

STATE OF NEW YORK

10147

IN ASSEMBLY

May 3, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Davila, Zebrowski) -- (at request of the Department of State) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, the alcoholic beverage control law, the banking law, the cannabis law, the civil practice law and rules, the civil rights law, the civil service law, the correction law, the domestic relations law, the economic development law, the education law, the environmental conservation law, the general business law, the general city law, the judiciary law, the labor law, the mental hygiene law, the parks, recreation and historic preservation law, the penal law, the public authorities law, the public health law, the real property law, the retirement and social security law, the surrogate's court procedure act, the social services law, the tax law, the transportation law, the volunteer ambulance workers' benefit law, the volunteer firefighters' benefit law, the workers' compensation law, the facilities development corporation act, the medical care facilities finance agency act, and the New York state urban development corporation act, in relation to replacing instances of the terms "alien" and "illegal alien" with the terms "noncitizen" and "undocumented noncitizen"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. Currently, under the United States
2 Immigration and Nationality Act, 8 U.S.C. §1101(a)(3), the commonly used
3 term "alien" refers to any person who is not a citizen or national of
4 the United States. Although hundreds of years of migration has contrib-
5 uted to the social, economic, and political foundations of the United
6 States, a divide between "us" and "them" has remained crucial to the
7 restriction of people's migration into the United States and immigrant
8 inclusion within the United States. This divide is expressed, among
9 other ways, through language. The literal words used by our government
10 through laws and regulations influence social discourse and immigration
11 policies. Scholars and politicians alike have criticized the connota-
12 tions associated with the term "alien" in federal and state laws and

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

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1 regulations, as synonymizing foreign-born people with criminals and
2 outsiders. Not only do these connotations dehumanize the immigrants that
3 elevate our cultural, civic, and economic life, but they hold power in
4 the creation of xenophobic laws and rules resulting from legislation and
5 judicial decisions. New York state has long valued the benefits that
6 come with a diverse immigrant population and has held out to be a land
7 of opportunity for all. Currently, 4.4 million immigrants live in New
8 York state, with over three million residing in New York city. In 2018,
9 immigrant households in New York paid \$35.4 billion in federal taxes and
10 \$21.8 billion in state and local taxes. Immigrants comprise more than 34
11 percent of all self-employed New Yorkers and generated \$7.8 billion in
12 income during 2018 alone. Immigrants throughout New York state have
13 proven to strengthen New York's economy and diversify social and
14 cultural life.

15 To coincide with New York state's inclusive and welcoming platform on
16 immigration matters, the terms "alien" and "illegal alien" should be
17 removed from all state laws. By replacing these terms with "noncitizen"
18 and "undocumented noncitizen," New York state will both match the
19 language anticipated to be in federal codes and demonstrate respect and
20 humanity to its immigrant population.

21 § 2. Section 8 of the executive law is amended to read as follows:

22 § 8. Registration of [aliens] noncitizens. Whenever a state of war
23 exists between the United States and a foreign country, or, in the judg-
24 ment of the governor public safety or necessity requires such action,
25 the governor may, by proclamation, direct every subject or citizen of
26 such foreign countries as the governor may designate in such proclama-
27 tion, who are in this state, or who may from time to time come into the
28 state, to appear within twenty-four hours after the date specified in
29 such proclamation or after arrival within the state, before such public
30 authorities as the governor may designate in such proclamation, and
31 personally register his or her name, residence, business, length of stay
32 and such other information as the governor shall prescribe. Such procla-
33 mation shall be published in such newspapers as the governor may desig-
34 nate. Every person to whom such proclamation is applicable shall also
35 comply with such rules or personal identification as the governor shall
36 from time to time prescribe. The occupant of every private residence,
37 and the owner, lessee or proprietor, operating or managing every hotel,
38 inn, boarding or rooming house shall, within twenty-four hours after the
39 date specified in such proclamation, notify such public authorities of
40 the presence therein of every subject or citizen of a foreign country to
41 whom such proclamation is applicable, and shall each day thereafter
42 notify such public authorities of the arrival thereat or departure ther-
43 efrom of every such subject or citizen. A failure to comply with any
44 such proclamation or to perform any act required by this section shall
45 be a misdemeanor, punishable by a fine of not exceeding one thousand
46 dollars, or imprisonment for one year or both.

47 § 3. The opening paragraph of subdivision 8 and paragraph (a) of
48 subdivision 15 of section 310 of the executive law, the opening para-
49 graph of subdivision 8 as added by chapter 261 of the laws of 1988 and
50 paragraph (a) of subdivision 15 as amended by chapter 22 of the laws of
51 2014, are amended to read as follows:

52 "Minority group member" shall mean a United States citizen or perma-
53 nent resident [alien] noncitizen who is and can demonstrate membership
54 in one of the following groups:

55 (a) at least fifty-one percent owned by one or more United States
56 citizens or permanent resident [aliens] noncitizens who are women;

1 § 4. Clause (i) of paragraph (a) of subdivision 2-a of section 314 of
2 the executive law, as amended by chapter 96 of the laws of 2019, is
3 amended to read as follows:

4 (i) have at least fifty-one percent ownership by a minority or a
5 women-owned enterprise and be owned by United States citizens or perma-
6 nent resident [~~aliens~~] noncitizens;

7 § 5. The opening paragraph of subdivision 6 of section 821 of the
8 executive law, as added by chapter 96 of the laws of 2019, is amended to
9 read as follows:

10 "Minority group member" shall mean a United States citizen or perma-
11 nent resident [~~alien~~] noncitizen who is and can demonstrate membership
12 in one of the following groups:

13 § 6. Subdivision 3 of section 940 of the executive law, as added by
14 chapter 31 of the laws of 1985, is amended to read as follows:

15 3. "Minority" shall mean a resident of New York state or a permanent
16 resident [~~alien~~] noncitizen residing in New York state who is a member
17 of a group historically underrepresented in the scientific, technical,
18 health, and health-related professions as defined by the regents after
19 consultation with the council.

20 § 7. Subdivisions 3 and 4 of section 126 of the alcoholic beverage
21 control law, subdivision 3 as added by chapter 133 of the laws of 1982,
22 and subdivision 4 as amended by section 50 of subpart B of part C of
23 chapter 62 of the laws of 2011, are amended to read as follows:

24 3. A person who is not a citizen of the United States or [~~an alien~~] a
25 noncitizen lawfully admitted for permanent residence in the United
26 States.

27 4. A copartnership or a corporation, unless each member of the part-
28 nership, or each of the principal officers and directors of the corpo-
29 ration, is a citizen of the United States or [~~an alien~~] a noncitizen
30 lawfully admitted for permanent residence in the United States, not less
31 than twenty-one years of age, and has not been convicted of any felony
32 or any of the misdemeanors, specified in section eleven hundred forty-
33 six of the former penal law as in force and effect immediately prior to
34 September first, nineteen hundred sixty-seven, or of an offense defined
35 in section 230.20 or 230.40 of the penal law, or if so convicted has
36 received, subsequent to such conviction, an executive pardon therefor
37 removing this disability a certificate of good conduct granted by the
38 department of corrections and community supervision, or a certificate of
39 relief from disabilities granted by the department of corrections and
40 community supervision or a court of this state pursuant to the
41 provisions of article twenty-three of the correction law to remove the
42 disability under this section because of such conviction; provided
43 however that a corporation which otherwise conforms to the requirements
44 of this section and chapter may be licensed if each of its principal
45 officers and more than one-half of its directors are citizens of the
46 United States or [~~aliens~~] noncitizens lawfully admitted for permanent
47 residence in the United States; and provided further that a corporation
48 organized under the not-for-profit corporation law or the education law
49 which otherwise conforms to the requirements of this section and chapter
50 may be licensed if each of its principal officers and more than one-half
51 of its directors are not less than twenty-one years of age and none of
52 its directors are less than eighteen years of age; and provided further
53 that a corporation organized under the not-for-profit corporation law or
54 the education law and located on the premises of a college as defined by
55 section two of the education law which otherwise conforms to the
56 requirements of this section and chapter may be licensed if each of its

1 principal officers and each of its directors are not less than eighteen
2 years of age.

3 § 8. Paragraph (a) of subdivision 2 of section 100-a of the banking
4 law, as amended by chapter 961 of the laws of 1966, is amended to read
5 as follows:

6 (a) Any trust company may be appointed guardian, trustee or adminis-
7 trator, on the application or consent of any person acting as such or as
8 an executor or entitled to such appointment irrespective of whether such
9 person would himself or herself be disqualified from acting by reason of
10 his or her being [~~an alien~~] a noncitizen or non-resident of this state,
11 and in the place and stead of such person, or such trust company may be
12 joined with any person so acting or entitled to such appointment; but
13 such appointments shall be made upon such notice, as is required by law,
14 to the persons interested in the estate or fund and on the consent of
15 such of the principal legatees or other persons interested in the estate
16 or fund as the court, surrogate or judge making the appointment shall
17 deem proper. No appointment so made shall be deemed to increase the
18 number of persons entitled to full compensation beyond the number so
19 entitled under the terms of the will or deed creating the trust or
20 appointing a guardian or authorized by law. Whenever a person is joined
21 with such trust company in any appointment as guardian, trustee or
22 administrator, his or her appointment may be under such limitation of
23 powers and upon such terms and conditions as to deposit of assets by
24 such person, with such trust company, or otherwise, and upon such
25 reduced bond or security to be given by such person, as the court,
26 surrogate or judge, making the appointment shall prescribe.

27 § 9. Section 633 of the banking law, as added by chapter 373 of the
28 laws of 1942, is amended to read as follows:

29 § 633. Service of notice or process during time of war. Whenever,
30 pursuant to the provisions of this article, any communication, notice or
31 other paper or process is required to be given or served by the super-
32 intendent upon any person and the giving or service thereof is in any
33 manner prohibited by the provisions of the act of congress, known as the
34 "Trading with the Enemy Act," or any amendment thereof, or the rules,
35 regulations or licenses issued pursuant thereto, or any other law, rule,
36 regulation or license pursuant to law prohibiting or regulating the
37 same, such communication, notice or other paper or process shall be
38 deemed to have been duly given or served on such person if given or
39 served on his or her behalf, in the manner provided in the pertinent
40 provisions of this article, on the [~~alien~~] noncitizen property custodian
41 or on such other officer as may have been appointed or designated by the
42 president of the United States of America to take possession of the
43 property of [~~alien~~] noncitizen enemies. This section shall apply whether
44 or not (1) such [~~alien~~] noncitizen property custodian or other officer
45 shall actually have taken possession of any property of such person, or
46 (2) the president, or an officer duly designated by him or her for the
47 purpose, has the power to authorize or license the giving or service of
48 any such communication, notice or other paper or process, and nothing
49 herein shall require the superintendent to apply to the president or
50 such officer for such authority or license, provided, however, that in
51 any case where it appears that at the time such communication, notice or
52 other paper or process is required to be given or served, the president
53 or such officer has actually authorized or licensed the giving or
54 service of same in the manner provided in the pertinent provisions of
55 this article, then this section shall not apply and the superintendent
56 shall be required to give or serve such communication, notice or other

1 paper or process on such person in accordance with such authorization or
2 license.

3 § 10. The opening paragraph of paragraph (b) and subparagraph (i) of
4 paragraph (c) of subdivision 5 of section 87 of the cannabis law are
5 amended to read as follows:

6 "Minority group member" shall mean a United States citizen or perma-
7 nent resident [~~alien~~] noncitizen who is and can demonstrate membership
8 in one of the following groups:

9 (i) at least fifty-one percent owned by one or more United States
10 citizens or permanent resident [~~aliens~~] noncitizens who are women;

11 § 11. Subdivision (b) of section 209 of the civil practice law and
12 rules is amended to read as follows:

13 (b) Right of [~~alien~~] noncitizen. Where a person is unable to commence
14 an action in the courts of the state because any party is [~~an alien~~] a
15 noncitizen subject or citizen of a foreign country at war with the
16 United States or any of its allies, whether the cause of action accrued
17 during or prior to the war, the time which elapsed between the commence-
18 ment of the war and the termination of hostilities with such country is
19 not a part of the time within which the action must be commenced.

20 § 12. Subdivision (d) of section 212 of the civil practice law and
21 rules, as added by section 150 of part B of chapter 436 of the laws of
22 1997, is amended to read as follows:

23 (d) To recover under an affidavit of support of [~~an alien~~] a nonciti-
24 zen. An action under section one hundred twenty-two of the social
25 services law to recover amounts paid to or on behalf of [~~an alien~~] a
26 noncitizen for whom an affidavit of support pursuant to section 213A of
27 the immigration and naturalization act has been signed.

28 § 13. Section 12 of the civil rights law is amended to read as
29 follows:

30 § 12. Rights of persons accused of crime. In all criminal prose-
31 cutions, the accused has a right to a speedy and public trial, by an
32 impartial jury, and is entitled to be informed of the nature and cause
33 of the accusation; to be confronted with the witnesses against him or
34 her; and to have compulsory process for obtaining witnesses in his or
35 her favor. [~~An alien~~] A noncitizen is not entitled to a jury, composed
36 in part of [~~aliens~~] noncitizens or strangers, in an action or special
37 proceeding civil or criminal.

38 § 14. Subdivision 1 of section 45 of the civil service law, as amended
39 by chapter 133 of the laws of 1982, is amended to read as follows:

40 1. Whenever the state or any civil division or public agency shall
41 acquire a private institution or enterprise, for the purpose of operat-
42 ing it as a public function, such civil division, or public agency, as
43 the case may be, may continue the employment of all officers or employ-
44 ees thereof deemed necessary, who shall have been in the employ of such
45 private institution or enterprise for at least one year prior to such
46 acquisition. The positions so held by such employees shall be in the
47 non-competitive class, pending the classification or reclassification of
48 such positions as hereinafter directed, and such employees shall contin-
49 ue to be employed in similar or corresponding positions and shall have
50 the seniority theretofore held by them as among themselves. The state
51 civil service department or municipal commission having jurisdiction,
52 however, after notice to any such employee, of the reasons therefor, and
53 after according such employee a hearing, may exclude him or her from
54 further employment if found by such department or municipal commission
55 not to be a person of good character. Notwithstanding the provisions of
56 this section, no person shall be continued in employment in a position

1 classified in the competitive class pursuant to the provisions of this
2 subdivision unless he or she is a citizen or [~~an alien~~] a noncitizen
3 lawfully admitted for permanent residence in the United States.

