

4753--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 8, 2013

Introduced by M. of A. ENGLEBRIGHT, CAHILL, ROSENTHAL, COLTON, SCHIMEL, JAFFEE, LUPARDO, ABINANTI, ZEBROWSKI, THIELE, COOK -- Multi-Sponsored by -- M. of A. ARROYO, BOYLAND, BRENNAN, CUSICK, FAHY, GUNTHER, V. LOPEZ, STEVENSON, SWEENEY, TITONE -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the business corporation law, the limited liability company law and the partnership law, in relation to providing for the licensing of the profession of geology; and to repeal section 12 of chapter 550 of the laws of 2011, amending the business corporation law and the education law relating to design professional service corporations

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

1 Section 1. The article heading of article 145 of the education law,
2 as added by chapter 987 of the laws of 1971, is amended to read as
3 follows:

4 ENGINEERING [AND], LAND SURVEYING
5 AND GEOLOGY

6 S 2. Section 7200 of the education law, as added by chapter 987 of the
7 laws of 1971, is amended to read as follows:

8 S 7200. Introduction. This article applies to the professions of
9 engineering [and], land surveying AND GEOLOGY. The general provisions
10 for all professions contained in article one hundred thirty of this
11 title apply to this article.

12 S 3. The education law is amended by adding three new sections 7204-a,
13 7204-b and 7206-b to read as follows:

14 S 7204-A. DEFINITION OF THE PROFESSION OF GEOLOGY. GEOLOGY IS DEFINED
15 AS THE PERFORMANCE OF GEOLOGY INCLUDING, BUT NOT LIMITED TO, RESEARCH-
16 ING, INVESTIGATING, CONSULTING AND GEOLOGICAL MAPPING, DESCRIBING THE
17 NATURAL PROCESSES THAT ACT UPON THE EARTH'S MATERIALS, PREDICTING THE

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

LBD08800-02-3

1 PROBABLE OCCURRENCE OF NATURAL RESOURCES, PREDICTING AND LOCATING
2 NATURAL OR HUMAN-INDUCED PHENOMENA WHICH MAY BE USEFUL OR HAZARDOUS TO
3 HUMANKIND AND RECOGNIZING, DETERMINING AND EVALUATING GEOLOGICAL
4 FACTORS, AND THE INSPECTION AND PERFORMANCE OF GEOLOGICAL WORK AND THE
5 RESPONSIBLE SUPERVISION THEREOF IN FURTHERANCE OF THE HEALTH, SAFETY AND
6 WELFARE OF THE PUBLIC; PROVIDED, HOWEVER, THAT GEOLOGICAL MAPPING SHALL
7 NOT INCLUDE THE PRACTICE OF LAND SURVEYING AS DEFINED IN SECTION SEVEN-
8 TY-TWO HUNDRED THREE OF THIS ARTICLE.

9 S 7204-B. PRACTICE OF GEOLOGY AND THE USE OF TITLE "LICENSED PROFES-
10 SIONAL GEOLOGIST". ONLY A PERSON LICENSED OR OTHERWISE AUTHORIZED UNDER
11 THIS ARTICLE SHALL PRACTICE THE PROFESSION OF GEOLOGY OR USE THE TITLE
12 "LICENSED PROFESSIONAL GEOLOGIST".

13 S 7206-B. REQUIREMENTS FOR A LICENSE AS A LICENSED GEOLOGIST. 1. TO
14 QUALIFY FOR A LICENSE AS A LICENSED GEOLOGIST, AN APPLICANT SHALL
15 FULFILL THE FOLLOWING REQUIREMENTS:

16 (A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

17 (B) EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING A BACHELOR'S OR
18 HIGHER DEGREE IN GEOLOGICAL SCIENCES, IN ACCORDANCE WITH THE COMMISSION-
19 ER'S REGULATIONS;

20 (C) EXPERIENCE: HAVE AT LEAST FIVE YEARS PRACTICAL EXPERIENCE SATIS-
21 FACTORY TO THE BOARD IN APPROPRIATE GEOLOGICAL WORK; UP TO ONE YEAR OF
22 EXPERIENCE MAY BE CREDITED FOR AN ADVANCED DEGREE (MASTERS, DOCTORATE OR
23 AN EQUIVALENT THEREOF) IN ACCORDANCE WITH THE COMMISSIONER'S REGU-
24 LATIONS;

25 (D) EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN
26 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

27 (E) AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

28 (F) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
29 MENT; AND

30 (G) FEES: PAY A FEE OF TWO HUNDRED TWENTY DOLLARS TO THE DEPARTMENT
31 FOR ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL
32 LICENSE, AND A FEE OF TWO HUNDRED TEN DOLLARS FOR EACH TRIENNIAL REGIS-
33 TRATION PERIOD.

34 2. IN LIEU OF THE EDUCATION AND EXPERIENCE REQUIREMENTS SPECIFIED IN
35 PARAGRAPHS (B) AND (C) OF SUBDIVISION ONE OF THIS SECTION, TWELVE YEARS
36 OF PRACTICAL EXPERIENCE IN GEOLOGICAL WORK OF A GRADE AND CHARACTER
37 SATISFACTORY TO THE BOARD MAY BE ACCEPTED BY THE DEPARTMENT.

