

# STATE OF NEW YORK

6301

2019-2020 Regular Sessions

## IN ASSEMBLY

March 5, 2019

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the state finance law, in relation to providing a recruitment incentive and scholarship program for certain active members of New York volunteer fire departments

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-c  
2 to read as follows:

3 § 669-c. New York state volunteer firefighter recruitment incentive  
4 program scholarship. 1. Purpose. The New York state volunteer firefight-  
5 er recruitment incentive program scholarship (NY-VFR) is hereby estab-  
6 lished for the purpose of granting incentive scholarship awards to state  
7 residents who are active members of a local volunteer fire department.

8 2. Eligibility. A NY-VFR scholarship award shall be made to an appli-  
9 cant who:

10 (a) is a resident of the state of New York;

11 (b) is an active member of his or her local volunteer fire department;

12 (c) is matriculated in an approved program leading to an undergraduate  
13 degree at a New York state public institution of higher education; and

14 (d) is enrolled;

15 (i) for full-time study, in at least twelve credits per semester and  
16 completes at least thirty combined credits per year following the  
17 student's start date, or its equivalent, applicable to his or her  
18 program or programs of full-time study, except in limited circumstances  
19 as prescribed by the corporation in regulation; or

20 (ii) for part-time study, in at least six credits per semester and  
21 completes at least fifteen combined credits per year following the  
22 student's start date, or its equivalent, applicable to his or her  
23 program or programs of part-time study, except in limited circumstances  
24 as prescribed by the corporation in regulation.

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

LBD09973-01-9

1 (iii) Notwithstanding the provisions of subparagraphs (i) and (ii) of  
2 this paragraph, in the student's last semester, a full-time student may  
3 take at least one course needed to meet his or her graduation require-  
4 ments and enroll in and complete at least twelve credit hours or its  
5 equivalent and a part-time student may take at least one course needed  
6 to meet his or her graduation requirements and enroll in and complete at  
7 least six credit hours or its equivalent.

8 3. Amount. (a) Within amounts appropriated therefor and based on  
9 availability of funds, NY-VFR scholarship awards shall be granted begin-  
10 ning with the two thousand twenty--two thousand twenty-one academic year  
11 and thereafter to applicants that the corporation has determined are  
12 eligible to receive such awards.

13 (b) For full-time students, the corporation shall grant such awards in  
14 an amount up to five thousand five hundred dollars or actual tuition,  
15 whichever is less. For part-time students, the corporation shall grant  
16 such awards in an amount up to two thousand seven hundred fifty dollars  
17 or actual tuition, whichever is less. All awards are subject to the  
18 provisions of paragraph (c) of this subdivision.

19 (c) (i) A student who receives educational grants and/or scholarships  
20 that cover the student's full cost of attendance shall not be eligible  
21 for an award under this program.

22 (ii) An award under this program shall be applied to tuition after the  
23 application of payments received under the tuition assistance program  
24 pursuant to section six hundred sixty-seven of this subpart, tuition  
25 credits pursuant to section six hundred eighty-nine-a of this article,  
26 federal Pell grant pursuant to section one thousand seventy of title  
27 twenty of the United States code, et. seq., and any other program that  
28 covers the cost of attendance unless exclusively for non-tuition  
29 expenses, and the award under this program shall be reduced in the  
30 amount equal to such payments, provided that the combined benefits do  
31 not exceed five thousand five hundred dollars for full-time study or two  
32 thousand seven hundred fifty dollars for part-time study.

33 (d) Upon notification of an award under this program, the institution  
34 shall defer the corresponding amount of tuition. Notwithstanding para-  
35 graph h of subdivision two of section three hundred fifty-five and para-  
36 graph (a) of subdivision seven of section six thousand two hundred six  
37 of this chapter, and any other law, rule or regulation to the contrary,  
38 the undergraduate tuition charged by the institution to recipients of an  
39 award shall not exceed the tuition rate established by the institution  
40 for the two thousand twenty--two thousand twenty-one academic year  
41 provided, however, that in the two thousand twenty-five--two thousand  
42 twenty-six academic year and every four years thereafter, the undergrad-  
43 uate tuition charged by the institution to recipients of an award shall  
44 be reset to equal the tuition rate established by the institution for  
45 the forthcoming academic year, provided further that the tuition credit  
46 calculated pursuant to section six hundred eighty-nine-a of this article  
47 shall be applied toward the tuition rate charged for recipients of an  
48 award under this program. Provided further that the state university of  
49 New York and the city university of New York shall provide an additional  
50 tuition credit to students receiving an award to cover the remaining  
51 cost of tuition.

