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

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:

Section 1. Section 668-e of the education law, as added by chapter 106 of the laws of 2003, is amended to read as follows:

S 668-e. Military enhanced recognition, incentive and tribute ("MERIT") scholarships. 1. Eligible persons. a. Notwithstanding subdivisions three and five of section six hundred sixty-one of this [title] PART, children, spouses and financial dependents of a member of the armed forces of the United States or state organized militia who at any time on or after the second day of August, nineteen hundred ninety, while in service in the armed forces of the United States, as defined by subdivision eight of section one of the military law or in a force of the state organized militia, as defined in subdivision nine of section one of the military law: (i) while a legal resident of New York state, died, became severely and permanently disabled or was classified as missing in action [in a combat theater or combat zone of operations as part of military operations, or died as a result of injury or illness suffered or incurred during such military service] IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES; or (ii) while a legal resident of New York state, died or became severely and permanently disabled as a result of injury or illness suffered or incurred during military training operations in preparation for duty in a combat theater or combat zone of operations.

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

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

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

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

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

S 2. This act shall take effect immediately.