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:

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

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

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

i. "Survivor" means a person who: (i) was married to a qualified veteran who died as a result of military service; or (ii) was married to the qualified veteran within fifteen years of their discharge from military service in which the cause of death, disease or injury started or was aggravated; or (iii) was married to the veteran for at least one 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.

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with the veteran continuously until the veteran's death or, if separated, was not at fault for the separation.

§ 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 a tuition award if such veteran satisfied the enrollment and application requirements set forth in paragraph a of subdivision two of this section, but has not utilized such tuition award, may elect to transfer all or a portion of the tuition award to an eligible immediate family member or members.

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

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

(i) the qualified veteran's death;

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

(iii) discharge or release for hardship;

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

(v) discharge for a disability;

(vi) discharge for a reduction in force; or

(vii) involuntary force shaping.

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

§ 4. This act shall take effect on the one hundred eightieth 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.