

2946

2015-2016 Regular Sessions

I N S E N A T E

January 30, 2015

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

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-f
2 to read as follows:
3 S 669-F. 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
11 UNIVERSITY SYSTEM, SHALL UPON APPLICATION AND APPROVAL OF THE CHANCEL-
12 LOR, OR HIS OR HER DESIGNEE, BE GRANTED UP TO SIX ACADEMIC CREDITS PER
13 SEMESTER TOWARDS HIS OR HER DEGREE FOR COMPLETION OF COURSES THAT WERE
14 PART OF SUCH VETERAN'S MILITARY TRAINING OR SERVICE. IN DETERMINING THE
15 APPROVAL OF SUCH VETERAN'S APPLICATION, THE CHANCELLOR, OR HIS OR HER

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

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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

1 WHICH WOULD PROMOTE THE ECONOMIC DEVELOPMENT, JOB CREATION OR TECHNOLOG-
2 ICAL ADVANCEMENT OF BUSINESS IN THE STATE.

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

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

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

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

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

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

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

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

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

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

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

48 S 8. Subdivision 1 of section 236-a of the county law, as amended by
49 chapter 257 of the laws of 2014, is amended to read as follows:

50 1. Notwithstanding the provisions of the general city law or any other
51 law to the contrary, the counties of Dutchess, Suffolk and Westchester
52 are each hereby authorized to establish a county board of examiners for
53 master electricians and to empower such board to assume all licensing
54 duties within each such county with respect to the licensure of master
55 electricians. PROVIDED, THAT SUCH COUNTIES SHALL PROVIDE FOR THE
56 LICENSING, WITHOUT EXAMINATION, AS A MASTER ELECTRICIAN OF ANY PERSON

1 WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL
2 GUARD OR RESERVES, AND WHO BY MILITARY TRAINING AND PRACTICE ACQUIRED
3 THE SKILLS OF AN ELECTRICIAN. The counties of Dutchess, Suffolk and
4 Westchester shall provide for master electrician's duties and responsi-
5 bilities in accordance with the local law of each such county.

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

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

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