4 § 15. Section 53 of the civil service law, as added by chapter 133 of
5 the laws of 1982, is amended to read as follows:

6 § 53. [~~Alienage~~] Noncitizen status. Except as otherwise provided by
7 law, no [~~alien~~] noncitizen lawfully admitted for permanent residence in
8 the United States shall be denied appointment to a position in the
9 competitive class of civil service for reasons of [~~alienage~~] noncitizen
10 status.

11 § 16. Paragraph (a) of subdivision 1 of section 85 of the civil
12 service law, as amended by chapter 608 of the laws of 2021, is amended
13 to read as follows:

14 (a) The terms "veteran" and "non-disabled veteran" mean a member of
15 the armed forces of the United States who was honorably discharged or
16 released under honorable circumstances from such service including (i)
17 having a qualifying condition as defined in section three hundred fifty
18 of the executive law, and receiving a discharge other than bad conduct
19 or dishonorable from such service, or (ii) being a discharged LGBT
20 veteran, as defined in section three hundred fifty of the executive law,
21 and receiving a discharge other than bad conduct or dishonorable from
22 such service, who is a citizen of the United States or [~~an alien~~] a
23 noncitizen lawfully admitted for permanent residence in the United
24 States and who is a resident of the state of New York at the time of
25 application for appointment or promotion or at the time of retention, as
26 the case may be.

27 § 17. Section 147 of the correction law, as amended by chapter 322 of
28 the laws of 2021, is amended to read as follows:

29 § 147. [~~Alien~~] Noncitizen incarcerated individuals of correctional
30 facilities. The commissioner shall within three months after admission
31 of [~~an alien~~] a noncitizen incarcerated individual to a correctional
32 facility cause an investigation to be made of the record and past histo-
33 ry of such [~~alien~~] noncitizen and shall upon the termination of such
34 investigation cause the record of such [~~alien~~] noncitizen, together with
35 all facts disclosed by such investigation, and his or her recommenda-
36 tions as to deportation, to be forwarded to the United States immi-
37 gration authorities having such matters in charge.

38 § 18. Paragraph (c) of subdivision 1 of section 115-a of the domestic
39 relations law, as amended by chapter 79 of the laws of 1983, is amended
40 to read as follows:

41 (c) The application must be accompanied by duly authenticated documen-
42 tary evidence: (1) that the child is [~~an alien~~] a noncitizen under the
43 age of sixteen and (2) that he or she is an orphan because of the death
44 or disappearance of both parents, or because of abandonment, or
45 desertion by, or separation or loss from, both parents, or who has only
46 one parent due to the death or disappearance of, abandonment, or
47 desertion by, or separation or loss from the other parent, and the
48 remaining parent is incapable of providing care for such orphan and has
49 in writing irrevocably released him or her for emigration and adoption,
50 and has consented to the proposed adoption. In all cases where the
51 orphan has no remaining parent under the circumstances set forth above,
52 documentary evidence must be presented that the person, public authority
53 or duly constituted agency having lawful custody of the orphan at the
54 time of the making of the application, hereunder, has in writing irrevocably
55 released him or her for immigration and adoption and has consented
56 to the proposed adoption and (3) that the adoptive parents agree to

1 adopt and treat the adoptive child as their or his or her own lawful
2 child.

3 § 19. Subdivisions 3, 4, and 5 of section 210 of the economic develop-
4 ment law, as added by chapter 398 of the laws of 2018, are amended to
5 read as follows:

6 3. "Minority business enterprise" shall mean any business enterprise
7 which is at least fifty-one per centum owned by, or in the case of a
8 publicly owned business at least fifty-one per centum of the stock of
9 which is owned by, citizens or permanent resident [~~aliens~~] noncitizens
10 who are Black, Hispanic, Asian or American Indian, Pacific Islander or
11 Alaskan Native where such ownership interest is real, substantial and
12 continuing and where such persons have the authority to independently
13 control the day-to-day business decisions of the entity.

14 4. "Minority group member" shall mean a United States citizen or
15 permanent resident [~~alien~~] noncitizen who is and can demonstrate member-
16 ship in one of the following groups:

17 (a) Black persons having origins in any of the Black African racial
18 groups not of Hispanic origin;

19 (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban,
20 Central or South American descent of either Indian or Hispanic origin,
21 regardless of race;

22 (c) Asian and Pacific Islander persons having origins in the Far East,
23 Southeast Asia, the Indian sub-continent or the Pacific Islands; or

24 (d) American Indian or Alaskan Native persons having origins in any of
25 the original peoples of North America.

26 5. "Women-owned business enterprise" shall mean any business enter-
27 prise which is at least fifty-one per centum owned by, or in the case of
28 a publicly owned business at least fifty-one per centum of the stock of
29 which is owned by, citizens or permanent resident [~~aliens~~] noncitizens
30 who are women where such ownership interest is real, substantial and
31 continuing and where such persons have the authority to independently
32 control the day-to-day business decisions of the entity.

33 § 20. Subdivision 9 of section 305 of the education law is amended to
34 read as follows:

35 9. The commissioner shall procure with the consent of the federal
36 authorities complete lists giving the names, ages and destination within
37 the state of all [~~alien~~] noncitizen children of school age and such
38 other facts as will tend to identify them, and shall deliver copies of
39 such lists to the several boards of education and school boards in the
40 respective localities within the state to which said children shall be
41 destined, to aid in the enforcement of the provisions of this chapter
42 relative to the compulsory attendance at school of children of school
43 age.

44 § 21. Subparagraphs 8 and 10 of paragraph (h) of subdivision 2 of
45 section 355 of the education law, subparagraph 8 as added by chapter 327
46 of the laws of 2002, and subparagraph 10 as amended by section 4 of part
47 D of chapter 56 of the laws of 2019, are amended to read as follows:

48 (8) Such regulations shall further provide that the payment of tuition
49 and fees by any student who is not a resident of New York state, other
50 than a non-immigrant [~~alien~~] noncitizen within the meaning of paragraph
51 (15) of subsection (a) of section 1101 of title 8 of the United States
52 Code, shall be paid at a rate or charge no greater than that imposed for
53 students who are residents of the state if such student:

54 (i) attended an approved New York high school for two or more years,
55 graduated from an approved New York high school and applied for attend-

1 ance at an institution or educational unit of the state university with-
2 in five years of receiving a New York state high school diploma; or

3 (ii) attended an approved New York state program for general equiv-
4 alency diploma exam preparation, received a general equivalency diploma
5 issued within New York state and applied for attendance at an institu-
6 tion or educational unit of the state university within five years of
7 receiving a general equivalency diploma issued within New York state; or

8 (iii) was enrolled in an institution or educational unit of the state
9 university in the fall semester or quarter of the two thousand one--two
10 thousand two academic year and was authorized by such institution or
11 educational unit to pay tuition at the rate or charge imposed for
12 students who are residents of the state.

13 A student without lawful immigration status shall also be required to
14 file an affidavit with such institution or educational unit stating that
15 the student has filed an application to legalize his or her immigration
16 status, or will file such an application as soon as he or she is eligi-
17 ble to do so.

18 (10) Such regulations shall further provide that any student who is
19 not a legal resident of New York state but is a United States citizen, a
20 permanent lawful resident, an individual who is granted U or T non-immi-
21 grant status pursuant to the Victims of Trafficking and Violence
22 Protection Act of 2000, a person granted temporary protected status
23 pursuant to the Federal Immigration Act of 1990, an individual of a
24 class of refugees paroled by the attorney general of the United States
25 under his or her parole authority pertaining to the admission of
26 [~~aliens~~ noncitizens] to the United States, or an applicant without
27 lawful immigration status may have the payment of tuition and other fees
28 and charges reduced by state-aided programs, scholarships or other
29 financial assistance awarded under the provisions of articles thirteen,
30 thirteen-A, fourteen and fourteen-A of this chapter, provided that the
31 student meets the requirements set forth in subparagraph (ii) of para-
32 graph a or subparagraph (ii) of paragraph b of subdivision five of
33 section six hundred sixty-one of this chapter, as applicable.

34 § 22. The opening paragraph of subparagraph (ii) of paragraph (a) and
35 the opening paragraph of subparagraph (ii) of paragraph (b) of subdivi-
36 sion 5 of section 661 of the education law, the opening paragraph of
37 subparagraph (ii) of paragraph (a) as amended by section 2 and the open-
38 ing paragraph of subparagraph (ii) of paragraph (b) as amended by
39 section 3 of part D of chapter 56 of the laws of 2019, are amended to
40 read as follows:

41 An applicant who is not a legal resident of the state eligible pursu-
42 ant to subparagraph (i) of this paragraph, but is a United States citi-
43 zen, a permanent lawful resident, an individual who is granted U or T
44 non-immigrant status pursuant to the Victims of Trafficking and Violence
45 Protection Act of 2000, a person granted temporary protected status
46 pursuant to the Federal Immigration Act of 1990, an individual of a
47 class of refugees paroled by the attorney general of the United States
48 under his or her parole authority pertaining to the admission of
49 [~~aliens~~ noncitizens] to the United States, or an applicant without
50 lawful immigration status shall be eligible for an award at the under-
51 graduate level of study provided that the student:

52 An applicant who is not a legal resident of the state eligible pursu-
53 ant to subparagraph (i) of this paragraph, but is a United States citi-
54 zen, a permanent lawful resident, an individual who is granted U or T
55 non-immigrant status pursuant to the Victims of Trafficking and Violence
56 Protection Act of 2000, a person granted temporary protected status

1 pursuant to the Federal Immigration Act of 1990, an individual of a
2 class of refugees paroled by the attorney general of the United States
3 under his or her parole authority pertaining to the admission of
4 [~~aliens~~] noncitizens to the United States, or an applicant without
5 lawful immigration status shall be eligible for an award at the graduate
6 level of study provided that the student:

7 § 23. Paragraphs (b) and (c) of subdivision 2 of section 692 of the
8 education law, as added by section 1 of part J of chapter 57 of the laws
9 of 2009, are amended to read as follows:

10 (b) [~~an alien~~] a noncitizen lawfully admitted for permanent residence
11 in the United States, or

12 (c) an individual of a class of refugees paroled by the attorney
13 general of the United States under his or her parole authority pertain-
14 ing to the admission of [~~aliens~~] noncitizens to the United States.

15 § 24. Subdivision 3 of section 3001 of the education law, as amended
16 by chapter 658 of the laws of 2002, is amended to read as follows:

17 3. Not a citizen. The provisions of this subdivision shall not apply,
18 however, to [~~an alien~~] a noncitizen teacher now or hereafter employed,
19 provided such teacher shall make due application to become a citizen and
20 thereafter within the time prescribed by law shall become a citizen. The
21 provisions of this subdivision shall not apply, after July first, nine-
22 teen hundred sixty-seven, to [~~an alien~~] a noncitizen teacher employed
23 pursuant to regulations adopted by the commissioner of education permit-
24 ting such employment. The citizenship requirements of this subdivision
25 shall not apply to [~~an alien~~] a noncitizen teacher now or hereafter
26 employed whose immigration status is that of a lawful permanent resident
27 of the United States and who would otherwise be eligible to serve as a
28 teacher, or to apply for or receive permanent certification as a teach-
29 er, but for the foregoing requirements of this subdivision.

30 § 25. Paragraphs (a), (a-1), and (e) of subdivision 7 of section 6206
31 of the education law, paragraph (a) as amended by chapter 327 of the
32 laws of 2002, the opening paragraph of paragraph (a) as amended by chap-
33 ter 437 of the laws of 2015, paragraph (a-1) as amended by chapter 260
34 of the laws of 2011, and paragraph (e) as amended by section 5 of Part D
35 of chapter 56 of the laws of 2019, are amended to read as follows:

36 (a) The board of trustees shall establish positions, departments,
37 divisions and faculties; appoint and in accordance with the provisions
38 of law fix salaries of instructional and non-instructional employees
39 therein; establish and conduct courses and curricula; prescribe condi-
40 tions of student admission, attendance and discharge; and shall have the
41 power to determine in its discretion whether tuition shall be charged
42 and to regulate tuition charges, and other instructional and non-in-
43 structional fees and other fees and charges at the educational units of
44 the city university. The trustees shall review any proposed community
45 college tuition increase and the justification for such increase. The
46 justification provided by the community college for such increase shall
47 include a detailed analysis of ongoing operating costs, capital, debt
48 service expenditures, and all revenues. The trustees shall not impose a
49 differential tuition charge based upon need or income. All students
50 enrolled in programs leading to like degrees at the senior colleges
51 shall be charged a uniform rate of tuition, except for differential
52 tuition rates based on state residency. Notwithstanding any other
53 provision of this paragraph, the trustees may authorize the setting of a
54 separate category of tuition rate, that shall be greater than the
55 tuition rate for resident students and less than the tuition rate for
56 non-resident students, only for students enrolled in distance learning

1 courses who are not residents of the state. The trustees shall further
2 provide that the payment of tuition and fees by any student who is not a
3 resident of New York state, other than a non-immigrant [~~alien~~] ~~nonciti-~~
4 ~~zen~~ within the meaning of paragraph (15) of subsection (a) of section
5 1101 of title 8 of the United States Code, shall be paid at a rate or
6 charge no greater than that imposed for students who are residents of
7 the state if such student:

8 (i) attended an approved New York high school for two or more years,
9 graduated from an approved New York high school and applied for attend-
10 ance at an institution or educational unit of the city university within
11 five years of receiving a New York state high school diploma; or

12 (ii) attended an approved New York state program for general equiv-
13 alency diploma exam preparation, received a general equivalency diploma
14 issued within New York state and applied for attendance at an institu-
15 tion or educational unit of the city university within five years of
16 receiving a general equivalency diploma issued within New York state; or

17 (iii) was enrolled in an institution or educational unit of the city
18 university in the fall semester or quarter of the two thousand one--two
19 thousand two academic year and was authorized by such institution or
20 educational unit to pay tuition at the rate or charge imposed for
21 students who are residents of the state.

