousand seven, the adjutant general shall submit a report to the chair of the senate veterans, homeland security and military affairs committee and the chair of the assembly veterans' affairs committee on the scope and adequacy of training received by members of the New York army national guard and the New York air national guard on detecting whether their service as eligible members is likely to entail, or to have entailed, exposure to toxic materials or harmful physical agents such as depleted uranium. The report shall include an assessment of the feasibility and cost of adding predeployment training concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat theater or combat zone of operations.

§ 26. Payment to immediate family members of veterans. 1. Annuity

established. (a) (i) A parent, spouse, or minor child identified in 10 USC 1126 as a gold star parent, spouse, or minor child; or (ii) a parent, spouse, or minor child of a veteran who died while on active duty, shall upon application to the state commissioner, be paid an annual annuity out of the treasury of the state for the sum of five hundred dollars for such term as such parent, spouse, or minor child shall be entitled thereto under the provisions of this article. Commencing in the year two thousand nineteen, the amount of any annuity payable under this section shall be the same amount as the annuity payable in the preceding year plus a percentage adjustment equal to the annual percentage increase, if any, for compensation and pension benefits administered by the United States Department of Veterans Affairs in the previous year. Such percentage increase shall be rounded up to the next highest one-tenth of one percent and shall not be less than one percent nor more than four percent. The commissioner of veterans' services, not later than February first of each year, shall publish by any reasonable means, including but not limited to posting on the department's website, the amount of the annuity as adjusted payable under this section. The term "parent" for the purposes of this section includes mother, father, stepmother, stepfather, mother through adoption and father through adoption. The term "spouse" for the purposes of this section means a person who was the spouse or domestic partner of the veteran at the time of such veteran's death regardless of whether such person has remarried or entered into a new domestic partnership since such veteran's death. The term "minor child" for the purposes of this section means a person who is under the age of eighteen years, or who, after attaining the age of eighteen years and until completion of education or training, but not after attaining the age of twenty-three years, is pursuing a course of instruction at an approved educational institution and who is the biological, step, or adopted child of a veteran. The term "active duty" for purposes of this section shall have the same meaning as such term is defined in section 101 of title 38 of the United States code, and shall also include any period of active duty for training during which the individual concerned died from a disease or injury incurred or aggravated in the line of duty, or any period of inactive duty training during which the individual concerned died from an injury incurred or aggravated in the line of duty or from an acute

myocardial infarction, a cardiac arrest, or a cerebrovascular accident which occurred during such training. The terms "active duty for training" and "inactive duty training" for the purposes of this section shall have the same meaning as such terms are defined in section 101 of title 38 of the United States code.

(b) The entitlement of any parent, spouse, or minor child to receive the annuity provided by paragraph (a) of this subdivision shall terminate upon such parent's, spouse's, or minor child's death or upon such parent's, spouse's, or minor child's ceasing to continue to be a resident of and domiciled in the state of New York, but such entitlement may be reinstated upon application to the state commissioner, if such parent, spouse, or minor child shall thereafter resume such parent's, spouse's, or minor child's residence and domicile in the state.

(c) The effective date of an award of the annuity to a parent, spouse, or minor child shall be the day after the date of death of the veteran if the application therefor is received within one year from date of death. If the application is received after the expiration of the first year following the date of the death of the veteran, the effective date of an award of the annuity to a parent, spouse, or minor child shall be the date of receipt of the application by the state commissioner. If the application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a parent, spouse, or minor child shall be the date of the receipt of the application for reconsideration by the state commissioner.

(d) Any applicant convicted of making any false statement in the application for the annuity shall be subject to penalties prescribed in the penal law.

2. Qualifications. (a) Any gold star parent, spouse, or minor child, of a deceased veteran, or a parent, spouse, or minor child of a veteran pursuant to subparagraph (ii) of paragraph (a) of subdivision one of this section, who is a resident of and domiciled in the state of New York, may make application to the department.

(b) No entitlement shall be paid under this section to or for a gold star parent, spouse, or minor child, or a parent, spouse, or minor child of a veteran pursuant to subparagraph (ii) of paragraph (a) of

subdivision one of this section, who is in prison in a federal, state, or local penal institution as a result of conviction of a felony or misdemeanor for any part of the period beginning sixty-one days after such parent's, spouse's, or minor child's imprisonment begins and ending with such parent's, spouse's, or minor child's release.

(c) Where one or more gold star parents, spouse, or minor children, or parents, spouse, or minor children of a veteran pursuant to subparagraph (ii) of paragraph (a) of subdivision one of this section, are disqualified for the annuity for a period under paragraph (b) of this subdivision, the state commissioner shall pay the shares of such disqualified parents, spouse, or minor children to the other parents or minor children, if they meet the qualifications on their own.

