

7488--C

2013-2014 Regular Sessions

I N A S S E M B L Y

May 22, 2013

Introduced by M. of A. BENEDETTO -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to course credit for veterans, articulation between military and civilian professional careers and application for admission to practice of a profession by a veteran or a veteran's spouse; to amend the general business law, in relation to licensing, certification and registration for veterans and veteran's spouses; to amend the vehicle and traffic law, in relation to providing motor vehicle inspector certification and mechanic qualifications; to amend the public health law, in relation to certification of responder or emergency medical technicians; to amend the county law, in relation to licensure of master electricians; and to amend the general city law, in relation to plumber certification

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

1 Section 1. The education law is amended by adding a new section 669-e
2 to read as follows:
3 S 669-E. COURSE CREDIT FOR VETERANS. 1. FOR PURPOSES OF THIS SECTION,
4 THE TERM "VETERAN" MEANS A PERSON, MALE OR FEMALE, RESIDENT OF THIS
5 STATE, WHO HAS SERVED IN THE ACTIVE MILITARY OR NAVAL SERVICE OF THE
6 UNITED STATES DURING A WAR IN WHICH THE UNITED STATES WAS ENGAGED AND
7 WHO HAS BEEN RELEASED FROM SUCH SERVICE BY ANY MEANS OF AN HONORABLE OR
8 GENERAL DISCHARGE, OR WHO HAS BEEN FURLOUGHED TO THE RESERVE.
9 2. EVERY VETERAN WHO IS ENROLLED ON A FULL-TIME BASIS AS AN UNDERGRAD-
10 UATE STUDENT IN GOOD STANDING, AT AN INSTITUTION WITHIN THE STATE

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

LBD10497-07-4

UNIVERSITY SYSTEM, SHALL UPON APPLICATION AND APPROVAL OF THE CHANCELLOR, OR HIS OR HER DESIGNEE, BE GRANTED UP TO SIX ACADEMIC CREDITS PER SEMESTER TOWARDS HIS OR HER DEGREE FOR COMPLETION OF COURSES THAT WERE PART OF SUCH VETERAN'S MILITARY TRAINING OR SERVICE. IN DETERMINING THE APPROVAL OF SUCH VETERAN'S APPLICATION, THE CHANCELLOR, OR HIS OR HER DESIGNEE, SHALL CONSIDER THE STANDARDS OF THE AMERICAN COUNCIL ON EDUCATION. NO FEE, TUITION OR OTHER CHARGE SHALL BE ASSESSED AGAINST A VETERAN WHO QUALIFIES FOR SUCH CREDIT PURSUANT TO THIS SECTION.

3. THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK MAY PROMULGATE RULES AND REGULATIONS AS ARE NECESSARY TO FULLY IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 2. Section 6505-c of the education law, as added by chapter 106 of the laws of 2003, is amended to read as follows:

S 6505-c. Articulation between military and civilian professional careers. 1. The commissioner shall develop, jointly with the director of the division of veterans' affairs, a program to facilitate articulation between participation in the military service of the United States or the military service of the state and admission to practice of a profession. The commissioner and the director shall identify, review and evaluate professional training programs offered through either the military service of the United States or the military service of the state which may, where applicable, be accepted by the department as equivalent education and training in lieu of all or part of an approved program. Particular emphasis shall be placed on the identification of military programs which have previously been deemed acceptable by the department as equivalent education and training, programs which may provide, where applicable, equivalent education and training for those professions which are critical to public health and safety and programs which may provide, where applicable, equivalent education and training for those professions for which shortages exist in the state of New York, AND PROGRAMS WHICH MAY PROVIDE, WHERE APPLICABLE, EQUIVALENT EDUCATION AND TRAINING FOR THOSE PROFESSIONS WHICH WOULD PROMOTE THE ECONOMIC DEVELOPMENT, JOB CREATION OR TECHNOLOGICAL ADVANCEMENT OF BUSINESS IN THE STATE OF NEW YORK.

2. The commissioner and the director shall prepare a list of those military programs which have previously been deemed acceptable by the department as equivalent education and training in lieu of all or part of an approved program no later than the thirtieth of August, two thousand three. On and after such date, such list shall be made available to the public and applicants for admission to practice of a profession.

