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

3534

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. BRADLEY, PHEFFER, COLTON, SCHROEDER, LUPARDO, CHRISTENSEN, DelMONTE, PAULIN, CAHILL, MAGNARELLI, COOK, STIRPE, HOOPER -- Multi-Sponsored by -- M. of A. GABRYSZAK, GUNTHER, HYER-SPENCER, LATIMER, MAISEL, REILLY, WEISENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the military law and the education law, in relation to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia

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

Section 1. The military law is amended by adding a new article 14 to read as follows:

ARTICLE XIV

MILITARY PERSONNEL TUITION ASSISTANCE

SECTION 400. RECRUITMENT INCENTIVE AND RETENTION PROGRAM FOR MEMBERS OF THE NEW YORK STATE ORGANIZED MILITIA.

S 400. RECRUITMENT INCENTIVE AND RETENTION PROGRAM FOR MEMBERS OF THE NEW YORK STATE ORGANIZED MILITIA. THE DIVISION OF MILITARY AND NAVAL AFFAIRS IS AUTHORIZED, WITHIN AMOUNTS APPROPRIATED OR OTHERWISE LAWFULLY AVAILABLE FROM ANY OTHER SOURCE, TO ESTABLISH A RECRUITMENT INCENTIVE AND RETENTION PROGRAM. SUCH PROGRAM, AS ESTABLISHED PURSUANT TO SECTION SIX HUNDRED SIXTY-NINE-B OF THE EDUCATION LAW, SHALL BE FOR THE PURPOSE OF REWARDING MEMBERS OF THE NEW YORK STATE ORGANIZED MILITIA WITH A PUBLIC BENEFIT OF TUITION ASSISTANCE IN THE FURTHERANCE OF THEIR EDUCATION.

S 2. Paragraphs b, e and f of subdivision 2 of section 669-b of the education law, as added by chapter 268 of the laws of 1996, are amended to read as follows:

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

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b. The term "degree producing curriculum" shall mean a series of courses programmed to culminate in a specific post-secondary degree, GRADUATE DEGREE or diploma when successfully completed.

e. The term "part-time study" shall mean enrollment in an approved post-secondary degree, OR GRADUATE 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, GRADUATE DEGREE or diploma.

S 3. Subdivisions 5 and 7 of section 669-b of the education law, as added by chapter 268 of the laws of 1996, are amended to read as follows:

5. Any active member who currently possesses a [baccalaureate] DOCTORATE degree or higher is ineligible for participation in the recruitment incentive program provided by this section.

7. Upon the recipient's attainment of [a baccalaureate] THE EDUCATIONAL 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 division of military and naval affairs for a recipient's failure to maintain good military 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.

S 4. This act shall take effect immediately, provided, however, that the amendments to subdivisions 2, 5 and 7 of section 669-b of the education law made by sections two and three of this act shall not affect the repeal of such section and shall be deemed repealed therewith.