

STATE OF NEW YORK

2119

2023-2024 Regular Sessions

IN SENATE

January 18, 2023

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the education law, in relation to expanding the veterans tuition awards program to allow the transfer of unused benefits to a spouse, survivor or child

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

1 Section 1. This act shall be known and may be cited as the "Veteran
2 Family Educational Attainment Act".

3 § 2. Subdivision 1 of section 669-a of the education law is amended
4 by adding five new paragraphs g, h, i, j, and k to read as follows:

5 g. "Immediate family" means a spouse, child or survivor of a quali-
6 fied veteran.

7 h. "Qualified veteran" means a veteran who would be eligible to
8 receive tuition awards if he or she satisfied the enrollment and appli-
9 cation requirements set forth in paragraph a of subdivision two of
10 this section.

11 i. "Spouse" or "domestic partner" means: (i) a person who is a resi-
12 dent of this state, and (ii) a person who has a legal relationship with
13 a qualified veteran permitted under the laws of this state and the city
14 of New York for couples who have a close and committed personal
15 relationship or a person who has a legal marriage with a qualified
16 veteran permitted under the laws of the state and city of New York, and
17 (iii) whose qualified veteran has not elected to utilize his or her
18 benefit.

19 j. "Survivor" means: (i) a person who is a resident of this state,
20 (ii) married to a qualified veteran who died as a result of military
21 service, (iii) married the qualified veteran within fifteen years of
22 discharge from his or her military service in which the cause of death,
23 disease or injury started or was aggravated, or was married to the

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

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1 veteran for at least one year, or had a child with the qualified veteran
2 and lived together with the veteran continuously until the veteran's
3 death or, if separated, was not at fault for the separation, and (iv)
4 whose qualified veteran has not elected to utilize his or her benefit.

5 k. "Child" means: (i) a person who is a resident of this state, (ii) a
6 biological, adopted, foster offspring, stepson or stepdaughter, legal
7 ward, offspring of a domestic partner, or the person to whom the quali-
8 fied veteran stands in loco parentis, and (iii) whose qualified veteran
9 has not elected to utilize his or her benefit.

10 § 3. Section 669-a of the education law is amended by adding a new
11 subdivision 5 to read as follows:

12 5. a. A qualified veteran who would be eligible to receive tuition
13 awards if he or she satisfied the enrollment and application require-
14 ments set forth in paragraph a of subdivision two of this section, may
15 elect to transfer all or a portion of the tuition award such veteran
16 would have received to any one or more of such veteran's immediate fami-
17 ly members.

18 b. A veteran who elects to transfer his or her award shall designate
19 the eligible immediate family member or members to whom such award is
20 being transferred and the number of months such transfer shall be effec-
21 tive for each such dependent. Such designation shall be made on a form
22 prescribed by the commissioner, shall be appended to the application
23 specified in subdivision two of this section, and the commissioner shall
24 make the form and relevant information of this section available on the
25 corporation's website.

26 c. No eligible immediate family member to whom a transfer has been
27 made pursuant to this subdivision shall receive a tuition award in
28 excess of the award available to an individual veteran under this
29 section.

30 § 4. This act shall take effect on the thirtieth day after it shall
31 have become a law. Effective immediately, the addition, amendment
32 and/or repeal of any rule or regulation necessary for the implementation
33 of this act on its effective date are authorized to be made and
34 completed on or before such effective date.