(d) The decision of the state commissioner on matters regarding the payment of such annuity shall be final.

3. Method of payment. (a) Evidence of the military service of the deceased veteran for each case shall be furnished in the manner and form prescribed by the state commissioner.

(b) Upon being satisfied that such service was honorable, that other facts and statements in the application of such gold star parent, spouse, or minor child or parent, spouse, or minor child of a veteran pursuant to subparagraph (ii) of paragraph (a) of subdivision one of this section, are true, the state commissioner shall certify to the state comptroller the name and address of such gold star parent, spouse, or minor child, or parent, spouse, or minor child of a veteran pursuant to subparagraph (ii) of paragraph (a) of subdivision one of this section.

(c) Thereafter, the department of taxation and finance, on the audit and warrant of the comptroller, shall pay such gold star parent, spouse, or minor child, or parent, spouse, or minor child of a veteran pursuant to subparagraph (ii) of paragraph (a) of subdivision one of this section, such sum as is authorized by the provisions of this section in semi-annual installments for so long as such qualified gold star parent, spouse, or minor child, or parent, spouse, or minor child of a veteran pursuant to subparagraph (ii) of paragraph (a) of subdivision one of this section, shall meet the requirements of this section.

4. Report. The state commissioner shall submit a report to the governor, the chair of the senate finance committee, and the chair of the assembly ways and means committee not later than January fifteenth of each year this section is in effect. Such report shall include, but not be limited to regulations promulgated pursuant to this section, and a description and evaluation of the program.

§ 27. Cremated remains of a veteran. The cremated remains of a veteran may be disposed of pursuant to the provisions of section forty-two hundred three of the public health law.

§ 28. New York state silver rose veterans service certificate. The commissioner, in consultation with the adjutant general, is hereby authorized to present in the name of the legislature of the state of New York, a certificate, to be known as the "New York State Silver Rose Veterans Service Certificate", bearing a suitable inscription to any person:

1. who is a citizen of the state of New York; or

2. who was a citizen of the state of New York while serving in the uniformed services of the United States, and who while serving in the uniformed services of the United States, or the organized militia on active duty was exposed to dioxin or phenoxy herbicides, as evinced by a medical diagnosis of a disease associated with dioxin or phenoxy herbicides, and any other proof determined by the adjutant general to be necessary; or

3. who was honorably discharged or released under honorable circumstances.

Not more than one New York state silver rose veterans certificates shall be awarded or presented, under the provisions of this section, to any person whose entire service subsequent to the time of the receipt of such certificate shall not have been honorable. In the event of the

death of any person during or subsequent to the receipt of such certificate it shall be presented to such representative of the deceased as may be designated. The commissioner, in consultation with the adjutant general, shall make such rules and regulations as may be deemed necessary for the proper presentation and distribution of such certificates.

§ 29. Intake forms for admission and residency. 1. The department, in cooperation with the office of temporary and disability assistance and any other state department, office, division or agency the department deems necessary, shall require that all intake forms for admission or residency to any temporary shelter that is reimbursed from state or state-administered grants or funds shall ask an applicant: "Have you or anyone in your household ever been in the United States military?". Each social services district or social services district's designee shall in writing advise all individuals applying for temporary housing assistance and identifying themselves as having been in the United States military that the department of veterans' services and local veterans' service agencies established pursuant to section fourteen of this article provide assistance to veterans regarding benefits available under federal and state law. Such written information shall include the name, address and telephone number of the New York state department of veterans' services, the nearest department of veterans' services office, the nearest county or city veterans' service agency and the nearest accredited veterans' service officer. Each social services district or social services district's designee, with the permission of such individual's identifying himself as a veteran, shall transmit such veteran's status information to the department of veterans' services.

2. The department, in cooperation with the office of temporary and disability assistance and any other state department, office, division or agency the department deems necessary, shall encourage all other temporary shelter providers to share information to increase veteran access to benefits by:

- (a) providing information on the department website including:
 - (i) potential questions for inclusion on intake forms including, but

not limited to: "Have you or anyone in your household ever been in the United States military?";

(ii) advising such providers that all individuals identifying themselves as having been in the United States military that the division and local veterans' service agencies provide assistance to veterans regarding benefits available under federal and state law; and

(iii) the address and telephone number of the department, county and city veterans' service agencies and accredited veterans' service officers; and

(b) facilitating the transmission of such veteran's status information, with the permission of individuals identifying themselves as a veteran, to the department.

