STATE OF NEW YORK

2866

2017-2018 Regular Sessions

IN ASSEMBLY

January 23, 2017

Introduced by M. of A. McDONALD, MOSLEY, CRESPO, RAIA, CROUCH, STEC, STECK, PERRY, LAWRENCE, GOTTFRIED, PAULIN, GUNTHER, CUSICK, THIELE, SIMANOWITZ, SKOUFIS, JENNE, RA, BUTLER, DiPIETRO, HAWLEY -- Multi-Sponsored by -- M. of A. BENEDETTO, BRAUNSTEIN, HOOPER, LOPEZ, LUPARDO, RAMOS -- 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:

Section 1. Section 362 of the executive law, as amended by chapter 251 of the laws of 2004, is amended to read as follows:

§ 362. Creation of annuity. 1. Payment to veterans. a. Any veteran as defined in this article who has been or is hereafter classified by the New York State commission for the visually handicapped as a blind person as defined in section three of chapter four hundred fifteen of the laws of nineteen hundred thirteen, as amended, and continues to be a blind person within the meaning of that section, shall, upon application to the director of the division of veterans' affairs, be paid out of the treasury of the state for such term as such veteran shall be entitled thereto under the provisions of this article, the sum of one thousand **five hundred** dollars annually, plus any applicable annual adjustment, as provided in this section.

b. The entitlement of any veteran to receive the annuity herein provided shall terminate upon his or her ceasing to continue to be a resident of and domiciled in the state, but such entitlement may be reinstated upon application to the director of veterans' affairs, if such veteran shall thereafter resume his or her residence and domicile in the state.

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

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c. The effective date of an award of the annuity to a veteran shall be the date of receipt of the application therefor by the director of veterans' affairs, except that if the application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a veteran shall be the date of receipt of the application for reconsideration by the director of veterans' affairs.

2. Payment to widows and widowers of blind veterans. a. The unremarried spouse of a veteran who heretofore has died or the unremarried spouse of a veteran dying hereafter, such veteran being at the time of her or his death a recipient of, or eligible for, the benefits above provided, shall, upon application to the director of veterans' affairs, also be paid out of the treasury of the state the sum of one thousand **five hundred** dollars annually, plus any applicable annual adjustment, for such term as such unremarried spouse shall be entitled thereto under the provisions of this article.

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

c. The effective date of an award of the annuity to a widow or widower shall be the day after the date of death of the veteran if the application therefor is received within one year from such date of death. If the application is received after the expiration of the first year following the date of the death of the veteran, the effective date of an award of the annuity to a widow or widower shall be the date of receipt of the application by the director of veterans' affairs. If an application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a widow or widower shall be the date of receipt of the application for reconsideration by the director of veterans' affairs.

3. Annual adjustment. Commencing [~~in the year two thousand five~~] **on December first, two thousand seventeen**, and for each year thereafter, the amount of any annuity payable under this section shall be the same amount as the annuity payable in the preceding year [~~plus a percentage adjustment equal to the annual percentage increase, if any, for compensation and pension benefits administered by the United States Department of Veterans' Affairs in the previous year~~]**, increased by a percentage to be determined in accordance with a formula established by the division of veterans' affairs. The formula shall take into account all factors the division of veterans' affairs deems necessary, including, but not limited to factors such as the percentage by which benefit amounts payable under title II of the Social Security Act (42 USC 401 et seq.) are increased effective December first, two thousand seventeen**. Such percentage increase shall be rounded up to the next highest one-tenth of one percent and shall not be less than one percent nor more than four percent. Commencing [~~in the year two thousand five~~] **on December first, two thousand seventeen**, the director of veterans' affairs, not later than February first of each year, shall publish by any reasonable means the amount of the annuity as adjusted payable under this section.

§ 2. This act shall take effect immediately.