22 A student without lawful immigration status shall also be required to
23 file an affidavit with such institution or educational unit stating that
24 the student has filed an application to legalize his or her immigration
25 status, or will file such an application as soon as he or she is eligi-
26 ble to do so. The trustees shall not adopt changes in tuition charges
27 prior to the enactment of the annual budget. The board of trustees may
28 accept as partial reimbursement for the education of veterans of the
29 armed forces of the United States who are otherwise qualified such sums
30 as may be authorized by federal legislation to be paid for such educa-
31 tion. The board of trustees may conduct on a fee basis extension courses
32 and courses for adult education appropriate to the field of higher
33 education. In all courses and courses of study it may, in its
34 discretion, require students to pay library, laboratory, locker, break-
35 age and other instructional and non-instructional fees and meet the cost
36 of books and consumable supplies. In addition to the foregoing fees and
37 charges, the board of trustees may impose and collect fees and charges
38 for student government and other student activities and receive and
39 expend them as agent or trustee.

40 (a-1) The trustees shall further provide that the payment of tuition
41 and fees by any student who is not a resident of New York state, other
42 than a non-immigrant [~~alien~~] ~~noncitizen~~ within the meaning of paragraph
43 (15) of subsection (a) of section 1101 of title 8 of the United States
44 Code, shall be paid at a rate or charge no greater than that imposed for
45 students who are residents of the state if such student:

46 (i) attended an approved New York high school for two or more years,
47 graduated from an approved New York high school and applied for attend-
48 ance at an institution or educational unit of the city university within
49 five years of receiving a New York state high school diploma; or

50 (ii) attended an approved New York state program for general equiv-
51 alency diploma exam preparation, received a general equivalency diploma
52 issued within New York state and applied for attendance at an institu-
53 tion or educational unit of the city university within five years of
54 receiving a general equivalency diploma issued within New York state; or

55 (iii) was enrolled in an institution or educational unit of the city
56 university in the fall semester or quarter of the two thousand one--two

1 thousand two academic year and was authorized by such institution or
2 educational unit to pay tuition at the rate or charge imposed for
3 students who are residents of the state.

4 A student without lawful immigration status shall also be required to
5 file an affidavit with such institution or educational unit stating that
6 the student has filed an application to legalize his or her immigration
7 status, or will file such an application as soon as he or she is eligi-
8 ble to do so. Except as otherwise authorized in paragraph (a) of this
9 subdivision, the trustees shall not adopt changes in tuition charges
10 prior to the enactment of the annual budget. The board of trustees may
11 accept as partial reimbursement for the education of veterans of the
12 armed forces of the United States who are otherwise qualified such sums
13 as may be authorized by federal legislation to be paid for such educa-
14 tion. The board of trustees may conduct on a fee basis extension courses
15 and courses for adult education appropriate to the field of higher
16 education. In all courses and courses of study it may, in its
17 discretion, require students to pay library, laboratory, locker, break-
18 age and other instructional and non-instructional fees and meet the cost
19 of books and consumable supplies. In addition to the foregoing fees and
20 charges, the board of trustees may impose and collect fees and charges
21 for student government and other student activities and receive and
22 expend them as agent or trustee.

23 (e) The trustees shall further provide that any student who is not a
24 legal resident of New York state but is a United States citizen, a
25 permanent lawful resident, an individual who is granted U or T non-immi-
26 grant status pursuant to the Victims of Trafficking and Violence
27 Protection Act of 2000, a person granted temporary protected status
28 pursuant to the Federal Immigration Act of 1990, an individual of a
29 class of refugees paroled by the attorney general of the United States
30 under his or her parole authority pertaining to the admission of
31 [~~aliens~~ noncitizens to the United States, or an applicant without
32 lawful immigration status may have the payment of tuition and other fees
33 and charges reduced by state-aided programs, scholarships or other
34 financial assistance awarded under the provisions of articles thirteen,
35 thirteen-A, fourteen and fourteen-A of this chapter, provided that the
36 student meets the requirements set forth in subparagraph (ii) of para-
37 graph a or subparagraph (ii) of paragraph b of subdivision five of
38 section six hundred sixty-one of this chapter, as applicable.

39 § 26. The opening paragraph of subdivision 5 of section 6301 of the
40 education law, as amended by chapter 327 of the laws of 2002, is amended
41 to read as follows:

42 A person who has resided in the state for a period of at least one
43 year and in the county, city, town, intermediate school district, school
44 district or community college region, as the case may be, for a period
45 of at least six months, both immediately preceding the date of such
46 person's registration in a community college or, for the purposes of
47 section sixty-three hundred five of this article, his or her application
48 for a certificate of residence; provided, however, that this term shall
49 include any student who is not a resident of New York state, other than
50 a non-immigrant [~~alien~~ noncitizen within the meaning of paragraph (15)
51 of subsection (a) of section 1101 of title 8 of the United States Code,
52 if such student:

53 § 27. Subdivision 8-a of section 6305 of the education law, as amended
54 by section 6 of part D of chapter 56 of the laws of 2019, is amended to
55 read as follows:

1 8-a. The payment of tuition and other fees and charges of a student
2 who is attending a community college and who is not a legal resident of
3 New York state but is a United States citizen, a permanent lawful resi-
4 dent, an individual who is granted U or T non-immigrant status pursuant
5 to the Victims of Trafficking and Violence Protection Act of 2000, a
6 person granted temporary protected status pursuant to the Federal Immi-
7 gration Act of 1990, an individual of a class of refugees paroled by the
8 attorney general of the United States under his or her parole authority
9 pertaining to the admission of [~~aliens~~] noncitizens to the United
10 States, or an applicant without lawful immigration status may be reduced
11 by state-aided programs, scholarships and other financial assistance
12 awarded under the provisions of articles thirteen, thirteen-A, fourteen
13 and fourteen-A of this chapter, provided that the student meets the
14 requirements set forth in subparagraph (ii) of paragraph a or subpara-
15 graph (ii) of paragraph b of subdivision five of section six hundred
16 sixty-one of this chapter, as applicable.

17 § 28. The opening paragraph of subparagraph (ii) of paragraph (a) of
18 subdivision 2 and the opening paragraph of subparagraph (ii) of para-
19 graph (a) of subdivision 3 of section 6455 of the education law, the
20 opening paragraph of subparagraph (ii) of paragraph (a) of subdivision 2
21 as amended by section 7 and the opening paragraph of subparagraph (ii)
22 of paragraph (a) of subdivision 3 as amended by section 8 of part D of
23 chapter 56 of the laws of 2019, are amended to read as follows:

24 An applicant who is not a legal resident of New York state, but who is
25 a United States citizen, a permanent lawful resident, an individual who
26 is granted U or T non-immigrant status pursuant to the Victims of Traf-
27 ficking and Violence Protection Act of 2000, a person granted temporary
28 protected status pursuant to the Federal Immigration Act of 1990, an
29 individual of a class of refugees paroled by the attorney general of the
30 United States under his or her parole authority pertaining to the admis-
31 sion of [~~aliens~~] noncitizens to the United States, or an applicant with-
32 out lawful immigration status, shall be eligible for an award at the
33 undergraduate level of study provided that the student:

34 An applicant who is not a legal resident of New York state, but either
35 is a United States citizen, a permanent lawful resident, an individual
36 who is granted U or T non-immigrant status pursuant to the Victims of
37 Trafficking and Violence Protection Act of 2000, a person granted tempo-
38 rary protected status pursuant to the Federal Immigration Act of 1990,
39 an individual of a class of refugees paroled by the attorney general of
40 the United States under his or her parole authority pertaining to the
41 admission of [~~aliens~~] noncitizens to the United States, or an applicant
42 without lawful immigration status shall be eligible for an award at the
43 graduate level of study provided that the student:

44 § 29. Paragraph (f) of subdivision 6 of section 6506 of the education
45 law, as amended by chapter 133 of the laws of 1982, is amended to read
46 as follows:

47 (f) Citizenship or immigration status: be a United States citizen or
48 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
49 United States;

50 § 30. Subdivision 6 of section 6524 of the education law, as amended
51 by chapter 379 of the laws of 2008, is amended to read as follows:

52 (6) Citizenship or immigration status: be a United States citizen or
53 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
54 United States; provided, however that the board of regents may grant a
55 three year waiver for [~~an alien~~] a noncitizen physician to practice in
56 an area which has been designated by the department as medically under-

1 served, except that the board of regents may grant an additional exten-
2 sion not to exceed six years to [~~an alien~~] a noncitizen physician to
3 enable him or her to secure citizenship or permanent resident status,
4 provided such status is being actively pursued; and provided further
5 that the board of regents may grant an additional three year waiver, and
6 at its expiration, an extension for a period not to exceed six addi-
7 tional years, for the holder of an H-1b visa, an O-1 visa, or an equiv-
8 alent or successor visa thereto;

9 § 31. Subdivision 6 of section 6554 of the education law, as amended
10 by chapter 133 of the laws of 1982, is amended to read as follows:

11 (6) Citizenship or immigration status: be a United States citizen or
12 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
13 United States;

14 § 32. Subdivision 6 of section 6604 of the education law, as amended
15 by chapter 403 of the laws of 2002, is amended to read as follows:

16 (6) Citizenship or immigration status: be a United States citizen or
17 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
18 United States; provided, however, that the board of regents may grant a
19 three year waiver for [~~an alien~~] a noncitizen to practice in an area
20 which has been designated a federal dental health professions shortage
21 area, except that the board of regents may grant an additional extension
22 not to exceed six years to [~~an alien~~] a noncitizen to enable him or her
23 to secure citizenship or permanent resident status, provided such status
24 is being actively pursued;

25 § 33. Subdivision 7 of section 6604-b of the education law, as added
26 by chapter 537 of the laws of 2008, is amended to read as follows:

27 7. In order to be eligible for a restricted dental faculty license an
28 applicant must be a United States citizen or [~~an alien~~] a noncitizen
29 lawfully admitted for permanent residence in the United States;
30 provided, however, that the department may grant a three year waiver for
31 [~~an alien~~] a noncitizen who otherwise meets all other requirements for a
32 restricted dental faculty license except that the department may grant
33 an additional extension not to exceed six years to [~~an alien~~] a nonciti-
34 zen to enable him or her to secure citizenship or permanent resident
35 status, provided such status is being actively pursued. No current
36 faculty member shall be displaced by the holder of a restricted dental
37 faculty license.

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

40 (6) Citizenship or immigration status: be a United States citizen or
41 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
42 United States; provided, however, that the board of regents may grant a
43 three year waiver for [~~an alien~~] a noncitizen to practice in an area
44 which has been designated a federal dental health professions shortage
45 area, except that the board of regents may grant an additional extension
46 not to exceed six years to [~~an alien~~] a noncitizen to enable him or her
47 to secure citizenship or permanent resident status, provided such status
48 is being actively pursued;

49 § 35. Subdivision 6 of section 6704 of the education law, as amended
50 by chapter 201 of the laws of 2007, is amended to read as follows:

51 (6) Citizenship or immigration status: be a United States citizen or
52 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
53 United States; provided, however that the board of regents may grant a
54 one-time three-year waiver for a veterinarian who otherwise meets the
55 requirements of this article and who has accepted an offer to practice
56 veterinary medicine in a county in the state which the department has

1 certified as having a shortage of qualified applicants to fill existing
2 vacancies in veterinary medicine, and provided further that the board of
3 regents may grant an extension of such three-year waiver of not more
4 than one year;

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

7 6. Citizenship or immigration status: be a United States citizen or
8 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
9 United States; provided, however that the board of regents may grant a
10 one-time three-year waiver for an animal health technician who otherwise
11 meets the requirements of this article and provided further that the
12 board of regents may grant an extension of such three-year waiver of not
13 more than one year;

14 § 37. Paragraph 6 of subdivision 1 of section 6805 of the education
15 law, as amended by chapter 133 of the laws of 1982, is amended to read
16 as follows:

17 (6) Citizenship or immigration status: be a United States citizen or
18 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
19 United States;

20 § 38. Subdivision 6 of section 6955 of the education law, as added by
21 chapter 327 of the laws of 1992, is amended to read as follows:

22 6. Citizenship or immigration status: be a United States citizen or
23 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
24 United States.

25 § 39. Paragraph 6 of subdivision 1 of section 7206 of the education
26 law, as amended by chapter 133 of the laws of 1982, is amended to read
27 as follows:

28 (6) Citizenship or immigration status: be a United States citizen or
29 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
30 United States;

31 § 40. Paragraph 6 of subdivision 1 of section 7206-a of the education
32 law, as amended by chapter 322 of the laws of 2019, is amended to read
33 as follows:

34 (6) Citizenship or immigration status: be a United States citizen or
35 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
36 United States;

37 § 41. Paragraph 6 of subdivision 1 of section 7324 of the education
38 law, as amended by chapter 133 of the laws of 1982, is amended to read
39 as follows:

40 (6) Citizenship or immigration status: be a United States citizen or
41 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
42 United States;

43 § 42. Paragraph 6 of subdivision 1 of section 7504 of the education
44 law, as amended by chapter 133 of the laws of 1982, is amended to read
45 as follows:

46 (6) Citizenship or immigration status: be a United States citizen or
47 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
48 United States;

49 § 43. Subdivision 5 of section 7804 of the education law, as amended
50 by chapter 230 of the laws of 1997, is amended to read as follows:

51 (5) Citizenship or immigration status: be a United States citizen or
52 [~~an alien~~] a noncitizen lawfully admitted for permanent residence in the
53 United States;

54 § 44. Paragraph a of subdivision 1 of section 52-0113 of the environ-
55 mental conservation law, as added by chapter 512 of the laws of 1986, is
56 amended to read as follows:

1 a. In the performance of projects pursuant to this article minority
2 and women-owned business enterprises shall be given the opportunity for
3 meaningful participation. The department or the office shall establish
4 measures and procedures to secure meaningful participation and identify
5 those contracts and items of work for which minority and women-owned
6 business enterprises may best bid to actively and affirmatively promote
7 and assist their participation in the projects, so as to facilitate the
8 award of a fair share of contracts to such enterprises; provided, howev-
9 er, that nothing in this article shall be construed to limit the ability
10 of the department or office to assure that qualified minority and
11 women-owned business enterprises may participate in the program. For
12 purposes hereof, minority business enterprise shall mean any business
13 enterprise which is at least fifty-one per centum owned by, or in the
14 case of a publicly owned business, at least fifty-one per centum of the
15 stock of which is owned by citizens or permanent resident [~~aliens~~
16 noncitizens who are Black, Hispanic, Asian or American Indian, Pacific
17 Islander or Alaskan natives and such ownership interest is real,
18 substantial and continuing and have the authority to independently
19 control the day to day business decisions of the entity for at least one
20 year; and women-owned business enterprise shall mean any business enter-
21 prise which is at least fifty-one per centum owned by, or in the case of
22 a publicly owned business, at least fifty-one per centum of the stock of
23 which is owned by citizens or permanent resident [~~aliens~~ noncitizens
24 who are women, and such ownership interest is real, substantial and
25 continuing and have the authority to independently control the day to
26 day business decisions of the entity for at least one year.

