

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

5048--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. CUSICK -- Multi-Sponsored by -- M. of A. PHEFFER
-- read once and referred to the Committee on Veterans' Affairs --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 18 of article 7 of the constitution,
in relation to providing for payment of bonuses to members of the
armed forces from this state for service during the period of the
Korean war

1 Section 1. RESOLVED (if the Senate concur), That section 18 of article
2 7 of the constitution be amended to read as follows:
3 S 18. (A) The legislature may authorize by law the creation of a debt
4 or debts of the state to provide for the payment of a bonus to each male
5 and female member of the armed forces of the United States, still in the
6 armed forces, or separated or discharged under honorable conditions, for
7 service while on active duty with the armed forces at any time during
8 the period from December seventh, nineteen hundred forty-one to and
9 including September second, nineteen hundred forty-five, who was a resi-
10 dent of this state for a period of at least six months immediately prior
11 to his or her enlistment, induction or call to active duty. The law
12 authorizing the creation of the debt shall provide for payment of such
13 bonus to the next of kin of each male and female member of the armed
14 forces who, having been a resident of this state for a period of six
15 months immediately prior to his or her enlistment, induction or call to
16 active duty, died while on active duty at any time during the period
17 from December seventh, nineteen hundred forty-one to and including
18 September second, nineteen hundred forty-five; or who died while on
19 active duty subsequent to September second, nineteen hundred forty-five,
20 or after his or her separation or discharge under honorable conditions,
21 prior to receiving payment of such bonus. An apportionment of the moneys
22 on the basis of the periods and places of service of such members of the
23 armed forces shall be provided by general laws.

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

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1 (B) THE LEGISLATURE MAY ALSO AUTHORIZE THE CREATION OF A DEBT OR DEBTS
2 OF THE STATE TO PROVIDE FOR THE PAYMENT OF A BONUS TO EACH MALE AND
3 FEMALE MEMBER OF THE ARMED FORCES OF THE UNITED STATES, STILL IN THE
4 ARMED FORCES, OR SEPARATED OR DISCHARGED UNDER HONORABLE CONDITIONS, FOR
5 SERVICE WHILE ON ACTIVE DUTY WITH THE ARMED FORCES AT ANY TIME DURING
6 THE PERIOD FROM JUNE TWENTY-SEVENTH, NINETEEN HUNDRED FIFTY TO AND
7 INCLUDING JANUARY THIRTY-FIRST, NINETEEN HUNDRED FIFTY-FIVE. THE LAW
8 AUTHORIZING THE CREATION OF THE DEBT SHALL PROVIDE FOR PAYMENT OF SUCH
9 BONUS TO THE LEGATEES OR DISTRIBUTEES OF EACH MALE AND FEMALE MEMBER OF
10 THE ARMED FORCES WHO, WAS A RESIDENT OF THIS STATE, DIED WHILE ON ACTIVE
11 DUTY AT ANY TIME DURING THE PERIOD FROM JUNE TWENTY-SEVENTH, NINETEEN
12 HUNDRED FIFTY TO AND INCLUDING JANUARY THIRTY-FIRST, NINETEEN HUNDRED
13 FIFTY-FIVE; OR WHO DIED WHILE ON ACTIVE DUTY SUBSEQUENT TO JANUARY THIR-
14 TY-FIRST, NINETEEN HUNDRED FIFTY-FIVE, RESPECTIVELY, OR AFTER HIS OR HER
15 SEPARATION OR DISCHARGE UNDER HONORABLE CONDITIONS, PRIOR TO RECEIVING
16 PAYMENT OF SUCH BONUS. IN THE EVENT SUCH MEMBER IS DECEASED, SUCH BONUS
17 MAY BE APPLIED FOR AND SHALL BE PAYABLE AS FOLLOWS:

18 (1) IF THE QUALIFIED PERSON LEFT A VALID WILL THAT PROVIDES FOR THE
19 DISPOSITION OF SUCH BONUS, EITHER SPECIFICALLY OR BY RESIDUARY DISPOSI-
20 TION, THEN PURSUANT TO SUCH WILL, WHETHER OR NOT THE ESTATE HAS BEEN
21 CLOSED; OR

22 (2) IN THE ABSENCE OF A VALID WILL MAKING A DISPOSITION AS PROVIDED
23 FOR IN PARAGRAPH ONE OF THIS SUBDIVISION, THEN PURSUANT TO THE LAWS OF
24 INTESTATE SUCCESSION, AS IN EFFECT AND APPLICABLE AS OF THE DECEDENT'S
25 DATE OF DEATH.

26 AN APPORTIONMENT OF THE MONEYS ON THE BASIS OF THE PERIODS AND PLACES
27 OF SERVICE OF SUCH MEMBERS OF THE ARMED FORCES SHALL BE PRESCRIBED BY
28 GENERAL LAWS; PROVIDED, HOWEVER, THAT THE MAXIMUM AMOUNT TO BE PAID TO
29 ANY SUCH MEMBER ENTITLED TO SUCH BONUS WITH OVERSEAS SERVICE SHALL BE
30 FOUR HUNDRED DOLLARS AND THE MAXIMUM AMOUNT TO BE PAID TO ANY SUCH
31 MEMBER ENTITLED TO SUCH BONUS WITH STATESIDE SERVICE SHALL BE THREE
32 HUNDRED DOLLARS.

33 (C) The aggregate of ALL OF the debts authorized by this section shall
34 not exceed [four] SIX hundred million dollars.

35 (D) The provisions of this article, not inconsistent with this
36 section, relating to the issuance of bonds for a debt or debts of the
37 state and the maturity and payment thereof, shall apply to a debt or
38 debts created pursuant to this section; except that [the] ANY law
39 authorizing the contracting of such debt or debts shall take effect
40 without submission to the people pursuant to section eleven of this
41 article.

42 (E) Proceeds of bonds issued pursuant to law, as authorized by SUBDI-
43 VISION (A) OF this section as in force prior to January first, nineteen
44 hundred fifty AND PROCEEDS OF BONDS ISSUED PURSUANT TO LAW, AS AUTHOR-
45 IZED BY SUBDIVISION (B) OF THIS SECTION AS IN FORCE PRIOR TO JANUARY
46 FIRST, TWO THOUSAND TEN shall be available and may be expended for the
47 payment of such bonus to persons qualified therefor as now provided by
48 this section.

49 S 2. RESOLVED (if the Senate concur), That the foregoing amendment be
50 referred to the first regular legislative session convening after the
51 next succeeding general election of members of the assembly, and, in
52 conformity with section 1 of article 19 of the constitution, be
53 published for 3 months previous to the time of such election.