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
The Government Law Center of Albany Law School is the first and most comprehensive government law program at any ABA-approved law school in the country. The Center also serves as a legal and policy resource for all levels of government. The Center conducts educational programs and research on a wide range of topics both on its own initiative and at the request of government agencies and other organizations.

ALBANY LAW SCHOOL
Albany Law School is a small, independent private school in the heart of New York State’s capital since 1851. As the oldest independent law school in the nation and the oldest in New York, the institution offers students an innovative, rigorous curriculum taught by a committed faculty. Several nationally recognized programs—including the Government Law Center and the Albany Law Clinic and Justice Center—provide opportunities for students to apply classroom learning. Students have access to New York’s highest court, federal courts and the state legislature, as well as a thriving tech-based economy, leading to an employment rate for graduates well above the national average for law schools for the past 25 years.
SPEAKER BIOGRAPHIES

Mevlüde 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:**

  - 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/](http://trac.syr.edu/immigration/reports/377/)

• Representation for Unaccompanied Children in Immigration Court [http://trac.syr.edu/immigration/reports/371/](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

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<table>
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<tbody>
<tr>
<td>Number with birth certificate</td>
<td>2,653</td>
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<tr>
<td>Number who applied for passports</td>
<td>391</td>
</tr>
<tr>
<td>Number with social security card</td>
<td>2,512</td>
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<tr>
<td>Number with state-issued id</td>
<td>1,985</td>
</tr>
<tr>
<td>Total Youth who obtained identification with assistance of ACS</td>
<td>2,717</td>
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Youth Discharged to APPLA in 2014

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<tbody>
<tr>
<td>Number with birth certificate</td>
<td>311</td>
</tr>
<tr>
<td>Number with social security card</td>
<td>299</td>
</tr>
<tr>
<td>Number with state-issued id</td>
<td>276</td>
</tr>
<tr>
<td>Total Youth who obtained identification with assistance of ACS</td>
<td>316</td>
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as per Local Law 48
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.birthcertificate.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.

as per Local Law 43
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  Weinstle  Y
Aubry  Y  Curran  Y  Gottfr  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  Palmes  Y  Scarbor  Y  Wright  Y
Benedet  Y  Davila  Y  Hawley  Y  Magee  Y  Palumbo  Y  Schimmel  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  Hesesi  Y  Markey  Y  Perry  Y  Simanow  Y
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 assistance service enforcement act".

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

3. S 460-a. Definitions AND APPLICABILITY. For the purpose of this article the following terms shall have the following meanings:

4. 1. "Immigrant assistance service" means providing assistance, for a fee or other compensation, to persons who have, or plan to, come to the United States from a foreign country, or their representatives, in relation to any proceeding, filing or action affecting the non-immigrant, immigrant or citizenship status of a person which arises under the immigration and nationality law, executive order or presidential proclamation, or which arises under actions or regulations of the United States [bureau of] citizenship and immigration services, THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, the United States department of labor, or the United States department of state.

5. 2. "Provider" means any person, including but not limited to a corpo-
ration, partnership, limited liability company, sole proprietorship or

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

A. 8974--B

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

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

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

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

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

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

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

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

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

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

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

(6) EACH CONTRACT SHALL CONTAIN A SEPARATE FINAL PAGE TITLED "CANCELLATION FORM." THE CANCELLATION FORM SHALL CONTAIN THE FOLLOWING STATEMENT: "I HEREBY CANCEL THE CONTRACT OF (DATE OF CONTRACT) BETWEEN (NAME OF PROVIDER, ADDRESS OF PROVIDER, AND PHONE NUMBER OF PROVIDER) AND (NAME OF CUSTOMER)." BELOW THE STATEMENT SHALL BE A CUSTOMER SIGNATURE AND DATE LINE. BELOW THE SIGNATURE AND DATE LINE, THE FORM SHALL CONTAIN THE STATEMENT REQUIRED BY PARAGRAPH (H) OF THIS SUBDIVISION, PRINTED IN TWELVE POINT OR LARGER TEXT.

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

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

[9.] (J) The statement: "The individual providing assistance to you under this contract is prohibited from disclosing any information ABOUT YOU TO, or filing any forms or documents ON YOUR BEHALF with, immigration or other authorities without your knowledge and consent EXCEPT AS REQUIRED BY LAW." A PROVIDER SHALL PROMPTLY NOTIFY THE CUSTOMER IN WRITING WHEN SUCH PROVIDER HAS DISCLOSED ANY INFORMATION TO OR FILED ANY A. 8974--B FORM OR DOCUMENT WITH IMMIGRATION OR OTHER AUTHORITIES WHEN SUCH DISCLOSURE OR FILING WAS REQUIRED BY LAW AND DONE WITHOUT THE KNOWLEDGE AND
CONSENT OF THE CUSTOMER.

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

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

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

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


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

S 460-d.] 2. Notice in advertisements. Every provider who advertises immigrant assistance services, whether by signs, pamphlets, newspapers, or any other written communication shall post or otherwise include with such advertisement a notice in the language in which the advertisement appears. This notice shall be of a conspicuous size and shall state:


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

1. Give legal advice, or otherwise engage in the practice of law.
A. 8974-8

2. Assume, use or advertise the title of lawyer or attorney at law, or equivalent terms in the English language or any other language, or represent or advertise other titles or credentials, including but not limited to "notary public", "accredited representative of the board of immigration appeals["], "NOTARIO PUBLIC", "NOTARIO", "IMMIGRATION SPECIALIST" or "immigration consultant," that could cause a customer to believe that the person possesses special professional skills or is
authorized to provide advice on an immigration matter; provided that a
notary public licensed by the secretary of state may use the term "nota-
ry public."

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

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

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

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

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

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

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

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

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

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

A. 0974--0
TO OBTAIN SUCH IMMIGRATION BENEFITS OR STATUS, OR SUCH OTHER GOVERNMENT
BENEFITS.
S [460-f.] 460-E. Retention of documents. [Every] A provider shall
retain copies of all documents prepared or obtained in connection with a
customer's request for assistance for a period of three years after a
written contract is executed by the provider and the customer, whether
or not such contract is subsequently cancelled.
S [460-g.] 460-F. Surety requirement. Every provider shall maintain in
full force and effect FOR THE ENTIRE PERIOD DURING WHICH THE PROVIDER
PROVIDES IMMIGRANT ASSISTANCE SERVICES AND FOR ONE YEAR AFTER THE
PROVIDER CEASED TO DO BUSINESS AS AN IMMIGRANT ASSISTANCE SERVICE
PROVIDER, a bond, contract of indemnity, or irrevocable letter of cred-
it, payable to the people of the state of New York, in the principal
amount of fifty thousand dollars; provided, however, that every provider
that receives in excess of two hundred fifty thousand dollars in total
fees and other compensation for providing immigrant assistance service
during any twelve-month period shall maintain in full force and effect a
bond, contract of indemnity, or irrevocable letter of credit, payable to
the people of the state of New York, in the principal amount of twenty
percent of such total fees and compensation. Such surety shall be for
the benefit of any customer who does not receive a refund of fees from
the provider to which he or she is entitled, or is otherwise injured by
the provider. The attorney general on behalf of the customer or the
customer in his or her own name, may maintain an action against the
provider and the surety.
S 460-G. ACTION. AN INDIVIDUAL WHO IS HARMED BY A PROVIDER AS A RESULT
OF A PROVIDER'S VIOLATION OF THIS ARTICLE MAY BRING AN ACTION IN HIS OR
HER OWN NAME AGAINST A PROVIDER TO ENJOIN SUCH UNLAWFUL ACT OR PRACTICE,
AN ACTION TO RECOVER HIS OR HER ACTUAL DAMAGES OR TWENTY-FIVE HUNDRED
DOLLARS, WHICHER GREATER, OR BOTH SUCH ACTIONS, IN ADDITION TO ANY
OTHER REMEDY AVAILABLE IN LAW OR EQUITY. THE COURT MAY AWARD COSTS AND
REASONABLE ATTORNEY'S FEES TO A PREVAILING PLAINFIF.
S 460-I. Violations. Any violation of any provision of this article
shall be a class A misdemeanor, and upon conviction THEREOF, SHALL BE
PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY IMPRIS-
ONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH SUCH FINE AND IMPRISON-
MENT; PROVIDED HOWEVER, A SECOND OR SUBSEQUENT OFFENSE SHALL BE PUNISHA-
BLE BY A FINE OF NO MORE THAN THREE THOUSAND DOLLARS OR BY IMPRISONMENT
FOR NOT MORE THAN ONE YEAR, OR BY BOTH SUCH FINE AND IMPRISONMENT. IN
ADDITION, the court may order as part of the sentence imposed restitu-
tion or reparation to the victim of the crime pursuant to section 60.27
of the penal law. THE ATTORNEY GENERAL SHALL HAVE THE POWER TO PROSECUTE
ANY VIOLATION OF THIS ARTICLE.
A. 8974--B

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

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

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

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

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

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

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

A. 8974-B

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

S 94-B. OFFICE FOR NEW AMERICANS. 1. LEGISLATIVE INTENT. THE LEGISLATURE HEREBY FINDS AND DECLARES THAT, ACCORDING TO THE 2010 CENSUS, APPROXIMATELY TWENTY-TWO PERCENT OF NEW YORKERS WERE NOT BORN IN THE UNITED STATES, NINE PERCENT ABOVE THE NATIONAL AVERAGE. FOR YEARS IMMIGRANTS HAVE COME TO THE UNITED STATES TO MAKE A BETTER LIFE FOR THEMSELVES. IT IS OF UTMOST IMPORTANCE TO THE STATE THAT THESE NEW AMERICANS BE GIVEN THE TOOLS TO ASSIST THEM IN MAKING A BETTER LIFE FOR THEMSELVES, PARTICULARLY THROUGH PROGRAMS THAT HELP DEVELOP AND LEVERAGE THEIR SKILLS AND STRENGTHEN THEIR CONNECTIONS WITH THEIR COMMUNITIES AND THROUGH PROGRAMS TO REDUCE EXPLOITATION OF VULNERABLE IMMIGRANT POPULATIONS.