27 § 45. Section 41 of the general business law, as amended by chapter
28 321 of the laws of 1983, is amended to read as follows:

29 § 41. Licenses, how obtained; penalty for carrying on business without
30 license. The mayor or such local licensing authority may from time to
31 time grant, under his or her hand and the official seal of his or her
32 office, to such citizens, or [~~aliens~~ noncitizens lawfully admitted for
33 permanent residence in the United States, as he or she shall deem proper
34 and who shall produce to him satisfactory evidence of their good charac-
35 ter, a license authorizing such person to carry on the business of a
36 collateral loan broker, which license shall designate the house in which
37 such person shall carry on said business, and no person, corporation,
38 partnership or firm shall carry on the business of a collateral loan
39 broker without being duly licensed, nor in any other house than the one
40 designated in said license, under a penalty of one hundred dollars for
41 each day he or they shall exercise or carry on said business without
42 such license or at any other house than the one so designated. Any
43 person receiving such license shall pay therefor the sum of five hundred
44 dollars for the use of the city yearly where such business is to be
45 conducted in a city with a population of more than one million persons,
46 and where the business is to be conducted elsewhere the fee for such
47 license shall not exceed two hundred fifty dollars yearly, and every
48 such license shall expire one year from the date thereof, and may be
49 renewed on application to the mayor or local licensing authority each
50 and every year on payment of the same sum and upon performance of the
51 other conditions herein contained. Every person so licensed shall, at
52 the time of receiving such license, file with the mayor or such local
53 licensing authority granting the same a bond to the local authorities,
54 to be executed by the person so licensed and by two responsible sure-
55 ties, in the penal sum of ten thousand dollars, to be approved by such
56 mayor or local licensing authority, which bond shall be conditioned for

1 the faithful performance of the duties and obligations pertaining to the
2 business so licensed, and the mayor or such local licensing authority
3 shall have full power and authority to revoke such license for cause.

4 § 46. Paragraph d of subdivision 4 of section 184-a of the general
5 business law, as amended by chapter 632 of the laws of 1975, is amended
6 to read as follows:

7 d. Employer's cancellation fee. The agency shall be entitled to a fee
8 from the employer not exceeding twenty-five dollars if the employer
9 cancels his job order before the acceptance of the job offer by the
10 employee. If the cancellation occurs after such acceptance and before
11 certification for [~~alien~~] noncitizen employment by the appropriate
12 governmental agency, the fee shall not exceed fifty dollars. If the
13 cancellation occurs after such acceptance and after such certification,
14 the fee shall not exceed seventy-five dollars. No cancellation fee,
15 however, shall be payable if within a reasonable time after the employer
16 placed his or her job order the agency failed to make reasonable efforts
17 to supply a job applicant to the employer.

18 § 47. Section 10 of the general city law, as amended by chapter 133 of
19 the laws of 1982, is amended to read as follows:

20 § 10. Licenses to adult blind persons. The mayor of any city shall
21 have the power to issue a license to any adult blind person for the
22 vending of goods, or newspapers in such places as he or she may set
23 aside for this purpose. The license shall be issued for a term of one
24 year and no charge shall be made for the license. A license shall not be
25 issued to a blind person unless he or she is a resident for three years
26 in the city in which application for such license is made and is a citi-
27 zen of the United States or [~~an alien~~] a noncitizen lawfully admitted
28 for permanent residence in the United States.

29 This license shall be revocable only for cause.

30 § 48. Section 253 of the judiciary law is amended to read as follows:

31 § 253. Clerk's fees upon naturalization. The clerk of any court,
32 which has jurisdiction to naturalize [~~an alien~~] a noncitizen, is enti-
33 tled, for the services specified in this section, to the following fees:

34 For all services, upon the filing of a declaration of intention by [~~an~~
35 alien] a noncitizen to become a citizen, including the oath or affirma-
36 tion, the recording of the same, and a certificate thereof delivered to
37 the [~~alien~~] noncitizen, twenty cents.

38 For all services, upon the admission of the [~~alien~~] noncitizen to be a
39 citizen, including the recording of the papers, and a certified copy of
40 the record, which must be delivered to any person requiring it, fifty
41 cents.

42 § 49. Section 460 of the judiciary law, as amended by chapter 226 of
43 the laws of 1985, is amended to read as follows:

44 § 460. Examination and admission of attorneys. An applicant for admis-
45 sion to practice as an attorney or counsellor in this state, must be
46 examined and licensed to practice as prescribed in this chapter and in
47 the rules of the court of appeals. Race, creed, color, national origin,
48 [~~alienage~~] noncitizen status or sex shall constitute no cause for refus-
49 ing any person examination or admission to practice.

50 § 50. Subdivision 10 of section 21 of the labor law, as amended by
51 chapter 756 of the laws of 1975, is amended to read as follows:

52 10. May investigate the condition of [~~aliens~~] noncitizens relative to
53 their employment in industry;

54 § 51. Subdivision 9 of section 590 of the labor law, as added by chap-
55 ter 675 of the laws of 1977, paragraph (a) as amended by chapter 589 of

1 the laws of 1998, paragraph (d) as added by section 11 of part O of
2 chapter 57 of the laws of 2013, is amended to read as follows:

3 9. Benefits based on employment performed by [~~illegal aliens~~] undocu-
4 mented noncitizens. (a) Remuneration received by a claimant who was [~~an~~
5 ~~alien~~] a noncitizen at the time such remuneration was paid shall not be
6 taken into consideration for the purpose of establishing rights to bene-
7 fits under this article unless the claimant was then lawfully admitted
8 for permanent residence in the United States, was then lawfully present
9 for purposes of performing such services or was then permanently resid-
10 ing in the United States under color of law, including a claimant
11 lawfully present pursuant to section 207 or 208 of the federal immi-
12 gration and nationality act.

13 (b) A determination that benefits are not payable to a claimant
14 because of the claimant's [~~alien~~] noncitizen status shall be made only
15 upon a preponderance of the evidence, and shall be effective only if it
16 is in conformity with section 3304 (a) (14) of the federal unemployment
17 tax act.

18 (c) Any data or information required of a claimant to determine wheth-
19 er benefits are not payable to [~~him~~] such claimant because of [~~his~~
20 ~~alien~~] noncitizen status shall be uniformly required from all claimants.

21 (d) [~~An alien~~] A noncitizen who is not eligible under 8 USC 1621(a)
22 shall be eligible for benefits, provided such [~~alien~~] noncitizen is
23 eligible for benefits under the provisions of this article and section
24 3304 (a) (14) of the federal unemployment tax act.

25 § 52. Section 67.01 of the mental hygiene law is amended to read as
26 follows:

27 § 67.01 Report of [~~aliens~~] noncitizens.

28 The commissioner shall report to appropriate federal authorities all
29 [~~alien~~] noncitizen mentally disabled persons in department facilities.

30 § 53. Paragraph i of subdivision 4 of section 3.23 of the parks,
31 recreation and historic preservation law, as amended by chapter 717 of
32 the laws of 1988, is amended to read as follows:

33 i. A corps member must be a citizen or lawful permanent resident or
34 lawfully admitted [~~alien~~] noncitizen;

35 § 54. Subdivisions 1 and 7 of section 400.00 of the penal law, subdi-
36 vision 1 as amended by chapter 1 of the laws of 2013, paragraph (c) of
37 subdivision 1 as amended by chapter 60 of the laws of 2018, are amended
38 to read as follows:

39 1. Eligibility. No license shall be issued or renewed pursuant to this
40 section except by the licensing officer, and then only after investi-
41 gation and finding that all statements in a proper application for a
42 license are true. No license shall be issued or renewed except for an
43 applicant (a) twenty-one years of age or older, provided, however, that
44 where such applicant has been honorably discharged from the United
45 States army, navy, marine corps, air force or coast guard, or the
46 national guard of the state of New York, no such age restriction shall
47 apply; (b) of good moral character; (c) who has not been convicted
48 anywhere of a felony or a serious offense or who is not the subject of
49 an outstanding warrant of arrest issued upon the alleged commission of a
50 felony or serious offense; (d) who is not a fugitive from justice; (e)
51 who is not an unlawful user of or addicted to any controlled substance
52 as defined in section 21 U.S.C. 802; (f) who being [~~an alien~~] a nonciti-
53 zen (i) is not illegally or unlawfully in the United States or (ii) has
54 not been admitted to the United States under a nonimmigrant visa subject
55 to the exception in 18 U.S.C. 922(y)(2); (g) who has not been discharged
56 from the Armed Forces under dishonorable conditions; (h) who, having

1 been a citizen of the United States, has not renounced his or her citi-
2 zenship; (i) who has stated whether he or she has ever suffered any
3 mental illness; (j) who has not been involuntarily committed to a facil-
4 ity under the jurisdiction of an office of the department of mental
5 hygiene pursuant to article nine or fifteen of the mental hygiene law,
6 article seven hundred thirty or section 330.20 of the criminal procedure
7 law, section four hundred two or five hundred eight of the correction
8 law, section 322.2 or 353.4 of the family court act, or has not been
9 civilly confined in a secure treatment facility pursuant to article ten
10 of the mental hygiene law; (k) who has not had a license revoked or who
11 is not under a suspension or ineligibility order issued pursuant to the
12 provisions of section 530.14 of the criminal procedure law or section
13 eight hundred forty-two-a of the family court act; (l) in the county of
14 Westchester, who has successfully completed a firearms safety course and
15 test as evidenced by a certificate of completion issued in his or her
16 name and endorsed and affirmed under the penalties of perjury by a duly
17 authorized instructor, except that: (i) persons who are honorably
18 discharged from the United States army, navy, marine corps or coast
19 guard, or of the national guard of the state of New York, and produce
20 evidence of official qualification in firearms during the term of
21 service are not required to have completed those hours of a firearms
22 safety course pertaining to the safe use, carrying, possession, mainte-
23 nance and storage of a firearm; and (ii) persons who were licensed to
24 possess a pistol or revolver prior to the effective date of this para-
25 graph are not required to have completed a firearms safety course and
26 test; (m) who has not had a guardian appointed for him or her pursuant
27 to any provision of state law, based on a determination that as a result
28 of marked subnormal intelligence, mental illness, incapacity, condition
29 or disease, he or she lacks the mental capacity to contract or manage
30 his or her own affairs; and (n) concerning whom no good cause exists for
31 the denial of the license. No person shall engage in the business of
32 gunsmith or dealer in firearms unless licensed pursuant to this section.
33 An applicant to engage in such business shall also be a citizen of the
34 United States, more than twenty-one years of age and maintain a place of
35 business in the city or county where the license is issued. For such
36 business, if the applicant is a firm or partnership, each member thereof
37 shall comply with all of the requirements set forth in this subdivision
38 and if the applicant is a corporation, each officer thereof shall so
39 comply.

40 7. License: form. Any license issued pursuant to this section shall,
41 except in the city of New York, be approved as to form by the super-
42 intendent of state police. A license to carry or possess a pistol or
43 revolver shall have attached the licensee's photograph, and a coupon
44 which shall be removed and retained by any person disposing of a firearm
45 to the licensee. Such license shall specify the weapon covered by cali-
46 bre, make, model, manufacturer's name and serial number, or if none, by
47 any other distinguishing number or identification mark, and shall indi-
48 cate whether issued to carry on the person or possess on the premises,
49 and if on the premises shall also specify the place where the licensee
50 shall possess the same. If such license is issued to [~~an alien~~] a
51 noncitizen, or to a person not a citizen of and usually a resident in
52 the state, the licensing officer shall state in the license the partic-
53 ular reason for the issuance and the names of the persons certifying to
54 the good character of the applicant. Any license as gunsmith or dealer
55 in firearms shall mention and describe the premises for which it is
56 issued and shall be valid only for such premises.

1 § 55. Subdivision 3 of section 1020-v of the public authorities law,
2 as added by chapter 517 of the laws of 1986, is amended to read as
3 follows:

4 3. In the performance of projects pursuant to this title, minority and
5 women-owned business enterprises shall be given the opportunity for
6 meaningful participation. The authority shall establish quantifiable
7 standards and measures and procedures to secure meaningful participation
8 and identify those contracts and items of work for which minority and
9 women-owned business enterprises may best bid to actively and affirma-
10 tively promote and assist their participation in projects, so as to
11 facilitate the award of a fair share of contracts to such enterprises;
12 provided, however, that nothing in this title shall be construed to
13 limit the ability of the authority to assure that [~~qualified~~] qualified
14 minority and women-owned business enterprises may participate in the
15 program. For purposes hereof, minority business enterprise shall mean
16 any business enterprise which is at least fifty-one per centum owned by,
17 or in the case of a publicly owned business, at least fifty-one per
18 centum of the stock or other voting interest is owned by citizens or
19 permanent resident [~~aliens~~] noncitizens who are Black, Hispanic, Asian,
20 American Indian, Pacific islander, or Alaskan native, and such ownership
21 interest is real, substantial and continuing and has the authority to
22 independently control the day to day business decisions of the entity
23 for at least one year; and women-owned business enterprise shall mean
24 any business enterprise which is at least fifty-one per centum owned by,
25 or in the case of a publicly owned business, at least fifty-one per
26 centum of the stock to other voting interests of which is owned by citi-
27 zens or permanent resident [~~aliens~~] noncitizens who are women, and such
28 ownership interest is real, substantial and continuing and has the
29 authority to independently control the day to day business decisions of
30 the entity for at least one year.

