

18A:62-24

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 11

NJSA: 18A:62-24 (Extends eligibility for higher education tuition assistance to certain former members of New Jersey National Guard and increases number of tuition-free credits available to National Guard members and their dependents)

BILL NO: A2542 (Substituted for S1550)

SPONSOR(S) Thompson and Others

DATE INTRODUCED: February 23, 2006

COMMITTEE: **ASSEMBLY:** Military and Veterans' Affairs

SENATE: Law and Public Safety and Veterans' Affairs;
Budget and Appropriations

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** March 16, 2006

SENATE: December 11, 2006

DATE OF APPROVAL: January 24, 2007

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

A2542

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: Yes [5-11-2006 \(L & PS\)](#)
[11-27-2006 \(Budget\)](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

S1550

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes [5-11-2006 L & PS](#)
[11-27-2006 \(Budget\)](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Guard members can keep benefit," 1-25-07, Asbury Park Press, p. A3

RWH 3/27/08

P.L. 2007, CHAPTER 11, *approved January 24, 2007*
Assembly, No. 2542

1 AN ACT concerning higher education tuition assistance for New
2 Jersey National Guard members and dependents and amending
3 P.L.1999, c.46.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 21 of P.L.1999, c.46 (C:18A:62-24) is amended to
9 read as follows:

10 21. a. Any member of the New Jersey National Guard shall be
11 permitted to attend regularly-scheduled courses at any public
12 institution of higher education in this State enumerated in
13 N.J.S.18A:62-1 and receive up to ~~15~~16 credits per semester
14 tuition-free provided that:

15 (1) the member has completed Initial Active Duty Training and,
16 except as otherwise provided pursuant to subsection c. of this
17 section, is in good standing as an active member of the New Jersey
18 National Guard;

19 (2) the member has been accepted to pursue a course of
20 undergraduate study and is enrolled as an undergraduate student in
21 good standing at that institution or a course of graduate study and is
22 enrolled as a graduate student in good standing at that institution;
23 and

24 (3) the member has applied for all available State student grants
25 and scholarships and all available federal student grants and
26 scholarships for which the member is eligible.

27 b. The State shall reimburse a public institution of higher
28 education for the tuition cost of each National Guard member who
29 enrolls in the institution pursuant to the provisions of this section.

30 c. Any member of the New Jersey National Guard whose
31 enrollment in a public institution of higher education on a tuition-
32 free basis pursuant to subsection a. of this section is interrupted by a
33 deployment to active duty shall be permitted to receive the free
34 tuition benefit after discharge from service under conditions other
35 than dishonorable. In the event of a non-medical discharge or a
36 medical discharge that is not caused by an illness or injury related
37 to the performance of duties for the National Guard, eligibility for
38 the free tuition benefit shall begin from the date of discharge and
39 shall continue for one semester or a period of time equal to the
40 length of the deployment, whichever is longer. In the event of
41 medical discharge or medical retirement as a result of illness or
42 injury incurred in the combat theater, as a result of terrorist action,
43 or in the response to a natural disaster, eligibility for the free tuition
44 benefit shall begin from the date of discharge or retirement and

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 shall continue until completion of the degree program in which
2 enrolled or for five years, whichever occurs first.

3 (cf: P.L.2001, c.427, s.1)

4

5 2. Section 22 of P.L.1999, c.46 (C.18A:62-25) is amended to
6 read as follows:

7 22. Any child or surviving spouse of a member of the New
8 Jersey National Guard who heretofore completed Initial Active
9 Duty Training and was killed in the performance of his duties while
10 on active duty with the New Jersey National Guard, or who
11 hereafter completes Initial Active Duty Training and is killed in the
12 performance of his duties while a member of the New Jersey
13 National Guard, shall be permitted to attend regularly-scheduled
14 courses at any public institution of higher education in this State
15 enumerated in N.J.S.18A:62-1 and receive up to ~~15~~16 credits per
16 semester tuition-free provided that:

17 a. the child or spouse has been accepted to pursue a course of
18 undergraduate study and is enrolled as an undergraduate student in
19 good standing at that institution or a course of graduate study and is
20 enrolled as a graduate student in good standing at that institution;

21 b. the child or spouse has applied for all available State student
22 grants and scholarships and all available federal student grants and
23 scholarships for which the child or spouse is eligible; and

24 c. available classroom space permits and tuition-paying
25 students constitute the minimum number required for the course.

26 (cf: P.L.2001, c.9, s.2)

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28 3. This act shall take effect immediately.

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STATEMENT

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33 Under current law, active members of the New Jersey National
34 Guard may receive up to 15 credits per semester tuition free from
35 public institutions of higher education in the State. Similarly, the
36 child or surviving spouse of a National Guard member killed in the
37 performance of his duties may also receive this benefit.