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

3. OFFICE FOR NEW AMERICANS; DIRECTOR. THERE IS HEREBY CREATED WITHIN THE DEPARTMENT OF STATE THE OFFICE FOR NEW AMERICANS. THE SECRETARY SHALL APPOINT A DIRECTOR OF THE OFFICE TO ACCOMPLISH THE RESPONSIBILITIES SET FORTH IN THIS SECTION. SUCH DIRECTOR SHALL RECEIVE AN ANNUAL SALARY WITHIN AMOUNTS APPROPRIATED AND SHALL SERVE AT THE PLEASURE OF THE SECRETARY.
4. ORGANIZATION OF THE OFFICE FOR NEW AMERICANS. THE SECRETARY SHALL
HAVE THE POWER TO ESTABLISH, CONSOLIDATE, REORGANIZE, OR ABOLISH ANY
ORGANIZATIONAL UNITS WITHIN THE OFFICE AS HE OR SHE DETERMINES TO BE
NECESSARY FOR EFFICIENT OPERATION THEREOF. THE SECRETARY SHALL ASSIGN
FUNCTIONS TO ANY SUCH UNIT AND MAY APPOINT STAFF, AGENTS, AND CONSULT-
ANTS, PRESCRIBE THEIR DUTIES, AND FIX THEIR COMPENSATION WITHIN AMOUNTS
APPROPRIATED.

5. POWERS AND DUTIES OF THE OFFICE FOR NEW AMERICANS. THE OFFICE FOR
NEW AMERICANS SHALL HAVE THE POWER AND RESPONSIBILITY TO:
(A) CREATE A NETWORK OF NEIGHBORHOOD-BASED OPPORTUNITY CENTERS;
(B) INCREASE ACCESS TO ENGLISH-FOR-SPEAKERS-OF-OTHER-LANGUAGES (ESOL)
TRAINING, INCLUDING BY ENGAGING NOT-FOR-PROFIT ORGANIZATIONS AND OTHER
QUALIFIED PROVIDERS OF ESOL TRAINING SERVICES;
(C) ASSIST IMMIGRANTS IN MATTERS RELATING TO IMMIGRATION STATUS,
INCLUDING BUT NOT LIMITED TO ASSISTING WITH THE NATURALIZATION PROCESS
AND APPLICATIONS FOR DEFERRED ACTION FOR CHILDHOOD ARRIVALS;
(D) CONNECT IMMIGRANTS TO BUSINESS RESOURCES THAT HARNESS THEIR
SKILLS, EMPLOYMENT REFERRAL PROGRAMS, AND OTHER WORKFORCE DEVELOPMENT
PROGRAMS;
(E) DEVELOP AND LEVERAGE THE SKILLS OF IMMIGRANTS TO BENEFIT THEIR
COMMUNITIES AND THE STATE;
(F) STRENGTHEN THE CONNECTIONS BETWEEN IMMIGRANTS AND THEIR COMMUNI-
TIES THROUGH CIVIC ENGAGEMENT;
(G) REDUCE EXPLOITATION OF IMMIGRANTS;
(H) ESTABLISH A TOLL-FREE MULTI-LINGUAL HOTLINE AND A WEBSITE FOR
PURPOSES INCLUDING BUT NOT LIMITED TO DISSEMINATION OF INFORMATION ABOUT
THE PROGRAMS AND SERVICES OFFERED BY THE OFFICE FOR NEW AMERICANS,
REFERRAL FOR SERVICES, AND RECEIPT OF COMPLAINTS RELATING TO FRAUD AND
OTHER RELATED CRIMES AGAINST IMMIGRANTS;
(I) ENSURE THAT INDIVIDUALS REFERRED BY THE OFFICE ARE DIRECTED TO
SERVICE PROVIDERS WHO ARE IN COMPLIANCE WITH ARTICLE TWENTY-EIGHT-C OF
THE GENERAL BUSINESS LAW OR PROVIDERS CERTIFIED BY THE BUREAU OF IMMI-
GRATION APPEALS;
A. 8974--B

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1 (I) USING INFORMATION DEVELOPED BY THE OFFICE THROUGH THE HOTLINE,
ASSIST LAW ENFORCEMENT IN COMBATTING CRIMES AGAINST IMMIGRANTS;
(K) ADVISE THE GOVERNOR AND SECRETARY CONCERNING MATTERS AFFECTING
IMMIGRANTS IN THE STATE IN ORDER TO PROMOTE AND ENCOURAGE THE FULL
PARTICIPATION OF IMMIGRANTS IN THE STATE'S CIVIC AND ECONOMIC LIFE;
(L) COORDINATE WITH OTHER STATE AGENCIES AND OTHERWISE MARSHAL THE
RESOURCES OF THE STATE TO SERVE THE NEEDS OF IMMIGRANTS;
(M) ENCOURAGE AND ASSIST LOCAL GOVERNMENTS IN THE DEVELOPMENT OF
ACTIVITIES TO ENHANCE CIVIC ENGAGEMENT AMONG IMMIGRANTS AND IN IMMIGRANT
COMMUNITIES; AND
(N) BEGINNING IN TWO THOUSAND FIFTEEN, BY JUNE FIFTEENTH OF EACH YEAR,
PRODUCE A REPORT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, AND THE
TEMPORARY PRESIDENT OF THE SENATE DESCRIBING THE ACTIVITIES OF THE
OFFICE, INCLUDING BUT NOT LIMITED TO, SUMMARIZING CALLS RECEIVED THROUGH
THE HOTLINE AND WEBSITE, INFORMATION ON ESOL TRAINING SERVICES PROVIDED
BY THE OFFICE, THE NUMBER OF IMMIGRANTS ASSISTED THROUGH THE OPPORTUNITY
CENTERS, OR AN ESTIMATION THEREOF, THE STATUS OF ANY WORKFORCE DEVELOP-
MENT PROGRAMS, AND ANY OTHER RELEVANT INFORMATION.
S 7. The penal law is amended by adding a new section 190.87 to read
as follows:
S 190.87 IMMIGRANT ASSISTANT SERVICES FRAUD IN THE SECOND DEGREE.
2 A PERSON IS GUILTY OF IMMIGRANT ASSISTANCE SERVICES FRAUD IN THE
SECOND DEGREE WHEN, WITH INTENT TO DEFRAUD ANOTHER PERSON SEEKING IMMIG-
GRANT ASSISTANCE SERVICES, AS DEFINED IN ARTICLE TWENTY-EIGHT-C OF THE
GENERAL BUSINESS LAW, FROM SUCH PERSON, HE OR SHE VIOLATES SECTION FOUR
HUNDRED SIXTY-D OF THE GENERAL BUSINESS LAW WITH INTENT TO OBTAIN PROP-
ERTY FROM SUCH OTHER PERSON BY FALSE OR FRAUDULENT PRETENCES, REPRESEN-
TATIONS OR PROMISES, AND THEREBY WRONGFULLY OBTAINS SUCH PROPERTY.
IMMIGRANT ASSISTANCE SERVICES FRAUD IN THE SECOND DEGREE IS A CLASS A
MISDEMEANOR.
S 8. The penal law is amended by adding a new section 190.89 to read
as follows:
S 190.89 IMMIGRANT ASSISTANCE SERVICES FRAUD IN THE FIRST DEGREE.
A PERSON IS GUILTY OF IMMIGRANT ASSISTANCE SERVICES FRAUD IN THE FIRST
DEGREE WHEN, WITH INTENT TO DEFRAUD ANOTHER PERSON SEEKING IMMIGRANT
ASSISTANCE SERVICES, AS DEFINED IN ARTICLE TWENTY-EIGHT-C OF THE GENERAL
BUSINESS LAW, FROM SUCH PERSON, HE OR SHE VIOLATES SECTION FOUR HUNDRED
SIXTY-D OF THE GENERAL BUSINESS LAW WITH INTENT TO OBTAIN PROPERTY FROM
SUCH OTHER PERSON BY FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS OR
 PROMISES, AND THEREBY WRONGFULLY OBTAINS SUCH PROPERTY WITH A VALUE IN
EXCESS OF ONE THOUSAND DOLLARS.
IMMIGRANT ASSISTANCE SERVICES FRAUD IN THE FIRST DEGREE IS A CLASS E
FELONY.
S 9. This act shall take effect on the one hundred eightieth day after
it shall have become a law. Effective immediately, the addition, amend-
ment and/or repeal of any rule or regulation necessary for the implemen-
tation of this act on its effective date are authorized to be made and
completed on or before such effective date.
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, DonDekker, Arroyo, Kollner, 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 S5661, 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 § 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 64513(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:
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:

Section 1. Short title. This act shall be known and may be cited as the "New York state dream act".

§ 2. Subdivision 3 of section 661 of the education law is REPEALED and a new subdivision 3 is added to read as follows:

3. QUALIFICATIONS. A QUALIFIED STUDENT FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY. A QUALIFIED STUDENT FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY SHALL MEAN:

(I) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS USED IN 8 U.S.C. § 1623, WHO HAS BEEN A 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) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS USED IN 8 U.S.C. § 1623, WHO IS A RESIDENT OF THE STATE AND WAS A RESIDENT OF THE STATE DURING HIS OR HER LAST TWO SEMESTERS OF HIGH SCHOOL EITHER PRIOR TO GRADUATION, OR PRIOR TO ADMISSION TO COLLEGE; OR

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

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(III) AN INDIVIDUAL WHO:

1. ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL, AND APPLIED FOR ATTENDANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

2. ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENcy DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE, AND APPLIED FOR ATTENDANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE; OR

3. IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
TION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

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

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

(I) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS USED IN 8 U.S.C. § 1623, WHO HAS BEEN A 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) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS USED IN 8 U.S.C. § 1623, WHO IS A RESIDENT OF THE STATE AND WAS A RESIDENT OF THE STATE DURING HIS OR HER LAST TWO SEMESTERS OF HIGH SCHOOL EITHER PRIOR TO GRADUATION, OR PRIOR TO ADMISSION TO COLLEGE; OR

(III) AN INDIVIDUAL WHO:

(1) ATTENDED AN APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM AN APPROVED 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

(2) 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

(3) 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.