31 The provisions of this subdivision shall not be construed to limit the
32 ability of any minority business enterprise to bid on any contract.

33 § 56. Subdivision 3 of section 1045-x of the public authorities law,
34 as added by chapter 513 of the laws of 1984, is amended to read as
35 follows:

36 3. Any contracting agency empowered to award contracts for design,
37 construction, services or materials shall seek meaningful participation
38 in the performance of contracts by minority business enterprises and
39 shall establish measures and procedures to identify those contracts and
40 items of work for which minority business enterprises may best bid to
41 actively and affirmatively promote and assist their participation so as
42 to facilitate the award of a fair share of contracts to such enter-
43 prises. For purposes hereof, "minority business enterprise" shall mean
44 any business enterprise which is at least fifty-one per centum owned by,
45 or in the case of a publicly owned business, at least fifty-one per
46 centum of the stock of which is owned by citizens or permanent resident
47 [~~aliens~~] noncitizens who are Black, Hispanic, Asian, American Indian or
48 women, and such ownership interest is real, substantial and continuing.
49 The provisions of this subdivision shall not be construed to limit the
50 ability of any minority business enterprise to bid on any contract.

51 § 57. Subdivision 3 of section 1048-x of the public authorities law,
52 as added by chapter 796 of the laws of 1985, is amended to read as
53 follows:

54 3. Any contracting agency empowered to award contracts for design,
55 construction, services or materials shall seek meaningful participation
56 in the performance of contracts by minority business enterprises and

1 shall establish measures and procedures to identify those contracts and
2 items of work for which minority business enterprises may best bid to
3 actively and affirmatively promote and assist their participation so as
4 to facilitate the award of a fair share of contracts to such enter-
5 prises. For purposes hereof, "minority business enterprise" shall mean
6 any business enterprise which is at least fifty-one per centum owned by,
7 or in the case of a publicly owned business, at least fifty-one per
8 centum of the stock of which is owned by citizens or permanent resident
9 [~~aliens~~] noncitizens who are Black, Hispanic, Asian, American Indian or
10 women, and such ownership interest is real, substantial and continuing.
11 The provisions of this subdivision shall not be construed to limit the
12 ability of any minority business enterprise to bid on any contract.

13 § 58. Subdivision 3 of section 1115-x of the public authorities law,
14 as added by chapter 868 of the laws of 1986, is amended to read as
15 follows:

16 3. Any contracting agency empowered to award contracts for design,
17 construction, services or materials shall seek meaningful participation
18 in the performance of contracts by minority business enterprises and
19 shall establish measures and procedures to identify those contracts and
20 items of work for which minority business enterprises may best bid to
21 actively and affirmatively promote and assist their participation so as
22 to facilitate the award of a fair share of contracts to such enter-
23 prises. For purposes hereof, "minority business enterprise" shall mean
24 any business enterprise which is at least fifty-one per centum owned by,
25 or in the case of a publicly owned business, at least fifty-one per
26 centum of the stock of which is owned by citizens or permanent resident
27 [~~aliens~~] noncitizens who are Black, Hispanic, Asian, American Indian or
28 women, and such ownership interest is real, substantial and continuing.
29 The provisions of this subdivision shall not be construed to limit the
30 ability of any minority business enterprise to bid on any contract.

31 § 59. Subdivision 3 of section 1197-q of the public authorities law,
32 as added by chapter 795 of the laws of 1985, is amended to read as
33 follows:

34 3. The authority shall seek meaningful participation in the perform-
35 ance of contracts by minority business enterprises and shall establish
36 measures and procedures to identify those contracts and items of work
37 for which minority business enterprises may best bid to actively and
38 affirmatively promote and assist their participation so as to facilitate
39 the award of a fair share of contracts to such enterprises. For purposes
40 hereof, "minority business enterprise" shall mean any business enter-
41 prise which is at least fifty-one per centum owned by, or in the case of
42 a publicly owned business, at least fifty-one per centum of the stock of
43 which is owned by citizens or permanent resident [~~aliens~~] noncitizens
44 who are Black, Hispanic, Asian, American Indian or women, and such
45 ownership interest is real, substantial and continuing. The provisions
46 of this subdivision shall not be construed to limit the ability of any
47 minority business enterprise to bid on any contract.

48 § 60. Subdivision 3 of section 1199-v of the public authorities law,
49 as added by chapter 723 of the laws of 1986, is amended to read as
50 follows:

51 3. Any contracting agency empowered to award contracts for design,
52 construction, services or materials shall seek meaningful participation
53 in the performance of contracts by minority business enterprises and
54 shall establish measures and procedures to identify those contracts and
55 items of work for which minority business enterprises may best bid to
56 actively and affirmatively promote and assist their participation so as

1 to facilitate the award of a fair share of contracts to such enter-
2 prises. For purposes hereof, "minority business enterprise" shall mean
3 any business enterprise which is at least fifty-one per centum owned by,
4 or in the case of a publicly owned business, at least fifty-one per
5 centum of the stock of which is owned by citizens or permanent resident
6 [~~aliens~~] noncitizens who are Black, Hispanic, Asian, American Indian or
7 women, and such ownership interest is real, substantial and continuing.
8 The provisions of this subdivision shall not be construed to limit the
9 ability of any minority business enterprise to bid on any contract.

10 § 61. Subparagraph (i) of paragraph (a) of subdivision 14 of section
11 1266-c of the public authorities law, as added by chapter 929 of the
12 laws of 1986, is amended to read as follows:

13 (i) In the performance of projects pursuant to this title minority and
14 women-owned business enterprises shall be given the opportunity for
15 meaningful participation. The authority provided for in this title shall
16 establish measures and procedures to secure meaningful participation and
17 identify those contracts and items of work for which minority and
18 women-owned business enterprises may best bid to actively and affirma-
19 tively promote and assist their participation in the projects, so as to
20 facilitate the award of a fair share of contracts to such enterprises;
21 provided, however, that nothing in this title shall be construed to
22 limit the ability of the authority to assure that qualified minority and
23 women-owned business enterprises may participate in the program. For
24 purposes hereof, minority business enterprise shall mean any business
25 enterprise which is at least fifty-one per centum owned by, or in the
26 case of a publicly owned business, at least fifty-one per centum of the
27 stock of which is owned by citizens or permanent resident [~~aliens~~]
28 noncitizens who are Black, Hispanic, Asian or American Indian, Pacific
29 Islander or Alaskan natives and such ownership interest is real,
30 substantial and continuing and have the authority to independently
31 control the day to day business decisions of the entity for at least one
32 year; and women-owned business enterprise shall mean any business enter-
33 prise which is at least fifty-one per centum owned by, or in the case of
34 a publicly owned business, at least fifty-one per centum of the stock of
35 which is owned by citizens or permanent resident [~~aliens~~] noncitizens
36 who are women, and such ownership interest is real, substantial and
37 continuing and have the authority to independently control the day to
38 day business decisions of the entity for at least one year.

39 The provisions of this paragraph shall not be construed to limit the
40 ability of any minority or women-owned business enterprise to bid on any
41 contract.

42 § 62. Section 1974-d of the public authorities law, as added by chap-
43 ter 32 of the laws of 1986, is amended to read as follows:

44 § 1974-d. Contracts. In connection with development, construction,
45 operations and maintenance contracts for projects of the authority,
46 minority and women-owned business enterprises and minority group members
47 and women shall be given the opportunity for meaningful participation.
48 The authority shall establish measures and procedures to secure meaning-
49 ful participation by minority and women-owned business enterprises on
50 contracts for projects of the authority. Such measures and procedures
51 shall also promote the employment of minority group members and women on
52 such contracts. For the purposes thereof, "minority business enterprise"
53 shall mean any business enterprise which is at least fifty-one per
54 centum owned by, or in the case of a publicly owned business, at least
55 fifty-one per centum of the stock of which is owned by citizens or
56 permanent resident [~~aliens~~] noncitizens who are Black, Hispanic, Asian

1 or American Indian, and such ownership interest is real, substantial and
2 continuing and "women-owned business enterprise" shall mean any business
3 enterprise which is at least fifty-one per centum owned by, or in the
4 case of a publicly owned business, at least fifty-one percent of the
5 stock of which is owned by citizens or permanent resident [~~aliens~~
6 noncitizens who are women and such ownership interest is real, substan-
7 tial and continuing. The provisions of this section shall not be
8 construed to limit the ability of any minority or women-owned business
9 enterprise to bid on any contract. In order to implement the require-
10 ments and objectives of this section in connection with such projects,
11 the authority shall be responsible for monitoring compliance with the
12 provisions hereof, providing advice on the availability of competitive
13 qualified minority and women-owned business enterprises to perform
14 contracts proposed to be awarded, and making recommendations to improve
15 the access of minority and women-owned business enterprises to these
16 contracts.

17 § 63. Subdivision 3 of section 2050-v of the public authorities law,
18 as amended by chapter 174 of the laws of 1987, is amended to read as
19 follows:

20 3. The agency in awarding contracts for design, construction, services
21 or materials, shall seek meaningful participation in the performance of
22 contracts by minority business enterprises and shall establish measures
23 and procedures to identify those contracts and items of work for which
24 minority business enterprises may best bid to actively and affirmatively
25 promote and assist their participation so as to facilitate the award of
26 a fair share of contracts to such enterprises. For purposes hereof,
27 "minority business enterprise" shall mean any business enterprise which
28 is at least fifty-one per centum owned by, or in the case of a publicly
29 owned business, at least fifty-one per centum of the stock of which is
30 owned by citizens or permanent resident [~~aliens~~ noncitizens who are
31 Black, Hispanic, Asian, American Indian or women, and such ownership
32 interest is real, substantial and continuing. The provisions of this
33 subdivision shall not be construed to limit the ability of any minority
34 business enterprise to bid on any contract.

35 § 64. Subdivision 4 of section 2799-gggg of the public authorities
36 law, as added by chapter 383 of the laws of 2019, is amended to read as
37 follows:

38 4. The corporation shall seek meaningful participation by minority
39 business enterprises in the programs of the corporation and shall
40 actively and affirmatively promote and assist their participation in the
41 corporation's programs, so as to facilitate the award of a fair share of
42 contracts to such enterprises. For purposes hereof, "minority business
43 enterprise" shall mean any business enterprise which is at least fifty-
44 one per centum owned by, or in the case of publicly owned business, at
45 least fifty-one per centum of the stock of which is owned by, citizens
46 or permanent resident [~~aliens~~ noncitizens who are Black, Hispanic,
47 Asian, American Indian or women, and such ownership interest is real,
48 substantial and continuing.

49 § 65. Paragraph (d) and subparagraph (i) of paragraph (e) of subdivi-
50 sion 3 of section 2879 of the public authorities law, as amended by
51 chapter 564 of the laws of 1988, are amended to read as follows:

52 (d) For the purposes of this section, a minority group member means a
53 United States citizen or permanent resident [~~alien~~ noncitizen who is
54 and can demonstrate membership in one of the following groups:

55 (i) Black persons having origins in any of the Black African racial
56 groups not of Hispanic origin;

1 (ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban,
2 Central or South American of either Indian or Hispanic origin, regard-
3 less of race;

4 (iii) Asian and Pacific Islander persons having origins in any of the
5 Far East, Southeast Asia, the Indian sub-continent or the Pacific
6 Islands; or

7 (iv) Native American persons having origins in any of the original
8 peoples of North America.

9 (i) at least fifty-one percent owned by one or more United States
10 citizens or permanent resident [~~aliens~~] noncitizens who are women or in
11 the case of a publicly-owned business at least fifty-one percent of the
12 common stock or other voting interests of which is owned by United
13 States citizens or permanent resident [~~aliens~~] noncitizens who are
14 women;

15 § 66. Paragraph (d) of subdivision 10 of section 268-a of the public
16 health law, as added by section 2 of part T of chapter 57 of the laws of
17 2019, is amended to read as follows:

18 (d) is, and is reasonably expected to be, for the entire period for
19 which enrollment is sought, a citizen or national of the United States
20 or [~~an alien~~] a noncitizen lawfully present in the United States.

21 § 67. Paragraph (a) of subdivision 2 of section 3421 of the public
22 health law, as amended by chapter 534 of the laws of 1983, is amended to
23 read as follows:

24 (a) is a citizen of the United States or [~~an alien~~] a noncitizen
25 lawfully admitted for permanent residence in the United States;

26 § 68. Subdivision 2 of section 10 of the real property law, as amended
27 by chapter 272 of the laws of 1944, is amended to read as follows:

28 2. [~~Aliens~~] Noncitizens are empowered to take, hold, transmit, and
29 dispose of real property within this state in the same manner as
30 native-born citizens and their heirs and devisees take in the same
31 manner as citizens.

32 § 69. Section 15 of the real property law is amended to read as
33 follows:

34 § 15. Title through [~~alien~~] noncitizen. The right, title or interest
35 in or to real property in this state now held or hereafter acquired by
36 any person entitled to hold the same can not be questioned or impeached
37 by reason of the [~~alienage~~] noncitizen status of any person through whom
38 such title may have been derived. Nothing in this section affects or
39 impairs the right of any heir, devisee, mortgagee, or creditor by judg-
40 ment or otherwise.

41 § 70. Section 16 of the real property law is amended to read as
42 follows:

43 § 16. Liabilities of [~~alien~~] noncitizen holders of real property.
44 Every [~~alien~~] noncitizen holding real property in this state is subject
45 to duties, assessments, taxes and burdens as if [~~he~~] such noncitizen
46 were a citizen of the state.

