

GOVERNMENT LAW CENTER

2015
Warren M. Anderson
Legislative Breakfast Seminar Series

*“Emerging Issues in State-Based
Immigration Reform”*

February 24, 2015



ALBANY LAW SCHOOL

THE GOVERNMENT LAW CENTER

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WARREN M. ANDERSON LEGISLATIVE BREAKFAST SEMINAR SERIES
Emerging Issues in State-Based Immigration Reform

February 24, 2015

SPEAKER BIOGRAPHIES

Mevlûde Akay-Alp, Esq. is a volunteer immigration attorney with the Empire Justice Center in its Albany, New York office, a public interest law firm focused on the legal needs of the poor, where she provides litigation assistance in immigration cases. She is also a supervisory attorney for Albany Law School's chapter of the Iraqi Refugee Assistance Project, a national organization that provides pro bono legal assistance to Iraqi and Afghan refugees who risked their lives working as interpreters for the U.S. military, and are seeking resettlement in the U.S. Ms. Akay-Alp is a 2014 graduate of Harvard Law School, where she was an editor of the *Human Rights Journal* and participated in the Immigration and Refugee Clinic, where she provided litigation assistance to asylum applicants and later worked as a research assistant. She received a Bachelor of Laws from Queen's University Belfast, Northern Ireland, and worked as a barrister in London before moving to the U.S. She has provided litigation and advisory assistance to clients in immigration, employment, tort and international human rights law cases. She previously interned at law reform and human rights organizations in Istanbul and London, where she focused on promoting equality and the rule of law through advocacy, research and third party interventions in cases involving human rights issues.

Prof. Ray Brescia received a B.A. from Fordham University and a J.D. from Yale Law School. Professor Brescia combines his experience as a public interest attorney in New York City with his scholarly interests to address economic and social inequality, the legal and policy implications of financial crises, how innovative legal and regulatory approaches can improve economic and community development efforts, and the need to expand access to justice for people of low and moderate income. As Director of Albany Law School's Government Law Center, Professor Brescia helps promote student and faculty engagement in the community in the areas of economic development, social innovation and social entrepreneurship, and public service. Before coming to Albany Law School, he was the Associate Director of the Urban Justice Center in New York, N.Y., where he coordinated legal representation for community-based institutions in areas such as housing, economic justice, workers' rights, civil rights and environmental justice. He also served as an adjunct professor at New York Law School from 1997 through 2006. Prior to his work at the Urban Justice Center, he was a staff attorney at New Haven Legal Assistance and the Legal Aid Society of New York, where he was a recipient of a Skadden Fellowship after graduation from law school. Professor Brescia also served as Law Clerk to the path-breaking Civil Rights attorney-turned-federal judge, the Honorable Constance Baker Motley, Senior U.S. District Court Judge for the Southern District of New York. While a student at Yale Law School, Professor Brescia was co-recipient of the Charles Albom Prize for Appellate Advocacy;

was a student director of several clinics, including the Allard K. Lowenstein International Human Rights Law Clinic and the Homelessness Clinic; and was Visiting Lecturer in Yale College. Professor Brescia is a regular contributor to *The Huffington Post*. He also maintains the blog "[The Future of Change: Blogging at the Intersection of Social Innovation, Social Movements and Social Change.](#)"

Anne Erikson is CEO of Empire Justice Center, a statewide organization working to strengthen and enforce laws, rules and regulations that promote social and economic justice. Empire Justice takes a powerful and dynamic multi-issue, multi-dimensional approach to all its work. From its offices across New York State, Empire Justice provides training, support and technical assistance; offers legal assistance and undertakes impact litigation; and engages in legislative and administrative advocacy in a broad range of substantive law areas affecting poor and low income New Yorkers. Ms. Erikson has been with the organization since 1989 when she joined as its Legislative Coordinator. She became CEO of Empire Justice Center in 2000. Ms. Erikson is active in the New York State Bar's Committee on Legal Aid, is a leader in the efforts to secure funding for legal services in New York, is a member of Chief Judge Lippman's Task Force to Expand Access to Legal Services, and serves on the Committee on Non Lawyer Involvement in the Delivery of Legal Services. In her volunteer efforts, Ms. Erikson currently chairs the Board of Trustees for WAMC Northeast Public Radio.

Professor Sarah Rogerson is Associate Professor of Law, Director of the Family Violence Litigation Clinic & Immigration Project, and Co-director of the Law Clinic & Justice Center at Albany Law School. She joined the Albany Law faculty, having completed a Clinical Teaching Fellowship at University of Baltimore School of Law, where she taught and supervised students enrolled in the Immigrant Rights Clinic. Previously, she represented immigrant adults and children in cases involving torture, domestic violence, human trafficking and guardianship petitions at the Human Rights Initiative of North Texas, Inc., in both state and federal courts. Professor Rogerson also spent several years as a litigation associate practicing federal and state law in New York and New Jersey. Her scholarship is focused on the intersections between domestic violence, family law, international law and immigration law and policy. Professor Rogerson received a B.A. from Hillsdale College, an M.A and J. D. from Seton Hall University, and an LL.M. from Southern Methodist University.

Supplemental Materials and Resources

Supplemental Materials and Resources

Topic #1: Unaccompanied Minors: State Action and Legislative Implications

Last year, increasing numbers of children crossed the southern border, including a record number of children unaccompanied by a parent or another adult. Long before this issue became a crisis, the federal government carved out special immigration status for children, including those who come to the United States without parental supervision who have been abused, abandoned or neglected and/or have been victims of violent crimes. Many of these forms of relief require state action as a predicate to the child obtaining immigration status. Professor Sarah Rogerson of Albany Law School provides an overview of the state actions implicated and possible areas for cost-saving reforms.

Materials:

- Administrative Directive from New York State Office of Children and Family Services re: Special Immigrant Juvenile Status (SIJS)
 - Urging the screening of foster care youth for SIJ eligibility
- Congressional Research Service. Unaccompanied Alien Children: Potential Factors Contributing to Recent Immigration
 - Summarizing the migration factors leading to the recent growth in the number of unaccompanied minor children from Central America
- Special Immigrant Juvenile Status Order Template in New York Family Courts
- Office of Refugee Resettlement: Unaccompanied Children Released to Sponsors by County
 - County-level data for unaccompanied children released to sponsors

Topic #2: State Benefits and State-Issued Identification Documents for Immigrants

A limited number of state benefits are available to those who lack immigration status. A related issue, the availability of state-issued identification documents to those who lack immigration status, has been a regular topic of conversation in state legislatures across the United States. New York has been at the center of a number of debates on the issue. Mevlude Akay, Immigration Attorney with Empire Justice Center provides a summary of state benefits available and the issue of state issued identification documents.

Materials:

- NYC Administration for Children's Services Report on Government-Issued Personal Identification for Youth in Foster Care
- Empire Justice Center. Health Coverage Crosswalk: Eligibility by Immigration Status
 - Helpful guide to immigrant eligibility for certain federal and state benefits

- Empire Justice Center, New York's Exchange Portal: A Gateway to Coverage for Immigrants

Topic #3: State Support for Immigrant Legal Services

The New York State Legislature recently passed legislation intended to criminalize the fraudulent provision of legal services by “notarios” and other disreputable organizations to unsuspecting immigrant victims. Meanwhile, despite the increase in the immigrant population in New York, the availability of legal services, particularly upstate, is sparse. State offices like the New York State Office of Indigent Legal Services and the Office for New Americans provide certain legal services to immigrants facing criminal convictions and those hoping to naturalize and become citizens. Anne Erickson, Executive Director of Empire Justice Center identifies additional areas of need that may be addressed through state-based legal services initiatives.

Materials:

- Denny Chin, *Representation of the Immigrant Poor: Upstate New York*, 33 Cardozo L. Rev. 351 (2011).
 - Describing the lack of legal services available to immigrants in upstate New York
- Representation is Key in Immigration Proceedings Involving Women with Children <http://trac.syr.edu/immigration/reports/377/>
- Representation for Unaccompanied Children in Immigration Court <http://trac.syr.edu/immigration/reports/371/>

Additional Materials

- Relevant proposed legislation from the 2014 Legislative Session
 - Immigrant Assistance Service Enforcement Act (A08974) (Passed; Effective February 2, 2015)
 - New York Dream Act (A00022)
 - New York Is Home Act (S07879)
 - Legislation re: Drivers Licenses (A07233)
 - Legislation re: Drivers Licenses (S02106)
 - Legislation re: Financial Aid & Scholarships (S01747)

ACS Report on
Government-Issued
Personal
Identification
For Youth in Foster
Care, 2014

ACS Report on Government-Issued Personal Identification for Youth in Foster Care, 2014

Youth 17 and Older in Foster Care in 2014

Number with birth certificate	2,653
Number who applied for passports	391
Number with social security card	2,512
Number with state-issued id	1,985
Total Youth who obtained identification with assistance of ACS	2,717

Youth Discharged to APPLA in 2014

Number with birth certificate	311
Number with social security card	299
Number with state-issued id	276
Total Youth who obtained identification with assistance of ACS	316

The ACS Division of Family Permanency Services has a centralized Vital Records Unit that works with foster care agencies to obtain vital identification, birth/death certificates and social security cards for children and youth in foster care. The unit collaborates with external stakeholders, including foster care providers, NYC DOHMH and the Social Security Administration (SSA) to obtain vital identification records. The unit serves as a central hub for vital records requests and also provides technical assistance to our providers by communicating with other city agencies to ensure that children and families have necessary documents.

ACS and the DOHMH Vital Records Office have developed protocols that allow ACS contracted provider agencies to request copies of birth and death certificates by submitting requests directly to acs.sm.birthiscertificate.request.

The ACS Vital Records Unit also assists with obtaining copies of birth/death certificates from out-of-county/state and foreign countries. The centralized Birth Certificate Liaison contacts other jurisdictions including foreign consulates/embassies to obtain documentation, pursuant to the individual requirements of the respective jurisdiction.

The Vital Records Unit also works directly with the SSA to acquire social security cards for children foster care from New York City. ACS also collaborates with our provider agencies to assist the youth in applying for non-driver's license ID's, and passports, when necessary.

ACS is participating IdNYC, the free photo identification card for residents of New York City who are at least 14 years old that the deBlasio Administration launched this year. ACS is working with our contracted agencies to explain how the municipal identification connects New Yorkers to services, programs, and benefits, regardless of immigration status, homeless status, or gender identity. As a government-issued photo identification card, IdNYC benefits all residents, including the most vulnerable communities—the homeless, youth, the elderly, undocumented immigrants, the formerly incarcerated and others who may have difficulty obtaining other government-issued ID.

ACS developed a verification letter that will accompany the IdNYC applications to allow youth in foster care to obtain this identification expeditiously. ACS will also incorporate the IdNYC application process in our Housing Academy Collaborative (HAC) curriculum, open to youth in foster care over age 16, which seeks to prepare young adults for independently living when they transition from foster care.

A08974

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A08974 Summary:

BILL NO A08974B

SAME AS SAME AS

SPONSOR Crespo (MS)

COSPNSR Ramos, Moya, Sepulveda, Weprin, Scarborough, Perry, Gunther, Arroyo, Rivera, Davila, Heastie

MLTSPNSR Gottfried, Hooper, Jacobs, Miller, Montesano, Titone, Weinstein

Amd Gen Bus L, generally; add S94-b, Exec L; add SS190.87 & 190.89, Pen L

Implements the immigrant assistance service enforcement act; increases fines imposed upon those who violate laws regarding immigrant assistance services; creates the office of new Americans; and establishes crime of immigrant assistance fraud.

A08974 Actions:

BILL NO A08974B

03/06/2014 referred to governmental operations
 03/18/2014 reported referred to codes
 06/10/2014 amend (t) and recommit to codes
 06/10/2014 print number 8974a
 06/11/2014 amend and recommit to codes
 06/11/2014 print number 8974b
 06/12/2014 reported referred to ways and means
 06/16/2014 reported referred to rules
 06/17/2014 reported
 06/17/2014 rules report cal.359
 06/17/2014 ordered to third reading rules cal.359
 06/18/2014 passed assembly
 06/18/2014 delivered to senate
 06/18/2014 REFERRED TO RULES
 06/18/2014 SUBSTITUTED FOR S6732A
 06/18/2014 3RD READING CAL.1593
 06/18/2014 PASSED SENATE
 06/18/2014 RETURNED TO ASSEMBLY
 08/01/2014 delivered to governor
 08/06/2014 signed chap.206

A08974 Votes:

A08974B 06/18/2014

135/2

Abbate	Y	Corwin	Y	Glick	Y	Lavine	Y	Nolan	Y	Rozic	Y	Titus	Y
Abinant	Y	Crespo	Y	Goldfed	Y	Lentol	Y	Oaks	Y	Russell	Y	Walter	Y
Arroyo	Y	Crouch	Y	Goodell	Y	Lifton	Y	O'Donne	Y	Ryan	Y	Weinste	Y
Aubry	Y	Curran	Y	Gottfri	Y	Lopez	Y	Ortiz	Y	Saladin	Y	Weisenb	Y
Barclay	Y	Cusick	Y	Graf	Y	Lupardo	Y	Otis	Y	Santaba	Y	Weprin	Y
Barrett	Y	Cymbrow	Y	Gunther	Y	Lupinac	Y	Palmesa	Y	Scarbor	Y	Wright	Y
Benedet	Y	Davila	Y	Hawley	Y	Magee	Y	Palumbo	Y	Schimel	Y	Zebrows	Y
Blanken	Y	DenDekk	Y	Heastie	Y	Magnare	Y	Paulin	Y	Schimmi	Y	Mr Spkr	Y
Borelli	Y	Dinowit	Y	Henness	Y	Malliot	Y	Peoples	Y	Sepulve	Y		
Braunst	Y	DiPietr	NO	Hevesi	Y	Markey	Y	Perry	Y	Simanow	Y		

Brennan	Y	Duprey	Y	Hikind	Y	Mayer	Y	Pichard	Y	Simotas	Y
Brindis	Y	Englebr	Y	Hooper	Y	McDonal	Y	Pretlow	Y	Skartad	Y
Bronson	Y	Fahy	Y	Jacobs	Y	McDonou	Y	Quart	Y	Skoufis	Y
Brook-K	Y	Farrell	Y	Jaffee	Y	McKevit	Y	Ra	Y	Solages	Y
Buchwal	Y	Finch	Y	Johns	Y	McLaugh	Y	Raia	Y	Stec	Y
Butler	Y	Fitzpat	Y	Katz	Y	Miller	Y	Ramos	Y	Steck	Y
Cahill	Y	Friend	Y	Kavanag	Y	Millman	Y	Rivera	Y	Stirpe	Y
Camara	ER	Galef	Y	Kearns	Y	Montesa	Y	Roberts	Y	Sweeney	Y
Ceretto	Y	Gantt	Y	Kellner	AB	Morelle	Y	Robinso	Y	Tedisco	Y
Clark	Y	Garbari	Y	Kim	Y	Mosley	Y	Rodrigu	Y	Tenney	ER
Colton	Y	Giglio	Y	Kolb	Y	Moya	Y	Rosa	Y	Thiele	Y
Cook	Y	Gjonaj	Y	Lalor	Y	Nojay	NO	Rosenth	Y	Titone	Y

A08974 Text:

STATE OF NEW YORK

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IN ASSEMBLY

March 6, 2014

Introduced by M. of A. CRESPO, RAMOS, MOYA, SEPULVEDA, WEPRIN, SCARBOROUGH, PERRY, GUNTHER, ARROYO, RIVERA, DAVILA, HEASTIE -- Multi-Sponsored by -- M. of A. GOTTFRIED, HOOPER, JACOBS, MILLER, MONTESANO, TITONE, WEINSTEIN -- read once and referred to the Committee on Governmental Operations -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to implementing the immigrant assistance service enforcement act; to amend the executive law, in relation to creating the office of new Americans; and to amend the penal law, in relation to the crime of immigrant assistance fraud

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

- 1 Section 1. This act shall be known and may be cited as the "immigrant
- 2 assistance service enforcement act".
- 3 S 2. Section 460-a of the general business law, as added by chapter
- 4 463 of the laws of 2004, is amended to read as follows:
- 5 S 460-a. Definitions AND APPLICABILITY. For the purpose of this arti-
- 6 cle the following terms shall have the following meanings:
- 7 1. "Immigrant assistance service" means providing assistance, for a
- 8 fee or other compensation, to persons who have, or plan to, come to the
- 9 United States from a foreign country, or their representatives, in
- 10 relation to any proceeding, filing or action affecting the non-immi-
- 11 grant, immigrant or citizenship status of a person which arises under
- 12 the immigration and nationality law, executive order or presidential
- 13 proclamation, or which arises under actions or regulations of the United
- 14 States [bureau of] citizenship and immigration services, THE UNITED
- 15 STATES DEPARTMENT OF HOMELAND SECURITY, the United States department of
- 16 labor, or the United States department of state.
- 17 2. "Provider" means any person, including but not limited to a corpo-

18 ration, partnership, limited liability company, sole proprietorship or

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

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1 natural person, that provides immigrant assistance services, but shall
2 not include (a) any person duly admitted to practice law in this state
3 and any person working directly under the supervision of the person
4 admitted; (b) any not-for-profit tax exempt organization that provides
5 immigrant assistance without a fee or other payment from individuals or
6 at nominal fees as defined by the federal board of immigration appeals,
7 and the employees of such organization when acting within the scope of
8 such employment; (c) any organization recognized by the federal board of
9 immigration appeals that provides services via representatives accred-
10 ited by such board to appear before the [bureau of] UNITED STATES citi-
11 zenship and immigration services and/or executive office for immigration
12 review, that does not charge a fee or charges nominal fees as defined by
13 the board of immigration appeals; [or] (d) any authorized agency under
14 subdivision ten of section three hundred seventy-one of the social
15 services law and the employees of such organization when acting within
16 the scope of such employment; OR (E) ANY INDIVIDUAL PROVIDING REPRES-
17 TATION IN AN IMMIGRATION-RELATED PROCEEDING UNDER FEDERAL LAW FOR WHICH
18 FEDERAL LAW OR REGULATION ESTABLISHES SUCH INDIVIDUAL'S AUTHORITY TO
19 APPEAR.

20 S 3. Sections 460-b, 460-c, 460-d, 460-e, 460-f, 460-g and 460-i of
21 the general business law, as added by chapter 463 of the laws of 2004,
22 are amended and a new section 460-g is added to read as follows:

23 S 460-b. Immigrant assistance service contracts. 1. No immigrant
24 assistance service shall be provided until the customer has executed a
25 written contract with the IMMIGRANT ASSISTANT SERVICE provider [who will
26 provide such services]. The contract shall be in a language understood
27 by the customer, either alone or with the assistance of an available
28 interpreter, and, if that language is not English, an English language
29 version of the contract must also be provided. A copy of the contract
30 shall be provided to the customer upon the customer's execution of the
31 contract. THE INTERPRETER SHALL PROVIDE AN ATTESTATION AFFIRMING THE
32 ACCURACY OF HIS OR HER TRANSLATION, TO BE ATTACHED TO THE CONTRACT.

33 2. (A) The customer has the right to cancel the contract within three
34 business days after his or her execution of the contract, without fee or
35 penalty. The right to cancel the contract within three days without
36 payment of any fee may be waived when services must be provided imme-
37 diately to avoid a forfeiture of eligibility or other loss of rights or
38 privileges, and the customer furnishes the provider with a separate
39 dated and signed statement, by the customer or his or her represen-
40 tative, describing the need for services to be provided within three
41 days and expressly acknowledging and waiving the right to cancel the
42 contract within three days.

43 (B) The contract may be cancelled at any time after execution. If the
44 contract is cancelled [after] MORE THAN three days AFTER IT WAS SIGNED,
45 or within three days AFTER IT WAS SIGNED if the right to cancel without
46 fee has been waived, the provider may retain fees for services rendered,
47 and any additional amounts actually expended on behalf of the customer.
48 All other amounts must be returned to the customer within fifteen days
49 after cancellation.

50 3. The written contract shall be in plain language, in at least twelve
51 point type and shall include the following:

52 [1.] (A) The name, address and telephone number of the provider.

53 [2.] (B) Itemization of all services to be provided to the customer,
54 as well as the fees and costs to be charged to the customer FOR EACH
55 SERVICE.

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1 [3.] (C) A statement that original documents required to be submitted
2 in connection with an application made to the [federal bureau of] UNITED
3 STATES citizenship and immigration services or for other certifications,
4 benefits or services provided by government may not be retained by the
5 immigrant assistance service provider for any reason, including [payment
6 of] FAILURE OF THE CUSTOMER TO PAY fees or costs OR OTHER FEE DISPUTE.

7 [4.] (D) A statement that the provider shall give the customer a copy
8 of each document [filed with a governmental entity] PREPARED WITH THE
9 PROVIDER'S ASSISTANCE.

10 [5.] (E) A statement that the customer is not required to obtain
11 supporting documents through the immigrant assistance service provider,
12 [but] AND may obtain such documents himself or herself, ALONG WITH THE
13 STATEMENT: "THE U.S. GOVERNMENT PROVIDES INFORMATION ON REQUIRED FORMS
14 AND DOCUMENTATION FOR FREE ONLINE AND BY PHONE".

15 [6.] (F) The statement: "You MAY CANCEL THIS CONTRACT AT ANY TIME.
16 YOU have three (3) business days to cancel this contract WITHOUT FEE OR
17 PENALTY AND GET BACK ANY FEES THAT YOU HAVE ALREADY PAID. Notice of
18 cancellation [must be in writing, signed by you and mailed by registered
19 or certified] MAY BE MADE BY COMPLETING THE CANCELLATION FORM INCLUDED
20 IN THIS CONTRACT, OR OTHERWISE NOTIFYING THE PROVIDER IN WRITING AND
21 DELIVERING SUCH FORM OR NOTIFICATION TO THE PROVIDER IN PERSON OR BY
22 United States mail to (specify address). If you cancel this contract
23 [within three days,] you will get back [your] ANY documents [and any
24 fees that you paid] YOU SUBMITTED TO THE PROVIDER".

25 (G) EACH CONTRACT SHALL CONTAIN A SEPARATE FINAL PAGE TITLED "CANCEL-
26 LATION FORM." THE CANCELLATION FORM SHALL CONTAIN THE FOLLOWING STATE-
27 MENT: "I HEREBY CANCEL THE CONTRACT OF (DATE OF CONTRACT) BETWEEN (NAME
28 OF PROVIDER, ADDRESS OF PROVIDER, AND PHONE NUMBER OF PROVIDER) AND
29 (NAME OF CUSTOMER)." BELOW THE STATEMENT SHALL BE A CUSTOMER SIGNATURE
30 AND DATE LINE. BELOW THE SIGNATURE AND DATE LINE, THE FORM SHALL CONTAIN
31 THE STATEMENT REQUIRED BY PARAGRAPH (H) OF THIS SUBDIVISION, PRINTED IN
32 TWELVE POINT OR LARGER TEXT.

33 [7.] (H) A statement that the [immigration services] IMMIGRANT ASSIST-
34 ANCE SERVICE provider has financial surety in effect for the benefit of
35 any customer in the event that the customer is owed a refund, or is
36 damaged by the actions of the provider, together with the name, address
37 and telephone number of the surety.

38 [8.] (I) The statement: "The individual providing assistance to you
39 under this contract is not an attorney licensed to practice law or
40 accredited by the board of immigration appeals to provide representation
41 to you before the [bureau of] UNITED STATES citizenship and immigration
42 services, THE DEPARTMENT OF HOMELAND SECURITY, THE EXECUTIVE OFFICE FOR
43 IMMIGRATION REVIEW, the department of labor, the department of state or
44 any immigration authorities and may not give legal advice or accept fees
45 for legal advice[". FOR A FREE LEGAL REFERRAL CALL THE OFFICE FOR NEW
46 AMERICANS HOTLINE AT (PHONE NUMBER OF THE OFFICE FOR NEW AMERICANS), THE
47 NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL AT (PHONE NUMBER OF THE
48 OFFICE OF THE ATTORNEY GENERAL), OR YOUR LOCAL DISTRICT ATTORNEY OR
49 PROSECUTOR." THE SERVICE PROVIDER SHALL BE RESPONSIBLE FOR PROVIDING
50 THE ACCURATE AND UP-TO-DATE PHONE NUMBERS REQUIRED IN SUCH STATEMENT.

51 [9.] (J) The statement: "The individual providing assistance to you
52 under this contract is prohibited from disclosing any information ABOUT
53 YOU TO, or filing any forms or documents ON YOUR BEHALF with, immi-
54 gration or other authorities without your knowledge and consent EXCEPT
55 AS REQUIRED BY LAW." A PROVIDER SHALL PROMPTLY NOTIFY THE CUSTOMER IN
56 WRITING WHEN SUCH PROVIDER HAS DISCLOSED ANY INFORMATION TO OR FILED ANY

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1 FORM OR DOCUMENT WITH IMMIGRATION OR OTHER AUTHORITIES WHEN SUCH DISCLO-
2 SURE OR FILING WAS REQUIRED BY LAW AND DONE WITHOUT THE KNOWLEDGE AND

3 CONSENT OF THE CUSTOMER.

4 [10.] (K) The statement: "A copy of all forms completed and documents
5 accompanying the forms shall be kept by the service provider for three
6 years. A copy of the [customers] CUSTOMER'S file shall be provided to
7 the [client] CUSTOMER on demand and without fee."

8 (L) ON THE SAME PAGE AS THE SIGNATURE LINE, THE STATEMENT: "THE INDIVIDUAL PROVIDING ASSISTANCE TO YOU UNDER THE TERMS OF THIS CONTRACT MUST
9 EXPLAIN THE CONTENTS OF THIS CONTRACT TO YOU AND ANSWER ANY QUESTIONS
10 ABOUT IT THAT YOU MAY HAVE."

12 S 460-c. REQUIRED NOTICES. 1. Posting of signs. Every provider shall
13 post signs, at every location where such provider meets with customers,
14 setting forth information in English and in every other language in
15 which the person provides or offers to provide immigrant assistance
16 SERVICES. There shall be a separate sign for each language, and each
17 shall be posted in a location where it will be visible to customers.

18 [1.] (A) One sign shall be at least eleven inches by seventeen inches,
19 and shall contain the following in not less than sixty point type:

20 "THE INDIVIDUAL PROVIDING ASSISTANCE TO YOU UNDER THIS [CONTACT]
21 CONTRACT IS NOT AN ATTORNEY LICENSED TO PRACTICE LAW OR ACCREDITED BY
22 THE BOARD OF IMMIGRATION APPEALS TO PROVIDE REPRESENTATION TO YOU BEFORE
23 THE [BUREAU OF] UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, THE
24 DEPARTMENT OF HOMELAND SECURITY, THE EXECUTIVE OFFICE FOR IMMIGRATION
25 REVIEW, THE DEPARTMENT OF LABOR, THE DEPARTMENT OF STATE OR ANY IMMIGRATION
26 AUTHORITIES AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR
27 LEGAL ADVICE["]. FOR A FREE LEGAL REFERRAL CALL THE OFFICE FOR NEW
28 AMERICANS HOTLINE AT (PHONE NUMBER OF THE OFFICE FOR NEW AMERICANS). TO
29 FILE A COMPLAINT ABOUT AN IMMIGRANT ASSISTANCE SERVICE PROVIDER CALL THE
30 OFFICE FOR NEW AMERICANS HOTLINE AT (PHONE NUMBER OF THE OFFICE FOR NEW
31 AMERICANS), THE NEW YORK STATE OFFICE OF ATTORNEY GENERAL AT (PHONE
32 NUMBER OF THE OFFICE OF ATTORNEY GENERAL), OR YOUR LOCAL DISTRICT ATTORNEY
33 OR PROSECUTOR'S OFFICE AT (PHONE NUMBER OF THE LOCAL DISTRICT ATTORNEY)."
34 THE SERVICE PROVIDER SHALL BE RESPONSIBLE FOR PROVIDING THE ACCURATE
35 AND UP-TO-DATE PHONE NUMBERS REQUIRED ON SUCH SIGN.