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

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

(I) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL, AND APPLIED FOR ATTENDANCE OR IS ENROLLED AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY; OR

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

IN ADDITION TO SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, IF THE INDIVIDUAL IS DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS USED IN 8 U.S.C. § 1623, THEN SUCH INDIVIDUAL MUST HAVE ENTERED THE UNITED STATES BEFORE THE AGE OF EIGHTEEN AND BE UNDER THE AGE OF THIRTY-FIVE AT THE TIME OF APPLICATION FOR LOANS AND AWARDS.
D. NOTWITHSTANDING SUBPARAGRAPH (III) OF PARAGRAPH B OF THIS SUBDIVISION, AN INDIVIDUAL SHALL BE DEEMED A QUALIFIED STUDENT FOR AN AWARD AT THE GRADUATE LEVEL OF STUDY FOR A PERIOD OF TEN YEARS IMMEDIATELY FOLLOWING THE IMPLEMENTATION OF THE NEW YORK STATE DREAM ACT PROVIDED THAT THE INDIVIDUAL:

(I) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL, AND APPLIED FOR ATTENDANCE OR IS ENROLLED AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY; OR

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

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

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

S 4. Paragraphs a and b of subdivision 5 of section 661 of the education law are REPEALED.

S 5. 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 paragraph a, b, c or d of subdivision three of this section 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.

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

A. 22

4.

e. Notwithstanding any other provision of this article to the contrary, the New York state [residency] eligibility requirement requirements for receipt of awards set forth in paragraph A, B, C or D of subdivision three of this section is waived for a 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.

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

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

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

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

S 9. Section 6385 of the education law is amended by adding a new subdivision 8-a to read as follows:

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

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

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

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

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

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

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

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

(e) Graduate science and technology entry program moneys may be used for recruitment, academic enrichment, career planning, supplemental financial assistance, review for licensing examinations, program administration, and other activities which the commissioner may deem appropriate. To be eligible for graduate collegiate science and technology
entry program support, a student must be a resident of New York who is
a "QUALIFIED STUDENT" PURSUANT TO PARAGRAPH B OR PARAGRAPH D OF SUBDIVI-
SION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER AND MUST BE
either economically disadvantaged or from a minority group historically
underrepresented in the scientific, technical and health-related
professions AND MUST DEMONSTRATE AN INTEREST IN AND A POTENTIAL FOR A
PROFESSIONAL CAREER IF PROVIDED SPECIAL SERVICES. Eligible students
must be in good academic standing, enrolled full time in an approved
graduate level program, as defined by the regents.
S 14. Subparagraphs (i) and (iii) of paragraph a of subdivision 2 of
section 695-e of the education law, as amended by chapter 593 of the
laws of 2003, are amended to read as follows:
(i) the name, address and social security number [or], employer iden-
tification number OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR
TO THE EFFECTIVE DATE OF THE NEW YORK STATE DREAM ACT DOES NOT ALLOW FOR
A TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICA-
TION NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT;
(iii) the name, address, and social security number, EMPLOYER IDEN-
tIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN
EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO
THOUSAND THIRTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A
TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION
NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and
S 15. This act shall take effect July 1, 2014.
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; and 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.

Actions:
BILL NO S07879
06/16/2014 REFERRED TO RULES

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

Memo:
Memo not available

Text:
STATE OF NEW YORK

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SENATE - ASSEMBLY

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 the "New York is home act".

2 § 2. Legislative findings. The legislature hereby finds that New York is home to over 19.5 million individuals, including workers, consumers, students, neighbors and taxpayers. The wellbeing of this state is inextricably linked to the wellbeing of all these New Yorkers. These New Yorkers share a common destiny and common dreams: a thriving New York state replete with healthy families, healthy communities and striving businesses. New York is home to these individuals, regardless of their federal immigration status.

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

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

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

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

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

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 IDEN-
TIFICATION 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 IDEN-
TIFICATION 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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1 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 CITI-
ZEN 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 INDI-
VIDUALS WHO ARE STUDENTS, PRIMARY CAREGIVERS, UNABLE TO WORK DUE TO
DISABILITY, UNEMPLOYED OR OTHERWISE NOT REQUIRED PURSUANT TO SUCH ARTI-
CLE OF THE TAX LAW TO REPORT HIS OR HER INCOME;
(D) HAS PROMISED TO ABIDE BY THE LAWS OF THE STATE AND TO UPHOLD THE
PROVISIONS OF THE STATE CONSTITUTION; AND

http://assembly.state.ny.us/leg/?default_fld=8&br=507879&term=2013&summary=Y&actions=Y&votes=Y&memo=Y&text=Y
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(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 eligi-
bility 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 enti-
ties 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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STATE BENEFITS BY VIRTUE OF HIS OR HER LACK OF DOCUMENTATION OF FEDERAL 
IMMIGRATION STATUS:
3. (A) Any license, permit, certificate or grant of permission, as 
defined in paragraph c of subdivision one of section 3-503 of the gener-
al 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 5-160 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 educa-
tion law, such as general awards, academic performance awards and 
student loans for higher education; assistance under the higher educa-
tion 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 arti-
cle, 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 juris-
diction to be invalid, such judgment shall not affect, impair or invali-
date 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 establish-
ment, 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 eight-
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
57 OR a new york state citizen, a resident of the state, and if it be a
58 local office, a resident of the political subdivision or municipal
59 corporation of the state for which he shall be chosen, or within which
60 the electors electing him reside, or within which his official functions
61 are required to be exercised, or who shall have been or shall be
62 convicted of a violation of the selective draft act of the united states,
63 enacted may eighteenth, nineteen hundred seventeen, or the acts
64 amendatory or supplemental thereto, or of the federal selective
65 service act of nineteen hundred forty or the acts amendatory thereof
66 or supplemental thereto.
67 S 6. Subparagraphs vi and vii of paragraph (b) of subdivision 2 of
68 section 89 of the public officers law, as amended by section 11 of part
69 u of chapter 61 of the laws of 2011, are amended and two new subpara-
70 graphs viii and ix are added to read as follows:
71 vii. information of a personal nature contained in a workers' compen-
72 sation record, except as provided by section one hundred ten-a of the
73 workers' compensation law; [or]
74 viii. disclosure of electronic contact information, such as an e-mail
75 address or a social network username, that has been collected from a
76 taxpayer under section one hundred four of the real property tax law[.]
77 VIII. DISCLOSURE OF INFORMATION USED TO OBTAIN NEW YORK STATE CITIZENSHIP ON A NEW YORK STATE IDENTIFICATION CARD INCLUDING BUT NOT LIMITED TO NAMES, ADDRESSES AND IDENTIFYING INFORMATION OF RECIPIENTS OR APPLICANTS OF SUCH CITIZENSHIP OR CARDS, AND ANY INFORMATION THAT COULD REASONABLY BE EXPECTED TO LEAD TO SUCH DISCLOSURE; OR
78 IX. DISCLOSURE OF INFORMATION WHEN DISCLOSURE WOULD RESULT IN IDENTIFICATION OF PEOPLE WHO ARE NEW YORK STATE CITIZENS.
79 S 7. Subdivision 2 of section 5 of the tax law, as amended by chapter
80 170 of the laws of 1994, is amended to read as follows:
81 2. Requiring information. Notwithstanding any other provision of law,
82 every covered agency shall, as part of the procedure for granting,
83 renewing, amending, supplementing or restating the license of any person
84 or at the time the covered agency contracts to purchase or purchases
85 goods or services or leases real or personal property from any person,
86 require that each such person provide to the covered agency such
87 person's federal social security account number [or], federal employer
88 identification number or new york state identification number, or [both]
89 all such numbers when such person has [both] more than one such
90 [numbers] NUMBER, OR, WHERE SUCH PERSON DOES NOT HAVE SUCH NUMBER OR NUMBERS, THE REASON OR REASONS WHY SUCH PERSON DOES NOT HAVE SUCH NUMBER OR NUMBERS. SUCH NUMBERS OR REASONS SHALL BE Obtained BY SUCH COVERED
91 AGENCY AS PART OF THE ADMINISTRATION OF THE TAXES ADMINISTERED BY THE
commissioner for the purpose of establishing the identification of persons affected by such taxes.

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

(3) federal social security account number [or], federal employer identification number OR NEW YORK STATE IDENTIFICATION NUMBER, or [both]

ALL such numbers where such person has [both] MORE THAN ONE such [numbers] NUMBER, or the reason or reasons, furnished by such person,

why such person does not have such number or numbers.

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

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

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

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

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

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

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

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

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

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

S 14. Subdivision 7 of section 6604-b of the education law, as added
7. In order to be eligible for a restricted dental faculty license an applicant must be a United States citizen [or], an alien lawfully admitted for permanent residence in the United States[; provided, however, that the department may grant a three year waiver for an alien who otherwise meets all other requirements for a restricted dental faculty license except that the department may grant an additional extension not to exceed six years to an alien to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued] OR A NEW YORK STATE CITIZEN.

