

# STATE OF NEW YORK

200

2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sens. MARCHIONE, AKSHAR, BONACIC, CROCI, DeFRANCISCO, FUNKE, GALLIVAN, HANNON, LARKIN, RANZENHOFER, RITCHIE, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military 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 § 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

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

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1 veterans' affairs, except that if the application is denied but is  
2 granted at a later date upon an application for reconsideration based  
3 upon new evidence, the effective date of the award of the annuity to a  
4 veteran shall be the date of receipt of the application for reconsider-  
5 ation by the director of veterans' affairs.

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

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

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

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

52 § 2. This act shall take effect immediately.