38 3. AN APPLICANT WHO APPLIES FOR LICENSURE WITHIN ONE YEAR AFTER THE
39 EFFECTIVE DATE OF THIS SECTION SHALL BE QUALIFIED FOR A LICENSE AS A
40 LICENSED GEOLOGIST WITHOUT A WRITTEN EXAMINATION IF THE APPLICANT HAS
41 SATISFIED THE REQUIREMENTS OF EDUCATION AND EXPERIENCE DESCRIBED IN
42 PARAGRAPHS (B) AND (C) OF SUBDIVISION ONE OR SUBDIVISION TWO OF THIS
43 SECTION NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

44 S 4. Section 7205 of the education law, as amended by chapter 521 of
45 the laws of 1998, is amended to read as follows:

46 S 7205. State board for engineering [and], land surveying AND GEOLOGY.
47 A state board for engineering [and], land surveying AND GEOLOGY shall be
48 appointed by the board of regents on recommendation of the commissioner
49 for the purpose of assisting the board of regents and the department on
50 matters of professional licensing and professional conduct in accordance
51 with section sixty-five hundred eight of this title. The board shall be
52 composed of not less than seven professional engineers [and], not less
53 than two land surveyors AND NOT LESS THAN TWO GEOLOGISTS licensed in
54 this state. An executive secretary to the board shall be appointed by
55 the board of regents on recommendation of the commissioner and shall be

1 a professional engineer [or], land surveyor OR GEOLOGIST licensed in
2 this state.

3 S 5. Subdivision 3 of section 7207 of the education law is renumbered
4 subdivision 4 and a new subdivision 3 is added to read as follows:

5 3. ON RECOMMENDATION OF THE BOARD, THE DEPARTMENT MAY ISSUE A LIMITED
6 PERMIT TO PRACTICE AS A LICENSED GEOLOGIST TO A GEOLOGIST NOT A RESIDENT
7 OF THIS STATE AND HAVING NO ESTABLISHED PLACE OF PRACTICE IN THIS STATE
8 WHO IS LEGALLY QUALIFIED TO PRACTICE AS SUCH IN HIS OR HER OWN COUNTRY
9 OR STATE WITH STANDARDS EQUIVALENT TO THOSE ENUMERATED IN THIS ARTICLE
10 AND WHO SUBMITS EVIDENCE SATISFACTORY TO THE BOARD ESTABLISHED AND
11 RECOGNIZED PROFESSIONAL STANDING IN HIS OR HER OWN COUNTRY OR STATE AND
12 WHO SUBMITS SATISFACTORY CERTIFICATION AS TO CHARACTER AND QUALIFICA-
13 TIONS FROM AT LEAST TWO LICENSED PROFESSIONAL GEOLOGISTS, ONE OF WHOM
14 SHALL BE A RESIDENT OF THIS STATE. SUCH LIMITED PERMIT SHALL BE ISSUED
15 SOLELY IN CONNECTION WITH THE SPECIFIC PROJECT FOR WHICH SUCH LIMITED
16 PERMIT IS GRANTED. THE FEE FOR EACH LIMITED PERMIT SHALL BE ONE HUNDRED
17 FIVE DOLLARS.

18 S 6. The section heading of section 7208 of the education law, as
19 added by chapter 987 of the laws of 1971, is amended to read as follows:

20 Exempt persons FOR THE PROFESSIONS OF ENGINEERING AND LAND SURVEYING.

21 S 7. The education law is amended by adding a new section 7208-a to
22 read as follows:

23 S 7208-A. EXEMPT PERSONS IN OR RELATED TO THE PROFESSION OF GEOLOGY.
24 NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AFFECT OR PREVENT:

25 1. THE EMPLOYMENT AND SUPERVISION OF INTERNS AND OTHER PERSONS QUALI-
26 FIED BY EDUCATION OR EXPERIENCE BY LICENSED GEOLOGISTS AS ASSISTANTS IN
27 THE PERFORMANCE OF GEOLOGICAL SERVICES, OR AS CONSULTANTS OR EMPLOYEES
28 IN SPECIAL FIELDS RELATED TO BUT NOT UNIQUELY GEOLOGY, PROVIDED THAT THE
29 LICENSED GEOLOGIST EMPLOYING OR SUPERVISING SUCH PERSONS SHALL NOT BE
30 RELIEVED OF ANY RESPONSIBILITY WHATSOEVER BY DELEGATION TO SUCH PERSONS.

31 2. THE PRACTICE OF PROFESSIONAL ENGINEERING BY A PROFESSIONAL ENGINEER
32 LICENSED PURSUANT TO THIS ARTICLE TO PRACTICE ENGINEERING IN THIS STATE
33 OR AN ENTITY AUTHORIZED PURSUANT TO SECTION SEVENTY-TWO HUNDRED TEN OF
34 THIS ARTICLE TO PROVIDE ENGINEERING IN THIS STATE, INCLUDING THE INVES-
35 TIGATION, ACQUISITION, EVALUATION, AND INTERPRETATION OF THE PHYSICAL
36 AND CHEMICAL PROPERTIES OF THE SOIL, ROCK, GROUNDWATER, EARTH MATERIALS
37 AND DATA RELATED THERETO, AND THE PERFORMANCE OF ACTIVITIES AS SPECIFIED
38 IN SECTION SEVENTY-TWO HUNDRED FOUR-A OF THIS ARTICLE, PROVIDED THAT NO
39 SUCH PERSON SHALL USE THE DESIGNATION, OR HOLD HIMSELF OR HERSELF OUT AS
40 A "LICENSED PROFESSIONAL GEOLOGIST," UNLESS LICENSED AS SUCH IN THIS
41 STATE.