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

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

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

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

6. Citizenship or immigration status: be a United States citizen [or], an alien lawfully admitted for permanent residence in the United States OR A NEW YORK STATE CITIZEN.
S 21. Paragraph 6 of subdivision 1 of section 7206 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

4. A copartnership or a corporation, unless each member of the partnership, or each of the principal officers and directors of the corporation, is a citizen of the United States [or], an alien lawfully admitted for permanent residence in the United States OR A NEW YORK STATE CITIZEN, not less than twenty-one years of age, and has not been convicted of any felony or any of the misdemeanors, specified in section eleven hundred forty-six of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or of an offense defined in section 230.20 or 230.40 of the penal law, or if so convicted has received, subsequent to such conviction, an executive pardon therefore removing this disability a certificate of good conduct granted by the department of corrections and community supervision, or a certificate of relief from disabilities granted by the department of corrections and community supervision or a court of this state pursuant to the provisions of article twenty-three of the correction law to remove the disability under this section because of such conviction; provided however that a corporation which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and more than one-half of its directors are citizens of the United States [or], aliens lawfully admitted for permanent residence in the United States OR NEW YORK STATE CITIZENS; and provided further that a corporation organized under the not-for-profit corporation law or the education law which otherwise conforms to the
requirements of this section and chapter may be licensed if each of its
principal officers and more than one-half of its directors are not less
than twenty-one years of age and none of its directors are less than
eighteen years of age; and provided further that a corporation organized
under the not-for-profit corporation law or the education law and
located on the premises of a college as defined by section two of the
education law which otherwise conforms to the requirements of this
section and chapter may be licensed if each of its principal officers
and each of its directors are not less than eighteen years of age.
S 27. Section 10 of the general city law, as amended by chapter 133 of
the laws of 1982, is amended to read as follows:
S 10. Licenses to adult blind persons. The mayor of any city shall
have the power to issue a license to any adult blind person for the
vending of goods, or newspapers in such places as he OR SHE may set
aside for this purpose. The license shall be issued for a term of one
year and no charge shall be made for the license. A license shall not be
issued to a blind person unless he or she is a resident for three years
in the city in which application for such license is made, and is a
citizen of the United States [or], an alien lawfully admitted for perma-
nent residence in the United States OR A NEW YORK STATE CITIZEN.
This license shall be revocable only for cause.
S 28. Paragraphs (a) and (c) of subdivision 2 of article X of section
1 of part I of 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, are amended to read as follows:
(a) The full name, residence, business address (if any), place and
date of birth, and THE social security number OR THE NEW YORK STATE
IDENTIFICATION NUMBER of the applicant;
(c) The citizenship of the applicant and, if he OR SHE is a natural-
ized citizen of the United States, the court and date of his OR HER
naturalization, OR IF HE OR SHE IS A NEW YORK STATE CITIZEN, THE DATE OF
ISSUANCE OF HIS OR HER NEW YORK STATE IDENTIFICATION CARD; and
S 29. Paragraph (a) of subdivision 2 of section 3421 of the public
health law, as amended by chapter 534 of the laws of 1983, is amended to
read as follows:
(a) is a citizen of the United States [or], an alien lawfully admitted
for permanent residence in the United States OR A NEW YORK STATE
CITIZEN;
S 30. Section 41 of the general business law, as amended by chapter
321 of the laws of 1983, is amended to read as follows:
S 41. Licenses, how obtained; penalty for carrying on business without
license. The mayor or such local licensing authority may from time to
time grant, under his OR HER hand and the official seal of his OR HER
office, to such citizens OF THE UNITED STATES, [or] aliens lawfully
admitted for permanent residence in the United States OR NEW YORK STATE
CITIZENS, as he OR SHE shall deem proper and who shall produce to him OR
HER satisfactory evidence of their good character, a license authorizing
such person to carry on the business of a collateral loan broker, which
license shall designate the house in which such person shall carry on
said business, and no person, corporation, partnership or firm shall
carry on the business of a collateral loan broker without being duly
licensed, nor in any other house than the one designated in said
license, under a penalty of one hundred dollars for each day he, SHE OR
they shall exercise or carry on said business without such license or at
any other house than the one so designated. Any person receiving such
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license shall pay therefor the sum of five hundred dollars for the use
of the city yearly where such business is to be conducted in a city with
a population of more than one million persons, and where the business is
to be conducted elsewhere the fee for such license shall not exceed two
hundred fifty dollars yearly, and every such license shall expire one
year from the date thereof, and may be renewed on application to the
mayor or local licensing authority each and every year on payment of the
same sum and upon performance of the other conditions herein contained.
Every person so licensed shall, at the time of receiving such license,
file with the mayor or such local licensing authority granting the same
a bond to the local authorities, to be executed by the person so
licensed and by two responsible sureties, in the penal sum of ten thou-
sand dollars, to be approved by such mayor or local licensing authority,
which bond shall be conditioned for the faithful performance of the
duties and obligations pertaining to the business so licensed, and the
mayor or such local licensing authority shall have full power and
authority to revoke such license for cause.
S 31. Subdivision 1 of section 72 of the general business law, as
amended by chapter 164 of the laws of 2003, is amended to read as
follows:
1. If the applicant is a person, the application shall be subscribed
by such person, and if the applicant is a firm or partnership the appli-
cation shall be subscribed by each individual composing or intending to
compose such firm or partnership. The application shall state the full
name, age, residences within the past three years, present and previous
occupations of each person or individual so signing the same, that each
person or individual is a citizen of the United States [or], an alien
lawfully admitted for permanent residence in the United States OR A NEW
YORK STATE CITIZEN and shall also specify the name of the city, town or
village, stating the street and number, if the premises have a street
and number, and otherwise such apt description as will reasonably indi-
cate the location thereof, where is to be located the principal place of
business and the bureau, agency, sub-agency, office or branch office for
which the license is desired, and such further facts as may be required
by the department of state to show the good character, competency and
integrity of each person or individual so signing such application. Each
person or individual signing such application shall, together with such
application, submit to the department of state, his OR HER photograph,
taken within six months prior thereto in duplicate, in passport size and
also two sets of fingerprints of his OR HER two hands recorded in such
manner as may be specified by the secretary of state or the secretary of
state's authorized representative. Before approving such application it
shall be the duty of the secretary of state or the secretary of state's
authorized representative to forward one copy of such fingerprints to
the division of criminal justice services. Upon receipt of such fingers-
prints, such division shall forward to the secretary of state a report
with respect to the applicant's previous criminal history, if any, or a
statement that the applicant has no previous criminal history according
to its files. If additional copies of fingerprints are required the
applicant shall furnish them upon request. Such fingerprints may be
submitted to the federal bureau of investigation for a national criminal
history record check. The secretary shall reveal the name of the appli-
cant to the chief of police and the district attorney of the applicant's
residence and of the proposed place of business and shall request of
them a report concerning the applicant's character in the event they
shall have information concerning it. The secretary shall take such
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other steps as may be necessary to investigate the honesty, good charac-
ter and integrity of each applicant. Every such applicant for a license
as private investigator shall establish to the satisfaction of the
secretary of state, (a) if the applicant be a person, or, (b) in the case
of a firm, limited liability company, partnership or corporation, at
least one member of such firm, partnership, limited liability company or
 corporation, has been regularly employed, for a period of not less than
http://assembly.state.ny.us/leg/?default_fld=&bx=S07878&term=2013&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y 10/32
three years, undertaking such investigations as those described as
performed by a private investigator in subdivision one of section seven-
ty-one of this article, as a sheriff, police officer in a city or county
police department, or the division of state police, investigator in an
agency of the state, county, or United States government, or employee of
a licensed private investigator, or has had an equivalent position and ex-
perience or that such person or member was an employee of a police
department who rendered service therein as a police officer for not less
than twenty years or was an employee of a fire department who rendered
service therein as a fire marshal for not less than twenty years. Howev-
er, employment as a watchman, guard or private patrolman shall not be
considered employment as a "private investigator" for purposes of this
section. Every such applicant for a license as watch, guard or patrol
agency shall establish to the satisfaction of the secretary of state (a)
if the applicant be a person, or (b) in the case of a firm, limited
liability company, partnership or corporation, at least one member of
such firm, partnership, limited liability company or corporation, has
been regularly employed, for a period of not less than two years,
performing such duties or providing such services as described as those
performed or furnished by a watch, guard or patrol agency in subdivision
two of section seventy-one of this article, as a sheriff, police officer
in a city or county police department, or employee of an agency of the
state, county or United States government, or licensed private investi-
gator or watch, guard or patrol agency, or has had an equivalent posi-
tion and experience; qualifying experience shall have been completed
within such period of time and at such time prior to the filing of the
application as shall be satisfactory to the secretary of state. The
person or member meeting the experience requirement under this subdivi-
sion and the person responsible for the operation and management of each
bureau, agency, sub-agency, office or branch office of the applicant
shall provide sufficient proof of having taken and passed a written
examination prescribed by the secretary of state to test their under-
standing of their rights, duties and powers as a private investigator
and/or watchman, guard or private patrolman, depending upon the work to
be performed under the license. In the case of an application subscribed
by a resident of the state of New York such application shall be
approved, as to each resident person or individual so signing the same,
but not less than five reputable citizens of the community in which such
applicant resides or transacts business, or in which it is proposed to
own, conduct, manage or maintain the bureau, agency, sub-agency, office
or branch office for which the license is desired, each of whom shall
subscribe and affirm as true, under the penalties of perjury, that he OR
SHE has personally known the said person or individual for a period of
at least five years prior to the filing of such application, that he OR
SHE has read such application and believes each of the statements made
therein to be true, that such person is honest, of good character and
competent, and not related or connected to the person so certifying by
blood or marriage. In the case of an application subscribed by a non-res-
ident of the state of New York such application shall be approved, as
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to each non-resident person or individual so signing the same by not
less than five reputable citizens of the community in which such appli-
cant resides. The certificate of approval shall be signed by such
reputable citizens and duly verified and acknowledged by them before an
officer authorized to take oaths and acknowledgment of deeds. All
provisions of this section, applying to corporations, shall also apply
to joint-stock associations, except that each such joint-stock associ-
ation shall file a duly certified copy of its certificate of organization
in the place of the certified copy of its certificate of incorpora-
tion herein required.