3. The commissioner and the director shall prepare a list of those military programs which may provide, where applicable, equivalent education and training for those professions which are critical to public health and safety, programs which may provide, where applicable, equivalent education and training for those professions for which shortages exist in the state of New York, PROGRAMS WHICH MAY PROVIDE, WHERE APPLICABLE, EQUIVALENT EDUCATION AND TRAINING FOR THOSE PROFESSIONS WHICH WOULD PROMOTE THE ECONOMIC DEVELOPMENT, JOB CREATION OR TECHNOLOGICAL ADVANCEMENT OF BUSINESS IN THE STATE OF NEW YORK and any other military programs which may, where applicable, be accepted by the department as equivalent education and training in lieu of all or part of an approved program no later than the thirty-first of October, two thousand three. On and after such date, such list shall be made available to the public and applicants for admission to practice of a profession.

4. Such lists shall be prepared annually no later than the thirtieth of June thereafter with additions and deletions made jointly by the

1 commissioner and the director and made available to the public and
2 applicants for admission to practice of a profession on such date.

3 5. IN THEIR DETERMINATION PURSUANT TO THIS SECTION OF WHICH MILITARY
4 PROGRAMS PROVIDE EQUIVALENT EDUCATION AND TRAINING, SO AS TO BE ACCEPTED
5 BY THE DEPARTMENT AS EQUIVALENT EDUCATION AND TRAINING IN LIEU OF ALL OR
6 PART OF AN APPROVED PROGRAM, THE COMMISSIONER AND THE DIRECTOR SHALL
7 CONSIDER THE STANDARDS OF THE AMERICAN COUNCIL ON EDUCATION.

8 S 3. The education law is amended by adding a new section 6505-d to
9 read as follows:

10 S 6505-D. APPLICATION FOR ADMISSION TO THE PRACTICE OF A PROFESSION BY
11 A VETERAN OR A SPOUSE OF A VETERAN. THE COMMISSIONER SHALL PROVIDE FOR
12 AN EXPEDITED APPLICATION FOR ADMISSION TO THE PRACTICE OF A PROFESSION
13 BY A VETERAN OR A SPOUSE OF A VETERAN. SUCH APPLICATION SHALL BE DETER-
14 MINED BY THE COMMISSIONER WITHIN THIRTY DAYS OF THE FILING OF THE APPLI-
15 CATION WITH THE COMMISSIONER BY THE VETERAN OR SPOUSE OF A VETERAN. IN
16 MAKING THE DETERMINATION FOR THE VETERAN, THE COMMISSIONER SHALL, IN
17 ADDITION TO THE EDUCATION AND TRAINING OF THE VETERAN, ALSO CONSIDER THE
18 EQUIVALENT EDUCATION AND TRAINING OF THE VETERAN, IN ACCORDANCE WITH
19 SECTION SIXTY-FIVE HUNDRED FIVE-C OF THIS SUBARTICLE. IN MAKING THE
20 DETERMINATION FOR THE VETERAN'S SPOUSE, THE COMMISSIONER SHALL CONSIDER
21 THE EDUCATION AND TRAINING OF THE VETERAN'S SPOUSE, TOGETHER WITH ANY
22 EQUIVALENT EDUCATION, TRAINING, PAST ADMISSION OR PAST PRACTICE OF SUCH
23 SPOUSE OF SUCH PROFESSION IN ANOTHER JURISDICTION, TOGETHER WITH THE
24 STANDARDS OF THE AMERICAN COUNCIL ON EDUCATION. IF THE COMMISSIONER
25 DETERMINES THAT THE EDUCATION AND TRAINING OF THE VETERAN OR THE VETER-
26 AN'S SPOUSE, AND/OR THEIR PAST ADMISSION OR PAST PRACTICE IN ANOTHER
27 JURISDICTION, IS ESSENTIALLY EQUIVALENT TO THE REQUIREMENTS NECESSARY
28 FOR ADMISSION TO PRACTICE THE PROFESSION IN NEW YORK STATE, THEN THE
29 COMMISSIONER SHALL GRANT SUCH VETERAN OR VETERAN'S SPOUSE ADMISSION TO
30 PRACTICE THE PROFESSION IN NEW YORK STATE.

31 S 4. The general business law is amended by adding a new article 2-A
32 to read as follows:

33 ARTICLE 2-A

34 LICENSING, CERTIFICATION AND REGISTRATION FOR VETERANS AND VETERAN 35 SPOUSES

36 SECTION 20-A. ARTICULATION BETWEEN MILITARY AND CIVILIAN PROFESSIONAL
37 CAREERS.

38 20-B. APPLICATION FOR LICENSING, CERTIFICATION OR REGISTRATION
39 TO PRACTICE A PROFESSION BY A VETERAN OR A SPOUSE OF A
40 VETERAN.