42 3. THE PRACTICE OF LAND SURVEYING BY ANY PERSON THAT IS LICENSED OR
43 OTHERWISE AUTHORIZED TO PRACTICE LAND SURVEYING IN THIS STATE, PROVIDED
44 THAT NO SUCH PERSON SHALL USE THE DESIGNATION OR HOLD HIMSELF OR HERSELF
45 OUT AS A "LICENSED PROFESSIONAL GEOLOGIST" UNLESS LICENSED AS SUCH IN
46 THIS STATE.

47 4. THE EXECUTION OF WORK BY CONTRACTORS OR BY OTHERS OF WORK PREPARED
48 BY A LICENSED GEOLOGIST, OR THE SUPERINTENDENCE OF SUCH WORK AS A SUPER-
49 INTENDENT, FOREMAN OR INSPECTOR.

50 5. THE PRACTICE OF THE PROFESSION OF GEOLOGY BY OFFICERS AND EMPLOY-
51 EES OF THIS STATE PRACTICING SOLELY AS OFFICERS AND EMPLOYEES; PROVIDED,
52 HOWEVER, THAT THIS EXEMPTION SHALL NOT APPLY TO OFFICERS AND EMPLOYEES
53 OF THE STATE OF NEW YORK WHO COMMENCE EMPLOYMENT OR THE PERFORMANCE OF
54 WORK RELATED ACTIVITIES AFTER THE EFFECTIVE DATE OF THIS SECTION.

6. THE EXECUTION OF GEOLOGICAL RESEARCH AND/OR TEACHING CONDUCTED AT ACCREDITED EDUCATIONAL INSTITUTIONS AND NOT-FOR-PROFIT RESEARCH INSTITUTIONS, CONDUCTED SOLELY THROUGH THOSE INSTITUTIONS.

7. WORK CUSTOMARILY PERFORMED BY PHYSICAL OR NATURAL SCIENTISTS PROVIDED SUCH WORK DOES NOT INCLUDE GEOLOGICAL INVESTIGATIONS, BEING IN RESPONSIBLE CHARGE OF GEOLOGICAL WORK, OR THE DRAWING OF GEOLOGICAL CONCLUSIONS AND RECOMMENDATIONS.

8. WORK CUSTOMARILY PERFORMED BY WELL DRILLERS CERTIFIED PURSUANT TO THE PROVISIONS OF THE ENVIRONMENTAL CONSERVATION LAW.

S 8. Subdivisions 1, 2 and 4 of section 7209 of the education law, subdivisions 1 and 2 as added by chapter 987 of the laws of 1971, the opening paragraph of subdivision 1 as amended by chapter 994 of the laws of 1971 and subdivision 4 as amended by chapter 550 of the laws of 2011, are amended to read as follows:

1. Every professional engineer [and every], land surveyor AND PROFESSIONAL GEOLOGIST shall have a seal, approved by the board, which shall contain the name of the professional engineer and the words "Licensed Professional Engineer" [or], the name of the land surveyor and the words "Licensed Land Surveyor" OR THE NAME OF THE PROFESSIONAL GEOLOGIST AND THE WORDS "LICENSED PROFESSIONAL GEOLOGIST", and such other words or figures as the board may deem necessary. All plans, specifications, plats and reports relating to the construction or alteration of buildings or structures, OR GEOLOGIC DRAWINGS AND REPORTS prepared by such professional engineer [and], all plans, specifications, plats and reports prepared by such land surveyor AND ALL GEOLOGIC DRAWINGS AND REPORTS PREPARED BY SUCH PROFESSIONAL GEOLOGIST or by a full-time or part-time subordinate under his OR HER supervision, shall be stamped with such seal and shall also be signed, on the original with the personal signature of such professional engineer [or], land surveyor OR PROFESSIONAL GEOLOGIST when filed with public officials. No official of this state, or of any city, county, town or village therein, charged with the enforcement of laws, ordinances or regulations shall accept or approve any plans [or], specifications, OR GEOLOGIC DRAWINGS OR REPORTS that are not stamped:

a. With the seal of an architect or professional engineer or land surveyor OR PROFESSIONAL GEOLOGIST licensed in this state and bearing the authorized facsimile of the signature of such architect or professional engineer or land surveyor OR PROFESSIONAL GEOLOGIST, or

b. With the official seal and authorized facsimile of the signature of a professional engineer or land surveyor OR PROFESSIONAL GEOLOGIST not a resident of this state and having no established business in this state, but who is legally qualified to practice as such in his OR HER own state or country, provided that such person may lawfully practice as such in this state, and provided further that the plans [or], specifications, OR GEOLOGIC DRAWINGS OR REPORTS are accompanied by and have attached thereto written authorization issued by the department certifying to such right to practice at such time.

2. A. To all plans, specifications, plats and reports to which the seal of a professional engineer or land surveyor has been applied, there shall also be applied a stamp with appropriate wording warning that it is a violation of this [law] ARTICLE for any person, unless he OR SHE is acting under the direction of a licensed professional engineer or land surveyor, to alter an item in any way. If an item bearing the seal of an engineer or land surveyor is altered, the altering engineer or land surveyor shall affix to the item his OR HER seal and the notation

1 "altered by" followed by his OR HER signature and the date of such
2 alteration, and a specific description of the alteration.