S 32. Subdivision 4 of section 89-h of the general business law, as
added by chapter 336 of the laws of 1992, is amended to read as follows:

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

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

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

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

S 460. Examination and admission of attorneys. An applicant for admis-
sion to practice as an attorney or counsellor in this state, must be
examined and licensed to practice as prescribed in this chapter and in
the rules of the court of appeals. Race, creed, color, national origin,
alienage [or], sex, STATUS AS A NEW YORK STATE CITIZEN OR FEDERAL IMMIG-
RATION CARD shall constitute no cause for refusing any person examina-
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 FOURTY-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
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 COMMISSIONER SHALL PROVIDE SPACE ON THE APPLICATION SO THAT THE APPLICANT MAY REQUEST 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 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.

(B) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS CLARIFYING THAT ELIGIBILITY FOR A DRIVER'S LICENSE SHALL NOT REQUIRE AN APPLICANT TO PROVIDE A SOCIAL SECURITY NUMBER AS PROOF OF IDENTITY. THE COMMISSIONER SHALL PROVIDE FOR THE ACCEPTANCE OF ALTERNATIVE PROOFS OF IDENTITY, INCLUDING NEW YORK STATE IDENTIFICATION CARDS, FOREIGN IDENTIFICATION CARDS, FOREIGN BIRTH CERTIFICATES AND FOREIGN PASSPORTS.

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

1. Application for license. (a) 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. 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 or a New York state identification 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 [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 commissioner shall provide AND space on the application so that the applicant may request 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 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.

(b) The commissioner shall promulgate rules and regulations clarifying that eligibility for a driver's license shall not require an applicant to provide a social security number as proof of identity. The commissioner shall provide for the acceptance of alternative proofs of identity, including New York state identification cards, foreign identification cards, foreign birth certificates and foreign passports.

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

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

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

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

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

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

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

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

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

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

(a) It shall be an unlawful discriminatory practice for any person,
being the owner, lessee, proprietor, manager, superintendent, agent or
employee of any place of public accommodation, resort or amusement,
because of the race, creed, color, national origin, sexual orientation,
military status, sex, STATUS AS A NEW YORK STATE CITIZEN, or disability
or marital status of any person, directly or indirectly, to refuse,
withhold from or deny to such person any of the accommodations, advan-
tages, facilities or privileges thereof, including the extension of
credit, or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or
advertisement, to the effect that any of the accommodations, advantages,
facilities and privileges of any such place shall be refused, withheld
from or denied to any person on account of race, creed, color, national
origin, sexual orientation, military status, sex, STATUS AS A NEW YORK STATE CITIZEN, or disability or marital status, or that the patronage or custom thereat of any person of or purporting to be of any particular race, creed, color, national origin, sexual orientation, military status, STATUS AS A NEW YORK STATE CITIZEN, sex or marital status, or having a disability is unwelcome, objectionable or not acceptable, desired or solicited.

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

(a) To refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of the race, creed, color, disability, national origin, sexual orientation, military status, age, sex, 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.

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

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

(c-1) 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, disability, marital status, STATUS AS A NEW YORK STATE CITIZEN, or familial status, or any intent to make any such limitation, specification or discrimination.

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

3-b. It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation, partnership or organization for the purpose of inducing a real estate transaction from which any such person or any of its stockholders or members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, sexual orientation, military status, STATUS AS A NEW YORK STATE CITIZEN, sex, disability, marital status, or familial status of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or anti-social
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
from any person or group of persons land or commercial space 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;
(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 land or commercial space; 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 applica-
tion for the purchase, rental or lease of such land or commercial space
or to make any record or inquiry in connection with the prospective
purchase, rental or lease of such land or commercial space which
expresses, directly or indirectly, any limitation, specification or
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discrimination as to race, creed, color, national origin, sexual orient-
tion, 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.
(4) With respect to age and familial status, the provisions of this
paragraph shall not apply to the restriction of the sale, rental or
lease of land or commercial space exclusively to persons fifty-five
years of age or older and the spouse of any such person, or to the
restriction of the sale, rental or lease of land to be used for the
construction, or location of housing accommodations exclusively for
persons sixty-two years of age or older, or 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 occu-
pancy 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.
(c) It shall be an unlawful discriminatory practice for any real
estate broker, real estate salesperson or employee or agent thereof:
(1) To refuse to sell, rent or lease any housing accommodation, land
or commercial space to any person or group of persons or to refuse to
negotiate for the sale, rental or lease, of any housing accommodation,
land or commercial space to any person or group of persons 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, land or commercial space is not avail-
able for inspection, sale, rental or lease when in fact it is so avail-
able, or otherwise to deny or withhold any housing accommodation, land
or commercial space or any facilities of any housing accommodation, land
or commercial space from any person or group of persons 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.
(2) To print or circulate or cause to be printed or circulated any
statement, advertisement or publication, or to use any form of applica-
tion for the purchase, rental or lease of any housing accommodation,
land or commercial space or to make any record or inquiry in connection
with the prospective purchase, rental or lease of any housing accommo-
dation, land or commercial space which expresses, directly or indirect-
ly, 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 fami-
(3) With respect to age and familial status, the provisions of this paragraph shall not apply to the restriction of the sale, rental or lease of any land or commercial space exclusively to persons fifty-five years of age or older and the spouse of any such person, or to the restriction of the sale, rental or lease of any housing accommodation or land to be used for the construction or location of housing accommodations for persons sixty-two years of age or older, or 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.

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

(e) It shall be an unlawful discriminatory practice for the owner, proprietor or managing agent of, or other person having the right to provide care and services in, a private proprietary nursing home, convalescent home, or home for adults, or an intermediate care facility, as defined in section two of the Social Services Law, heretofore constructed, or to be constructed, or any agent or employee thereof, to refuse to provide services and care in such home or facility to any individual or to discriminate against any individual in the terms, conditions, and privileges of such services and care solely because such individual is a blind person. For purposes of this paragraph, a "blind person" shall mean a person who is registered as a blind person with the Commission for the Visually Handicapped and who meets the definition of a "blind person" pursuant to section three of chapter four hundred fifteen of the laws of nineteen hundred thirteen entitled "An act to establish a state commission for improving the condition of the blind of the state of New York, and making an appropriation therefor".

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

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

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

(a) It shall be an unlawful discriminatory practice for any fire department or fire company therein, through any member or members thereof, officers, board of fire commissioners or other body or office having power of appointment of volunteer firefighters, directly or indirectly, by ritualistic practice, constitutional or by-law prescription, by tacit agreement among its members, or otherwise, to deny to any individual membership in any volunteer fire department or fire company therein, or to expel or discriminate against any volunteer member of a fire department or fire company therein, because of the race, creed, color,
national origin, sexual orientation, military status, STATUS AS A NEW YORK STATE CITIZEN, sex or marital status of such individual.

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

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

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

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

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

a. In the case of applications for credit with respect to the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space to discriminate against any such applicant because of the race, creed, color, national origin, sexual orientation, military status, age, sex, marital status, disability, STATUS AS A NEW YORK STATE CITIZEN, or familial status of such applicant or applicants or any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodation, land or commercial space, in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any such credit;

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

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

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

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

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

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

2. Without limiting the generality of subdivision one of this section, it shall be considered discriminatory if, because of an applicant's or class of applicants' race, creed, color, national origin, sexual orientation, military status, age, sex, marital status or disability, STATUS AS A NEW YORK STATE CITIZEN, or Familial status, (i) an applicant or
class of applicants is denied credit in circumstances where other applicants of like overall credit worthiness are granted credit, or (ii) special requirements or conditions, such as requiring co-obligors or reapplication upon marriage, are imposed upon an applicant or class of applicants in circumstances where similar requirements or conditions are not imposed upon other applicants of like overall credit worthiness.

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

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

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

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

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

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

(ii) an alien whose status is not within the meaning of the term
"qualified alien" as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. S. 7879)

Code 1641), as amended, but who is otherwise permanently residing in the United States under color of law], AND (II) NEW YORK STATE CITIZENS IF OTHERWISE ELIGIBLE SHALL ONLY BE ELIGIBLE FOR MEDICAL ASSISTANCE.

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

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

S 699. NEW YORK DREAM FUND COMMISSION. 1. (A) THERE SHALL BE CREATED A NEW YORK DREAM FUND COMMISSION WHICH SHALL BE COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.

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

1. FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;
2. THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE;
3. THREE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;
4. ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;
5. ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY;
6. TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL REFLECT THE RACIAL, ETHNIC, GENDER, LANGUAGE, AND GEOGRAPHIC DIVERSITY OF THE STATE.
7. TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL INCLUDE COLLEGE AND UNIVERSITY ADMINISTRATORS AND FACULTY, AND OTHER INDIVIDUALS COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.
8. MEMBERS OF THE NEW YORK DREAM FUND COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES.
9. (A) THE NEW YORK DREAM FUND COMMISSION SHALL HAVE THE POWER TO:
10. ADMINISTER THE PROVISIONS OF THIS SECTION;
11. CREATE AND RAISE FUNDS FOR THE NEW YORK DREAM FUND;
12. ESTABLISH A NOT-FOR-PROFIT ENTITY CHARGED WITH THE RESPONSIBILITY OF RAISING FUNDS FOR THE ADMINISTRATION OF THIS SECTION AND ANY EDUCATIONAL OR TRAINING PROGRAMS SUCH COMMISSION IS TASKED WITH ADMINISTERING AND FUNDING SCHOLARSHIPS TO STUDENTS WHO ARE CHILDREN OF IMMIGRANTS TO THE UNITED STATES;
13. PUBLICIZE THE AVAILABILITY OF SUCH SCHOLARSHIPS FROM THE NEW YORK DREAM FUND;
14. DEVELOP CRITERIA AND A SELECTION PROCESS FOR THE RECIPIENTS OF SCHOLARSHIPS FROM THE NEW YORK DREAM FUND;
15. RESEARCH ISSUES PERTAINING TO THE AVAILABILITY OF ASSISTANCE WITH THE COSTS OF HIGHER EDUCATION FOR THE CHILDREN OF IMMIGRANTS AND OTHER ISSUES REGARDING ACCESS FOR AND THE PERFORMANCE OF THE CHILDREN OF IMMIGRANTS WITHIN HIGHER EDUCATION;
16. ESTABLISH, PUBLICIZE, AND ADMINISTER TRAINING PROGRAMS FOR HIGH SCHOOL COUNSELORS, ADMISSIONS OFFICERS, AND FINANCIAL AID OFFICERS OF INSTITUTIONS OF HIGHER EDUCATION. THE TRAINING PROGRAMS SHALL INSTRUCT PARTICIPANTS ON THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO COLLEGE-BOUND STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS, INCLUDING, BUT NOT LIMITED TO, IN-STATE TUITION AND SCHOLARSHIP PROGRAMS. TO THE EXTENT PRACTICABLE, THE NEW YORK DREAM FUND COMMISSION SHALL OFFER THE TRAINING PROGRAM TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES THROUGHOUT THE STATE, PROVIDED HOWEVER, THAT PRIORITY SHALL BE GIVEN TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH LARGER NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS OVER SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH LESSER
NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS;