36 [2.] (B) A separate sign shall be posted in a location visible to
37 customers in conspicuous size type and which contains the schedule of
38 fees for services offered and the statement: "YOU MAY CANCEL ANY
39 CONTRACT WITHIN 3 BUSINESS DAYS AND GET BACK YOUR DOCUMENTS AND ANY
40 MONEY YOU PAID."

41 [S 460-d.] 2. Notice in advertisements. Every provider who advertises
42 immigrant assistance services, whether by signs, pamphlets, newspapers,
43 or any other written communication shall post or otherwise include with
44 such advertisement a notice in the language in which the advertisement
45 appears. This notice shall be of a conspicuous size and shall state:
46 "THE INDIVIDUAL [PROVIDING] OFFERING TO PROVIDE IMMIGRANT ASSISTANCE [TO
47 YOU] SERVICES IS NOT AN ATTORNEY LICENSED TO PRACTICE LAW OR ACCREDITED
48 BY THE BOARD OF IMMIGRATION APPEALS TO PROVIDE REPRESENTATION [TO YOU]
49 BEFORE THE [BUREAU OF] UNITED STATES CITIZENSHIP AND IMMIGRATION
50 SERVICES, THE DEPARTMENT OF HOMELAND SECURITY, THE EXECUTIVE OFFICE FOR
51 IMMIGRATION REVIEW, THE DEPARTMENT OF LABOR, THE DEPARTMENT OF STATE OR
52 ANY IMMIGRATION AUTHORITIES AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES
53 FOR LEGAL ADVICE["]."

54 S [460-e.] 460-D. Prohibited acts. No provider shall:

55 1. Give legal advice, or otherwise engage in the practice of law.

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1 2. Assume, use or advertise the title of lawyer or attorney at law, or
2 equivalent terms in the English language or any other language, or
3 represent or advertise other titles or credentials, including but not
4 limited to "notary public", "accredited representative of the board of
5 immigration appeals["], "NOTARIO PUBLIC", "NOTARIO", "IMMIGRATION
6 SPECIALIST" or "immigration consultant," that could cause a customer to
7 believe that the person possesses special professional skills or is

8 authorized to provide advice on an immigration matter; provided that a
9 notary public licensed by the secretary of state may use the term "nota-
10 ry public."

11 3. State or imply that the [person] PROVIDER can or will obtain
12 special favors from or has special influence with the [bureau of] UNITED
13 STATES citizenship and immigration services, THE UNITED STATES DEPART-
14 MENT OF HOMELAND SECURITY, THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
15 or any other governmental entity[, or threaten].

16 4. THREATEN to report the [client] CUSTOMER to immigration or other
17 authorities or THREATEN TO undermine in any way the [client's] CUSTOM-
18 ER'S immigration status or attempt to secure lawful status.

19 [4.] 5. Demand or retain any fees or compensation for services not
20 performed, SERVICES TO BE PERFORMED IN THE FUTURE, or costs that are not
21 actually incurred.

22 [5.] 6. Advise, direct or permit a customer to answer questions on a
23 government document, or in a discussion with a government official, in a
24 specific way where the provider knows or has reasonable cause to believe
25 that the answers are false or misleading.

26 [6.] 7. Disclose any information to, or file any forms or documents
27 with, immigration or other authorities ON BEHALF OF A CUSTOMER without
28 the knowledge or consent of the customer EXCEPT WHERE REQUIRED BY LAW. A
29 PROVIDER SHALL PROMPTLY NOTIFY THE CUSTOMER IN WRITING WHEN SUCH PROVID-
30 ER HAS DISCLOSED ANY INFORMATION TO OR FILED ANY FORM OR DOCUMENT WITH
31 IMMIGRATION OR OTHER AUTHORITIES WHEN SUCH DISCLOSURE OR FILING WAS
32 REQUIRED BY LAW AND DONE WITHOUT THE KNOWLEDGE AND CONSENT OF THE
33 CUSTOMER.

34 [7.] 8. Fail to provide customers with copies of documents filed with
35 a governmental entity or refuse to return original documents supplied
36 by, prepared on behalf of, or paid for by the customer, upon the request
37 of the customer, or upon termination of the contract. Original documents
38 must be returned promptly upon request and upon cancellation of the
39 contract, even if there is a fee dispute between the immigration assist-
40 ance service provider and the customer.

41 [8.] 9. Make any misrepresentation or false statement, directly or
42 indirectly.

43 [9.] 10. Make any guarantee or promise to a customer, unless there is
44 a basis in fact for such representation, and the guarantee or promise is
45 in writing.

46 [10.] 11. Represent that a fee may be charged, or charge a fee for the
47 distribution, provision or submission of an official document or form
48 issued or promulgated by a state or federal governmental entity, or for
49 a referral of the customer to another person or entity that is qualified
50 to provide services or assistance which the immigrant assistance service
51 provider will not provide.

52 12. FOR A FEE OR OTHER COMPENSATION REFER A CUSTOMER TO AN ATTORNEY OR
53 ANY OTHER INDIVIDUAL OR ENTITY THAT CAN PROVIDE SERVICES THAT THE IMMI-
54 GRANT ASSISTANCE SERVICE PROVIDER CANNOT PROVIDE.

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1 13. GIVE ADVICE ON THE DETERMINATION OF A PERSON'S IMMIGRATION STATUS,
2 INCLUDING ADVISING HIM OR HER AS TO ANSWERS ON A GOVERNMENT FORM REGARD-
3 ING SUCH DETERMINATION.

4 14. PROMISE TO EXPEDITE IMMIGRATION OR OTHER IMMIGRATION RELATED
5 GOVERNMENTAL BENEFIT PROCESSES, THROUGH CLAIMS TO HAVE SPECIAL RELATION-
6 SHIPS WITH OR SPECIAL ACCESS TO GOVERNMENT EMPLOYEES WHO WILL EXPEDITE
7 APPLICATIONS OR ISSUE FAVORABLE DECISIONS FOR ANY REASON OTHER THAN THE
8 MERITS OF THE APPLICATION.

9 15. KNOWINGLY PROVIDE MISLEADING OR FALSE INFORMATION TO A NONCITIZEN
10 ABOUT HIS OR HER INDIVIDUAL OR FAMILY'S ELIGIBILITY FOR IMMIGRATION
11 BENEFITS OR STATUS, OR TO NONCITIZENS OR CITIZENS ABOUT THEIR INDIVIDUAL
12 OR FAMILY'S ELIGIBILITY FOR OTHER GOVERNMENT BENEFITS, WITH THE INTENT
13 TO INDUCE AN INDIVIDUAL TO EMPLOY THE SERVICES OF THE SERVICE PROVIDER

14 TO OBTAIN SUCH IMMIGRATION BENEFITS OR STATUS, OR SUCH OTHER GOVERNMENT
15 BENEFITS.

16 S [460-f.] 460-E. Retention of documents. [Every] A provider shall
17 retain copies of all documents prepared or obtained in connection with a
18 customer's request for assistance for a period of three years after a
19 written contract is executed by the provider and the customer, whether
20 or not such contract is subsequently cancelled.

21 S [460-g.] 460-F. Surety requirement. Every provider shall maintain in
22 full force and effect FOR THE ENTIRE PERIOD DURING WHICH THE PROVIDER
23 PROVIDES IMMIGRANT ASSISTANCE SERVICES AND FOR ONE YEAR AFTER THE
24 PROVIDER CEASED TO DO BUSINESS AS AN IMMIGRANT ASSISTANCE SERVICE
25 PROVIDER, a bond, contract of indemnity, or irrevocable letter of cred-
26 it, payable to the people of the state of New York, in the principal
27 amount of fifty thousand dollars; provided, however, that every provider
28 that receives in excess of two hundred fifty thousand dollars in total
29 fees and other compensation for providing immigrant assistance service
30 during any twelve-month period shall maintain in full force and effect a
31 bond, contract of indemnity, or irrevocable letter of credit, payable to
32 the people of the state of New York, in the principal amount of twenty
33 percent of such total fees and compensation. Such surety shall be for
34 the benefit of any customer who does not receive a refund of fees from
35 the provider to which he or she is entitled, or is otherwise injured by
36 the provider. The attorney general on behalf of the customer or the
37 customer in his or her own name, may maintain an action against the
38 provider and the surety.

39 S 460-G. ACTION. AN INDIVIDUAL WHO IS HARMED BY A PROVIDER AS A RESULT
40 OF A PROVIDER'S VIOLATION OF THIS ARTICLE MAY BRING AN ACTION IN HIS OR
41 HER OWN NAME AGAINST A PROVIDER TO ENJOIN SUCH UNLAWFUL ACT OR PRACTICE,
42 AN ACTION TO RECOVER HIS OR HER ACTUAL DAMAGES OR TWENTY-FIVE HUNDRED
43 DOLLARS, WHICHEVER IS GREATER, OR BOTH SUCH ACTIONS, IN ADDITION TO ANY
44 OTHER REMEDY AVAILABLE IN LAW OR EQUITY. THE COURT MAY AWARD COSTS AND
45 REASONABLE ATTORNEY'S FEES TO A PREVAILING PLAINTIFF.

46 S 460-i. Violations. Any violation of any provision of this article
47 shall be a class A misdemeanor, and upon conviction THEREOF, SHALL BE
48 PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY IMPRI-
49 SONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH SUCH FINE AND IMPRISON-
50 MENT; PROVIDED HOWEVER, A SECOND OR SUBSEQUENT OFFENSE SHALL BE PUNISHA-
51 BLE BY A FINE OF NOT MORE THAN THREE THOUSAND DOLLARS OR BY IMPRISONMENT
52 FOR NOT MORE THAN ONE YEAR, OR BY BOTH SUCH FINE AND IMPRISONMENT. IN
53 ADDITION, the court may order as part of the sentence imposed restitu-
54 tion or reparation to the victim of the crime pursuant to section 60.27
55 of the penal law. THE ATTORNEY GENERAL SHALL HAVE THE POWER TO PROSECUTE
56 ANY VIOLATION OF THIS ARTICLE.

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1 S 4. Section 460-h of the general business law, as added by chapter
2 463 of the laws of 2004, is amended to read as follows:

3 S 460-h. Enforcement. Upon any violation of this article, an applica-
4 tion may be made by the attorney general in the name of the people of
5 the state to a court having jurisdiction to issue an injunction, and
6 upon notice to the respondent of not fewer than five days, to enjoin and
7 restrain the continuance of the violation. If it shall appear to the
8 satisfaction of the court or justice that the defendant has, in fact,
9 violated this article, an injunction may be issued by such court or
10 justice, enjoining and restraining any further violation, without
11 requiring proof that any person has, in fact, been injured or damaged
12 thereby. In any such proceeding, the court may make allowances to the
13 attorney general as provided in paragraph six of subdivision (a) of
14 section eighty-three hundred three of the civil practice law and rules,
15 and direct restitution. Whenever the court shall determine that a
16 violation of this article has occurred, the court may impose a civil
17 penalty of not more than [seven thousand five hundred dollars] TEN THOU-

18 SAND DOLLARS for each violation.

19 S 5. The general business law is amended by adding a new section 460-k
20 to read as follows:

21 S 460-K. ADDITIONAL CIVIL PENALTY FOR CONSUMER FRAUDS COMMITTED
22 AGAINST USERS OF IMMIGRANT ASSISTANCE SERVICES. 1. (A) IN ADDITION TO
23 ANY LIABILITY FOR DAMAGES OR A CIVIL PENALTY IMPOSED PURSUANT TO
24 SECTIONS THREE HUNDRED FORTY-NINE, THREE HUNDRED FIFTY-C AND THREE
25 HUNDRED FIFTY-D OF THIS CHAPTER, REGARDING DECEPTIVE PRACTICES AND FALSE
26 ADVERTISING, AND SUBDIVISION TWELVE OF SECTION SIXTY-THREE OF THE EXECU-
27 TIVE LAW, REGARDING PROCEEDINGS BY THE ATTORNEY GENERAL FOR EQUITABLE
28 RELIEF AGAINST FRAUDULENT OR ILLEGAL CONSUMER FRAUD, A PERSON OR ENTITY
29 WHO ENGAGES IN ANY CONDUCT PROHIBITED BY SAID PROVISIONS OF LAW, AND
30 WHOSE CONDUCT IS PERPETRATED AGAINST ONE OR MORE PERSONS SEEKING OR
31 USING IMMIGRANT ASSISTANCE SERVICES, MAY BE LIABLE FOR AN ADDITIONAL
32 CIVIL PENALTY NOT TO EXCEED TEN THOUSAND DOLLARS, IN ACCORDANCE WITH
33 PARAGRAPH (B) OF THIS SUBDIVISION.

34 (B) IN DETERMINING WHETHER TO IMPOSE A SUPPLEMENTAL CIVIL PENALTY
35 PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, AND THE AMOUNT OF ANY
36 SUCH PENALTY, THE COURT SHALL CONSIDER, IN ADDITION TO OTHER APPROPRIATE
37 FACTORS, THE EXTENT TO WHICH THE FOLLOWING FACTORS ARE PRESENT:

38 (1) WHETHER THE DEFENDANT KNEW THAT HIS OR HER CONDUCT WAS DIRECTED TO
39 ONE OR MORE PERSONS SEEKING OR USING IMMIGRANT ASSISTANCE SERVICES OR
40 WHETHER THE DEFENDANT KNOWINGLY ACTED WITH DISREGARD FOR THE RIGHTS OF A
41 PERSON SEEKING OR USING IMMIGRANT ASSISTANCE SERVICES;

42 (2) WHETHER THE DEFENDANT'S CONDUCT: (I) CAUSED A PERSON SEEKING OR
43 USING IMMIGRANT ASSISTANCE SERVICES TO SUFFER LOSS OR ENCUMBRANCE OF A
44 PRIMARY RESIDENCE, LOSS OF EMPLOYMENT OR SOURCE OF INCOME, SUBSTANTIAL
45 LOSS OF PROPERTY OR ASSETS ESSENTIAL TO THE HEALTH OR WELFARE OF THE
46 PERSON SEEKING OR USING IMMIGRANT ASSISTANCE SERVICES; OR (II) WHETHER
47 ONE OR MORE PERSONS SEEKING OR USING IMMIGRANT ASSISTANCE SERVICES WERE
48 SUBSTANTIALLY MORE VULNERABLE TO THE DEFENDANT'S CONDUCT BECAUSE OF
49 IMPAIRED UNDERSTANDING, OR ANY OTHER PERCEIVED DISADVANTAGE, AND ACTUAL-
50 LY SUFFERED PHYSICAL OR ECONOMIC DAMAGE RESULTING FROM THE DEFENDANT'S
51 CONDUCT.

52 2. RESTITUTION ORDERED PURSUANT TO THE PROVISIONS OF LAW LISTED IN
53 SUBDIVISION ONE OF THIS SECTION OR PURSUANT TO ANY OTHER SECTION OF LAW
54 SHALL BE GIVEN PRIORITY OVER THE IMPOSITION OF CIVIL PENALTIES ORDERED
55 BY THE COURT UNDER THIS SECTION.

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1 S 6. The executive law is amended by adding a new section 94-b to read
2 as follows:

3 S 94-B. OFFICE FOR NEW AMERICANS. 1. LEGISLATIVE INTENT. THE LEGISLA-
4 TURE HEREBY FINDS AND DECLARES THAT, ACCORDING TO THE 2010 CENSUS,
5 APPROXIMATELY TWENTY-TWO PERCENT OF NEW YORKERS WERE NOT BORN IN THE
6 UNITED STATES, NINE PERCENT ABOVE THE NATIONAL AVERAGE. FOR YEARS IMMI-
7 GRANTS HAVE COME TO THE UNITED STATES TO MAKE A BETTER LIFE FOR THEM-
8 SELVES. IT IS OF UTMOST IMPORTANCE TO THE STATE THAT THESE NEW AMERICANS
9 BE GIVEN THE TOOLS TO ASSIST THEM IN MAKING A BETTER LIFE FOR THEM-
10 SELVES, PARTICULARLY THROUGH PROGRAMS THAT HELP DEVELOP AND LEVERAGE
11 THEIR SKILLS AND STRENGTHEN THEIR CONNECTIONS WITH THEIR COMMUNITIES AND
12 THROUGH PROGRAMS TO REDUCE EXPLOITATION OF VULNERABLE IMMIGRANT POPU-
13 LATIONS.

14 2. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE TERMS "NEW AMER-
15 ICAN" AND "IMMIGRANT" SHALL REFER TO NON-CITIZEN DOMICILIARIES OF NEW
16 YORK STATE WHOSE COUNTRY OF ORIGIN IS OTHER THAN THE UNITED STATES.

17 3. OFFICE FOR NEW AMERICANS; DIRECTOR. THERE IS HEREBY CREATED WITHIN
18 THE DEPARTMENT OF STATE THE OFFICE FOR NEW AMERICANS. THE SECRETARY
19 SHALL APPOINT A DIRECTOR OF THE OFFICE TO ACCOMPLISH THE RESPONSIBIL-
20 ITIES SET FORTH IN THIS SECTION. SUCH DIRECTOR SHALL RECEIVE AN ANNUAL
21 SALARY WITHIN AMOUNTS APPROPRIATED AND SHALL SERVE AT THE PLEASURE OF
22 THE SECRETARY.

23 4. ORGANIZATION OF THE OFFICE FOR NEW AMERICANS. THE SECRETARY SHALL
24 HAVE THE POWER TO ESTABLISH, CONSOLIDATE, REORGANIZE, OR ABOLISH ANY
25 ORGANIZATIONAL UNITS WITHIN THE OFFICE AS HE OR SHE DETERMINES TO BE
26 NECESSARY FOR EFFICIENT OPERATION THEREOF. THE SECRETARY SHALL ASSIGN
27 FUNCTIONS TO ANY SUCH UNIT AND MAY APPOINT STAFF, AGENTS, AND CONSULT-
28 ANTS, PRESCRIBE THEIR DUTIES, AND FIX THEIR COMPENSATION WITHIN AMOUNTS
29 APPROPRIATED.

30 5. POWERS AND DUTIES OF THE OFFICE FOR NEW AMERICANS. THE OFFICE FOR
31 NEW AMERICANS SHALL HAVE THE POWER AND RESPONSIBILITY TO:

32 (A) CREATE A NETWORK OF NEIGHBORHOOD-BASED OPPORTUNITY CENTERS;

33 (B) INCREASE ACCESS TO ENGLISH-FOR-SPEAKERS-OF-OTHER-LANGUAGES (ESOL)
34 TRAINING, INCLUDING BY ENGAGING NOT-FOR-PROFIT ORGANIZATIONS AND OTHER
35 QUALIFIED PROVIDERS OF ESOL TRAINING SERVICES;

36 (C) ASSIST IMMIGRANTS IN MATTERS RELATING TO IMMIGRATION STATUS,
37 INCLUDING BUT NOT LIMITED TO ASSISTING WITH THE NATURALIZATION PROCESS
38 AND APPLICATIONS FOR DEFERRED ACTION FOR CHILDHOOD ARRIVALS;

39 (D) CONNECT IMMIGRANTS TO BUSINESS RESOURCES THAT HARNESS THEIR
40 SKILLS, EMPLOYMENT REFERRAL PROGRAMS, AND OTHER WORKFORCE DEVELOPMENT
41 PROGRAMS;

42 (E) DEVELOP AND LEVERAGE THE SKILLS OF IMMIGRANTS TO BENEFIT THEIR
43 COMMUNITIES AND THE STATE;

44 (F) STRENGTHEN THE CONNECTIONS BETWEEN IMMIGRANTS AND THEIR COMMUNI-
45 TIES THROUGH CIVIC ENGAGEMENT;

46 (G) REDUCE EXPLOITATION OF IMMIGRANTS;

47 (H) ESTABLISH A TOLL-FREE MULTI-LINGUAL HOTLINE AND A WEBSITE FOR
48 PURPOSES INCLUDING BUT NOT LIMITED TO DISSEMINATION OF INFORMATION ABOUT
49 THE PROGRAMS AND SERVICES OFFERED BY THE OFFICE FOR NEW AMERICANS,
50 REFERRAL FOR SERVICES, AND RECEIPT OF COMPLAINTS RELATING TO FRAUD AND
51 OTHER RELATED CRIMES AGAINST IMMIGRANTS;

52 (I) ENSURE THAT INDIVIDUALS REFERRED BY THE OFFICE ARE DIRECTED TO
53 SERVICE PROVIDERS WHO ARE IN COMPLIANCE WITH ARTICLE TWENTY-EIGHT-C OF
54 THE GENERAL BUSINESS LAW OR PROVIDERS CERTIFIED BY THE BUREAU OF IMMI-
55 GRATION APPEALS;

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1 (J) USING INFORMATION DEVELOPED BY THE OFFICE THROUGH THE HOTLINE,
2 ASSIST LAW ENFORCEMENT IN COMBATTING CRIMES AGAINST IMMIGRANTS;

3 (K) ADVISE THE GOVERNOR AND SECRETARY CONCERNING MATTERS AFFECTING
4 IMMIGRANTS IN THE STATE IN ORDER TO PROMOTE AND ENCOURAGE THE FULL
5 PARTICIPATION OF IMMIGRANTS IN THE STATE'S CIVIC AND ECONOMIC LIFE;

6 (L) COORDINATE WITH OTHER STATE AGENCIES AND OTHERWISE MARSHAL THE
7 RESOURCES OF THE STATE TO SERVE THE NEEDS OF IMMIGRANTS;

8 (M) ENCOURAGE AND ASSIST LOCAL GOVERNMENTS IN THE DEVELOPMENT OF
9 ACTIVITIES TO ENHANCE CIVIC ENGAGEMENT AMONG IMMIGRANTS AND IN IMMIGRANT
10 COMMUNITIES; AND

11 (N) BEGINNING IN TWO THOUSAND FIFTEEN, BY JUNE FIFTEENTH OF EACH YEAR,
12 PRODUCE A REPORT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, AND THE
13 TEMPORARY PRESIDENT OF THE SENATE DESCRIBING THE ACTIVITIES OF THE
14 OFFICE, INCLUDING BUT NOT LIMITED TO, SUMMARIZING CALLS RECEIVED THROUGH
15 THE HOTLINE AND WEBSITE, INFORMATION ON ESOL TRAINING SERVICES PROVIDED
16 BY THE OFFICE, THE NUMBER OF IMMIGRANTS ASSISTED THROUGH THE OPPORTUNITY
17 CENTERS, OR AN ESTIMATION THEREOF, THE STATUS OF ANY WORKFORCE DEVELOP-
18 MENT PROGRAMS, AND ANY OTHER RELEVANT INFORMATION.

19 S 7. The penal law is amended by adding a new section 190.87 to read
20 as follows:

21 S 190.87 IMMIGRANT ASSISTANCE SERVICES FRAUD IN THE SECOND DEGREE.

22 A PERSON IS GUILTY OF IMMIGRANT ASSISTANCE SERVICES FRAUD IN THE
23 SECOND DEGREE WHEN, WITH INTENT TO DEFRAUD ANOTHER PERSON SEEKING IMMI-
24 GRANT ASSISTANCE SERVICES, AS DEFINED IN ARTICLE TWENTY-EIGHT-C OF THE
25 GENERAL BUSINESS LAW, FROM SUCH PERSON, HE OR SHE VIOLATES SECTION FOUR
26 HUNDRED SIXTY-D OF THE GENERAL BUSINESS LAW WITH INTENT TO OBTAIN PROP-
27 ERTY FROM SUCH OTHER PERSON BY FALSE OR FRAUDULENT PRETENSES, REPRESENT-

28 TATIONS OR PROMISES, AND THEREBY WRONGFULLY OBTAINS SUCH PROPERTY.

29 IMMIGRANT ASSISTANCE SERVICES FRAUD IN THE SECOND DEGREE IS A CLASS A
30 MISDEMEANOR.

31 S 8. The penal law is amended by adding a new section 190.89 to read
32 as follows:

33 S 190.89 IMMIGRANT ASSISTANCE SERVICES FRAUD IN THE FIRST DEGREE.

34 A PERSON IS GUILTY OF IMMIGRANT ASSISTANCE SERVICES FRAUD IN THE FIRST
35 DEGREE WHEN, WITH INTENT TO DEFRAUD ANOTHER PERSON SEEKING IMMIGRANT
36 ASSISTANCE SERVICES, AS DEFINED IN ARTICLE TWENTY-EIGHT-C OF THE GENERAL
37 BUSINESS LAW, FROM SUCH PERSON, HE OR SHE VIOLATES SECTION FOUR HUNDRED
38 SIXTY-D OF THE GENERAL BUSINESS LAW WITH INTENT TO OBTAIN PROPERTY FROM
39 SUCH OTHER PERSON BY FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS OR
40 PROMISES, AND THEREBY WRONGFULLY OBTAINS SUCH PROPERTY WITH A VALUE IN
41 EXCESS OF ONE THOUSAND DOLLARS.

42 IMMIGRANT ASSISTANCE SERVICES FRAUD IN THE FIRST DEGREE IS A CLASS E
43 FELONY.

44 S 9. This act shall take effect on the one hundred eightieth day after
45 it shall have become a law. Effective immediately, the addition, amend-
46 ment and/or repeal of any rule or regulation necessary for the implemen-
47 tation of this act on its effective date are authorized to be made and
48 completed on or before such effective date.

A00022

A00022 Summary:

BILL NO A00022

SAME AS SAME AS

SPONSOR Moya (MS)

COSPNSR Crespo, Rivera, Kim, Farrell, Aubry, Weprin, Jaffee, Brennan, Thiele, Roberts, Lavine, Ortiz, Kavanagh, O'Donnell, Scarborough, Robinson, Benedetto, Simotas, Rosenthal, Perry, Schimel, Cahill, Ramos, Clark, Miller, DenDekker, Arroyo, Kellner, Paulin, Sepulveda, Rozic

MLTSPNSR Cymbrowitz, Dinowitz, Gottfried, Hevesi, Hooper, Lifton, Millman, Nolan, Russell, Solages

Rpld S661 sub 3, sub 4 b-1 sub (i), sub 5 a & b, amd SS661, 355, 6206, 6305, 6451, 6452, 6455 & 695-e, Ed L

Establishes the New York state dream act; provides certain higher education eligibility benefits to undocumented immigrants that satisfy certain criteria.

A00022 Actions:

BILL NO A00022

01/09/2013 referred to governmental operations

01/08/2014 referred to governmental operations

A00022 Votes:

There are no votes for this bill in this legislative session.

A00022 Memo:

BILL NUMBER:A22

TITLE OF BILL: An act to amend the education law, in relation to the New York state dream act; and to repeal certain provisions of such law relating thereto

PURPOSE OR GENERAL IDEA OF BILL: To provide access to state, city, town and/or village-funded financial aid programs, including, but not limited to grants, loans and scholarships.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 entitles the bill the "New York State Dream Act".

