

9942

I N A S S E M B L Y

February 17, 2010

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

AN ACT to amend the education law, in relation to establishing a Haitian Earthquake victims survivor college scholarship program for children and spouses of persons injured in the January twelfth, two thousand ten earthquake in Haiti

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

1 Section 1. The education law is amended by adding a new section 609 to
2 read as follows:

3 S 609. HAITIAN EARTHQUAKE VICTIMS SURVIVOR COLLEGE SCHOLARSHIP. 1.
4 NOTWITHSTANDING SUBDIVISIONS THREE AND FIVE OF SECTION SIX HUNDRED
5 SIXTY-ONE OF THIS TITLE, CHILDREN AND SPOUSES OF INNOCENT VICTIMS WHO
6 HAVE DIED OR HAVE BEEN SEVERELY AND PERMANENTLY DISABLED, OR THOSE INNO-
7 CENT VICTIMS WHO HAVE BECOME SEVERELY AND PERMANENTLY DISABLED AS A
8 DIRECT RESULT OF AN INJURY SUSTAINED ON THE ISLAND NATION OF HAITI DUE
9 TO THE JANUARY TWELFTH, TWO THOUSAND TEN EARTHQUAKE, OR THE AFTERSHOCKS
10 OF THE EARTHQUAKE, OCCURRING ON THAT ISLAND NATION, SHALL BE ELIGIBLE TO
11 RECEIVE A SCHOLARSHIP IN AN ANNUAL AMOUNT DETERMINED PURSUANT TO SUBDI-
12 VISION TWO OF SECTION SIX HUNDRED SIXTY-EIGHT-H OF THIS TITLE.

13 2. AWARDS UNDER THIS SECTION SHALL BE PAYABLE FOR EACH OF NOT MORE
14 THAN FOUR ACADEMIC YEARS OF UNDERGRADUATE STUDY OR FIVE ACADEMIC YEARS
15 IF A PROGRAM NORMALLY REQUIRES FIVE YEARS, AS DEFINED BY THE COMMISSION-
16 ER PURSUANT TO THIS ARTICLE.

17 S 2. The education law is amended by adding a new section 668-h to
18 read as follows:

19 S 668-H. HAITIAN EARTHQUAKE VICTIMS SURVIVOR COLLEGE SCHOLARSHIP
20 PROGRAM. 1. ELIGIBLE GROUPS. NOTWITHSTANDING SUBDIVISIONS THREE AND
21 FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS ARTICLE, CHILDREN AND
22 SPOUSES OF INNOCENT VICTIMS WHO HAVE DIED OR HAVE BEEN SEVERELY AND
23 PERMANENTLY DISABLED, OR THOSE INNOCENT VICTIMS WHO HAVE BECOME SEVERELY
24 AND PERMANENTLY DISABLED AS A DIRECT RESULT OF AN INJURY SUSTAINED ON
25 THE ISLAND NATION OF HAITI IN THE IMPACT AREA OF THE JANUARY TWELFTH,

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

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1 TWO THOUSAND TEN EARTHQUAKE OCCURRING ON THAT ISLAND NATION, SHALL BE
2 ELIGIBLE TO RECEIVE A MEMORIAL SCHOLARSHIP AS PROVIDED IN THIS SECTION.

3 2. AMOUNT. THE PRESIDENT SHALL GRANT UP TO TEN ANNUAL SCHOLARSHIPS TO
4 RECIPIENTS ATTENDING AN INSTITUTION OF THE CITY UNIVERSITY OF NEW YORK
5 OR AN INSTITUTION OF THE STATE UNIVERSITY OF NEW YORK OTHER THAN THE
6 STATUTORY COLLEGES AT CORNELL, THE COLLEGE OF ENVIRONMENTAL SCIENCE AND
7 FORESTRY AT SYRACUSE AND THE COLLEGE OF CERAMICS AT ALFRED, IN AN AMOUNT
8 EQUAL TO THE SUM OF THE TUITION CHARGED AT SUCH INSTITUTION PROVIDED
9 THAT, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE TUITION
10 CHARGED TO AWARD RECIPIENTS SHALL NOT EXCEED THAT CHARGED TO STATE RESI-
11 DENT STUDENTS ATTENDING SUCH INSTITUTION AND THE MANDATORY FEES CHARGED
12 AT SUCH INSTITUTION; PROVIDED, HOWEVER, THAT THE SCHOLARSHIP SHALL NOT
13 EXCEED AN AMOUNT THAT IS EQUAL TO THE TOTAL COST OF ATTENDANCE DETER-
14 MINED FOR FEDERAL TITLE IV STUDENT FINANCIAL AID PURPOSES, LESS ALL
15 OTHER SCHOLARSHIPS AND GRANTS PROVIDED BY NEW YORK STATE, OTHER STATES,
16 THE FEDERAL GOVERNMENT, OR OTHER GOVERNMENTS, AND THE AMOUNT OF EDUCA-
17 TIONAL BENEFITS PAID UNDER ANY PROGRAM THAT WOULD DUPLICATE THE PURPOSES
18 OF THIS PROGRAM, PROVIDED THAT ANY SCHOLARSHIPS OR GRANTS PROVIDED TO A
19 RECIPIENT BY THE INSTITUTION WHICH ARE INTENDED TO FUND ANY PORTION OF
20 THE DIFFERENCE BETWEEN THE ANNUAL STATE AWARD AND THE ACTUAL COSTS OF
21 ATTENDANCE AT ANY SUCH INSTITUTION SHALL NOT BE CONSIDERED TO DUPLICATE
22 THE PURPOSES OF THIS PROGRAM. IN NO EVENT SHALL THE COMBINATION OF ALL
23 STUDENT FINANCIAL AID RECEIVED BY A STUDENT EXCEED A RECIPIENT'S TOTAL
24 COST OF ATTENDANCE AT THE INSTITUTION BEING ATTENDED.

25 3. DURATION. AWARDS UNDER THIS SECTION SHALL BE PAYABLE FOR EACH OF
26 NOT MORE THAN FOUR ACADEMIC YEARS OF UNDERGRADUATE STUDY OR FIVE ACADEM-
27 IC YEARS IF A PROGRAM NORMALLY REQUIRES FIVE YEARS, AS DEFINED BY THE
28 COMMISSIONER PURSUANT TO ARTICLE THIRTEEN OF THIS TITLE.

29 S 3. Section 604 of the education law is amended by adding a new
30 subdivision 13 to read as follows:

31 13. HAITIAN EARTHQUAKE VICTIMS SURVIVOR COLLEGE SCHOLARSHIP.

32 S 4. Subdivision 5 of section 601 of the education law, as amended by
33 chapter 305 of the laws of 2008, is amended to read as follows:

34 5. "Children" as referenced in subdivision four of section six hundred
35 four and sections six hundred eight, six hundred eight-a, six hundred
36 sixty-eight-a, six hundred sixty-eight-b, six hundred sixty-eight-d
37 [and], six hundred sixty-eight-e AND SIX HUNDRED SIXTY-EIGHT-H of this
38 title shall mean: (a) birth children, adopted children, stepchildren who
39 survive an individual, or children for whom an individual was a legal
40 guardian, and (b) other children related by blood, adoption or marriage
41 to an individual for whom such individual had assumed and was exercising
42 custody and care as of the date of such individual's death.

43 S 5. This act shall take effect immediately and shall be deemed to
44 have been in full force and effect on and after February 1, 2010, and
45 shall be applicable for awards made for the 2010-2011 academic year and
46 all subsequent academic years.