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

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

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

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

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

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

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

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

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

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

S 50. Paragraph a 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:

a. (I) Except as provided in subdivision two of section six hundred
seventy-four of this part and subparagraph (II) of this paragraph, an
applicant for an award at the undergraduate level of study must either

[(i)] [(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 two semesters of high school either prior to graduation, or
prior to admission to college. Provided further that persons shall be
eligible to receive awards under section six hundred sixty-eight or
section six hundred sixty-nine of this part who are currently legal
residents of the state and are otherwise qualified.

(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 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
UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF
RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

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(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 EDUC-
TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN
FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

http://assembly.state.ny.us/laws/
(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 SUBDIVI-
SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
VISION 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 resi-
dent 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 EDUC-
ATION 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 SUBDIVI-
SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
VISION 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
THIS SUBDIVISION 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.

S 53. Paragraph e of subdivision 5 of section 661 of the education
law, as added by chapter 630 of the laws of 2005, is amended to read as
follows:
e. Notwithstanding any other provision of this article to the contra-
ry, the New York state [residency] eligibility [requirement] REQUIRE-
MENTS for receipt of awards [is] SET FORTH IN PARAGRAPHS A AND B OF THIS
SUBDIVISION ARE waived for a 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.

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

(10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS
NOT A LEGAL RESIDENT OF NEW YORK STATE 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 MAY HAVE
THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED
PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE
PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF
THIS CHAPTER, PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH
IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B
OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS
APPLICABLE.

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

(D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A
LEGAL RESIDENT OF NEW YORK STATE 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 MAY HAVE
THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED
PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE
PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF
THIS CHAPTER, PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH
IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B
OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS
APPLICABLE.

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

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

S 57. Paragraph d of subdivision 3 of section 6451 of the education
law, as amended by chapter 149 of the laws of 1972, is amended to read
as follows:
d. Any necessary supplemental financial assistance, which may include
the cost of books and necessary maintenance for such enrolled students,
INCLUDING STUDENTS WHO ARE NEW YORK STATE CITIZENS AND STUDENTS WITHOUT
LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT MEETS THE REQUIRE-
MENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II)
OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF
THIS CHAPTER, AS APPLICABLE; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by the commissioner with the approval of the director of the budget.

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

(v) Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such students, including students who are New York State citizens and students without lawful immigration status provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph B of subdivision five of section Six Hundred Sixty-One of this chapter, as applicable; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by such universities and approved by the regents and the director of the budget.

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

(a) (I) Undergraduate science and technology entry program moneys may be used for tutoring, counseling, remedial and special summer courses, supplemental financial assistance, program administration, and other activities which the commissioner may deem appropriate. To be eligible for undergraduate collegiate science and technology entry program support, a student must be a resident of New York [who is], or meet the requirements of subparagraph (ii) of this paragraph, and must be either economically disadvantaged or from a minority group historically under represented in the scientific, technical, health and health-related professions, and [who demonstrates] must demonstrate interest in and a potential for a professional career if provided special services. Eligible students must be in good academic standing, enrolled full time in an approved, undergraduate level program of study, as defined by the regents.

(II) An applicant who is not a legal resident of New York State, but who 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:

(1) Attended a registered 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 school year.

UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(2) 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 undergraduate study for which an award is sought within five years of receiving a state high school equivalency diploma, attended an approved New York State high school for two or more years, graduated from an approved New York State high school and applied for attendance at an institution of higher education within five years of receiving a New York State high school diploma; or

(3) 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 IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

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

(a) (I) Graduate science and technology entry program moneys may be used for recruitment, academic enrichment, career planning, supplemental financial assistance, review for licensing examinations, program administration, and other activities which the commissioner may deem appropriate. To be eligible for graduate collegiate science and technology entry program support, a student must be a resident of New York [who is], or meet the requirements of subparagraph (ii) of this paragraph, and must be either economically disadvantaged or from a minority group historically underrepresented in the scientific, technical and health-related professions. Eligible students must be in good academic standing, enrolled full time in an approved graduate level program, as defined by the regents.

(II) An applicant who is not a legal resident of New York State, but either 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:

(1) 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

(2) 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

(3) 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 S. 7879 A. 10129.

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

(i) the name, address and social security number [or], employer identification number, or individual taxpayer identification number of the account owner unless a family tuition account that was in effect prior to the effective date of the chapter of the laws of two thousand fourteen that amended this subparagraph does not allow for a taxpayer identification number in which case a taxpayer identification number shall be allowed upon the expiration of the contract;

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

(iii) the name, address, and social security number, employer identification number, or individual taxpayer identification number of the designated beneficiary, unless a family tuition account that was in

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EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO
THOUSAND FOURTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and
S 63. The president of the higher education services corporation, in consultation with the commissioner of education, shall establish an application form and procedures that shall allow a student applicant that meets the requirements set forth in subparagraph (ii) of paragraph 2 or subparagraph (ii) of paragraph b of subdivision 5 of section 661 of the education law to apply directly to the higher education services corporation or education department for applicable awards without having to submit information to any other state or federal agency. All information contained within the applications filed with such corporation or department shall be deemed confidential.
S 64. The correction law is amended by adding a new section 71-b to read as follows:
S 71-B. PERSONS NOT TO BE DETAINED. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:
(A) "CIVIL IMMIGRATION DETAINER" SHALL MEAN A DETAINER ISSUED PURSUANT TO 8 C.F.R. 287.7.
(B) "ADMINISTRATIVE WARRANT" SHALL MEAN AN IMMIGRATION WARRANT OF ARREST, ORDER TO DETAIN OR RELEASE ALIENS, NOTICE OF CUSTODY DETERMINATION, NOTICE TO APPEAR, REMOVAL ORDER, WARRANT OF REMOVAL, OR ANY OTHER DOCUMENT ISSUED BY AN IMMIGRATION AGENT THAT CAN FORM THE BASIS FOR AN INDIVIDUAL'S ARREST OR DETENTION FOR A CIVIL IMMIGRATION PURPOSE.
(C) "LAW ENFORCEMENT OFFICER" SHALL MEAN ALL OFFICERS, EMPLOYEES AND PERSONS OTHERWISE PAID BY OR ACTING AS AGENTS OF ANY MUNICIPAL, COUNTY OR STATE POLICE DEPARTMENT OR DEPARTMENT OF CORRECTIONS.
(D) "FEDERAL IMMIGRATION AUTHORITIES" SHALL MEAN ANY OFFICER, EMPLOYEE OR PERSON OTHERWISE PAID BY OR ACTING AS AN AGENT OF UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OR ANY DIVISION THEREOF OR ANY OTHER OFFICER, EMPLOYEE OR PERSON OTHERWISE PAID BY OR ACTING AS AN AGENT OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY WHO IS CHARGED WITH 5. 7879

ENFORCEMENT OF THE CIVIL PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.
(E) "FACILITY" SHALL MEAN ANY FACILITY OWNED OR LEASED BY THE STATE, STAFFED BY PERSONNEL PAID BY THE STATE, OR USED PRIMARILY FOR THE CONDUCT OF STATE BUSINESS, INCLUDING BUT NOT LIMITED TO ANY PRISON OR JAIL OWNED OR OPERATED BY ANY GOVERNMENT ENTITY UNDER THE STATE'S JURISDICTION.