Section 2 of the bill amends Education Law S 661(3) and sets forth the qualifications for an undocumented student to take advantage of scholarship programs administered by the state. Section 2 creates and defines the term "Qualified Students" which establishes the eligibility requirements for applicants for loans and award at the undergraduate and graduate level of study. This definition of "Qualified Students" expands the eligibility requirements to people without lawful immigration status as long as they fulfill the other requirements outlined by the statute.

Section 3 of the bill repeals Education Law S 661(4)(b-1)(1), which establishes a citizenship requirement for the tuition assistance program.

Section 4 of the bill repeals Education Law S 661(5)(a) and (b).

Section 5 of the bill amends Education Law S 661(5)(d) to clarify that if an applicant for tuition assistance does not have a New York State residence, the applicant shall be deemed to reside in the geographic area of the institution of higher education in which he or she attends for purposes of an award allocated on a geographic basis.

Section 6 of the bill amends Education Law S 661(5)(e) so that any member, or the spouse or dependent of a member, of the armed forces of the United States on full-time active duty and stationed in this state is eligible for awards and loans, regardless of whether or not they are a "Qualified Student."

Section 7 of the bill would add a new Education Law S 355(2)(11)(10) to provide that Qualified Students at SUNY may have the payment of tuition and other fees and charges reduced by loans and awards.

Section 8 of the bill adds a new Education Law S 6206(7)(d) to provide that Qualified Students at CUNY may have the payment of tuition and other fees and charges reduced by loans and awards.

Section 9 of the bill adds a new Education Law S 6305(8-a) to provide that Qualified Students at community colleges may have the payment of tuition and other fees and charges reduced by loans and awards.

Sections 10 and 11 of the bill amend Education Law SS 6451(3)(d) and 6452(4)(v) to allow undocumented students who participate in the higher education programs to receive supplemental financial assistance

provided that the student meets the requirements in Education Law 661(3)(a)(ii) or (b)(ii).

Section 12 of the bill amends Education Law S 6455(2)(a) to allow an undergraduate applicant for the college science and technology entry program who is not a resident of the state to be eligible for an award at the undergraduate level of study provided that he or she is a "Qualified Student" as defined in Education Law S 661(3), as amended by Section 2 of this bill.

Section 13 of the bill amends Education Law S 6455(3)(a) to provide that Qualified Students at the graduate level of study may have the payment of tuition and other fees and charges reduced by loans and awards.

Section 14 of the bill amends Education Law SS 695-e(2)(a)(i) and

(a)(iii) to allow individuals with a taxpayer identification number (ITIN) to open a family tuition account and/or be a designated beneficiary under the New York State College Tuition Savings Program, unless the account was in effect prior to the effective date of this chapter does not allow for an ITIN, in which case an ITIN shall be allowed upon expiration of the contract.

Section 15 is the effective date.

JUSTIFICATION: As a state with one of the largest immigrant

populations, NY should be at the forefront of progressive immigration policies, pushing back on the tide of national and local anti-immigrant policies. The NY Dream Act will respect the dignity and contributions of undocumented youth in the state by giving them access to state financial aid programs.

This bill is about access to education, but it is also about providing a pathway to economic prosperity for both the individual receiving the education and for the state. Increasing the education level of workers also increases their productivity, and the more highly educated the state's labor force, the more attractive the state is as a place to locate business.

There are currently an estimated 475,000 undocumented immigrants in the New York State labor force. Having large numbers of undocumented workers should not be considered a permanent situation; federal reform is urgently needed to fix immigration policy. But gridlock at the federal level should not prevent New York State from investing in its own economy.

The National Skills Coalition (NSC) reports that New York is facing a shortage of workers who have the required skill level for most job openings. New York would benefit greatly from undocumented students receiving access to a college education. In fact, NSC also estimates that 39% of all future job openings will require at least an associate's degree.

Furthermore, it is universally accepted that those who pay taxes should benefit from those taxes, whether those benefits be public safety or access to higher education. According to the Institute for

Taxation and Economic Policy, undocumented immigrants paid over \$662 million in taxes to New York State in 2010, making it the state with the fourth highest revenue in taxes from undocumented immigrants. They paid approximately; \$104.4 million in personal income taxes, \$95 million in property taxes, and over \$463 million in sales taxes.

Despite an unprecedented year of action taken by undocumented youth, the United States Congress failed to pass the DREAM Act in 2010. This has left undocumented youth in NY without any form of relief, It is now up to the State of NY to provide dignity and recognition for these promising and deserving young people.

PRIOR LEGISLATIVE HISTORY:

01/04/12 referred to governmental operations

04/04/11 referred to governmental operations

FISCAL IMPLICATIONS: As per the analysis of the Fiscal Policy Institute as well as the State Education Department, it is estimated that this legislation will only cost an additional 1% or 2% of current TAP funding.

EFFECTIVE DATE: July 1, 2014.

A00022 Text:

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

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. MOYA, CRESPO, RIVERA, KIM, FARRELL, AUBRY, CASTRO, WEPRIN, JAFFEE, BRENNAN, THIELE, ROBERTS, GIBSON, LAVINE, ORTIZ, KAVANAGH, O'DONNELL, SCARBOROUGH, ROBINSON, BENEDETTO, SIMOTAS, ROSENTHAL, BOYLAND, STEVENSON, PERRY, MAISEL, SCHIMEL, CAHILL, RAMOS, ESPINAL, CLARK, MILLER, DenDEKKER, ARROYO, KELLNER, PAULIN -- Multi-Sponsored by -- M. of A. CYMBROWITZ, DINOWITZ, GOTTFRIED, HOOPER, LIFTON, MILLMAN, NOLAN, RUSSELL -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the education law, in relation to the New York state dream act; and to repeal certain provisions of such law relating thereto

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

- 1 Section 1. Short title. This act shall be known and may be cited as
- 2 the "New York state dream act".
- 3 S 2. Subdivision 3 of section 661 of the education law is REPEALED and
- 4 a new subdivision 3 is added to read as follows:
- 5 3. QUALIFICATIONS. A. QUALIFIED STUDENT FOR AN AWARD AT THE UNDERGRADU-
- 6 UATE LEVEL OF STUDY. A QUALIFIED STUDENT FOR AN AWARD AT THE UNDERGRADU-
- 7 ATE LEVEL OF STUDY SHALL MEAN:
- 8 (I) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT IN
- 9 THE UNITED STATES AS USED IN 8 U.S.C. S 1623, WHO HAS BEEN A RESIDENT OF
- 10 THE STATE FOR AT LEAST ONE YEAR IMMEDIATELY PRECEDING THE BEGINNING OF
- 11 THE SEMESTER, QUARTER OR TERM OF ATTENDANCE FOR WHICH APPLICATION FOR
- 12 ASSISTANCE IS MADE; OR
- 13 (II) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT
- 14 IN THE UNITED STATES AS USED IN 8 U.S.C. S 1623, WHO IS A RESIDENT OF
- 15 THE STATE AND WAS A RESIDENT OF THE STATE DURING HIS OR HER LAST TWO
- 16 SEMESTERS OF HIGH SCHOOL EITHER PRIOR TO GRADUATION, OR PRIOR TO ADMIS-
- 17 SION TO COLLEGE; OR

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

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- 1 (III) AN INDIVIDUAL WHO:
- 2 (1) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,
- 3 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL, AND APPLIED FOR ATTEND-
- 4 ANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITH-
- 5 IN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR
- 6 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALEN-
- 7 CY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA
- 8 ISSUED WITHIN NEW YORK STATE, AND APPLIED FOR ATTENDANCE AT AN INSTITU-
- 9 TION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF
- 10 RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE; OR
- 11 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
- 12 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
- 13 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
- 14 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-

15 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
16 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

17 IN ADDITION TO CLAUSES ONE, TWO, AND THREE OF THIS SUBPARAGRAPH, IF
18 THE INDIVIDUAL IS DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES
19 AS USED IN 8 U.S.C. S 1623, THEN SUCH INDIVIDUAL MUST HAVE ENTERED THE
20 UNITED STATES BEFORE THE AGE OF EIGHTEEN AND BE UNDER THE AGE OF THIR-
21 TY-FIVE AT THE TIME OF APPLICATION FOR LOANS AND AWARDS.

22 B. QUALIFIED STUDENT FOR AN AWARD AT THE GRADUATE LEVEL OF STUDY. A
23 QUALIFIED STUDENT FOR AN AWARD AT THE GRADUATE LEVEL OF STUDY SHALL
24 MEAN:

25 (I) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT IN
26 THE UNITED STATES AS USED IN 8 U.S.C. S 1623, WHO HAS BEEN A RESIDENT OF
27 THE STATE FOR AT LEAST ONE YEAR IMMEDIATELY PRECEDING THE BEGINNING OF
28 THE SEMESTER, QUARTER OR TERM OF ATTENDANCE FOR WHICH APPLICATION FOR
29 ASSISTANCE IS MADE; OR

30 (II) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT
31 IN THE UNITED STATES AS USED IN 8 U.S.C. S 1623, WHO IS A RESIDENT OF
32 THE STATE AND WAS A RESIDENT OF THE STATE DURING HIS OR HER LAST TWO
33 SEMESTERS OF HIGH SCHOOL EITHER PRIOR TO GRADUATION, OR PRIOR TO ADMIS-
34 SION TO COLLEGE; OR

35 (III) AN INDIVIDUAL WHO:

36 (1) ATTENDED AN APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE
37 YEARS, GRADUATED FROM AN APPROVED NEW YORK STATE HIGH SCHOOL, AND
38 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
39 GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIV-
40 ING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

41 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
42 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
43 DIPLOMA, AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
44 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN
45 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

46 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
47 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
48 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
49 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDI-
50 VISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
51 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

52 IN ADDITION TO CLAUSES ONE, TWO, AND THREE OF THIS SUBPARAGRAPH, IF
53 THE INDIVIDUAL IS DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES
54 AS USED IN 8 U.S.C. S 1623, THEN SUCH INDIVIDUAL MUST HAVE ENTERED THE
55 UNITED STATES BEFORE THE AGE OF EIGHTEEN AND BE UNDER THE AGE OF THIR-
56 TY-FIVE AT THE TIME OF APPLICATION FOR LOANS AND AWARDS.

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1 C. NOTWITHSTANDING SUBPARAGRAPH (III) OF PARAGRAPH A OF THIS SUBDI-
2 VISION, AN INDIVIDUAL SHALL BE DEEMED A QUALIFIED STUDENT FOR AN AWARD AT
3 THE UNDERGRADUATE LEVEL OF STUDY FOR A PERIOD OF FIVE YEARS IMMEDIATELY
4 FOLLOWING THE IMPLEMENTATION OF THE NEW YORK STATE DREAM ACT PROVIDED
5 THAT THE INDIVIDUAL:

6 (I) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,
7 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL, AND APPLIED FOR ATTEND-
8 ANCE OR IS ENROLLED AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE
9 UNIVERSITY; OR

10 (II) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-
11 ALENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA
12 ISSUED WITHIN NEW YORK STATE, AND APPLIED FOR ATTENDANCE OR IS ENROLLED
13 AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY.

14 IN ADDITION TO SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, IF THE
15 INDIVIDUAL IS DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS
16 USED IN 8 U.S.C. S 1623, THEN SUCH INDIVIDUAL MUST HAVE ENTERED THE
17 UNITED STATES BEFORE THE AGE OF EIGHTEEN AND BE UNDER THE AGE OF THIR-
18 TY-FIVE AT THE TIME OF APPLICATION FOR LOANS AND AWARDS.

19 D. NOTWITHSTANDING SUBPARAGRAPH (III) OF PARAGRAPH B OF THIS SUBDIVI-
20 SION, AN INDIVIDUAL SHALL BE DEEMED A QUALIFIED STUDENT FOR AN AWARD AT
21 THE GRADUATE LEVEL OF STUDY FOR A PERIOD OF TEN YEARS IMMEDIATELY
22 FOLLOWING THE IMPLEMENTATION OF THE NEW YORK STATE DREAM ACT PROVIDED
23 THAT THE INDIVIDUAL:

24 (I) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,
25 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL, AND APPLIED FOR ATTEND-
26 ANCE OR IS ENROLLED AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE
27 UNIVERSITY; OR

28 (II) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-
29 AGENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA
30 ISSUED WITHIN NEW YORK STATE, AND APPLIED FOR ATTENDANCE OR IS ENROLLED
31 AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY;

32 IN ADDITION TO SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, IF THE
33 INDIVIDUAL IS DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS
34 USED IN 8 U.S.C. S 1623, THEN SUCH INDIVIDUAL MUST HAVE ENTERED THE
35 UNITED STATES BEFORE THE AGE OF EIGHTEEN AND BE UNDER THE AGE OF THIR-
36 TY-FIVE AT THE TIME OF APPLICATION FOR LOANS AND AWARDS.

37 S 3. Subparagraph (i) of paragraph b-1 of subdivision 4 of section 661
38 of the education law is REPEALED.

39 S 4. Paragraphs a and b of subdivision 5 of section 661 of the educa-
40 tion law are REPEALED.

41 S 5. Paragraph d of subdivision 5 of section 661 of the education law,
42 as amended by chapter 844 of the laws of 1975, is amended to read as
43 follows:

44 d. If an applicant for an award allocated on a geographic basis has
45 more than one residence in this state, his OR HER residence for the
46 purpose of this article shall be his OR HER place of actual residence
47 during the major part of the year while attending school, as determined
48 by the commissioner; AND FURTHER PROVIDED THAT AN APPLICANT WHO DOES NOT
49 HAVE A RESIDENCE IN THIS STATE AND IS ELIGIBLE FOR AN AWARD PURSUANT TO
50 PARAGRAPH A, B, C OR D OF SUBDIVISION THREE OF THIS SECTION SHALL BE
51 DEEMED TO RESIDE IN THE GEOGRAPHIC AREA OF THE INSTITUTION OF HIGHER
52 EDUCATION IN WHICH HE OR SHE ATTENDS FOR PURPOSES OF AN AWARD ALLOCATED
53 ON A GEOGRAPHIC BASIS.

54 S 6. Paragraph e of subdivision 5 of section 661 of the education law,
55 as added by chapter 630 of the laws of 2005, is amended to read as
56 follows:

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1 e. Notwithstanding any other provision of this article to the contra-
2 ry, the New York state [residency] eligibility [requirement] REQUIRE-
3 MENTS for receipt of awards SET FORTH IN PARAGRAPH A, B, C OR D OF
4 SUBDIVISION THREE OF THIS SECTION is waived for a member, or the spouse
5 or dependent of a member, of the armed forces of the United States on
6 full-time active duty and stationed in this state.

7 S 7. Paragraph h of subdivision 2 of section 355 of the education law
8 is amended by adding a new subparagraph 10 to read as follows:

9 (10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS
10 NOT A RESIDENT OF NEW YORK STATE BUT IS A "QUALIFIED STUDENT" AS DEFINED
11 IN PARAGRAPH A, B, C OR D OF SUBDIVISION THREE OF SECTION SIX HUNDRED
12 SIXTY-ONE OF THIS CHAPTER, MAY HAVE THE PAYMENT OF TUITION AND OTHER
13 FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR OTHER
14 FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES THIRTEEN,
15 THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER.

16 S 8. Subdivision 7 of section 6206 of the education law is amended by
17 adding a new paragraph (d) to read as follows:

18 (D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A
19 RESIDENT OF NEW YORK STATE BUT IS A "QUALIFIED STUDENT" AS DEFINED IN
20 PARAGRAPH A, B, C OR D OF SUBDIVISION THREE OF SECTION SIX HUNDRED
21 SIXTY-ONE OF THIS CHAPTER, MAY HAVE THE PAYMENT OF TUITION AND OTHER
22 FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR OTHER

23 FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES THIRTEEN,
24 THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER.

25 S 9. Section 6305 of the education law is amended by adding a new
26 subdivision 8-a to read as follows:

27 8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT
28 WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS NOT A RESIDENT OF NEW
29 YORK STATE BUT IS A "QUALIFIED STUDENT" AS DEFINED IN PARAGRAPH A, B, C
30 OR D OF SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAP-
31 TER, MAY BE REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS AND OTHER
32 FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES THIRTEEN,
33 THIRTEEN-A, FOURTEEN AND FOURTEEN-A OR ANY OTHER ARTICLE OF THIS CHAP-
34 TER.

35 S 10. Paragraph d of subdivision 3 of section 6451 of the education
36 law, as amended by chapter 149 of the laws of 1972, is amended to read
37 as follows:

38 d. Any necessary supplemental financial assistance, which may include
39 the cost of books and necessary maintenance for such enrolled students,
40 INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE
41 STUDENT IS A "QUALIFIED STUDENT" AS DEFINED IN PARAGRAPH A, B, C OR D OF
42 SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER;
43 provided, however, that such supplemental financial assistance shall be
44 furnished pursuant to criteria promulgated by the commissioner with the
45 approval of the director of the budget.

46 S 11. Subparagraph (v) of paragraph a of subdivision 4 of section 6452
47 of the education law, as added by chapter 917 of the laws of 1970, is
48 amended to read as follows:

49 (v) Any necessary supplemental financial assistance, which may include
50 the cost of books and necessary maintenance for such students, INCLUDING
51 STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT IS
52 A "QUALIFIED STUDENT" AS DEFINED IN PARAGRAPH A, B, C OR D OF SUBDIVI-
53 SION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER; provided,
54 however, that such supplemental financial assistance shall be furnished
55 pursuant to criteria promulgated by such universities and approved by
56 the regents and the director of the budget.

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1 S 12. Paragraph (a) of subdivision 2 of section 6455 of the education
2 law, as added by chapter 285 of the laws of 1986, is amended to read as
3 follows:

4 (a) Undergraduate science and technology entry program moneys may be
5 used for tutoring, counseling, remedial and special summer courses,
6 supplemental financial assistance, program administration, and other
7 activities which the commissioner may deem appropriate. To be eligible
8 for undergraduate collegiate science and technology entry program
9 support, a student must be [a resident of New York who is] A "QUALIFIED
10 STUDENT" PURSUANT TO PARAGRAPH A OR PARAGRAPH C OF SUBDIVISION THREE OF
11 SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER AND MUST BE either econom-
12 ically disadvantaged or from a minority group historically underrepre-
13 sented in the scientific, technical, health and health-related
14 professions, and [who demonstrates] MUST DEMONSTRATE interest in and a
15 potential for a professional career if provided special services. Eligi-
16 ble students must be in good academic standing, enrolled full time in an
17 approved, undergraduate level program of study, as defined by the
18 regents.

19 S 13. Paragraph (a) of subdivision 3 of section 6455 of the education
20 law, as added by chapter 285 of the laws of 1986, is amended to read as
21 follows:

22 (a) Graduate science and technology entry program moneys may be used
23 for recruitment, academic enrichment, career planning, supplemental
24 financial assistance, review for licensing examinations, program admin-
25 istration, and other activities which the commissioner may deem appro-
26 priate. To be eligible for graduate collegiate science and technology

27 entry program support, a student must be [a resident of New York who is]
28 A "QUALIFIED STUDENT" PURSUANT TO PARAGRAPH B OR PARAGRAPH D OF SUBDIVI-
29 SION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER AND MUST BE
30 either economically disadvantaged or from a minority group historically
31 underrepresented in the scientific, technical and health-related
32 professions AND MUST DEMONSTRATE AN INTEREST IN AND A POTENTIAL FOR A
33 PROFESSIONAL CAREER IF PROVIDED SPECIAL SERVICES. Eligible students
34 must be in good academic standing, enrolled full time in an approved
35 graduate level program, as defined by the regents.

36 S 14. Subparagraphs (i) and (iii) of paragraph a of subdivision 2 of
37 section 695-e of the education law, as amended by chapter 593 of the
38 laws of 2003, are amended to read as follows:

39 (i) the name, address and social security number [or], employer iden-
40 tification number OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
41 account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR
42 TO THE EFFECTIVE DATE OF THE NEW YORK STATE DREAM ACT DOES NOT ALLOW FOR
43 A TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICA-
44 TION NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

45 (iii) the name, address, and social security number, EMPLOYER IDEN-
46 TIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
47 designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN
48 EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO
49 THOUSAND THIRTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A
50 TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION
51 NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

52 S 15. This act shall take effect July 1, 2014.

S07878

S07879 Summary:

BILL NO S07879

SAME AS SAME AS UNI.

SPONSOR RIVERA

COSPNSR ESPAILLAT, KRUEGER, PERKINS, SERRANO

MLTSPNSR

Add Art 14-A SS275 - 275-f, SS243-a & 223-a, amd SS296, 296-a & 296-b, Exec L; amd S5-102, El L; amd SS3 & 89, Pub Off L; amd S5, Tax L; amd S3-503, Gen Ob L; rpld S661 sub 3, amd Ed L, generally; amd S126, ABC L; amd S10, Gen City L; amd Part I S1 Art X, Chap 882 of 1953; amd S3421, Pub Health L; amd SS41, 72 & 89-h, Gen Bus L; amd S440-a, RP L; amd S460, Judy L; amd S502, rpld sub 1, V & T L; rpld S131-k, amd S122, Soc Serv L; add S71-b, Cor L

Enacts the "New York is home act" to establish New York state citizenship, regardless of immigration status, and providing certain rights and benefits to persons with such citizenship.

S07879 Actions:

BILL NO S07879

06/16/2014 REFERRED TO RULES

S07879 Votes:

There are no votes for this bill in this legislative session.

S07879 Memo:

Memo not available

S07879 Text:

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

S. 7879

A. 10129

S E N A T E - A S S E M B L Y

June 16, 2014

IN SENATE -- Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Camara) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, the election law, the public officers law, the tax law, the general obligations law, the education law, the alcoholic beverage control law, the general city law, chapter 882 of

the laws of 1953, establishing a compact with the state of New Jersey for the elimination of criminal and corrupt practices in the handling of waterborne freight within the port of New York district, the public health law, the general business law, the real property law, the judiciary law, the vehicle and traffic law, the social services law and the correction law, in relation to enacting the "New York is home act" to establish New York state citizenship, regardless of federal immigration status, and requiring the provision of certain rights of such citizenship; to repeal subdivision 1 of section 502 of the vehicle and traffic law relating to applications for drivers' licenses; to repeal section 131-k of the social services law relating to illegal aliens; and to repeal subdivision 3 of section 661 of the education law relating to residency for eligibility for student financial aid

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York is home act".
3 S 2. Legislative findings. The legislature hereby finds that New York
4 is home to over 19.5 million individuals, including workers, consumers,
5 students, neighbors and taxpayers. The wellbeing of this state is inextricably
6 linked to the wellbeing of all these New Yorkers. These New
7 Yorkers share a common destiny and common dreams: a thriving New York
8 state replete with healthy families, healthy communities and striving
9 businesses. New York is home to these individuals, regardless of their
10 federal immigration status.

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

LBD15364-02-4

S. 7879

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1 This act addresses the compelling need to lift up all state residents,
2 upon whom this state's society, vibrancy, health and economic growth
3 depend. Our state recognizes the value of those who contribute to and
4 make our state home.

5 It also makes economic sense to enable all New Yorkers, who are present
6 in and a part of the fabric of our state, to contribute fully to our
7 state revenue, to participate in our state conversations, and to access
8 benefits that are the foundation of a healthy, thriving New York state.
9 Although the futures of many New Yorkers are undeniably circumscribed by
10 current federal immigration law, many of those New Yorkers also enjoy an
11 inchoate federal permission to be here, and this state enables them to
12 make our state their home, as well. Many of these New Yorkers pay taxes,
13 with approximately \$744 million paid in state and local taxes each year.
14 However, current state law prevents them from accessing equal higher
15 education opportunities, health care benefits, drivers licenses and
16 professional licenses. Denying New Yorkers these benefits means denying
17 the state its full potential to succeed.

18 The state of New York respects the exclusive province of the federal
19 government to regulate immigration and the flow of immigrants into and
20 out of our country. However, this state retains and asserts its historic
21 authority to define its citizenry, and to affirmatively provide state
22 and local public benefits to citizens of the state of New York. The
23 state seeks to provide such benefits to all of its citizens, irrespective
24 of that individual's eligibility for the same under federal law or
25 pursuant to federal funding. There is nothing in this act that should be
26 deemed to conflict with federal law.

27 S 3. The executive law is amended by adding a new article 14-A to read
28 as follows:

29

ARTICLE 14-A

NEW YORK STATE CITIZENSHIP

SECTION 275. DEFINITIONS.

275-A. STATE CITIZENSHIP; ADMINISTRATION.

275-B. ELIGIBILITY CRITERIA.

275-C. ACCEPTABILITY; BENEFITS.

275-D. STATE AGENCY REVIEW.

275-E. SEVERABILITY.

275-F. LOCAL LAWS.

S 275. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "NEW YORK STATE CITIZEN" OR "CITIZEN" SHALL MEAN ANY INDIVIDUAL WHO SATISFIES THE REQUIREMENTS OF SUBDIVISION ONE OF SECTION TWO HUNDRED SEVENTY-FIVE-C OF THIS ARTICLE.

2. "NEW YORK STATE IDENTIFICATION CARD" SHALL MEAN THE PHYSICAL IDENTIFICATION CARD THAT A CITIZEN IS ELIGIBLE TO RECEIVE, AND WHICH INCLUDES THAT CITIZEN'S NEW YORK STATE IDENTIFICATION NUMBER AND SUCH CARD'S DATE OF ISSUANCE.

3. "NEW YORK STATE IDENTIFICATION NUMBER" SHALL MEAN THE UNIQUE IDENTIFICATION NUMBER THAT A CITIZEN IS ASSIGNED BY THE OFFICE AND WHICH APPEARS ON SUCH CITIZEN'S NEW YORK STATE IDENTIFICATION CARD.

4. "OFFICE" SHALL MEAN THE OFFICE FOR NEW AMERICANS ESTABLISHED BY THE GOVERNOR.

S 275-A. STATE CITIZENSHIP; ADMINISTRATION. 1. THE PROVISIONS OF THIS ARTICLE SHALL BE ADMINISTERED BY THE OFFICE. THE OFFICE SHALL:

(A) RECOGNIZE THE NEW YORK STATE CITIZENSHIP OF ANY INDIVIDUAL DESCRIBED IN SUBDIVISION ONE OF SECTION TWO HUNDRED SEVENTY-FIVE-B OF THIS ARTICLE, AND GRANT AND RENEW NEW YORK STATE CITIZENSHIP TO ANY

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INDIVIDUAL WHO MEETS THE CRITERIA SET FORTH IN SUBDIVISION TWO OF SECTION TWO HUNDRED SEVENTY-FIVE-B OF THIS ARTICLE;

(B) GRANT A NEW YORK STATE IDENTIFICATION CARD AND NEW YORK STATE IDENTIFICATION NUMBER TO ANY CITIZEN;

(C) GRANT A RENEWED NEW YORK STATE IDENTIFICATION CARD AND NEW YORK STATE IDENTIFICATION NUMBER TO ANY CITIZEN DESCRIBED IN SUBDIVISION ONE OF SECTION TWO HUNDRED SEVENTY-FIVE-B OF THIS ARTICLE, AND TO ANY CITIZEN DESCRIBED IN SUBDIVISION TWO OF SECTION TWO HUNDRED SEVENTY-FIVE-B OF THIS ARTICLE, WHO DEMONSTRATES THAT THEY CONTINUE TO SATISFY THE CRITERIA SET FORTH THEREIN;

(D) PROMULGATE RULES AND REGULATIONS TO EFFECT THE PURPOSES OF THIS ARTICLE; AND

(E) ESTABLISH, PUBLICIZE AND ADMINISTER PROCEDURES TO GRANT NEW YORK STATE CITIZENSHIP, NEW YORK STATE IDENTIFICATION CARDS AND NEW YORK STATE IDENTIFICATION NUMBERS.

