

3927--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 28, 2015

Introduced by M. of A. CERETTO, McLAUGHLIN, CROUCH, HAWLEY, KATZ, BLANK-ENBUSH, TENNEY, GRAF -- Multi-Sponsored by -- M. of A. BARCLAY, DiPIETRO, GIGLIO -- 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 and the state finance law, in relation to tuition awards for active members of the reserve armed forces of the United States and providing for the repeal of such provisions upon expiration thereof

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 669-h
2 to read as follows:
3 S 669-H. TUITION AWARDS FOR MEMBERS OF THE RESERVE ARMED FORCES OF THE
4 UNITED STATES. 1. THE DIVISION OF MILITARY AND NAVAL AFFAIRS IS AUTHORIZED,
5 WITHIN AMOUNTS APPROPRIATED OR OTHERWISE LAWFULLY AVAILABLE FROM
6 ANY OTHER SOURCE, TO ESTABLISH A TUITION AWARD PROGRAM.
7 2. AS USED IN THIS SECTION, THE TERM:
8 A. "ACTIVE MEMBER" SHALL MEAN A MEMBER OF A BRANCH OF THE RESERVE
9 ARMED FORCES OF THE UNITED STATES WHO MEETS THE MINIMUM REQUIREMENTS FOR
10 SATISFACTORY ACTIVE MEMBERSHIP AS SET FORTH IN THE REGULATIONS OF THE
11 UNITED STATES DEPARTMENTS OF THE ARMY, COAST GUARD, NAVY AND AIR FORCE,
12 AS APPLICABLE.
13 B. "DEGREE PRODUCING CURRICULUM" SHALL MEAN A SERIES OF COURSES
14 PROGRAMMED TO CULMINATE IN A SPECIFIC POST-SECONDARY DEGREE OR DIPLOMA
15 WHEN SUCCESSFULLY COMPLETED.
16 C. "TUITION" SHALL MEAN THE TOTAL SEMESTER, QUARTER, OR CLASSROOM HOUR
17 COST OF INSTRUCTION TO THE STUDENT AS PERIODICALLY PUBLISHED IN THE

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

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1 CATALOGUE OF THE INSTITUTION, SPECIFICALLY EXCLUDING MANDATORY FEES,
2 BOOK CHARGES, AND ROOM AND BOARD.

3 D. "TUITION BENEFIT" SHALL MEAN THE PAYMENT OF WHATEVER COST IS
4 ATTRIBUTABLE TO THE COST OF TUITION AFTER THE DEDUCTION OF ANY OTHER
5 AVAILABLE EDUCATIONAL GRANT AID, INCLUDING THE ARMY CONTINUING EDUCATION
6 SYSTEM (ACES) (AR-621-5 17 NOVEMBER 1993) AND ANY SUCCESSOR ARMY REGU-
7 LATIONS, THAT COULD DEFRAY SUCH COST; HOWEVER, SPECIFICALLY EXCLUDING
8 THE FEDERAL MONTGOMERY GI BILL ACT.

9 E. "PART-TIME STUDY" SHALL MEAN ENROLLMENT IN AN APPROVED POST-SECON-
10 DARY DEGREE PROGRAM FOR AT LEAST SIX BUT LESS THAN TWELVE SEMESTER
11 HOURS, OR THE EQUIVALENT PER SEMESTER, OR AT LEAST FOUR BUT LESS THAN
12 EIGHT SEMESTER HOURS PER QUARTER IN AN INSTITUTION.

13 F. "INSTITUTION" SHALL MEAN ANY INSTITUTION OF HIGHER EDUCATION RECOG-
14 NIZED AND APPROVED BY THE REGENTS OR THE UNIVERSITY OF THE STATE OF NEW
15 YORK WHICH PROVIDES A COURSE OF STUDY LEADING TO THE GRANTING OF A
16 POST-SECONDARY DEGREE OR DIPLOMA.

17 G. "LEGAL RESIDENT" SHALL MEAN A PERSON WHOSE PRINCIPAL DOMICILE IS
18 LOCATED WITHIN NEW YORK STATE IN EXCESS OF ONE HUNDRED EIGHTY-SIX DAYS
19 PER YEAR AND HAS BEEN SO DOMICILED FOR NOT LESS THAN THE THREE PREVIOUS
20 YEARS; EXCEPTING ACTIVE FEDERAL MILITARY DUTY WHO WAS A RESIDENT OF THE
21 STATE AT THE TIME OF ENTRY INTO THE ARMED FORCES OF THE UNITED STATES
22 AND IS AN ACTIVE MEMBER OF THE RESERVE ARMED FORCES OF THE UNITED
23 STATES.