41 S 20-A. ARTICULATION BETWEEN MILITARY AND CIVILIAN PROFESSIONAL
42 CAREERS. 1. THE SECRETARY OF STATE SHALL DEVELOP, JOINTLY WITH THE
43 DIRECTOR OF THE DIVISION OF VETERANS' AFFAIRS, A PROGRAM TO FACILITATE
44 ARTICULATION BETWEEN PARTICIPATION IN THE ARMED FORCES OF THE UNITED
45 STATES OR THE MILITARY SERVICE OF THE STATE AND THE LICENSING, CERTIF-
46 ICATION AND REGISTRATION FOR VETERANS TO PRACTICE ANY PROFESSION
47 LICENSED, CERTIFIED OR REGISTERED PURSUANT TO THIS CHAPTER. THE SECRE-
48 TARY AND THE DIRECTOR SHALL IDENTIFY, REVIEW AND EVALUATE PROFESSIONAL
49 TRAINING PROGRAMS OFFERED THROUGH EITHER THE ARMED FORCES OF THE UNITED
50 STATES OR THE MILITARY SERVICE OF THE STATE WHICH MAY, WHERE APPLICABLE,
51 BE ACCEPTED BY THE DEPARTMENT AS EQUIVALENT EDUCATION AND TRAINING IN
52 LIEU OF ALL OR PART OF AN APPROVED PROGRAM. PARTICULAR EMPHASIS SHALL BE
53 PLACED ON THE IDENTIFICATION OF MILITARY PROGRAMS WHICH HAVE PREVIOUSLY
54 BEEN DEEMED ACCEPTABLE BY THE DEPARTMENT AS EQUIVALENT EDUCATION AND
55 TRAINING, PROGRAMS WHICH MAY PROVIDE, WHERE APPLICABLE, EQUIVALENT
56 EDUCATION AND TRAINING FOR THOSE PROFESSIONS WHICH ARE CRITICAL TO

1 PUBLIC HEALTH AND SAFETY AND PROGRAMS WHICH MAY PROVIDE, WHERE APPLICA-
2 BLE, EQUIVALENT EDUCATION AND TRAINING FOR THOSE PROFESSIONS FOR WHICH
3 SHORTAGES EXIST IN THE STATE AND PROGRAMS WHICH MAY PROVIDE, WHERE
4 APPLICABLE, EQUIVALENT EDUCATION AND TRAINING FOR THOSE PROFESSIONS
5 WHICH WOULD PROMOTE THE ECONOMIC DEVELOPMENT, JOB CREATION OR TECHNOLOG-
6 ICAL ADVANCEMENT OF BUSINESS IN THE STATE.

7 2. THE SECRETARY AND THE DIRECTOR SHALL PREPARE A LIST OF THOSE MILI-
8 TARY PROGRAMS WHICH HAVE PREVIOUSLY BEEN DEEMED ACCEPTABLE BY THE
9 DEPARTMENT AS EQUIVALENT EDUCATION AND TRAINING IN LIEU OF ALL OR PART
10 OF AN APPROVED PROGRAM NO LATER THAN JANUARY FIRST, TWO THOUSAND
11 FIFTEEN. ON AND AFTER SUCH DATE, SUCH LIST SHALL BE MADE AVAILABLE TO
12 THE PUBLIC AND APPLICANTS FOR ADMISSION TO PRACTICE OF A PROFESSION.

13 3. THE SECRETARY AND THE DIRECTOR SHALL PREPARE A LIST OF THOSE MILI-
14 TARY PROGRAMS WHICH MAY PROVIDE, WHERE APPLICABLE, EQUIVALENT EDUCATION
15 AND TRAINING FOR THOSE PROFESSIONS WHICH ARE CRITICAL TO PUBLIC HEALTH
16 AND SAFETY, PROGRAMS WHICH MAY PROVIDE, WHERE APPLICABLE, EQUIVALENT
17 EDUCATION AND TRAINING FOR THOSE PROFESSIONS FOR WHICH SHORTAGES EXIST
18 IN THE STATE, PROGRAMS WHICH MAY PROVIDE, WHERE APPLICABLE, EQUIVALENT
19 EDUCATION AND TRAINING FOR THOSE PROFESSIONS WHICH WOULD PROMOTE THE
20 ECONOMIC DEVELOPMENT, JOB CREATION OR TECHNOLOGICAL ADVANCEMENT OF BUSI-
21 NESS IN THE STATE AND ANY OTHER MILITARY PROGRAMS WHICH MAY, WHERE
22 APPLICABLE, BE ACCEPTED BY THE DEPARTMENT AS EQUIVALENT EDUCATION AND
23 TRAINING IN LIEU OF ALL OR PART OF AN APPROVED PROGRAM NO LATER THAN THE
24 THIRTY-FIRST OF OCTOBER, TWO THOUSAND SIXTEEN. ON AND AFTER SUCH DATE,
25 SUCH LIST SHALL BE MADE AVAILABLE TO THE PUBLIC AND APPLICANTS FOR THE
26 LICENSING, CERTIFICATION AND REGISTRATION TO THE PRACTICE OF A PROFES-
27 SION.