47 § 71. Paragraph (g) of subdivision 1 of section 321 of the real prop-
48 erty law, as added by chapter 873 of the laws of 1948, is amended to
49 read as follows:

50 (g) If the mortgage is stated in the certificate of discharge to have
51 been taken by the [~~alien~~] noncitizen property custodian under and pursu-
52 ant to the trading with the enemy act adopted by the United States
53 congress, and approved October sixth, nineteen hundred sixteen, or any
54 act amendatory thereof, or supplemental thereto, such certificate may be
55 executed by such [~~alien~~] noncitizen property custodian or such person as
56 the president may appoint to give full acquittance and discharge for

1 money or property belonging to an enemy or ally of an enemy which may be
2 conveyed, assigned, delivered or transferred to said [~~alien~~] noncitizen
3 property custodian, with like effect as if the same had been executed by
4 the mortgagee, [~~his~~] or the personal representative or assignee of such
5 mortgagee. Such certificate may be recorded, and such certificate, the
6 record thereof and a certified copy of such record may be introduced in
7 evidence in all courts of this state.

8 § 72. Section 336 of the real property law, as added by chapter 435 of
9 the laws of 1921, is amended to read as follows:

10 § 336. Effect of recording demands or requirements of [~~alien~~] nonciti-
11 zen property custodian. The recording in any county clerk's or regis-
12 ter's office of a demand or requirement against real property described
13 therein, made by or on behalf of the [~~alien~~] noncitizen property custo-
14 dian under and pursuant to the trading with the enemy act adopted by the
15 United States congress and approved October sixth, nineteen hundred and
16 seventeen, or any act amendatory thereof or supplemental thereto, or any
17 executive order or proclamation issued in pursuance thereof, when duly
18 indexed against the name of the person or corporation whose property has
19 thereby been demanded or required, shall have the same force and effect
20 as the making of, delivery and recording of a deed of such real property
21 or interest therein by such person or corporation to said [~~alien~~]
22 noncitizen property custodian. All recitals contained in any such demand
23 or requirement, and in any deed made by such custodian heretofore or
24 hereafter recorded of all facts required or permitted by said acts,
25 proclamations or executive orders to be found or determined by said
26 [~~alien~~] noncitizen property custodian, and all recitals of conclusions
27 or determinations by said acts, proclamations or executive orders
28 authorized to be made by [~~him~~] such individual, and all recitals of acts
29 or things done by said custodian or [~~his~~] agents thereof in respect to
30 the seizure of said property shall be evidence of the facts, conclu-
31 sions, determinations, acts and things so recited in any court of this
32 state in any action or proceeding affecting the title to or ownership of
33 such real property. Three months after this section takes effect and the
34 recording of the instrument containing such recitals, the same shall
35 become conclusive evidence of all such facts, conclusions, determi-
36 nations, acts and things as are so recited therein in any action in any
37 court affecting the title to or ownership of said land, unless said
38 action shall have been commenced before the expiration of such three
39 months.

40 § 73. The opening paragraph of subdivision 5 of section 176 of the
41 retirement and social security law, as added by chapter 171 of the laws
42 of 2010, is amended to read as follows:

43 The term "minority group member" shall mean a United States citizen or
44 permanent resident [~~alien~~] noncitizen who is and can demonstrate member-
45 ship in one of the following groups:

46 § 74. Subparagraph (ii) of paragraph (a) and paragraph (e) of subdivi-
47 sion 3 of section 307 of the surrogate's court procedure act, as amended
48 by chapter 355 of the laws of 2000, are amended to read as follows:

49 (ii) where a person is alleged to be within a country with which the
50 United States of America is at war or a place with which the United
51 States of America does not maintain postal communication, the court may
52 direct that a copy of the process shall be mailed on behalf of such
53 person to the officer who may have been appointed to take possession of
54 the property of [~~alien~~] noncitizen enemies, or

55 (e) if the interest of a non-domiciliary [~~alien~~] noncitizen in the
56 estate is less than \$2,500 or his or her address is unknown or such

1 estate's gross assets are less than \$25,000, by delivery of a copy of
2 the process to a consular official of the [~~alien's~~] noncitizen's nation.

3 § 75. Subdivision 5 of section 401 of the surrogate's court procedure
4 act is amended to read as follows:

5 5. Termination of appearance of consul. When a consular official shall
6 have appeared in behalf of [~~an alien~~] a noncitizen, a subsequent appear-
7 ance by the attorney in fact of the [~~alien~~] noncitizen pursuant to
8 recorded power of attorney or appearance by an authorized attorney shall
9 terminate the appearance of the consul.

10 § 76. Paragraph (c) of subdivision 1 of section 707 of the surrogate's
11 court procedure act, as amended by chapter 469 of the laws of 1995, is
12 amended to read as follows:

13 (c) a non-domiciliary [~~alien~~] noncitizen except one who is a foreign
14 guardian as provided in subdivision four of section one thousand seven
15 hundred sixteen of this chapter, or one who shall serve with one or more
16 co-fiduciaries, at least one of whom is resident in this state. Any
17 appointment of a non-domiciliary [~~alien~~] noncitizen fiduciary or a New
18 York resident fiduciary hereunder shall be made by the court in its
19 discretion

20 § 77. Section 1119 of the surrogate's court procedure act is amended
21 to read as follows:

22 § 1119. Notice to consuls

23 When the estate is that of [~~an alien~~] a noncitizen it shall be the
24 duty of the public administrator when making application for letters to
25 mail a notice to the consular representative of the nation of which the
26 decedent was a citizen or subject if any there be in the city of New
27 York.

28 § 78. Section 1120 of the surrogate's court procedure act, subdivision
29 1 as amended by chapter 259 of the laws of 1968, subdivision 3 as
30 amended by chapter 355 of the laws of 2000, and subdivision 4 as amended
31 by chapter 115 of the laws of 1981, is amended to read as follows:

32 § 1120. Appearance by consuls

33 1. In any action or proceeding brought by or against a public adminis-
34 trator in which a non-domiciliary [~~alien~~] noncitizen is a necessary or
35 proper party the consular representative of the country of which the
36 [~~alien~~] noncitizen is a citizen or subject may appear in person or by
37 attorney in behalf of the [~~alien~~] noncitizen if the latter shall default
38 in appearance.

39 2. No power of attorney or other specific authority from the [~~alien~~]
40 noncitizen shall be required as a condition to such appearance.

41 3. Service upon [~~an alien~~] a noncitizen pursuant to 307, subdivision
42 3, paragraph (e) may be made without prior service of process personally
43 or otherwise upon the [~~alien~~] noncitizen.

44 4. The interests of [~~alien~~] noncitizen persons under disability shall,
45 however, be represented in all such proceedings by their guardians of
46 the property, committee of the property or conservators of the property,
47 or by guardians ad litem appointed by the court.

48 § 79. Section 1415 of the surrogate's court procedure act is amended
49 to read as follows:

50 § 1415. Supplementary letters, executors not named in letters not to act

51 If the disability of an infant or [~~an alien~~] a noncitizen named as an
52 executor in a will be removed before the administration of the estate is
53 completed he shall be entitled on petition showing the facts to supple-
54 mentary letters testamentary to be issued in the same manner as the
55 original letters to join in the completion of the administration of the
56 estate with the person or persons previously appointed. A person named

1 in a will as executor shall be deemed to be superseded by the issue to
2 another person of letters testamentary and shall have no power or
3 authority as executor until he or she appears and qualifies and letters
4 testamentary are issued to him or her.

5 § 80. Paragraph (a) of subdivision 1 and subdivision 3 of section 2218
6 of the surrogate's court procedure act, as amended by chapter 998 of the
7 laws of 1968, are amended to read as follows:

8 (a) Where it shall appear that [~~an alien~~] a noncitizen legatee,
9 distributee or beneficiary is domiciled or resident within a country to
10 which checks or warrants drawn against funds of the United States may
11 not be transmitted by reason of any executive order, regulation or simi-
12 lar determination of the United States government or any department or
13 agency thereof, the court shall direct that the money or property to
14 which such [~~alien~~] noncitizen would otherwise be entitled shall be paid
15 into court for the benefit of said [~~alien~~] noncitizen or the person or
16 persons who thereafter may appear to be entitled thereto. The money or
17 property so paid into court shall be paid out only upon order of the
18 surrogate or pursuant to the order or judgment of a court of competent
19 jurisdiction.

20 3. In any such proceeding where it is uncertain that [~~an alien~~] a
21 noncitizen beneficiary or fiduciary not residing within the United
22 States, the District of Columbia, the Commonwealth of Puerto Rico or a
23 territory or possession of the United States would have the benefit or
24 use or control of the money or property due him the burden of proving
25 that the [~~alien~~] noncitizen beneficiary will receive the benefit or use
26 or control of the money or property due him or her shall be upon him or
27 her or the person claiming from, through or under him or her.

28 § 81. Paragraph (a) of subdivision 3 of section 117 of the social
29 services law, as amended by chapter 214 of the laws of 1998, is amended
30 to read as follows:

31 (a) Notwithstanding any other provision of law, no public assistance
32 benefits shall be paid to or for any person who is not a resident of the
33 state as provided in this article, except that assistance shall be
34 provided to a person who is otherwise eligible during the first twelve
35 months in the state at a rate not exceeding the higher of fifty percent
36 of the amount otherwise payable or the standard of need applicable to
37 the person under the laws of the state, if any, in which he or she
38 resided immediately prior to arrival in this state, but under no circum-
39 stances may such allowances exceed the amounts payable to a resident
40 under this chapter; and no assistance shall be provided for any [~~alien~~]
41 noncitizen during the first twelve months such person resides in the
42 United States, except as set forth in paragraph (b) of this subdivision
43 and except persons domiciled in the state on the effective date of this
44 section, and except as otherwise required by federal law. For purposes
45 of this section, the standard of payment applicable in another state
46 shall refer to a schedule of comparative grants to be promulgated bien-
47 nially, setting forth the amount of that state's maximum standard of
48 payment with respect to each such program, if any, for each household
49 size for any state which financially participates in or mandates a
50 program under title IV-A of the federal social security act or a general
51 assistance or disability assistance program.

52 § 82. Section 122 of the social services law, as added by section 7 of
53 part B of chapter 436 of the laws of 1997, subdivisions 1 and 4 as
54 amended by chapter 214 of the laws of 1998, subparagraph (v) of para-
55 graph (a) of subdivision 1 as amended by chapter 490 of the laws of
56 2019, the opening paragraph of paragraph (c) of subdivision 1 as amended

1 by chapter 672 of the laws of 2019, and subdivision 6 as amended by
2 chapter 16 of the laws of 2002, is amended to read as follows:

3 § 122. [~~Aliens~~ Noncitizens. 1. Notwithstanding any law to the contra-
4 ry, no person except a citizen or [~~an alien~~ a noncitizen who has been
5 duly naturalized as a citizen shall be eligible for additional state
6 payments for aged, blind and disabled persons, family assistance, safety
7 net assistance, services funded under title XX of the federal social
8 security act, or medical assistance, subject to the following
9 exceptions:

10 (a) The following persons shall, if otherwise eligible, receive bene-
11 fits under such programs:

12 (i) a refugee who entered the United States within the previous five
13 years with respect to benefits under the temporary assistance to needy
14 families block grant program and the safety net assistance program and
15 within the previous seven years with respect to medical assistance;

16 (ii) an asylee who was granted asylum within the previous five years
17 with respect to benefits under the temporary assistance to needy fami-
18 lies block grant program and the safety net assistance program and with-
19 in the previous seven years with respect to medical assistance;

20 (iii) a person for whom deportation was withheld within the previous
21 five years with respect to benefits under the temporary assistance to
22 needy families block grant program and the safety net assistance program
23 and within the previous seven years with respect to medical assistance;

24 (iv) except as otherwise required by federal law, a person lawfully
25 admitted for permanent residence who has worked for or can be credited
26 with forty qualifying quarters as defined under title II of the federal
27 Social Security Act, exclusive of any quarter after the thirty-first day
28 of December, nineteen hundred ninety-six in which such person or such
29 person's parent or spouse received any federal means tested assistance;

30 (v) any [~~alien~~ noncitizen lawfully residing in the state who is on
31 active duty in the armed forces (other than active duty for training) or
32 who (1) has received an honorable discharge (and not on account of
33 [~~alienage~~ noncitizen status) from the armed forces, or (2) has a quali-
34 fying condition, as defined in section three hundred fifty of the execu-
35 tive law, and has received a discharge other than bad conduct or
36 dishonorable (and not on account of [~~alienage~~ noncitizen status) from
37 the armed forces, or (3) is a discharged LGBT veteran, as defined in
38 section three hundred fifty of the executive law, and has received a
39 discharge other than bad conduct or dishonorable (and not on account of
40 [~~alienage~~ noncitizen status) from the armed forces, or the spouse,
41 unremarried surviving spouse or unmarried dependent child of any such
42 [~~alien~~ noncitizen, if such [~~alien~~ noncitizen, spouse or dependent
43 child is a qualified alien as defined in section 431 of the federal
44 personal responsibility and work opportunity reconciliation act of 1996
45 (8 U.S. Code 1641), as amended;

46 (vi) [~~an alien~~ a noncitizen granted status as a Cuban and Haitian
47 entrant as defined in section 501(e) of the federal Refugee Education
48 Act of 1980 within the previous five years with respect to benefits
49 under the temporary assistance to needy families block grant program,
50 and safety net assistance and within the previous seven years with
51 respect to medical assistance; and

52 (vii) [~~an alien~~ a noncitizen admitted to the United States as an
53 Amerasian immigrant as described in section 402(a)(2)(A) of the federal
54 personal responsibility and work opportunity reconciliation act of 1996
55 within the previous five years with respect to benefits under the tempo-
56 rary assistance to needy families block grant program, and safety net

1 assistance and within the previous seven years with respect to medical
2 assistance.

3 (b) The following persons, not described in paragraph (a) of this
4 subdivision, shall, if otherwise eligible, be eligible for family
5 assistance, medical assistance, and safety net assistance:

6 (i) [~~an alien~~] a noncitizen who is a qualified alien as defined in
7 section 431 of the federal personal responsibility and work opportunity
8 reconciliation act of 1996 (8 U.S. Code 1641), as amended, who entered
9 the United States before the twenty-second day of August, nineteen
10 hundred ninety-six and continuously resided in the United States until
11 attaining qualified status; and

12 (ii) a qualified alien who entered the United States five years or
13 more earlier with a status within the meaning of the term "qualified
14 alien" as defined in section 431 of the federal personal responsibility
15 and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as
16 amended, if such entry occurred on or after the twenty-second day of
17 August, nineteen hundred ninety-six.

