S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sens. MORAHAN, ALESI, AUBERTINE, DIAZ, SERRANO, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the abolition of citizenship requirements for licensure in certain professions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 6501 of the education law, as amended by chapter 81 of the laws of 1995, is amended to read as follows:

S 6501. Admission to a profession (licensing). 1. Admission to practice of a profession in this state is accomplished by a license being issued to a qualified applicant by the [education] department. To qualify for a license an applicant shall meet the requirements prescribed in the article for the particular profession and shall meet the requirements prescribed in section 3-503 of the general obligations law.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO OTHERWISE QUALIFIED APPLICANT SHALL BE DENIED A LICENSE, CERTIFICATE, LIMITED PERMIT OR REGISTRATION PURSUANT TO THIS TITLE BY REASON OF HIS OR HER LACK OF CITIZENSHIP OR IMMIGRATION STATUS, UNLESS SUCH APPLICANT IS INELIGIBLE FOR A PROFESSIONAL LICENSE UNDER FEDERAL LAW OR IS UNLAWFULLY PRESENT IN THE UNITED STATES.

S 2. Paragraph (f) of subdivision 6 of section 6506 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(f) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 3. Subdivision 6 of section 6524 of the education law, as amended by chapter 379 of the laws of 2008, is amended to read as follows:

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

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(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States; provided, however that the board of regents may grant a three year waiver for an alien physician to practice in an area which has been designated by the department as medically underserved, except that the board of regents may grant an additional extension not to exceed six years to an alien physician to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued; and provided further that the board of regents may grant an additional three year waiver, and at its expiration, an extension for a period not to exceed six additional years, for the holder of an H-1b visa, an O-1 visa, or an equivalent or successor visa thereto]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 4. Subdivision 6 of section 6554 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 5. Subdivision 6 of section 6604 of the education law, as amended by chapter 403 of the laws of 2002, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States; provided, however, that the board of regents may grant a three year waiver for an alien to practice in an area which has been designated a federal dental health professions shortage area, except that the board of regents may grant an additional extension not to exceed six years to an alien to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 6. Subdivision 6 of section 6609 of the education law, as amended by chapter 403 of the laws of 2002, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States; provided, however, that the board of regents may grant a three year waiver for an alien to practice in an area which has been designated a federal dental health professions shortage area, except that the board of regents may grant an additional extension not to exceed six years to an alien to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 7. Subdivision 6 of section 6704 of the education law, as amended by chapter 201 of the laws of 2007, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States; provided, however that the board of regents may grant a one-time three-year waiver for a veterinarian who otherwise meets the requirements of this article and who has accepted an offer to practice veterinary medicine in a county in the state which the department has certified as having a shortage of qualified applicants to fill existing vacancies in veterinary medicine, and provided further that the board of regents may grant an extension of such three-year waiver of not more than one year]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 8. Subdivision 6 of section 6711 of the education law, as amended by chapter 80 of the laws of 2000, is amended to read as follows:

6. Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States;

provided, however that the board of regents may grant a one-time three-year waiver for an animal health technician who otherwise meets the requirements of this article and provided further that the board of regents may grant an extension of such three-year waiver of not more than one year]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 9. Paragraph 6 of subdivision 1 of section 6805 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 10. Subdivision 6 of section 6955 of the education law, as added by chapter 327 of the laws of 1992, is amended to read as follows:

6. Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP.

S 11. Paragraph 6 of subdivision 1 of section 7206 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 12. Paragraph 6 of subdivision 1 of section 7206-a of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 13. Paragraph 6 of subdivision 1 of section 7324 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 14. Paragraph 6 of subdivision 1 of section 7504 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 15. Subdivision 5 of section 7804 of the education law, as amended by chapter 230 of the laws of 1997, is amended to read as follows:

(5) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 16. Subdivision 6 of section 6704 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 17. Subdivision 6 of section 6711 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

6. Citizenship [or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States]: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

S 18. This act shall take effect immediately, provided that the amendments to subdivision 6 of section 6704 and subdivision 6 of section 6711 of the education law, made by sections seven and eight of this act, shall be subject to the expiration and reversion of such subdivisions pursuant to chapter 80 of the laws of 2000, as amended, when upon such date the provisions of sections sixteen and seventeen of this act shall take effect.