

10484

I N A S S E M B L Y

April 2, 2010

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

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:

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

3 ARTICLE XIV

4 MILITARY PERSONNEL TUITION ASSISTANCE

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

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

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

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

22 e. The term "part-time study" shall mean enrollment in an approved  
23 post-secondary degree, OR GRADUATE DEGREE program for at least six but  
24 less than twelve semester hours, or the equivalent per semester, or at  
25 least four but less than eight semester hours per quarter in an institu-  
26 tion.

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

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1 f. The term "institution" shall mean any institution of higher educa-  
2 tion recognized and approved by the regents or the university of the  
3 state of New York which provides a course of study leading to the grant-  
4 ing of a post-secondary degree, GRADUATE DEGREE or diploma.

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

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

11 7. Upon the recipient's attainment of [a baccalaureate] THE EDUCA-  
12 TIONAL degree or cessation of status as an active member, whichever  
13 occurs first, the benefit provided by this section shall be discontin-  
14 ued. The tuition benefit provided by this section may be suspended at  
15 the direction of the division of military and naval affairs for a recip-  
16 ient's failure to maintain good military standing as an active member,  
17 for the failure to maintain good academic progress and program pursuit,  
18 or for the failure to maintain sufficient academic standing to retain  
19 eligibility for any other financial assistance the recipient may be  
20 receiving.

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