3 B. TO ALL GEOLOGIC DRAWINGS AND REPORTS TO WHICH THE SEAL OF A PROFES-
4 SIONAL GEOLOGIST OR PROFESSIONAL ENGINEER HAS BEEN APPLIED, THERE SHALL
5 ALSO BE APPLIED A STAMP WITH APPROPRIATE WORDING WARNING THAT IT IS A
6 VIOLATION OF THIS ARTICLE FOR ANY PERSON, UNLESS HE OR SHE IS ACTING
7 UNDER THE DIRECTION OF A LICENSED PROFESSIONAL GEOLOGIST OR PROFESSIONAL
8 ENGINEER, TO ALTER A DRAWING OR REPORT IN ANY WAY. IF AN ITEM BEARING
9 THE SEAL OF A LICENSED PROFESSIONAL GEOLOGIST OR PROFESSIONAL ENGINEER
10 IS ALTERED, THE ALTERING PARTY SHALL AFFIX TO THE ITEM HIS OR HER SEAL
11 AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS OR HER SIGNATURE AND THE
12 DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.
13 NOTHING CONTAINED IN THIS ARTICLE SHALL BE DEEMED TO AUTHORIZE A
14 LICENSED PROFESSIONAL GEOLOGIST TO PRACTICE PROFESSIONAL ENGINEERING
15 UNLESS HE OR SHE IS LICENSED AS A PROFESSIONAL ENGINEER PURSUANT TO THIS
16 ARTICLE.

17 4. Engineers, land surveyors, GEOLOGISTS, architects, and landscape
18 architects may join in the formation of a joint enterprise, or a part-
19 nership or a professional service corporation or a design professional
20 service corporation or may form any desired combination of such
21 professions and may use in the name of such corporation the title of any
22 of the professions which will be practiced. After the name of each
23 member his or her profession shall be indicated.

24 S 9. Subdivision 1 of section 7210 of the education law, as amended by
25 chapter 550 of the laws of 2011, is amended to read as follows:

26 1. Domestic or foreign professional service corporations, design
27 professional service corporations, professional service limited liabil-
28 ity companies, foreign professional service limited liability companies,
29 registered limited liability partnerships, New York registered foreign
30 limited liability partnerships, partnerships and joint enterprises spec-
31 ified in subdivision four of section seventy-two hundred nine of this
32 article, provided each of the foregoing entities is authorized to
33 provide professional engineering [or], land surveying OR PROFESSIONAL
34 GEOLOGY services and general business corporations authorized to provide
35 professional engineering [or], land surveying OR PROFESSIONAL GEOLOGY
36 services pursuant to subdivision six of section seventy-two hundred nine
37 of this article may offer to provide or provide professional engineering
38 [or], land surveying OR PROFESSIONAL GEOLOGY services only after obtain-
39 ing a certificate of authorization from the department. Except as other-
40 wise authorized by statute, rule or regulation, other business entities
41 are not authorized to offer or provide professional engineering [or],
42 land surveying OR PROFESSIONAL GEOLOGY services and may not obtain
43 certificates of authorization provided that nothing contained herein
44 shall prohibit an individual who is licensed to practice professional
45 engineering [or], land surveying OR PROFESSIONAL GEOLOGY under this
46 article from obtaining a certificate of authorization upon application
47 and payment of the appropriate fees provided for under this section.

48 S 10. Subdivision 2 of section 7307 of the education law, as amended
49 by chapter 550 of the laws of 2011, is amended to read as follows:

50 2. Engineers, land surveyors, GEOLOGISTS, architects and landscape
51 architects may join in the formation of a joint enterprise, or a part-
52 nership or a professional service corporation or a design professional
53 service corporation or may form any desired combination of such
54 professions and may use in the name of such corporation the title of any
55 of the professions which will be practiced. After the name of each
56 member his or her profession shall be indicated.

1 S 11. Subdivision 2 of section 7327 of the education law, as amended
2 by chapter 550 of the laws of 2011, is amended to read as follows:

3 2. Engineers, land surveyors, GEOLOGISTS, architects and landscape
4 architects may join in the formation of a joint enterprise, or a part-
5 nership or a professional service corporation or a design professional
6 service corporation or may form any desired combination of such
7 professions and may use in the name of such corporation the title of any
8 of the professions which will be practiced. After the name of each
9 member his or her profession shall be indicated.

10 S 12. Paragraphs (g) and (h) of section 1501 of the business corpo-
11 ration law, as added by chapter 9 of the laws of 2013, are amended to
12 read as follows:

13 (g) "Design professional service corporation" means a corporation
14 organized under this article practicing professional engineering, archi-
15 tecture, landscape architecture, GEOLOGY, or land surveying, or practic-
16 ing any combination of such professions. The provisions of this article
17 applicable to professional service corporations shall apply to design
18 professional service corporations except to the extent that any
19 provision is either inconsistent with a provision expressly applying to
20 design professional service corporations or not relevant thereto.

21 (h) "Design professional" means an individual licensed and registered
22 pursuant to title eight of the education law to practice professional
23 engineering, architecture, landscape architecture, GEOLOGY or land
24 surveying.

