

3111

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 22, 2015

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Introduced by M. of A. McDONALD -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the executive law, in relation to providing for an increase in the rates of annuities payable to veterans and surviving spouses of veterans

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

1     Section 1. Section 362 of the executive law, as amended by chapter 251  
2     of the laws of 2004, is amended to read as follows:  
3     S 362. Creation of annuity. 1. Payment to veterans. a. Any veteran as  
4     defined in this article who has been or is hereafter classified by the  
5     New York State commission for the visually handicapped as a blind person  
6     as defined in section three of chapter four hundred fifteen of the laws  
7     of nineteen hundred thirteen, as amended, and continues to be a blind  
8     person within the meaning of that section, shall, upon application to  
9     the director of the division of veterans' affairs, be paid out of the  
10    treasury of the state for such term as such veteran shall be entitled  
11    thereto under the provisions of this article, the sum of one thousand  
12    FIVE HUNDRED dollars annually, plus any applicable annual adjustment, as  
13    provided in this section.  
14    b. The entitlement of any veteran to receive the annuity herein  
15    provided shall terminate upon his or her ceasing to continue to be a  
16    resident of and domiciled in the state, but such entitlement may be  
17    reinstated upon application to the director of veterans' affairs, if  
18    such veteran shall thereafter resume his or her residence and domicile  
19    in the state.  
20    c. The effective date of an award of the annuity to a veteran shall be  
21    the date of receipt of the application therefor by the director of  
22    veterans' affairs, except that if the application is denied but is  
23    granted at a later date upon an application for reconsideration based  
24    upon new evidence, the effective date of the award of the annuity to a

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

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1 veteran shall be the date of receipt of the application for reconsider-  
2 ation by the director of veterans' affairs.

3 2. Payment to widows and widowers of blind veterans. a. The unremar-  
4 ried spouse of a veteran who heretofore has died or the unremarried  
5 spouse of a veteran dying hereafter, such veteran being at the time of  
6 her or his death a recipient of, or eligible for, the benefits above  
7 provided, shall, upon application to the director of veterans' affairs,  
8 also be paid out of the treasury of the state the sum of one thousand  
9 FIVE HUNDRED dollars annually, plus any applicable annual adjustment,  
10 for such term as such unremarried spouse shall be entitled thereto under  
11 the provisions of this article.

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

19 c. The effective date of an award of the annuity to a widow or widower  
20 shall be the day after the date of death of the veteran if the applica-  
21 tion therefor is received within one year from such date of death. If  
22 the application is received after the expiration of the first year  
23 following the date of the death of the veteran, the effective date of an  
24 award of the annuity to a widow or widower shall be the date of receipt  
25 of the application by the director of veterans' affairs. If an applica-  
26 tion is denied but is granted at a later date upon an application for  
27 reconsideration based upon new evidence, the effective date of the award  
28 of the annuity to a widow or widower shall be the date of receipt of the  
29 application for reconsideration by the director of veterans' affairs.

30 3. Annual adjustment. Commencing [in the year two thousand five] ON  
31 DECEMBER FIRST, TWO THOUSAND FIFTEEN, and for each year thereafter, the  
32 amount of any annuity payable under this section shall be the same  
33 amount as the annuity payable in the preceding year [plus a percentage  
34 adjustment equal to the annual percentage increase, if any, for compen-  
35 sation and pension benefits administered by the United States Department  
36 of Veterans' Affairs in the previous year], INCREASED BY THE SAME  
37 PERCENTAGE AS THE PERCENTAGE BY WHICH BENEFIT AMOUNTS PAYABLE UNDER  
38 TITLE II OF THE SOCIAL SECURITY ACT (42 USC 401 ET SEQ.) ARE INCREASED  
39 EFFECTIVE DECEMBER FIRST, TWO THOUSAND FIFTEEN. Such percentage increase  
40 shall be rounded up to the next highest one-tenth of one percent and  
41 shall not be less than one percent nor more than four percent. Commenc-  
42 ing [in the year two thousand five] ON DECEMBER FIRST, TWO THOUSAND  
43 FIFTEEN, the director of veterans' affairs, not later than February  
44 first of each year, shall publish by any reasonable means the amount of  
45 the annuity as adjusted payable under this section.

46 S 2. This act shall take effect immediately.