2. NEW YORK STATE CITIZENSHIP SHALL BE A CONTINUING STATUS THAT SHALL END WHEN AN INDIVIDUAL IS NO LONGER A RESIDENT OF THE STATE. THE NEW YORK STATE IDENTIFICATION CARD AND NEW YORK STATE IDENTIFICATION NUMBER SHALL BE VALID FOR A PERIOD OF FIVE YEARS AFTER THE DATE OF ISSUANCE.

S 275-B. ELIGIBILITY CRITERIA. ANY INDIVIDUAL, REGARDLESS OF HIS OR HER IMMIGRATION STATUS, WHO MEETS EITHER OF THE FOLLOWING REQUIREMENTS SHALL BE DEEMED TO BE A CITIZEN:

1. IS A RESIDENT OF THE STATE WHO IS A CITIZEN OF THE UNITED STATES;

2. IS ADJUDGED BY THE OFFICE TO SATISFY ALL OF THE FOLLOWING CRITERIA:

(A) HAS PROOF OF IDENTITY;

(B) HAS BEEN A RESIDENT OF THE STATE FOR NOT LESS THAN THREE YEARS;

(C) HAS PAID STATE RESIDENT PERSONAL INCOME TAXES, PURSUANT TO ARTICLE TWENTY-TWO OF THE TAX LAW, FOR A PERIOD OF NOT LESS THAN THREE TAXABLE YEARS; PROVIDED HOWEVER, THAT SUCH REQUIREMENT SHALL NOT APPLY TO INDIVIDUALS WHO ARE STUDENTS, PRIMARY CAREGIVERS, UNABLE TO WORK DUE TO DISABILITY, UNEMPLOYED OR OTHERWISE NOT REQUIRED PURSUANT TO SUCH ARTICLE OF THE TAX LAW TO REPORT HIS OR HER INCOME;

(D) HAS PLEDGED TO ABIDE BY THE LAWS OF THE STATE AND TO UPHOLD THE PROVISIONS OF THE STATE CONSTITUTION; AND

(E) HAS ATTESTED TO HIS OR HER WILLINGNESS TO SERVE ON JURY DUTY, PURSUANT TO ARTICLE SIXTEEN OF THE JUDICIARY LAW, AND TO CONTINUE TO PAY ANY TAXES REQUIRED TO BE PAID BY HIM OR HER PURSUANT TO ANY PROVISION OF STATE OR LOCAL LAW.

3. (A) THE STATE SHALL NOT RETAIN ORIGINALS OR COPIES OF RECORDS PROVIDED BY AN APPLICANT TO PROVE IDENTITY OR RESIDENCY OR OTHER ELIGIBILITY REQUIREMENTS OF STATE CITIZENSHIP.

(B) TO THE MAXIMUM EXTENT ALLOWED BY APPLICABLE FEDERAL AND STATE LAW, INFORMATION COLLECTED ABOUT APPLICANTS FOR STATE CITIZENSHIP SHALL BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO GOVERNMENT ENTITIES OR PRIVATE PARTIES UNLESS SUCH DISCLOSURE IS:

(I) AUTHORIZED IN WRITING BY THE INDIVIDUAL TO WHOM SUCH INFORMATION PERTAINS, OR IF SUCH INDIVIDUAL IS A MINOR OR IS OTHERWISE NOT LEGALLY COMPETENT, BY SUCH INDIVIDUAL'S PARENT OR LEGAL GUARDIAN; OR

(II) SO ORDERED BY A COURT OF COMPETENT JURISDICTION.

S 275-C. ACCEPTABILITY; BENEFITS. 1. EXCEPT AS OTHERWISE PROVIDED BY FEDERAL LAW, A NEW YORK STATE IDENTIFICATION CARD SHALL BE ACCEPTED AND BE DEEMED TO BE VALID GOVERNMENT IDENTIFICATION WHERE A STATE DRIVERS' LICENSE WOULD BE ACCEPTED, AND THE NEW YORK STATE IDENTIFICATION NUMBER SHALL BE ACCEPTED FOR USE IN SUBSTITUTION FOR A SOCIAL SECURITY NUMBER.

2. ANY PERSON IN POSSESSION OF A VALID NEW YORK STATE IDENTIFICATION CARD SHALL NOT BE DISQUALIFIED FROM ELIGIBILITY FOR ANY OF THE FOLLOWING

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1 STATE BENEFITS BY VIRTUE OF HIS OR HER LACK OF DOCUMENTATION OF FEDERAL IMMIGRATION STATUS:

(A) ANY LICENSE, PERMIT, CERTIFICATE OR GRANT OF PERMISSION, AS DEFINED IN PARAGRAPH C OF SUBDIVISION ONE OF SECTION 3-503 OF THE GENERAL OBLIGATIONS LAW AND REQUIRED BY THE LAWS OF THIS STATE, ITS POLITICAL SUBDIVISIONS OR INSTRUMENTALITIES AS A CONDITION FOR THE LAWFUL PRACTICE OF ANY OCCUPATION, EMPLOYMENT, TRADE, VOCATION, BUSINESS OR PROFESSION, AND ISSUED BY THE STATE OR ANY POLITICAL SUBDIVISION THEREOF;

(B) THE ABILITY TO REGISTER FOR AND VOTE AT STATE AND LOCAL ELECTIONS, AS PROVIDED IN SECTION 5-100 OF THE ELECTION LAW;

(C) PUBLIC HEALTH BENEFITS;

(D) A DRIVERS' LICENSE, PURSUANT TO SECTION FIVE HUNDRED TWO OF THE VEHICLE AND TRAFFIC LAW; AND

(E) BENEFITS GOVERNED BY ARTICLES THIRTEEN AND FOURTEEN OF THE EDUCATION LAW, SUCH AS GENERAL AWARDS, ACADEMIC PERFORMANCE AWARDS AND STUDENT LOANS FOR HIGHER EDUCATION; ASSISTANCE UNDER THE HIGHER EDUCATION OPPORTUNITY PROGRAMS AND THE COLLEGIATE SCIENCE AND TECHNOLOGY ENTRY PROGRAM; FINANCIAL AID OPPORTUNITIES FOR STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK AND COMMUNITY COLLEGES; AND THE NEW YORK STATE COLLEGE CHOICE TUITION SAVINGS PROGRAM.

3. NOTHING IN THIS SECTION SHALL BE DEEMED TO DEPRIVE ANY INDIVIDUAL OF ANY BENEFIT RECEIVED BY HIM OR HER PURSUANT TO LAW PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE.

S 275-D. STATE AGENCY REVIEW. ALL STATE AGENCIES SHALL REVIEW THEIR RULES AND REGULATIONS TO MAKE SURE THEY ARE CONSISTENT WITH THIS ARTICLE, AND MAKE SUCH NECESSARY CHANGES WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE.

S 275-E. SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS ARTICLE SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARAGRAPH, SECTION, OR PART THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED.

S 275-F. LOCAL LAWS. THIS ARTICLE SHALL NOT PREVENT THE ESTABLISHMENT, CONTINUING IN EFFECT OR ENFORCEMENT OF ANY LAW OR REGULATION OF ANY POLITICAL SUBDIVISION OF THE STATE THAT PROTECTS THE RIGHTS OR FOSTERS THE INTEGRATION OF NEW YORK STATE CITIZENS IN A MANNER NOT

39 INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.

40 S 4. Subdivision 1 of section 5-102 of the election law is amended to
41 read as follows:

42 1. No person shall be qualified to register for and vote at any
43 election unless he OR SHE is a citizen of the United States OR HE OR SHE
44 POSSESSES A NEW YORK STATE IDENTIFICATION CARD, and is or will be, on
45 the day of such election, eighteen years of age or over, and a resident
46 of this state and of the county, city or village for a minimum of thirty
47 days next preceding such election.

48 S 5. Subdivision 1 of section 3 of the public officers law, as amended
49 by chapter 44 of the laws of 1982, is amended to read as follows:

50 1. No person shall be capable of holding a civil office who shall not,
51 at the time he shall be chosen thereto, have attained the age of eigh-
52 teen years, except that in the case of youth boards, youth commissions
53 or recreation commissions only, members of such boards or commissions
54 may be under the age of eighteen years, but must have attained the age
55 of sixteen years on or before appointment to such youth board, youth
56 commission or recreation commission, be a citizen of the United States
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1 OR A NEW YORK STATE CITIZEN, a resident of the state, and if it be a
2 local office, a resident of the political subdivision or municipal
3 corporation of the state for which he shall be chosen, or within which
4 the electors electing him reside, or within which his official functions
5 are required to be exercised, or who shall have been or shall be
6 convicted of a violation of the selective draft act of the United
7 States, enacted May eighteenth, nineteen hundred seventeen, or the acts
8 amendatory or supplemental thereto, or of the federal selective training
9 and service act of nineteen hundred forty or the acts amendatory thereof
10 or supplemental thereto.

11 S 6. Subparagraphs vi and vii of paragraph (b) of subdivision 2 of
12 section 89 of the public officers law, as amended by section 11 of part
13 U of chapter 61 of the laws of 2011, are amended and two new subpara-
14 graphs viii and ix are added to read as follows:

15 vi. information of a personal nature contained in a workers' compen-
16 sation record, except as provided by section one hundred ten-a of the
17 workers' compensation law; [or]

18 vii. disclosure of electronic contact information, such as an e-mail
19 address or a social network username, that has been collected from a
20 taxpayer under section one hundred four of the real property tax law[.];

21 VIII. DISCLOSURE OF INFORMATION USED TO OBTAIN NEW YORK STATE CITIZEN-
22 SHIP ON A NEW YORK STATE IDENTIFICATION CARD INCLUDING BUT NOT LIMITED
23 TO NAMES, ADDRESSES AND IDENTIFYING INFORMATION OF RECIPIENTS OR APPLI-
24 CANTS OF SUCH CITIZENSHIP OR CARDS, AND ANY INFORMATION THAT COULD
25 REASONABLY BE EXPECTED TO LEAD TO SUCH DISCLOSURE; OR

26 IX. DISCLOSURE OF INFORMATION WHEN DISCLOSURE WOULD RESULT IN IDEN-
27 TIFICATION OF PEOPLE WHO ARE NEW YORK STATE CITIZENS.

28 S 7. Subdivision 2 of section 5 of the tax law, as amended by chapter
29 170 of the laws of 1994, is amended to read as follows:

30 2. Requiring information. Notwithstanding any other provision of law,
31 every covered agency shall, as part of the procedure for granting,
32 renewing, amending, supplementing or restating the license of any person
33 or at the time the covered agency contracts to purchase or purchases
34 goods or services or leases real or personal property from any person,
35 require that each such person provide to the covered agency such
36 person's federal social security account number [or], federal employer
37 identification number OR NEW YORK STATE IDENTIFICATION NUMBER, or [both]
38 ALL such numbers when such person has [both] MORE THAN ONE such
39 [numbers] NUMBER, or, where such person does not have such number or
40 numbers, the reason or reasons why such person does not have such number
41 or numbers. Such numbers or reasons shall be obtained by such covered
42 agency as part of the administration of the taxes administered by the

43 commissioner for the purpose of establishing the identification of
44 persons affected by such taxes.

45 S 8. Subparagraph 3 of paragraph (a) of subdivision 3 of section 5 of
46 the tax law, as amended by chapter 170 of the laws of 1994, is amended
47 to read as follows:

48 (3) federal social security account number [or], federal employer
49 identification number OR NEW YORK STATE IDENTIFICATION NUMBER, or [both]
50 ALL such numbers where such person has [both] MORE THAN ONE such
51 [numbers] NUMBER, or the reason or reasons, furnished by such person,
52 why such person does not have such number or numbers.

53 S 9. The opening paragraph of subdivision 2 of section 3-503 of the
54 general obligations law, as amended by chapter 398 of the laws of 1997,
55 is amended to read as follows:

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1 Every applicant for a license or renewal thereof shall provide his or
2 her social security number OR, IF HE OR SHE DOES NOT HAVE A SOCIAL SECU-
3 RITY NUMBER, HIS OR HER NEW YORK STATE IDENTIFICATION NUMBER on the
4 application. Additionally, every applicant for a license or renewal
5 thereof shall certify in the application in a written statement under
6 oath, duly sworn and subscribed, that as of the date the application is
7 filed he or she is (or is not) under obligation to pay child support and
8 that if he or she is under such an obligation, that he or she does (or
9 does not) meet one of the following requirements:

10 S 10. Paragraph (f) of subdivision 6 of section 6506 of the education
11 law, as amended by chapter 133 of the laws of 1982, is amended to read
12 as follows:

13 (f) Citizenship or immigration status: be a United States citizen
14 [or], an alien lawfully admitted for permanent residence in the United
15 States OR A NEW YORK STATE CITIZEN;

16 S 11. Subdivision 6 of section 6524 of the education law, as amended
17 by chapter 379 of the laws of 2008, is amended to read as follows:

18 (6) Citizenship or immigration status: be a United States citizen
19 [or], an alien lawfully admitted for permanent residence in the United
20 States[; provided, however that the board of regents may grant a three
21 year waiver for an alien physician to practice in an area which has been
22 designated by the department as medically underserved, except that the
23 board of regents may grant an additional extension not to exceed six
24 years to an alien physician to enable him or her to secure citizenship
25 or permanent resident status, provided such status is being actively
26 pursued; and provided further that the board of regents may grant an
27 additional three year waiver, and at its expiration, an extension for a
28 period not to exceed six additional years, for the holder of an H-1b
29 visa, an O-1 visa, or an equivalent or successor visa thereto] OR A NEW
30 YORK STATE CITIZEN;

31 S 12. Subdivision 6 of section 6554 of the education law, as amended
32 by chapter 133 of the laws of 1982, is amended to read as follows:

33 (6) Citizenship or immigration status: be a United States citizen
34 [or], an alien lawfully admitted for permanent residence in the United
35 States OR A NEW YORK STATE CITIZEN;

36 S 13. Subdivision 6 of section 6604 of the education law, as amended
37 by chapter 403 of the laws of 2002, is amended to read as follows:

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

47 S 14. Subdivision 7 of section 6604-b of the education law, as added

48 by chapter 537 of the laws of 2008, is amended to read as follows:

49 7. In order to be eligible for a restricted dental faculty license an
50 applicant must be a United States citizen [or], an alien lawfully admit-
51 ted for permanent residence in the United States[; provided, however,
52 that the department may grant a three year waiver for an alien who
53 otherwise meets all other requirements for a restricted dental faculty
54 license except that the department may grant an additional extension not
55 to exceed six years to an alien to enable him or her to secure citizen-
56 ship or permanent resident status, provided such status is being active-
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1 ly pursued. No current faculty member shall be displaced by the holder
2 of a restricted dental faculty license] OR A NEW YORK STATE CITIZEN.

3 S 15. Subdivision 6 of section 6609 of the education law, as amended
4 by chapter 403 of the laws of 2002, is amended to read as follows:

5 (6) Citizenship or immigration status: be a United States citizen
6 [or], an alien lawfully admitted for permanent residence in the United
7 States[; provided, however, that the board of regents may grant a three
8 year waiver for an alien to practice in an area which has been desig-
9 nated a federal dental health professions shortage area, except that the
10 board of regents may grant an additional extension not to exceed six
11 years to an alien to enable him or her to secure citizenship or perma-
12 nent resident status, provided such status is being actively pursued] OR
13 A NEW YORK STATE CITIZEN;

14 S 16. Subdivision 6 of section 6704 of the education law, as amended
15 by chapter 201 of the laws of 2007, is amended to read as follows:

16 (6) Citizenship or immigration status: be a United States citizen
17 [or], an alien lawfully admitted for permanent residence in the United
18 States[; provided, however that the board of regents may grant a one-
19 time three-year waiver for a veterinarian who otherwise meets the
20 requirements of this article and who has accepted an offer to practice
21 veterinary medicine in a county in the state which the department has
22 certified as having a shortage of qualified applicants to fill existing
23 vacancies in veterinary medicine, and provided further that the board of
24 regents may grant an extension of such three-year waiver of not more
25 than one year] OR A NEW YORK STATE CITIZEN;

26 S 17. Subdivision 6 of section 6711 of the education law, as amended
27 by chapter 80 of the laws of 2000, is amended to read as follows:

28 6. Citizenship or immigration status: be a United States citizen [or],
29 an alien lawfully admitted for permanent residence in the United
30 States[; provided, however that the board of regents may grant a one-
31 time three-year waiver for an animal health technician who otherwise
32 meets the requirements of this article and provided further that the
33 board of regents may grant an extension of such three-year waiver of not
34 more than one year] OR A NEW YORK STATE CITIZEN;

35 S 18. Subdivision 1 of section 6711-a of the education law, as amended
36 by chapter 333 of the laws of 1990, is amended to read as follows:

37 1. Eligibility. Persons shall be eligible for a limited permit who
38 fulfill all requirements for a license as a veterinary technician except
39 those relating to the examination [and citizenship or permanent resi-
40 dence in the United States].

41 S 19. Paragraph 6 of subdivision 1 of section 6805 of the education
42 law, as amended by chapter 133 of the laws of 1982, is amended to read
43 as follows:

44 (6) Citizenship or immigration status: be a United States citizen
45 [or], an alien lawfully admitted for permanent residence in the United
46 States OR A NEW YORK STATE CITIZEN;

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

49 6. Citizenship or immigration status: be a United States citizen [or],
50 an alien lawfully admitted for permanent residence in the United States
51 OR A NEW YORK STATE CITIZEN.

52 S 21. Paragraph 6 of subdivision 1 of section 7206 of the education
53 law, as amended by chapter 133 of the laws of 1982, is amended to read
54 as follows:

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1 (6) Citizenship or immigration status: be a United States citizen
2 [or], an alien lawfully admitted for permanent residence in the United
3 States OR A NEW YORK STATE CITIZEN;

4 S 22. Paragraph 6 of subdivision 1 of section 7206-a of the education
5 law, as amended by chapter 133 of the laws of 1982, is amended to read
6 as follows:

7 (6) Citizenship or immigration status: be a United States citizen
8 [or], an alien lawfully admitted for permanent residence in the United
9 States OR A NEW YORK STATE CITIZEN;

10 S 23. Paragraph 6 of subdivision 1 of section 7324 of the education
11 law, as amended by chapter 133 of the laws of 1982, is amended to read
12 as follows:

13 (6) Citizenship or immigration status: be a United States citizen
14 [or], an alien lawfully admitted for permanent residence in the United
15 States OR A NEW YORK STATE CITIZEN;

16 S 24. Paragraph 6 of subdivision 1 of section 7504 of the education
17 law, as amended by chapter 133 of the laws of 1982, is amended to read
18 as follows:

19 (6) Citizenship or immigration status: be a United States citizen [or]
20 , an alien lawfully admitted for permanent residence in the United
21 States OR A NEW YORK STATE CITIZEN;

22 S 25. Subdivision 5 of section 7804 of the education law, as amended
23 by chapter 230 of the laws of 1997, is amended to read as follows:

24 (5) Citizenship or immigration status: be a United States citizen
25 [or], an alien lawfully admitted for permanent residence in the United
26 States OR A NEW YORK STATE CITIZEN;

27 S 26. Subdivisions 3 and 4 of section 126 of the alcoholic beverage
28 control law, subdivision 3 as added by chapter 133 of the laws of 1982
29 and subdivision 4 as amended by section 50 of subpart B of part C of
30 chapter 62 of the laws of 2011, are amended to read as follows:

31 3. A person who is not a citizen of the United States [or], an alien
32 lawfully admitted for permanent residence in the United States OR A NEW
33 YORK STATE CITIZEN.

34 4. A copartnership or a corporation, unless each member of the part-
35 nership, or each of the principal officers and directors of the corpo-
36 ration, is a citizen of the United States [or], an alien lawfully admit-
37 ted for permanent residence in the United States OR A NEW YORK STATE
38 CITIZEN, not less than twenty-one years of age, and has not been
39 convicted of any felony or any of the misdemeanors, specified in section
40 eleven hundred forty-six of the former penal law as in force and effect
41 immediately prior to September first, nineteen hundred sixty-seven, or
42 of an offense defined in section 230.20 or 230.40 of the penal law, or
43 if so convicted has received, subsequent to such conviction, an execu-
44 tive pardon therefor removing this disability a certificate of good
45 conduct granted by the department of corrections and community super-
46 vision, or a certificate of relief from disabilities granted by the
47 department of corrections and community supervision or a court of this
48 state pursuant to the provisions of article twenty-three of the
49 correction law to remove the disability under this section because of
50 such conviction; provided however that a corporation which otherwise
51 conforms to the requirements of this section and chapter may be licensed
52 if each of its principal officers and more than one-half of its direc-
53 tors are citizens of the United States [or], aliens lawfully admitted
54 for permanent residence in the United States OR NEW YORK STATE CITIZENS;
55 and provided further that a corporation organized under the not-for-pro-
56 fit corporation law or the education law which otherwise conforms to the

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1 requirements of this section and chapter may be licensed if each of its
2 principal officers and more than one-half of its directors are not less
3 than twenty-one years of age and none of its directors are less than
4 eighteen years of age; and provided further that a corporation organized
5 under the not-for-profit corporation law or the education law and
6 located on the premises of a college as defined by section two of the
7 education law which otherwise conforms to the requirements of this
8 section and chapter may be licensed if each of its principal officers
9 and each of its directors are not less than eighteen years of age.

10 S 27. Section 10 of the general city law, as amended by chapter 133 of
11 the laws of 1982, is amended to read as follows:

12 S 10. Licenses to adult blind persons. The mayor of any city shall
13 have the power to issue a license to any adult blind person for the
14 vending of goods, or newspapers in such places as he OR SHE may set
15 aside for this purpose. The license shall be issued for a term of one
16 year and no charge shall be made for the license. A license shall not be
17 issued to a blind person unless he or she is a resident for three years
18 in the city in which application for such license is made, and is a
19 citizen of the United States [or], an alien lawfully admitted for perma-
20 nent residence in the United States OR A NEW YORK STATE CITIZEN.

21 This license shall be revocable only for cause.

22 S 28. Paragraphs (a) and (c) of subdivision 2 of article X of section
23 1 of part I of chapter 882 of the laws of 1953, establishing a compact
24 with the state of New Jersey for the elimination of criminal and corrupt
25 practices in the handling of waterborne freight within the port of New
26 York district, are amended to read as follows:

27 (a) The full name, residence, business address (if any), place and
28 date of birth, and THE social security number OR THE NEW YORK STATE
29 IDENTIFICATION NUMBER of the applicant;

30 (c) The citizenship of the applicant and, if he OR SHE is a natural-
31 ized citizen of the United States, the court and date of his OR HER
32 naturalization, OR IF HE OR SHE IS A NEW YORK STATE CITIZEN, THE DATE OF
33 ISSUANCE OF HIS OR HER NEW YORK STATE IDENTIFICATION CARD; and

34 S 29. Paragraph (a) of subdivision 2 of section 3421 of the public
35 health law, as amended by chapter 534 of the laws of 1983, is amended to
36 read as follows:

37 (a) is a citizen of the United States [or], an alien lawfully admitted
38 for permanent residence in the United States OR A NEW YORK STATE
39 CITIZEN;

40 S 30. Section 41 of the general business law, as amended by chapter
41 321 of the laws of 1983, is amended to read as follows:

42 S 41. Licenses, how obtained; penalty for carrying on business without
43 license. The mayor or such local licensing authority may from time to
44 time grant, under his OR HER hand and the official seal of his OR HER
45 office, to such citizens OF THE UNITED STATES, [or] aliens lawfully
46 admitted for permanent residence in the United States OR NEW YORK STATE
47 CITIZENS, as he OR SHE shall deem proper and who shall produce to him OR
48 HER satisfactory evidence of their good character, a license authorizing
49 such person to carry on the business of a collateral loan broker, which
50 license shall designate the house in which such person shall carry on
51 said business, and no person, corporation, partnership or firm shall
52 carry on the business of a collateral loan broker without being duly
53 licensed, nor in any other house than the one designated in said
54 license, under a penalty of one hundred dollars for each day he, SHE or
55 they shall exercise or carry on said business without such license or at
56 any other house than the one so designated. Any person receiving such
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1 license shall pay therefor the sum of five hundred dollars for the use
2 of the city yearly where such business is to be conducted in a city with
3 a population of more than one million persons, and where the business is

4 to be conducted elsewhere the fee for such license shall not exceed two
5 hundred fifty dollars yearly, and every such license shall expire one
6 year from the date thereof, and may be renewed on application to the
7 mayor or local licensing authority each and every year on payment of the
8 same sum and upon performance of the other conditions herein contained.
9 Every person so licensed shall, at the time of receiving such license,
10 file with the mayor or such local licensing authority granting the same
11 a bond to the local authorities, to be executed by the person so
12 licensed and by two responsible sureties, in the penal sum of ten thou-
13 sand dollars, to be approved by such mayor or local licensing authority,
14 which bond shall be conditioned for the faithful performance of the
15 duties and obligations pertaining to the business so licensed, and the
16 mayor or such local licensing authority shall have full power and
17 authority to revoke such license for cause.

