

MEMORANDUM

TO: NYSCOPBA

FROM: Hinman Straub P.C.

RE: Patriot Plan

DATE: July 9, 2003

As you know, during the final days of Session, both Houses of the Legislature passed the "Patriot Plan" – legislation that provides new and enhanced benefits to New York military personnel activated into service. This legislation, which is explained below, has recently been signed into law as Chapter 106 of the Laws of 2003. Some of the provisions of Chapter 106 of interest to NYSCOPBA include the following:

- The new law establishes the Military Enhanced Recognition Incentive and Tribute ("MERIT") scholarship program that makes scholarships available to military personnel, their spouses, children and financial dependents for such military personnel who are residents of New York State and have either died, have been declared missing or becoming permanently and severely disabled during active duty in a combat theater or combat zone of operations on or after August 2, 1990; or to such military personnel, their spouses, children and financial dependents who have died, been declared missing or become permanently and severely disabled during military training operations in preparation for combat duty. The annual MERIT award is equal to the cost of attendance at SUNY with awards available for up to four years of full-time undergraduate study at approved state programs.
- The new law amends the Education Law to establish a leave of absence for military service, preserves educational status and financial resources, and creates the option of a tuition/fees refund or credit for military personnel called to active duty during a period of enrollment.
- Free hunting, fishing, and trapping licenses are provided to members of the military who are on active duty pursuant to the new law.

- The new law amends various provisions of the Executive Law to prohibit discrimination against individuals based upon their military status in matters relating to employment, housing, training programs, places of public accommodation, real estate and rental transactions, among other matters.
- The new law authorizes local veterans' service agencies to assist families of members of the reserve components of the armed forces and state organized militia who are called to active to duty to ensure that these family members are aware of the benefits and services available under existing law. Pursuant to the new law, notice of the benefits of the Patriot Plan must be provided to the dependents of military personnel.
- The new law extends the prohibition against eviction or distress to include any housing accommodations occupied as a dwelling by a person in military service. Under current law, this prohibition applies to the spouse, children or other dependents of a person in military service.
- The new law permits termination of a motor vehicle lease by military personnel who enter active duty service.
- The new law extends, from one year to two years, the period during which lapse or forfeiture for non-payment of premium for a life insurance policy of military personnel on active duty is prohibited.
- The new law prohibits foreclosure or enforcement of any storage lien of goods, furniture or personal effects of a person in military service during the period of service and for three months thereafter, except upon court order.
- The new law prohibits any person from soliciting, requiring, or demanding that a person waive any of his or her rights under the Patriot Plan.
- The new law establishes a maximum rate of interest of six percent (6%) for obligations or liabilities of military personnel while in active service.
- The new law requires that public libraries designate a minimum of one computer terminal per county to be used for communication between deployed military personnel and their families.
- The new law requires that the state negotiate for a bulk rate for telephone service by active members of the military and their families.
- The new law requires the Division of Military and Naval Affairs to provide teleconferencing facilities to foster communication between active military personnel and their families.

- The new law requires that members of the organized militia ordered into active service in a foreign area be paid by electronic transfer, unless such members elect otherwise.
- A supplemental burial allowance program is established under the new law to help defray the burial costs of a New York State resident who was killed in a combat field or combat zone of operation. An allotment of not more than \$6,000 will be paid to the surviving spouse, domestic partner, adult children, parents, or other family member of the deceased, depending upon who bore the cost of the funeral and burial.
- Professional licenses, certificates or registrations that expire while the holder is engaged in active military service will automatically be renewed.
- The new law extends, from three months to six months following the end of active service, the period during which property may not be seized, foreclosed upon, or sold due to nonpayment if the owner is in active military service.

For your review, we have attached a copy of the Patriot Plan. If you have any questions or comments about any of the new law's provision, please feel free to contact us.

Attachment