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

490

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

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

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

Section 1. RESOLVED (if the Assembly concur), That section 18 of article 7 of the constitution be amended to read as follows:

S 18. (A) The legislature may authorize by law the creation of a debt or debts of the state to provide for the payment of a bonus to each male and female member of the armed forces of the United States, still in the armed forces, or separated or discharged under honorable conditions, for service while on active duty with the armed forces at any time during the period from December seventh, nineteen hundred forty-one to and including September second, nineteen hundred forty-five, who was a resident of this state for a period of at least six months immediately prior to his or her enlistment, induction or call to active duty. The law authorizing the creation of the debt shall provide for payment of such bonus to the next of kin of each male and female member of the armed forces who, having been a resident of this state for a period of six months immediately prior to his or her enlistment, induction or call to active duty, died while on active duty at any time during the period from December seventh, nineteen hundred forty-one to and including September second, nineteen hundred forty-five; or who died while on active duty subsequent to September second, nineteen hundred forty-five, or after his or her separation or discharge under honorable conditions, prior to receiving payment of such bonus. An apportionment of the moneys on the basis of the periods and places of service of such members of the 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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(B) THE LEGISLATURE MAY ALSO AUTHORIZE THE CREATION OF A DEBT OR DEBTS OF THE STATE TO PROVIDE FOR THE PAYMENT OF A BONUS TO EACH MALE AND FEMALE MEMBER OF THE ARMED FORCES OF THE UNITED STATES, STILL IN THE ARMED FORCES, OR SEPARATED OR DISCHARGED UNDER HONORABLE CONDITIONS, FOR SERVICE WHILE ON ACTIVE DUTY WITH THE ARMED FORCES AT ANY TIME DURING THE PERIOD FROM JUNE TWENTY-SEVENTH, NINETEEN HUNDRED FIFTY TO AND INCLUDING JANUARY THIRTY-FIRST, NINETEEN HUNDRED FIFTY-FIVE, DURING THE PERIOD FROM DECEMBER TWENTY-SECOND, NINETEEN HUNDRED SIXTY-ONE TO AND INCLUDING MAY SEVENTH, NINETEEN HUNDRED SEVENTY-FIVE, OR DURING THE PERIOD FROM AUGUST SECOND, NINETEEN HUNDRED NINETY TO THE END OF SUCH HOSTILITIES, WHO IS A RESIDENT OF THIS STATE. THE LAW AUTHORIZING THE CREATION OF THE DEBT SHALL PROVIDE FOR PAYMENT OF SUCH BONUS TO THE LEGATEES OR DISTRIBUTEES OF EACH MALE AND FEMALE MEMBER OF THE ARMED FORCES WHO, WAS A RESIDENT OF THIS STATE, DIED WHILE ON ACTIVE DUTY AT ANY TIME DURING THE PERIOD FROM JUNE TWENTY-SEVENTH, NINETEEN HUNDRED FIFTY TO AND INCLUDING JANUARY THIRTY-FIRST, NINETEEN HUNDRED FIFTY-FIVE, DURING THE PERIOD FROM DECEMBER TWENTY-SECOND, NINETEEN HUNDRED SIXTY-ONE TO AND INCLUDING MAY SEVENTH, NINETEEN HUNDRED SEVENTY-FIVE, OR DURING THE PERIOD FROM AUGUST SECOND, NINETEEN HUNDRED NINETY TO THE END OF SUCH HOSTILITIES; OR WHO DIED WHILE ON ACTIVE DUTY SUBSEQUENT TO JANUARY THIRTY-FIRST, NINETEEN HUNDRED FIFTY-FIVE, MAY SEVENTH, NINETEEN HUNDRED SEVENTY-FIVE, OR THE END OF SUCH HOSTILITIES, RESPECTIVELY, OR AFTER HIS OR HER SEPARATION OR DISCHARGE UNDER HONORABLE CONDITIONS, PRIOR TO RECEIVING PAYMENT OF SUCH BONUS. IN THE EVENT SUCH MEMBER IS DECEASED, SUCH BONUS MAY BE APPLIED FOR AND SHALL BE PAYABLE AS FOLLOWS:

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

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

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

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

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

(E) Proceeds of bonds issued pursuant to law, as authorized by SUBDIVISION (A) OF this section as in force prior to January first, nineteen hundred fifty AND PROCEEDS OF BONDS ISSUED PURSUANT TO LAW, AS AUTHORIZED BY SUBDIVISION (B) OF THIS SECTION AS IN FORCE PRIOR TO JANUARY FIRST, TWO THOUSAND TWELVE shall be available and may be expended for

the payment of such [bonus] BONUSES to persons qualified therefor as now provided by this section.

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