38 This bill amends the current law to increase the number of
39 credits available under this benefit from 15 credits per semester to
40 16 credits per semester. This bill also extends eligibility for this
41 higher education tuition benefit to certain former members of the
42 New Jersey National Guard. Under this bill, certain members of the
43 New Jersey National Guard whose use of the free tuition benefit is
44 interrupted by a deployment to active duty may be permitted to
45 receive the benefit after discharge from service, provided that the
46 discharge is under a condition other than dishonorable. In the event
47 of a non-medical discharge or a medical discharge that is not caused
48 by an illness or injury related to the performance of duties for the

1 National Guard, eligibility for the free tuition benefit will begin
2 from the date of discharge and will continue for one semester or a
3 period of time equal to the length of the deployment, whichever is
4 longer. In the event of medical discharge or medical retirement as a
5 result of illness or injury incurred in the combat theater, as a result
6 of terrorist action, or in the response to a natural disaster, eligibility
7 for the free tuition benefit will begin from the date of discharge or
8 retirement and will continue until completion of the degree program
9 in which enrolled or for five years, whichever occurs first.

10 One of the great benefits of the National Guard is the higher
11 education tuition assistance that is available to its members.
12 However, many Guard members miss out on this opportunity when
13 called upon to serve active duty. A Guard member who begins an
14 education program that could ordinarily be completed over the
15 course of his enlistment must postpone his studies when called upon
16 for deployment. After his return, the member may not have enough
17 time remaining in his enlistment period during which to complete
18 the education program. A Guard member who postpones his studies
19 for deployment and then receives a medical discharge is no longer
20 an active member of the New Jersey National Guard and is
21 therefore not eligible for the tuition benefit available under the law.
22 This bill amends the law so that a Guard member who honorably
23 serves his country while on deployment is able to take full
24 advantage of this valuable and deserved education benefit when he
25 returns from service.

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30 Extends eligibility for higher education tuition assistance to
31 certain former members of New Jersey National Guard and
32 increases number of tuition-free credits available to National Guard
33 members and their dependents.

ASSEMBLY, No. 2542

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 23, 2006

Sponsored by:

Assemblyman SAMUEL D. THOMPSON

District 13 (Middlesex and Monmouth)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Assemblyman JIM WHELAN

District 2 (Atlantic)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblyman CRAIG A. STANLEY

District 28 (Essex)

Co-Sponsored by:

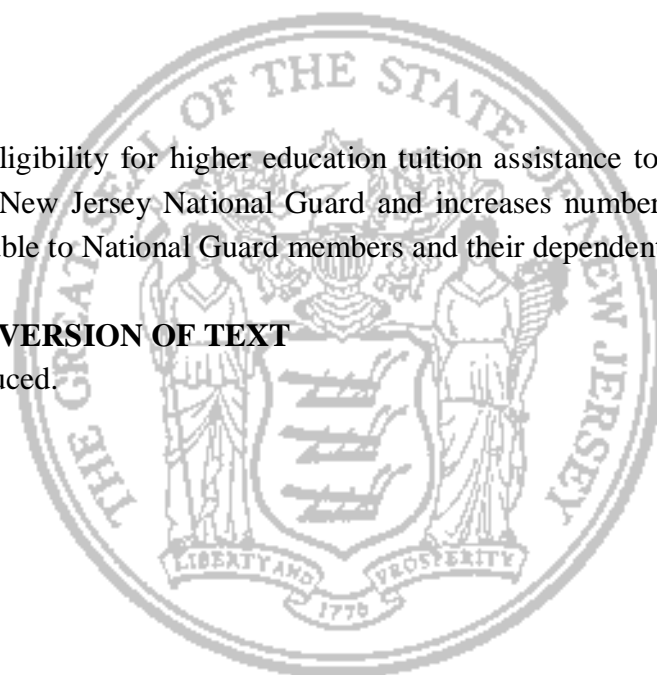
**Assemblywoman Handlin, Assemblymen O'Toole, Chatzidakis, Chivukula,
Senators Girgenti, Kyriillos, Bucco, Inverso, Sacco, Sarlo, Buono and Allen**

SYNOPSIS

Extends eligibility for higher education tuition assistance to certain former members of New Jersey National Guard and increases number of tuition-free credits available to National Guard members and their dependents.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2006)

A2542 THOMPSON, CONNERS

2

1 AN ACT concerning higher education tuition assistance for New
2 Jersey National Guard members and dependents and amending
3 P.L.1999, c.46.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Section 21 of P.L.1999, c.46 (C:18A:62-24) is amended to
9 read as follows:

10 21. a. Any member of the New Jersey National Guard shall be
11 permitted to attend regularly-scheduled courses at any public
12 institution of higher education in this State enumerated in
13 N.J.S.18A:62-1 and receive up to ~~15~~16 credits per semester
14 tuition-free provided that:

15 (1) the member has completed Initial Active Duty Training and,
16 except as otherwise provided pursuant to subsection c. of this
17 section, is in good standing as an active member of the New Jersey
18 National Guard;

19 (2) the member has been accepted to pursue a course of
20 undergraduate study and is enrolled as an undergraduate student in
21 good standing at that institution or a course of graduate study and is
22 enrolled as a graduate student in good standing at that institution;
23 and

24 (3) the member has applied for all available State student grants
25 and scholarships and all available federal student grants and
26 scholarships for which the member is eligible.

