S T A T E O F N E W Y O R K

2186

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. THIELE -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the state finance law, in relation to providing a recruitment incentive and retention program for volunteer firefighters and volunteer emergency medical technicians and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The education law is amended by adding a new section 669-e to read as follows:

S 669-E. VOLUNTEER FIREFIGHTER/EMT RECRUITMENT INCENTIVE AND RETENTION PROGRAM FOR VOLUNTEER FIREFIGHTERS AND VOLUNTEER EMERGENCY MEDICAL TECHNICIANS. 1. THE DEPARTMENT OF STATE IS AUTHORIZED, WITHIN AMOUNTS APPROPRIATED OR OTHERWISE LAWFULLY AVAILABLE FROM ANY OTHER SOURCE, TO ESTABLISH A RECRUITMENT INCENTIVE AND RETENTION PROGRAM.

2. DEFINITIONS AS USED IN THIS SECTION:

A. THE TERM "ACTIVE MEMBER" SHALL MEAN A VOLUNTEER FIREFIGHTER, A VOLUNTEER EMERGENCY MEDICAL TECHNICIAN OR A VOLUNTEER ADVANCED EMERGENCY MEDICAL TECHNICIAN WHO PROVIDES FIREFIGHTING OR EMERGENCY MEDICAL SERVICES WITHIN THE STATE AS DECIDED BY THE ADMINISTRATION OR BYLAWS OF THE GIVEN AGENCY.

B. THE TERM "DEGREE PRODUCING CURRICULUM" SHALL MEAN A SERIES OF COURSES PROGRAMMED TO CULMINATE IN A SPECIFIC POST-SECONDARY DEGREE OR DIPLOMA WHEN SUCCESSFULLY COMPLETED.

C. THE TERM "TUITION" SHALL MEAN THE TOTAL SEMESTER, QUARTER, OR CLASSROOM HOUR COST OF INSTRUCTION TO THE STUDENT AS PERIODICALLY PUBLISHED IN THE CATALOGUE OF THE INSTITUTION, SPECIFICALLY EXCLUDING MANDATORY FEES, BOOK CHARGES, AND ROOM AND BOARD.

D. THE TERM "TUITION BENEFIT" SHALL MEAN THE PAYMENT OF WHATEVER COST IS ATTRIBUTABLE TO THE COST OF TUITION AFTER THE DEDUCTION OF ANY OTHER AVAILABLE EDUCATIONAL GRANT AID.

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

LBD03260-01-9

E. THE TERM "PART-TIME STUDY" SHALL MEAN ENROLLMENT IN AN APPROVED POST-SECONDARY DEGREE PROGRAM FOR AT LEAST SIX BUT LESS THAN TWELVE SEMESTER HOURS, OR THE EQUIVALENT PER SEMESTER, OR AT LEAST FOUR BUT LESS THAN EIGHT SEMESTER HOURS PER QUARTER IN AN INSTITUTION.

F. THE TERM "INSTITUTION" SHALL MEAN ANY INSTITUTION OF HIGHER EDUCATION RECOGNIZED AND APPROVED BY THE REGENTS OR THE UNIVERSITY OF THE STATE OF NEW YORK WHICH PROVIDES A COURSE OF STUDY LEADING TO THE GRANTING OF A POST-SECONDARY DEGREE OR DIPLOMA.

G. THE TERM "LEGAL RESIDENT" SHALL MEAN A PERSON WHOSE PRINCIPAL DOMICILE IS LOCATED WITHIN NEW YORK STATE IN EXCESS OF ONE HUNDRED EIGHTY-SIX DAYS PER YEAR.

3. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER GENERAL, SPECIAL, OR LOCAL LAW, RULE, OR REGULATION, ANY ACTIVE MEMBER SHALL BE ENTITLED TO THE TUITION BENEFIT PROVIDED BY THIS SECTION UPON HIS OR HER ENROLLMENT IN A DEGREE PRODUCING CURRICULUM IN ANY INSTITUTION.

4. UNLESS OTHERWISE PROVIDED FOR IN THIS SECTION, ELIGIBILITY FOR THE TUITION BENEFIT PROVIDED BY THIS SECTION SHALL BE DETERMINED BY THE DEPARTMENT OF STATE, WHICH SHALL ISSUE CERTIFICATES OF ELIGIBILITY AND PROMULGATE SUCH ADMINISTRATIVE RULES AND PROCEDURES AS ARE NECESSARY TO IMPLEMENT THE TUITION BENEFIT PROVIDED UNDER THIS SECTION.

5. THE TUITION BENEFIT PROVIDED BY THIS SECTION SHALL BE RESTRICTED TO LEGAL RESIDENTS OF THE STATE. THE BENEFIT MAY BE USED FOR EITHER PART-TIME OR FULL-TIME STUDY. NO RESTRICTION AS TO SESSIONS, STUDENT STATUS, OR SPACE AVAILABILITY WHICH DOES NOT APPLY TO ALL STUDENTS SHALL BE PLACED BY INSTITUTIONS UPON RECIPIENTS UNDER THIS PROGRAM.

