

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:

- 1 Section 1. Subdivision 2 of section 669-b of the education law, as
2 added by chapter 268 of the laws of 1996, is amended to read as follows:
3 2. Definitions as used in this section:
4 a. The term "active member" shall mean a member of a federally recog-
5 nized unit of the New York army national guard, New York air national
6 guard, ~~[or]~~ New York naval militia, or New York guard who meets the
7 minimum requirements for satisfactory active membership as set forth in
8 the regulations of the United States departments of the army, navy and
9 air force, as applicable, and the New York state division of military
10 and naval affairs.
11 b. The term "degree producing curriculum" shall mean a series of
12 courses programmed to culminate in a specific post-secondary or post-
13 graduate degree or diploma when successfully completed.
14 c. The term "tuition" shall mean the total semester, quarter, or
15 classroom hour cost of instruction to the student as periodically
16 published in the catalogue of the institution, specifically excluding
17 mandatory fees, book charges, and room and board.
18 d. The term "tuition benefit" shall mean the payment of whatever cost
19 is attributable to the cost of tuition after the deduction of any other
20 available educational grant aid, including the Army Continuing Education
21 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.

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

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

7 f. The term "institution" shall mean any institution of higher educa-
8 tion recognized and approved by the regents or the university of the
9 state of New York which provides a course of study leading to the grant-
10 ing of a post-secondary or post-graduate degree or diploma.

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

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

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

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

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

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

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