

RESOLUTION OF THE CITY COUNCIL

No. 111

Approved February 26, 1974

RESOLVED, That the City Solicitor be, and he hereby is authorized to apply to the General Assembly and urge passage of an act relative to payment of bonuses to residents of the State who have served in the Armed Forces of the United States during hostilities in Vietnam, and making an appropriation therefor substantially in accordance with the accompanying draft act.

IN CITY COUNCIL
FEB 21 1974
READ AND PASSED

PRES.
Rose M. Mendonça Acting
CLERK

APPROVED

MAYOR

Joseph A. Paoli
FEB 26 1974

IN CITY COUNCIL
JAN 17 1974
FIRST READING
REFERRED TO
Vincent Vespa

THE COMMITTEE ON
FINANCE
Recommends Be Continued
Vincent Vespa
4/31/74

THE COMMITTEE ON
FINANCE
Approves Passage of
the Within Resolution
Rose M. Mendonca
13 1974
FEB 17 1974

Councilman Lynch & Councilman Harigan (By Request)

State of Rhode Island, &c.

IN GENERAL ASSEMBLY

JANUARY SESSION, A. D. 19 74.

AN ACT

PROVIDING FOR THE PAYMENT OF BONUSES IN RECOGNITION OF THE PATRIOTIC SERVICES OF RESIDENTS OF THE STATE WHO HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES DURING HOSTILITIES IN VIETNAM AND MAKING AN APPROPRIATION THEREFOR.

It is enacted by the General Assembly as follows:

SECTION 1. In recognition of the patriotic services of residents of the state who served in the armed forces of the United States during hostilities in Vietnam, provision is hereby made for the payment of a veteran's bonus and for the creation of a bonus board, hereinafter referred to as "the board", with full and final authority to determine which residents of the state are entitled to payments under the provisions of this act.

SEC. 2.(a) The term "armed forces", as used in this act, shall mean and include the following: United States army, army of the United States, United States navy, United States naval reserve, United States marine corps, United States marine corps reserve, United States coast guard, United States coast guard reserve, army nurse corps, navy nurse corps, United States air force, and United States air force reserve, and including women's branches of the said armed forces.

(b) Whenever in this act a word indicating the masculine gender is used, it shall be construed to apply to the feminine gender as well.

SEC. 3. Upon application, as hereinafter provided, each person who shall have served in the armed forces in active service at any time during the period beginning August 15, 1964 ending on August 28, 1973, and who was a resident of this state for a period of not less than six (6) months immediately prior to the time of his entry into service with said armed forces and served for at least six (6) months and one (1) day, shall be paid from the amount hereinafter appropriated in and by section 10, a bonus of Two Hundred (\$200) Dollars; and Three Hundred (\$300) Dollars if he has been a prisoner of war, provided, however, that any applicants separated from said armed forces after August 15, 1964 shall have been separated there-

from with an honorable or general discharge; and, provided, further, that no person shall be eligible for any payment under this section if, after August 15, 1964 said person received a veteran's bonus or payment from any other state because of service with said armed forces during the period set forth in this section.

SEC. 4. In the case of the decease of any person who, if alive, would be entitled to the benefits of this act, the sum named herein shall be paid to his dependents, if any, and otherwise to any of his heirs-at-law hereinafter specifically enumerated; provided, however, that if there be more than one dependent or heir-at-law, payments shall in either case be made in such proportions as the board shall determine, and in determining the order of precedence the following order shall be observed so far as practicable: wife or husband, children, mother or father, brother or sister, other dependents. No right or payment under this act shall be subject to the claims of creditors, capable of assignment, regarded as assets legal or equitable of the estate of the deceased, or made the basis for administration thereof.

SEC. 5. Whoever knowingly makes a false statement, oral or written, relating to a material fact in supporting a claim under the provisions of this act shall be punished by a fine of not more than Five Hundred (\$500) Dollars, or by imprisonment for not more than one (1) year, or both. Offenses under this section shall be prosecuted by the Attorney General and all fines collected hereunder shall be paid to the General Treasurer.

SEC. 6. In the case of any person who is mentally incompetent and is entitled to the benefits of this act, and for whom no legal guardian has been appointed by the court, the sum named herein shall be paid to his dependents, and in determining the order of precedence so far as practicable the order of precedent set forth in section 4 shall be followed. In the case of the decease of any person who died while in active service, there shall be paid the sum of Three Hundred (\$300) Dollars subject to, and in the manner provided by section 4.

