

4914--C

2013-2014 Regular Sessions

I N S E N A T E

May 1, 2013

Introduced by Sens. BALL, ADDABBO, AVELLA, CARLUCCI, GRISANTI, HASSELL-THOMPSON, LANZA, MAZIARZ, NOZZOLIO, SAMPSON, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Veterans, Homeland Security and Military Affairs in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- 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

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

LBD10497-06-4

1 UNITED STATES DURING A WAR IN WHICH THE UNITED STATES WAS ENGAGED AND
2 WHO HAS BEEN RELEASED FROM SUCH SERVICE BY ANY MEANS OF AN HONORABLE OR
3 GENERAL DISCHARGE, OR WHO HAS BEEN FURLOUGHED TO THE RESERVE.

4 2. EVERY VETERAN WHO IS ENROLLED ON A FULL-TIME BASIS AS AN UNDERGRAD-
5 UATE STUDENT IN GOOD STANDING, AT AN INSTITUTION WITHIN THE STATE
6 UNIVERSITY SYSTEM, SHALL UPON APPLICATION AND APPROVAL OF THE CHANCEL-
7 LOR, OR HIS OR HER DESIGNEE, BE GRANTED UP TO SIX ACADEMIC CREDITS PER
8 SEMESTER TOWARDS HIS OR HER DEGREE FOR COMPLETION OF COURSES THAT WERE
9 PART OF SUCH VETERAN'S MILITARY TRAINING OR SERVICE. IN DETERMINING THE
10 APPROVAL OF SUCH VETERAN'S APPLICATION, THE CHANCELLOR, OR HIS OR HER
11 DESIGNEE, SHALL CONSIDER THE STANDARDS OF THE AMERICAN COUNCIL ON EDUCA-
12 TION. NO FEE, TUITION OR OTHER CHARGE SHALL BE ASSESSED AGAINST A VETER-
13 AN WHO QUALIFIES FOR SUCH CREDIT PURSUANT TO THIS SECTION.

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

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

19 S 6505-c. Articulation between military and civilian professional
20 careers. 1. The commissioner shall develop, jointly with the director of
21 the division of veterans' affairs, a program to facilitate articulation
22 between participation in the military service of the United States or
23 the military service of the state and admission to practice of a profes-
24 sion. The commissioner and the director shall identify, review and eval-
25 uate professional training programs offered through either the military
26 service of the United States or the military service of the state which
27 may, where applicable, be accepted by the department as equivalent
28 education and training in lieu of all or part of an approved program.
29 Particular emphasis shall be placed on the identification of military
30 programs which have previously been deemed acceptable by the department
31 as equivalent education and training, programs which may provide, where
32 applicable, equivalent education and training for those professions
33 which are critical to public health and safety and programs which may
34 provide, where applicable, equivalent education and training for those
35 professions for which shortages exist in the state of New York, AND
36 PROGRAMS WHICH MAY PROVIDE, WHERE APPLICABLE, EQUIVALENT EDUCATION AND
37 TRAINING FOR THOSE PROFESSIONS WHICH WOULD PROMOTE THE ECONOMIC DEVELOP-
38 MENT, JOB CREATION OR TECHNOLOGICAL ADVANCEMENT OF BUSINESS IN THE STATE
39 OF NEW YORK.

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

46 3. The commissioner and the director shall prepare a list of those
47 military programs which may provide, where applicable, equivalent educa-
48 tion and training for those professions which are critical to public
49 health and safety, programs which may provide, where applicable, equiv-
50 alent education and training for those professions for which shortages
51 exist in the state of New York, PROGRAMS WHICH MAY PROVIDE, WHERE APPLI-
52 CABLE, EQUIVALENT EDUCATION AND TRAINING FOR THOSE PROFESSIONS WHICH
53 WOULD PROMOTE THE ECONOMIC DEVELOPMENT, JOB CREATION OR TECHNOLOGICAL
54 ADVANCEMENT OF BUSINESS IN THE STATE OF NEW YORK and any other military
55 programs which may, where applicable, be accepted by the department as
56 equivalent education and training in lieu of all or part of an approved

1 program no later than the thirty-first of October, two thousand three.
 2 On and after such date, such list shall be made available to the public
 3 and applicants for admission to practice of a profession.

