

4005

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. HAWLEY, KOLB, ERRIGO, CROUCH, WALKER, SALADINO, BURLING, BARCLAY, TOBACCO, McKEVITT, GUNTHER -- Multi-Sponsored by -- M. of A. BARRA, CONTE, DUPREY, JORDAN, MOLINARO, REILICH, SAYWARD, TOWNSEND, WEISENBERG -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to providing scholarships for surviving dependent family members of New York state military personnel who have died while performing official military duties

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

1 Section 1. Section 668-e of the education law, as added by chapter 106
2 of the laws of 2003, is amended to read as follows:
3 S 668-e. Military enhanced recognition, incentive and tribute
4 ("MERIT") scholarships. 1. Eligible persons. a. Notwithstanding subdi-
5 visions three and five of section six hundred sixty-one of this [title]
6 PART, children, spouses and financial dependents of a member of the
7 armed forces of the United States or state organized militia who at any
8 time on or after the second day of August, nineteen hundred ninety,
9 while in service in the armed forces of the United States, as defined by
10 subdivision eight of section one of the military law or in a force of
11 the state organized militia, as defined in subdivision nine of section
12 one of the military law: (i) while a legal resident of New York state,
13 died, became severely and permanently disabled or was classified as
14 missing in action [in a combat theater or combat zone of operations as
15 part of military operations, or died as a result of injury or illness
16 suffered or incurred during such military service] IN THE PERFORMANCE OF
17 HIS OR HER OFFICIAL DUTIES; or (ii) while a legal resident of New York
18 state, died or became severely and permanently disabled as a result of
19 injury or illness suffered or incurred during military training oper-
20 ations in preparation for duty in a combat theater or combat zone of
21 operations.

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

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1 b. A member of the armed forces of the United States who: (i) became
2 severely and permanently disabled as a result of service in the armed
3 forces of the United States, as defined by subdivision eight of section
4 one of the military law, [in a combat theater or combat zone of oper-
5 ations] IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES as part of
6 military operations at any time on or after the second day of August,
7 nineteen hundred ninety; and (ii) was a legal resident of New York state
8 at the time of military service.

9 c. A member of the armed forces of the United States who: (i) became
10 severely and permanently disabled as a result of injury or illness
11 suffered or incurred during military training operations [in preparation
12 for duty in a combat theater or combat zone of operations] IN THE
13 PERFORMANCE OF HIS OR HER OFFICIAL DUTIES; and (ii) was a legal resident
14 of New York state at the time of military service.

15 d. A member of the state organized militia who: (i) became severely
16 and permanently disabled as a result of injury or illness suffered or
17 incurred during active military service, as defined in subdivision six
18 of section one of the military law related to duty [in a combat theater
19 or combat zone of operations] IN THE PERFORMANCE OF HIS OR HER OFFICIAL
20 DUTIES; and (ii) was a legal resident of New York state at the time of
21 active military service.

22 2. Amount. The president shall grant annual scholarships in amounts
23 determined in accordance with subdivisions two and three of section six
24 hundred sixty-eight-d of this part.

25 S 2. This act shall take effect immediately.