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

2738

2009-2010 Regular Sessions

I N S E N A T E

February 27, 2009

Introduced by Sens. STAVISKY, ADAMS, ADDABBO, DIAZ, HUNTLEY, PARKER, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, in relation to awarding an annual annuity to recipients of purple heart medals

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new section 368 to read as follows:

S 368. PAYMENT TO RECIPIENTS OF PURPLE HEART MEDALS. 1. ANNUITY ESTABLISHED. (A) A RECIPIENT OF A PURPLE HEART (AUTHORIZED TO BE AWARDED PURSUANT TO EXECUTIVE ORDER 11016), SHALL UPON APPLICATION TO THE STATE DIRECTOR, BE PAID AN ANNUAL ANNUITY OUT OF THE TREASURY OF THE STATE FOR THE SUM OF ONE THOUSAND DOLLARS FOR SUCH TERM AS SUCH RECIPIENT SHALL BE ENTITLED THERETO UNDER THE PROVISIONS OF THIS ARTICLE.

(B) THE ENTITLEMENT OF ANY RECIPIENT OF A PURPLE HEART MEDAL TO RECEIVE THE ANNUITY HEREIN PROVIDED SHALL TERMINATE UPON HIS OR HER DEATH OR UPON HIS OR HER CEASING TO CONTINUE TO BE A RESIDENT AND DOMICILED IN THE STATE OF NEW YORK, BUT SUCH ENTITLEMENT MAY BE REINSTATED UPON APPLICATION TO THE STATE DIRECTOR, IF SUCH RECIPIENT SHALL THEREAFTER RESUME HIS OR HER RESIDENCE AND DOMICILE OF THE STATE.

(C) THE EFFECTIVE DATE OF AN AWARD OF THE ANNUITY TO A RECIPIENT OF A PURPLE HEART MEDAL SHALL BE THE DAY AFTER THE AWARDING OF A PURPLE HEART MEDAL IF THE APPLICATION THEREFOR IS RECEIVED WITHIN ONE YEAR FROM THE DATE OF AWARDING THE PURPLE HEART MEDAL. IF THE APPLICATION IS RECEIVED AFTER THE EXPIRATION OF THE FIRST YEAR FOLLOWING THE DATE OF THE AWARDING OF THE PURPLE HEART MEDAL, THE EFFECTIVE DATE OF AN AWARD OF THE ANNUITY TO A RECIPIENT OF A PURPLE HEART MEDAL SHALL BE THE DATE OF RECEIPT OF THE APPLICATION BY THE STATE DIRECTOR. IF THE APPLICATION IS DENIED BUT IS GRANTED AT A LATER DATE UPON AN APPLICATION FOR RECONSID-

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

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ERATION BASED UPON NEW EVIDENCE, THE EFFECTIVE DATE OF THE AWARD OF THE ANNUITY TO A RECIPIENT OF A PURPLE HEART MEDAL SHALL BE THE DATE OF THE RECEIPT OF THE APPLICATION FOR RECONSIDERATION BY THE STATE DIRECTOR.

(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 RECIPIENT OF A PURPLE HEART MEDAL (AUTHORIZED TO BE AWARDED PURSUANT TO EXECUTIVE ORDER 11016), WHO IS A RESIDENT OF THE STATE OF NEW YORK, SHALL MAKE APPLICATION TO THE DIVISION.

(B) NO ENTITLEMENT SHALL BE PAID UNDER THIS SECTION TO OR FOR A RECIPIENT OF A PURPLE HEART MEDAL 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 WITH HIS OR HER RELEASE.

(C) THE DECISION OF THE DIRECTOR ON MATTERS REGARDING THE PAYMENT OF SUCH ANNUITY SHALL BE FINAL.

3. METHOD OF PAYMENT. (A) EVIDENCE OF THE MILITARY SERVICE OF THE RECIPIENT FOR EACH CASE SHALL BE FURNISHED IN THE MANNER AND FORM PRESCRIBED BY THE STATE DIRECTOR.

(B) UPON BEING SATISFIED THAT SUCH SERVICE WAS HONORABLE, THAT OTHER FACTS AND STATEMENTS IN THE APPLICATION OF SUCH RECIPIENT OF A PURPLE HEART MEDAL ARE TRUE, THE STATE DIRECTOR SHALL CERTIFY TO THE STATE COMPTROLLER THE NAME AND ADDRESS OF SUCH RECIPIENT.

(C) THEREAFTER, THE DEPARTMENT OF TAXATION AND FINANCE, THROUGH THE DIVISION OF FINANCE, ON THE AUDIT AND WARRANT OF THE COMPTROLLER, SHALL PAY SUCH RECIPIENT OF A PURPLE HEART MEDAL SUCH SUM AS IS AUTHORIZED BY THE PROVISIONS OF THIS SECTION IN SEMI-ANNUAL INSTALLMENTS FOR SO LONG AS SUCH QUALIFIED RECIPIENT OF A PURPLE HEART MEDAL SHALL MEET THE REQUIREMENTS OF THIS SECTION.

4. REPORT. THE STATE DIRECTOR 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.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided rules and regulations necessary for the implementation of this act on its effective date are authorized and directed to be made by the division of veterans' affairs on or before such effective date.