25 S 13. Paragraph (a) of section 1503 of the business corporation law,
26 as amended by chapter 550 of the laws of 2011, is amended to read as
27 follows:

28 (a) Notwithstanding any other provision of law, one or more individ-
29 uals duly authorized by law to render the same professional service
30 within the state may organize, or cause to be organized, a professional
31 service corporation for pecuniary profit under this article for the
32 purpose of rendering the same professional service, except that one or
33 more individuals duly authorized by law to practice professional engi-
34 neering, architecture, landscape architecture [or], land surveying OR
35 GEOLOGY within the state may organize, or cause to be organized, a
36 professional service corporation or a design professional service corpo-
37 ration for pecuniary profit under this article for the purpose of
38 rendering such professional services as such individuals are authorized
39 to practice.

40 S 14. The opening paragraph of paragraph (b-5) of section 1503 of the
41 business corporation law, as amended by chapter 9 of the laws of 2013,
42 is amended to read as follows:

43 On or after January first, two thousand twelve, the state education
44 department and the department of state shall allow an existing profes-
45 sional service corporation organized under this article and practicing
46 professional engineering, architecture, landscape architecture, GEOLOGY
47 or land surveying, or practicing any combination of such professions to
48 become a design professional service corporation as defined in this
49 article, provided the professional service corporation meets all of the
50 requirements to become a design professional service corporation,
51 including that its name shall end with the words "design professional
52 corporation" or the abbreviation "D.P.C.", by amending its certificate
53 of incorporation so that it contains the following statements:

54 S 15. Paragraph (b) of section 1504 of the business corporation law,
55 as amended by chapter 550 of the laws of 2011, is amended to read as
56 follows:

(b) Each final plan and report made or issued by a corporation practicing one or more of the professions of professional engineering, architecture, landscape architecture [or], land surveying OR GEOLOGY shall bear the name and seal of one or more professional engineers, architects, landscape architects, [or] land surveyors OR GEOLOGISTS, respectively, who are in responsible charge of such plan or report.

S 16. Section 12 of chapter 550 of the laws of 2011, amending the business corporation law and the education law relating to design professional service corporations, is REPEALED.

S 16-a. Section 1516 of the business corporation law, as amended by chapter 564 of the laws of 2011, is amended to read as follows:

S 1516. Corporate mergers, consolidations and other reorganizations.

(a) Notwithstanding any inconsistent provision of this article, AND SUBJECT TO THE LIMITATIONS IN PARAGRAPH (D) OF THIS SECTION, a professional service corporation, INCLUDING A DESIGN PROFESSIONAL SERVICE CORPORATION, pursuant to the provisions of article nine of this chapter, may be merged or consolidated with another corporation formed pursuant to the provisions of this chapter [or], with a corporation authorized and registered to practice the same profession pursuant to the applicable provisions of subdivision six of section seventy-two hundred nine of the education law (engineer [or], land surveyor OR GEOLOGIST) [or], subdivision four of section seventy-three hundred seven of the education law (architect) OR SUBDIVISION FOUR OF SECTION SEVENTY-THREE HUNDRED TWENTY-SEVEN OF THE EDUCATION LAW (LANDSCAPE ARCHITECT) of [article] ARTICLES one hundred forty-five, ONE HUNDRED FORTY-SEVEN AND ONE HUNDRED FORTY-EIGHT of the education law, or with a foreign corporation, or other business entity practicing the same profession or professions in this state or the state of its formation, or may be otherwise reorganized, provided that the corporation which survives or which is formed pursuant thereto is a professional service corporation, A DESIGN PROFESSIONAL SERVICE CORPORATION, a professional service limited liability company or a foreign professional service corporation practicing the same profession or professions in this state or the state of incorporation or, if one of the original corporations is authorized to practice pursuant to the provisions of either subdivision six of section seventy-two hundred nine [or], subdivision four of section seventy-three hundred seven OR SUBDIVISION FOUR OF SECTION SEVENTY-THREE HUNDRED TWENTY-FOUR OF THE EDUCATION LAW, a corporation authorized and registered to practice the same profession pursuant to the applicable provisions of subdivision six of section seventy-two hundred nine of the education law (engineer [or], land surveyor OR GEOLOGIST) [or], subdivision four of section seventy-three hundred seven of the education law (architect) of [article] ARTICLES one hundred forty-five, ONE HUNDRED FORTY-SEVEN AND ONE HUNDRED FORTY-EIGHT OR SUBDIVISION FOUR OF SECTION SEVENTY-THREE HUNDRED TWENTY-SEVEN of the education law.

(b) If the surviving business entity is a professional corporation, the restrictions on the issuance, transfer or sale of shares of a professional service corporation OR A DESIGN PROFESSIONAL SERVICE CORPORATION shall be suspended for a period not exceeding thirty days with respect to any issuance, transfer or sale of shares made pursuant to such merger, consolidation or reorganization, provided that: (i) no person who would not be eligible to be a shareholder in the absence of this section shall vote the shares of or receive any distribution from such corporation; (ii) after such merger, consolidation or reorganization, any professional service corporation OR A DESIGN PROFESSIONAL SERVICE CORPORATION which survives or which is created thereby shall be