24 3. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER GENERAL, SPECIAL, OR
25 LOCAL LAW, RULE, OR REGULATION, ANY ACTIVE MEMBER WHO HAS SUCCESSFULLY
26 COMPLETED ADVANCED INDIVIDUAL TRAINING OR COMMISSIONING AND OTHER
27 REQUIREMENTS OF THE DIVISION OF MILITARY AND NAVAL AFFAIRS FOR TUITION
28 BENEFIT ELIGIBILITY SHALL BE ENTITLED TO THE TUITION BENEFIT PROVIDED BY
29 THIS SECTION UPON HIS OR HER ENROLLMENT IN A DEGREE PRODUCING CURRICULUM
30 IN ANY INSTITUTION.

31 4. UNLESS OTHERWISE PROVIDED FOR IN THIS SECTION, ELIGIBILITY FOR THE
32 TUITION BENEFIT PROVIDED BY THIS SECTION SHALL BE DETERMINED BY THE
33 EDUCATION SERVICES OFFICES OF THE DIVISION OF MILITARY AND NAVAL
34 AFFAIRS, WHICH SHALL ISSUE CERTIFICATES OF ELIGIBILITY AND PROMULGATE
35 SUCH ADMINISTRATIVE RULES AND PROCEDURES AS ARE NECESSARY TO IMPLEMENT
36 THE TUITION BENEFIT PROVIDED UNDER THIS SECTION. SUCH ADMINISTRATIVE
37 RULES AND PROCEDURES SHALL INCLUDE IN THE FACTORS FOR THE DETERMINATION
38 OF ELIGIBILITY FOR THE TUITION BENEFIT PROVIDED BY THIS SECTION THE
39 FULFILLMENT OF THE OBLIGATION AND COMMITMENTS FOR SERVICE IN THE RESERVE
40 ARMED FORCES OF THE UNITED STATES.

41 5. ANY ACTIVE MEMBER WHO CURRENTLY POSSESSES A BACCALAUREATE DEGREE OR
42 HIGHER IS INELIGIBLE FOR PARTICIPATION IN THE RECRUITMENT INCENTIVE
43 PROGRAM PROVIDED BY THIS SECTION.

44 6. THE TUITION BENEFIT PROVIDED BY THIS SECTION SHALL BE RESTRICTED TO
45 LEGAL RESIDENTS OF THE STATE. THE BENEFIT MAY BE USED FOR EITHER
46 PART-TIME OR FULL-TIME STUDY. NO RESTRICTION AS TO SESSIONS, STUDENT
47 STATUS, OR SPACE AVAILABILITY WHICH DOES NOT APPLY TO ALL STUDENTS SHALL
48 BE PLACED BY INSTITUTIONS UPON RECIPIENTS UNDER THIS PROGRAM.

49 7. UPON THE RECIPIENT'S ATTAINMENT OF A BACCALAUREATE DEGREE OR CESSA-
50 TION OF STATUS AS AN ACTIVE MEMBER, WHICHEVER OCCURS FIRST, THE BENEFIT
51 PROVIDED BY THIS SECTION SHALL BE DISCONTINUED. THE TUITION BENEFIT
52 PROVIDED BY THIS SECTION MAY BE SUSPENDED AT THE DIRECTION OF THE DIVI-
53 SION OF MILITARY AND NAVAL AFFAIRS FOR A RECIPIENT'S FAILURE TO MAINTAIN
54 GOOD MILITARY STANDING AS AN ACTIVE MEMBER, FOR THE FAILURE TO MAINTAIN
55 GOOD ACADEMIC PROGRESS AND PROGRAM PURSUIT, OR FOR THE FAILURE TO MAIN-

1 TAIN SUFFICIENT ACADEMIC STANDING TO RETAIN ELIGIBILITY FOR ANY OTHER
2 FINANCIAL ASSISTANCE THE RECIPIENT MAY BE RECEIVING.

3 8. UNLESS OTHERWISE PROVIDED FOR IN THIS SECTION, THE TUITION BENEFIT
4 SHALL BE ON THE TERMS AND CONDITIONS SET BY THE DIVISION OF MILITARY AND
5 NAVAL AFFAIRS, PROVIDED THAT ANY SUCH BENEFIT SHALL NOT EXCEED AN AMOUNT
6 EQUAL TO THE ACTUAL ANNUAL TUITION CHARGED TO THE RECIPIENT OR THE
7 TUITION CHARGED BY THE STATE UNIVERSITY OF NEW YORK, WHICHEVER IS LESS,
8 OFFSET BY ANY FINANCIAL ASSISTANCE AND ANY OTHER RESOURCES AVAILABLE
9 THROUGH THE NATIONAL GUARD OR THE DIVISION OF MILITARY AND NAVAL AFFAIRS
10 ON BEHALF OF THE RECIPIENT, INCLUDING THE ARMY CONTINUING EDUCATION
11 SYSTEM (ACES) (AR-621-5 17 NOVEMBER 1993) AND ANY SUCCESSOR ARMY REGU-
12 LATIONS, AND THE TOTAL OF ALL OTHER STATE, FEDERAL, OR OTHER EDUCATIONAL
13 GRANT AID THAT IS RECEIVED OR RECEIVABLE BY SUCH STUDENT DURING THE
14 SCHOOL YEAR FOR WHICH SUCH BENEFIT IS APPLICABLE. FOR THE PURPOSES OF
15 THIS SUBDIVISION, BENEFITS AVAILABLE UNDER THE FEDERAL MONTGOMERY GI
16 BILL ACT OF 1984 SHALL NOT BE CONSIDERED AS FEDERAL OR OTHER EDUCATIONAL
17 AID.