18 (c) The following persons, not described in paragraph (a) or (b) of
19 this subdivision, shall, if otherwise eligible, be eligible for safety
20 net assistance and medical assistance, except that medical assistance
21 shall be limited to care and services (not including care and services
22 related to an organ transplant procedure) necessary for the treatment of
23 an emergency medical condition as that term is defined in section 1903
24 of the federal social security act unless and until federal financial
25 participation is available for the costs of providing medical assistance
26 provided, however, that any such person who, on the fourth day of
27 August, nineteen hundred ninety-seven was residing in a residential
28 health care facility licensed by the department of health or in a resi-
29 dential facility licensed, operated or funded by the office of mental
30 health or the office for people with developmental disabilities, and was
31 in receipt of a medical assistance authorization based on a finding that
32 he or she was a person permanently residing in the United States under
33 color of law shall, if otherwise eligible, be eligible for medical
34 assistance and provided, further, that any such person who, on the
35 fourth day of August, nineteen hundred ninety-seven, was diagnosed as
36 having AIDS, as defined in subdivision one of section two thousand seven
37 hundred eighty of the public health law, and was in receipt of medical
38 assistance authorization pursuant to title eleven of article five of
39 this chapter based on a finding that he or she was a person permanently
40 residing in the United States under color of law shall, if otherwise
41 eligible, be eligible for medical assistance:

42 (i) a qualified alien who entered the United States less than five
43 years earlier or for less than five years has had a status within the
44 meaning of the term "qualified alien" as defined in section 431 of the
45 federal personal responsibility and work opportunity reconciliation act
46 of 1996 (8 U.S. Code 1641), as amended, if such entry occurred on or
47 after the twenty-second day of August, nineteen hundred ninety-six; and

48 (ii) [~~an alien~~] a noncitizen whose status is not within the meaning of
49 the term "qualified alien" as defined in section 431 of the federal
50 personal responsibility and work opportunity reconciliation act of 1996
51 (8 U.S. Code 1641), as amended, but who is otherwise permanently resid-
52 ing in the United States under color of law.

53 (d) A person paroled into the United States for a period of less than
54 one year shall, if otherwise eligible, be eligible to receive any state
55 or local non-federal assistance provided under this chapter on the same
56 terms as such programs are available to persons who are qualified aliens

1 as defined in section 431 of the federal personal responsibility and
2 work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as
3 amended.

4 (e) Nothing herein shall preclude the receipt by any [~~alien~~] nonciti-
5 zen of community based non-cash assistance in accordance with the
6 directions of the United States attorney general or the receipt of
7 medical assistance for care and services (not including care and
8 services related to an organ transplant procedure) necessary to treat an
9 emergency medical condition as that term is defined in section 1903 of
10 the federal social security act.

11 (f) [~~An alien~~] A noncitizen who is not ineligible for federal supple-
12 mental security income benefits by reason of [~~alien~~] noncitizen status
13 shall, if otherwise eligible, be eligible to receive additional state
14 payments for aged, blind or disabled persons under section two hundred
15 nine of this chapter.

16 (g) [~~Aliens~~] Noncitizens receiving supplemental security income bene-
17 fits or additional state payments for aged, blind and disabled persons
18 under section two hundred nine of this chapter shall be eligible for
19 medical assistance if otherwise eligible.

20 (h) Qualified aliens as defined in section 431 of the federal personal
21 responsibility and work opportunity reconciliation act of 1996 (8 U.S.
22 Code 1641), as amended, if otherwise eligible and except as otherwise
23 provided by federal law, shall be eligible for services pursuant to
24 title XX of the federal social security act.

25 2. Any [~~alien~~] noncitizen, including [~~an alien~~] a noncitizen who is
26 not a qualified alien as defined in section 431 of the federal personal
27 responsibility and work opportunity reconciliation act of 1996 (8 U.S.
28 Code 1641), as amended, is eligible for adult protective services and
29 services and assistance relating to child protection to the extent that
30 such person is otherwise eligible pursuant to this chapter and the regu-
31 lations of the department.

32 3. Each social services district shall report to the department, in
33 accordance with regulations of the department, the name and address and
34 other identifying information known to it with respect to any [~~alien~~]
35 noncitizen known to be unlawfully in the United States.

36 4. To the extent permitted by federal law and regulation, the income
37 and resources of a sponsor of [~~an alien~~] a noncitizen, who has signed an
38 affidavit of support pursuant to section 213A of the immigration and
39 naturalization act, and the income and resources of such sponsor's
40 spouse, shall be deemed available to such [~~alien~~] noncitizen for
41 purposes of determining the eligibility of such [~~alien~~] noncitizen for
42 assistance funded under the temporary for assistance funded under the
43 temporary assistance to needy families block grant and medical assist-
44 ance.

45 5. If and to the extent that the family assistance, safety net assist-
46 ance, state additional payments in the supplemental security income
47 program, emergency assistance to aged, blind or disabled adults or
48 medical assistance is paid to or on behalf of [~~an alien~~] a noncitizen
49 for whom an affidavit of support pursuant to section 213A of the immi-
50 gration and naturalization act has been signed, the social services
51 district shall request reimbursement by the sponsor in the amount of
52 such assistance, and, if the sponsor does not within forty-five days of
53 such request indicate a willingness to commence payments, such social
54 services district may commence an action against the sponsor pursuant to
55 the affidavit. Remedies available to enforce an affidavit of support
56 include all of the remedies described in sections 3201, 3202, 3204 and

1 3205 of title 28 of the United States Code, as well as an order for
2 specific performance and payment of legal fees and other costs of
3 collection, and include corresponding remedies available under state
4 law; provided, however, that no action shall be brought more than ten
5 years after assistance was last given.

6 6. Nothing in this section shall be interpreted as affecting the
7 eligibility for pre-natal care benefits for persons otherwise eligible
8 for such benefits.

9 § 83. Section 131-k of the social services law, as amended by chapter
10 77 of the laws of 1977, is amended to read as follows:

11 § 131-k. [~~Illegal aliens~~] Undocumented noncitizens. [~~2.~~] An otherwise
12 eligible applicant or recipient who has been determined to be ineligible
13 for aid to dependent children, home relief or medical assistance because
14 [~~he is an alien~~] such individual is a noncitizen unlawfully residing in
15 the United States or because [~~he~~] such individual failed to furnish
16 evidence that [~~he~~] such individual is lawfully residing in the United
17 States shall be immediately referred to the United States immigration
18 and naturalization service, or the nearest consulate of the country of
19 the applicant or the recipient for such service or consulate to take
20 appropriate action or furnish assistance.

21 § 84. Paragraph (g) of subdivision 1 of section 158 of the social
22 services law, as added by section 44 of part B of chapter 436 of the
23 laws of 1997, is amended to read as follows:

24 (g) is a qualified alien who is ineligible to receive assistance fund-
25 ed under the temporary assistance for needy families block grant solely
26 because of section four hundred three of the federal personal responsi-
27 bility and work opportunity reconciliation act of 1996 (P.L. 104-193)
28 or is [~~an alien~~] a noncitizen who is permanently residing under color of
29 law but is not a qualified alien.

30 § 85. Subparagraph (iv) of paragraph (a) of subdivision 1 of section
31 209 of the social services law, as amended by section 4 of part E of
32 chapter 57 of the laws of 2012, is amended to read as follows:

33 (iv) is a resident of the state and is either a citizen of the United
34 States or is not [~~an alien~~] a noncitizen who is or would be ineligible
35 for federal supplemental security income benefits solely by reason of
36 [~~alien~~] noncitizen status.

37 § 86. Paragraph (d) of subdivision 3 of section 369-gg of the social
38 services law, as amended by section 2 of part H of chapter 57 of the
39 laws of 2021, is amended to read as follows:

40 (d) (i) has household income at or below two hundred percent of the
41 federal poverty line defined and annually revised by the United States
42 department of health and human services for a household of the same
43 size; and (ii) has household income that exceeds one hundred thirty-
44 three percent of the federal poverty line defined and annually revised
45 by the United States department of health and human services for a
46 household of the same size; however, MAGI eligible [~~aliens~~] noncitizens
47 lawfully present in the United States with household incomes at or below
48 one hundred thirty-three percent of the federal poverty line shall be
49 eligible to receive coverage for health care services pursuant to the
50 provisions of this title if such [~~alien~~] noncitizen would be ineligible
51 for medical assistance under title eleven of this article due to his or
52 her immigration status.

53 An applicant who fails to make an applicable premium payment, if any,
54 shall lose eligibility to receive coverage for health care services in
55 accordance with time frames and procedures determined by the commission-
56 er.

1 § 86-a. Paragraph (d) of subdivision 3 of section 369-gg of the social
2 services law, as amended by section 51 of part C of chapter 60 of the
3 laws of 2014, is amended to read as follows:

4 (d) (i) has household income at or below two hundred percent of the
5 federal poverty line defined and annually revised by the United States
6 department of health and human services for a household of the same
7 size; and (ii) has household income that exceeds one hundred thirty-
8 three percent of the federal poverty line defined and annually revised
9 by the United States department of health and human services for a
10 household of the same size; however, MAGI eligible [~~aliens~~] noncitizens
11 lawfully present in the United States with household incomes at or below
12 one hundred thirty-three percent of the federal poverty line shall be
13 eligible to receive coverage for health care services pursuant to the
14 provisions of this title if such [~~alien~~] noncitizen would be ineligible
15 for medical assistance under title eleven of this article due to his or
16 her immigration status.

17 An applicant who fails to make an applicable premium payment shall
18 lose eligibility to receive coverage for health care services in accord-
19 ance with time frames and procedures determined by the commissioner.

20 § 87. Section 398-e of the social services law, as amended by chapter
21 3 of the laws of 2012, is amended to read as follows:

22 § 398-e. Eligibility for protective services, foster care services,
23 and residential services for victims of domestic violence. [~~An alien~~] A
24 noncitizen, including a non-qualified alien, as determined by applicable
25 federal statute and regulation, is eligible for protective services for
26 adults and children, foster care services, and residential services for
27 victims of domestic violence, to the extent such person is otherwise
28 eligible pursuant to this chapter and the regulations of the office of
29 children and family services and the office of temporary and disability
30 assistance.

31 § 88. Subsection (g) of section 651 of the tax law, as added by chap-
32 ter 424 of the laws of 1970, is amended to read as follows:

33 (g) Nonresident [~~aliens~~] noncitizens. Notwithstanding the provisions
34 of subsection (a) of this section, the due date for the filing of an
35 income tax return under this article for the taxable year by a nonresi-
36 dent [~~alien~~] noncitizen individual shall be the date prescribed for the
37 filing of his or her federal income tax return for the taxable year.

38 § 89. Paragraph 1 of subsection (c) of section 658 of the tax law, as
39 amended by section 12 of part Q of chapter 60 of the laws of 2016, is
40 amended to read as follows:

41 (1) Partnerships. Every partnership having a resident partner or
42 having any income derived from New York sources, determined in accord-
43 ance with the applicable rules of section six hundred thirty-one of this
44 article as in the case of a nonresident individual, shall make a return
45 for the taxable year setting forth all items of income, gain, loss and
46 deduction and such other pertinent information as the commissioner may
47 by regulations and instructions prescribe. Such return shall be filed on
48 or before the fifteenth day of the fourth month following the close of
49 each taxable year, for taxable years beginning before January first, two
50 thousand sixteen, and on or before the fifteenth day of the third month
51 following the close of each taxable year, for taxable years beginning on
52 or after January first, two thousand sixteen, except that the due date
53 for the return of a partnership consisting entirely of nonresident
54 [~~aliens~~] noncitizens shall be the date prescribed for the filing of its
55 federal partnership return for the taxable year. For purposes of this
56 paragraph, "taxable year" means a year or a period which would be a

1 taxable year of the partnership if it were subject to tax under this
2 article.

3 § 90. Subsection (b) of section 1304-C of the tax law, as added by
4 chapter 576 of the laws of 1994, is amended to read as follows:

5 (b) Any local law imposing the filing fee authorized by this section
6 shall provide that every partnership having any income derived from city
7 sources, determined in accordance with the applicable rules of section
8 six hundred thirty-one of this chapter as in the case of a state nonres-
9 ident individual (except that in making such determination any refer-
10 ences in such section to "New York source" or "New York sources" shall
11 be read as references to "New York city source" or "New York city sour-
12 ces" and any references in such section to "this state" or "the state"
13 shall be read as references to "this city" or "the city"), shall make a
14 return for the taxable year setting forth all items of income, gain,
15 loss and deduction and such other pertinent information as the commis-
16 sioner may by regulations and instructions prescribe. Such return shall
17 be filed on or before the fifteenth day of the fourth month following
18 the close of each taxable year except that the due date for the return
19 of a partnership consisting entirely of nonresident [**aliens**] **noncitizens**
20 shall be the date prescribed for the filing of its federal partnership
21 return for the taxable year. For purposes of this subsection, "taxable
22 year" means a year or a period which would be a taxable year of the
23 partnership if it were subject to the taxes imposed under the authority
24 of this article.

25 § 91. Paragraph a of subdivision 2 of section 428 of the transporta-
26 tion law, as added by chapter 836 of the laws of 1983, is amended to
27 read as follows:

28 a. In the performance of transportation infrastructure renewal
29 projects, minority and women-owned business enterprises shall be given
30 the opportunity for meaningful participation. The governor shall estab-
31 lish measures and procedures to secure meaningful participation and
32 identify those contracts and items of work for which minority and
33 women-owned business enterprises may best bid to actively and affirma-
34 tively promote and assist their participation in the department's
35 construction and procurement program for transportation infrastructure
36 renewal projects, so as to facilitate the award of a fair share of
37 contracts to such enterprises; provided, however, that nothing in this
38 article shall be construed to limit the ability of the governor to
39 assure that qualified minority and women-owned business enterprises may
40 participate in the transportation infrastructure renewal program. For
41 purposes hereof, minority business enterprise shall mean any business
42 enterprise which is at least fifty-one per centum owned by, or in the
43 case of a publicly owned business, at least fifty-one per centum of the
44 stock of which is owned by citizens or permanent resident [**aliens**]
45 **noncitizens** who are Black, Hispanic, Asian or American Indian, and such
46 ownership interest is real, substantial and continuing; and women-owned
47 business enterprise shall mean any business enterprise which is at least
48 fifty-one per centum owned by, or in the case of a publicly owned busi-
49 ness, at least fifty-one per centum of the stock of which is owned by
50 citizens or permanent resident [**aliens**] **noncitizens** who are women, and
51 such ownership interest is real, substantial and continuing.

