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

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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:

Section 1. The education law is amended by adding a new section 669-e to read as follows:

S 669-E. COURSE CREDIT FOR VETERANS. 1. FOR PURPOSES OF THIS SECTION, THE TERM "VETERAN" MEANS A PERSON, MALE OR FEMALE, RESIDENT OF THIS STATE, WHO HAS SERVED IN THE ACTIVE MILITARY OR NAVAL SERVICE OF THE UNITED STATES DURING A WAR IN WHICH THE UNITED STATES WAS ENGAGED AND WHO HAS BEEN RELEASED FROM SUCH SERVICE BY ANY MEANS OF AN HONORABLE OR GENERAL DISCHARGE, OR WHO HAS BEEN FURLOUGHED TO THE RESERVE.

2. EVERY VETERAN WHO IS ENROLLED ON A FULL-TIME BASIS AS AN UNDERGRADUATE 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.

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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

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

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

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

S 6505-D. APPLICATION FOR ADMISSION TO THE PRACTICE OF A PROFESSION BY A VETERAN OR A SPOUSE OF A VETERAN. THE COMMISSIONER SHALL PROVIDE FOR AN EXPEDITED APPLICATION FOR ADMISSION TO THE PRACTICE OF A PROFESSION BY A VETERAN OR A SPOUSE OF A VETERAN. SUCH APPLICATION SHALL BE DETERMINED BY THE COMMISSIONER WITHIN THIRTY DAYS OF THE FILING OF THE APPLICATION WITH THE COMMISSIONER BY THE VETERAN OR SPOUSE OF A VETERAN. IN MAKING THE DETERMINATION FOR THE VETERAN, THE COMMISSIONER SHALL, IN ADDITION TO THE EDUCATION AND TRAINING OF THE VETERAN, ALSO CONSIDER THE EQUIVALENT EDUCATION AND TRAINING OF THE VETERAN, IN ACCORDANCE WITH SECTION SIXTY-FIVE HUNDRED FIVE-C OF THIS SUBARTICLE. IN MAKING THE DETERMINATION FOR THE VETERAN'S SPOUSE, THE COMMISSIONER SHALL CONSIDER THE EDUCATION AND TRAINING OF THE VETERAN'S SPOUSE, TOGETHER WITH ANY EQUIVALENT EDUCATION, TRAINING, PAST ADMISSION OR PAST PRACTICE OF SUCH SPOUSE OF SUCH PROFESSION IN ANOTHER JURISDICTION, TOGETHER WITH THE STANDARDS OF THE AMERICAN COUNCIL ON EDUCATION. IF THE COMMISSIONER DETERMINES THAT THE EDUCATION AND TRAINING OF THE VETERAN OR THE VETERAN'S SPOUSE, AND/OR THEIR PAST ADMISSION OR PAST PRACTICE IN ANOTHER JURISDICTION, IS ESSENTIALLY EQUIVALENT TO THE REQUIREMENTS NECESSARY FOR ADMISSION TO PRACTICE THE PROFESSION IN NEW YORK STATE, THEN THE COMMISSIONER SHALL GRANT SUCH VETERAN OR VETERAN'S SPOUSE ADMISSION TO PRACTICE THE PROFESSION IN NEW YORK STATE.

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

ARTICLE 2-A

LICENSING, CERTIFICATION AND REGISTRATION FOR VETERANS AND VETERAN SPOUSES

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

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

S 20-A. ARTICULATION BETWEEN MILITARY AND CIVILIAN PROFESSIONAL CAREERS. 1. THE SECRETARY OF STATE SHALL DEVELOP, JOINTLY WITH THE DIRECTOR OF THE DIVISION OF VETERANS' AFFAIRS, A PROGRAM TO FACILITATE ARTICULATION BETWEEN PARTICIPATION IN THE ARMED FORCES OF THE UNITED STATES OR THE MILITARY SERVICE OF THE STATE AND THE LICENSING, CERTIFICATION AND REGISTRATION FOR VETERANS TO PRACTICE ANY PROFESSION LICENSED, CERTIFIED OR REGISTERED PURSUANT TO THIS CHAPTER. THE SECRETARY AND THE DIRECTOR SHALL IDENTIFY, REVIEW AND EVALUATE PROFESSIONAL TRAINING PROGRAMS OFFERED THROUGH EITHER THE ARMED FORCES 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 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.