52 4. Duration. (a) An eligible recipient shall not receive an award for  
53 more than four academic years of full-time undergraduate study or five  
54 academic years if the program of study normally requires five years. An  
55 eligible recipient enrolled in an eligible two year program of study

1 shall not receive an award for more than two academic years of full-time  
2 academic study.

3 (b) An eligible recipient shall not receive an award for more than  
4 eight academic years of part-time undergraduate study or ten academic  
5 years if the program of study normally requires ten years to complete on  
6 a part-time basis. An eligible recipient enrolled in an eligible two  
7 year program of study shall not receive an award for more than four  
8 academic years of part-time undergraduate study.

9 (c) Notwithstanding the provisions of paragraphs (a) and (b) of this  
10 subdivision, such duration may be extended for an allowable interruption  
11 of study including, but not limited to, death of a family member,  
12 medical leave, military service, and parental leave, as established by  
13 the corporation in regulation.

14 5. Application. An applicant for NY-VFR scholarship award shall:

15 (a) complete the admissions process, be accepted into and matriculate  
16 in an approved program leading to an undergraduate degree at a New York  
17 state public institution of higher education;

18 (b) complete the membership process and be accepted into and join his  
19 or her local volunteer fire department;

20 (c) for each semester for which an award is sought, complete a NY-VFR  
21 Scholarship Award Volunteer Service Commitment Form, have such form  
22 signed by the chief of the volunteer fire department and submit such  
23 form to the corporation. Such form shall be in a form acceptable to the  
24 corporation and shall indicate the course of study the applicant is  
25 pursuing and whether the applicant is a full-time or part-time student;  
26 and

27 (d) execute an award conversion agreement, as described in subpara-  
28 graph (ii) of paragraph (e) of subdivision six of this section.

29 6. Conditions. (a) An applicant who would be eligible for a New York  
30 state tuition assistance program award pursuant to section six hundred  
31 sixty-seven of this subpart and/or a federal Pell grant pursuant to  
32 section one thousand seventy of title twenty of the United States code,  
33 et. seq., is required to apply for each such award.

34 (b) An applicant who has earned a bachelor's degree is ineligible to  
35 receive an award pursuant to this section.

36 (c) An applicant who has earned an associate's degree is ineligible to  
37 receive an award for a two year program of study pursuant to this  
38 section.

39 (d) Notwithstanding paragraph c of subdivision four of section six  
40 hundred sixty-one of this part, a school shall certify that a recipient  
41 has achieved a grade point average necessary for successful completion  
42 of his or her coursework to receive payment under the award.

43 (e) (i) A recipient shall agree to reside exclusively in New York  
44 state and provide a year of service to his or her local volunteer fire  
45 department for a continuous number of years equal to the duration of the  
46 award received. Such service will commence within six months of receipt  
47 of the recipient's final award payment; provided, however, that if the  
48 recipient has provided service to his or her local volunteer fire  
49 department as a full-time or part-time active member during all or a  
50 part of the period that he or she was receiving an award pursuant to  
51 this section, such service shall be credited toward the recipient's  
52 service requirement. For purposes of this subparagraph, two years of  
53 part-time service shall be the equivalent of one year of full-time  
54 service.

55 (ii) The service obligations described in this subdivision are  
56 required of each recipient of an award, regardless of whether such

1 recipient has completed his or her degree. A recipient shall sign a  
2 contract with the corporation to have his or her award, in full or in  
3 part, converted to a student loan according to a schedule to be deter-  
4 mined by the corporation if such student fails to fulfill his or her  
5 service requirement as described in subparagraph (i) of this paragraph.

