

5146

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. TITONE, TOBACCO, SCHROEDER -- read once and referred to the Committee on Veterans' Affairs

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 a bonus to members of the armed forces from this state for service during the period of the Korean, Vietnam or Persian Gulf hostilities

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.
24 (B) THE LEGISLATURE MAY ALSO AUTHORIZE THE CREATION OF A DEBT OR DEBTS
25 OF THE STATE TO PROVIDE FOR THE PAYMENT OF A BONUS TO EACH MALE AND

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

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1 FEMALE MEMBER OF THE ARMED FORCES OF THE UNITED STATES, STILL IN THE
2 ARMED FORCES, OR SEPARATED OR DISCHARGED UNDER HONORABLE CONDITIONS, FOR
3 SERVICE WHILE ON ACTIVE DUTY WITH THE ARMED FORCES AT ANY TIME DURING
4 THE PERIOD FROM JUNE TWENTY-SEVENTH, NINETEEN HUNDRED FIFTY TO AND
5 INCLUDING JANUARY THIRTY-FIRST, NINETEEN HUNDRED FIFTY-FIVE, DURING THE
6 PERIOD FROM DECEMBER TWENTY-SECOND, NINETEEN HUNDRED SIXTY-ONE TO AND
7 INCLUDING MAY SEVENTH, NINETEEN HUNDRED SEVENTY-FIVE, OR DURING THE
8 PERIOD FROM AUGUST SECOND, NINETEEN HUNDRED NINETY TO THE END OF SUCH
9 HOSTILITIES, WHO IS A RESIDENT OF THIS STATE. THE LAW AUTHORIZING THE
10 CREATION OF THE DEBT SHALL PROVIDE FOR PAYMENT OF SUCH BONUS TO THE
11 LEGATEES OR DISTRIBUTEES OF EACH MALE AND FEMALE MEMBER OF THE ARMED
12 FORCES WHO, WAS A RESIDENT OF THIS STATE, DIED WHILE ON ACTIVE DUTY AT
13 ANY TIME DURING THE PERIOD FROM JUNE TWENTY-SEVENTH, NINETEEN HUNDRED
14 FIFTY TO AND INCLUDING JANUARY THIRTY-FIRST, NINETEEN HUNDRED
15 FIFTY-FIVE, DURING THE PERIOD FROM DECEMBER TWENTY-SECOND, NINETEEN
16 HUNDRED SIXTY-ONE TO AND INCLUDING MAY SEVENTH, NINETEEN HUNDRED SEVEN-
17 TY-FIVE, OR DURING THE PERIOD FROM AUGUST SECOND, NINETEEN HUNDRED NINE-
18 TY TO THE END OF SUCH HOSTILITIES; OR WHO DIED WHILE ON ACTIVE DUTY
19 SUBSEQUENT TO JANUARY THIRTY-FIRST, NINETEEN HUNDRED FIFTY-FIVE, MAY
20 SEVENTH, NINETEEN HUNDRED SEVENTY-FIVE, OR THE END OF SUCH HOSTILITIES,
21 RESPECTIVELY, OR AFTER HIS OR HER SEPARATION OR DISCHARGE UNDER HONOR-
22 ABLE CONDITIONS, PRIOR TO RECEIVING PAYMENT OF SUCH BONUS. IN THE EVENT
23 SUCH MEMBER IS DECEASED, SUCH BONUS MAY BE APPLIED FOR AND SHALL BE
24 PAYABLE AS FOLLOWS:

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

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

33 AN APPORTIONMENT OF THE MONEYS ON THE BASIS OF THE PERIODS AND PLACES
34 OF SERVICE OF SUCH MEMBERS OF THE ARMED FORCES SHALL BE PRESCRIBED BY
35 GENERAL LAWS; PROVIDED, HOWEVER, THAT THE MAXIMUM AMOUNT TO BE PAID TO
36 ANY SUCH MEMBER ENTITLED TO SUCH BONUS WITH OVERSEAS SERVICE SHALL BE
37 FOUR HUNDRED DOLLARS AND THE MAXIMUM AMOUNT TO BE PAID TO ANY SUCH
38 MEMBER ENTITLED TO SUCH BONUS WITH STATESIDE SERVICE SHALL BE THREE
39 HUNDRED DOLLARS.

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

42 (D) The provisions of this article, not inconsistent with this
43 section, relating to the issuance of bonds for a debt or debts of the
44 state and the maturity and payment thereof, shall apply to a debt or
45 debts created pursuant to this section; except that [the] ANY law
46 authorizing the contracting of such debt or debts shall take effect
47 without submission to the people pursuant to section eleven of this
48 article.

49 (E) Proceeds of bonds issued pursuant to law, as authorized by SUBDI-
50 VISION (A) OF this section as in force prior to January first, nineteen
51 hundred fifty AND PROCEEDS OF BONDS ISSUED PURSUANT TO LAW, AS AUTHOR-
52 IZED BY SUBDIVISION (B) OF THIS SECTION AS IN FORCE PRIOR TO JANUARY
53 FIRST, TWO THOUSAND TWELVE shall be available and may be expended for
54 the payment of such [bonus] BONUSES to persons qualified therefor as now
55 provided by this section.

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