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

4746

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. ESPAILLAT, WRIGHT, HOYT -- Multi-Sponsored by -- M. of A. BING, JOHN, PEOPLES, TOWNS -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to creating a regents alcohol, alcohol abuse or substance abuse treatment and prevention professional's loan forgiveness program and making an appropriation therefor

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

Section 1. Section 605 of the education law is amended by adding a new subdivision 13 to read as follows:

13. REGENTS ALCOHOL OR ALCOHOL ABUSE OR SUBSTANCE ABUSE TREATMENT AND PREVENTION PROFESSIONAL'S LOAN FORGIVENESS PROGRAM. REGENTS LOAN FORGIVENESS AWARDS SHALL BE AWARDED ANNUALLY TO APPLICANTS WHO AGREE TO ENGAGE IN EMPLOYMENT IN THE FIELD OF ALCOHOLISM OR ALCOHOL ABUSE PREVENTION OR TREATMENT OR SUBSTANCE ABUSE PREVENTION OR TREATMENT AS AN EMPLOYEE WITH THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES OR AN ENTITY UNDER CONTRACT TO PROVIDE SUCH SERVICES ON BEHALF OF SUCH OFFICE. SUCH AWARDS SHALL BE AWARDED ANNUALLY, AND SHALL BE CLASSIFIED AND ALLOCATED IN ACCORDANCE WITH REGENTS RULES.

A. (1) THE APPLICANT MUST BE A RESIDENT OR PERMANENT RESIDENT ALIEN OF NEW YORK STATE AND A GRADUATE OF AN INSTITUTION OF HIGHER EDUCATION APPROVED OR REGISTERED BY THE REGENTS.

(2) THE APPLICANT MUST BE A MINORITY HISTORICALLY UNDERREPRESENTED IN THE FIELDS OF ALCOHOLISM, ALCOHOL ABUSE PREVENTION OR TREATMENT OR SUBSTANCE ABUSE PREVENTION OR TREATMENT.

(3) THE APPLICANT MUST AGREE TO ENGAGE IN SUCH EMPLOYMENT FOR A PERIOD OF TIME AS DETERMINED BY THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES IN CONSULTATION WITH THE COMMISSIONER.

B. PRIORITY SHALL BE ACCORDED TO APPLICANTS IN THE FOLLOWING ORDER:

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

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(1) FIRST, TO ANY APPLICANT WHO IS ECONOMICALLY DISADVANTAGED AS DEFINED BY THE REGENTS AND A MINORITY HISTORICALLY UNDERREPRESENTED IN THE PROFESSION AS DETERMINED BY THE REGENTS;

(2) SECOND, TO ANY APPLICANT WHO IS A MINORITY UNDERREPRESENTED IN THE PROFESSION AS DETERMINED BY THE REGENTS;

(3) THIRD, TO ANY APPLICANT WHO IS A GRADUATE OF THE STATE-SPONSORED OPPORTUNITY PROGRAM PURSUANT TO SECTION SIXTY-FOUR HUNDRED FIFTY-ONE OR SIXTY-FOUR HUNDRED FIFTY-TWO OF THIS CHAPTER.

IN THE EVENT THAT THERE ARE MORE APPLICANTS WHO HAVE THE SAME PRIORITY THAN THERE ARE REMAINING SCHOLARSHIPS, THE COMMISSIONER SHALL DISTRIBUTE THE REMAINING NUMBER OF SUCH SCHOLARSHIPS BY MEANS OF A LOTTERY OR OTHER FORM OF RANDOM SELECTION.

C. THE COMMISSIONER SHALL THEN FORWARD APPROVED APPLICATIONS TO THE PRESIDENT AND SHALL NOTIFY UNSUCCESSFUL APPLICANTS.

D. THE PRESIDENT SHALL NOTIFY APPLICANTS OF THEIR AWARD ENTITLEMENT.

E. THE PRESIDENT SHALL, IN CONSULTATION WITH THE COMMISSIONER AND WITH THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, DEVELOP AND SECURE FROM EACH SUCCESSFUL APPLICANT A WRITTEN AGREEMENT TO ENGAGE IN SUCH EMPLOYMENT, AS APPROPRIATE. WITHIN SUCH TIME AS THE COMMISSIONER SHALL BY REGULATION PROVIDE, A RECIPIENT OF AN AWARD SHALL HAVE ENGAGED IN SUCH EMPLOYMENT AS APPROPRIATE, FOR THAT NUMBER OF MONTHS CALCULATED BY MULTIPLYING BY TWELVE THE NUMBER OF ANNUAL PAYMENTS RECEIVED BY THE RECIPIENT. IN NO CASE SHALL THE TOTAL NUMBER OF MONTHS OF SERVICE REQUIRED BE LESS THAN TWENTY-FOUR. IF A RECIPIENT FAILS TO COMPLY FULLY WITH SUCH CONDITIONS, THE PRESIDENT SHALL BE ENTITLED TO RECEIVE FROM SUCH RECIPIENT AN AMOUNT TO BE DETERMINED BY THE FORMULA:

