

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to providing tuition awards to children of veterans who served in armed conflict

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

1     Section 1. Section 668 of the education law, as added by chapter 942  
2 of the laws of 1974, subdivision 1 as amended by chapter 580 of the laws  
3 of 1992, paragraphs (a) and (d) of subdivision 1 as amended by chapter  
4 261 of the laws of 1995, paragraph (b) of subdivision 1 as amended by  
5 chapter 616 of the laws of 1995, paragraphs (f) and (g) of subdivision 1  
6 as added by chapter 435 of the laws of 2006, subdivision 2 as amended by  
7 chapter 333 of the laws of 1993, the opening paragraph of subdivision 2  
8 as amended by chapter 547 of the laws of 2004, and paragraphs (b) and  
9 (c) of subdivision 2 as amended by chapter 390 of the laws of 1995, is  
10 amended to read as follows:

11     S 668. Regents awards for children of deceased and disabled veterans;  
12 TUITION AWARDS FOR CHILDREN OF VETERANS WHO SERVED IN ARMED CONFLICT.  
13 IN ADDITION TO THE REGENTS AWARDS PROVIDED TO CHILDREN OF DECEASED AND  
14 DISABLED VETERANS, THE PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPO-  
15 RATION SHALL MAKE AVAILABLE TO THE CHILDREN OF A LIVING OR DECEASED  
16 VETERAN OF THE ARMED FORCES OF THE UNITED STATES WHO COMPLETED A PERIOD  
17 OF MILITARY SERVICE AS DEFINED IN SUBDIVISION ONE OF THIS SECTION, A  
18 TUITION AWARD THAT MAY BE APPLIED TO ANY COLLEGE OR COMMUNITY COLLEGE IN  
19 THE STATE UNIVERSITY OF NEW YORK SYSTEM, ANY UNIVERSITY OF THE STATE OF  
20 NEW YORK, OR THE UNIVERSITY OF THE CITY OF NEW YORK.

21     1. Period of military service. For a student to be eligible, the  
22 parent, or step-parent where the student is the dependent of the step-  
23 parent, (i) must have been a recipient of the armed forces expeditionary  
24 medal, the navy expeditionary medal or the marine corps expeditionary  
25 medal for participation in operations in Lebanon from June first, nine-  
26 teen hundred eighty-three to December first, nineteen hundred eighty-  
27 seven, in Grenada from October twenty-third, nineteen hundred eighty-

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

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1 three to November twenty-first, nineteen hundred eighty-three, or in  
2 Panama from December twentieth, nineteen hundred eighty-nine to January  
3 thirty-first, nineteen hundred ninety, or (ii) must have served on regu-  
4 lar active duty (other than for training) in the armed forces of the  
5 United States during part of one of the following periods:

6 (a) April sixth, nineteen hundred seventeen to November eleven, nine-  
7 teen hundred eighteen.

8 (b) December seven, nineteen hundred forty-one to December thirty-one,  
9 nineteen hundred forty-six, or have been employed by the War Shipping  
10 Administration or Office of Defense Transportation or their agents as a  
11 merchant seaman documented by the United States Coast Guard or Depart-  
12 ment of Commerce, or as a civil servant employed by the United States  
13 Army Transport Service (later redesignated as the United States Army  
14 Transportation Corps, Water Division) or the Naval Transportation  
15 Service; and who served satisfactorily as a crew member during the peri-  
16 od of armed conflict, December seventh, nineteen hundred forty-one, to  
17 August fifteenth, nineteen hundred forty-five, aboard merchant vessels  
18 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
19 terms are defined under federal law (46 USCA 10301 & 10501) and further  
20 to include "near foreign" voyages between the United States and Canada,  
21 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
22 going service or foreign waters and who has received a Certificate of  
23 Release or Discharge from Active Duty and a discharge certificate, or an  
24 Honorable Service Certificate/Report of Casualty, from the Department of  
25 Defense or have served as a United States civilian employed by the Amer-  
26 ican Field Service and served overseas under United States Armies and  
27 United States Army Groups in world war II during the period of armed  
28 conflict, December seventh, nineteen hundred forty-one through May  
29 eighth, nineteen hundred forty-five, and who was discharged or released  
30 therefrom under honorable conditions, or have served as a United States  
31 civilian Flight Crew and Aviation Ground Support Employee of Pan Ameri-  
32 can World Airways or one of its subsidiaries or its affiliates and  
33 served overseas as a result of Pan American's contract with Air Trans-  
34 port Command or Naval Air Transport Service during the period of armed  
35 conflict, December fourteenth, nineteen hundred forty-one through August  
36 fourteenth, nineteen hundred forty-five, and who was discharged or  
37 released therefrom under honorable conditions.

38 (c) June twenty-seven, nineteen hundred fifty to January thirty-one,  
39 nineteen hundred fifty-five.

40 (d) December twenty-second, nineteen hundred sixty-one to May seventh,  
41 nineteen hundred seventy-five.

42 (e) August two, nineteen hundred ninety to the end of hostilities in  
43 the Persian Gulf conflict.

44 (f) From September eighteenth, two thousand one until the end of the  
45 United States military efforts in Afghanistan.