27 b. The State shall reimburse a public institution of higher
28 education for the tuition cost of each National Guard member who
29 enrolls in the institution pursuant to the provisions of this section.

30 c. Any member of the New Jersey National Guard whose
31 enrollment in a public institution of higher education on a tuition-
32 free basis pursuant to subsection a. of this section is interrupted by a
33 deployment to active duty shall be permitted to receive the free
34 tuition benefit after discharge from service under conditions other
35 than dishonorable. In the event of a non-medical discharge or a
36 medical discharge that is not caused by an illness or injury related
37 to the performance of duties for the National Guard, eligibility for
38 the free tuition benefit shall begin from the date of discharge and
39 shall continue for one semester or a period of time equal to the
40 length of the deployment, whichever is longer. In the event of
41 medical discharge or medical retirement as a result of illness or
42 injury incurred in the combat theater, as a result of terrorist action,
43 or in the response to a natural disaster, eligibility for the free tuition
44 benefit shall begin from the date of discharge or retirement and

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 shall continue until completion of the degree program in which
2 enrolled or for five years, whichever occurs first.

3 (cf: P.L.2001, c.427, s.1)

4

5 2. Section 22 of P.L.1999, c.46 (C.18A:62-25) is amended to
6 read as follows:

7 22. Any child or surviving spouse of a member of the New
8 Jersey National Guard who heretofore completed Initial Active
9 Duty Training and was killed in the performance of his duties while
10 on active duty with the New Jersey National Guard, or who
11 hereafter completes Initial Active Duty Training and is killed in the
12 performance of his duties while a member of the New Jersey
13 National Guard, shall be permitted to attend regularly-scheduled
14 courses at any public institution of higher education in this State
15 enumerated in N.J.S.18A:62-1 and receive up to ~~15~~16 credits per
16 semester tuition-free provided that:

17 a. the child or spouse has been accepted to pursue a course of
18 undergraduate study and is enrolled as an undergraduate student in
19 good standing at that institution or a course of graduate study and is
20 enrolled as a graduate student in good standing at that institution;

21 b. the child or spouse has applied for all available State student
22 grants and scholarships and all available federal student grants and
23 scholarships for which the child or spouse is eligible; and

24 c. available classroom space permits and tuition-paying
25 students constitute the minimum number required for the course.

26 (cf: P.L.2001, c.9, s.2)

27

28 3. This act shall take effect immediately.

29

30

31

STATEMENT

32

33 Under current law, active members of the New Jersey National
34 Guard may receive up to 15 credits per semester tuition free from
35 public institutions of higher education in the State. Similarly, the
36 child or surviving spouse of a National Guard member killed in the
37 performance of his duties may also receive this benefit.

38 This bill amends the current law to increase the number of
39 credits available under this benefit from 15 credits per semester to
40 16 credits per semester. This bill also extends eligibility for this
41 higher education tuition benefit to certain former members of the
42 New Jersey National Guard. Under this bill, certain members of the
43 New Jersey National Guard whose use of the free tuition benefit is
44 interrupted by a deployment to active duty may be permitted to
45 receive the benefit after discharge from service, provided that the
46 discharge is under a condition other than dishonorable. In the event
47 of a non-medical discharge or a medical discharge that is not caused
48 by an illness or injury related to the performance of duties for the

A2542 THOMPSON, CONNERS

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1 National Guard, eligibility for the free tuition benefit will begin
2 from the date of discharge and will continue for one semester or a
3 period of time equal to the length of the deployment, whichever is
4 longer. In the event of medical discharge or medical retirement as a
5 result of illness or injury incurred in the combat theater, as a result
6 of terrorist action, or in the response to a natural disaster, eligibility
7 for the free tuition benefit will begin from the date of discharge or
8 retirement and will continue until completion of the degree program
9 in which enrolled or for five years, whichever occurs first.

10 One of the great benefits of the National Guard is the higher
11 education tuition assistance that is available to its members.
12 However, many Guard members miss out on this opportunity when
13 called upon to serve active duty. A Guard member who begins an
14 education program that could ordinarily be completed over the
15 course of his enlistment must postpone his studies when called upon
16 for deployment. After his return, the member may not have enough
17 time remaining in his enlistment period during which to complete
18 the education program. A Guard member who postpones his studies
19 for deployment and then receives a medical discharge is no longer
20 an active member of the New Jersey National Guard and is
21 therefore not eligible for the tuition benefit available under the law.
22 This bill amends the law so that a Guard member who honorably
23 serves his country while on deployment is able to take full
24 advantage of this valuable and deserved education benefit when he
25 returns from service.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2542

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 2006

The Assembly Military and Veterans' Affairs Committee reports favorably Assembly Bill No. 2542.