*** § 29-a. Loan counseling for mortgages guaranteed by the Servicemen's Readjustment Act of 1944.** Upon the request of any veteran, the department shall provide counseling and assistance to applicants for a mortgage loan guaranteed by the Servicemen's Readjustment Act of 1944. Such service shall be provided either directly or through a contract with a not-for-profit entity which has a Commercial and Government Entity (CAGE) code assigned by the federal System for Award Management and which is not owned by, affiliated with or operated by a mortgage company. Counselors shall be certified by the United States department of housing and urban development under Part 214 of Title 24 of the Code of Federal Regulations. Loan counseling and assistance shall include a review of the terms and restrictions of the loan and any other information which may be required under federal law, rule or regulation. The department may promulgate regulations necessary to prevent any potential conflicts of interest between counselors and mortgage companies to ensure that any counseling and assistance provided under the provisions of this section shall be made in the best interest of the veteran seeking such mortgage loan.

* NB There are 2 § 29-a's

*** § 29-a. Veterans memorial registry.** 1. The department is directed to develop a veterans memorial registry in consultation with the director

of the New York state military museum and veterans resource center, the commissioner of the office of parks, recreation and historic preservation, the commissioner of the office of general services and the state historian. The registry shall be made available on the department's website.

2. The registry shall consist of a searchable database of those veterans memorials located within the state submitted pursuant to subdivision three of this section. The registry shall include, but not be limited to, information regarding the location of a memorial and who or what veteran or battle such memorial is honoring. Additional information may include historical information such as who authorized the erection of such memorial and the year of the dedication. Such registry shall be searchable by location, veteran or battle.

3. The state commissioner shall issue, on behalf of the department, a public request for information for any county, city, town, or village desiring to have any memorial located within their municipality listed within the registry. Each county, city, town, or village may submit responses to the department's request for information at any time after the request for information has been issued. Individuals and organizations, including but not limited to, local veterans' service agencies staff and members of congressionally chartered veterans' service organizations may provide recommendations to a municipality for inclusion in the registry. In responding to the department's public request for information, a municipality shall identify the memorial or memorials it desires to have included in the registry and submit any information required pursuant to subdivision two of this section to the department.

* NB There are 2 § 29-a's

§ 29-b. Veterans' liaisons. 1. As used in this section the term "state agency" shall mean any department, board, bureau, division, commission, council or committee within the executive branch.

2. Each state agency shall designate at least one employee to act as a

liaison with veterans within such agency or served by such agency. Such liaison shall be funded from existing appropriations in each agency. Upon designating a veterans' liaison, which shall be done within ninety days, all state agencies shall inform the department in a form and manner to be prescribed by the department. An employee designated to act as a veterans' liaison must first complete an initial training provided by appropriate staff designated by the department before assuming the duties of a veterans' liaison. Thereafter all veterans' liaisons shall annually receive supplemental trainings provided by the department. A state agency may also, in consultation with the department, prescribe such additional trainings for its veterans' liaisons as it deems necessary and relevant to assisting veterans employed or served by the agency.

3. Each state agency shall conspicuously post the name and contact information of its current veterans' liaisons on its website and a listing of all state agency veterans' liaisons shall be maintained by the department and updated at least annually on its website.

4. The duties of a veterans' liaison may include but not be limited to: (a) providing information and assistance to veterans regarding benefits and services available to veterans at the liaison's agency or other state agencies including the department; (b) ensuring active communication, coordination and cooperation are maintained with members of the public as well as other state and local agencies regarding the agency's efforts to assist veterans; (c) advising agency staff as to how to identify and address the unique needs of veterans within or served by the agency; (d) informing veterans within the agency as to applicable employee personnel policies; (e) promoting the recruitment, retention, and professional development of veteran employees within the agency; and (f) making efforts to identify veterans as defined in section one of this article within or served by the agency on an annual basis.

5. Information received pursuant to this section will be provided to the department. Information collected pursuant to this section shall be protected under article six-A of the public officers law against disclosure of confidential material and used only to determine the

number of veterans who are employed by or seeking services from the state of New York.

6. The department shall develop guidelines and a best practices document for veterans' liaisons in consultation with state agencies and with input solicited from the veterans' liaisons designated by such agencies. Further, the department shall include engagement with veterans' liaisons as part of its efforts to develop collaborative relationships with state agencies pursuant to subdivision thirty-seven of section four of this article.

7. The annual report required by subdivision seventeen of section four of this article shall contain a description of the department's activities and collaborations with veterans' liaisons and any recommendations of the department with respect to the veterans' liaisons program established under this section.