1 subject to all of the provisions of this article; and (iii) shares there-
2 after only may be held by persons who are eligible to receive shares of
3 such professional service corporation, DESIGN PROFESSIONAL SERVICE
4 CORPORATION or such other corporation authorized and registered to prac-
5 tice the same profession pursuant to the applicable provisions of subdi-
6 vision six of section seventy-two hundred nine of the education law
7 (engineer [or], land surveyor OR GEOLOGIST) [or], subdivision four of
8 section seventy-three hundred seven of the education law (architect) OR
9 SUBDIVISION FOUR OF SECTION SEVENTY-THREE HUNDRED TWENTY-SEVEN OF THE
10 EDUCATION LAW (LANDSCAPE ARCHITECT) of [article] ARTICLES one hundred
11 forty-five, ONE HUNDRED FORTY-SEVEN AND ONE HUNDRED FORTY-EIGHT of the
12 education law, which survives. Nothing herein contained shall be
13 construed as permitting the practice of a profession in this state by a
14 corporation which is not incorporated pursuant to the provisions of this
15 article or authorized to do business in this state pursuant to the
16 provisions of article fifteen-A of this chapter, AUTHORIZED PURSUANT TO
17 SUBDIVISION SIX OF SECTION SEVENTY-TWO HUNDRED NINE OF THE EDUCATION
18 LAW, AUTHORIZED PURSUANT TO SUBDIVISION FOUR OF SECTION SEVENTY-THREE
19 HUNDRED SEVEN OF THE EDUCATION LAW, AUTHORIZED PURSUANT TO SUBDIVISION
20 FOUR OF SECTION SEVENTY-THREE HUNDRED TWENTY-SEVEN OF THE EDUCATION LAW
21 or authorized and registered to practice a profession pursuant to the
22 applicable provisions of article one hundred forty-five, ONE HUNDRED
23 FORTY-SEVEN OR ONE HUNDRED FORTY-EIGHT of the education law. For the
24 purposes of this section, other reorganizations shall be limited to
25 those reorganizations defined in paragraph one of subsection (a) of
26 section three hundred sixty-eight of the internal revenue code.

27 (c) If the surviving business entity is a professional service limited
28 liability company, the restrictions on the issuance, transfer or sale of
29 membership interests of a professional service limited liability company
30 other than the requirements of the first two sentences of subdivision
31 (c) of section twelve hundred eleven of the limited liability company
32 law, shall be suspended for a period not exceeding thirty days with
33 respect to any issuance, transfer or sale of membership interests made
34 pursuant to such merger or consolidation, provided that: (i) no person
35 or business entity who would not be eligible to be a member in the
36 absence of this section shall vote or receive any distribution from such
37 limited liability company; (ii) after such merger or consolidation, any
38 professional service limited liability company that survives or that is
39 created thereby shall be subject to all the provisions of the limited
40 liability company law; and (iii) membership interests thereafter may be
41 held only by persons or business entities who are eligible to be a
42 member of such professional service limited liability company. Nothing
43 herein contained shall be construed as permitting the practice of a
44 profession in this state by a limited liability company that is not
45 formed pursuant to the provisions of the limited liability company law
46 or authorized to do business in the state pursuant to the provisions of
47 article thirteen of the limited liability company law.

48 (D) NOTWITHSTANDING THE PROVISIONS CONTAINED IN PARAGRAPHS (A), (B)
49 AND (C) OF THIS SECTION, NO DESIGN PROFESSIONAL SERVICE CORPORATION
50 SHALL BE MERGED OR CONSOLIDATED WITH ANY ENTITY UNLESS SUCH ENTITY IS A
51 PROFESSIONAL BUSINESS ORGANIZATION LAWFULLY ORGANIZED TO PROVIDE PROFES-
52 SIONAL SERVICES PURSUANT TO ARTICLES ONE HUNDRED FORTY-FIVE, ONE HUNDRED
53 FORTY-SEVEN AND ONE HUNDRED FORTY-EIGHT OF THE EDUCATION LAW.

54 S 17. Paragraph (b) of section 1526 of the business corporation law,
55 as added by chapter 505 of the laws of 1983, is amended to read as
56 follows:

(b) Each final plan, DRAWING and report made or issued by a foreign professional service corporation practicing professional engineering, architecture, landscape architecture, GEOLOGY or land surveying shall bear the name and seal of one or more professional engineers, architects, landscape architects, PROFESSIONAL GEOLOGISTS or land surveyors, respectively, who are in responsible charge of such plan or report.

S 18. Section 1529 of the business corporation law, as amended by chapter 576 of the laws of 1994, is amended to read as follows:

S 1529. Business corporation law applicable.

Except for the provisions of sections thirteen hundred three, thirteen hundred four, thirteen hundred sixteen, thirteen hundred seventeen and thirteen hundred twenty, this chapter shall be applicable to a foreign professional service corporation to the extent that the provisions thereof are not in conflict with the provisions of this article. A foreign professional service corporation may practice in this state, or may consolidate or merge with another corporation, or may be a member of a professional service limited liability company, a foreign professional service limited liability company, a registered limited liability partnership or foreign limited liability partnership, only if all of the professions practiced by such corporations, limited liability companies or limited liability partnerships could be practiced by a single professional service corporation organized in this state; and, further, only if such foreign professional service corporation is domiciled in a state or territory of the United States the laws of which, at the time of application by such corporation under section fifteen hundred thirty of this article, contain a reciprocal provision under which professional service corporations domiciled in this state may similarly apply for the privilege of doing business in any such state or territory; provided further however, that nothing herein shall authorize a foreign professional service corporation practicing professional engineering, land surveying, GEOLOGY, architecture and/or landscape architecture to be a member or partner of a professional service limited liability company, a foreign professional service limited liability company, a registered limited liability partnership or a foreign limited liability partnership unless all of the shareholders, directors and officers of such foreign professional service corporation are licensed to practice one or more of such professions in this state.

