

18A:71-1

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 18A:71- 1 et. seq. (National Guard--members & survivors--free tuition)

LAWS OF: 1991 **CHAPTER:** 296

Bill No: A3222, A1202

Sponsor(s): Foy and others

Date Introduced: March 12, 1990

Committee: Assembly: Veterans & Military Affairs

Senate: Education

Amended during passage: Yes Assembly Committee Substitute (IR) enacted re-enacted 8-22-91 re-enacted 9-26-91

Date of Passage: Assembly: October 1, 1991

Senate: May 9, 1991

Date of Approval: October 3, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: Yes

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

KBG/dgw

[FIRST REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3222, 1202 and 2000

STATE OF NEW JERSEY

ADOPTED APRIL 23, 1990

Sponsored by Assemblymen FOY, SCERNI, MAZUR, PATERO,
Assemblywoman COOPER, Assemblymen KELLY, ARNONE,
Duch and Gill

1 AN ACT concerning tuition-free enrollment in public institutions
2 of higher education for certain members of the New Jersey
3 National Guard and certain surviving spouses and children of
4 New Jersey National Guard members and supplementing
5 chapter 71 of Title 18A of the New Jersey Statutes.
6

7 BE IT ENACTED *by the Senate and General Assembly of the*
8 *State of New Jersey:*

9 1. As used in this act, "Initial Active Duty Training" means
10 Basic Military Training, for members of the New Jersey Air
11 National Guard, and Basic Combat Training and Advanced
12 Individual Training, for members of the New Jersey Army
13 National Guard.

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

19 a. the member has completed Initial Active Duty Training and
20 is in good standing as an active member of the New Jersey
21 National Guard;

22 b. the member has been accepted to pursue a course of
23 undergraduate study and is enrolled as an undergraduate student
24 in good standing at that institution; ¹[and]

25 c. the member has applied for all available State student
26 grants and scholarships and all available federal student grants
27 and scholarships for which the member is eligible; and¹

28 ¹[c.] d.¹ available classroom space permits and tuition-paying
29 students constitute the minimum number required for the course.

30 3. Any child or surviving spouse of a member of the New
31 Jersey National Guard who heretofore completed Initial Active
32 Duty Training and was killed in the performance of his duties
33 while on active duty with the New Jersey National Guard, or who
34 hereafter completes Initial Active Duty Training and is killed in
35 the performance of his duties while a member of the New Jersey
36 National Guard, shall be permitted to attend regularly-scheduled

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly amendments adopted in accordance with Governor's
recommendations June 20, 1991.

1 courses at any public institution of higher education in this State
2 enumerated in N.J.S.18A:62-1 and receive up to 12 credits per
3 semester tuition-free provided that:

4 a. the child or spouse has been accepted to pursue a course of
5 undergraduate study and is enrolled as an undergraduate student
6 in good standing at that institution; ¹[and]

7 b. the child or spouse has applied for all available State
8 student grants and scholarships and all available federal student
9 grants and scholarships for which the child or spouse is eligible;
10 and¹

11 ¹[b.] c.¹ available classroom space permits and tuition-paying
12 students constitute the minimum number required for the course.

13 ¹4. The financial aid office of the public institution shall
14 advise the member, or surviving spouse or child of a member, of
15 any available State and federal student grants and scholarships
16 for which the member, or surviving spouse or child of a member,
17 may be eligible.¹

18 ¹[4] 5.¹ Nothing in this act shall preclude a public institution
19 of higher education from requiring the payment of other fees,
20 subject to approval by the State Board of Higher Education, for
21 individuals attending courses pursuant to the provisions of this
22 act.

23 ¹[5] 6.¹ The State Board of Higher Education shall adopt,
24 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
25 (C.52:14B-1 et seq.), rules and regulations necessary to
26 implement the provisions of this act.

27 ¹[6] 7.¹ This act shall take effect immediately.