§ 29-c. Veteran maternity care. The women veterans coordinator shall administer a veteran maternity care program. The duties and responsibilities of the women veterans coordinator with respect to such program shall be:

1. Serving as a liaison between the United States department of veterans affairs (VA) including VA maternity care coordinators located in the state, the department of health and the office of mental health to facilitate better coordination of veteran maternity care in the state and cooperation in addressing issues related to veteran reproductive mental health care;

2. Disseminating available information to maternity care providers and expectant veterans regarding identifying and treating common mental and physical conditions experienced by veterans that can heighten the risk of pregnancy complications;

3. Providing guidance and referral information on maternity care and benefits available to veterans including the VA's maternity care

coordination program at all events including but not limited to, seminars required under subdivision six of section four of this article;

4. Providing resources on identifying the signs and symptoms of mental health conditions in expectant veterans to maternity care providers;

5. Raising awareness among maternity care providers of the federal Veterans Community Care Program established pursuant to 38 U.S.C § 1703 and considering ways to encourage and incentivize participation in such program. The coordinator shall make information relevant to such providers available on the department's website, including but not limited to, links to any continuing medical education material or courses for non-department medical professionals provided on the internet website of the U.S. Department of Veterans Affairs pursuant to section 123 of the VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (P.L.115-182);

§ 29-d. Staff sergeant Alex R. Jimenez New York state military immigrant family legacy program. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Uniformed service member" shall mean a member of the army, navy, air force, space force, marine corps, coast guard, public health service commissioned corps, or national oceanic and atmospheric administration commissioned officer corps serving on active duty.

(b) "The program" shall mean the staff sergeant Alex R. Jimenez military immigrant family legacy program.

(c) "Liaison" shall mean an employee of the office for new Americans designated by the director of the office for new Americans, an employee of the division of military and naval affairs designated by the adjutant general, and an employee of the department designated by the commissioner, to serve as a military immigrant family legacy program liaison pursuant to subdivision three of this section.

(d) "Veteran" shall have the same meaning as such term is defined in section one of this article and shall also include any veteran with a qualifying condition, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such

service, or is a discharged LGBT veteran, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service.

(e) "Intended recipients" shall mean uniformed service members, veterans, reserve component members and their spouse, domestic partner, mother, father, stepmother, stepfather, mother through adoption, father through adoption, or children, stepchildren, or adopted children. The term "intended recipients" shall also include the next-of-kin of an eligible uniformed service member, veteran or reserve component member who died as a result of injury or disease incurred in or aggravated by their service in the uniformed services, making a request for the grant of posthumous U.S. citizenship on behalf of such uniformed service member, veteran or reserve component member.

(f) "Reserve component members" shall mean those serving in the army reserve, navy reserve, marine corps reserve, the army national guard, the air national guard, or reserve corps of the public health service during the time the unit was federally recognized as a reserve component.

2. There is hereby established within the office for new Americans the staff sergeant Alex R. Jimenez New York state military immigrant family legacy program. The commissioner and adjutant general shall designate one or more staff as liaisons to the office for new Americans who shall refer any intended recipient in need of assistance with an immigration matter to the office for new Americans. The office for new Americans shall designate one or more staff to be liaisons with the department and the division of military and naval affairs who shall coordinate such referrals from the department and the division of military and naval affairs and ensure the intended recipient is referred to existing office for new Americans programs, including, but not limited to, immigration legal service programs delivered by partnering community organization and immigration counsel. The primary purpose of the program shall be to assist intended recipients to secure legal immigration status in the United States, including but not limited to, citizenship.

3. The office for new Americans shall have the responsibility to:

(a) refer intended recipients in matters related to immigration

status, to service providers.

(b) serve as liaison for the department and the division of military and naval affairs, local veterans' service agencies, state agencies, community groups, advocates, and other veterans and military organizations and interested parties for the purpose of coordinating efforts to provide access to immigration services to intended recipients as specified in paragraph (a) of this subdivision.

(c) maintain a toll-free, multi-lingual hotline and website for purposes including, but not limited to, disseminating information and resources relating to the program as well as other federal, state, local and non-profit programs that may offer assistance to intended recipients in immigration matters.

(d) coordinate with the department and the division of military and naval affairs and otherwise marshal the resources of the state to serve the needs of intended recipients.

(e) share information about the program with congressionally chartered veterans' organizations, and local veterans' service agencies.

4. The liaisons appointed pursuant to subdivision two of this section shall jointly report the number of intended recipients referred to the office for new Americans through the program to the commissioner on January first each year following the first full year after the effective date of this section. The commissioner shall submit the report to the governor and the legislature by March first of each year.

5. For the purposes of this program, personally identifying information provided by intended recipients shall not be retained, disclosed, disseminated, or otherwise published or made available by the department, the division of military and naval affairs, or the office for new Americans.

§ 29-e. Protecting veterans from fraud and unaccredited representatives.

1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Unaccredited representative" shall mean any person lacking the authority granted by the VA to representatives, agents, and attorneys to assist claimants in the preparation, presentation, and prosecution of claims for VA benefits under title 38 of the United States code and title 38 of the code of federal regulations.

(b) "Veterans' benefits matter" shall have the same meaning as defined by section three hundred forty-nine-f of the general business law.