18 S 31. Subdivision 1 of section 72 of the general business law, as
19 amended by chapter 164 of the laws of 2003, is amended to read as
20 follows:

21 1. If the applicant is a person, the application shall be subscribed
22 by such person, and if the applicant is a firm or partnership the appli-
23 cation shall be subscribed by each individual composing or intending to
24 compose such firm or partnership. The application shall state the full
25 name, age, residences within the past three years, present and previous
26 occupations of each person or individual so signing the same, that each
27 person or individual is a citizen of the United States [or], an alien
28 lawfully admitted for permanent residence in the United States OR A NEW
29 YORK STATE CITIZEN and shall also specify the name of the city, town or
30 village, stating the street and number, if the premises have a street
31 and number, and otherwise such apt description as will reasonably indi-
32 cate the location thereof, where is to be located the principal place of
33 business and the bureau, agency, sub-agency, office or branch office for
34 which the license is desired, and such further facts as may be required
35 by the department of state to show the good character, competency and
36 integrity of each person or individual so signing such application. Each
37 person or individual signing such application shall, together with such
38 application, submit to the department of state, his OR HER photograph,
39 taken within six months prior thereto in duplicate, in passport size and
40 also two sets of fingerprints of his OR HER two hands recorded in such
41 manner as may be specified by the secretary of state or the secretary of
42 state's authorized representative. Before approving such application it
43 shall be the duty of the secretary of state or the secretary of state's
44 authorized representative to forward one copy of such fingerprints to
45 the division of criminal justice services. Upon receipt of such finger-
46 prints, such division shall forward to the secretary of state a report
47 with respect to the applicant's previous criminal history, if any, or a
48 statement that the applicant has no previous criminal history according
49 to its files. If additional copies of fingerprints are required the
50 applicant shall furnish them upon request. Such fingerprints may be
51 submitted to the federal bureau of investigation for a national criminal
52 history record check. The secretary shall reveal the name of the appli-
53 cant to the chief of police and the district attorney of the applicant's
54 residence and of the proposed place of business and shall request of
55 them a report concerning the applicant's character in the event they
56 shall have information concerning it. The secretary shall take such

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1 other steps as may be necessary to investigate the honesty, good charac-
2 ter and integrity of each applicant. Every such applicant for a license
3 as private investigator shall establish to the satisfaction of the
4 secretary of state (a) if the applicant be a person, or, (b) in the case
5 of a firm, limited liability company, partnership or corporation, at
6 least one member of such firm, partnership, limited liability company or
7 corporation, has been regularly employed, for a period of not less than

8 three years, undertaking such investigations as those described as
9 performed by a private investigator in subdivision one of section seven-
10 ty-one of this article, as a sheriff, police officer in a city or county
11 police department, or the division of state police, investigator in an
12 agency of the state, county, or United States government, or employee of
13 a licensed private investigator, or has had an equivalent position and
14 experience or that such person or member was an employee of a police
15 department who rendered service therein as a police officer for not less
16 than twenty years or was an employee of a fire department who rendered
17 service therein as a fire marshal for not less than twenty years. Howev-
18 er, employment as a watchman, guard or private patrolman shall not be
19 considered employment as a "private investigator" for purposes of this
20 section. Every such applicant for a license as watch, guard or patrol
21 agency shall establish to the satisfaction of the secretary of state (a)
22 if the applicant be a person, or, (b) in the case of a firm, limited
23 liability company, partnership or corporation, at least one member of
24 such firm, partnership, limited liability company or corporation, has
25 been regularly employed, for a period of not less than two years,
26 performing such duties or providing such services as described as those
27 performed or furnished by a watch, guard or patrol agency in subdivision
28 two of section seventy-one of this article, as a sheriff, police officer
29 in a city or county police department, or employee of an agency of the
30 state, county or United States government, or licensed private investi-
31 gator or watch, guard or patrol agency, or has had an equivalent posi-
32 tion and experience; qualifying experience shall have been completed
33 within such period of time and at such time prior to the filing of the
34 application as shall be satisfactory to the secretary of state. The
35 person or member meeting the experience requirement under this subdivi-
36 sion and the person responsible for the operation and management of each
37 bureau, agency, sub-agency, office or branch office of the applicant
38 shall provide sufficient proof of having taken and passed a written
39 examination prescribed by the secretary of state to test their under-
40 standing of their rights, duties and powers as a private investigator
41 and/or watchman, guard or private patrolman, depending upon the work to
42 be performed under the license. In the case of an application subscribed
43 by a resident of the state of New York such application shall be
44 approved, as to each resident person or individual so signing the same,
45 but not less than five reputable citizens of the community in which such
46 applicant resides or transacts business, or in which it is proposed to
47 own, conduct, manage or maintain the bureau, agency, sub-agency, office
48 or branch office for which the license is desired, each of whom shall
49 subscribe and affirm as true, under the penalties of perjury, that he OR
50 SHE has personally known the said person or individual for a period of
51 at least five years prior to the filing of such application, that he OR
52 SHE has read such application and believes each of the statements made
53 therein to be true, that such person is honest, of good character and
54 competent, and not related or connected to the person so certifying by
55 blood or marriage. In the case of an application subscribed by a non-re-
56 sident of the state of New York such application shall be approved, as

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1 to each non-resident person or individual so signing the same by not
2 less than five reputable citizens of the community in which such appli-
3 cant resides. The certificate of approval shall be signed by such
4 reputable citizens and duly verified and acknowledged by them before an
5 officer authorized to take oaths and acknowledgment of deeds. All
6 provisions of this section, applying to corporations, shall also apply
7 to joint-stock associations, except that each such joint-stock associ-
8 ation shall file a duly certified copy of its certificate of organiza-
9 tion in the place of the certified copy of its certificate of incorpo-
10 ration herein required.

11 S 32. Subdivision 4 of section 89-h of the general business law, as

12 added by chapter 336 of the laws of 1992, is amended to read as follows:

13 4. Citizenship: be a UNITED STATES citizen [or], A resident alien of
14 the United States OR A NEW YORK STATE CITIZEN;

15 S 33. The opening paragraph of section 440-a of the real property law,
16 as amended by section 23 of part LL of chapter 56 of the laws of 2010,
17 is amended to read as follows:

18 No person, co-partnership, limited liability company or corporation
19 shall engage in or follow the business or occupation of, or hold himself
20 or itself out or act temporarily or otherwise as a real estate broker or
21 real estate salesman in this state without first procuring a license
22 therefor as provided in this article. No person shall be entitled to a
23 license as a real estate broker under this article, either as an indi-
24 vidual or as a member of a co-partnership, or as a member or manager of
25 a limited liability company or as an officer of a corporation, unless he
26 or she is twenty years of age or over, a citizen of the United States
27 [or], an alien lawfully admitted for permanent residence in the United
28 States OR A NEW YORK STATE CITIZEN. No person shall be entitled to a
29 license as a real estate salesman under this article unless he or she is
30 over the age of eighteen years. No person shall be entitled to a license
31 as a real estate broker or real estate salesman under this article who
32 has been convicted in this state or elsewhere of a felony, of a sex
33 offense, as defined in subdivision two of section one hundred sixty-
34 eight-a of the correction law or any offense committed outside of this
35 state which would constitute a sex offense, or a sexually violent
36 offense, as defined in subdivision three of section one hundred sixty-
37 eight-a of the correction law or any offense committed outside this
38 state which would constitute a sexually violent offense, and who has not
39 subsequent to such conviction received executive pardon therefor or a
40 certificate of relief from disabilities or a certificate of good conduct
41 pursuant to article twenty-three of the correction law, to remove the
42 disability under this section because of such conviction. No person
43 shall be entitled to a license as a real estate broker or real estate
44 salesman under this article who does not meet the requirements of
45 section 3-503 of the general obligations law.

46 S 34. Section 460 of the judiciary law, as amended by chapter 226 of
47 the laws of 1985, is amended to read as follows:

48 S 460. Examination and admission of attorneys. An applicant for admis-
49 sion to practice as an attorney or counsellor in this state, must be
50 examined and licensed to practice as prescribed in this chapter and in
51 the rules of the court of appeals. Race, creed, color, national origin,
52 alienage [or], sex, STATUS AS A NEW YORK STATE CITIZEN OR FEDERAL IMMI-
53 GRATION CARD shall constitute no cause for refusing any person examina-
54 tion or admission to practice.

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1 S 35. Subdivision 1 of section 502 of the vehicle and traffic law, as
2 separately amended by chapters 465 and 487 of the laws of 2012, is
3 REPEALED and a new subdivision 1 is added to read as follows:

4 1. APPLICATION FOR LICENSE. (A) APPLICATION FOR A DRIVER'S LICENSE
5 SHALL BE MADE TO THE COMMISSIONER. THE FEE PRESCRIBED BY LAW MAY BE
6 SUBMITTED WITH SUCH APPLICATION. THE APPLICANT SHALL FURNISH SUCH PROOF
7 OF IDENTITY, AGE, AND FITNESS AS MAY BE REQUIRED BY THE COMMISSIONER.
8 THE COMMISSIONER MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL
9 INCLUDE THE TAKING OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN
10 ACCORDANCE WITH RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER. IN
11 ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT THE APPLICANT PROVIDE
12 HIS OR HER SOCIAL SECURITY NUMBER OR A NEW YORK STATE IDENTIFICATION
13 NUMBER AND SHALL PROVIDE SPACE ON THE APPLICATION SO THAT THE APPLICANT
14 MAY REGISTER IN THE NEW YORK STATE ORGAN AND TISSUE DONOR REGISTRY UNDER
15 SECTION FORTY-THREE HUNDRED TEN OF THE PUBLIC HEALTH LAW WITH THE
16 FOLLOWING STATED ON THE APPLICATION IN CLEAR AND CONSPICUOUS TYPE:

17 "YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED

18 TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'SKIP THIS QUES-
19 TION'."

20 THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN
21 RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK
22 A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO
23 CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO
24 IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN
25 YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN
26 ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN
27 APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGIS-
28 TERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR
29 FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION.
30 THE COMMISSIONER SHALL PROVIDE SPACE ON THE APPLICATION SO THAT THE
31 APPLICANT MAY REQUEST NOTATION UPON SUCH LICENSE THAT HE OR SHE IS A
32 VETERAN OF THE UNITED STATES ARMED FORCES. IN ADDITION, AN APPLICANT
33 FOR A COMMERCIAL DRIVER'S LICENSE WHO WILL OPERATE A COMMERCIAL MOTOR
34 VEHICLE IN INTERSTATE COMMERCE SHALL CERTIFY THAT SUCH APPLICANT MEETS
35 THE REQUIREMENTS TO OPERATE A COMMERCIAL MOTOR VEHICLE, AS SET FORTH IN
36 PUBLIC LAW 99-570, TITLE XII, AND TITLE 49 OF THE CODE OF FEDERAL REGU-
37 LATIONS, AND ALL REGULATIONS PROMULGATED BY THE UNITED STATES SECRETARY
38 OF TRANSPORTATION UNDER THE HAZARDOUS MATERIALS TRANSPORTATION ACT. IN
39 ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE SHALL SUBMIT A
40 MEDICAL CERTIFICATE AT SUCH INTERVALS AS REQUIRED BY THE FEDERAL MOTOR
41 CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF
42 THE CODE OF FEDERAL REGULATIONS RELATING TO MEDICAL CERTIFICATION AND IN
43 A MANNER PRESCRIBED BY THE COMMISSIONER. FOR PURPOSES OF THIS SECTION
44 AND SECTIONS FIVE HUNDRED THREE, FIVE HUNDRED TEN-A, AND FIVE HUNDRED
45 TEN-AA OF THIS TITLE, THE TERMS "MEDICAL CERTIFICATE" AND "MEDICAL
46 CERTIFICATION" SHALL MEAN A FORM SUBSTANTIALLY IN COMPLIANCE WITH THE
47 FORM SET FORTH IN PART 391.43(H) OF TITLE 49 OF THE CODE OF FEDERAL
48 REGULATIONS. UPON A DETERMINATION THAT THE HOLDER OF A COMMERCIAL DRIV-
49 ER'S LICENSE HAS MADE ANY FALSE STATEMENT, WITH RESPECT TO THE APPLICA-
50 TION FOR SUCH LICENSE, THE COMMISSIONER SHALL REVOKE SUCH LICENSE.

51 (B) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS CLARIFYING
52 THAT ELIGIBILITY FOR A DRIVER'S LICENSE SHALL NOT REQUIRE AN APPLICANT
53 TO PROVIDE A SOCIAL SECURITY NUMBER AS PROOF OF IDENTITY. THE COMMIS-
54 SIONER SHALL PROVIDE FOR THE ACCEPTANCE OF ALTERNATIVE PROOFS OF IDENTI-
55 TY, INCLUDING NEW YORK STATE IDENTIFICATION CARDS, FOREIGN IDENTIFICA-
56 TION CARDS, FOREIGN BIRTH CERTIFICATES AND FOREIGN PASSPORTS.

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1 S 36. Subdivision 1 of section 502 of the vehicle and traffic law, as
2 added by section thirty-five of this act, is amended to read as follows:

3 1. Application for license. (a) Application for a driver's license
4 shall be made to the commissioner. The fee prescribed by law may be
5 submitted with such application. The applicant shall furnish such proof
6 of identity, age, and fitness as may be required by the commissioner.
7 The commissioner may also provide that the application procedure shall
8 include the taking of a photo image or images of the applicant in
9 accordance with rules and regulations prescribed by the commissioner. In
10 addition, the commissioner also shall require that the applicant provide
11 his or her social security number or a New York state identification
12 number and [shall] provide space on the application so that the appli-
13 cant may register in the New York state organ and tissue donor registry
14 under section forty-three hundred ten of the public health law [with the
15 following stated on the application in clear and conspicuous type:

16 "You must fill out the following section: Would you like to be added
17 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-
18 tion'."

19 The commissioner of the department of health shall not maintain
20 records of any person who checks "skip this question". Failure to check
21 a box shall not impair the validity of an application, and failure to

22 check "yes" or checking "skip this question" shall not be construed to
23 imply a wish not to donate. In the case of an applicant under eighteen
24 years of age, checking "yes" shall not constitute consent to make an
25 anatomical gift or registration in the donate life registry. Where an
26 applicant has previously consented to make an anatomical gift or regis-
27 tered in the donate life registry, checking "skip this question" or
28 failing to check a box shall not impair that consent or registration.
29 The commissioner shall provide]; AND space on the application so that
30 the applicant may request notation upon such license that he or she is a
31 veteran of the United States armed forces. In addition, an applicant
32 for a commercial driver's license who will operate a commercial motor
33 vehicle in interstate commerce shall certify that such applicant meets
34 the requirements to operate a commercial motor vehicle, as set forth in
35 public law 99-570, title XII, and title 49 of the code of federal regu-
36 lations, and all regulations promulgated by the United States secretary
37 of transportation under the hazardous materials transportation act. In
38 addition, an applicant for a commercial driver's license shall submit a
39 medical certificate at such intervals as required by the federal motor
40 carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of
41 the code of federal regulations relating to medical certification and in
42 a manner prescribed by the commissioner. For purposes of this section
43 and sections five hundred three, five hundred ten-a, and five hundred
44 ten-aa of this title, the terms "medical certificate" and "medical
45 certification" shall mean a form substantially in compliance with the
46 form set forth in Part 391.43(h) of title 49 of the code of federal
47 regulations. Upon a determination that the holder of a commercial driv-
48 er's license has made any false statement, with respect to the applica-
49 tion for such license, the commissioner shall revoke such license.

50 (b) The commissioner shall promulgate rules and regulations clarifying
51 that eligibility for a driver's license shall not require an applicant
52 to provide a social security number as proof of identity. The commis-
53 sioner shall provide for the acceptance of alternative proofs of identi-
54 ty, including New York state identification cards, foreign identifica-
55 tion cards, foreign birth certificates and foreign passports.

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1 S 37. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 296
2 of the executive law, paragraph (a) as amended by chapter 80 of the laws
3 of 2009 and paragraphs (b), (c) and (d) as amended by chapter 75 of the
4 laws of 2005, are amended to read as follows:

5 (a) For an employer or licensing agency, because of an individual's
6 age, race, creed, color, national origin, sexual orientation, military
7 status, sex, disability, predisposing genetic characteristics, marital
8 status, STATUS AS A NEW YORK STATE CITIZEN, or domestic violence victim
9 status, to refuse to hire or employ or to bar or to discharge from
10 employment such individual or to discriminate against such individual in
11 compensation or in terms, conditions or privileges of employment.

12 (b) For an employment agency to discriminate against any individual
13 because of age, race, creed, color, national origin, sexual orientation,
14 military status, sex, disability, predisposing genetic characteristics,
15 STATUS AS A NEW YORK STATE CITIZEN, or marital status, in receiving,
16 classifying, disposing or otherwise acting upon applications for its
17 services or in referring an applicant or applicants to an employer or
18 employers.

19 (c) For a labor organization, because of the age, race, creed, color,
20 national origin, sexual orientation, military status, sex, disability,
21 predisposing genetic characteristics, STATUS AS A NEW YORK STATE CITI-
22 ZEN, or marital status of any individual, to exclude or to expel from
23 its membership such individual or to discriminate in any way against any
24 of its members or against any employer or any individual employed by an
25 employer.

26 (d) For any employer or employment agency to print or circulate or

27 cause to be printed or circulated any statement, advertisement or publi-
28 cation, or to use any form of application for employment or to make any
29 inquiry in connection with prospective employment, which expresses
30 directly or indirectly, any limitation, specification or discrimination
31 as to age, race, creed, color, national origin, sexual orientation,
32 military status, sex, disability, predisposing genetic characteristics,
33 STATUS AS A NEW YORK STATE CITIZEN, or marital status, or any intent to
34 make any such limitation, specification or discrimination, unless based
35 upon a bona fide occupational qualification; provided, however, that
36 neither this paragraph nor any provision of this chapter or other law
37 shall be construed to prohibit the department of civil service or the
38 department of personnel of any city containing more than one county from
39 requesting information from applicants for civil service examinations
40 concerning any of the aforementioned characteristics, other than sexual
41 orientation, for the purpose of conducting studies to identify and
42 resolve possible problems in recruitment and testing of members of
43 minority groups to insure the fairest possible and equal opportunities
44 for employment in the civil service for all persons, regardless of age,
45 race, creed, color, national origin, sexual orientation, military
46 status, sex, disability, predisposing genetic characteristics, or mari-
47 tal status.

48 S 38. Paragraphs (b), (c) and (d) of subdivision 1-a of section 296 of
49 the executive law, as amended by chapter 106 of the laws of 2003, are
50 amended to read as follows:

51 (b) To deny to or withhold from any person because of race, creed,
52 color, national origin, sexual orientation, military status, sex, age,
53 disability, STATUS AS A NEW YORK STATE CITIZEN, or marital status, the
54 right to be admitted to or participate in a guidance program, an appren-
55 ticeship training program, on-the-job training program, executive train-
56 ing program, or other occupational training or retraining program;

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1 (c) To discriminate against any person in his or her pursuit of such
2 programs or to discriminate against such a person in the terms, condi-
3 tions or privileges of such programs because of race, creed, color,
4 national origin, sexual orientation, military status, sex, age, STATUS
5 AS A NEW YORK STATE CITIZEN, disability or marital status;

6 (d) To print or circulate or cause to be printed or circulated any
7 statement, advertisement or publication, or to use any form of applica-
8 tion for such programs or to make any inquiry in connection with such
9 program which expresses, directly or indirectly, any limitation, spec-
10 ification or discrimination as to race, creed, color, national origin,
11 sexual orientation, military status, sex, age, STATUS AS A NEW YORK
12 STATE CITIZEN, disability or marital status, or any intention to make
13 any such limitation, specification or discrimination, unless based on a
14 bona fide occupational qualification.

15 S 39. Paragraph (a) of subdivision 2 of section 296 of the executive
16 law, as amended by chapter 106 of the laws of 2003, is amended to read
17 as follows:

18 (a) It shall be an unlawful discriminatory practice for any person,
19 being the owner, lessee, proprietor, manager, superintendent, agent or
20 employee of any place of public accommodation, resort or amusement,
21 because of the race, creed, color, national origin, sexual orientation,
22 military status, sex, STATUS AS A NEW YORK STATE CITIZEN, or disability
23 or marital status of any person, directly or indirectly, to refuse,
24 withhold from or deny to such person any of the accommodations, advan-
25 tages, facilities or privileges thereof, including the extension of
26 credit, or, directly or indirectly, to publish, circulate, issue,
27 display, post or mail any written or printed communication, notice or
28 advertisement, to the effect that any of the accommodations, advantages,
29 facilities and privileges of any such place shall be refused, withheld
30 from or denied to any person on account of race, creed, color, national

31 origin, sexual orientation, military status, sex, STATUS AS A NEW YORK
32 STATE CITIZEN, or disability or marital status, or that the patronage or
33 custom thereat of any person of or purporting to be of any particular
34 race, creed, color, national origin, sexual orientation, military
35 status, STATUS AS A NEW YORK STATE CITIZEN, sex or marital status, or
36 having a disability is unwelcome, objectionable or not acceptable,
37 desired or solicited.

38 S 40. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
39 296 of the executive law, paragraphs (a), (b) and (c) as amended and
40 paragraph (c-1) as added by chapter 106 of the laws of 2003, are amended
41 to read as follows:

42 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
43 hold from any person or group of persons such housing accommodations
44 because of the race, creed, color, disability, national origin, sexual
45 orientation, military status, age, sex, marital status, STATUS AS A NEW
46 YORK STATE CITIZEN, or familial status of such person or persons, or to
47 represent that any housing accommodation or land is not available for
48 inspection, sale, rental or lease when in fact it is so available.

49 (b) To discriminate against any person because of his or her race,
50 creed, color, disability, national origin, sexual orientation, military
51 status, age, sex, marital status, STATUS AS A NEW YORK STATE CITIZEN, or
52 familial status in the terms, conditions or privileges of any publicly-
53 assisted housing accommodations or in the furnishing of facilities or
54 services in connection therewith.

55 (c) To cause to be made any written or oral inquiry or record concern-
56 ing the race, creed, color, disability, national origin, sexual orien-
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1 tation, membership in the reserve armed forces of the United States or
2 in the organized militia of the state, age, sex, marital status, STATUS
3 AS A NEW YORK STATE CITIZEN, or familial status of a person seeking to
4 rent or lease any publicly-assisted housing accommodation; provided,
5 however, that nothing in this subdivision shall prohibit a member of the
6 reserve armed forces of the United States or in the organized militia of
7 the state from voluntarily disclosing such membership.

8 (c-1) To print or circulate or cause to be printed or circulated any
9 statement, advertisement or publication, or to use any form of applica-
10 tion for the purchase, rental or lease of such housing accommodation or
11 to make any record or inquiry in connection with the prospective
12 purchase, rental or lease of such a housing accommodation which
13 expresses, directly or indirectly, any limitation, specification or
14 discrimination as to race, creed, color, national origin, sexual orien-
15 tation, military status, sex, age, disability, marital status, STATUS AS
16 A NEW YORK STATE CITIZEN, or familial status, or any intent to make any
17 such limitation, specification or discrimination.

18 S 41. Subdivisions 3-b, 4 and 5 of section 296 of the executive law,
19 as amended by chapter 106 of the laws of 2003, are amended to read as
20 follows:

21 3-b. It shall be an unlawful discriminatory practice for any real
22 estate broker, real estate salesperson or employee or agent thereof or
23 any other individual, corporation, partnership or organization for the
24 purpose of inducing a real estate transaction from which any such person
25 or any of its stockholders or members may benefit financially, to repre-
26 sent that a change has occurred or will or may occur in the composition
27 with respect to race, creed, color, national origin, sexual orientation,
28 military status, STATUS AS A NEW YORK STATE CITIZEN, sex, disability,
29 marital status, or familial status of the owners or occupants in the
30 block, neighborhood or area in which the real property is located, and
31 to represent, directly or indirectly, that this change will or may
32 result in undesirable consequences in the block, neighborhood or area in
33 which the real property is located, including but not limited to the
34 lowering of property values, an increase in criminal or anti-social

behavior, or a decline in the quality of schools or other facilities.

4. It shall be an unlawful discriminatory practice for an education corporation or association which holds itself out to the public to be non-sectarian and exempt from taxation pursuant to the provisions of article four of the real property tax law to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of his race, color, religion, disability, national origin, sexual orientation, military status, sex, STATUS AS A NEW YORK STATE CITIZEN, age or marital status, except that any such institution which establishes or maintains a policy of educating persons of one sex exclusively may admit students of only one sex.

5. (a) It shall be an unlawful discriminatory practice for the owner, lessee, sub-lessee, assignee, or managing agent of, or other person having the right to sell, rent or lease a housing accommodation, constructed or to be constructed, or any agent or employee thereof:

(1) To refuse to sell, rent, lease or otherwise to deny to or withhold from any person or group of persons such a housing accommodation because of the race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, STATUS AS A NEW YORK STATE CITIZEN, or familial status of such person or persons, or to represent that any housing accommodation or land is not available for inspection, sale, rental or lease when in fact it is so available.

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(2) To discriminate against any person because of race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, STATUS AS A NEW YORK STATE CITIZEN, or familial status in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or in the furnishing of facilities or services in connection therewith.

(3) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such housing accommodation or to make any record or inquiry in connection with the prospective purchase, rental or lease of such a housing accommodation which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, STATUS AS A NEW YORK STATE CITIZEN, or familial status, or any intent to make any such limitation, specification or discrimination.

The provisions of this paragraph [(a)] shall not apply (1) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner resides in one of such housing accommodations, (2) to the restriction of the rental of all rooms in a housing accommodation to individuals of the same sex or (3) to the rental of a room or rooms in a housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner resides in such housing accommodation or (4) solely with respect to age and familial status to the restriction of the sale, rental or lease of housing accommodations exclusively to persons sixty-two years of age or older and the spouse of any such person, or for housing intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing is intended and operated for occupancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall apply.

(b) It shall be an unlawful discriminatory practice for the owner, lessee, sub-lessee, or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent or lease, land or commercial space:

(1) To refuse to sell, rent, lease or otherwise deny to or withhold

39 from any person or group of persons land or commercial space because of
40 the race, creed, color, national origin, sexual orientation, military
41 status, sex, age, disability, marital status, STATUS AS A NEW YORK STATE
42 CITIZEN, or familial status of such person or persons, or to represent
43 that any housing accommodation or land is not available for inspection,
44 sale, rental or lease when in fact it is so available;

45 (2) To discriminate against any person because of race, creed, color,
46 national origin, sexual orientation, military status, sex, age, disabili-
47 ty, marital status, STATUS AS A NEW YORK STATE CITIZEN, or familial
48 status in the terms, conditions or privileges of the sale, rental or
49 lease of any such land or commercial space; or in the furnishing of
50 facilities or services in connection therewith;

51 (3) To print or circulate or cause to be printed or circulated any
52 statement, advertisement or publication, or to use any form of applica-
53 tion for the purchase, rental or lease of such land or commercial space
54 or to make any record or inquiry in connection with the prospective
55 purchase, rental or lease of such land or commercial space which
56 expresses, directly or indirectly, any limitation, specification or
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1 discrimination as to race, creed, color, national origin, sexual orien-
2 tation, military status, sex, age, disability, marital status, STATUS AS
3 A NEW YORK STATE CITIZEN, or familial status; or any intent to make any
4 such limitation, specification or discrimination.

5 (4) With respect to age and familial status, the provisions of this
6 paragraph shall not apply to the restriction of the sale, rental or
7 lease of land or commercial space exclusively to persons fifty-five
8 years of age or older and the spouse of any such person, or to the
9 restriction of the sale, rental or lease of land to be used for the
10 construction, or location of housing accommodations exclusively for
11 persons sixty-two years of age or older, or intended and operated for
12 occupancy by at least one person fifty-five years of age or older per
13 unit. In determining whether housing is intended and operated for occu-
14 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)
15 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as
16 amended, shall apply.

17 (c) It shall be an unlawful discriminatory practice for any real
18 estate broker, real estate salesperson or employee or agent thereof:

19 (1) To refuse to sell, rent or lease any housing accommodation, land
20 or commercial space to any person or group of persons or to refuse to
21 negotiate for the sale, rental or lease, of any housing accommodation,
22 land or commercial space to any person or group of persons because of
23 the race, creed, color, national origin, sexual orientation, military
24 status, sex, age, disability, marital status, STATUS AS A NEW YORK STATE
25 CITIZEN, or familial status of such person or persons, or to represent
26 that any housing accommodation, land or commercial space is not avail-
27 able for inspection, sale, rental or lease when in fact it is so avail-
28 able, or otherwise to deny or withhold any housing accommodation, land
29 or commercial space or any facilities of any housing accommodation, land
30 or commercial space from any person or group of persons because of the
31 race, creed, color, national origin, sexual orientation, military
32 status, sex, age, disability, marital status, STATUS AS A NEW YORK STATE
33 CITIZEN, or familial status of such person or persons.