28

29

30 HIGHER EDUCATION

31

32 Allows certain members of NJ National Guard and certain
33 surviving spouses and children to attend public institutions of
34 higher education tuition-free.

ASSEMBLY, No. 3222

STATE OF NEW JERSEY

INTRODUCED MARCH 12, 1990

By Assemblymen FOY, SCERNI, Mecca, Patero,
Cohen and McGreevey

1 AN ACT concerning tuition free enrollment in public institutions
2 of higher education for members of the New Jersey National
3 Guard and certain surviving spouses and children of New Jersey
4 National Guard members and supplementing chapter 71 of Title
5 18A of the New Jersey Statutes.

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

9 1. Any member of the New Jersey National Guard who is
10 accepted to pursue a course of undergraduate study in any public
11 institution of higher education in this State enumerated in
12 N.J.S.18A:62-1 shall be permitted to attend regularly scheduled
13 courses and receive up to 12 credits per semester tuition free
14 provided that:

15 a. the individual is in good standing as an active member of
16 the New Jersey National Guard;

17 b. the individual is enrolled as an undergraduate student in
18 good standing at the institution; and,

19 c. available classroom space permits and tuition paying
20 students constitute the minimum number required for the course.

21 2. Any child or surviving spouse of a member of the New
22 Jersey National Guard who was killed in the performance of his
23 duties while on active duty with the New Jersey National Guard
24 who is accepted to pursue a course of undergraduate study in any
25 public institution of higher education in this State enumerated in
26 N.J.S. 18A:62-1 shall be permitted to attend regularly scheduled
27 courses and receive up to 12 credits per semester tuition free
28 provided that:

29 a. the individual is enrolled as an undergraduate student in
30 good standing at the institution; and,

31 b. available classroom space permits and tuition paying
32 students constitute the minimum number required for the course.

33 3. Nothing in this act shall preclude a public institution of
34 higher education from requiring the payment of other fees,
35 subject to approval by the State Board of Higher Education, for
36 individuals attending courses pursuant to the provisions of this
37 act.

38 4. The State Board of Higher Education shall adopt pursuant to
39 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
40 et seq.), rules and regulations necessary to implement the
41 provisions of this act.

1 5. This act shall take effect immediately.

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STATEMENT

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6 This bill provides that any member of the New Jersey National
7 Guard who is accepted to pursue a course of undergraduate study
8 in a public institution of higher education in this State may
9 receive up to 12 credits per semester tuition free provided that
10 the individual is in good standing as an active member of the
11 National Guard, is enrolled as an undergraduate student in good
12 standing at the institution, and that available classroom space
13 permits and tuition paying students constitute the minimum
14 number required for the course.

15 The bill also provides that any child or surviving spouse of a
16 member of the New Jersey National Guard who was killed in the
17 performance of his duties while on active duty with the New
18 Jersey National Guard who is accepted to pursue a course of
19 undergraduate study in any public college or university in the
20 State may attend regularly scheduled courses and receive up to
21 12 credits per semester tuition free provided that the individual
22 is enrolled as an undergraduate student in good standing at the
23 institution, that available classroom space permits and tuition
24 paying students constitute the minimum number required for the
25 course.

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HIGHER EDUCATION

29

30 Allows members of the New Jersey National Guard and certain
31 surviving spouses and children to attend public institutions of
32 higher education tuition free.

ASSEMBLY, No. 1202
STATE OF NEW JERSEY

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Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblywoman COOPER and Assemblyman MAZUR

1 AN ACT concerning tuition assistance for members of the New
2 Jersey National Guard and certain surviving spouses and
3 children of New Jersey National Guard members and
4 supplementing chapter 71 of Title 18A of the New Jersey
5 Statutes.