Under current law, active members of the New Jersey National Guard may receive up to 15 credits per semester tuition free from public institutions of higher education in the State. Similarly, the child or surviving spouse of a National Guard member killed in the performance of his duties may also receive this benefit.

This bill amends current law to increase the number of credits available under this benefit from 15 credits per semester to 16 credits per semester. This bill also extends eligibility for this higher education tuition benefit to certain former members of the New Jersey National Guard. Under this bill, certain members of the New Jersey National Guard whose use of the free tuition benefit is interrupted by a deployment to active duty may be permitted to receive the benefit after discharge from service, provided that the discharge is under a condition other than dishonorable. In the event of a non-medical discharge or a medical discharge that is not caused by an illness or injury related to the performance of duties for the National Guard, eligibility for the free tuition benefit will begin from the date of discharge and will continue for one semester or a period of time equal to the length of the deployment, whichever is longer. In the event of medical discharge or medical retirement as a result of illness or injury incurred in the combat theater, as a result of terrorist action, or in the response to a natural disaster, eligibility for the free tuition benefit will begin from the date of discharge or retirement and will continue until completion of the degree program in which enrolled or for five years, whichever occurs first.

One of the benefits of the National Guard is the higher education tuition assistance that is available to its members. However, Guard members miss out on this opportunity when called upon to serve active duty. A Guard member who begins an education program that could ordinarily be completed over the course of his enlistment must postpone his studies when called upon for deployment. After his return, the member may not have enough time remaining in his enlistment period during which to complete the education program. A

Guard member who postpones his studies for deployment and then receives a medical discharge is no longer an active member of the New Jersey National Guard and is therefore not eligible for the tuition benefit available under the law. This bill amends the law so that a Guard member who honorably serves his country while on deployment is able to take full advantage of this valuable and deserved education benefit when he returns from service.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2542

STATE OF NEW JERSEY

DATED: MAY 11, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Assembly Bill No. 2542.

Under current law, active members of the New Jersey National Guard may receive up to 15 credits per semester tuition free from public institutions of higher education in the State. Similarly, the child or surviving spouse of a National Guard member killed in the performance of his duties may also receive this benefit.

This bill amends the current law to increase the number of credits available under this benefit from 15 credits per semester to 16 credits per semester. This bill also extends eligibility for this higher education tuition benefit to certain former members of the New Jersey National Guard. Under this bill, certain members of the New Jersey National Guard whose use of the free tuition benefit is interrupted by a deployment to active duty may be permitted to receive the benefit after discharge from service, provided that the discharge is under a condition other than dishonorable. In the event of a non-medical discharge or a medical discharge that is not caused by an illness or injury related to the performance of duties for the National Guard, eligibility for the free tuition benefit will begin from the date of discharge and will continue for one semester or a period of time equal to the length of the deployment, whichever is longer. In the event of medical discharge or medical retirement as a result of illness or injury incurred in the combat theater, as a result of terrorist action, or in the response to a natural disaster, eligibility for the free tuition benefit will begin from the date of discharge or retirement and will continue until completion of the degree program in which enrolled or for five years, whichever occurs first.

One of the great benefits of the National Guard is the higher education tuition assistance that is available to its members. However, many Guard members miss out on this opportunity when called upon to serve active duty. A Guard member who begins an education program that could ordinarily be completed over the course of his enlistment must postpone his studies when called upon for deployment. After his return, the member may not have enough time remaining in his enlistment period during which to complete the

education program. A Guard member who postpones his studies for deployment and then receives a medical discharge is no longer an active member of the New Jersey National Guard and is therefore not eligible for the tuition benefit available under the law. This bill amends the law so that a Guard member who honorably serves his country while on deployment is able to take full advantage of this valuable and deserved education benefit when he returns from service.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2542

STATE OF NEW JERSEY

DATED: NOVEMBER 27, 2006

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2542.

This bill extends eligibility for the higher education free tuition benefit to certain former members of the New Jersey National Guard. Under this bill, members of the New Jersey National Guard whose use of the free tuition benefit is interrupted by a deployment to active duty would be permitted to receive the benefit after discharge from service, provided that the discharge is under a condition other than dishonorable. In the event of a non-medical discharge or a medical discharge that is not caused by an illness or injury related to the performance of duties for the National Guard, eligibility for the free tuition benefit will begin from the date of discharge and will continue for one semester or a period of time equal to the length of the deployment, whichever is longer. In the event of medical discharge or medical retirement as a result of illness or injury incurred in the combat theater, as a result of terrorist action, or in the response to a natural disaster, eligibility for the free tuition benefit will begin from the date of discharge or retirement and will continue until completion of the degree program in which enrolled or for five years, whichever occurs first.