SEC. 7. At the general election to be held on the first Tuesday after the first Monday in November, 1974, there shall be submitted to the people for their approval or rejection the following proposition:

"Shall the action of the General Assembly, by an act passed at the January Session, 1974, the short title of which is 'The 1974 Vietnam Veterans' Bonus Act,' in providing for the issuance of state bonds not exceeding Ten Million (\$10,000,000) Dollars, the proceeds of which

are to be used for the payment of a veteran's bonus to members of the armed forces who served during the Vietnam hostilities be approved and the issue of said bonds authorized as so provided."

SEC. 8. If and after the people approve the proposition set forth in section 7 of this act, the General Treasurer is hereby authorized and directed, with the approval of the Governor, to issue said bonds in serial form in the name and behalf of the state, said bonds to be signed by the General Treasurer and countersigned by the Secretary of State under the seal of the state to an aggregate principal amount not exceeding Ten Million (\$10,000,000) Dollars to be designated "The 1974 Veterans' Bonus Loan."

SEC. 9. All bonds issued under this act shall be of the denomination of One Thousand (\$1,000) Dollars each, or any multiple thereof, shall be in coupon or registered form, shall bear interest at a rate not exceeding two and one-half percentum ($2\frac{1}{2}\%$) per annum, payable semi-annually, and the principal thereof and interest thereon shall be payable in any coin or currency of the United States which at the time of payment shall be legal tender for public and private debts. The dates of maturity of said bonds shall be fixed by the General Treasurer but shall not in any case be later than January 1, 2007 nor earlier than July 1, 1976, and not more than five per cent (5%) of the principal amount of each issue of said bonds nor less than three per cent (3%) of such principal amount shall become due and payable in any one calendar year. Said bonds shall be exempt from taxation in this state. Whenever the Governor shall approve the issuance of said bonds, he shall certify such approval to the Secretary of State and such approval shall also be endorsed on each bond so approved with a facsimile of the signature of the Governor. Said bonds shall be sold from time to time at not less than par, at public auction, private sale or in such other mode and at such times and in such amounts as the General Treasurer, with the advice of the Governor, shall deem for the best interests of the state, provided, however, that the General Treasurer, with the approval of the Governor, may from time to time sell any of said bonds to the board of commissioners of sinking funds as provided by law instead of selling them at public auction, private sale or in some other mode as above provided.

SEC. 10. The General Treasurer is hereby directed to deposit the proceeds of the sale of bonds authorized under the proposition set forth in section 7 of this act, including any premium or premiums which may be received in the disposal thereof, in one or more depositories in which the

funds of the state may be lawfully kept, in a special account to be known as "The 1974 Veterans' Bonus Loan Fund", to be used for the purposes stated in the proposition. The interest accruing on such account shall be added to and made a part of the general funds of the state. Of the amount received from the sale of said bonds, the sum of Ten Million (\$10,000,000) Dollars, or so much thereof as may be necessary, is hereby appropriated for the bonus payments to members of the armed forces as provided by this act. In the event that the amount received from the sale of said bonds exceeds the amount necessary to make such bonus payments, the surplus shall be used to the extent possible to return said bonds as the same may become due. Said bonds shall be general obligations of the state, and the full faith and credit of the state is hereby pledged for the due payment of the principal of and the interest on said bonds.

SEC. 11. For the purposes of paying (1) any expenses incurred by the General Treasurer in the issuance of said bonds under the authority of this act, and (2) any interest and any principal becoming payable from time to time on said bonds issued under the authority of this act and then outstanding, the State Controller is hereby authorized and directed to draw his orders upon the General Treasurer for the payment of such expenses, interest and principal. A sum sufficient to pay said expenses is hereby appropriated out of any money in the treasury not otherwise appropriated and a sum sufficient to pay such interest and principal is hereby appropriated out of any money in the treasury not otherwise appropriated.

