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:

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

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

g. "Immediate family" means a spouse, child or survivor of a qualified veteran.

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

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

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

LBD01348-01-3

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

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

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

5. a. A qualified veteran who would be eligible to receive tuition awards if he or she satisfied the enrollment and application requirements set forth in paragraph a of subdivision two of this section, may elect to transfer all or a portion of the tuition award such veteran would have received to any one or more of such veteran's immediate family members.

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

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

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