The bill also increases the number of tuition-free credits available to active members of the New Jersey National Guard from 15 credits per semester to 16 credits per semester. Under current law, the State is required to reimburse the public institutions for the tuition cost of each enrolled National Guard member. The bill also increases from 15 to 16 credits per semester, the number of credits which a child or surviving spouse of a National Guard member killed in the line of duty may take at a public institution of higher education on a tuition-free, space available basis.

As reported, this bill is identical to Senate Bill No. 1550, as also reported by the committee.

FISCAL IMPACT

The fiscal impact of this legislation cannot be determined at this time. It is not possible to determine how many members of the New Jersey National Guard, whose enrollment in a public institution of

higher education on a tuition free basis is interrupted by a deployment to active duty, would elect to re-enroll at a public institution upon completion of their duty. In addition, it is not possible to determine the institutions at which eligible guardsman would enroll, the total number of credits for which they would receive the benefit, the total cost of the credits, and the period of time for which the tuition benefit would apply.

OLS also notes that increasing the maximum number of tuition-free credits for which members of the New Jersey National Guard are permitted to enroll from 15 to 16 credits will not increase State costs, as individuals enrolled for 15 credits are generally considered full-time students and are assessed the same tuition cost as individuals who enroll for 16 credits.

Moreover, while the bill also increases the maximum number of tuition-free credits from 15 to 16 for the children and surviving spouses of National Guard members who are killed in the line of duty, this provision will have no impact on State costs as these students may only enroll on a space available basis and there is no requirement for State payment of tuition.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 2542
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: APRIL 21, 2006

SUMMARY

- Synopsis:** Extends eligibility for higher education tuition assistance to certain former members of New Jersey National Guard and increases number of tuition-free credits available to National Guard members and their dependents.
- Type of Impact:** An expenditure increase from the General Fund.
- Agencies Affected:** New Jersey public institutions of higher education, New Jersey Department of Military and Veterans Affairs.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate	Indeterminate	Indeterminate

- The Office of Legislative Services estimates that the impact of this bill will be to increase State costs by an indeterminate amount.
- This bill extends the free-tuition benefit at public institutions of higher education currently available to active members of the New Jersey National Guard to certain former members whose use of the tuition-free benefit is interrupted by a deployment to active duty and who are subsequently discharged from service under a condition other than dishonorable. In addition, the bill increases the maximum number of tuition-free credits for which active members of the New Jersey National Guard may enroll at a public institution of higher education in the State from 15 credits to 16 credits per semester. The bill also increases from 15 to 16 the number of tuition-free credits per semester that a child or surviving spouse of a member of the New Jersey National Guard who is killed in the performance of his duties may receive on a space-available basis at a public institution of higher education.

BILL DESCRIPTION

Assembly Bill No. 2542 of 2006 extends eligibility for the higher education free tuition benefit to certain former members of the New Jersey National Guard. Under this bill, members of the New Jersey National Guard whose use of the free tuition benefit is interrupted by a deployment to active duty would be permitted to receive the benefit after discharge from service,

provided that the discharge is under a condition other than dishonorable. In the event of a non-medical discharge or a medical discharge that is not caused by an illness or injury related to the performance of duties for the National Guard, eligibility for the free tuition benefit will begin from the date of discharge and will continue for one semester or a period of time equal to the length of the deployment, whichever is longer. In the event of medical discharge or medical retirement as a result of illness or injury incurred in the combat theater, as a result of terrorist action, or in the response to a natural disaster, eligibility for the free tuition benefit will begin from the date of discharge or retirement and will continue until completion of the degree program in which enrolled or for five years, whichever occurs first.

The bill also increases the number of tuition-free credits available to active members of the New Jersey National Guard from 15 credits per semester to 16 credits per semester. Under current law, the State is required to reimburse the public institutions for the tuition cost of each enrolled National Guard member. The bill also increases from 15 to 16 credits per semester, the number of credits which a child or surviving spouse of a National Guard member killed in the line of duty may take at a public institution of higher education on a tuition-free, space available basis.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services is not able to estimate the fiscal impact of this bill at this time. It is not possible to determine how many members of the New Jersey National Guard, whose enrollment in a public institution of higher education on a tuition-free basis is interrupted by a deployment to active duty, would elect to re-enroll at a public institution after discharge and the condition under which the discharge was granted (non-medical discharge, medical discharge as a result of illness or injury incurred in the combat theater, or medical discharge that is not caused by an illness or injury related to the performance of duties for the National Guard). In addition, the Office of Legislative Services is not able to determine the institutions at which eligible former guardsmen would enroll, the total number of credits for which they would receive the benefit, the total cost of the credits, and the period of time for which the tuition-free benefit would apply.

