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

34--A

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. SIMANOWITZ -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to establishing the New York state employee loan forgiveness program

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

Section 1. The education law is amended by adding a new section 679-h to read as follows:

S 679-H. NEW YORK STATE EMPLOYEE LOAN FORGIVENESS PROGRAM. 1. PURPOSE. THE COMMISSIONER SHALL GRANT STUDENT LOAN FORGIVENESS AWARDS FOR THE PURPOSE OF RETAINING INDIVIDUALS SERVING AS EMPLOYEES OF A STATE EMPLOYER.

2. DEFINITIONS. (A) "STATE EMPLOYER" MEANS: (1) THE EXECUTIVE BRANCH OF THE STATE, (2) A COOPERATIVE EXTENSION ASSOCIATION ("ASSOCIATION"), (3) THE UNIFIED COURT SYSTEM, (4) THE SENATE, (5) THE ASSEMBLY, AND (6) JOINT LEGISLATIVE EMPLOYERS.

(B) "STUDENT LOAN DEBT" MEANS THE TOTAL ANNUAL LOAN REPAYMENTS REQUIRED TO BE MADE BY THE ELIGIBLE EMPLOYEE ON THE CUMULATIVE TOTAL OF THE EMPLOYEE'S OUTSTANDING STUDENT LOANS COVERING THE COST OF ATTENDANCE AT AN UNDERGRADUATE INSTITUTION AND/OR GRADUATE SCHOOL. INTEREST PAID OR DUE ON SUCH LOANS SHALL BE CONSIDERED ELIGIBLE FOR REIMBURSEMENT UNDER THIS PROGRAM. FOR PURPOSES OF THIS CALCULATION, THE AMOUNT OF THE STUDENT LOAN EXPENSE SHALL BE REDUCED BY ANY GRANTS, LOAN FORGIVENESS, OR SIMILAR REDUCTIONS TO THE EMPLOYEE'S INDEBTEDNESS THAT HE OR SHE HAS RECEIVED OR SHALL RECEIVE.

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

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(C) "YEAR OF QUALIFIED SERVICE" MEANS THE TWELVE-MONTH PERIOD MEASURED FROM THE ANNIVERSARY OF THE INDIVIDUAL'S EMPLOYMENT WITH THE STATE EMPLOYER AND ADJUSTED FOR ANY INTERRUPTION IN EMPLOYMENT.

3. ELIGIBILITY. (A) TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SUBDIVISION, APPLICANTS SHALL: (1) BE EMPLOYED BY A STATE EMPLOYER; (2) FOR FIVE OR MORE YEARS OF QUALIFIED SERVICE; AND (3) HAVE AN OUTSTANDING STUDENT LOAN DEBT.

(B) INDIVIDUALS EMPLOYED BY A STATE EMPLOYER WHO ARE NOT ELIGIBLE INCLUDE:

(1) ELECTED OFFICIALS, JUDGES OR JUSTICES APPOINTED TO OR SERVING IN COURT OF RECORD;

(2) OFFICERS DESCRIBED IN SECTIONS FOUR, FORTY-ONE-A, FORTY-SIX, SIXTY-ONE, SEVENTY, SEVENTY-A, ONE HUNDRED SIXTY-NINE (INCLUDING THOSE OFFICERS WHOSE SALARY IS ESTABLISHED PURSUANT TO SALARY PLANS UNDER SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-NINE), SECTION ONE HUNDRED EIGHTY AND SUBDIVISION ONE OF SECTION FORTY-ONE OF THE EXECUTIVE LAW AND ANY AGENCY OR DEPARTMENT HEAD APPOINTED BY THE GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL; AND

(3) APPOINTED MEMBERS OF BOARDS OR COMMISSIONS ANY OF WHOSE MEMBERS ARE APPOINTED BY THE GOVERNOR OR BY ANOTHER STATE OFFICER OR BODY.

4. AWARDS. THE COMMISSIONER SHALL GRANT AWARDS IN THE AMOUNT OF FIVE THOUSAND DOLLARS TO INDIVIDUALS WHO ARE ELIGIBLE, PURSUANT TO SUBDIVISION TWO OF THIS SECTION, IN THE YEAR PRIOR TO SUCH APPLICATION, PROVIDED THAT NO RECIPIENT SHALL RECEIVE AN AWARD THAT EXCEEDS THE TOTAL REMAINING BALANCE OF THE STUDENT LOAN DEBT AND THAT NO RECIPIENT SHALL RECEIVE CUMULATIVE AWARDS, PURSUANT TO THIS SECTION, IN EXCESS OF TEN THOUSAND DOLLARS. AWARDS SHALL BE WITHIN THE AMOUNTS APPROPRIATED FOR SUCH PURPOSE AND BASED ON AVAILABILITY OF FUNDS.

5. RULES AND REGULATIONS. THE COMMISSIONER IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect immediately.