6 (iii) The terms and conditions of this paragraph may, as established  
7 by the rules and regulations of the corporation, be deferred: (A) to  
8 complete undergraduate study; or (B) to attend graduate school on at  
9 least a half-time basis.

10 (iv) Any obligation to comply with the service requirement as outlined  
11 in this paragraph may be cancelled upon the death of the recipient.  
12 Notwithstanding any provisions of this paragraph to the contrary, the  
13 corporation is authorized to promulgate rules and regulations to provide  
14 for the waiver or suspension of any financial obligation or service  
15 requirement which would involve extreme hardship.

16 (f) A recipient shall be ineligible for additional awards if:

17 (i) such recipient who ceases to be an active member of his or her  
18 local volunteer fire department, unless such cessation is temporary and  
19 due to circumstances beyond his or her control as determined by the  
20 corporation;

21 (ii) such recipient who fails to meet acceptable volunteer activity  
22 levels as determined by his or her local volunteer fire department;

23 (iii) such recipient who quits or forfeits membership in or is termi-  
24 nated or expelled from his or her volunteer fire department.

25 7. Recipient selection. The president may establish: (a) an applica-  
26 tion deadline and (b) a method of selecting recipients if in any given  
27 year there are insufficient funds to cover the needs of all the appli-  
28 cants provided that priority shall be given to eligible applicants who  
29 are currently in attendance at a public institution of higher education.

30 8. Rules and regulations. The corporation is authorized to promulgate  
31 rules and regulations, and may promulgate emergency regulations, neces-  
32 sary for the implementation of the provisions of this section including,  
33 but not limited to, the criteria for distributing the awards, which may  
34 include a lottery or other form of random selection.

35 9. Definitions. As used in this section:

36 (a) "Active member" shall mean a member of a volunteer fire department  
37 who:

38 (i) meets his or her local volunteer fire department's membership  
39 requirements;

40 (ii) has been accepted into his or her local volunteer fire depart-  
41 ment; and

42 (iii) fulfills the established service requirements of his or her  
43 local volunteer fire department.

44 (b) "Volunteer fire department" means a volunteer fire department,  
45 volunteer fire company or volunteer fire district that is a member of  
46 the Fireman's Association of the State of New York.

47 (c) "Chief of the fire department" means any person serving in the  
48 highest operations or administrative capacity in a volunteer fire  
49 department.

50 (e) "Part-time study" means enrollment in an approved post-secondary  
51 degree program for at least six but less than twelve semester hours.

52 (f) "Resident" means a person whose principal domicile is located  
53 within New York state in excess of one hundred eighty-six days per year.

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

1 13. A New York state volunteer firefighter recruitment incentive  
2 program scholarship pursuant to section six hundred sixty-nine-c of this  
3 title.

4 § 3. The state finance law is amended by adding a new section 91-e to  
5 read as follows:

6 § 91-e. New York state volunteer firefighter recruitment incentive  
7 program scholarship fund. 1. There is hereby established in the joint  
8 custody of the state comptroller and the commissioner of taxation and  
9 finance an account in the miscellaneous special revenue fund to be known  
10 as the New York state volunteer firefighter recruitment incentive  
11 program scholarship fund.

12 2. Such fund shall consist of all revenues received from contrib-  
13 utions, donations and all other moneys appropriated, credited or trans-  
14 ferred thereto from any other fund or source pursuant to law.

15 3. Moneys of the fund, following appropriation by the legislature may  
16 be expended for the New York state volunteer firefighter recruitment  
17 incentive program scholarship program established pursuant to section  
18 six hundred sixty-nine-c of the education law. Moneys shall be paid out  
19 of the fund on the audit and warrant of the state comptroller on vouch-  
20 ers certified or approved by the commissioner of education.

21 § 4. The commissioner of education shall report on the operation and  
22 subsequent effectiveness of the program created by this act, one year  
23 after it shall have become a law and annually thereafter, to the gover-  
24 nor, temporary president of the senate, the speaker of the assembly, the  
25 minority leader of the senate and the minority leader of the assembly.

26 § 5. This act shall take effect January 1, 2020.