Increasing the maximum number of tuition-free credits for which members of the New Jersey National Guard are permitted to enroll from 15 credits to 16 credits will not increase State costs, as individuals enrolled for 15 credits are generally considered full-time students and are assessed the same tuition cost as individuals who enroll for 16 credits. According to data obtained from the New Jersey Commission on Higher Education, the 2005-2006 average tuition cost at New Jersey public institutions of higher education is \$6,261 at the four-year institutions, and \$2,325 at the county colleges.

While the bill also increases the maximum number of tuition-free credits from 15 to 16 for the children and surviving spouses of National Guard members who are killed in the line of duty, this provision will have no impact on State costs as these students may only enroll on a space available basis and there is no requirement for State payment of tuition.

A2542

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Section: Education

*Analyst: Osomo Thomas
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67.

SENATE, No. 1550

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 2, 2006

Sponsored by:

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

Co-Sponsored by:

Senators Bucco, Inverso, Sacco, Sarlo, Buono and Allen

SYNOPSIS

Extends eligibility for higher education tuition assistance to certain former members of New Jersey National Guard and increases number of tuition-free credits available to National Guard members and their dependents.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2006)

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2 Jersey National Guard members and dependents and amending
3 P.L.1999, c.46.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. Section 21 of P.L.1999, c.46 (C:18A:62-24) is amended to
9 read as follows:

10 21. a. Any member of the New Jersey National Guard shall be
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14 tuition-free provided that:

15 (1) the member has completed Initial Active Duty Training and,
16 except as otherwise provided pursuant to subsection c. of this
17 section, is in good standing as an active member of the New Jersey
18 National Guard;

19 (2) the member has been accepted to pursue a course of
20 undergraduate study and is enrolled as an undergraduate student in
21 good standing at that institution or a course of graduate study and is
22 enrolled as a graduate student in good standing at that institution;
23 and

24 (3) the member has applied for all available State student grants
25 and scholarships and all available federal student grants and
26 scholarships for which the member is eligible.

27 b. The State shall reimburse a public institution of higher
28 education for the tuition cost of each National Guard member who
29 enrolls in the institution pursuant to the provisions of this section.

30 c. Any member of the New Jersey National Guard whose
31 enrollment in a public institution of higher education on a tuition-
32 free basis pursuant to subsection a. of this section is interrupted by a
33 deployment to active duty shall be permitted to receive the free
34 tuition benefit after discharge from service under conditions other
35 than dishonorable. In the event of a non-medical discharge or a
36 medical discharge that is not caused by an illness or injury related
37 to the performance of duties for the National Guard, eligibility for
38 the free tuition benefit shall begin from the date of discharge and
39 shall continue for one semester or a period of time equal to the
40 length of the deployment, whichever is longer. In the event of
41 medical discharge or medical retirement as a result of illness or
42 injury incurred in the combat theater, as a result of terrorist action,
43 or in the response to a natural disaster, eligibility for the free tuition
44 benefit shall begin from the date of discharge or retirement and

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 shall continue until completion of the degree program in which
2 enrolled or for five years, whichever occurs first.

3 (cf: P.L.2001, c.427, s.1)

4

5 2. Section 22 of P.L.1999, c.46 (C.18A:62-25) is amended to
6 read as follows:

7 22. Any child or surviving spouse of a member of the New
8 Jersey National Guard who heretofore completed Initial Active
9 Duty Training and was killed in the performance of his duties while
10 on active duty with the New Jersey National Guard, or who
11 hereafter completes Initial Active Duty Training and is killed in the
12 performance of his duties while a member of the New Jersey
13 National Guard, shall be permitted to attend regularly-scheduled
14 courses at any public institution of higher education in this State
15 enumerated in N.J.S.18A:62-1 and receive up to ~~15~~16 credits per
16 semester tuition-free provided that:

17 a. the child or spouse has been accepted to pursue a course of
18 undergraduate study and is enrolled as an undergraduate student in
19 good standing at that institution or a course of graduate study and is
20 enrolled as a graduate student in good standing at that institution;

21 b. the child or spouse has applied for all available State student
22 grants and scholarships and all available federal student grants and
23 scholarships for which the child or spouse is eligible; and

24 c. available classroom space permits and tuition-paying students
25 constitute the minimum number required for the course.

26 (cf: P.L.2001, c.9, s.2)

27

28 3. This act shall take effect immediately.

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STATEMENT

32

33 Under current law, active members of the New Jersey National
34 Guard may receive up to 15 credits per semester tuition free from
35 public institutions of higher education in the State. Similarly, the
36 child or surviving spouse of a National Guard member killed in the
37 performance of his duties may also receive this benefit.