2. THE SECRETARY 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 JANUARY FIRST, TWO THOUSAND FIFTEEN. 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 SECRETARY 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, 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 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 SIXTEEN. ON AND AFTER SUCH DATE, SUCH LIST SHALL BE MADE AVAILABLE TO THE PUBLIC AND APPLICANTS FOR THE LICENSING, CERTIFICATION AND REGISTRATION TO THE 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 SECRETARY AND THE DIRECTOR AND MADE AVAILABLE TO THE PUBLIC AND APPLICANTS FOR THE LICENSING, CERTIFICATION AND REGISTRATION TO THE PRACTICE OF A PROFESSION ON SUCH DATE.

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

S 20-B. APPLICATION FOR LICENSING, CERTIFICATION OR REGISTRATION TO PRACTICE A PROFESSION BY A VETERAN OR A SPOUSE OF A VETERAN. THE SECRETARY OF STATE SHALL PROVIDE FOR AN EXPEDITED APPLICATION FOR LICENSING, CERTIFICATION OR REGISTRATION TO THE PRACTICE OF A PROFESSION BY A VETERAN OR A SPOUSE OF A VETERAN. SUCH APPLICATION SHALL BE DETERMINED BY THE SECRETARY WITHIN THIRTY DAYS OF THE FILING OF THE APPLICATION WITH THE SECRETARY BY THE VETERAN OR SPOUSE OF A VETERAN. IN MAKING THE DETERMINATION FOR THE VETERAN, THE SECRETARY SHALL, IN ADDITION TO THE EDUCATION AND TRAINING OF THE VETERAN, ALSO CONSIDER THE EQUIVALENT EDUCATION AND TRAINING OF THE VETERAN, IN ACCORDANCE WITH SECTION TWENTY-A OF THIS ARTICLE. IN MAKING THE DETERMINATION FOR THE VETERAN'S SPOUSE, THE SECRETARY SHALL CONSIDER THE EDUCATION AND TRAINING OF THE VETERAN'S SPOUSE, TOGETHER WITH ANY EQUIVALENT EDUCATION, TRAINING, PAST LICENSING, CERTIFICATION OR REGISTRATION OR PAST PRACTICE OF SUCH SPOUSE OF SUCH PROFESSION IN ANOTHER JURISDICTION, TOGETHER WITH THE STANDARDS OF THE AMERICAN COUNCIL ON EDUCATION. IF THE SECRETARY DETERMINES THAT THE EDUCATION AND TRAINING OF THE VETERAN OR THE VETERAN'S SPOUSE, AND/OR THEIR PAST LICENSING, CERTIFICATION OR REGISTRATION OR PAST PRACTICE 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

electricians and to empower such board to assume all licensing duties within each such county with respect to the licensure of master electricians. PROVIDED, THAT SUCH COUNTIES SHALL PROVIDE FOR THE LICENSING, WITHOUT EXAMINATION, AS A MASTER ELECTRICIAN OF 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 AN ELECTRICIAN. The counties of Dutchess and Westchester shall provide for master electrician's duties and responsibilities in accordance with the local law of each such county.

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

S 45. Examinations; conducting business without certificate prohibited. A person desiring or intending to conduct the trade, business or calling of a plumber or of plumbing in a city of this state as employing or master plumber, shall be required to submit to an examination before such examining board of plumbers as to his experience and qualifications for such trade, business or calling, and it shall not be lawful in any city of this state for a person to conduct such trade, business or calling, unless he shall have first obtained a certificate of competency from such board of the city in which he conducts or proposes to conduct such business. 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 PLUMBER, SHALL BE CERTIFIED AS COMPETENT WITHOUT EXAMINATION.

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