6. UPON THE RECIPIENT'S ATTAINMENT OF A BACCALAUREATE/MASTERS DEGREE OR CESSATION OF STATUS AS AN ACTIVE MEMBER, WHICHEVER OCCURS FIRST, THE BENEFIT PROVIDED BY THIS SECTION SHALL BE DISCONTINUED. THE TUITION BENEFIT PROVIDED BY THIS SECTION MAY BE SUSPENDED AT THE DIRECTION OF THE DEPARTMENT OF STATE FOR A RECIPIENT'S FAILURE TO MAINTAIN GOOD STANDING AS AN ACTIVE MEMBER, FOR THE FAILURE TO MAINTAIN GOOD ACADEMIC PROGRESS AND PROGRAM PURSUIT, OR FOR THE FAILURE TO MAINTAIN SUFFICIENT ACADEMIC STANDING TO RETAIN ELIGIBILITY FOR ANY OTHER FINANCIAL ASSISTANCE THE RECIPIENT MAY BE RECEIVING.

7. UNLESS OTHERWISE PROVIDED FOR IN THIS SECTION, THE TUITION BENEFIT SHALL BE ON THE TERMS AND CONDITIONS SET BY THE DEPARTMENT OF STATE, PROVIDED THAT ANY SUCH BENEFIT SHALL NOT EXCEED AN AMOUNT EQUAL TO THE ACTUAL ANNUAL TUITION CHARGED TO THE RECIPIENT OR THE TUITION CHARGED BY THE STATE UNIVERSITY OF NEW YORK, WHICHEVER IS LESS, OFFSET BY ANY FINANCIAL ASSISTANCE AND THE TOTAL OF ALL OTHER STATE, FEDERAL, OR OTHER EDUCATIONAL GRANT AID THAT IS RECEIVED OR RECEIVABLE BY SUCH STUDENT DURING THE SCHOOL YEAR FOR WHICH SUCH BENEFIT IS APPLICABLE.

8. ANY ACTIVE MEMBER WHO IS ELIGIBLE FOR THE TUITION BENEFIT PROVIDED BY THIS SECTION MUST APPLY FOR ALL OTHER AVAILABLE STATE, FEDERAL, OR OTHER EDUCATIONAL GRANT AID AT TIME OF ENROLLMENT. THE DEPARTMENT OF STATE SHALL ACCESS ALL FINANCIAL ASSISTANCE AVAILABLE ON BEHALF OF ALL SUCH ACTIVE MEMBERS. ANY GRANT AID OR FINANCIAL ASSISTANCE RECEIVED SHALL BE UTILIZED TO OFFSET THE COST OF TUITION TO THE MAXIMUM EXTENT POSSIBLE, EXCEPT THAT NOTHING SHALL REQUIRE THAT AID OR ASSISTANCE RECEIVED WHICH MAY BE USED TOWARDS COSTS OTHER THAN THAT OF TUITION SHALL BE APPLIED TOWARD THE COST OF TUITION.

9. THE TUITION BENEFIT PROVIDED BY THIS SECTION SHALL BE EFFECTIVE BEGINNING WITH THE SCHOOL SEMESTER OR QUARTER FOLLOWING ITS ENACTMENT INTO LAW.

S 2. Section 604 of the education law is amended by adding a new subdivision 12 to read as follows:

12. A TUITION BENEFIT IS AVAILABLE FOR VOLUNTEER FIREFIGHTERS, VOLUNTEER EMERGENCY MEDICAL TECHNICIANS AND VOLUNTEER ADVANCED EMERGENCY MEDICAL TECHNICIANS WHO PROVIDE FIREFIGHTING OR EMERGENCY MEDICAL SERVICES WITHIN THE STATE ENROLLED IN APPROVED POST-SECONDARY DEGREE PROGRAMS IN DEGREE-GRANTING INSTITUTIONS.

S 3. The state finance law is amended by adding a new section 91-h to read as follows:

S 91-H. VOLUNTEER FIREFIGHTER/EMT RECRUITMENT INCENTIVE AND RETENTION ACCOUNT. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE AN ACCOUNT IN THE MISCELLANEOUS SPECIAL REVENUE FUND TO BE KNOWN AS THE VOLUNTEER FIREFIGHTER/EMT RECRUITMENT INCENTIVE AND RETENTION ACCOUNT.

2. SUCH ACCOUNT SHALL CONSIST OF ALL REVENUES RECEIVED FROM CONTRIBUTIONS, DONATIONS AND ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

3. MONEYS OF THE ACCOUNT, FOLLOWING APPROPRIATION BY THE LEGISLATURE MAY BE EXPENDED FOR THE VOLUNTEER FIREFIGHTER/EMT RECRUITMENT INCENTIVE AND RETENTION PROGRAM. MONEYS SHALL BE PAID OUT OF THE ACCOUNT ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE ADJUTANT GENERAL OF NEW YORK STATE.

S 4. The department of state shall report on the operation and subsequent effectiveness of the program created by this act, one year after it shall have become a law and annually thereafter, to the governor, the temporary president of the senate and the speaker of the assembly. Upon the expiration and repeal of the provisions of this act, such department shall continue to make such report in any year in which any person receives benefits under the provisions of this act.

S 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall expire and be deemed repealed 5 years after such effective date; provided that any person who has begun to receive the benefits of this act prior to its expiration and repeal shall be entitled to continue to receive the benefits of this act after its expiration and repeal until completion of a baccalaureate/masters degree or cessation of status as an active member, whichever occurs first.