34 (2) To print or circulate or cause to be printed or circulated any
35 statement, advertisement or publication, or to use any form of applica-
36 tion for the purchase, rental or lease of any housing accommodation,
37 land or commercial space or to make any record or inquiry in connection
38 with the prospective purchase, rental or lease of any housing accommo-
39 dation, land or commercial space which expresses, directly or indirect-
40 ly, any limitation, specification, or discrimination as to race, creed,
41 color, national origin, sexual orientation, military status, sex, age,
42 disability, marital status, STATUS AS A NEW YORK STATE CITIZEN, or fami-

43 lial status; or any intent to make any such limitation, specification or
44 discrimination.

45 (3) With respect to age and familial status, the provisions of this
46 paragraph shall not apply to the restriction of the sale, rental or
47 lease of any land or commercial space exclusively to persons fifty-five
48 years of age or older and the spouse of any such person, or to the
49 restriction of the sale, rental or lease of any housing accommodation or
50 land to be used for the construction or location of housing accommo-
51 dations for persons sixty-two years of age or older, or intended and
52 operated for occupancy by at least one person fifty-five years of age or
53 older per unit. In determining whether housing is intended and operated
54 for occupancy by persons fifty-five years of age or older, Sec. 807 (b)
55 (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the federal Fair Housing Act of
56 1988, as amended, shall apply.

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1 (d) It shall be an unlawful discriminatory practice for any real
2 estate board, because of the race, creed, color, national origin, sexual
3 orientation, military status, age, sex, disability, marital status,
4 STATUS AS A NEW YORK STATE CITIZEN, or familial status of any individual
5 who is otherwise qualified for membership, to exclude or expel such
6 individual from membership, or to discriminate against such individual
7 in the terms, conditions and privileges of membership in such board.

8 (e) It shall be an unlawful discriminatory practice for the owner,
9 proprietor or managing agent of, or other person having the right to
10 provide care and services in, a private proprietary nursing home, conva-
11 lescent home, or home for adults, or an intermediate care facility, as
12 defined in section two of the social services law, heretofore
13 constructed, or to be constructed, or any agent or employee thereof, to
14 refuse to provide services and care in such home or facility to any
15 individual or to discriminate against any individual in the terms,
16 conditions, and privileges of such services and care solely because such
17 individual is a blind person. For purposes of this paragraph, a "blind
18 person" shall mean a person who is registered as a blind person with the
19 commission for the visually handicapped and who meets the definition of
20 a "blind person" pursuant to section three of chapter four hundred
21 fifteen of the laws of nineteen hundred thirteen entitled "An act to
22 establish a state commission for improving the condition of the blind of
23 the state of New York, and making an appropriation therefor".

24 (f) The provisions of this subdivision, as they relate to age, shall
25 not apply to persons under the age of eighteen years.

26 (g) It shall be an unlawful discriminatory practice for any person
27 offering or providing housing accommodations, land or commercial space
28 as described in paragraphs (a), (b), and (c) of this subdivision to make
29 or cause to be made any written or oral inquiry or record concerning
30 membership of any person in the state organized militia in relation to
31 the purchase, rental or lease of such housing accommodation, land, or
32 commercial space, provided, however, that nothing in this subdivision
33 shall prohibit a member of the state organized militia from voluntarily
34 disclosing such membership.

35 S 42. Paragraph (a) of subdivision 9 of section 296 of the executive
36 law, as amended by chapter 106 of the laws of 2003 is amended to read as
37 follows:

38 (a) It shall be an unlawful discriminatory practice for any fire
39 department or fire company therein, through any member or members there-
40 of, officers, board of fire commissioners or other body or office having
41 power of appointment of volunteer firefighters, directly or indirectly,
42 by ritualistic practice, constitutional or by-law prescription, by tacit
43 agreement among its members, or otherwise, to deny to any individual
44 membership in any volunteer fire department or fire company therein, or
45 to expel or discriminate against any volunteer member of a fire depart-
46 ment or fire company therein, because of the race, creed, color,

47 national origin, sexual orientation, military status, STATUS AS A NEW
 48 YORK STATE CITIZEN, sex or marital status of such individual.

49 S 43. Subdivision 13 of section 296 of the executive law, as amended
 50 by chapter 196 of the laws of 2010, is amended to read as follows:

51 13. It shall be an unlawful discriminatory practice (i) for any person
 52 to boycott or blacklist, or to refuse to buy from, sell to or trade
 53 with, or otherwise discriminate against any person, because of the race,
 54 creed, color, national origin, sexual orientation, military status,
 55 STATUS AS A NEW YORK STATE CITIZEN, sex, or disability of such person,
 56 or of such person's partners, members, stockholders, directors, offi-
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1 cers, managers, superintendents, agents, employees, business associates,
 2 suppliers or customers, or (ii) for any person wilfully to do any act or
 3 refrain from doing any act which enables any such person to take such
 4 action. This subdivision shall not apply to:

- 5 (a) Boycotts connected with labor disputes; or
- 6 (b) Boycotts to protest unlawful discriminatory practices.

7 S 44. Subdivisions 1, 2 and 3 of section 296-a of the executive law,
 8 as amended by chapter 106 of the laws of 2003, are amended to read as
 9 follows:

10 1. It shall be an unlawful discriminatory practice for any creditor or
 11 any officer, agent or employee thereof:

12 a. In the case of applications for credit with respect to the
 13 purchase, acquisition, construction, rehabilitation, repair or mainte-
 14 nance of any housing accommodation, land or commercial space to discrim-
 15 inate against any such applicant because of the race, creed, color,
 16 national origin, sexual orientation, military status, age, sex, marital
 17 status, disability, STATUS AS A NEW YORK STATE CITIZEN, or familial
 18 status of such applicant or applicants or any member, stockholder,
 19 director, officer or employee of such applicant or applicants, or of the
 20 prospective occupants or tenants of such housing accommodation, land or
 21 commercial space, in the granting, withholding, extending or renewing,
 22 or in the fixing of the rates, terms or conditions of, any such credit;

23 b. To discriminate in the granting, withholding, extending or renew-
 24 ing, or in the fixing of the rates, terms or conditions of, any form of
 25 credit, on the basis of race, creed, color, national origin, sexual
 26 orientation, military status, age, sex, marital status, disability,
 27 STATUS AS A NEW YORK STATE CITIZEN, or familial status;

28 c. To use any form of application for credit or use or make any record
 29 or inquiry which expresses, directly or indirectly, any limitation,
 30 specification, or discrimination as to race, creed, color, national
 31 origin, sexual orientation, military status, age, sex, marital status,
 32 disability, STATUS AS A NEW YORK STATE CITIZEN, or familial status;

33 d. To make any inquiry of an applicant concerning his or her capacity
 34 to reproduce, or his or her use or advocacy of any form of birth control
 35 or family planning;

36 e. To refuse to consider sources of an applicant's income or to
 37 subject an applicant's income to discounting, in whole or in part,
 38 because of an applicant's race, creed, color, national origin, sexual
 39 orientation, military status, age, sex, marital status, childbearing
 40 potential, disability, STATUS AS A NEW YORK STATE CITIZEN, or familial
 41 status;

42 f. To discriminate against a married person because such person
 43 neither uses nor is known by the surname of his or her spouse.

44 This paragraph shall not apply to any situation where the use of a
 45 surname would constitute or result in a criminal act.

46 2. Without limiting the generality of subdivision one of this section,
 47 it shall be considered discriminatory if, because of an applicant's or
 48 class of applicants' race, creed, color, national origin, sexual orien-
 49 tation, military status, age, sex, marital status or disability, STATUS
 50 AS A NEW YORK STATE CITIZEN, or familial status, (i) an applicant or

51 class of applicants is denied credit in circumstances where other appli-
52 cants of like overall credit worthiness are granted credit, or (ii)
53 special requirements or conditions, such as requiring co-obligors or
54 reapplication upon marriage, are imposed upon an applicant or class of
55 applicants in circumstances where similar requirements or conditions are
56 not imposed upon other applicants of like overall credit worthiness.

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1 3. It shall not be considered discriminatory if credit differen-
2 tiations or decisions are based upon factually supportable, objective
3 differences in applicants' overall credit worthiness, which may include
4 reference to such factors as current income, assets and prior credit
5 history of such applicants, as well as reference to any other relevant
6 factually supportable data; provided, however, that no creditor shall
7 consider, in evaluating the credit worthiness of an applicant, aggregate
8 statistics or assumptions relating to race, creed, color, national
9 origin, sexual orientation, military status, sex, STATUS AS A NEW YORK
10 STATE CITIZEN, marital status or disability, or to the likelihood of any
11 group of persons bearing or rearing children, or for that reason receiv-
12 ing diminished or interrupted income in the future.

13 S 45. Paragraph (b) of subdivision 2 of section 296-b of the executive
14 law, as added by chapter 481 of the laws of 2010, is amended to read as
15 follows:

16 (b) Subject a domestic worker to unwelcome harassment based on gender,
17 race, religion, STATUS AS A NEW YORK STATE CITIZEN or national origin,
18 where such harassment has the purpose or effect of unreasonably inter-
19 fering with an individual's work performance by creating an intimidat-
20 ing, hostile, or offensive working environment.

21 S 46. Paragraph (c) of subdivision 1 of section 122 of the social
22 services law, as amended by chapter 214 of the laws of 1998, is amended
23 to read as follows:

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

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

54 (ii) an alien whose status is not within the meaning of the term

55 "qualified alien" as defined in section 431 of the federal personal
56 responsibility and work opportunity reconciliation act of 1996 (8 U.S.
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1 Code 1641), as amended, but who is otherwise permanently residing in the
2 United States under color of law], AND (II) NEW YORK STATE CITIZENS IF
3 OTHERWISE ELIGIBLE SHALL ONLY BE ELIGIBLE FOR MEDICAL ASSISTANCE.

4 S 47. Section 131-k of the social services law is REPEALED.

5 S 48. The education law is amended by adding a new section 609 to read
6 as follows:

7 S 609. NEW YORK DREAM FUND COMMISSION. 1. (A) THERE SHALL BE CREATED
8 A NEW YORK DREAM FUND COMMISSION WHICH SHALL BE COMMITTED TO ADVANCING
9 THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.

10 (B) THE NEW YORK DREAM FUND COMMISSION SHALL BE COMPOSED OF TWELVE
11 MEMBERS TO BE APPOINTED AS FOLLOWS:

12 (I) FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

13 (II) THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF
14 THE SENATE;

15 (III) THREE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

16 (IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
17 SENATE;

18 (V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-
19 BLY;

20 (C) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL
21 REFLECT THE RACIAL, ETHNIC, GENDER, LANGUAGE, AND GEOGRAPHIC DIVERSITY
22 OF THE STATE.

23 (D) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL
24 INCLUDE COLLEGE AND UNIVERSITY ADMINISTRATORS AND FACULTY, AND OTHER
25 INDIVIDUALS COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE
26 CHILDREN OF IMMIGRANTS.

27 (E) MEMBERS OF THE NEW YORK DREAM FUND COMMISSION SHALL RECEIVE NO
28 COMPENSATION FOR THEIR SERVICES.

29 2. (A) THE NEW YORK DREAM FUND COMMISSION SHALL HAVE THE POWER TO:

30 (I) ADMINISTER THE PROVISIONS OF THIS SECTION;

31 (II) CREATE AND RAISE FUNDS FOR THE NEW YORK DREAM FUND;

32 (III) ESTABLISH A NOT-FOR-PROFIT ENTITY CHARGED WITH THE RESPONSIBIL-
33 ITY OF RAISING FUNDS FOR THE ADMINISTRATION OF THIS SECTION AND ANY
34 EDUCATIONAL OR TRAINING PROGRAMS SUCH COMMISSION IS TASKED WITH ADMINIS-
35 TRATING AND FUNDING SCHOLARSHIPS TO STUDENTS WHO ARE CHILDREN OF IMMI-
36 GRANTS TO THE UNITED STATES;

37 (IV) PUBLICIZE THE AVAILABILITY OF SUCH SCHOLARSHIPS FROM THE NEW YORK
38 DREAM FUND;

39 (V) DEVELOP CRITERIA AND A SELECTION PROCESS FOR THE RECIPIENTS OF
40 SCHOLARSHIPS FROM THE NEW YORK DREAM FUND;

41 (VI) RESEARCH ISSUES PERTAINING TO THE AVAILABILITY OF ASSISTANCE WITH
42 THE COSTS OF HIGHER EDUCATION FOR THE CHILDREN OF IMMIGRANTS AND OTHER
43 ISSUES REGARDING ACCESS FOR AND THE PERFORMANCE OF THE CHILDREN OF IMMI-
44 GRANTS WITHIN HIGHER EDUCATION;

45 (VII) ESTABLISH, PUBLICIZE, AND ADMINISTER TRAINING PROGRAMS FOR HIGH
46 SCHOOL COUNSELORS, ADMISSIONS OFFICERS, AND FINANCIAL AID OFFICERS OF
47 INSTITUTIONS OF HIGHER EDUCATION. THE TRAINING PROGRAMS SHALL INSTRUCT
48 PARTICIPANTS ON THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO COLLEGE-BOUND
49 STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS, INCLUDING, BUT NOT LIMITED
50 TO, IN-STATE TUITION AND SCHOLARSHIP PROGRAMS. TO THE EXTENT PRACTICA-
51 BLE, THE NEW YORK DREAM FUND COMMISSION SHALL OFFER THE TRAINING PROGRAM
52 TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES
53 THROUGHOUT THE STATE, PROVIDED HOWEVER, THAT PRIORITY SHALL BE GIVEN TO
54 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH
55 LARGER NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS OVER SCHOOL
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1 DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH LESSER

2 NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS;
3 (VIII) ESTABLISH A PUBLIC AWARENESS CAMPAIGN REGARDING EDUCATIONAL
4 OPPORTUNITIES AVAILABLE TO COLLEGE BOUND STUDENTS WHO ARE THE CHILDREN
5 OF IMMIGRANTS; AND

6 (IX) ESTABLISH, BY RULE, PROCEDURES FOR ACCEPTING AND EVALUATING
7 APPLICATIONS FOR SCHOLARSHIPS FROM THE CHILDREN OF IMMIGRANTS AND ISSU-
8 ING SCHOLARSHIPS TO SELECTED STUDENT APPLICANTS;

9 (B) TO RECEIVE A SCHOLARSHIP PURSUANT TO THIS SECTION, A STUDENT
10 APPLICANT MUST MEET THE FOLLOWING QUALIFICATIONS:

11 (I) HAVE RESIDED WITH HIS OR HER PARENTS OR GUARDIANS WHILE ATTENDING
12 A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE;

13 (II) HAVE GRADUATED FROM A PUBLIC OR PRIVATE HIGH SCHOOL OR RECEIVED
14 THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS STATE;

15 (III) HAVE ATTENDED A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE FOR
16 AT LEAST TWO YEARS AS OF THE DATE HE OR SHE GRADUATED FROM HIGH SCHOOL
17 OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA;

18 (IV) HAVE AT LEAST ONE PARENT OR GUARDIAN WHO IMMIGRATED TO THE UNITED
19 STATES.

20 (C) THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND
21 SHALL BE FUNDED ENTIRELY BY PRIVATE CONTRIBUTIONS AND NO STATE FUNDS
22 SHALL BE APPROPRIATED TO OR USED BY THE NEW YORK DREAM FUND. NO FUNDS
23 OF THE NEW YORK DREAM FUND OR THE NEW YORK DREAM FUND COMMISSION SHALL
24 BE TRANSFERRED TO THE GENERAL FUND OR ANY SPECIAL REVENUE FUND OR SHALL
25 BE USED FOR ANY PURPOSE OTHER THAN THE PURPOSES SET FORTH IN THIS
26 SECTION.

27 3. THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND
28 SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLES SIX AND SEVEN AND SECTION
29 SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

30 S 49. Subdivision 3 of section 661 of the education law is REPEALED.

31 S 50. Paragraph a of subdivision 5 of section 661 of the education
32 law, as amended by chapter 466 of the laws of 1977, is amended to read
33 as follows:

34 a. (I) Except as provided in subdivision two of section six hundred
35 seventy-four OF THIS PART AND SUBPARAGRAPH (II) OF THIS PARAGRAPH, an
36 applicant for an award at the undergraduate level of study must either
37 [(i)] (A) have been a legal resident of the state for at least one year
38 immediately preceding the beginning of the semester, quarter or term of
39 attendance for which application for assistance is made, or [(ii)] (B)
40 be a legal resident of the state and have been a legal resident during
41 his last two semesters of high school either prior to graduation, or
42 prior to admission to college. Provided further that persons shall be
43 eligible to receive awards under section six hundred sixty-eight or
44 section six hundred sixty-nine OF THIS PART who are currently legal
45 residents of the state and are otherwise qualified.

46 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE
47 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES
48 CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN, A
49 NEW YORK STATE CITIZEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS
50 SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY
51 PROVIDED THAT THE STUDENT:

52 (A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE
53 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND
54 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
55 UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF
56 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

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1 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
2 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
3 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
4 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN
5 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

S 51. Paragraph b of subdivision 5 of section 661 of the education law, as amended by chapter 466 of the laws of 1977, is amended to read as follows:

b. [An] (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN applicant for an award at the graduate level of study must either [(i)] (A) have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or [(ii)] (B) be a legal resident of the state and have been a legal resident during his last academic year of undergraduate study and have continued to be a legal resident until matriculation in the graduate program.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN, A NEW YORK STATE CITIZEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(A) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

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S 52. Paragraph d of subdivision 5 of section 661 of the education law, as amended by chapter 844 of the laws of 1975, is amended to read as follows:

d. If an applicant for an award allocated on a geographic basis has more than one residence in this state, his OR HER residence for the purpose of this article shall be his OR HER place of actual residence during the major part of the year while attending school, as determined by the commissioner; AND FURTHER PROVIDED THAT AN APPLICANT WHO DOES NOT HAVE A RESIDENCE IN THIS STATE AND IS ELIGIBLE FOR AN AWARD PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF

11 THIS SUBDIVISION SHALL BE DEEMED TO RESIDE IN THE GEOGRAPHIC AREA OF THE
12 INSTITUTION OF HIGHER EDUCATION IN WHICH HE OR SHE ATTENDS FOR PURPOSES
13 OF AN AWARD ALLOCATED ON A GEOGRAPHIC BASIS.

14 S 53. Paragraph e of subdivision 5 of section 661 of the education
15 law, as added by chapter 630 of the laws of 2005, is amended to read as
16 follows:

17 e. Notwithstanding any other provision of this article to the contra-
18 ry, the New York state [residency] eligibility [requirement] REQUIRE-
19 MENTS for receipt of awards [is] SET FORTH IN PARAGRAPHS A AND B OF THIS
20 SUBDIVISION ARE waived for a member, or the spouse or dependent of a
21 member, of the armed forces of the United States on full-time active
22 duty and stationed in this state.

23 S 54. Paragraph h of subdivision 2 of section 355 of the education law
24 is amended by adding a new subparagraph 10 to read as follows:

25 (10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS
26 NOT A LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A
27 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN, A NEW YORK
28 STATE CITIZEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE
29 THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED
30 PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE
31 PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF
32 THIS CHAPTER, PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH
33 IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B
34 OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS
35 APPLICABLE.

36 S 55. Subdivision 7 of section 6206 of the education law is amended by
37 adding a new paragraph (d) to read as follows:

38 (D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A
39 LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A
40 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN, A NEW YORK
41 STATE CITIZEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE
42 THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED
43 PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE
44 PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF
45 THIS CHAPTER, PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH
46 IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B
47 OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS
48 APPLICABLE.

49 S 56. Section 6305 of the education law is amended by adding a new
50 subdivision 8-a to read as follows:

51 8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT
52 WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS NOT A LEGAL RESIDENT OF
53 NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESI-
54 DENT, A LAWFUL NON-IMMIGRANT ALIEN, A NEW YORK STATE CITIZEN OR AN
55 APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS MAY BE REDUCED BY STATE-AID-
56 ED PROGRAMS, SCHOLARSHIPS AND OTHER FINANCIAL ASSISTANCE AWARDED UNDER
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1 THE PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A
2 OF THIS CHAPTER, PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET
3 FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARA-
4 GRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS
5 CHAPTER, AS APPLICABLE.

6 S 57. Paragraph d of subdivision 3 of section 6451 of the education
7 law, as amended by chapter 149 of the laws of 1972, is amended to read
8 as follows:

9 d. Any necessary supplemental financial assistance, which may include
10 the cost of books and necessary maintenance for such enrolled students,
11 INCLUDING STUDENTS WHO ARE NEW YORK STATE CITIZENS AND STUDENTS WITHOUT
12 LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT MEETS THE REQUIRE-
13 MENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II)
14 OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF

15 THIS CHAPTER, AS APPLICABLE; provided, however, that such supplemental
 16 financial assistance shall be furnished pursuant to criteria promulgated
 17 by the commissioner with the approval of the director of the budget.

18 S 58. Subparagraph (v) of paragraph a of subdivision 4 of section 6452
 19 of the education law, as added by chapter 917 of the laws of 1970, is
 20 amended to read as follows:

21 (v) Any necessary supplemental financial assistance, which may include
 22 the cost of books and necessary maintenance for such students, INCLUDING
 23 STUDENTS WHO ARE NEW YORK STATE CITIZENS AND STUDENTS WITHOUT LAWFUL
 24 IMMIGRATION STATUS PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET
 25 FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARA-
 26 GRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS
 27 CHAPTER, AS APPLICABLE; provided, however, that such supplemental finan-
 28 cial assistance shall be furnished pursuant to criteria promulgated by
 29 such universities and approved by the regents and the director of the
 30 budget.

31 S 59. Paragraph (a) of subdivision 2 of section 6455 of the education
 32 law, as added by chapter 285 of the laws of 1986, is amended to read as
 33 follows:

34 (a) (I) Undergraduate science and technology entry program moneys may
 35 be used for tutoring, counseling, remedial and special summer courses,
 36 supplemental financial assistance, program administration, and other
 37 activities which the commissioner may deem appropriate. To be eligible
 38 for undergraduate collegiate science and technology entry program
 39 support, a student must be a resident of New York [who is], OR MEET THE
 40 REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either
 41 economically disadvantaged or from a minority group historically under
 42 represented in the scientific, technical, health and health-related
 43 professions, and [who demonstrates] MUST DEMONSTRATE interest in and a
 44 potential for a professional career if provided special services. Eligi-
 45 ble students must be in good academic standing, enrolled full time in an
 46 approved, undergraduate level program of study, as defined by the
 47 regents.

48 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT
 49 WHO IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL
 50 NON-IMMIGRANT ALIEN, A NEW YORK STATE CITIZEN OR AN APPLICANT WITHOUT
 51 LAWFUL IMMIGRATION STATUS, SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDER-
 52 GRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

53 (1) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE
 54 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND
 55 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
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1 UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF
 2 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

3 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
 4 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
 5 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
 6 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN
 7 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA,
 8 ATTENDED AN APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS,
 9 GRADUATED FROM AN APPROVED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR
 10 ATTENDANCE AT AN INSTITUTION OF HIGHER EDUCATION WITHIN FIVE YEARS OF
 11 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

12 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
 13 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
 14 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
 15 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDI-
 16 VISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
 17 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

18 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
 19 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF

20 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
 21 LEGALIZE HIS OR IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS
 22 SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

23 S 60. Paragraph (a) of subdivision 3 of section 6455 of the education
 24 law, as added by chapter 285 of the laws of 1986, is amended to read as
 25 follows:

26 (a) (I) Graduate science and technology entry program moneys may be
 27 used for recruitment, academic enrichment, career planning, supplemental
 28 financial assistance, review for licensing examinations, program admin-
 29 istration, and other activities which the commissioner may deem appro-
 30 priate. To be eligible for graduate collegiate science and technology
 31 entry program support, a student must be a resident of New York [who
 32 is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH,
 33 AND MUST BE either economically disadvantaged or from a minority group
 34 historically underrepresented in the scientific, technical and health-
 35 related professions. Eligible students must be in good academic stand-
 36 ing, enrolled full time in an approved graduate level program, as
 37 defined by the regents.

38 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT
 39 EITHER IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL
 40 NON-IMMIGRANT ALIEN, A NEW YORK STATE CITIZEN OR AN APPLICANT WITHOUT
 41 LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDER-
 42 GRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

43 (1) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO
 44 OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL
 45 AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR
 46 THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF
 47 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

48 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
 49 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
 50 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
 51 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN
 52 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

53 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
 54 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
 55 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
 56 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
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1 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
 2 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

3 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
 4 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
 5 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
 6 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
 7 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

8 S 61. Subparagraph (i) of paragraph a of subdivision 2 of section
 9 695-e of the education law, as amended by chapter 593 of the laws of
 10 2003, is amended to read as follows:

11 (i) the name, address and social security number [or], employer iden-
 12 tification number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
 13 account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR
 14 TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FOUR-
 15 TEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDEN-
 16 TIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL
 17 BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

18 S 62. Subparagraph (iii) of paragraph a of subdivision 2 of section
 19 695-e of the education law, as amended by chapter 593 of the laws of
 20 2003, is amended to read as follows:

21 (iii) the name, address, and social security number, EMPLOYER IDEN-
 22 TIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
 23 designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN

24 EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO
25 THOUSAND FOURTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A
26 TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION
27 NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

28 S 63. The president of the higher education services corporation, in
29 consultation with the commissioner of education, shall establish an
30 application form and procedures that shall allow a student applicant
31 that meets the requirements set forth in subparagraph (ii) of paragraph
32 a or subparagraph (ii) of paragraph b of subdivision 5 of section 661 of
33 the education law to apply directly to the higher education services
34 corporation or education department for applicable awards without having
35 to submit information to any other state or federal agency. All informa-
36 tion contained within the applications filed with such corporation or
37 department shall be deemed confidential.

38 S 64. The correction law is amended by adding a new section 71-b to
39 read as follows:

40 S 71-B. PERSONS NOT TO BE DETAINED. 1. FOR THE PURPOSES OF THIS
41 SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

42 (A) "CIVIL IMMIGRATION DETAINER" SHALL MEAN A DETAINER ISSUED PURSUANT
43 TO 8 C.F.R. 287.7.

44 (B) "ADMINISTRATIVE WARRANT" SHALL MEAN AN IMMIGRATION WARRANT OF
45 ARREST, ORDER TO DETAIN OR RELEASE ALIENS, NOTICE OF CUSTODY DETERMI-
46 NATION, NOTICE TO APPEAR, REMOVAL ORDER, WARRANT OF REMOVAL, OR ANY
47 OTHER DOCUMENT ISSUED BY AN IMMIGRATION AGENT THAT CAN FORM THE BASIS
48 FOR AN INDIVIDUAL'S ARREST OR DETENTION FOR A CIVIL IMMIGRATION PURPOSE.

49 (C) "LAW ENFORCEMENT OFFICER" SHALL MEAN ALL OFFICERS, EMPLOYEES AND
50 PERSONS OTHERWISE PAID BY OR ACTING AS AGENTS OF ANY MUNICIPAL, COUNTY
51 OR STATE POLICE DEPARTMENT OR DEPARTMENT OF CORRECTIONS.

52 (D) "FEDERAL IMMIGRATION AUTHORITIES" SHALL MEAN ANY OFFICER, EMPLOYEE
53 OR PERSON OTHERWISE PAID BY OR ACTING AS AN AGENT OF UNITED STATES IMMI-
54 GRATION AND CUSTOMS ENFORCEMENT OR ANY DIVISION THEREOF OR ANY OTHER
55 OFFICER, EMPLOYEE OR PERSON OTHERWISE PAID BY OR ACTING AS AN AGENT OF
56 THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY WHO IS CHARGED WITH
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1 ENFORCEMENT OF THE CIVIL PROVISIONS OF THE IMMIGRATION AND NATIONALITY
2 ACT.