6

7 BE IT ENACTED by the Senate and General Assembly of the
8 State of New Jersey:

9 1. Any member of the New Jersey National Guard who is
10 accepted to pursue a course of undergraduate study in any public
11 institution of higher education of this State enumerated in
12 N.J.S.18A:62-1 shall, while enrolled as an undergraduate student
13 in good standing at the institution and while continuing to be a
14 member of the New Jersey National Guard, have a portion of the
15 tuition paid by the State as follows:

16

Credit hours per semester or equivalent thereof:	Portion of tuition paid by the State:
17 12 or more	75%
18 9 - 11	60%
19 6 - 8	50%
20 3 - 5	40%

21

22 2. Any child or surviving spouse of a member of the New
23 Jersey National Guard who was killed in the performance of his
24 duties while on active duty with the New Jersey National Guard
25 who is accepted to pursue a course of undergraduate study in any
26 public institution of higher education in this State, as enumerated
27 in N.J.S.18A:62-1., shall, while enrolled as an undergraduate
28 student in good standing at such college, have their full tuition
29 paid by the State.

30

31 3. The Board of Higher Education shall promulgate, pursuant
32 to the "Administrative Procedure Act," P.L.1968, c.410
33 (C.52:14B-1 et seq.), such rules and regulations as may be
34 necessary to effectuate the purposes of this act.

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36 4. This act shall take effect immediately.

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STATEMENT

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41 The bill provides that the State will pay a portion of the tuition
42 for a member of the New Jersey National Guard who is enrolled

1 as an undergraduate student at a public institution of higher
2 education in the State. The extent of the State payment would
3 vary according to the number of credits for which an eligible
4 member was enrolled. The payments range from 75% for a
5 member enrolled for 12 or more credit hours to 40% for a
6 member enrolled for three credit hours.

7 In addition the bill provides that a child or surviving spouse of a
8 New Jersey National Guard killed while on active duty would
9 receive full State payment of undergraduate tuition at a public
10 college or university in the State.

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12

13 VETERANS

14

15 Provides State tuition payments for certain members of New
16 Jersey National Guard and for certain children and surviving
17 spouses of deceased members.

ASSEMBLY, No. 2000

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman KELLY

1 AN ACT concerning tuition free enrollment for members of the
2 New Jersey National Guard in institutions of higher education,
3 and supplementing chapter 71 of Title 18A of the New Jersey
4 Statutes.

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

8 1. Each public institution of higher education in New Jersey
9 shall, pursuant to such rules and regulations as shall be
10 promulgated by the State Board of Higher Education, permit
11 active members of the New Jersey National Guard to attend
12 without the payment of any tuition charges in regularly scheduled
13 courses and receive up to a maximum of nine credits per
14 semester for those courses; provided that available classroom
15 space permits and that tuition paying students constitute the
16 minimum number required for the course. Nothing herein shall
17 preclude institutions from requiring the payment of other fees,
18 subject to approval by the State Board, for individuals attending
19 courses pursuant to this act.

20 2. This act shall take effect immediately.

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STATEMENT

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25 This bill allows active members of the New Jersey National
26 Guard to attend regularly scheduled courses at any public
27 institution of higher education, and to receive up to a maximum
28 of nine credits per semester for those courses, without the
29 payment of tuition, provided there is sufficient space available
30 and paying students constitute the minimum number required for
31 those courses. Members of the National Guard would be subject
32 to the usual registration and student fees charged during a
33 semester.

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HIGHER EDUCATION

37

38 Allows members of the New Jersey National Guard to attend
39 institutions of higher education tuition free.

ASSEMBLY VETERANS AND MILITARY AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3222, 1202 and 2000

STATE OF NEW JERSEY

DATED: APRIL 5, 1990

The Assembly Veterans and Military Affairs Committee reports favorably an Assembly Committee Substitute for Assembly, No. 3222, Assembly, No. 1202, and Assembly, No. 2000.