52 The provisions of this paragraph shall not be construed to limit the
53 ability of any minority business enterprise to bid on any contract.

54 § 92. Section 17 of the volunteer ambulance workers' benefit law, as
55 amended by chapter 481 of the laws of 1988, is amended to read as
56 follows:

1 § 17. [~~Aliens~~] Noncitizens. Financial benefits payable under this
2 chapter to [~~aliens~~] noncitizens not residents or about to become nonres-
3 idents of the United States or Canada shall be in the same amount as
4 provided for residents, except that dependents in any foreign country
5 shall be limited to surviving spouse and child or children, or, if there
6 be no surviving spouse or child or children, to the surviving father or
7 mother whom the volunteer ambulance worker has supported, either wholly
8 or in part, for a period of one year prior to the date of the injury.

9 § 93. Section 17 of the volunteer firefighters' benefit law, as
10 amended by chapter 621 of the laws of 1988, is amended to read as
11 follows:

12 § 17. [~~Aliens~~] Noncitizens. Financial benefits payable under this
13 chapter to [~~aliens~~] noncitizens not residents or about to become nonres-
14 idents of the United States or Canada shall be in the same amount as
15 provided for residents, except that dependents in any foreign country
16 shall be limited to surviving spouse and child or children, or, if there
17 be no surviving spouse or child or children, to the surviving father or
18 mother whom the volunteer firefighter has supported, either wholly or in
19 part, for a period of one year prior to the date of the injury.

20 § 94. Section 17 of the workers' compensation law, as amended by chap-
21 ter 538 of the laws of 1985, is amended to read as follows:

22 § 17. [~~Aliens~~] Noncitizens. Compensation under this chapter to
23 [~~aliens~~] noncitizens not residents or about to become nonresidents of
24 the United States or Canada, shall be the same in amount as provided for
25 residents, except that dependents in any foreign country shall be limit-
26 ed to surviving spouse and child or children, or, if there is no surviv-
27 ing spouse or child or children, to surviving father or mother whom the
28 employee has supported, either wholly or in part, for the period of one
29 year prior to the date of the accident.

30 § 95. Subdivision 1 of section 24-a of the workers' compensation law,
31 as amended by section 8 of part D of chapter 55 of the laws of 2015, is
32 amended to read as follows:

33 1. No person, firm or corporation, other than an attorney and counsel-
34 lor-at-law, shall appear on behalf of any claimant or person entitled to
35 the benefits of this chapter, before the board or any officer, agent or
36 employee of the board assigned to conduct any hearing, investigation or
37 inquiry relative to a claim for compensation or benefits under this
38 chapter, unless he or she shall be a citizen of the United States or [~~an~~
39 ~~alien~~] a noncitizen lawfully admitted for permanent residence in the
40 United States, and shall have obtained from the board a license author-
41 izing him or her to appear in matters or proceedings before the board.
42 Such license shall be issued by the board in accordance with the rules
43 established by it. Any person, firm or corporation violating the afore-
44 said provisions shall be guilty of a misdemeanor. The board, in its
45 rules, shall provide for the issuance of licenses to representatives of
46 charitable and welfare organizations, and to associations who employ a
47 representative to appear for members of such association, upon certifi-
48 cation of the proper officer of such association or organization, which
49 licenses shall issue without charge; and may provide for a license with-
50 out fee in the case of all other persons, firms or corporations in an
51 amount to be fixed by said rules. The board shall have such tests of
52 character and fitness with respect to applicants for licenses, and such
53 rules governing the conduct of those licensed, as aforesaid, as it may
54 deem necessary.

1 § 96. Subdivisions 1 and 4 of section 25-b of the workers' compen-
2 sation law, as added by chapter 492 of the laws of 1941, are amended to
3 read as follows:

4 1. There is hereby created a fund to be known as the non-resident
5 compensation fund. Whenever an award is made to or on behalf of [~~alien~~
6 noncitizen] dependents, non-residents of the United States, Canada or
7 Newfoundland, or an award is made to a non-resident citizen of the
8 United States, which calls for the payment of compensation or death
9 benefits, or where there is outstanding an unpaid balance of compen-
10 sation or death benefits payable to such non-resident, and it shall
11 appear that the person or persons to whom the award has been made or any
12 balance of such award is payable, would not have the full benefit or use
13 or control of the money payable under such award, or where other special
14 circumstances made it desirable that present payment of the award shall
15 be withheld, the employer, or if insured, his insurance carrier, or any
16 special fund liable for such payment, may, by order of the board, be
17 required to pay to the comptroller of the state of New York all amounts
18 then due or thereafter to become due under the terms of the award to
19 such non-resident. The moneys so paid in shall be held by the comp-
20 troller in the non-residents compensation fund.

21 4. If at any time there shall be created by any act of the congress of
22 the United States or by any lawful rule or regulation of the president
23 any agency or fund for the safekeeping or custody of moneys belonging to
24 or payable to any non-resident [~~alien~~ noncitizen], and if such act or
25 rule shall require the payment into such agency or fund of any moneys
26 theretofore paid into the fund for foreign dependents, the board may
27 make its findings and issue its order thereon directing the transfer of
28 such moneys by the comptroller to such other agency or fund.

29 § 97. Paragraph (a) of subdivision 3-b of section 50 of the workers'
30 compensation law, as amended by chapter 139 of the laws of 2008, is
31 amended to read as follows:

32 (a) Except as provided in subdivision three-d of this section, no
33 person, firm or corporation, other than an attorney and counsellor-at-
34 law, shall solicit the business of representing, or engage in represent-
35 ing self-insurers or group self-insurers, as defined in subdivisions
36 three and three-a of this section, before the board or any officer,
37 agent or employee of the board assigned to conduct any hearing, investi-
38 gation or inquiry relative to a claim for compensation or benefits under
39 this chapter, unless he or she shall be a citizen of the United States
40 or [~~an alien~~] a noncitizen lawfully admitted for permanent residence in
41 the United States, or a corporation organized under the laws of the
42 state of New York, and shall have obtained from the board a license
43 authorizing him or her to appear in matters or proceedings before the
44 board. Such license shall be issued by the board in accordance with the
45 rules established by it. Any person, firm or corporation violating the
46 aforesaid provisions shall be guilty of a misdemeanor. The chair may
47 impose a civil penalty of up to one thousand dollars for each violation
48 against any representative licensed in accordance with this section that
49 violates any provision of this section or of any regulation issued
50 pursuant thereto, in addition to any other sanctions provided for under
51 this chapter.

52 § 98. Section 121-a of the workers' compensation law, as amended by
53 chapter 492 of the laws of 1941, is amended to read as follows:

54 § 121-a. Proof of dependency in foreign countries. In cases involving
55 the dependency of [~~aliens~~] noncitizens residing in foreign countries,
56 transcripts of birth or marriage certificates, also documents and affi-

1 davits, certified by a local official or local magistrate and authenti-
2 cated as to such official or magistrate by the secretary of state or
3 other official having charge of foreign affairs, or a United States
4 consul, in said foreign country, may be received in evidence, but in all
5 such cases proof of present existence and of dependency may be made by
6 the personal appearance of each and all persons claiming relationship to
7 or dependence upon a deceased worker under the provisions of sections
8 sixteen and seventeen of this chapter, before a diplomatic or consular
9 officer of the United States, and statements made to or evidence
10 presented before such diplomatic or consular officer under oath may be
11 received in evidence in whole or in part by the board upon any such
12 claim. Questions regarding admissibility and adequacy of evidence aris-
13 ing in connection with proceedings before the consul shall be determined
14 by the board. The board may by rule prescribe the conditions under which
15 proofs other than personal appearance before a diplomatic or consular
16 officer of the United States may be accepted as proof of the facts of
17 existence, relationship and dependency.

18 § 99. Paragraph (a) of subdivision 1 of section 9-b of section 1 of
19 chapter 359 of the laws of 1968 constituting the facilities development
20 corporation act, as added by chapter 58 of the laws of 1987, is amended
21 to read as follows:

22 (a) Minority and women-owned business enterprises shall be given the
23 opportunity for meaningful participation in all contracts executed by
24 the corporation pursuant to the provisions of this act other than
25 contracts the cost of which is borne solely by a municipality or munici-
26 palities. The corporation shall establish measures and procedures to
27 secure meaningful participation and identify those contracts and items
28 of work for which minority and women-owned business enterprises may best
29 bid to actively and affirmatively promote and assist their participation
30 in the projects, so as to facilitate the award of a fair share of
31 contracts to such enterprises; provided, however, that nothing in this
32 act shall be construed to limit the ability of the corporation to assure
33 that qualified minority and women-owned business enterprises may partic-
34 ipate in the program. For purposes hereof, minority business enterprise
35 shall mean any business enterprise which is at least fifty-one per
36 centum owned by, or in the case of a publicly owned business, at least
37 fifty-one per centum of the stock of which is owned by citizens or
38 permanent resident [~~aliens~~ noncitizens who are Black, Hispanic, Asian
39 or American Indian, Pacific Islander or Alaskan natives and such owner-
40 ship interest is real, substantial and continuing and have the authority
41 to independently control the day to day business decisions of the entity
42 for at least one year; and women-owned business enterprise shall mean
43 any business enterprise which is at least fifty-one per centum owned by,
44 or in the case of a publicly owned business, at least fifty-one per
45 centum of the stock of which is owned by citizens or permanent resident
46 [~~aliens~~ noncitizens who are women, and such ownership interest is real,
47 substantial and continuing and have the authority to independently
48 control the day to day business decisions of the entity for at least one
49 year.

50 The provisions of this paragraph shall not be construed to limit the
51 ability of any minority or women-owned business enterprise to bid on any
52 contract.

53 § 100. Paragraph a of subdivision 1 of section 16-b of section 1 of
54 chapter 392 of the laws of 1973 constituting the medical care facilities
55 finance agency act, as added by chapter 58 of the laws of 1987, is
56 amended to read as follows:

1 a. In the performance of projects pursuant to this act minority and
2 women-owned business enterprises shall be given the opportunity for
3 meaningful participation. The agency shall establish measures and proce-
4 dures to secure meaningful participation and identify those contracts
5 and items of work for which minority and women-owned business enter-
6 prises may best bid to actively and affirmatively promote and assist
7 their participation in the projects, so as to facilitate the award of a
8 fair share of contracts to such enterprises; provided, however, that
9 nothing in this act shall be construed to limit the ability of the agen-
10 cy to assure that qualified minority and women-owned business enter-
11 prises may participate in the program. For purposes hereof, minority
12 business enterprise shall mean any business enterprise which is at least
13 fifty-one per centum owned by, or in the case of a publicly owned busi-
14 ness, at least fifty-one per centum of the stock of which is owned by
15 citizens or permanent resident [~~aliens~~] noncitizens who are Black,
16 Hispanic, Asian or American Indian, Pacific Islander or Alaskan natives
17 and such ownership interest is real, substantial and continuing and have
18 the authority to independently control the day to day business decisions
19 of the entity for at least one year; and women-owned business enterprise
20 shall mean any business enterprise which is at least fifty-one per
21 centum owned by, or in the case of a publicly owned business, at least
22 fifty-one per centum of the stock of which is owned by citizens or
23 permanent resident [~~aliens~~] noncitizens who are women, and such owner-
24 ship interest is real, substantial and continuing and have the authority
25 to independently control the day to day business decisions of the entity
26 for at least one year.

27 The provisions of this paragraph shall not be construed to limit the
28 ability of any minority or women-owned business enterprise to bid on any
29 contract.

30 § 101. Subdivision 20 of section 3 of section 1 of chapter 174 of the
31 laws of 1968 constituting the New York state urban development corpo-
32 ration act, as added by chapter 839 of the laws of 1987, is amended to
33 read as follows:

34 (20) "Women business enterprise". A business enterprise which is at
35 least fifty-one percent owned, or in the case of a publicly-owned busi-
36 ness at least fifty-one percent of the common stock or other voting
37 interests of which is owned, by United States citizens or permanent
38 resident [~~aliens~~] noncitizens who are women, regardless of race or
39 ethnicity, and such ownership interest is real, substantial and continu-
40 ing and such women have and exercise the authority to independently
41 control the day to day business decisions of the enterprises.

42 § 102. This act shall take place immediately; provided, however, that:

43 (a) the amendments to subdivision 8 and paragraph (a) of subdivision
44 15 of section 310 of the executive law made by section three of this
45 act shall not affect the repeal of such section and shall be deemed to
46 repeal therewith;

47 (b) the amendments to clause (i) of paragraph (a) of subdivision 2-a
48 of section 314 of the executive law made by section four of this act
49 shall not affect the repeal of such section and shall be deemed to
50 repeal therewith;

51 (c) the amendments to subdivision 6 of section 821 of the executive
52 law made by section five of this act shall not affect the repeal of such
53 section and shall be deemed to repeal therewith;

54 (d) the amendments to paragraphs (a) and (a-1) of subdivision 7 of
55 section 6206 of the education law made by section twenty-five of this

1 act shall not affect the repeal of such paragraphs and shall be deemed
2 to repeal therewith; and
3 (e) the amendments to paragraph (d) of subdivision 3 of section 369-gg
4 of the social services law made by section eighty-six of this act
5 shall be subject to the expiration and reversion of such subdivision
6 pursuant to section 2 of part H of chapter 57 of the laws of 2021, as
7 amended, when upon such date the provisions of section eighty-six-a
8 of this act shall take effect.