3 (E) "FACILITY" SHALL MEAN ANY FACILITY OWNED OR LEASED BY THE STATE,
4 STAFFED BY PERSONNEL PAID BY THE STATE, OR USED PRIMARILY FOR THE
5 CONDUCT OF STATE BUSINESS, INCLUDING BUT NOT LIMITED TO ANY PRISON OR
6 JAIL OWNED OR OPERATED BY ANY GOVERNMENT ENTITY UNDER THE STATE'S JURIS-
7 DICTION.

8 2. (A) LAW ENFORCEMENT OFFICERS SHALL NOT HONOR A CIVIL IMMIGRATION
9 DETAINER OR ADMINISTRATIVE WARRANT FROM FEDERAL IMMIGRATION OFFICIALS
10 BY:

11 (I) HOLDING A PERSON BEYOND THE TIME WHEN SUCH PERSON WOULD OTHERWISE
12 BE RELEASED FROM CUSTODY; OR

13 (II) EXPENDING TIME OR RESOURCES RESPONDING TO INQUIRIES OR COMMUNI-
14 CATING WITH FEDERAL IMMIGRATION AUTHORITIES OF SUCH PERSON'S INCARCERA-
15 TION STATUS, RELEASE DATES, COURT APPEARANCE DATES, OR ANY OTHER INFOR-
16 MATION RELATED TO AN INDIVIDUAL IN CUSTODY UNLESS SUCH A RESPONSE OR
17 COMMUNICATION IS REQUIRED OR PROTECTED BY LAW.

18 (B) UNLESS AN IMMIGRATION AGENT HAS A VALID AND PROPERLY ISSUED CRIMI-
19 NAL WARRANT, OR LAW ENFORCEMENT OFFICIALS HAVE A LEGITIMATE LAW ENFORCE-
20 MENT PURPOSE THAT IS NOT RELATED TO THE ENFORCEMENT OF IMMIGRATION LAW,
21 LAW ENFORCEMENT OFFICERS SHALL NOT PERMIT ANY FEDERAL IMMIGRATION OFFI-
22 CIAL TO:

23 (I) HAVE ACCESS TO ANY PERSON IN THEIR CUSTODY; OR

24 (II) HAVE ACCESS TO ANY FACILITY OWNED OR OPERATED BY THE STATE, OR BY
25 ANY MUNICIPALITY WITHIN THE STATE, FOR THE PURPOSE OF INVESTIGATING
26 POTENTIAL VIOLATIONS OF THE CIVIL IMMIGRATION LAW.

27 3. NOTHING IN THIS SECTION SHALL AFFECT THE OBLIGATION OF LAW ENFORCE-

28 MENT OFFICERS TO MAINTAIN THE CONFIDENTIALITY OF ANY INFORMATION
29 OBTAINED PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

30 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CONFER ANY AUTHORITY
31 ON ANY ENTITY TO HOLD PERSONS ON CIVIL IMMIGRATION DETAINERS BEYOND THE
32 AUTHORITY, IF ANY, THAT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS
33 SECTION.

34 5. THIS SECTION SUPERSEDES ALL CONFLICTING POLICIES, RULES, PROCEDURES
35 AND PRACTICES OF THE STATE. NOTHING IN THIS SECTION SHALL BE CONSTRUED
36 TO PROHIBIT ANY STATE AGENCY FROM COOPERATING WITH FEDERAL IMMIGRATION
37 AUTHORITIES WHEN REQUIRED UNDER FEDERAL LAW. NOTHING IN THIS SECTION
38 SHALL BE INTERPRETED OR APPLIED SO AS TO CREATE ANY POWER, DUTY OR OBLI-
39 GATION IN CONFLICT WITH ANY FEDERAL, STATE OR LOCAL LAW.

40 6. NOTHING CONTAINED IN THIS SECTION OR IN THE ADMINISTRATION OR
41 APPLICATION HEREOF SHALL BE CONSTRUED AS CREATING ANY PRIVATE RIGHT OF
42 ACTION ON THE PART OF ANY PERSONS OR ENTITY AGAINST THE STATE OR THE
43 DEPARTMENT.

44 7. ANNUALLY ON OR BEFORE DECEMBER THIRTY-FIRST, THE DEPARTMENT SHALL
45 POST A REPORT ON THE DEPARTMENT'S WEBSITE THAT INCLUDES THE FOLLOWING
46 INFORMATION FOR THE PRECEDING TWELVE MONTH PERIOD:

47 (A) THE NUMBER OF CIVIL IMMIGRATION DETAINERS RECEIVED FROM FEDERAL
48 IMMIGRATION AUTHORITIES;

49 (B) THE NUMBER OF PERSONS HELD PURSUANT TO CIVIL IMMIGRATION DETAINERS
50 BEYOND THE TIME WHEN SUCH PERSONS WOULD OTHERWISE BE RELEASED FROM THE
51 DEPARTMENT'S CUSTODY;

52 (C) THE NUMBER OF PERSONS TRANSFERRED TO THE CUSTODY OF FEDERAL IMMI-
53 GRATION AUTHORITIES PURSUANT TO CIVIL IMMIGRATION DETAINERS; AND

54 (D) THE JUSTIFICATION AND LEGAL AUTHORITY FOR THE TRANSFER OF ANY
55 INDIVIDUAL TO THE CUSTODY OF FEDERAL IMMIGRATION AUTHORITIES.

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1 8. FOR THE PURPOSE OF THIS SECTION, ANY REFERENCE TO A STATUTE, RULE,
2 OR REGULATION SHALL BE DEEMED TO INCLUDE ANY SUCCESSOR PROVISION.

3 S 65. The executive law is amended by adding a new section 243-a to
4 read as follows:

5 S 243-A. PERSONS NOT TO BE DETAINED. 1. FOR THE PURPOSES OF THIS
6 SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

7 (A) "CIVIL IMMIGRATION DETAINER" SHALL MEAN A DETAINER ISSUED PURSUANT
8 TO 8 C.F.R. 287.7.

9 (B) "ADMINISTRATIVE WARRANT" SHALL MEAN AN IMMIGRATION WARRANT OF
10 ARREST, ORDER TO DETAIN OR RELEASE ALIENS, NOTICE OF CUSTODY DETERMI-
11 NATION, NOTICE TO APPEAR, REMOVAL ORDER, WARRANT OF REMOVAL, OR ANY
12 OTHER DOCUMENT ISSUED BY AN IMMIGRATION AGENT THAT CAN FORM THE BASIS
13 FOR AN INDIVIDUAL'S ARREST OR DETENTION FOR A CIVIL IMMIGRATION PURPOSE.

14 (C) "PROBATION OFFICER" SHALL MEAN ANY OFFICER, EMPLOYEE OR PERSON
15 OTHERWISE PAID BY OR ACTING AS AN AGENT OF THE OFFICE OF PROBATION AND
16 CORRECTIONAL ALTERNATIVES, OR ANY COUNTY OR MUNICIPAL PROBATION DEPART-
17 MENT.

18 (D) "FEDERAL IMMIGRATION AUTHORITIES" SHALL MEAN ANY OFFICER, EMPLOYEE
19 OR PERSON OTHERWISE PAID BY OR ACTING AS AN AGENT OF UNITED STATES IMMI-
20 GRATION AND CUSTOMS ENFORCEMENT OR ANY DIVISION THEREOF OR ANY OTHER
21 OFFICER, EMPLOYEE OR PERSON OTHERWISE PAID BY OR ACTING AS AN AGENT OF
22 THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY WHO IS CHARGED WITH
23 ENFORCEMENT OF THE CIVIL PROVISIONS OF THE IMMIGRATION AND NATIONALITY
24 ACT.

25 (E) "FACILITY" SHALL MEAN ANY FACILITY OWNED OR LEASED BY THE STATE,
26 STAFFED BY PERSONNEL PAID BY THE STATE, OR USED PRIMARILY FOR THE
27 CONDUCT OF STATE BUSINESS, INCLUDING BUT NOT LIMITED TO ANY PRISON OR
28 JAIL OWNED OR OPERATED BY ANY GOVERNMENT ENTITY UNDER THE STATE'S JURIS-
29 DICTION.

30 2. (A) PROBATION OFFICERS SHALL NOT HONOR A CIVIL IMMIGRATION DETAINER
31 OR ADMINISTRATIVE WARRANT FROM FEDERAL IMMIGRATION OFFICIALS BY:

32 (I) HOLDING A PERSON BEYOND THE TIME WHEN SUCH PERSON WOULD OTHERWISE

33 BE RELEASED FROM CUSTODY; OR
34 (II) EXPENDING TIME OR RESOURCES RESPONDING TO INQUIRIES OR COMMUNI-
35 CATING WITH FEDERAL IMMIGRATION AUTHORITIES OF SUCH PERSON'S INCARCERA-
36 TION STATUS, RELEASE DATES, COURT APPEARANCE DATES, OR ANY OTHER INFOR-
37 MATION RELATED TO AN INDIVIDUAL IN CUSTODY UNLESS SUCH A RESPONSE OR
38 COMMUNICATION IS REQUIRED OR PROTECTED BY LAW.
39 (B) UNLESS AN IMMIGRATION AGENT HAS A VALID AND PROPERLY ISSUED CRIMI-
40 NAL WARRANT, OR LAW ENFORCEMENT OFFICIALS HAVE A LEGITIMATE LAW ENFORCE-
41 MENT PURPOSE THAT IS NOT RELATED TO THE ENFORCEMENT OF IMMIGRATION LAW,
42 PROBATION OFFICERS SHALL NOT PERMIT ANY FEDERAL IMMIGRATION OFFICIAL TO:
43 (I) HAVE ACCESS TO ANY PERSON IN THEIR CUSTODY; OR
44 (II) HAVE ACCESS TO ANY FACILITY OWNED OR OPERATED BY THE STATE, OR BY
45 ANY MUNICIPALITY WITHIN THE STATE, FOR THE PURPOSE OF INVESTIGATING
46 POTENTIAL VIOLATIONS OF THE CIVIL IMMIGRATION LAW.
47 (C) UNLESS AN IMMIGRATION AGENT HAS A VALID AND PROPERLY ISSUED CRIMI-
48 NAL WARRANT, OR PROBATION OFFICERS HAVE A LEGITIMATE LAW ENFORCEMENT
49 PURPOSE THAT IS NOT RELATED TO THE ENFORCEMENT OF IMMIGRATION LAW, NO
50 PROBATION OFFICER SHALL
51 (I) PROVIDE ANY DETAINEE, INMATE OR BOOKING LISTS TO FEDERAL IMMI-
52 GRATION OFFICIALS; OR
53 (II) EXPEND TIME OR RESOURCES RESPONDING TO INQUIRIES OR COMMUNICATING
54 WITH FEDERAL IMMIGRATION OFFICIALS, REGARDING ANY PERSON'S INCARCERATION
55 STATUS, PROBATION STATUS, RELEASE DATE, COURT APPEARANCE DATES OR ANY
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1 OTHER INFORMATION, UNLESS SUCH RESPONSE OR COMMUNICATIONS IS REQUIRED OR
2 PROTECTED BY LAW.

3 3. NOTHING IN THIS SECTION SHALL AFFECT THE OBLIGATION OF PROBATION
4 OFFICERS TO MAINTAIN THE CONFIDENTIALITY OF ANY INFORMATION OBTAINED
5 PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

6 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CONFER ANY AUTHORITY
7 ON ANY ENTITY TO HOLD PERSONS ON CIVIL IMMIGRATION DETAINERS BEYOND THE
8 AUTHORITY, IF ANY, THAT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS
9 SECTION.

10 5. THIS SECTION SUPERSEDES ALL CONFLICTING POLICIES, RULES, PROCEDURES
11 AND PRACTICES OF THE STATE. NOTHING IN THIS SECTION SHALL BE CONSTRUED
12 TO PROHIBIT ANY STATE AGENCY FROM COOPERATING WITH FEDERAL IMMIGRATION
13 AUTHORITIES WHEN REQUIRED UNDER FEDERAL LAW. NOTHING IN THIS SECTION
14 SHALL BE INTERPRETED OR APPLIED SO AS TO CREATE ANY POWER, DUTY OR OBLI-
15 GATION IN CONFLICT WITH ANY FEDERAL, STATE OR LOCAL LAW.

16 6. NOTHING CONTAINED IN THIS SECTION OR IN THE ADMINISTRATION OR
17 APPLICATION HEREOF SHALL BE CONSTRUED AS CREATING ANY PRIVATE RIGHT OF
18 ACTION ON THE PART OF ANY PERSONS OR ENTITY AGAINST THE STATE OR THE
19 OFFICE.

20 7. ANNUALLY ON OR BEFORE DECEMBER THIRTY-FIRST, THE DEPARTMENT SHALL
21 POST A REPORT ON THE OFFICE'S WEBSITE THAT INCLUDES THE FOLLOWING INFOR-
22 MATION FOR THE PRECEDING TWELVE MONTH PERIOD:

23 (A) THE NUMBER OF CIVIL IMMIGRATION DETAINERS RECEIVED FROM FEDERAL
24 IMMIGRATION AUTHORITIES;

25 (B) THE NUMBER OF PERSONS HELD PURSUANT TO CIVIL IMMIGRATION DETAINERS
26 BEYOND THE TIME WHEN SUCH PERSONS WOULD OTHERWISE BE RELEASED FROM THE
27 OFFICE'S CUSTODY;

28 (C) THE NUMBER OF PERSONS TRANSFERRED TO THE CUSTODY OF FEDERAL IMMI-
29 GRATION AUTHORITIES PURSUANT TO CIVIL IMMIGRATION DETAINERS; AND

30 (D) THE JUSTIFICATION AND LEGAL AUTHORITY FOR THE TRANSFER OF ANY
31 INDIVIDUAL TO THE CUSTODY OF FEDERAL IMMIGRATION AUTHORITIES.

32 8. FOR THE PURPOSE OF THIS SECTION, ANY REFERENCE TO A STATUTE, RULE,
33 OR REGULATION SHALL BE DEEMED TO INCLUDE ANY SUCCESSOR PROVISION.

34 S 66. The executive law is amended by adding a new section 223-a to
35 read as follows:

36 S 223-A. PROHIBITION ON RACIAL PROFILING. 1. FOR THE PURPOSES OF THIS
37 SECTION, "RACIAL PROFILING" SHALL MEAN THE PRACTICE OF A LAW ENFORCEMENT

38 OFFICER OR AGENCY RELYING, TO ANY DEGREE, ON RACE, ETHNICITY, NATIONAL
39 ORIGIN, OR RELIGION IN SELECTING WHICH INDIVIDUAL TO SUBJECT TO ROUTINE
40 OR SPONTANEOUS INVESTIGATORY ACTIVITIES OR IN DECIDING UPON THE SCOPE
41 AND SUBSTANCE OF LAW ENFORCEMENT ACTIVITY FOLLOWING THE INITIAL INVESTI-
42 GATORY PROCEDURE, EXCEPT WHEN THERE IS TRUSTWORTHY INFORMATION, RELEVANT
43 TO THE LOCALITY AND TIMEFRAME, THAT LINKS A PERSON OF A PARTICULAR RACE,
44 ETHNICITY, NATIONAL ORIGIN, OR RELIGION TO AN IDENTIFIED CRIMINAL INCI-
45 DENT OR SCHEME.

46 2. THE SUPERINTENDENT OF STATE POLICE AND MEMBERS OF THE DIVISION OF
47 STATE POLICE SHALL NOT ENGAGE IN RACIAL PROFILING.

48 3. THE DIVISION OF STATE POLICE SHALL MAINTAIN ADEQUATE POLICIES AND
49 PROCEDURES DESIGNED TO ELIMINATE RACIAL PROFILING AND CEASE EXISTING
50 PRACTICES THAT PERMIT RACIAL PROFILING. POLICIES AND PROCEDURES SHALL
51 INCLUDE:

52 (A) A PROHIBITION ON RACIAL PROFILING;

53 (B) TRAINING ON RACIAL PROFILING ISSUES AS PART OF STATE POLICE TRAIN-
54 ING;

55 (C) THE COLLECTION OF RELEVANT DATA;

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1 (D) PROCEDURES FOR RECEIVING, INVESTIGATING AND RESPONDING MEANINGFUL-
2 LY TO COMPLAINTS ALLEGING RACIAL PROFILING BY MEMBERS OF THE DIVISION OF
3 STATE POLICE; AND

4 (E) ANY OTHER POLICIES AND PROCEDURES THE SUPERINTENDENT DETERMINES TO
5 BE NECESSARY TO ELIMINATE RACIAL PROFILING.

6 4. AN INDIVIDUAL INJURED BY RACIAL PROFILING MAY ENFORCE THIS SECTION
7 IN A CIVIL ACTION FOR DECLARATORY OR INJUNCTIVE RELIEF, UPON PROOF THAT
8 THE ROUTINE OR SPONTANEOUS INVESTIGATORY ACTIVITIES OF MEMBERS OF THE
9 DIVISION OF STATE POLICE HAVE HAD A DISPARATE IMPACT ON RACIAL, ETHNIC,
10 OR RELIGIOUS MINORITIES SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF A
11 VIOLATION OF THIS SECTION. IN ANY ACTION OR PROCEEDING TO ENFORCE THIS
12 SECTION, THE COURT MAY ALLOW A PREVAILING PLAINTIFF REASONABLE ATTOR-
13 NEY'S FEES AS PART OF THE COSTS AND MAY INCLUDE EXPERT FEES AS PART OF
14 THE ATTORNEY'S FEE.

15 S 67. The provisions of this act shall not be construed to conflict
16 with any provision of federal law, rule or regulation, and in any
17 circumstance in which a conflict may exist, the appropriate federal law,
18 rule or regulation shall be controlling.

19 S 68. This act shall take effect on the first of January next succeed-
20 ing the date on which it shall have become a law, provided that:

21 (a) the amendments to section 6604-b of the education law, made by
22 section fourteen of this act, shall not affect the repeal of such
23 section and shall be deemed repealed therewith;

24 (b) section twenty-eight of this act shall take effect upon the enact-
25 ment into law by the state of New Jersey of legislation having an iden-
26 tical effect with such section, but if the state of New Jersey shall
27 have already enacted such legislation, section twenty-eight of this act
28 shall take effect on the effective date of this act; provided that the
29 office for new Americans shall notify the legislative bill drafting
30 commission upon the occurrence of the enactment of such legislation by
31 the state of New Jersey in order that the commission may maintain an
32 accurate and timely effective data base of the official text of the laws
33 of the state of New York in furtherance of effectuating the provisions
34 of section 44 of the legislative law and section 70-b of the public
35 officers law;

36 (c) section thirty-six of this act shall take effect October 3, 2016;
37 and

38 (d) effective immediately, the addition, amendment and/or repeal of
39 any rule or regulation necessary for the implementation of this act on
40 its effective date are authorized and directed to be made and completed
41 on or before such effective date.

A07233

1

A07233 Summary:

BILL NO A07233

SAME AS SAME AS

SPONSOR Rosa

COSPNSR Sepulveda, Cahill, Roberts, Hooper

MLTSPNSR Farrell, Gottfried, Jacobs, Miller, Moya, Rivera, Weisenberg

Amd SS490 & 502, rpld S502 sub 1, V & T L

Authorizes certain undocumented Americans to obtain New York state drivers' licenses or non-driver identification cards if they have a high school diploma or equivalency.

A07233 Actions:

BILL NO A07233

05/08/2013 referred to transportation

01/08/2014 referred to transportation

06/30/2014 enacting clause stricken

A07233 Votes:

There are no votes for this bill in this legislative session.

A07233 Memo:

BILL NUMBER:A7233

TITLE OF BILL: An act to amend the vehicle and traffic law, in relation to authorizing certain undocumented Americans to obtain New York state drivers' licenses or non-driver identification cards; to repeal certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof

PURPOSE:

To allow New York State students who have received a high school diploma or equivalent, regardless of immigration status, be allowed to obtain a New York State drivers' license or non-driver identification card provided they meet criteria promulgated by the Commissioner of the Department of Motor Vehicles and set forth in law.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 of the bill amends subparagraph (i) of paragraph (a) of subdivision 3 of section 490 of the vehicle and traffic law, as amended by chapter 2115 of the laws of 2002 to include language that states, no applicant shall be denied a non-driver identification card if such applicant has received a high school diploma or equivalent."

Section 2 of the bill amends subdivision 1 of section 502 of the vehicle and traffic law, as amended by chapter 639 of the laws of 2006 to include language stating that, no applicant shall be denied a

driver's license if such applicant (i) otherwise qualifies for a license pursuant to this section, (ii) has received a high school diploma or equivalent, and (iii) has applied for lawful immigration status or shall apply for lawful immigration status as soon as such applicant is eligible to do so.

Further, this section is amended to prohibit applicants from being denied a license solely on the basis of not having a social security number.

Section 3 of the bill amends subdivision I of section 502 of the vehicle and traffic law, as amended by section 2 of part CC of chapter 55 of the laws of 2011 to include language, that no applicant shall be denied a driver's license if such applicant: (i) otherwise qualifies for a license pursuant to this section, (ii) has received a high school diploma or equivalent (iii) has applied for lawful immigration status or shall apply for lawful immigration status as soon as such applicant is eligible to do so. Further, this section is amended to prohibit applicants from being denied a license solely on the basis of not having a social security number.

Section a of the bill amends paragraph (a) of subdivision 6 of section 502 of the vehicle and traffic law, as amended by section 3 of part K of chapter 59 of the laws of 2009 to protect the ability of license renewals by individuals who already have obtained a valid license but do not have a social security number.

JUSTIFICATION:

This bill shall allow all people (including undocumented immigrants) who have received a high school diploma or equivalent to be eligible to receive a drivers license or a non-driving ID through the department of motor vehicles.

With the law's enactment, a person who has received a high school diploma or equivalent who are not documented U.S. citizens would have the same driving and identification rights that legal state residents enjoy.

All those applying for such license would have to file an affidavit with the department of motor vehicles stating that they have applied for a lawful immigration status or will apply as soon as they are eligible to do so.

This bill is necessary to protect the children of undocumented parents who have grown up in New York State and cannot be expected to live on the Fringes of society because their parents wanted a better life for the family. Due to no fault of their own these children are currently alienated in the very society they live, know, and grew up in. receiving a high school diploma or equivalent adequately demonstrates a desire to be engaged in society to the extent. These graduates should be able to pursue advancement as needed by the ability to have driving and identification rights in the state of New York.

PRIOR LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

Positive Revenue to the State from the collection of licensure fees

will be determined.

EFFECTIVE DATE:

This act shall take effect on the 120th day after becoming law, with provisions.

A07233 Text:

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

7233

2013-2014 Regular Sessions

I N A S S E M B L Y

May 8, 2013

Introduced by M. of A. ROSA -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing certain undocumented Americans to obtain New York state drivers' licenses or non-driver identification cards; to repeal certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 3 of
2 section 490 of the vehicle and traffic law, as amended by chapter 235 of
3 the laws of 2002, is amended to read as follows:

4 (i) The commissioner shall upon submission of an appropriate applica-
5 tion, upon payment of the prescribed fee, and upon being satisfied that
6 the person described is the applicant and that such applicant meets the
7 requirements set forth in subdivision two of this section, issue to such
8 applicant a nontransferable identification card. In addition, the
9 commissioner also shall require that an applicant for an identification
10 card or renewal thereof provide his or her social security number,
11 PROVIDED, HOWEVER THAT NO APPLICANT SHALL BE DENIED A NON-DRIVER IDEN-
12 TIFICATION CARD IF SUCH APPLICANT HAS OBTAINED A HIGH SCHOOL DIPLOMA OR
13 ITS EQUIVALENT.

14 S 2. Subparagraph (i) of paragraph (a) of subdivision 3 of section 490
15 of the vehicle and traffic law, as amended by chapter 487 of the laws of
16 2012, is amended to read as follows:

17 (i) The commissioner shall upon submission of an appropriate applica-
18 tion, upon payment of the prescribed fee, and upon being satisfied that
19 the person described is the applicant and that such applicant meets the
20 requirements set forth in subdivision two of this section, issue to such
21 applicant a nontransferable identification card. In addition, the
22 commissioner also shall require that an applicant for an identification

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

LBD05843-01-3

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1 card or renewal thereof provide his or her social security number,

2 PROVIDED, HOWEVER THAT NO APPLICANT SHALL BE DENIED A NON-DRIVER IDEN-
 3 TIFICATION CARD IF SUCH APPLICANT HAS OBTAINED A HIGH SCHOOL DIPLOMA OR
 4 ITS EQUIVALENT. The commissioner shall provide space so that an appli-
 5 cant may request a notation upon such identification card that he or she
 6 is a veteran of the United States armed forces.

7 S 3. Subdivision 1 of section 502 of the vehicle and traffic law, as
 8 amended by section 1 of part D of chapter 58 of the laws of 2012, is
 9 amended to read as follows:

10 1. Application for license. Application for a driver's license shall
 11 be made to the commissioner. The fee prescribed by law may be submitted
 12 with such application. The applicant shall furnish such proof of identi-
 13 ty, age, and fitness as may be required by the commissioner, PROVIDED,
 14 HOWEVER THAT NO APPLICANT SHALL BE DENIED A DRIVER'S LICENSE IF SUCH
 15 APPLICANT: (I) OTHERWISE QUALIFIES FOR A LICENSE PURSUANT TO THIS
 16 SECTION, (II) HAS OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, AND
 17 (III) HAS APPLIED FOR LAWFUL IMMIGRATION STATUS OR SHALL APPLY FOR
 18 LAWFUL IMMIGRATION STATUS AS SOON AS SUCH APPLICANT IS ELIGIBLE TO DO
 19 SO. The commissioner may also provide that the application procedure
 20 shall include the taking of a photo image or images of the applicant in
 21 accordance with rules and regulations prescribed by the commissioner. In
 22 addition, the commissioner also shall require that the applicant provide
 23 his or her social security number, IF SUCH APPLICANT HAS A SOCIAL SECU-
 24 RITY NUMBER, BUT NO APPLICANT SHALL BE DENIED A LICENSE PURSUANT TO THIS
 25 SECTION SOLELY ON THE BASIS OF NOT HAVING A SOCIAL SECURITY NUMBER, and
 26 provide space on the application so that the applicant may register in
 27 the New York state organ and tissue donor registry under section forty-
 28 three hundred ten of the public health law. In addition, an applicant
 29 for a commercial driver's license who will operate a commercial motor
 30 vehicle in interstate commerce shall certify that such applicant meets
 31 the requirements to operate a commercial motor vehicle, as set forth in
 32 public law 99-570, title XII, and title 49 of the code of federal regu-
 33 lations, and all regulations promulgated by the United States secretary
 34 of transportation under the hazardous materials transportation act. In
 35 addition, an applicant for a commercial driver's license shall submit a
 36 medical certificate at such intervals as required by the federal motor
 37 carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of
 38 the code of federal regulations relating to medical certification and in
 39 a manner prescribed by the commissioner. For purposes of this section
 40 and sections five hundred three, five hundred ten-a, and five hundred
 41 ten-aa of this title, the terms "medical certificate" and "medical
 42 certification" shall mean a form substantially in compliance with the
 43 form set forth in Part 391.43(h) of title 49 of the code of federal
 44 regulations. Upon a determination that the holder of a commercial driv-
 45 er's license has made any false statement, with respect to the applica-
 46 tion for such license, the commissioner shall revoke such license.