4 4. Such lists shall be prepared annually no later than the thirtieth
 5 of June thereafter with additions and deletions made jointly by the
 6 commissioner and the director and made available to the public and
 7 applicants for admission to practice of a profession on such date.

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

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

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

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

38 ARTICLE 2-A

39 LICENSING, CERTIFICATION AND REGISTRATION FOR VETERANS AND VETERAN 40 SPOUSES

41 SECTION 20-A. ARTICULATION BETWEEN MILITARY AND CIVILIAN PROFESSIONAL
 42 CAREERS.

43 20-B. APPLICATION FOR LICENSING, CERTIFICATION OR REGISTRATION
 44 TO PRACTICE A PROFESSION BY A VETERAN OR A SPOUSE OF A
 45 VETERAN.

46 S 20-A. ARTICULATION BETWEEN MILITARY AND CIVILIAN PROFESSIONAL
 47 CAREERS. 1. THE SECRETARY OF STATE SHALL DEVELOP, JOINTLY WITH THE
 48 DIRECTOR OF THE DIVISION OF VETERANS' AFFAIRS, A PROGRAM TO FACILITATE
 49 ARTICULATION BETWEEN PARTICIPATION IN THE ARMED FORCES OF THE UNITED
 50 STATES OR THE MILITARY SERVICE OF THE STATE AND THE LICENSING, CERTIF-
 51 ICATION AND REGISTRATION FOR VETERANS TO PRACTICE ANY PROFESSION
 52 LICENSED, CERTIFIED OR REGISTERED PURSUANT TO THIS CHAPTER. THE SECRE-
 53 TARY AND THE DIRECTOR SHALL IDENTIFY, REVIEW AND EVALUATE PROFESSIONAL
 54 TRAINING PROGRAMS OFFERED THROUGH EITHER THE ARMED FORCES OF THE UNITED
 55 STATES OR THE MILITARY SERVICE OF THE STATE WHICH MAY, WHERE APPLICABLE,
 56 BE ACCEPTED BY THE DEPARTMENT AS EQUIVALENT EDUCATION AND TRAINING IN

1 LIEU OF ALL OR PART OF AN APPROVED PROGRAM. PARTICULAR EMPHASIS SHALL BE
2 PLACED ON THE IDENTIFICATION OF MILITARY PROGRAMS WHICH HAVE PREVIOUSLY
3 BEEN DEEMED ACCEPTABLE BY THE DEPARTMENT AS EQUIVALENT EDUCATION AND
4 TRAINING, PROGRAMS WHICH MAY PROVIDE, WHERE APPLICABLE, EQUIVALENT
5 EDUCATION AND TRAINING FOR THOSE PROFESSIONS WHICH ARE CRITICAL TO
6 PUBLIC HEALTH AND SAFETY AND PROGRAMS WHICH MAY PROVIDE, WHERE APPLICA-
7 BLE, EQUIVALENT EDUCATION AND TRAINING FOR THOSE PROFESSIONS FOR WHICH
8 SHORTAGES EXIST IN THE STATE AND PROGRAMS WHICH MAY PROVIDE, WHERE
9 APPLICABLE, EQUIVALENT EDUCATION AND TRAINING FOR THOSE PROFESSIONS
10 WHICH WOULD PROMOTE THE ECONOMIC DEVELOPMENT, JOB CREATION OR TECHNOLOG-
11 ICAL ADVANCEMENT OF BUSINESS IN THE STATE.

