

1245

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. HAWLEY, KOLB, CROUCH, SALADINO, BURLING, BARCLAY, TOBACCO, McKEVITT, GUNTHER, BUTLER, PERRY, MURRAY -- Multi-Sponsored by -- M. of A. CONTE, DUPREY, JORDAN, MOLINARO, OAKS, REILICH, SAYWARD, 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-

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

LBD01430-01-1

1 ations in preparation for duty in a combat theater or combat zone of
2 operations.

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

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

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

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

27 S 2. This act shall take effect immediately.