28 4. SUCH LISTS SHALL BE PREPARED ANNUALLY NO LATER THAN THE THIRTIETH
29 OF JUNE THEREAFTER WITH ADDITIONS AND DELETIONS MADE JOINTLY BY THE
30 SECRETARY AND THE DIRECTOR AND MADE AVAILABLE TO THE PUBLIC AND APPLI-
31 CANTS FOR THE LICENSING, CERTIFICATION AND REGISTRATION TO THE PRACTICE
32 OF A PROFESSION ON SUCH DATE.

33 5. IN THEIR DETERMINATION PURSUANT TO THIS SECTION OF WHICH MILITARY
34 PROGRAMS PROVIDE EQUIVALENT EDUCATION AND TRAINING, SO AS TO BE ACCEPTED
35 BY THE DEPARTMENT AS EQUIVALENT EDUCATION AND TRAINING IN LIEU OF ALL OR
36 PART OF AN APPROVED PROGRAM, THE SECRETARY AND THE DIRECTOR SHALL
37 CONSIDER THE STANDARDS OF THE AMERICAN COUNCIL ON EDUCATION.

38 S 20-B. APPLICATION FOR LICENSING, CERTIFICATION OR REGISTRATION TO
39 PRACTICE A PROFESSION BY A VETERAN OR A SPOUSE OF A VETERAN. THE SECRE-
40 TARY OF STATE SHALL PROVIDE FOR AN EXPEDITED APPLICATION FOR LICENSING,
41 CERTIFICATION OR REGISTRATION TO THE PRACTICE OF A PROFESSION BY A
42 VETERAN OR A SPOUSE OF A VETERAN. SUCH APPLICATION SHALL BE DETERMINED
43 BY THE SECRETARY WITHIN THIRTY DAYS OF THE FILING OF THE APPLICATION
44 WITH THE SECRETARY BY THE VETERAN OR SPOUSE OF A VETERAN. IN MAKING THE
45 DETERMINATION FOR THE VETERAN, THE SECRETARY SHALL, IN ADDITION TO THE
46 EDUCATION AND TRAINING OF THE VETERAN, ALSO CONSIDER THE EQUIVALENT
47 EDUCATION AND TRAINING OF THE VETERAN, IN ACCORDANCE WITH SECTION TWEN-
48 TY-A OF THIS ARTICLE. IN MAKING THE DETERMINATION FOR THE VETERAN'S
49 SPOUSE, THE SECRETARY SHALL CONSIDER THE EDUCATION AND TRAINING OF THE
50 VETERAN'S SPOUSE, TOGETHER WITH ANY EQUIVALENT EDUCATION, TRAINING, PAST
51 LICENSING, CERTIFICATION OR REGISTRATION OR PAST PRACTICE OF SUCH SPOUSE
52 OF SUCH PROFESSION IN ANOTHER JURISDICTION, TOGETHER WITH THE STANDARDS
53 OF THE AMERICAN COUNCIL ON EDUCATION. IF THE SECRETARY DETERMINES THAT
54 THE EDUCATION AND TRAINING OF THE VETERAN OR THE VETERAN'S SPOUSE,
55 AND/OR THEIR PAST LICENSING, CERTIFICATION OR REGISTRATION OR PAST PRAC-
56 TICE IN ANOTHER JURISDICTION, IS ESSENTIALLY EQUIVALENT TO THE REQUIRE-

MENTS NECESSARY FOR LICENSING, CERTIFICATION OR REGISTRATION TO PRACTICE THE PROFESSION IN THE STATE, THEN THE SECRETARY SHALL GRANT SUCH VETERAN OR VETERAN'S SPOUSE LICENSING, CERTIFICATION OR REGISTRATION TO PRACTICE SUCH PROFESSION.

S 5. Subdivision (c) of section 304-a of the vehicle and traffic law, as added by chapter 61 of the laws of 1989, is amended to read as follows:

(c) The commissioner may, by regulation, establish standards of competency and fitness for certification as an inspector; PROVIDED, HOWEVER, THAT ANY PERSON WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES AND WHO BY MILITARY TRAINING AND PRACTICE ACQUIRED THE SKILLS OF A MOTOR VEHICLE INSPECTOR SHALL BE CERTIFIED BY THE COMMISSIONER AS AN INSPECTOR.