38 This bill amends the current law to increase the number of
39 credits available under this benefit from 15 credits per semester to
40 16 credits per semester. This bill also extends eligibility for this
41 higher education tuition benefit to certain former members of the
42 New Jersey National Guard. Under this bill, certain members of the
43 New Jersey National Guard whose use of the free tuition benefit is
44 interrupted by a deployment to active duty may be permitted to
45 receive the benefit after discharge from service, provided that the
46 discharge is under a condition other than dishonorable. In the event
47 of a non-medical discharge or a medical discharge that is not caused
48 by an illness or injury related to the performance of duties for the

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1 National Guard, eligibility for the free tuition benefit will begin
2 from the date of discharge and will continue for one semester or a
3 period of time equal to the length of the deployment, whichever is
4 longer. In the event of medical discharge or medical retirement as a
5 result of illness or injury incurred in the combat theater, as a result
6 of terrorist action, or in the response to a natural disaster, eligibility
7 for the free tuition benefit will begin from the date of discharge or
8 retirement and will continue until completion of the degree program
9 in which enrolled or for five years, whichever occurs first.

10 One of the great benefits of the National Guard is the higher
11 education tuition assistance that is available to its members.
12 However, many Guard members miss out on this opportunity when
13 called upon to serve active duty. A Guard member who begins an
14 education program that could ordinarily be completed over the
15 course of his enlistment must postpone his studies when called upon
16 for deployment. After his return, the member may not have enough
17 time remaining in his enlistment period during which to complete
18 the education program. A Guard member who postpones his studies
19 for deployment and then receives a medical discharge is no longer
20 an active member of the New Jersey National Guard and is
21 therefore not eligible for the tuition benefit available under the law.
22 This bill amends the law so that a Guard member who honorably
23 serves his country while on deployment is able to take full
24 advantage of this valuable and deserved education benefit when he
25 returns from service.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1550

STATE OF NEW JERSEY

DATED: MAY 11, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 1550.

Under current law, active members of the New Jersey National Guard may receive up to 15 credits per semester tuition free from public institutions of higher education in the State. Similarly, the child or surviving spouse of a National Guard member killed in the performance of his duties may also receive this benefit.

This bill amends the current law to increase the number of credits available under this benefit from 15 credits per semester to 16 credits per semester. This bill also extends eligibility for this higher education tuition benefit to certain former members of the New Jersey National Guard. Under this bill, certain members of the New Jersey National Guard whose use of the free tuition benefit is interrupted by a deployment to active duty may be permitted to receive the benefit after discharge from service, provided that the discharge is under a condition other than dishonorable. In the event of a non-medical discharge or a medical discharge that is not caused by an illness or injury related to the performance of duties for the National Guard, eligibility for the free tuition benefit will begin from the date of discharge and will continue for one semester or a period of time equal to the length of the deployment, whichever is longer. In the event of medical discharge or medical retirement as a result of illness or injury incurred in the combat theater, as a result of terrorist action, or in the response to a natural disaster, eligibility for the free tuition benefit will begin from the date of discharge or retirement and will continue until completion of the degree program in which enrolled or for five years, whichever occurs first.

One of the significant benefits of the National Guard is the higher education tuition assistance that is available to its members. However, many Guard members miss out on this opportunity when called upon to serve active duty. A Guard member who begins an education program that could ordinarily be completed over the course of his enlistment must postpone his studies when called upon for deployment. After his return, the member may not have enough time remaining in his enlistment period during which to complete the

education program. A Guard member who postpones his studies for deployment and then receives a medical discharge is no longer an active member of the New Jersey National Guard and is therefore not eligible for the tuition benefit available under the law. This bill amends the law so that a Guard member who honorably serves his country while on deployment is able to take full advantage of this valuable and deserved education benefit when he returns from service.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1550

STATE OF NEW JERSEY

DATED: NOVEMBER 27, 2006

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1550.

This bill extends eligibility for the higher education free tuition benefit to certain former members of the New Jersey National Guard. Under this bill, members of the New Jersey National Guard whose use of the free tuition benefit is interrupted by a deployment to active duty would be permitted to receive the benefit after discharge from service, provided that the discharge is under a condition other than dishonorable. In the event of a non-medical discharge or a medical discharge that is not caused by an illness or injury related to the performance of duties for the National Guard, eligibility for the free tuition benefit will begin from the date of discharge and will continue for one semester or a period of time equal to the length of the deployment, whichever is longer. In the event of medical discharge or medical retirement as a result of illness or injury incurred in the combat theater, as a result of terrorist action, or in the response to a natural disaster, eligibility for the free tuition benefit will begin from the date of discharge or retirement and will continue until completion of the degree program in which enrolled or for five years, whichever occurs first.

The bill also increases the number of tuition-free credits available to active members of the New Jersey National Guard from 15 credits per semester to 16 credits per semester. Under current law, the State is required to reimburse the public institutions for the tuition cost of each enrolled National Guard member. The bill also increases from 15 to 16 credits per semester, the number of credits which a child or surviving spouse of a National Guard member killed in the line of duty may take at a public institution of higher education on a tuition-free, space available basis.

As reported, this bill is identical to Assembly Bill No. 2542, as also reported by the committee.