(c) "Veterans' benefits matter frauds" shall mean any type of consumer fraud, scam, or deceptive business practice, including but not limited to those using mail, television, internet, telemarketing, recorded message telephone calls commonly known as robocalls, solicitations and marketing that target or adversely affect intended recipients including but not limited to any violation of chapter 59 of title 38 of the United States code or section three hundred forty-nine-f of the general business law.

(d) "Intended recipients" shall include veterans, service members, and the family members and caregivers of such individuals.

(e) "Entity" shall have the same meaning as defined by section three hundred forty-nine-f of the general business law.

(f) "Claimant" means any individual applying for, or submitting a claim for, any benefit under the laws administered by the U.S. secretary of veterans affairs.

(g) "VA" means the United States department of veterans affairs.

2. The commissioner shall establish an informational outreach program to raise awareness of veterans' benefits matter frauds. Such program shall disseminate to intended recipients:

(a) general information on veterans' benefits matter frauds, including descriptions of the most common types of fraud, scams and other deceptive business practices, and measures intended recipients can take to protect against such veterans' benefits matter frauds;

(b) information on how to report veterans' benefits matter frauds to the division of consumer protection, the attorney general and other appropriate federal, state, and local authorities;

(c) general information on seeking representation in a veterans' benefits matter, including how to verify VA accreditation and identify unaccredited representatives and best practices for seeking

representation or assistance with a veterans' benefits matter;

(d) information on when an entity may lawfully seek reasonable compensation or fees in connection with a veterans' benefits matter;

(e) publicly available information about enforcement actions taken against unaccredited representatives and entities engaging in veterans' benefits matter frauds targeting or adversely affecting intended recipients; and

(f) information on the rights and remedies available to victims of veterans' benefits matter frauds targeting or adversely affecting intended recipients.

3. The program shall include the following elements:

(a) public service announcements;

(b) establishment of a toll-free telephone hotline and email address to receive complaints regarding veterans' benefits matter frauds targeting or adversely affecting intended recipients;

(c) maintaining a page on the department's website to serve as a resource for information regarding veterans' benefits matter frauds that target or adversely affect intended recipients, which shall include but not be limited to:

(i) warnings about potential predatory practices including a warning about individuals who seek to act in violation of chapter 59 of title 38 of the United States code or section three hundred forty-nine-f of the general business law;

(ii) a link to the online tool of the VA through which a claimant may report an individual acting in violation of chapter 59 of title 38 of the United States code or section three hundred forty-nine-f of the general business law;

(iii) a link to the online tool of the VA through which a claimant may search for a recognized agent, attorney, or other entity recognized by the VA for the preparation, presentation, or prosecution of any claim under laws administered by the U.S. secretary of veterans affairs; and

(iv) a link to a website or an online tool of the VA providing final decisions on discipline of agents, attorneys, and entities, described in subparagraph (iii) of this paragraph, by the U.S. secretary of veterans affairs for violations of chapter 59 of title 38 of the United States code; and

(d) providing seminars three times per year at locations throughout the state to advise intended recipients of the information under subdivision two of this section.

4. The commissioner shall collaborate with relevant state agencies and officials including the division of consumer protection, the secretary of state, the attorney general, local directors and veterans' service organizations to monitor the market for veterans' benefits matter frauds, and shall coordinate and consult with other relevant agencies as appropriate regarding the requirements of this section and to ensure the latest information regarding veterans' benefits matter fraud is disseminated to intended recipients.

5. The commissioner, in consultation with the secretary of state and the attorney general, shall establish standard protocols and procedures for employees of the department and local veterans' service agencies for handling any complaints of veterans' benefits matter fraud that may be reported to such employees.

6. A description of the program's activities and the commissioner's recommendations to the legislature regarding such program shall be included in the annual report required under subdivision seventeen of section four of this article.

ARTICLE 2

VETERANS EMPLOYMENT ACT

Section 30. Short title.

31. Legislative findings.

32. Definitions.

33. Temporary hiring.

34. Department of civil services responsibilities.

35. Regulations.

§ 30. Short title. This article shall be known and may be cited as the "veterans employment act".

§ 31. Legislative findings. The legislature hereby finds that it is estimated that over the next five years, forty-four thousand veterans are expected to return to this state from their military posts, making the Empire State home to one of the largest veteran populations in the country. Shockingly, the unemployment rate for Post-9/11 veterans in New York was 10.7% in two thousand twelve, which is nearly one percent higher than the national average and higher than the state's overall 8.2% unemployment rate. The legislature has found previously that it is in the interest of the state to ensure that returning veterans have employment opportunities available upon their separation from military service.