$$A = \frac{2B\,(T-S)}{T}$$

IN WHICH "A" IS THE AMOUNT THE PRESIDENT IS ENTITLED TO RECOVER; "B" IS THE SUM OF ALL PAYMENTS MADE TO THE RECIPIENT AND THE INTEREST ON SUCH AMOUNT WHICH WOULD BE PAYABLE IF AT THE TIMES SUCH AWARDS WERE PAID THEY WERE LOANS BEARING INTEREST AT THE MAXIMUM PREVAILING RATE; "T" IS THE TOTAL NUMBER OF MONTHS IN THE RECIPIENT'S PERIOD OF OBLIGATED SERVICES; AND "S" IS THE NUMBER OF MONTHS OF SERVICE ACTUALLY RENDERED BY THE RECIPIENT. ANY AMOUNT WHICH THE PRESIDENT IS ENTITLED TO RECOVER UNDER THIS PARAGRAPH SHALL BE PAID WITHIN THE FIVE-YEAR PERIOD BEGINNING ON THE DATE THAT THE RECIPIENT FAILED TO COMPLY WITH THIS SERVICE CONDITION. NOTHING IN THE WRITTEN AGREEMENT SHALL AFFECT THE TERMS OF EMPLOYMENT OF THE INDIVIDUAL WHO SHALL NEGOTIATE, SEPARATE AND APART FROM THE PROGRAM, HIS OR HER SALARY AND OTHER FORMS OF EMPLOYMENT WITH AN AGENCY, INSTITUTION OR A PROGRAM IN WHICH HE OR SHE SHALL BE EMPLOYED.

ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS SUBDIVISION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT. THE COMMISSIONER SHALL MAKE REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

F. A RECIPIENT OF AN AWARD SHALL REPORT ANNUALLY TO THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION, ON FORMS PRESCRIBED BY IT, AS TO THE PERFORMANCE OF THE REQUIRED SERVICES, COMMENCING WITH THE CALENDAR YEAR IN WHICH THE RECIPIENT BEGINS SUCH EMPLOYMENT AND CONTINUING UNTIL THE RECIPIENT SHALL HAVE COMPLETED, OR IT IS DETERMINED THAT HE OR SHE SHALL NOT BE OBLIGATED TO COMPLETE, THE REQUIRED SERVICES. THE RECIPIENT MUST HAVE HIS OR HER SUPERVISOR IN THE ALCOHOL OR SUBSTANCE ABUSE EMPLOYING AGENCY CERTIFY THAT THE PERFORMANCE OF ALL REQUIRED SERVICES DETAILED IN THE REPORT HAVE BEEN, IN FACT, COMPLETED AND DELIVERED IN THE AGENCY. IF THE RECIPIENT SHALL FAIL TO FILE ANY REPORT REQUIRED

HEREUNDER WITHIN THIRTY DAYS OF WRITTEN NOTICE TO THE RECIPIENT, MAILED TO THE ADDRESS SHOWN ON THE LAST APPLICATION FOR AN AWARD OR LAST REPORT FILED, WHICHEVER IS LATER, THE PRESIDENT OF THE CORPORATION MAY IMPOSE A FINE OF UP TO ONE THOUSAND DOLLARS. THE PRESIDENT SHALL HAVE THE DISCRETION TO WAIVE THE FILING OF A REPORT, EXCUSE A DELAY IN FILING OR A FAILURE TO FILE A REPORT, OR WAIVE OR REDUCE ANY FINE IMPOSED FOR GOOD CAUSE SHOWN.

S 2. The sum of five hundred thousand dollars ($500,000), or so much thereof as may be necessary, is hereby appropriated to the department of education from any moneys in the state treasury in the general fund to the credit of the state purposes account not otherwise appropriated for services and expenses of the department for the purposes of carrying out the provisions of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education, or his duly designated representative in the manner provided by law. No expenditure shall be made from this appropriation until a certificate of approval of availability shall have been issued by the director of the budget and filed with the state comptroller and a copy filed with the chairman and ranking member of the senate finance committee and the chairman and ranking member of the assembly ways and means committee. Such certificate may be amended from time to time by the director of the budget and a copy of each such amendment shall be filed with the state comptroller, the chairman and ranking member of the senate finance committee and the chairman and ranking member of the assembly ways and means committee.

S 3. This act shall take effect immediately.