This committee substitute provides that any member of the New Jersey National Guard who is accepted to pursue a course of undergraduate study in a public institution of higher education in this State may receive up to 12 credits per semester tuition-free provided that the individual has completed Initial Active Duty Training, is in good standing as an active member of the National Guard and is enrolled as an undergraduate student in good standing at the institution, and that available classroom space permits and tuition-paying students constitute the minimum number required for the course. The bill defines Initial Active Duty Training, or IADT, as Basic Military Training, for members of the New Jersey Air National Guard, and Basic Combat Training and Advanced Individual Training, for members of the New Jersey Army National Guard.

The bill also provides that any child or surviving spouse of a member of the New Jersey National Guard who heretofore completed Initial Active Duty Training and was killed in the performance of his duties while on active duty with the New Jersey National Guard, or who hereafter completes IADT and is killed in the performance of his duties, and is accepted to pursue a course of undergraduate study in any public college or university in the State may attend regularly scheduled courses and receive up to 12 credits per semester tuition-free, provided that the individual is enrolled as an undergraduate student in good standing at the institution and that available classroom space permits and tuition-paying students constitute the minimum number required for the course.

As used in the bill, the phrase "any public college or university in the State" includes the six State colleges, the county colleges, the public junior colleges, the New Jersey College of Medicine and Dentistry, the College of Aeronautical and Airspace Science, the industrial schools, Newark College of Engineering, Rutgers University and any other public universities, colleges, county colleges and junior colleges subsequently established by law.

FISCAL IMPACT

It is the belief of the sponsors that this committee substitute will have no fiscal impact on current State expenditures and revenues.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3222, 1202, and 2000

STATE OF NEW JERSEY

DATED: MARCH 11, 1991

The Senate Education favorably reports this substitute without committee amendments.

This committee substitute provides that any member of the New Jersey National Guard may attend regularly-scheduled courses at any public institution of higher education in this State and receive up to 12 credits per semester tuition-free if: (1) the member has completed Initial Active Duty Training and is in good standing as an active member of the National Guard; (2) the member has been accepted to pursue a course of study and is enrolled as an undergraduate student in good standing at the institution; and (3) available classroom space permits and tuition-paying students constitute the minimum number required for the course. The bill defines Initial Active Duty Training (IADT) as Basic Military Training, for members of the New Jersey Air National Guard, and Basic Combat Training and Advanced Individual Training, for members of the New Jersey Army National Guard.

The bill also provides that any child or surviving spouse of a member of the New Jersey National Guard who heretofore completed Initial Active Duty Training and was killed in the performance of his duties while on active duty with the New Jersey National Guard, or who hereafter completes IADT and is killed in the performance of his duties, may attend regularly-scheduled courses at any public institution of higher education in this State and receive up to 12 credits per semester tuition-free if: (1) the child or spouse has been accepted to pursue a course of study and is enrolled as an undergraduate student in good standing at the institution and (2) available classroom space permits and tuition-paying students constitute the minimum number required for the course.

As used in the bill, the phrase "any public college or university in the State" includes the nine State colleges, the county colleges, and the senior public institutions of higher education such as Rutgers, the State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology.

(.)

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

June 24, 1991

**ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY BILL NOS. 3222, 1202 and 2000**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14, of the New Jersey Constitution, I am returning Assembly Committee Substitute for Assembly Bill No. 3222 with my objections for reconsideration.

Under the committee substitute, any member of the New Jersey National Guard who is accepted to pursue an undergraduate course of study in any public institution in the State, while enrolled and in good standing as an undergraduate at the institution and who continues to be a member of the New Jersey National Guard in good standing, shall receive up to 12 credits per semester, tuition-free.

In addition, any surviving spouse or child of a member of the New Jersey National Guard who is killed in the performance of his/her duties while on active duty with the New Jersey National Guard shall receive up to 12 credits per semester tuition-free, provided the surviving spouse or child has been accepted to pursue an undergraduate course of study at a public institution or is enrolled as an undergraduate student in good standing at the institution.

It is important to encourage young men and women to enlist in the National Guard and continue in the Guard. This legislation provides an important incentive, and I believe, provides proper encouragement for enlistment in the National Guard and education while in the Guard.