S 6. Section 398-d of the vehicle and traffic law is amended by adding a new subdivision 8 to read as follows:

8. ANY PERSON WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES, AND WHO BY MILITARY TRAINING AND PRACTICE ACQUIRES THE SKILLS OF A MOTOR VEHICLE MECHANIC, SHALL BE DEEMED TO BE QUALIFIED TO PERFORM WORK UPON MOTOR VEHICLES AT MOTOR VEHICLE REPAIR SHOPS.

S 7. Subdivision 2 of section 3002 of the public health law, as amended by chapter 580 of the laws of 2007, is amended to read as follows:

2. The state council shall have the power, by an affirmative vote of a majority of those present, subject to approval by the commissioner, to enact, and from time to time, amend and repeal, rules and regulations establishing minimum standards for ambulance services, ambulance service certification, advanced life support first response services, the provision of prehospital emergency medical care, public education, the development of a statewide emergency medical services system, the provision of ambulance services outside the primary territory specified in the ambulance services' certificate and the training, examination, and certification of certified first responders, emergency medical technicians, and advanced emergency medical technicians; provided, however, that such minimum standards must be consistent with the staffing standards established by section three thousand five-a of this article. Such training shall be made available by video or computer to the maximum extent possible. [Until January first, nineteen hundred ninety-seven, no minimum standards shall be established for services provided by a voluntary ambulance service operating solely pursuant to a statement of registration issued under section three thousand four.] The curriculum for certified first responder training shall not exceed fifty-one hours including prerequisites. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO THE CONTRARY, ANY PERSON WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES, AND WHO BY MILITARY TRAINING AND PRACTICE WAS A MEDIC OR CORPSMAN, SHALL BE CERTIFIED, WITHOUT EXAMINATION, BY THE STATE COUNCIL AND REGIONAL COUNCILS AS A FIRST RESPONDER OR EMERGENCY MEDICAL TECHNICIAN. The state council shall have the same powers granted to regional councils by this article in any region of the state in which a regional council has not been established.

S 8. Subdivision 1 of section 236-a of the county law, as amended by chapter 343 of the laws of 2008, is amended to read as follows:

1. Notwithstanding the provisions of the general city law or any other law to the contrary, the counties of Dutchess and Westchester are each hereby authorized to establish a county board of examiners for master

1 electricians and to empower such board to assume all licensing duties
2 within each such county with respect to the licensure of master electri-
3 cians. PROVIDED, THAT SUCH COUNTIES SHALL PROVIDE FOR THE LICENSING,
4 WITHOUT EXAMINATION, AS A MASTER ELECTRICIAN OF ANY PERSON WHO WAS A
5 MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR
6 RESERVES, AND WHO BY MILITARY TRAINING AND PRACTICE ACQUIRED THE SKILLS
7 OF AN ELECTRICIAN. The counties of Dutchess and Westchester shall
8 provide for master electrician's duties and responsibilities in accord-
9 ance with the local law of each such county.

10 S 9. Section 45 of the general city law is amended to read as follows:

11 S 45. Examinations; conducting business without certificate prohibit-
12 ed. A person desiring or intending to conduct the trade, business or
13 calling of a plumber or of plumbing in a city of this state as employing
14 or master plumber, shall be required to submit to an examination before
15 such examining board of plumbers as to his experience and qualifications
16 for such trade, business or calling, and it shall not be lawful in any
17 city of this state for a person to conduct such trade, business or call-
18 ing, unless he shall have first obtained a certificate of competency
19 from such board of the city in which he conducts or proposes to conduct
20 such business. PROVIDED, HOWEVER, THAT ANY PERSON WHO WAS A MEMBER OF
21 THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES, AND
22 WHO BY MILITARY TRAINING AND PRACTICE ACQUIRED THE SKILLS OF A PLUMBER,
23 SHALL BE CERTIFIED AS COMPETENT WITHOUT EXAMINATION.

24 S 10. This act shall take effect on the first of January next succeed-
25 ing the date on which it shall have become a law, provided, however,
26 that section one of this act shall take effect on the first of July next
27 succeeding the date on which it shall have become a law; provided, that,
28 effective immediately, any rules and regulations necessary to implement
29 the provisions of this act on its effective date are authorized and
30 directed to be amended, added and/or repealed on or before such date.