

# STATE OF NEW YORK

720--B

Cal. No. 878

2017-2018 Regular Sessions

## IN SENATE

January 4, 2017

Introduced by Sens. ORTT, GALLIVAN, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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-i  
2 to read as follows:

3 § 669-i. Tuition awards for members of the reserve armed forces of the  
4 United States. 1. The division of military and naval affairs is author-  
5 ized, 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 an award equal to the amount of under-  
4 graduate tuition for residents of New York state charged by the state  
5 university of New York or actual tuition charged, whichever is less, for  
6 each semester, or the equivalent, of full-time study, or a pro-rated  
7 amount for part-time study; provided, however, that such award shall not  
8 be reduced by any benefits available under the federal Montgomery GI  
9 Bill act of 1984 or the federal Pell grant program pursuant to section  
10 one thousand seventy-a of title twenty of the United States code.

11 e. "Part-time study" shall mean enrollment in an approved post-secon-  
12 dary degree program for at least three but less than twelve semester  
13 hours, or the equivalent per semester, in an approved undergraduate or  
14 graduate program.

15 f. "Institution" shall mean any institution of higher education recog-  
16 nized and approved by the regents or the university of the state of New  
17 York which provides a course of study leading to the granting of a post-  
18 secondary degree or diploma or an approved vocational training program.

19 g. "Legal resident" shall mean a person whose principal domicile is  
20 located within New York state in excess of one hundred eighty-six days  
21 per year and has been so domiciled for not less than the three previous  
22 years; excepting active federal military duty who was a resident of the  
23 state at the time of entry into the armed forces of the United States  
24 and is an active member of the reserve armed forces of the United  
25 States.

26 h. "Approved vocational training programs" means programs offered by  
27 agencies approved by the commissioner for funding pursuant to this  
28 section. The commissioner shall approve only such non-credit programs  
29 which are at least three hundred twenty clock hours in length, and which  
30 meet standards of instructional quality established in regulations by  
31 the commissioner. These standards shall include, but not be limited to,  
32 qualifications of administrative and instructional personnel, quality of  
33 facilities and equipment, recordkeeping, admission, grading, attendance,  
34 and record of placement of completers which meets standards of accepta-  
35 bility as established by the commissioner.

36 3. Notwithstanding the provisions of any other general, special, or  
37 local law, rule, or regulation, any active member who has successfully  
38 completed advanced individual training or commissioning and other  
39 requirements of the division of military and naval affairs for tuition  
40 benefit eligibility shall be entitled to the tuition benefit provided by  
41 this section upon his or her enrollment in a degree producing curriculum  
42 in any institution or an approved vocational training program.

43 4. Unless otherwise provided for in this section, eligibility for the  
44 tuition benefit provided by this section shall be determined by the  
45 education services offices of the division of military and naval  
46 affairs, which shall issue certificates of eligibility and promulgate  
47 such administrative rules and procedures as are necessary to implement  
48 the tuition benefit provided under this section. Such administrative  
49 rules and procedures shall include in the factors for the determination  
50 of eligibility for the tuition benefit provided by this section the  
51 fulfillment of the obligation and commitments for service in the reserve  
52 armed forces of the United States.

53 5. The tuition benefit provided by this section shall be restricted  
54 to legal residents of the state. The benefit may be used for either  
55 part-time or full-time study. No restriction as to sessions, student

1 status, or space availability which does not apply to all students shall  
2 be placed by institutions upon recipients under this program.

3 6. a. No recipient shall receive awards for more than eight semesters  
4 of full-time undergraduate study, or the equivalent of four academic  
5 years, or, if an undergraduate program normally requires five academic  
6 years of full-time study, for more than ten semesters of full-time  
7 study, or the equivalent of five academic years. Recipients enrolled in  
8 a program of remedial study conforming to the provisions of this arti-  
9 cle, approved by the commissioner in a degree granting institution, and  
10 intended to culminate in an undergraduate degree shall be considered as  
11 enrolled in a program normally requiring five years. No recipient  
12 enrolled in an approved vocational training program shall receive awards  
13 for more than four semesters of full-time study or the equivalent of two  
14 academic years of full-time study.

