STATE OF NEW YORK

10186

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Chang) -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the education law, in relation to recruitment incentive and retention program for members of the New York state organized militia; to repeal certain provisions of such law relating thereto; and to amend chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 669-b of the education law, as added by chapter 268 of the laws of 1996, is amended to read as follows:

2. Definitions as used in this section:

a. The term "active member" shall mean a member of a federally recognized unit of the New York army national guard, New York air national guard, [~~or~~] New York naval militia**, or New York guard** who meets the minimum requirements for satisfactory active membership as set forth in the regulations of the United States departments of the army, navy and air force, as applicable, and the New York state division of military and naval affairs.

b. The term "degree producing curriculum" shall mean a series of courses programmed to culminate in a specific post-secondary **or post-graduate** degree or diploma when successfully completed.

c. The term "tuition" shall mean the total semester, quarter, or classroom hour cost of instruction to the student as periodically published in the catalogue of the institution, specifically excluding mandatory fees, book charges, and room and board.

d. The term "tuition benefit" shall mean the payment of whatever cost is attributable to the cost of tuition after the deduction of any other available educational grant aid, including the Army Continuing Education System (ACES) (AR-621-5 17 November 1993) and any successor Army regu-

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

LBD15422-01-4

lations, that could defray such cost; however, specifically excluding the federal Montgomery GI Bill.

e. The term "part-time study" shall mean enrollment in an approved post-secondary **or post-graduate** degree program for at least six but less than twelve semester hours, or the equivalent per semester, or at least four but less than eight semester hours per quarter in an institution.

f. The term "institution" shall mean any institution of higher education recognized and approved by the regents or the university of the state of New York which provides a course of study leading to the granting of a post-secondary **or post-graduate** degree or diploma.

g. The term "legal resident" shall mean a person whose principal domicile is located within New York state in excess of one hundred eighty-six days per year; excepting active federal military duty.

§ 2. Subdivision 4 of section 669-b of the education law, as amended by chapter 268 of the laws of 1996, is amended to read as follows:

4. Unless otherwise provided for in this section, eligibility for the tuition benefit provided by this section shall be determined by the education services offices of the division of military and naval affairs, which shall issue certificates of eligibility and promulgate such administrative rules and procedures as are necessary to implement the tuition benefit provided under this section. Such administrative rules and procedures shall include in the factors for the determination of eligibility for the tuition benefit provided by this section the fulfillment of the contractual obligation and commitments for service in the New York army national guard, New York air national guard [~~and~~], New York naval militia **and New York guard**.

§ 3. Subdivision 5 of section 669-b of the education law is REPEALED.

§ 4. Section 5 of chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, as amended by section 1 of part P of chapter 55 of the laws of 2021, is amended to read as follows:

§ 5. This act shall take effect January 1, 1997 and shall expire and be deemed repealed September 1, [~~2026~~] **2031**; provided that any person who has begun to receive the benefits of this act prior to its expiration and repeal shall be entitled to continue to receive the benefits of this act after its expiration and repeal until completion of a baccalaureate degree or cessation of status as an active member, whichever occurs first.

§ 5. This act shall take effect immediately; provided that the amendments to section 669-b of the education law made by sections one and two of this act shall be subject to the repeal of such section and shall be deemed repealed therewith.