18 9. ANY ACTIVE MEMBER WHO IS ELIGIBLE FOR THE TUITION BENEFIT PROVIDED
19 BY THIS SECTION MUST APPLY FOR ALL OTHER AVAILABLE STATE, FEDERAL,
20 INCLUDING THE ARMY CONTINUING EDUCATION SYSTEM (ACES) (AR-621-5 17
21 NOVEMBER 1993) AND ANY SUCCESSOR ARMY REGULATIONS, OR OTHER EDUCATIONAL
22 GRANT AID AT TIME OF ENROLLMENT. THE DIVISION OF MILITARY AND NAVAL
23 AFFAIRS SHALL ACCESS ALL FINANCIAL ASSISTANCE AVAILABLE ON BEHALF OF ALL
24 SUCH ACTIVE MEMBERS. ANY GRANT AID OR FINANCIAL ASSISTANCE RECEIVED,
25 EXCLUDING THAT OF THE MONTGOMERY GI BILL ACT OF 1984, SHALL BE UTILIZED
26 TO OFFSET THE COST OF TUITION TO THE MAXIMUM EXTENT POSSIBLE, EXCEPT
27 THAT NOTHING SHALL REQUIRE THAT AID OR ASSISTANCE RECEIVED WHICH MAY BE
28 USED TOWARDS COSTS OTHER THAN THAT OF TUITION SHALL BE APPLIED TOWARD
29 THE COST OF TUITION.

30 10. THE TUITION BENEFIT PROVIDED BY THIS SECTION SHALL BE EFFECTIVE
31 BEGINNING WITH THE SCHOOL SEMESTER OR QUARTER FOLLOWING THE EFFECTIVE
32 DATE OF THIS SECTION.

33 S 2. Section 604 of the education law is amended by adding a new
34 subdivision 13 to read as follows:

35 13. TUITION AWARDS FOR ACTIVE MEMBERS OF THE RESERVE ARMED FORCES OF
36 THE UNITED STATES ENROLLED IN APPROVED POST-SECONDARY DEGREE PROGRAMS IN
37 DEGREE-GRANTING INSTITUTIONS.

38 S 3. The state finance law is amended by adding a new section 91-g to
39 read as follows:

40 S 91-G. TUITION AWARD ACCOUNT. 1. THERE IS HEREBY ESTABLISHED IN THE
41 JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION
42 AND FINANCE AN ACCOUNT IN THE MISCELLANEOUS SPECIAL REVENUE FUND TO BE
43 KNOWN AS THE TUITION AWARD ACCOUNT.

44 2. SUCH ACCOUNT SHALL CONSIST OF ALL REVENUES RECEIVED FROM CONTRIB-
45 UTIONS, DONATIONS AND ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO
46 FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

47 3. MONEYS OF THE ACCOUNT, FOLLOWING APPROPRIATION BY THE LEGISLATURE
48 MAY BE EXPENDED FOR THE TUITION AWARD PROGRAM FOR MEMBERS OF THE RESERVE
49 ARMED FORCES OF THE UNITED STATES. MONEYS SHALL BE PAID OUT OF THE
50 ACCOUNT ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS
51 CERTIFIED OR APPROVED BY THE ADJUTANT GENERAL OF NEW YORK STATE.

52 S 4. The division of military and naval affairs shall report on the
53 operation and subsequent effectiveness of the program created by this
54 act, one year after it shall have become a law and annually thereafter,
55 to the governor, temporary president of the senate and the speaker of
56 the assembly. Upon the expiration and repeal of the provisions of this

1 act, such division shall continue to make such report in any year in
2 which any person receives benefits under the provisions of this act.
3 S 5. This act shall take effect on the first of January next succeed-
4 ing the date on which it shall have become a law and shall expire and be
5 deemed repealed five years after such date; provided that any person who
6 has begun to receive the benefits of this act prior to its expiration
7 and repeal shall be entitled to continue to receive the benefits of this
8 act after its expiration and repeal until completion of a baccalaureate
9 degree or cessation of status as an active member, whichever occurs
10 first.