2. (A) LAW ENFORCEMENT OFFICERS SHALL NOT HONOR A CIVIL IMMIGRATION DETAINER OR ADMINISTRATIVE WARRANT FROM FEDERAL IMMIGRATION OFFICIALS BY:
(I) HOLDING A PERSON BEYOND THE TIME WHEN SUCH PERSON WOULD OTHERWISE BE RELEASED FROM CUSTODY; OR
(II) EXPENDING TIME OR RESOURCES RESPONDING TO INQUIRIES OR COMMUNICATING WITH FEDERAL IMMIGRATION AUTHORITIES OF SUCH PERSON'S INCARCERATION STATUS, RELEASE DATES, COURT APPEARANCE DATES, OR ANY OTHER INFORMATION RELATED TO AN INDIVIDUAL IN CUSTODY UNLESS SUCH A RESPONSE OR COMMUNICATION IS REQUIRED OR PROTECTED BY LAW.
(B) UNLESS AN IMMIGRATION AGENT HAS A VALID AND PROPERLY ISSUED CRIMINAL WARRANT, OR LAW ENFORCEMENT OFFICIALS HAVE A LEGITIMATE LAW ENFORCEMENT PURPOSE THAT IS NOT RELATED TO THE ENFORCEMENT OF IMMIGRATION LAW, LAW ENFORCEMENT OFFICERS SHALL NOT PERMIT ANY FEDERAL IMMIGRATION OFFICIAL TO:
(I) HAVE ACCESS TO ANY PERSON IN THEIR CUSTODY; OR
(II) HAVE ACCESS TO ANY FACILITY OWNED OR OPERATED BY THE STATE, OR BY ANY MUNICIPALITY WITHIN THE STATE, FOR THE PURPOSE OF INVESTIGATING POTENTIAL VIOLATIONS OF THE CIVIL IMMIGRATION LAW.
3. NOTHING IN THIS SECTION SHALL AFFECT THE OBLIGATION OF LAW ENFORCE-
MENT OFFICERS TO MAINTAIN THE CONFIDENTIALITY OF ANY INFORMATION
OBTAINED PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

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

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

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

7. ANNUALLY ON OR BEFORE DECEMBER THIRTY-FIRST, THE DEPARTMENT SHALL
POST A REPORT ON THE DEPARTMENT'S WEBSITE THAT INCLUDES THE FOLLOWING
INFORMATION FOR THE PRECEDING TWELVE MONTH PERIOD:
(A) THE NUMBER OF CIVIL IMMIGRATION DETAINERS RECEIVED FROM FEDERAL
IMMIGRATION AUTHORITIES;
(B) THE NUMBER OF PERSONS HELD PURSUANT TO CIVIL IMMIGRATION DETAINERS
BEYOND THE TIME WHEN SUCH PERSONS WOULD OTHERWISE BE RELEASED FROM THE
DEPARTMENT'S CUSTODY;
(C) THE NUMBER OF PERSONS TRANSFERRED TO THE CUSTODY OF FEDERAL IMMI-
GRATION AUTHORITIES PURSUANT TO CIVIL IMMIGRATION DETAINERS; AND
(D) THE JUSTIFICATION AND LEGAL AUTHORITY FOR THE TRANSFER OF ANY
INDIVIDUAL TO THE CUSTODY OF FEDERAL IMMIGRATION AUTHORITIES.

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8. FOR THE PURPOSE OF THIS SECTION, ANY REFERENCE TO A STATUTE, RULE,
OR REGULATION SHALL BE DEEMED TO INCLUDE ANY SUCCESSOR PROVISION.
S 65. The executive law is amended by adding a new section 243-a to
read as follows:
S 243-A. PERSONS NOT TO BE DETAINED. 1. FOR THE PURPOSES OF THIS
SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:
(A) "CIVIL IMMIGRATION DETAINER" SHALL MEAN A DETAINER ISSUED PURSUANT
TO 8 C.F.R. 287.7.
(B) "ADMINISTRATIVE WARRANT" SHALL MEAN AN IMMIGRATION WARRANT OF
ARREST, ORDER TO DETAIN OR RELEASE ALIENS, NOTICE OF CUSTODY DETERMI-
NATION, NOTICE TO APPEAR, REMOVAL ORDER, WARRANT OF REMOVAL, OR ANY
OTHER DOCUMENT ISSUED BY AN IMMIGRATION AGENT THAT CAN FORM THE BASIS
FOR AN INDIVIDUAL'S ARREST OR DETENTION FOR A CIVIL IMMIGRATION PURPOSE.
(C) "PROBATION OFFICER" SHALL MEAN ANY OFFICER, EMPLOYEE OR PERSON
OTHERWISE PAID BY OR ACTING AS AN AGENT OF THE OFFICE OF PROBATION AND
CORRECTIONAL ALTERNATIVES, OR ANY COUNTY OR MUNICIPAL PROBATION DEPART-
MENT.
(D) "FEDERAL IMMIGRATION AUTHORITIES" SHALL MEAN ANY OFFICER, EMPLOYEE
OR PERSON OTHERWISE PAID BY OR ACTING AS AN AGENT OF UNITED STATES IMMI-
GRATION AND CUSTOMS ENFORCEMENT OR ANY DIVISION THEREOF OR ANY OTHER
OFFICER, EMPLOYEE OR PERSON OTHERWISE PAID BY OR ACTING AS AN AGENT OF
THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY WHO IS CHARGED WITH
ENFORCEMENT OF THE CIVIL PROVISIONS OF THE IMMIGRATION AND NATIONALITY

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

2. (A) PROBATION OFFICERS SHALL NOT HONOR A CIVIL IMMIGRATION DETAINER
OR ADMINISTRATIVE WARRANT FROM FEDERAL IMMIGRATION OFFICIALS BY:
(I) HOLDING A PERSON BEYOND THE TIME WHEN SUCH PERSON WOULD OTHERWISE

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BE RELEASED FROM CUSTODY; OR

(II) EXPENDING TIME OR RESOURCES RESPONDING TO INQUIRIES OR COMMUNICATING WITH FEDERAL IMMIGRATION AUTHORITIES OF SUCH PERSON'S INCARCERATION STATUS, RELEASE DATES, COURT APPEARANCE DATES, OR ANY OTHER INFORMATION RELATED TO AN INDIVIDUAL IN CUSTODY UNLESS SUCH A RESPONSE OR COMMUNICATION IS REQUIRED OR PROTECTED BY LAW.

(B) UNLESS AN IMMIGRATION AGENT HAS A VALID AND PROPERLY ISSUED CRIMINAL WARRANT, OR LAW ENFORCEMENT OFFICIALS HAVE A LEGITIMATE LAW ENFORCEMENT PURPOSE THAT IS NOT RELATED TO THE ENFORCEMENT OF IMMIGRATION LAW, PROBATION OFFICERS SHALL NOT PERMIT ANY FEDERAL IMMIGRATION OFFICIAL TO:

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

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

(C) UNLESS AN IMMIGRATION AGENT HAS A VALID AND PROPERLY ISSUED CRIMINAL WARRANT, OR PROBATION OFFICERS HAVE A LEGITIMATE LAW ENFORCEMENT PURPOSE THAT IS NOT RELATED TO THE ENFORCEMENT OF IMMIGRATION LAW, NO PROBATION OFFICER SHALL

(I) PROVIDE ANY DETAINEE, INMATE OR BOOKING LISTS TO FEDERAL IMMIGRATION OFFICIALS; OR

(II) EXPEND TIME OR RESOURCES RESPONDING TO INQUIRIES OR COMMUNICATING WITH FEDERAL IMMIGRATION OFFICIALS, REGARDING ANY PERSON'S INCARCERATION STATUS, PROBATION STATUS, RELEASE DATE, COURT APPEARANCE DATES OR ANY S. 7879

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OTHER INFORMATION, UNLESS SUCH RESPONSE OR COMMUNICATIONS IS REQUIRED OR PROTECTED BY LAW.

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

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

5. THIS SECTION SUPERSEDES ALL CONFLICTING POLICIES, RULES, PROCEDURES AND PRACTICES OF THE STATE. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT ANY STATE AGENCY FROM Cooperating WITH FEDERAL IMMIGRATION AUTHORITIES WHEN REQUIRED UNDER FEDERAL LAW. NOTHING IN THIS SECTION SHALL BE INTERPRETED OR APPLIED SO AS TO CREATE ANY POWER, DUTY OR OBLIGATION IN CONFLICT WITH ANY FEDERAL, STATE OR LOCAL LAW.

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

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

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

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

(C) THE NUMBER OF PERSONS TRANSFERRED TO THE CUSTODY OF FEDERAL IMMIGRATION AUTHORITIES PURSUANT TO CIVIL IMMIGRATION DETAINERS; AND

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

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

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

S 223-A. PROHIBITION ON RACIAL PROFILING. 1. FOR THE PURPOSES OF THIS SECTION, "RACIAL PROFILING" SHALL MEAN THE PRACTICE OF A LAW ENFORCEMENT
OFFICER OR AGENCY RELYING, TO ANY DEGREE, ON RACE, ETHNICITY, NATIONAL ORIGIN, OR RELIGION IN SELECTING WHICH INDIVIDUAL TO SUBJECT TO ROUTINE OR SPONTANEOUS INVESTIGATORY ACTIVITIES OR IN DECIDING UPON THE SCOPE AND SUBSTANCE OF LAW ENFORCEMENT ACTIVITY FOLLOWING THE INITIAL INVESTIGATORY PROCEDURE, EXCEPT WHEN THERE IS TRUSTWORTHY INFORMATION, RELEVANT TO THE LOCALITY AND TIMEFRAME, THAT LINKS A PERSON OF A PARTICULAR RACE, ETHNICITY, NATIONAL ORIGIN, OR RELIGION TO AN IDENTIFIED CRIMINAL INCIDENT OR SCHEME.

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

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

(A) A PROHIBITION ON RACIAL PROFILING;

(B) TRAINING ON RACIAL PROFILING ISSUES AS PART OF STATE POLICE TRAINING;

(C) THE COLLECTION OF RELEVANT DATA;

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(D) PROCEDURES FOR RECEIVING, INVESTIGATING AND RESPONDING MEANINGFULLY TO COMPLAINTS ALLEGING RACIAL PROFILING BY MEMBERS OF THE DIVISION OF STATE POLICE; AND

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

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

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

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

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

(b) section twenty-eight of this act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with such section, but if the state of New Jersey shall have already enacted such legislation, section twenty-eight of this act shall take effect on the effective date of this act; provided that the office for new Americans shall notify the legislative bill drafting commission upon the occurrence of the enactment of such legislation by the state of New Jersey in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 79-b of the public officers law;

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

(d) effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.
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 4 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 driver's 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:

STATE OF NEW YORK

7233

2013-2014 Regular Sessions

IN ASSEMBLY

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:

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

(i) The commissioner shall upon submission of an appropriate application, upon payment of the prescribed fee, and upon being satisfied that the person described is the applicant and that such applicant meets the requirements set forth in subdivision two of this section, issue to such applicant a nontransferable identification card. In addition, the commissioner also shall require that an applicant for an identification card or renewal thereof provide his or her social security number, provided, however that no applicant shall be denied a non-driver identification card if such applicant has obtained a high school diploma or its equivalent.