46 (g) From October sixteenth, two thousand two until the end of the  
47 United States military efforts in Iraq.

48 2. Eligible groups. Awards shall be made to students each of whom has  
49 a parent with such service, or a step-parent with such service where the  
50 student is the dependent of the step-parent even if the student's  
51 biological parent is still living, who:

52 (a) was a legal resident of New York state at the time of his or her  
53 demise and who died or die while so serving, or as a result of injury or  
54 illness suffered or incurred during such military service; or

55 (b) is an honorably discharged veteran of the United States or member  
56 of the armed forces of the United States, who is a resident of the state

1 of New York, and who, FOR PURPOSES OF THE GRANTING OF A REGENTS AWARD,  
2 has a current disability of forty percent or more as a result of an  
3 injury or illness which is incurred or was incurred during such military  
4 service; or

5 (c) is now deceased, who was a resident of this state at the time of  
6 his or her demise, and who, FOR PURPOSES OF THE GRANTING OF A REGENTS  
7 AWARD, at the time of his or her demise had a disability to a degree of  
8 forty percent or more as a result of an injury or illness which was  
9 incurred during such military service; or

10 (d) is classified as a former prisoner of war, or as missing in  
11 action, who has been so classified by the United States department of  
12 defense, and who is a resident of the state of New York if a former  
13 prisoner of war or was a resident of the state of New York when classi-  
14 fied as missing in action.

15 3. Determinations of disability. Determinations concerning disability  
16 or death by the United States Administrator of Veterans Affairs or the  
17 separate branches of the armed forces of the United States shall be  
18 conclusive.

19 4. Amount and duration. (A) REGENTS AWARDS. Every recipient OF A  
20 REGENTS AWARD shall receive an annual award of four hundred fifty  
21 dollars for each of not more than four academic years, or five academic  
22 years if the recipient is enrolled in a program normally requiring five  
23 years, as defined by the commissioner, pursuant to article thirteen OF  
24 THIS TITLE.

25 (B) TUITION AWARDS. (I) A TUITION AWARD GRANTED UNDER THIS SECTION  
26 SHALL BE EQUAL TO THE COST OF UNDERGRADUATE TUITION, OFFSET BY ANY OTHER  
27 FINANCIAL ASSISTANCE OR AWARD RECEIVED. IF A TUITION ASSISTANCE PROGRAM  
28 (TAP) AWARD OR A REGENTS AWARD IS ALSO RECEIVED, THE COMBINED ACADEMIC  
29 YEAR AWARD SHALL NOT EXCEED TUITION.

30 (II) NO RECIPIENT OF A TUITION AWARD UNDER THIS SECTION SHALL RECEIVE  
31 A TUITION AWARD FOR MORE THAN EIGHT SEMESTERS OF FULL TIME UNDERGRADUATE  
32 STUDY, OR THE EQUIVALENT OF FOUR ACADEMIC YEARS, OR, IF AN UNDERGRADUATE  
33 PROGRAM NORMALLY REQUIRES FIVE ACADEMIC YEARS OF FULL TIME STUDY, FOR  
34 MORE THAN TEN SEMESTERS OF FULL TIME STUDY, OR THE EQUIVALENT OF FIVE  
35 ACADEMIC YEARS. "FULL TIME STUDY" SHALL MEAN ENROLLMENT FOR MORE THAN  
36 TWELVE SEMESTER HOURS PER SEMESTER, OR THE EQUIVALENT, IN AN APPROVED  
37 UNDERGRADUATE PROGRAM.

38 (III) NO RECIPIENT OF A TUITION AWARD UNDER THIS SECTION SHALL RECEIVE  
39 A TUITION AWARD FOR MORE THAN SIXTEEN SEMESTERS OF PART TIME UNDERGRADU-  
40 ATE STUDY, OR THE EQUIVALENT OF EIGHT ACADEMIC YEARS OF PART TIME STUDY,  
41 OR, IF AN UNDERGRADUATE PROGRAM NORMALLY REQUIRES FIVE ACADEMIC YEARS OF  
42 FULL TIME STUDY, FOR MORE THAN TWENTY SEMESTERS OF PART TIME STUDY, OR  
43 THE EQUIVALENT OF TEN ACADEMIC YEARS. "PART TIME STUDY" SHALL MEAN  
44 ENROLLMENT FOR AT LEAST THREE BUT LESS THAN TWELVE SEMESTER HOURS PER  
45 SEMESTER, OR THE EQUIVALENT, IN AN APPROVED UNDERGRADUATE PROGRAM.

46 5. APPLICABILITY OF TUITION AWARDS; NON-RESIDENT FEES. TUITION AWARDS  
47 PROVIDED UNDER THIS SECTION SHALL ONLY BE AVAILABLE WITHIN THE STATE OF  
48 NEW YORK UNIVERSITY SYSTEM; PROVIDED, HOWEVER, THAT NOTHING CONTAINED  
49 HEREIN SHALL PREVENT INSTITUTIONS FROM CHARGING NON-RESIDENT FEES IF THE  
50 STUDENT IS A NON-RESIDENT.

51 S 2. This act shall take effect on the first of July next succeeding  
52 the date on which it shall have become a law.