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

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

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

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

43 S 20-B. APPLICATION FOR LICENSING, CERTIFICATION OR REGISTRATION TO
44 PRACTICE A PROFESSION BY A VETERAN OR A SPOUSE OF A VETERAN. THE SECRE-
45 TARY OF STATE SHALL PROVIDE FOR AN EXPEDITED APPLICATION FOR LICENSING,
46 CERTIFICATION OR REGISTRATION TO THE PRACTICE OF A PROFESSION BY A
47 VETERAN OR A SPOUSE OF A VETERAN. SUCH APPLICATION SHALL BE DETERMINED
48 BY THE SECRETARY WITHIN THIRTY DAYS OF THE FILING OF THE APPLICATION
49 WITH THE SECRETARY BY THE VETERAN OR SPOUSE OF A VETERAN. IN MAKING THE
50 DETERMINATION FOR THE VETERAN, THE SECRETARY SHALL, IN ADDITION TO THE
51 EDUCATION AND TRAINING OF THE VETERAN, ALSO CONSIDER THE EQUIVALENT
52 EDUCATION AND TRAINING OF THE VETERAN, IN ACCORDANCE WITH SECTION TWEN-
53 TY-A OF THIS ARTICLE. IN MAKING THE DETERMINATION FOR THE VETERAN'S
54 SPOUSE, THE SECRETARY SHALL CONSIDER THE EDUCATION AND TRAINING OF THE
55 VETERAN'S SPOUSE, TOGETHER WITH ANY EQUIVALENT EDUCATION, TRAINING, PAST
56 LICENSING, CERTIFICATION OR REGISTRATION OR PAST PRACTICE OF SUCH SPOUSE

1 OF SUCH PROFESSION IN ANOTHER JURISDICTION, TOGETHER WITH THE STANDARDS
2 OF THE AMERICAN COUNCIL ON EDUCATION. IF THE SECRETARY DETERMINES THAT
3 THE EDUCATION AND TRAINING OF THE VETERAN OR THE VETERAN'S SPOUSE,
4 AND/OR THEIR PAST LICENSING, CERTIFICATION OR REGISTRATION OR PAST PRACTICE
5 IN ANOTHER JURISDICTION, IS ESSENTIALLY EQUIVALENT TO THE REQUIREMENTS
6 NECESSARY FOR LICENSING, CERTIFICATION OR REGISTRATION TO PRACTICE
7 THE PROFESSION IN THE STATE, THEN THE SECRETARY SHALL GRANT SUCH VETERAN
8 OR VETERAN'S SPOUSE LICENSING, CERTIFICATION OR REGISTRATION TO PRACTICE
9 SUCH PROFESSION.

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

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

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

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

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

29 2. The state council shall have the power, by an affirmative vote of a
30 majority of those present, subject to approval by the commissioner, to
31 enact, and from time to time, amend and repeal, rules and regulations
32 establishing minimum standards for ambulance services, ambulance service
33 certification, advanced life support first response services, the
34 provision of prehospital emergency medical care, public education, the
35 development of a statewide emergency medical services system, the
36 provision of ambulance services outside the primary territory specified
37 in the ambulance services' certificate and the training, examination,
38 and certification of certified first responders, emergency medical tech-
39 nicians, and advanced emergency medical technicians; provided, however,
40 that such minimum standards must be consistent with the staffing stand-
41 ards established by section three thousand five-a of this article. Such
42 training shall be made available by video or computer to the maximum
43 extent possible. [Until January first, nineteen hundred ninety-seven, no
44 minimum standards shall be established for services provided by a volun-
45 tary ambulance service operating solely pursuant to a statement of
46 registration issued under section three thousand four.] The curriculum
47 for certified first responder training shall not exceed fifty-one hours
48 including prerequisites. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
49 ARTICLE TO THE CONTRARY, ANY PERSON WHO WAS A MEMBER OF THE ARMED FORCES
50 OF THE UNITED STATES, NATIONAL GUARD OR RESERVES, AND WHO BY MILITARY
51 TRAINING AND PRACTICE WAS A MEDIC OR CORPSMAN, SHALL BE CERTIFIED, WITH-
52 OUT EXAMINATION, BY THE STATE COUNCIL AND REGIONAL COUNCILS AS A FIRST
53 RESPONDER OR EMERGENCY MEDICAL TECHNICIAN. The state council shall have
54 the same powers granted to regional councils by this article in any
55 region of the state in which a regional council has not been estab-
56 lished.

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

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

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

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

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