S 19. Subdivision (a) of section 1203 of the limited liability company law, as separately amended by chapters 420 and 676 of the laws of 2002, is amended to read as follows:

(a) Notwithstanding the education law or any other provision of law, one or more professionals each of whom is authorized by law to render a professional service within the state, or one or more professionals, at least one of whom is authorized by law to render a professional service within the state, may form, or cause to be formed, a professional service limited liability company for pecuniary profit under this article for the purpose of rendering the professional service or services as such professionals are authorized to practice. With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education

1 law to practice dentistry in this state. With respect to a professional
2 service limited liability company formed to provide veterinary services
3 as such services are defined in article 135 of the education law, each
4 member of such limited liability company must be licensed pursuant to
5 article 135 of the education law to practice veterinary medicine in this
6 state. With respect to a professional service limited liability company
7 formed to provide professional engineering, land surveying, architec-
8 tural [and/or], landscape architectural AND/OR GEOLOGICAL services as
9 such services are defined in article 145, article 147 and article 148 of
10 the education law, each member of such limited liability company must be
11 licensed pursuant to article 145, article 147 and/or article 148 of the
12 education law to practice one or more of such professions in this state.
13 With respect to a professional service limited liability company formed
14 to provide licensed clinical social work services as such services are
15 defined in article 154 of the education law, each member of such limited
16 liability company shall be licensed pursuant to article 154 of the
17 education law to practice licensed clinical social work in this state.
18 With respect to a professional service limited liability company formed
19 to provide creative arts therapy services as such services are defined
20 in article 163 of the education law, each member of such limited liabil-
21 ity company must be licensed pursuant to article 163 of the education
22 law to practice creative arts therapy in this state. With respect to a
23 professional service limited liability company formed to provide
24 marriage and family therapy services as such services are defined in
25 article 163 of the education law, each member of such limited liability
26 company must be licensed pursuant to article 163 of the education law to
27 practice marriage and family therapy in this state. With respect to a
28 professional service limited liability company formed to provide mental
29 health counseling services as such services are defined in article 163
30 of the education law, each member of such limited liability company must
31 be licensed pursuant to article 163 of the education law to practice
32 mental health counseling in this state. With respect to a professional
33 service limited liability company formed to provide psychoanalysis
34 services as such services are defined in article 163 of the education
35 law, each member of such limited liability company must be licensed
36 pursuant to article 163 of the education law to practice psychoanalysis
37 in this state. In addition to engaging in such profession or
38 professions, a professional service limited liability company may engage
39 in any other business or activities as to which a limited liability
40 company may be formed under section two hundred one of this chapter.
41 Notwithstanding any other provision of this section, a professional
42 service limited liability company (i) authorized to practice law may
43 only engage in another profession or business or activities or (ii)
44 which is engaged in a profession or other business or activities other
45 than law may only engage in the practice of law, to the extent not
46 prohibited by any other law of this state or any rule adopted by the
47 appropriate appellate division of the supreme court or the court of
48 appeals.

49 S 20. Subdivision (b) of section 1207 of the limited liability company
50 law, as separately amended by chapters 420 and 676 of the laws of 2002,
51 is amended to read as follows:

52 (b) with respect to a professional service limited liability company
53 formed to provide medical services as such services are defined in arti-
54 cle 131 of the education law, each member of such limited liability
55 company must be licensed pursuant to article 131 of the education law to
56 practice medicine in this state. With respect to a professional service

1 limited liability company formed to provide dental services as such
2 services are defined in article 133 of the education law, each member of
3 such limited liability company must be licensed pursuant to article 133
4 of the education law to practice dentistry in this state. With respect
5 to a professional service limited liability company formed to provide
6 veterinary services as such services are defined in article 135 of the
7 education law, each member of such limited liability company must be
8 licensed pursuant to article 135 of the education law to practice veter-
9 inary medicine in this state. With respect to a professional service
10 limited liability company formed to provide professional engineering,
11 land surveying, architectural [and/or], landscape architectural AND/OR
12 GEOLOGICAL services as such services are defined in article 145, article
13 147 and article 148 of the education law, each member of such limited
14 liability company must be licensed pursuant to article 145, article 147
15 and/or article 148 of the education law to practice one or more of such
16 professions in this state. With respect to a professional service limit-
17 ed liability company formed to provide licensed clinical social work
18 services as such services are defined in article 154 of the education
19 law, each member of such limited liability company shall be licensed
20 pursuant to article 154 of the education law to practice licensed clin-
21 ical social work in this state. With respect to a professional service
22 limited liability company formed to provide creative arts therapy
23 services as such services are defined in article 163 of the education
24 law, each member of such limited liability company must be licensed
25 pursuant to article 163 of the education law to practice creative arts
26 therapy in this state. With respect to a professional service limited
27 liability company formed to provide marriage and family therapy services
28 as such services are defined in article 163 of the education law, each
29 member of such limited liability company must be licensed pursuant to
30 article 163 of the education law to practice marriage and family therapy
31 in this state. With respect to a professional service limited liability
32 company formed to provide mental health counseling services as such
33 services are defined in article 163 of the education law, each member of
34 such limited liability company must be licensed pursuant to article 163
35 of the education law to practice mental health counseling in this state.
36 With respect to a professional service limited liability company formed
37 to provide psychoanalysis services as such services are defined in arti-
38 cle 163 of the education law, each member of such limited liability
39 company must be licensed pursuant to article 163 of the education law to
40 practice psychoanalysis in this state.

