

# STATE OF NEW YORK

2119--A

Cal. No. 1381

2023-2024 Regular Sessions

## IN SENATE

January 18, 2023

Introduced by Sens. BAILEY, ADDABBO, ASHBY, COONEY, HELMING, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- recommitted to the Committee on Veterans, Homeland Security and Military Affairs in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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 three new paragraphs g, h, and i to read as follows:

5 g. "Eligible immediate family" means a person who is the spouse, child  
6 or survivor of a qualified veteran, and who resides in this state.

7 h. "Qualified veteran" means a veteran who would be eligible to  
8 receive a tuition award if such veteran satisfied the enrollment and  
9 application requirements set forth in paragraph a of subdivision two  
10 of this section.

11 i. "Survivor" means a person who: (i) was married to a qualified  
12 veteran who died as a result of military service; or (ii) was married to  
13 the qualified veteran within fifteen years of their discharge from mili-  
14 tary service in which the cause of death, disease or injury started or  
15 was aggravated; or (iii) was married to the veteran for at least one  
16 year; or (iv) had a child with the qualified veteran and lived together

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

LBD01348-03-4

1 with the veteran continuously until the veteran's death or, if sepa-  
2 rated, was not at fault for the separation.

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

5 5. a. A qualified veteran who would be eligible to receive a tuition  
6 award if such veteran satisfied the enrollment and application require-  
7 ments set forth in paragraph a of subdivision two of this section, but  
8 has not utilized such tuition award, may elect to transfer all or a  
9 portion of the tuition award to an eligible immediate family member or  
10 members.

11 b. A qualified veteran who elects to transfer their award shall desig-  
12 nate the eligible immediate family member or members to whom such award  
13 is being transferred, including the number of semesters. Such desig-  
14 nation shall be made on a form prescribed by the president, shall be  
15 appended to the application specified in subdivision two of this  
16 section, and the president shall make the form and relevant information  
17 of this section available on the corporation's website.

18 c. A child to whom a tuition award is transferred under this subdivi-  
19 sion shall be under twenty-six years of age. Such child shall not  
20 commence the use of a tuition award transferred under this subdivision  
21 unless the qualified veteran has served in the armed forces of the  
22 United States for at least ten years, except where such qualified veter-  
23 an did not complete such service requirement due to:

24 (i) the qualified veteran's death;

25 (ii) discharge or release for a medical condition that pre-existed  
26 service;

27 (iii) discharge or release for hardship;

28 (iv) discharge or release for a physical or mental condition, not a  
29 disability, that did not result from their willful misconduct but did  
30 interfere with their performance of duty;

31 (v) discharge for a disability;

32 (vi) discharge for a reduction in force; or

33 (vii) involuntary force shaping.

34 d. The tuition award transfers designated by a qualified veteran  
35 pursuant to this subdivision shall not exceed the award available to  
36 such veteran under this section.

37 § 4. This act shall take effect on the one hundred eightieth day after  
38 it shall have become a law. Effective immediately, the addition, amend-  
39 ment and/or repeal of any rule or regulation necessary for the implemen-  
40 tation of this act on its effective date are authorized to be made and  
41 completed on or before such effective date.