

STATE OF NEW YORK

1685

2019-2020 Regular Sessions

IN SENATE

January 15, 2019

Introduced by Sen. BROOKS -- 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 bonuses to members of the armed forces from this state for service during the period of the Korean war

1 Section 1. Resolved (if the Assembly concur), That section 18 of arti-
2 cle 7 of the constitution be amended to read as follows:

3 § 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. The law
6 authorizing the creation of the debt shall provide for payment of such
7 bonus to the legatees or distributees of each male and female member of
8 the armed forces who, was a resident of this state, died while on active
9 duty at any time during the period from June twenty-seventh, nineteen
10 hundred fifty to and including January thirty-first, nineteen hundred
11 fifty-five; or who died while on active duty subsequent to January thir-
12 ty-first, nineteen hundred fifty-five, respectively, or after his or her
13 separation or discharge under honorable conditions, prior to receiving
14 payment of such bonus. In the event such member is deceased, such bonus
15 may be applied for and shall be payable as follows:

16 (1) if the qualified person left a valid will that provides for the
17 disposition of such bonus, either specifically or by residuary disposi-
18 tion, then pursuant to such will, whether or not the estate has been
19 closed; or

20 (2) in the absence of a valid will making a disposition as provided
21 for in paragraph one of this subdivision, then pursuant to the laws of
22 intestate succession, as in effect and applicable as of the decedent's
23 date of death.

24 An apportionment of the moneys on the basis of the periods and places
25 of service of such members of the armed forces shall be prescribed by
26 general laws; provided, however, that the maximum amount to be paid to
27 any such member entitled to such bonus with overseas service shall be
28 four hundred dollars and the maximum amount to be paid to any such
29 member entitled to such bonus with stateside service shall be three
30 hundred dollars.

31 (c) The aggregate of all of the debts authorized by this section shall
32 not exceed [four] six hundred million dollars.

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

40 (e) Proceeds of bonds issued pursuant to law, as authorized by subdi-
41 vision (a) of this section as in force prior to January first, nineteen
42 hundred fifty and proceeds of bonds issued pursuant to law, as author-
43 ized by subdivision (b) of this section as in force prior to January
44 first, two thousand twenty-one shall be available and may be expended
45 for the payment of such bonus to persons qualified therefor as now
46 provided by this section.

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