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STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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To take advantage of available financial assistance, I am recommending that Guardsmen first apply for all available federal or state grants or scholarships for which they may be eligible. This will allow Guardsmen, or eligible surviving spouse or child, to first determine if they are eligible for State, federal funds, or merit scholarships before gaining tuition free enrollment.

Therefore, I herewith return Assembly Bill Nos. 3222, 1202, 2000 ACS and recommend that it be amended as follows:

Page 1, Section 2, Line 24: After "institution" delete "and"

Page 1, Section 2, Line 24: Insert new subsection as follows:
"c.the member has applied for all available state student grants and scholarships and all available federal student grants and scholarships for which the member is eligible; and"

Page 1, Section 2, Line 25: Delete "c" insert "d"

Page 1, Section 3, Line 39: After "institution" delete "and"

Page 1, Section 3, Line 40: Insert new subsection as follows:
"b.the child or spouse has applied for all available state student grants and scholarships and all available federal student grants and scholarships for which the child or spouse is eligible; and"

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Page 1, Section 3, Line 40:

Delete "b" insert "c"

Page 2, Section 4, Line 1:

Insert new section 4 as follows:

"The financial aid office of the public institution shall advise the member, or surviving spouse or child of a member, of any available State and federal student grants and scholarships for which the member, or surviving spouse or child of a member, may be eligible."

Page 2, Section 4, Line 1:

Delete "4" insert "5"

Page 2, Section 5, Line 6:

Delete "5" insert "6"

Page 2, Section 6, Line 10:

Delete "6" insert "7"

Respectfully,

/s/ James J. Florio

GOVERNOR

[seal]

Attest:

/s/ Andrew Weber

Chief Counsel to the Governor

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact:

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Release: Thursday
October 3, 1991

GOVERNOR SIGNS LAW PROVIDING TUITION ASSISTANCE TO NATIONAL GUARD MEMBERS AND FAMILIES

LAWRENCEVILLE -- National Guard members or their surviving spouses and children will be eligible to attend state public institutions tuition-free under legislation signed today by Governor Jim Florio.

"When a man or woman steps up to serve their country and their state, they stir our pride. The men and women who serve in the New Jersey National Guard know all about pride. It's part of why they serve," said Governor Florio, during a bill signing ceremony at the National Guard Armory. "Today's bill signing ceremony is a reflection of that pride we have and this bill is a way of saying thanks. I'm very pleased to sign it because it reflects my belief that education is just another word for opportunity."

Governor Florio also announced a new commemorative Desert Storm license plate which 89 sanctioned veterans organizations will sell to raise funds for various programs honoring and aiding veterans and their families.

The bill, A 3222/S 2528, was sponsored by Assemblypersons Dolores Cooper, Fred Scerni, Michael Arnone and John Kelly, and Senator Thomas Foy and Thomas Paterniti. The original bill was conditionally vetoed by the Governor on June 24. The legislation was amended to reflect the Governor's recommendations requiring eligible guard members and their families to first apply for all other federal/state grant or scholarships before gaining tuition-free enrollment.

Under the new law, any New Jersey National Guard member who is accepted to any state public institution and is pursuing an undergraduate course of study can receive up to 12 tuition-free credits per semester while enrolled and in good standing. The law requires that the guard member complete Initial Active Duty Training before any of the tuition-free benefits apply.

- over -

In addition, any child or surviving spouse of a guard member killed in the performance of his/her duties is also eligible to receive up to 12 tuition-free credits per semester while enrolled as an undergraduate student in good standing at a public institution.

"It used to be that the National Guard was one of the best-kept secrets in New Jersey. Not any more. After Desert Shield and Desert Storm, the whole world got to know our National Guard," said Governor Florio, who is a former Navy serviceman and retired Navy Reservist. "This bill is a good step forward for New Jersey and it's part of our continuing commitment to those who sacrifice so much for all of us."

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