15 b. No recipient shall receive awards for more than sixteen semesters  
16 of part-time undergraduate study as defined in subdivision one of this  
17 section, or the equivalent of eight academic years of part-time study,  
18 or, if an undergraduate program normally requires five academic years of  
19 full-time study, for more than twenty semesters of part-time study, or  
20 the equivalent of ten academic years. Recipients enrolled in a program  
21 of remedial study conforming to the provisions of this chapter, approved  
22 by the commissioner in a degree granting institution, and intended to  
23 culminate in an undergraduate degree shall be considered as enrolled in  
24 a program normally requiring five years. No recipient enrolled in an  
25 approved vocational training program shall receive awards for more than  
26 eight semesters of part-time study or the equivalent of four academic  
27 years of part-time study.

28 c. No recipient shall receive awards for more than six semesters of  
29 full-time study, or the equivalent of three academic years, for graduate  
30 study. No recipient shall receive awards for more than twelve semesters  
31 of part-time graduate study as defined in subdivision one of this  
32 section, or the equivalent of six academic years of part-time graduate  
33 study.

34 7. Upon the recipient's cessation of status as an active member, the  
35 benefit provided by this section shall be discontinued. The tuition  
36 benefit provided by this section may be suspended at the direction of  
37 the division of military and naval affairs for a recipient's failure to  
38 maintain good military standing as an active member, for the failure to  
39 maintain good academic progress and program pursuit, or for the failure  
40 to maintain sufficient academic standing to retain eligibility for any  
41 other financial assistance the recipient may be receiving.

42 8. Unless otherwise provided for in this section, the tuition benefit  
43 shall be on the terms and conditions set by the division of military and  
44 naval affairs. For the purposes of this subdivision, benefits available  
45 under the federal Montgomery GI Bill act of 1984 shall not be considered  
46 as federal or other educational aid.

47 9. The tuition benefit provided by this section shall be effective  
48 beginning with the school semester or quarter following the effective  
49 date of this section.

50 § 2. Section 604 of the education law is amended by adding a new  
51 subdivision 13 to read as follows:

52 13. Tuition awards for active members of the reserve armed forces of  
53 the United States enrolled in approved post-secondary degree programs in  
54 degree-granting institutions.

55 § 3. The state finance law is amended by adding a new section 91-g to  
56 read as follows:

1     § 91-g. Tuition award account. 1. There is hereby established in the  
2     joint custody of the state comptroller and the commissioner of taxation  
3     and finance an account in the miscellaneous special revenue fund to be  
4     known as the tuition award account.

5     2. Such account shall consist of all revenues received from contrib-  
6     utions, donations and all other moneys credited or transferred thereto  
7     from any other fund or source pursuant to law.

8     3. Moneys of the account, following appropriation by the legislature  
9     may be expended for the tuition award program for members of the reserve  
10    armed forces of the United States. Moneys shall be paid out of the  
11    account on the audit and warrant of the state comptroller on vouchers  
12    certified or approved by the adjutant general of New York state.

13    § 4. The division of military and naval affairs shall report on the  
14    operation and subsequent effectiveness of the program created by this  
15    act, one year after it shall have become a law and annually thereafter,  
16    to the governor, temporary president of the senate and the speaker of  
17    the assembly. Upon the expiration and repeal of the provisions of this  
18    act, such division shall continue to make such report in any year in  
19    which any person receives benefits under the provisions of this act.

20    § 5. This act shall take effect on the first of January next succeed-  
21    ing the date on which it shall have become a law and shall expire and be  
22    deemed repealed five years after such date; provided that any person who  
23    has begun to receive the benefits of this act prior to its expiration  
24    and repeal shall be entitled to continue to receive the benefits of this  
25    act after its expiration and repeal until completion of a post-secondary  
26    degree or cessation of status as an active member, whichever occurs  
27    first.