The state already encourages private businesses to hire military veterans through tax credits and other economic incentives. In addition, the legislature has previously found that state agencies spend millions of dollars annually on temporary staff hired from temporary employment service companies to cover temporary staffing needs. These temporary state jobs could serve as a bridge for recently discharged military veterans who have yet to find full-time permanent work. In addition, these temporary assignments could serve to develop the next generation of the state workforce and help with succession planning for the current workforce.

The legislature declares it to be the policy of this state to use veterans for temporary appointments in state agencies rather than utilizing temporary employment service companies in order to provide employment opportunities for returning military veterans.

§ 32. Definitions. As used in this article:

1. "State agency" shall mean any department, board, bureau, division, commission, council or committee within the executive branch, the state university of New York, the city university of New York, and all public authorities under the control of the executive branch.

2. "Temporary appointment" shall have the same meaning as provided in section sixty-four of the civil service law.

3. "Veteran" means a veteran (a) as defined in section one of this chapter, or (b) a member of the New York guard or New York naval militia who was discharged under other than dishonorable conditions, and who was released from such service after September eleventh, two thousand one.

4. "Veteran temporary hiring list" shall mean a hiring list maintained by the department of civil service.

§ 33. Temporary hiring. Notwithstanding any provision of law to the contrary, a state agency shall select a veteran from the veteran temporary hiring list when making a temporary appointment provided such veteran possesses the applicable skills needed for the temporary assignment.

§ 34. Department of civil services responsibilities. The department of civil service shall:

1. establish and maintain a veteran temporary hiring list, for use by state agencies in the implementation of this article;

2. assist state agencies by making available services of the department of civil service to facilitate the provisions of this article; and

3. establish and maintain, together with the commissioner of the department of veterans' services, a program to educate separating service members as to the benefits available to veterans under this article.

§ 35. Regulations. The president of the state civil service commission

shall promulgate such rules and regulations as shall be necessary to implement the provisions of this article.

ARTICLE 3

PARTICIPATION BY SERVICE-DISABLED VETERANS WITH RESPECT TO STATE CONTRACTS

Section 40. Definitions.

- 41. Division of service-disabled veterans' business development.
- 42. Opportunities for certified service-disabled veteran-owned business enterprises.
- 43. Severability.

§ 40. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Certified service-disabled veteran-owned business enterprise" shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation that is:

(a) at least fifty-one percent owned by one or more service-disabled veterans;

(b) an enterprise in which such service-disabled veteran ownership is real, substantial, and continuing;

(c) an enterprise in which such service-disabled veteran ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise;

(d) an enterprise authorized to do business in this state and is independently-owned and operated;

(e) an enterprise that is a small business which has a significant business presence in the state, not dominant in its field and employs, based on its industry, a certain number of persons as determined by the director, but not to exceed three hundred, taking into consideration factors which include, but are not limited to, federal small business administration standards pursuant to 13 CFR part 121 and any amendments thereto; and

(f) certified by the office of general services.

2. "Commissioner" shall mean the commissioner of the office of general services.

3. "Director" shall mean the director of the division of service-disabled veterans' business development.

4. "Division" shall mean the division of service-disabled veterans' business development in the office of general services.

5. "Service-disabled veteran" shall mean (a) a veteran as defined in section one of this chapter and who received a compensation rating of ten percent or greater from the United States Department of Veterans Affairs or from the United States department of defense because of a service-connected disability incurred in the line of duty, and (b) in the case of the New York guard or the New York naval militia and/or reserves thereof, a veteran who certifies, pursuant to the rules and regulations promulgated by the director, to having incurred an injury equivalent to a compensation rating of ten percent or greater from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service-connected disability incurred in the line of duty.

6. "State agency" shall mean: (a)(i) any state department; or (ii) any division, board, commission or bureau of any state department; or (iii) the state university of New York and the city university of New York, including all their constituent units except community colleges and the independent institutions operating statutory or contract colleges on behalf of the state; or (iv) a board, a majority of whose members are appointed by the governor or who serve by virtue of being state officers or employees as defined in subparagraph (i), (ii) or (iii) of paragraph (i) of subdivision one of section seventy-three of the public officers law.