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

(i) The commissioner shall upon submission of an appropriate application, upon payment of the prescribed fee, and upon being satisfied that the person described is the applicant and that such applicant meets the requirements set forth in subdivision two of this section, issue to such applicant a nontransferable identification card. In addition, the commissioner also shall require that an applicant for an identification card or renewal thereof provide his or her social security number, provided, however that no applicant shall be denied a non-driver identification card if such applicant has obtained a high school diploma or its equivalent.

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

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LBD05843-01-3

http://assembly.state.ny.us/leg/?default_fld=&bn=A07233&term=2013&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y
PROVIDED, HOWEVER THAT NO APPLICANT SHALL BE DENIED A NON-DRIVER IDENTIFICATION CARD IF SUCH APPLICANT HAS OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT. The commissioner shall provide space so that an applicant may request a notation upon such identification card that he or she is a veteran of the United States armed forces.

§ 3. Subdivision 1 of section 502 of the vehicle and traffic law, as amended by section 1 of part D of chapter 58 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 (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 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. 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 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.

§ 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 A. 7233
addition, the commissioner also shall require that the applicant provide
his or her social security number, IF SUCH APPLICANT HAS A SOCIAL SEC-
RITY 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 regis-
ter in the New York state organ and tissue donor registry under section
forty-three hundred ten of the public health law[, and] WITH THE FOLLOW-
ING 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 QUES-
TION'."

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 REGIS-
TERED 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 appli-
cant for a commercial driver's license shall submit a medical certif-
icate 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 certif-
ication" 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 5. Subdivision 1 of section 502 of the vehicle and traffic law, as
amended by chapter 465 of the laws of 2012, is REPEALED.
S 6. 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 identi-
ity, age, and fitness as may be required by the commissioner, PROVIDED,
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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
(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 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 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 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 7. 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, is amended to read as follows:

(a) A license issued pursuant to subdivision five of this section shall be valid until the expiration date contained thereon, unless such license is suspended, revoked or cancelled. Such license may be renewed by submission of an application for renewal, the fee prescribed by law, proofs of prior licensing, fitness and acceptable vision prescribed by the commissioner, the applicant's social security number, IF SUCH APPLICANT HAS A SOCIAL SECURITY NUMBER, and if required by the commissioner a photo image of the applicant in such numbers and form as the commissioner shall prescribe. In addition, an applicant for renewal of a license containing a hazardous material endorsement shall pass an examination to retain such endorsement. The commissioner shall, with respect to the renewal of a hazardous materials endorsement, comply with the requirements imposed upon states by sections 383.141 and 1572.13 of title 49 of the code of federal regulations. A renewal of such license shall be issued by the commissioner upon approval of such application, except that no such license shall be issued if its issuance would be inconsistent with the provisions of section five hundred sixteen of this title, and except that the commissioner may refuse to renew such license if the applicant is the holder of a currently valid or renewable license to drive issued by another state or foreign country unless the applicant surrenders such license.

S 8. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that sections two and four of this act shall take effect on the same date and in the same manner as chapter 487 of the laws of 2012, takes effect; provided further that the amendments to subdivision 1 of section 502 of the vehicle and traffic law made by section four of this act shall expire and be deemed repealed October 3, 2016 when upon such date section six of this act shall take effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before
14 such date.
S02106 Summary:
BILL NO S02106
SAME AS No same as
SPONSOR ESPAILLAT
COSPNSR RIVERA
MLTSPNSR
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.

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:

STATE OF NEW YORK

2106

2013-2014 Regular Sessions

IN SENATE

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:
Section 1. Subparagraph (i) of paragraph (a) of subdivision 3 of
section 490 of the vehicle and traffic law, as amended by chapter 235 of
the laws of 2002, is amended to read as follows:
(i) The commissioner shall upon submission of an appropriate applic-
ation, upon payment of the prescribed fee, and upon being satisfied that
the person described is the applicant and that such applicant meets the
requirements set forth in subdivision two of this section, issue to such
applicant a nontransferable identification card. In addition, the
commissioner also shall require that an applicant for an identification
card or renewal thereof provide his or her social security number,
PROVIDED, HOWEVER THAT NO APPLICANT SHALL BE DENIED A NON-DRIVER IDEN-
TI FICATION CARD IF SUCH APPLICANT HAS OBTAINED A HIGH SCHOOL DIPLOMA OR
ITS EQUIVALENT.

S 2. Subparagraph (i) of paragraph (a) of subdivision 3 of section 490
of the vehicle and traffic law, as amended by chapter 487 of the laws of
2012, is amended to read as follows:
(i) The commissioner shall upon submission of an appropriate applic-
ation, upon payment of the prescribed fee, and upon being satisfied that
the person described is the applicant and that such applicant meets the
requirements set forth in subdivision two of this section, issue to such
applicant a nontransferable identification card. In addition, the
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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card or renewal thereof provide his or her social security number,
PROVIDED, HOWEVER THAT NO APPLICANT SHALL BE DENIED A NON-DRIVER IDEN-
TI FICATION CARD IF SUCH APPLICANT HAS OBTAINED A HIGH SCHOOL DIPLOMA OR
ITS EQUIVALENT. The commissioner shall provide space so that an appli-
cant may request a notation upon such identification card that he or she
is a veteran of the United States armed forces.
S 3. Subdivision 1 of section 502 of the vehicle and traffic law, as
amended by section 1 of part D of chapter 58 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 identi-
ty, 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
(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 SECU-
RITY 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
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. 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 regu-
lations, 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 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 driv-
er's license has made any false statement, with respect to the applica-
tion 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 sub-
mitted with such application. The applicant shall furnish such proof of identi-
ity, age, and fitness as may be required by the commissioner, PROVIDED,
HOWER 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
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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 SECURI-
TY 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 regis-
ter in the New York state organ and tissue donor registry under section
forty-three hundred ten of the public health law[, and] WITH THE FOLLOW-
ing 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 QUES-
TION'."

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 REGIS-
TERED 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 appli-
cant for a commercial driver's license shall submit a medical certif-
icate 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 certif-
ication" 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 5. Subdivision 1 of section 502 of the vehicle and traffic law, as
amended by chapter 465 of the laws of 2012, is REPEALED.
S 6. 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 identi-
ty, age, and fitness as may be required by the commissioner, PROVIDED,
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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.
S 7. 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, is amended to read as follows:
(a) A license issued pursuant to subdivision five of this section
shall be valid until the expiration date contained thereon, unless such
license is suspended, revoked or cancelled. Such license may be renewed
by submission of an application for renewal, the fee prescribed by law,
proofs of prior licensing, fitness and acceptable vision prescribed by
the commissioner, the applicant's social security number, IF SUCH APPLI-
cant HAS A SOCIAL SECURITY NUMBER, and if required by the commissioner a
photo image of the applicant in such numbers and form as the commissi-
ioner shall prescribe. In addition, an applicant for renewal of a license
containing a hazardous material endorsement shall pass an examination to
retain such endorsement. The commissioner shall, with respect to the
renewal of a hazardous materials endorsement, comply with the require-
ments imposed upon states by sections 383.141 and 1572.13 of title 49 of
the code of federal regulations. A renewal of such license shall be
issued by the commissioner upon approval of such application, except
that no such license shall be issued if its issuance would be inconsis-
tent with the provisions of section five hundred sixteen of this title,
and except that the commissioner may refuse to renew such license if the
applicant is the holder of a currently valid or renewable license to
drive issued by another state or foreign country unless the applicant
surrenders such license.

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

STATE OF NEW YORK

1747

2013-2014 Regular Sessions

IN SENATE

(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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph h of subdivision 2 of section 355 of the educa-
tion law is amended by adding a new subparagraph 10 to read as follows:

(10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS
WITHOUT LAWFUL IMMIGRATION STATUS OR IS AN UNDOCUMENTED PERSON MAY HAVE
THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED
PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE
PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF
THIS CHAPTER, IF SUCH STUDENT:

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

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

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

(IV) WAS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE
UNIVERSITY IN THE FALL SEMESTER OR QUARTER OF THE TWO THOUSAND THIR-
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.

S. 1747

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.

S 2. Subdivision 7 of section 626 of the education law is amended by
adding a new paragraph (d) to read as follows:

(D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS WITHOUT
LAWFUL IMMIGRATION STATUS OR IS AN UNDOCUMENTED PERSON MAY HAVE THE
PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED
PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE
PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF
THIS CHAPTER, IF SUCH STUDENT:

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

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

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

(IV) WAS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE
UNIVERSITY IN THE FALL SEMESTER OR QUARTER OF THE TWO THOUSAND THIR-
TEEN--TWO THOUSAND FOURTEEN ACADEMIC YEAR AND WAS AUTHORIZED BY SUCH
INSTITUTION OR EDUCATIONAL UNIT TO PAY TUITION AT THE RATE OR CHARGE
IMPOSED FOR STUDENTS WHO ARE RESIDENTS OF THE STATE.

A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO
FILE AN AFFIDAVIT WITH SUCH INSTITUTION OR EDUCATIONAL UNIT 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 ELIGI-
BLE TO DO SO.

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

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

(I) IS OTHERWISE ELIGIBLE TO RECEIVE SUCH AWARD; AND
(II) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,
GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL AND APPLIED FOR ATTEND-
ANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITH-
IN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR
(III) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-
ALENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA
ISSUED WITHIN NEW YORK STATE AND APPLIED FOR ATTENDANCE AT AN INSTITU-
TION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF
RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE; OR
(IV) WAS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE
UNIVERSITY IN THE FALL SEMESTER OR QUARTER OF THE TWO THOUSAND THIR-
TEEN--TWO THOUSAND FOURTEEN ACADEMIC YEAR AND WAS AUTHORIZED BY SUCH
S. 1747

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

A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO
FILE AN AFFIDAVIT WITH SUCH INSTITUTION OR EDUCATIONAL UNIT 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 ELIGI-
BLE TO DO SO.

§ 4. This act shall take effect July 1, 2014.