47 S 4. Subdivision 1 of section 502 of the vehicle and traffic law, as
 48 separately amended by section 1 of part D of chapter 58 and chapter 487
 49 of the laws of 2012, is amended to read as follows:

50 1. Application for license. Application for a driver's license shall
 51 be made to the commissioner. The fee prescribed by law may be submitted
 52 with such application. The applicant shall furnish such proof of identi-
 53 ty, age, and fitness as may be required by the commissioner, PROVIDED,
 54 HOWEVER THAT NO APPLICANT SHALL BE DENIED A DRIVER'S LICENSE IF SUCH
 55 APPLICANT: (I) OTHERWISE QUALIFIES FOR A LICENSE PURSUANT TO THIS
 56 SECTION, (II) HAS OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, AND
 A. 7233 3

1 (III) HAS APPLIED FOR LAWFUL IMMIGRATION STATUS OR SHALL APPLY FOR
 2 LAWFUL IMMIGRATION STATUS AS SOON AS SUCH APPLICANT IS ELIGIBLE TO DO
 3 SO. The commissioner may also provide that the application procedure
 4 shall include the taking of a photo image or images of the applicant in
 5 accordance with rules and regulations prescribed by the commissioner. In

6 addition, the commissioner also shall require that the applicant provide
 7 his or her social security number, IF SUCH APPLICANT HAS A SOCIAL SECUR-
 8 RITY NUMBER, BUT NO APPLICANT SHALL BE DENIED A LICENSE PURSUANT TO THIS
 9 SECTION SOLELY ON THE BASIS OF NOT HAVING A SOCIAL SECURITY NUMBER, and
 10 SHALL provide space on the application so that the applicant may regis-
 11 ter in the New York state organ and tissue donor registry under section
 12 forty-three hundred ten of the public health law[, and] WITH THE FOLLOW-
 13 ING STATED ON THE APPLICATION IN CLEAR AND CONSPICUOUS TYPE:

14 "YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED
 15 TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'SKIP THIS QUES-
 16 TION'."

17 THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN
 18 RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK
 19 A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO
 20 CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO
 21 IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN
 22 YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN
 23 ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN
 24 APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGIS-
 25 TERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR
 26 FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION.
 27 THE APPLICATION SHALL PROVIDE space so that the applicant may request a
 28 notation upon such license that he or she is a veteran of the United
 29 States armed forces. In addition, an applicant for a commercial driver's
 30 license who will operate a commercial motor vehicle in interstate
 31 commerce shall certify that such applicant meets the requirements to
 32 operate a commercial motor vehicle, as set forth in public law 99-570,
 33 title XII, and title 49 of the code of federal regulations, and all
 34 regulations promulgated by the United States secretary of transportation
 35 under the hazardous materials transportation act. In addition, an appli-
 36 cant for a commercial driver's license shall submit a medical certifi-
 37 cate at such intervals as required by the federal motor carrier safety
 38 improvement act of 1999 and Part 383.71(h) of title 49 of the code of
 39 federal regulations relating to medical certification and in a manner
 40 prescribed by the commissioner. For purposes of this section and
 41 sections five hundred three, five hundred ten-a, and five hundred ten-aa
 42 of this title, the terms "medical certificate" and "medical certifi-
 43 cation" shall mean a form substantially in compliance with the form set
 44 forth in Part 391.43(h) of title 49 of the code of federal regulations.
 45 Upon a determination that the holder of a commercial driver's license
 46 has made any false statement, with respect to the application for such
 47 license, the commissioner shall revoke such license.

48 S 5. Subdivision 1 of section 502 of the vehicle and traffic law, as
 49 amended by chapter 465 of the laws of 2012, is REPEALED.

50 S 6. Subdivision 1 of section 502 of the vehicle and traffic law, as
 51 separately amended by section 1 of part D of chapter 58 and chapter 487
 52 of the laws of 2012, is amended to read as follows:

53 1. Application for license. Application for a driver's license shall
 54 be made to the commissioner. The fee prescribed by law may be submitted
 55 with such application. The applicant shall furnish such proof of identi-
 56 ty, age, and fitness as may be required by the commissioner, PROVIDED,
 A. 7233 4

1 HOWEVER THAT NO APPLICANT SHALL BE DENIED A DRIVER'S LICENSE IF SUCH
 2 APPLICANT: (I) OTHERWISE QUALIFIES FOR A LICENSE PURSUANT TO THIS
 3 SECTION, (II) HAS OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, AND
 4 (III) HAS APPLIED FOR LAWFUL IMMIGRATION STATUS OR SHALL APPLY FOR
 5 LAWFUL IMMIGRATION STATUS AS SOON AS SUCH APPLICANT IS ELIGIBLE TO DO
 6 SO. The commissioner may also provide that the application procedure
 7 shall include the taking of a photo image or images of the applicant in
 8 accordance with rules and regulations prescribed by the commissioner. In
 9 addition, the commissioner also shall require that the applicant provide

10 his or her social security number, IF SUCH APPLICANT HAS A SOCIAL SECUR-
11 RITY NUMBER, BUT NO APPLICANT SHALL BE DENIED A LICENSE PURSUANT TO THIS
12 SECTION SOLELY ON THE BASIS OF NOT HAVING A SOCIAL SECURITY NUMBER, and
13 provide space on the application so that the applicant may register in
14 the New York state organ and tissue donor registry under section forty-
15 three hundred ten of the public health law, and space so that the appli-
16 cant may request a notation upon such license that he or she is a veter-
17 an of the United States armed forces. In addition, an applicant for a
18 commercial driver's license who will operate a commercial motor vehicle
19 in interstate commerce shall certify that such applicant meets the
20 requirements to operate a commercial motor vehicle, as set forth in
21 public law 99-570, title XII, and title 49 of the code of federal regu-
22 lations, and all regulations promulgated by the United States secretary
23 of transportation under the hazardous materials transportation act. In
24 addition, an applicant for a commercial driver's license shall submit a
25 medical certificate at such intervals as required by the federal motor
26 carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of
27 the code of federal regulations relating to medical certification and in
28 a manner prescribed by the commissioner. For purposes of this section
29 and sections five hundred three, five hundred ten-a, and five hundred
30 ten-aa of this title, the terms "medical certificate" and "medical
31 certification" shall mean a form substantially in compliance with the
32 form set forth in Part 391.43(h) of title 49 of the code of federal
33 regulations. Upon a determination that the holder of a commercial driv-
34 er's license has made any false statement, with respect to the applica-
35 tion for such license, the commissioner shall revoke such license.

36 S 7. Paragraph (a) of subdivision 6 of section 502 of the vehicle and
37 traffic law, as amended by section 3 of part K of chapter 59 of the laws
38 of 2009, is amended to read as follows:

39 (a) A license issued pursuant to subdivision five of this section
40 shall be valid until the expiration date contained thereon, unless such
41 license is suspended, revoked or cancelled. Such license may be renewed
42 by submission of an application for renewal, the fee prescribed by law,
43 proofs of prior licensing, fitness and acceptable vision prescribed by
44 the commissioner, the applicant's social security number, IF SUCH APPLI-
45 CANT HAS A SOCIAL SECURITY NUMBER, and if required by the commissioner a
46 photo image of the applicant in such numbers and form as the commission-
47 er shall prescribe. In addition, an applicant for renewal of a license
48 containing a hazardous material endorsement shall pass an examination to
49 retain such endorsement. The commissioner shall, with respect to the
50 renewal of a hazardous materials endorsement, comply with the require-
51 ments imposed upon states by sections 383.141 and 1572.13 of title 49 of
52 the code of federal regulations. A renewal of such license shall be
53 issued by the commissioner upon approval of such application, except
54 that no such license shall be issued if its issuance would be inconsis-
55 tent with the provisions of section five hundred sixteen of this title,
56 and except that the commissioner may refuse to renew such license if the
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1 applicant is the holder of a currently valid or renewable license to
2 drive issued by another state or foreign country unless the applicant
3 surrenders such license.

4 S 8. This act shall take effect on the one hundred twentieth day after
5 it shall have become a law; provided, however, that sections two and
6 four of this act shall take effect on the same date and in the same
7 manner as chapter 487 of the laws of 2012, takes effect; provided
8 further that the amendments to subdivision 1 of section 502 of the vehi-
9 cle and traffic law made by section four of this act shall expire and be
10 deemed repealed October 3, 2016 when upon such date section six of this
11 act shall take effect. Effective immediately, the addition, amendment
12 and/or repeal of any rule or regulation necessary for the implementation
13 of this act on its effective date is authorized to be made on or before

14 such date.

S02106

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S02106 Summary:

BILL NO S02106
SAME AS No same as
SPONSOR ESPAILLAT
COSPNSR RIVERA
MLTSPNSR

Amd S5490 & 502, rpld S502 sub 1, V & T L

Authorizes certain undocumented Americans to obtain New York state drivers' licenses or non-driver identification cards if they have a high school diploma or equivalency.

S02106 Actions:

BILL NO S02106
01/10/2013 REFERRED TO TRANSPORTATION
01/08/2014 REFERRED TO TRANSPORTATION

S02106 Votes:

There are no votes for this bill in this legislative session.

S02106 Memo:

Memo not available

S02106 Text:

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

2106

2013-2014 Regular Sessions

I N S E N A T E

January 10, 2013

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing certain undocumented Americans to obtain New York state drivers' licenses or non-driver identification cards; to repeal certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 3 of
2 section 490 of the vehicle and traffic law, as amended by chapter 235 of
3 the laws of 2002, is amended to read as follows:

4 (i) The commissioner shall upon submission of an appropriate applica-
5 tion, upon payment of the prescribed fee, and upon being satisfied that
6 the person described is the applicant and that such applicant meets the
7 requirements set forth in subdivision two of this section, issue to such
8 applicant a nontransferable identification card. In addition, the
9 commissioner also shall require that an applicant for an identification
10 card or renewal thereof provide his or her social security number,
11 PROVIDED, HOWEVER THAT NO APPLICANT SHALL BE DENIED A NON-DRIVER IDEN-
12 TIFICATION CARD IF SUCH APPLICANT HAS OBTAINED A HIGH SCHOOL DIPLOMA OR
13 ITS EQUIVALENT.

14 S 2. Subparagraph (i) of paragraph (a) of subdivision 3 of section 490
15 of the vehicle and traffic law, as amended by chapter 487 of the laws of
16 2012, is amended to read as follows:

17 (i) The commissioner shall upon submission of an appropriate applica-
18 tion, upon payment of the prescribed fee, and upon being satisfied that
19 the person described is the applicant and that such applicant meets the
20 requirements set forth in subdivision two of this section, issue to such
21 applicant a nontransferable identification card. In addition, the
22 commissioner also shall require that an applicant for an identification

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

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1 card or renewal thereof provide his or her social security number,
2 PROVIDED, HOWEVER THAT NO APPLICANT SHALL BE DENIED A NON-DRIVER IDEN-
3 TIFICATION CARD IF SUCH APPLICANT HAS OBTAINED A HIGH SCHOOL DIPLOMA OR
4 ITS EQUIVALENT. The commissioner shall provide space so that an appli-
5 cant may request a notation upon such identification card that he or she
6 is a veteran of the United States armed forces.

7 S 3. Subdivision 1 of section 502 of the vehicle and traffic law, as
8 amended by section 1 of part D of chapter 58 of the laws of 2012, is
9 amended to read as follows:

10 1. Application for license. Application for a driver's license shall
11 be made to the commissioner. The fee prescribed by law may be submitted
12 with such application. The applicant shall furnish such proof of identi-
13 ty, age, and fitness as may be required by the commissioner, PROVIDED,
14 HOWEVER THAT NO APPLICANT SHALL BE DENIED A DRIVER'S LICENSE IF SUCH
15 APPLICANT: (I) OTHERWISE QUALIFIES FOR A LICENSE PURSUANT TO THIS
16 SECTION, (II) HAS OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, AND
17 (III) HAS APPLIED FOR LAWFUL IMMIGRATION STATUS OR SHALL APPLY FOR
18 LAWFUL IMMIGRATION STATUS AS SOON AS SUCH APPLICANT IS ELIGIBLE TO DO
19 SO. The commissioner may also provide that the application procedure
20 shall include the taking of a photo image or images of the applicant in
21 accordance with rules and regulations prescribed by the commissioner. In
22 addition, the commissioner also shall require that the applicant provide
23 his or her social security number, IF SUCH APPLICANT HAS A SOCIAL SECU-
24 RITY NUMBER, BUT NO APPLICANT SHALL BE DENIED A LICENSE PURSUANT TO THIS
25 SECTION SOLELY ON THE BASIS OF NOT HAVING A SOCIAL SECURITY NUMBER, and
26 provide space on the application so that the applicant may register in
27 the New York state organ and tissue donor registry under section forty-
28 three hundred ten of the public health law. In addition, an applicant
29 for a commercial driver's license who will operate a commercial motor
30 vehicle in interstate commerce shall certify that such applicant meets
31 the requirements to operate a commercial motor vehicle, as set forth in
32 public law 99-570, title XII, and title 49 of the code of federal regu-
33 lations, and all regulations promulgated by the United States secretary
34 of transportation under the hazardous materials transportation act. In

addition, an applicant for a commercial driver's license shall submit a medical certificate at such intervals as required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations relating to medical certification and in a manner prescribed by the commissioner. For purposes of this section and sections five hundred three, five hundred ten-a, and five hundred ten-aa of this title, the terms "medical certificate" and "medical certification" shall mean a form substantially in compliance with the form set forth in Part 391.43(h) of title 49 of the code of federal regulations. Upon a determination that the holder of a commercial driver's license has made any false statement, with respect to the application for such license, the commissioner shall revoke such license.

S 4. Subdivision 1 of section 502 of the vehicle and traffic law, as separately amended by section 1 of part D of chapter 58 and chapter 487 of the laws of 2012, is amended to read as follows:

1. Application for license. Application for a driver's license shall be made to the commissioner. The fee prescribed by law may be submitted with such application. The applicant shall furnish such proof of identity, age, and fitness as may be required by the commissioner, PROVIDED, HOWEVER THAT NO APPLICANT SHALL BE DENIED A DRIVER'S LICENSE IF SUCH APPLICANT: (I) OTHERWISE QUALIFIES FOR A LICENSE PURSUANT TO THIS SECTION, (II) HAS OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, AND S. 2106

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(III) HAS APPLIED FOR LAWFUL IMMIGRATION STATUS OR SHALL APPLY FOR LAWFUL IMMIGRATION STATUS AS SOON AS SUCH APPLICANT IS ELIGIBLE TO DO SO. The commissioner may also provide that the application procedure shall include the taking of a photo image or images of the applicant in accordance with rules and regulations prescribed by the commissioner. In addition, the commissioner also shall require that the applicant provide his or her social security number, IF SUCH APPLICANT HAS A SOCIAL SECURITY NUMBER, BUT NO APPLICANT SHALL BE DENIED A LICENSE PURSUANT TO THIS SECTION SOLELY ON THE BASIS OF NOT HAVING A SOCIAL SECURITY NUMBER, and SHALL provide space on the application so that the applicant may register in the New York state organ and tissue donor registry under section forty-three hundred ten of the public health law[, and] WITH THE FOLLOWING STATED ON THE APPLICATION IN CLEAR AND CONSPICUOUS TYPE:

"YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'SKIP THIS QUESTION'."

THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGISTERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION. THE APPLICATION SHALL PROVIDE space so that the applicant may request a notation upon such license that he or she is a veteran of the United States armed forces. In addition, an applicant for a commercial driver's license who will operate a commercial motor vehicle in interstate commerce shall certify that such applicant meets the requirements to operate a commercial motor vehicle, as set forth in public law 99-570, title XII, and title 49 of the code of federal regulations, and all regulations promulgated by the United States secretary of transportation under the hazardous materials transportation act. In addition, an applicant for a commercial driver's license shall submit a medical certificate at such intervals as required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of

39 federal regulations relating to medical certification and in a manner
40 prescribed by the commissioner. For purposes of this section and
41 sections five hundred three, five hundred ten-a, and five hundred ten-aa
42 of this title, the terms "medical certificate" and "medical certifi-
43 cation" shall mean a form substantially in compliance with the form set
44 forth in Part 391.43(h) of title 49 of the code of federal regulations.
45 Upon a determination that the holder of a commercial driver's license
46 has made any false statement, with respect to the application for such
47 license, the commissioner shall revoke such license.

48 S 5. Subdivision 1 of section 502 of the vehicle and traffic law, as
49 amended by chapter 465 of the laws of 2012, is REPEALED.

50 S 6. Subdivision 1 of section 502 of the vehicle and traffic law, as
51 separately amended by section 1 of part D of chapter 58 and chapter 487
52 of the laws of 2012, is amended to read as follows:

53 1. Application for license. Application for a driver's license shall
54 be made to the commissioner. The fee prescribed by law may be submitted
55 with such application. The applicant shall furnish such proof of identi-
56 ty, age, and fitness as may be required by the commissioner, PROVIDED,
S. 2106 4

1 HOWEVER THAT NO APPLICANT SHALL BE DENIED A DRIVER'S LICENSE IF SUCH
2 APPLICANT: (I) OTHERWISE QUALIFIES FOR A LICENSE PURSUANT TO THIS
3 SECTION, (II) HAS OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, AND
4 (III) HAS APPLIED FOR LAWFUL IMMIGRATION STATUS OR SHALL APPLY FOR
5 LAWFUL IMMIGRATION STATUS AS SOON AS SUCH APPLICANT IS ELIGIBLE TO DO
6 SO. The commissioner may also provide that the application procedure
7 shall include the taking of a photo image or images of the applicant in
8 accordance with rules and regulations prescribed by the commissioner. In
9 addition, the commissioner also shall require that the applicant provide
10 his or her social security number, IF SUCH APPLICANT HAS A SOCIAL SECU-
11 RITY NUMBER, BUT NO APPLICANT SHALL BE DENIED A LICENSE PURSUANT TO THIS
12 SECTION SOLELY ON THE BASIS OF NOT HAVING A SOCIAL SECURITY NUMBER, and
13 provide space on the application so that the applicant may register in
14 the New York state organ and tissue donor registry under section forty-
15 three hundred ten of the public health law, and space so that the appli-
16 cant may request a notation upon such license that he or she is a veter-
17 an of the United States armed forces. In addition, an applicant for a
18 commercial driver's license who will operate a commercial motor vehicle
19 in interstate commerce shall certify that such applicant meets the
20 requirements to operate a commercial motor vehicle, as set forth in
21 public law 99-570, title XII, and title 49 of the code of federal regu-
22 lations, and all regulations promulgated by the United States secretary
23 of transportation under the hazardous materials transportation act. In
24 addition, an applicant for a commercial driver's license shall submit a
25 medical certificate at such intervals as required by the federal motor
26 carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of
27 the code of federal regulations relating to medical certification and in
28 a manner prescribed by the commissioner. For purposes of this section
29 and sections five hundred three, five hundred ten-a, and five hundred
30 ten-aa of this title, the terms "medical certificate" and "medical
31 certification" shall mean a form substantially in compliance with the
32 form set forth in Part 391.43(h) of title 49 of the code of federal
33 regulations. Upon a determination that the holder of a commercial driv-
34 er's license has made any false statement, with respect to the applica-
35 tion for such license, the commissioner shall revoke such license.

36 S 7. Paragraph (a) of subdivision 6 of section 502 of the vehicle and
37 traffic law, as amended by section 3 of part K of chapter 59 of the laws
38 of 2009, is amended to read as follows:

39 (a) A license issued pursuant to subdivision five of this section
40 shall be valid until the expiration date contained thereon, unless such
41 license is suspended, revoked or cancelled. Such license may be renewed
42 by submission of an application for renewal, the fee prescribed by law,

43 proofs of prior licensing, fitness and acceptable vision prescribed by
44 the commissioner, the applicant's social security number, IF SUCH APPLI-
45 CANT HAS A SOCIAL SECURITY NUMBER, and if required by the commissioner a
46 photo image of the applicant in such numbers and form as the commission-
47 er shall prescribe. In addition, an applicant for renewal of a license
48 containing a hazardous material endorsement shall pass an examination to
49 retain such endorsement. The commissioner shall, with respect to the
50 renewal of a hazardous materials endorsement, comply with the require-
51 ments imposed upon states by sections 383.141 and 1572.13 of title 49 of
52 the code of federal regulations. A renewal of such license shall be
53 issued by the commissioner upon approval of such application, except
54 that no such license shall be issued if its issuance would be inconsis-
55 tent with the provisions of section five hundred sixteen of this title,
56 and except that the commissioner may refuse to renew such license if the
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1 applicant is the holder of a currently valid or renewable license to
2 drive issued by another state or foreign country unless the applicant
3 surrenders such license.
4 S 8. This act shall take effect on the one hundred twentieth day after
5 it shall have become a law; provided, however, that sections two and
6 four of this act shall take effect on the same date and in the same
7 manner as chapter 487 of the laws of 2012, takes effect; provided
8 further that the amendments to subdivision 1 of section 502 of the vehi-
9 cle and traffic law made by section four of this act shall expire and be
10 deemed repealed October 3, 2016 when upon such date section six of this
11 act shall take effect. Effective immediately, the addition, amendment
12 and/or repeal of any rule or regulation necessary for the implementation
13 of this act on its effective date is authorized to be made on or before
14 such date.

S01747

I

S01747 Summary:

BILL NO S01747

SAME AS No same as

SPONSOR ESPAILLAT

COSPNSR HOYLMAN, KRUEGER, PERKINS, RIVERA, SAMPSON

MLTSPNSR

Amd SS355, 6206 & 6305, Ed L

Authorizes the trustees of the state university of New York, the city university of New York and community colleges to provide state-aided programs, scholarships or other financial assistance to students who are without lawful immigration status or who are undocumented persons if such student attended an approved NY high school for two or more years, attended an approved NY state program for general equivalency diploma exam preparation, or was enrolled in an institution or educational unit of the state university during the 2013-2014 academic year.

S01747 Actions:

BILL NO S01747

01/09/2013 REFERRED TO HIGHER EDUCATION

01/08/2014 REFERRED TO HIGHER EDUCATION

S01747 Votes:

There are no votes for this bill in this legislative session.

S01747 Memo:

Memo not available

S01747 Text:

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

1747

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. ESPAILLAT, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to scholarship opportu-

nities for certain students of the state university of New York, the city university of New York and community colleges

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

1 Section 1. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new subparagraph 10 to read as follows:
 2
 3 (10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS
 4 WITHOUT LAWFUL IMMIGRATION STATUS OR IS AN UNDOCUMENTED PERSON MAY HAVE
 5 THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED
 6 PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE
 7 PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF
 8 THIS CHAPTER, IF SUCH STUDENT:
 9 (I) IS OTHERWISE ELIGIBLE TO RECEIVE SUCH AWARD; AND
 10 (II) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,
 11 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL AND APPLIED FOR ATTEND-
 12 ANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITH-
 13 IN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR
 14 (III) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-
 15 AGENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA
 16 ISSUED WITHIN NEW YORK STATE AND APPLIED FOR ATTENDANCE AT AN INSTITU-
 17 TION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF
 18 RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE; OR
 19 (IV) WAS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE
 20 UNIVERSITY IN THE FALL SEMESTER OR QUARTER OF THE TWO THOUSAND THIR-
 21 TEEN--TWO THOUSAND FOURTEEN ACADEMIC YEAR AND WAS AUTHORIZED BY SUCH

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

LBD04986-01-3

S. 1747

2

1 INSTITUTION OR EDUCATIONAL UNIT TO PAY TUITION AT THE RATE OR CHARGE
 2 IMPOSED FOR STUDENTS WHO ARE RESIDENTS OF THE STATE.
 3 A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO
 4 FILE AN AFFIDAVIT WITH SUCH INSTITUTION OR EDUCATIONAL UNIT STATING THAT
 5 THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION
 6 STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGI-
 7 BLE TO DO SO.
 8 S 2. Subdivision 7 of section 6206 of the education law is amended by
 9 adding a new paragraph (d) to read as follows:
 10 (D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS WITHOUT
 11 LAWFUL IMMIGRATION STATUS OR IS AN UNDOCUMENTED PERSON MAY HAVE THE
 12 PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED
 13 PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE
 14 PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF
 15 THIS CHAPTER, IF SUCH STUDENT:
 16 (I) IS OTHERWISE ELIGIBLE TO RECEIVE SUCH AWARD; AND
 17 (II) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,
 18 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL AND APPLIED FOR ATTEND-
 19 ANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITH-
 20 IN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR
 21 (III) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-
 22 AGENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA
 23 ISSUED WITHIN NEW YORK STATE AND APPLIED FOR ATTENDANCE AT AN INSTITU-
 24 TION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF
 25 RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE; OR
 26 (IV) WAS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE
 27 UNIVERSITY IN THE FALL SEMESTER OR QUARTER OF THE TWO THOUSAND THIR-
 28 TEEN--TWO THOUSAND FOURTEEN ACADEMIC YEAR AND WAS AUTHORIZED BY SUCH
 29 INSTITUTION OR EDUCATIONAL UNIT TO PAY TUITION AT THE RATE OR CHARGE

30 IMPOSED FOR STUDENTS WHO ARE RESIDENTS OF THE STATE.

31 A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO
32 FILE AN AFFIDAVIT WITH SUCH INSTITUTION OR EDUCATIONAL UNIT STATING THAT
33 THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION
34 STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGI-
35 BLE TO DO SO.

36 S 3. Section 6305 of the education law is amended by adding a new
37 subdivision 8-a to read as follows:

38 8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT
39 WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS WITHOUT LAWFUL IMMI-
40 GRATION STATUS OR IS AN UNDOCUMENTED PERSON MAY BE REDUCED BY STATE-AID-
41 ED PROGRAMS, SCHOLARSHIPS AND OTHER FINANCIAL ASSISTANCE AWARDED UNDER
42 THE PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A
43 OF THIS CHAPTER, IF SUCH STUDENT:

44 (I) IS OTHERWISE ELIGIBLE TO RECEIVE SUCH AWARD; AND

45 (II) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,
46 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL AND APPLIED FOR ATTEND-
47 ANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITH-
48 IN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

49 (III) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-
50 ALENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA
51 ISSUED WITHIN NEW YORK STATE AND APPLIED FOR ATTENDANCE AT AN INSTITU-
52 TION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF
53 RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE; OR

54 (IV) WAS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE
55 UNIVERSITY IN THE FALL SEMESTER OR QUARTER OF THE TWO THOUSAND THIR-
56 TEEN--TWO THOUSAND FOURTEEN ACADEMIC YEAR AND WAS AUTHORIZED BY SUCH
S. 1747

3

1 INSTITUTION OR EDUCATIONAL UNIT TO PAY TUITION AT THE RATE OR CHARGE
2 IMPOSED FOR STUDENTS WHO ARE RESIDENTS OF THE STATE.

3 A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO
4 FILE AN AFFIDAVIT WITH SUCH INSTITUTION OR EDUCATIONAL UNIT STATING THAT
5 THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION
6 STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGI-
7 BLE TO DO SO.

8 S 4. This act shall take effect July 1, 2014.