(b) a "state authority" as defined in subdivision one of section two of the public authorities law, and the following:

Albany County Airport Authority;

Albany Port District Commission;

Alfred, Almond, Hornellsville Sewer Authority;

Battery Park City Authority;

Cayuga County Water and Sewer Authority;

(Nelson A. Rockefeller) Empire State Plaza Performing Arts Center

Corporation;

Industrial Exhibit Authority;

Livingston County Water and Sewer Authority;

Long Island Power Authority;

Long Island Rail Road;

Long Island Market Authority;

Manhattan and Bronx Surface Transit Operating Authority;

Metro-North Commuter Railroad;

Metropolitan Suburban Bus Authority;

Metropolitan Transportation Authority;

Natural Heritage Trust;

New York City Transit Authority;

New York Convention Center Operating Corporation;

New York State Bridge Authority;

New York State Olympic Regional Development Authority;

New York State Thruway Authority;

Niagara Falls Public Water Authority;

Niagara Falls Water Board;

Port of Oswego Authority;

Power Authority of the State of New York;

Roosevelt Island Operating Corporation;

Schenectady Metroplex Development Authority;

State Insurance Fund;

Staten Island Rapid Transit Operating Authority;

State University Construction Fund;

Syracuse Regional Airport Authority;

Triborough Bridge and Tunnel Authority;

Upper Mohawk valley regional water board;

Upper Mohawk valley regional water finance authority;

Upper Mohawk valley memorial auditorium authority;

Urban Development Corporation and its subsidiary corporations.

(c) the following only to the extent of state contracts entered into for its own account or for the benefit of a state agency as defined in paragraph (a) or (b) of this subdivision:

Dormitory Authority of the State of New York;

Facilities Development Corporation;

New York State Energy Research and Development Authority;

New York State Science and Technology Foundation.

(d) "state contract" shall mean: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of twenty-five thousand dollars, whereby a contracting agency is committed to expend or does expend funds in return for labor, services including but not limited to legal, financial and other professional services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; (ii) a written agreement in excess of one hundred thousand dollars whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; and (iii) a written agreement in excess of one hundred thousand dollars whereby the owner of a state assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project.

7. "Veteran" shall mean (a) a veteran as defined in section one of this chapter, or (b) a member of the New York guard who was discharged under other than dishonorable conditions, or (c) has a qualifying condition, as defined in section one of this chapter, and has received a discharge other than bad conduct or dishonorable from such service, or (d) is a discharged LGBT veteran, as defined in section one of this chapter, and has received a discharge other than bad conduct or dishonorable from such service.

§ 41. Division of service-disabled veterans' business development. 1.
The head of the division of service-disabled veterans' business

development shall be the director who shall be appointed by the governor and who shall hold office at the pleasure of the commissioner.

2. The director may appoint such deputies, assistants, and other employees as may be needed for the performance of the duties prescribed herein subject to the provisions of the civil service law and the rules and regulations of the civil service commission. The director may request and shall receive from any (i) department, division, board, bureau, or executive commission of the state or (ii) state agency, such assistance as may be necessary to carry out the provisions of this article.

3. The director shall have the following powers and duties:

(a) Develop, collect, summarize and disseminate information that will be helpful to persons and organizations throughout the state in undertaking or promoting the establishment and successful operation of a service-disabled veteran-owned business.

(b) Develop and make available to state agencies a directory of certified service-disabled veteran-owned business enterprises which shall, wherever practicable, be divided into categories of labor, services, supplies, equipment, materials and recognized construction trades and which shall indicate areas or locations of the state where such enterprises are available to perform services. Such directory shall be posted on the office of general services website.

(c) Assist state agencies in the development of programs to foster and promote the use of service-disabled veteran-owned business enterprises on state contracts.

(d) Coordinate the plans, programs and operations of the state government which affect or may contribute to the establishment, preservation and development of service-disabled veteran-owned business enterprises.

(e) To appoint independent hearing officers who by contract or terms of employment shall preside over adjudicatory hearings pursuant to this section for the office and who are assigned no other work by the office.

(f) In conjunction with the commissioner, develop a comprehensive statewide plan and operational guidelines to promote service-disabled veteran-owned business enterprises and to assist them in obtaining

opportunities to participate in the procurement of goods and services by the state, including identification of barriers to service-disabled veterans' business development and investigation and evaluation of their impact on achieving the objectives of this article.

4. The commissioner shall:

(a) Coordinate training of all procurement personnel of state agencies, emphasizing increased sensitivity and responsiveness to the unique needs and requirements of service-disabled veteran-owned business enterprises.

(b) Conduct a coordinated review of all existing and proposed state training and technical assistance activities in direct support of the service-disabled veterans' business development program to assure consistency with the objectives of this article.

(c) Evaluate and assess availability of firms for the purpose of increasing participation of such firms in state contracting in consultation with relevant state entities including, but not limited to, the New York state department of veterans' services.

(d) Provide advice and technical assistance to promote service-disabled veteran-owned business enterprises' understanding of state procurement laws, practices and procedures to facilitate and increase the participation of service-disabled veteran-owned business enterprises in state procurement.

(e) Establish regular performance reporting systems regarding implementation of the programs designed to increase service-disabled veteran-owned business participation in procurement contracts by state agencies.

