

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS RATH, LORIGO, DIXON & MILLS**

**Support for Bipartisan NYS Legislation to Provide Free College Tuition to Family Members of New York State Military Personnel Who Lost Their Lives Performing Their Military Duties**

WHEREAS, proposed legislation in the NYS Assembly and Senate would amend the education law to provide college scholarships for surviving dependent family members of New York state military personnel who have died while performing official military duties; and

WHEREAS, eligibility for assistance would require the surviving dependent family members to attend a SUNY or CUNY institution; and

WHEREAS, the student would receive free tuition, and room and board through a "MERIT" scholarship; and

WHEREAS, the State Assembly's Higher Education Committee voted on April 9, 2019 to hold the bill, effectively barring the bill from advancing in committee; and

WHEREAS, Assemblywoman Deborah Glick, chair of the Assembly Higher Education Committee, has called the bill an "entitlement," and said it would cost hundreds of thousands in tax dollars; and

WHEREAS, the state legislature earlier this month approved a state budget that included \$27 million to provide college tuition aid for the children of undocumented individuals (DREAM Act); and

WHEREAS, the number of eligible family members entitled for the proposed assistance might be several hundred, which would be substantially less costly than state aid provided for by the DREAM Act; and

WHEREAS, Governor Andrew Cuomo, in Buffalo on April 10, 2019, voiced his support for the proposed legislation, saying "I would support providing free SUNY tuition to the children of those people who were lost in service to the military... The legislature is not going anywhere so we can pass that law, and I would support it."

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body supports proposed New York State legislation A02991 and S00193 to provide for free tuition expenses for SUNY or CUNY institutions to surviving dependent family members of NYS military personnel who have died while performing their duties; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation of the NYS Senate and Assembly, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, and any other party deemed necessary and proper.

Fiscal Impact: None for this resolution

AN ACT to amend the education law, in relation to providing scholarships for surviving dependent family members of New York state military personnel who have died while performing official military duties

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

1 Section 1. Section 668-e of the education law, as added by chapter 106  
2 of the laws of 2003, is amended to read as follows:  
3 § 668-e. Military enhanced recognition, incentive and tribute  
4 ("MERIT") scholarships. 1. Eligible persons. a. Notwithstanding subdivi-  
5 sions three and five of section six hundred sixty-one of this ~~[title]~~  
6 ~~part~~, children, spouses and financial dependents of a member of the  
7 armed forces of the United States or state organized militia who at any  
8 time on or after the second day of August, nineteen hundred ninety,  
9 while in service in the armed forces of the United States, as defined by  
10 subdivision eight of section one of the military law or in a force of  
11 the state organized militia, as defined in subdivision nine of section  
12 one of the military law: (i) while a legal resident of New York state,  
13 died, became severely and permanently disabled or was classified as  
14 missing in action ~~[in a combat theater or combat zone of operations as~~  
15 ~~part of military operations, or died as a result of injury or illness~~  
16 ~~suffered or incurred during such military service]~~ in the performance of  
17 his or her official duties; or (ii) while a legal resident of New York  
18 state, died or became severely and permanently disabled as a result of  
19 injury or illness suffered or incurred during military training oper-  
20 ations in preparation for duty in a combat theater or combat zone of  
21 operations.

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1 b. A member of the armed forces of the United States who: (i) became  
2 severely and permanently disabled as a result of service in the armed  
3 forces of the United States, as defined by subdivision eight of section  
4 one of the military law, ~~[in a combat theater or combat zone of oper-~~  
5 ~~ations]~~ in the performance of his or her official duties as part of  
6 military operations at any time on or after the second day of August,  
7 nineteen hundred ninety; and (ii) was a legal resident of New York state  
8 at the time of military service.  
9 c. A member of the armed forces of the United States who: (i) became  
10 severely and permanently disabled as a result of injury or illness  
11 suffered or incurred during military training operations ~~[in preparation~~  
12 ~~for duty in a combat theater or combat zone of operations]~~ in the  
13 performance of his or her official duties; and (ii) was a legal resident  
14 of New York state at the time of military service.  
15 d. A member of the state organized militia who: (i) became severely  
16 and permanently disabled as a result of injury or illness suffered or  
17 incurred during active military service, as defined in subdivision six  
18 of section one of the military law related to duty ~~[in a combat theater~~  
19 ~~or combat zone of operations]~~ in the performance of his or her official  
20 duties; and (ii) was a legal resident of New York state at the time of  
21 active military service.  
22 2. Amount. The president shall grant annual scholarships in amounts  
23 determined in accordance with subdivisions two and three of section six  
24 hundred sixty-eight-d of this part.  
25 § 2. This act shall take effect immediately.

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