SEC. 12. If the people of this state shall approve the issue of bonds to the amount of Ten Million (\$10,000,000) Dollars to be used in making the bonus payments to members of the armed forces, and the approval of said proposition shall be certified by the Secretary of State to the Governor and to the General Treasurer, the Governor shall appoint five (5) qualified electors of the state not more than three (3) of whom shall be members of the same political party, and at least two of whom shall have served in the armed forces during the Vietnam hostilities, and the electors so appointed shall constitute the bonus board. The board shall be called together for organization by the Governor and shall thereupon elect one of their number as Chairman, and they shall also elect a Secretary, who shall not be a member of the board. The Secretary of the board shall hold office during the pleasure of the board and shall be paid such salary as may be fixed by the board,

and such salary shall be in full compensation for all services rendered to the state by said Secretary during the time of holding such office. Each member of the board shall be compensated for his services at the rate of Eighteen Hundred (\$1800) Dollars per annum. Any vacancy that may occur in the membership of the board from any cause shall be filled by appointment by the Governor, and for cause shown the Governor may remove any member of the board and appoint a successor. The board shall have full authority to hire necessary clerical and other assistants, provide necessary equipment, postage, printing and stationery and to incur all other expenses incident to its duties and the purposes of this act, at an expense not to exceed the sum hereinafter appropriated for such purpose. Because of the limited tenure of the board and its special purpose, the Secretary and other employees of the board shall be in the unclassified service and all shall be veterans of the Vietnam hostilities. The Director of the Department of Administration shall provide suitable quarters for the board.

SEC. 13. It shall be the duty of the board to determine as expeditiously as possible the residents of the state, or their dependents or heirs-at-law who are entitled to payment under sections 3, 4 and 6 of this act, and to make such payments in the manner hereinafter prescribed. Applications for such payments shall be filed with the board on or before June 30, 1975 at such place or places as the board may designate, upon blanks furnished by the board and payments thereon shall be made promptly, but no payments thereon shall be made after December 31, 1975. All officers of the state and of each city and town are hereby directed to furnish the board free of charge in writing any information that the records in charge of any such officer may disclose relative to the identity, place and period and residence and the service in the armed forces of any person claiming a payment under this act whenever such information is requested by the board through its Secretary or duly authorized agent.

SEC. 14. Whenever the board shall approve any applications for any payments under sections 3, 4 or 6 of this act, the board shall cause its Secretary to prepare a certificate of approval which shall be signed by the Chairman of the board and the Secretary, and the said certificate, together with a duly authenticated voucher shall be forwarded to the State

Controller; the State Controller is hereby directed to draw his orders upon the General Treasurer for the payment of such voucher. Each such certificate shall contain a statement of the facts upon which such payments are approved, including a brief record of the service of the applicant, it shall bear the signature of the payee and shall otherwise be in such form as the board may require. Upon receipt of the State Controller's orders, the General Treasurer shall draw his checks in favor of the payees for the amount named therein, to be paid from the 1973 Veterans' Bonus Loan Fund, and shall submit such checks to the Secretary of the board. The board may make such regulations as it may deem necessary with regard to the method of distributing such checks. The accounts and records of the board, the State Controller and the General Treasurer, relating to payments under this act, shall be subject to audit quarter-annually by the Bureau of Audits in the Department of Administration. The State Controller, after drawing his orders upon the General Treasurer as provided in this section, shall turn the certificates of approval over to the General Treasurer, who shall prepare from said certificates a record of each person to whom a payment has been made, classified according to the town or city in which such person claims a residence and arrange and keep such certificates in such form that they will be available for compilation of a history of the service of each person whenever the payments are complete.

SEC. 15. On December 31, 1975, or on such date prior thereto as the board may complete its duties under this act, the board shall turn over to the General Treasurer all checks in its possession that have not been delivered to the payee, and shall turn over to the Secretary of State all other books, records and documents and all office furniture and equipment necessary to preserve the same, and thereupon the board shall cease to exist.

SEC. 16. For the purpose of carrying this act into effect during the period ending on December 31, 1975, the sum of Fifty Thousand (\$50,000) Dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to be expended by the board in payment of salaries and for clerical and other necessary expenses, including investigation of claims; and the State Controller is hereby directed to draw his orders upon the General Treasurer for the payment of said sum, or so much thereof as may from time to time be required upon receipt by him of duly authenticated vouchers.

SEC. 17. If any bonds provided for in this act remain unsold on December 31, 1975, such balance remaining shall be deemed to have matured and shall be cancelled and destroyed in the manner provided by law .

SEC. 18. This act shall be known and cited as "The 1974 Vietnam Veterans' Bonus Act". The provisions of section 7 of this act shall take effect upon the passage of this act. The remaining sections of this act shall take effect when and if the Board of Elections shall certify that a majority of the electors voting upon the proposition set forth in section 7 hereof have voted in the affirmative on such proposition.