(f) Submit a report by the thirty-first of December each year, to the governor, the temporary president of the senate, the speaker of the assembly and the chairpersons of the senate finance and assembly ways and means committees. Such report shall include information including, but not limited to, the number of contracts entered into pursuant to this article, the average amount of such contracts, the number of service-disabled veteran-owned business enterprises certified, the number of applications for certification as a service-disabled veteran-owned business enterprise, the number of denials for such certification, the number of appeals of such denials, and the outcome of

such appeals and the average time that is required for such certification to be completed. Also to be included shall be the level of service-disabled veteran-owned businesses participating in each agency's contracts for goods and services and on activities of the division and efforts by each contracting agency to promote utilization of service-disabled veteran-owned businesses and to promote and increase participation by certified service-disabled veteran-owned businesses with respect to state contracts and subcontracts to such businesses. Such report may recommend new activities and programs to effectuate the purposes of this article.

5. Certification. (a) The director, or in the absence of the director, the commissioner, within ninety days of the effective date of this article, shall promulgate rules and regulations providing for the establishment of a statewide certification program including rules and regulations governing the approval, denial, or revocation of any such certification. Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in section seventy-three of the civil rights law.

(b) The division of service-disabled veterans' business development shall be responsible for verifying businesses as being owned, operated, and controlled by a service-disabled veteran and for certifying such verified businesses. Status as a service-disabled veteran pursuant to paragraph (a) of this subdivision shall be documented by a copy of the veteran's certificate of release or discharge from active duty, including but not limited to, a DD-214 form or an honorable service certificate/report of casualty from the Department of Defense, a letter of certification by the United States Department of Veterans Affairs or the United States Department of Defense and any additional information that may be required by the division of service-disabled veterans' business development. In the case of the New York guard or the New York naval militia and/or reserves thereof, status as a service-disabled veteran pursuant to this paragraph shall be documented pursuant to rules and regulations promulgated by the director, or in the absence of the director, the commissioner.

(c) Following application for certification pursuant to this section, the director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within thirty days. Within sixty days of submission of a final completed application, the director shall provide the applicant with written notice of a determination by the director approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within thirty days from receipt of notice of such determination, be entitled to a hearing before an independent hearing officer designated for such purpose by the director. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The independent hearing officer shall conduct a hearing and upon the conclusion of such hearing, issue a written recommendation to the director to affirm, reverse, or modify such determination of the director. Such written recommendation shall be issued to the parties. The director, within thirty days, by order, must accept, reject or modify such recommendation of the hearing officer and set forth in writing the reason therefor. The director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail return receipt requested. The order of the director shall be subject to review pursuant to article seventy-eight of the civil practice law and rules.

(d) All certifications shall be valid for a period of five years.

§ 42. Opportunities for certified service-disabled veteran-owned business enterprises. 1. The director, or in the absence of the director, the commissioner, within ninety days of the effective date of this article shall promulgate rules and regulations for the following purposes:

(a) provide measures and procedures to ensure that certified service-disabled veteran-owned business enterprises are afforded the opportunity for meaningful participation in the performance of state contracts and to assist in state agencies' identification of those state

contracts for which certified service-disabled veteran-owned business enterprises may best perform;

(b) provide for measures and procedures that assist state agencies in the identification of state contracts where service-disabled veteran contract goals are practical, feasible and appropriate for the purpose of increasing the utilization of service-disabled veteran-owned business enterprise participation on state contracts;

(c) achieve a statewide goal for participation on state contracts by service-disabled veteran-owned business enterprises of six percent;

(d) provide for procedures relating to submission and receipt of applications by service-disabled veteran-owned business enterprises for certification;

(e) provide for the monitoring and compliance of state contracts by state agencies with respect to the provisions of this article;

(f) provide for the requirement that state agencies submit regular reports, as determined by the director, with respect to their service-disabled veteran-owned business enterprise program activity, including but not limited to, utilization reporting and state contract monitoring and compliance;

(g) notwithstanding any provision of the state finance law, the public buildings law, the highway law, the transportation law or the public authorities law to the contrary, provide for the reservation or set-aside of certain procurements by state agencies in order to achieve the objectives of this article; provided, however, that such procurements shall remain subject to (i) priority of preferred sources pursuant to sections one hundred sixty-two and one hundred sixty-three of the state finance law; (ii) the approval of the comptroller of the state of New York pursuant to section one hundred twelve and section one hundred sixty-three of the state finance law and section twenty-eight hundred seventy-nine-a of the public authorities law; and (iii) the procurement record requirements pursuant to paragraph g of subdivision nine of section one hundred sixty-three of the state finance law; and

(h) provide for any other purposes to effectuate this article.

2. State agencies shall administer the rules and regulations promulgated by the director for the implementation of this article.

§ 43. Severability. If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this article directly involved in the controversy in which the judgment shall have been rendered.