FISCAL IMPACT

The fiscal impact of this legislation cannot be determined at this time. It is not possible to determine how many members of the New Jersey National Guard, whose enrollment in a public institution of higher education on a tuition free basis is interrupted by a deployment

to active duty, would elect to re-enroll at a public institution upon completion of their duty. In addition, it is not possible to determine the institutions at which eligible guardsman would enroll, the total number of credits for which they would receive the benefit, the total cost of the credits, and the period of time for which the tuition benefit would apply.

OLS also notes that increasing the maximum number of tuition-free credits for which members of the New Jersey National Guard are permitted to enroll from 15 to 16 credits will not increase State costs, as individuals enrolled for 15 credits are generally considered full-time students and are assessed the same tuition cost as individuals who enroll for 16 credits.

Moreover, while the bill also increases the maximum number of tuition-free credits from 15 to 16 for the children and surviving spouses of National Guard members who are killed in the line of duty, this provision will have no impact on State costs as these students may only enroll on a space available basis and there is no requirement for State payment of tuition.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1550
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: JUNE 22, 2006

SUMMARY

- Synopsis:** Extends eligibility for higher education tuition assistance to certain former members of New Jersey National Guard and increases number of tuition-free credits available to National Guard members and their dependents.
- Type of Impact:** An expenditure increase from the General Fund.
- Agencies Affected:** New Jersey public institutions of higher education, New Jersey Department of Military and Veterans Affairs.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate	Indeterminate	Indeterminate

- The Office of Legislative Services estimates that the impact of this bill will be to increase State costs by an indeterminate amount.
- This bill extends the free-tuition benefit at public institutions of higher education currently available to active members of the New Jersey National Guard to certain former members whose use of the tuition-free benefit is interrupted by a deployment to active duty and who are subsequently discharged from service under a condition other than dishonorable. In addition, the bill increases the maximum number of tuition-free credits for which active members of the New Jersey National Guard may enroll at a public institution of higher education in the State from 15 credits to 16 credits per semester. The bill also increases from 15 to 16 the number of tuition-free credits per semester that a child or surviving spouse of a member of the New Jersey National Guard who is killed in the performance of his duties may receive on a space-available basis at a public institution of higher education.

BILL DESCRIPTION

Senate Bill No. 1550 of 2006 extends eligibility for the higher education free tuition benefit to certain former members of the New Jersey National Guard. Under this bill, members of the New Jersey National Guard whose use of the free tuition benefit is interrupted by a deployment to active duty would be permitted to receive the benefit after discharge from service, provided

that the discharge is under a condition other than dishonorable. In the event of a non-medical discharge or a medical discharge that is not caused by an illness or injury related to the performance of duties for the National Guard, eligibility for the free tuition benefit will begin from the date of discharge and will continue for one semester or a period of time equal to the length of the deployment, whichever is longer. In the event of medical discharge or medical retirement as a result of illness or injury incurred in the combat theater, as a result of terrorist action, or in the response to a natural disaster, eligibility for the free tuition benefit will begin from the date of discharge or retirement and will continue until completion of the degree program in which enrolled or for five years, whichever occurs first.

The bill also increases the number of tuition-free credits available to active members of the New Jersey National Guard from 15 credits per semester to 16 credits per semester. Under current law, the State is required to reimburse the public institutions for the tuition cost of each enrolled National Guard member. The bill also increases from 15 to 16 credits per semester, the number of credits which a child or surviving spouse of a National Guard member killed in the line of duty may take at a public institution of higher education on a tuition-free, space available basis.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services is not able to estimate the fiscal impact of this bill at this time. It is not possible to determine how many members of the New Jersey National Guard, whose enrollment in a public institution of higher education on a tuition-free basis is interrupted by a deployment to active duty, would elect to re-enroll at a public institution after discharge and the condition under which the discharge was granted (non-medical discharge, medical discharge as a result of illness or injury incurred in the combat theater, or medical discharge that is not caused by an illness or injury related to the performance of duties for the National Guard). In addition, the Office of Legislative Services is not able to determine the institutions at which eligible former guardsmen would enroll, the total number of credits for which they would receive the benefit, the total cost of the credits, and the period of time for which the tuition-free benefit would apply.

Increasing the maximum number of tuition-free credits for which members of the New Jersey National Guard are permitted to enroll from 15 credits to 16 credits will not increase State costs, as individuals enrolled for 15 credits are generally considered full-time students and are assessed the same tuition cost as individuals who enroll for 16 credits. According to data obtained from the New Jersey Commission on Higher Education, the 2005-2006 average tuition cost at New Jersey public institutions of higher education is \$6,261 at the four-year institutions, and \$2,325 at the county colleges.

While the bill also increases the maximum number of tuition-free credits from 15 to 16 for the children and surviving spouses of National Guard members who are killed in the line of duty, this provision will have no impact on State costs as these students may only enroll on a space available basis and there is no requirement for State payment of tuition.

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Section: Education

*Analyst: Osomo Thomas
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67.