41 S 21. Subdivisions (a) and (f) of section 1301 of the limited liabil-
42 ity company law, subdivision (a) as separately amended by chapters 420
43 and 676 of the laws of 2002 and subdivision (f) as amended by chapter
44 170 of the laws of 1996, are amended to read as follows:

45 (a) "Foreign professional service limited liability company" means a
46 professional service limited liability company, whether or not denomi-
47 nated as such, organized under the laws of a jurisdiction other than
48 this state, (i) each of whose members and managers, if any, is a profes-
49 sional authorized by law to render a professional service within this
50 state and who is or has been engaged in the practice of such profession
51 in such professional service limited liability company or a predecessor
52 entity, or will engage in the practice of such profession in the profes-
53 sional service limited liability company within thirty days of the date
54 such professional becomes a member, or each of whose members and manag-
55 ers, if any, is a professional at least one of such members is author-
56 ized by law to render a professional service within this state and who

1 is or has been engaged in the practice of such profession in such
2 professional service limited liability company or a predecessor entity,
3 or will engage in the practice of such profession in the professional
4 service limited liability company within thirty days of the date such
5 professional becomes a member, or (ii) authorized by, or holding a
6 license, certificate, registration or permit issued by the licensing
7 authority pursuant to, the education law to render a professional
8 service within this state; except that all members and managers, if any,
9 of a foreign professional service limited liability company that
10 provides health services in this state shall be licensed in this state.
11 With respect to a foreign professional service limited liability company
12 which provides veterinary services as such services are defined in arti-
13 cle 135 of the education law, each member of such foreign professional
14 service limited liability company shall be licensed pursuant to article
15 135 of the education law to practice veterinary medicine. With respect
16 to a foreign professional service limited liability company which
17 provides medical services as such services are defined in article 131 of
18 the education law, each member of such foreign professional service
19 limited liability company must be licensed pursuant to article 131 of
20 the education law to practice medicine in this state. With respect to a
21 foreign professional service limited liability company which provides
22 dental services as such services are defined in article 133 of the
23 education law, each member of such foreign professional service limited
24 liability company must be licensed pursuant to article 133 of the educa-
25 tion law to practice dentistry in this state. With respect to a foreign
26 professional service limited liability company which provides profes-
27 sional engineering, land surveying, GEOLOGIC, architectural and/or land-
28 scape architectural services as such services are defined in article
29 145, article 147 and article 148 of the education law, each member of
30 such foreign professional service limited liability company must be
31 licensed pursuant to article 145, article 147 and/or article 148 of the
32 education law to practice one or more of such professions in this state.
33 With respect to a foreign professional service limited liability company
34 which provides licensed clinical social work services as such services
35 are defined in article 154 of the education law, each member of such
36 foreign professional service limited liability company shall be licensed
37 pursuant to article 154 of the education law to practice clinical social
38 work in this state. With respect to a foreign professional service
39 limited liability company which provides creative arts therapy services
40 as such services are defined in article 163 of the education law, each
41 member of such foreign professional service limited liability company
42 must be licensed pursuant to article 163 of the education law to prac-
43 tice creative arts therapy in this state. With respect to a foreign
44 professional service limited liability company which provides marriage
45 and family therapy services as such services are defined in article 163
46 of the education law, each member of such foreign professional service
47 limited liability company must be licensed pursuant to article 163 of
48 the education law to practice marriage and family therapy in this state.
49 With respect to a foreign professional service limited liability company
50 which provides mental health counseling services as such services are
51 defined in article 163 of the education law, each member of such foreign
52 professional service limited liability company must be licensed pursuant
53 to article 163 of the education law to practice mental health counseling
54 in this state. With respect to a foreign professional service limited
55 liability company which provides psychoanalysis services as such
56 services are defined in article 163 of the education law, each member of

1 such foreign professional service limited liability company must be
2 licensed pursuant to article 163 of the education law to practice
3 psychoanalysis in this state.

4 (f) "Professional partnership" means (1) a partnership without limited
5 partners each of whose partners is a professional authorized by law to
6 render a professional service within this state, (2) a partnership with-
7 out limited partners each of whose partners is a professional, at least
8 one of whom is authorized by law to render a professional service within
9 this state or (3) a partnership without limited partners authorized by,
10 or holding a license, certificate, registration or permit issued by the
11 licensing authority pursuant to the education law to render a profes-
12 sional service within this state; except that all partners of a profes-
13 sional partnership that provides medical services in this state must be
14 licensed pursuant to article 131 of the education law to practice medi-
15 cine in this state and all partners of a professional partnership that
16 provides dental services in this state must be licensed pursuant to
17 article 133 of the education law to practice dentistry in this state;
18 except that all partners of a professional partnership that provides
19 veterinary services in this state must be licensed pursuant to article
20 135 of the education law to practice veterinary medicine in this state;
21 and further except that all partners of a professional partnership that
22 provides professional engineering, land surveying, GEOLOGIC, architec-
23 tural, and/or landscape architectural services in this state must be
24 licensed pursuant to article 145, article 147 and/or article 148 of the
25 education law to practice one or more of such professions.

26 S 22. Subdivision (b) of section 1302 of the limited liability company
27 law is amended to read as follows:

28 (b) Each final plan and report made or issued by a foreign profes-
29 sional service limited liability company practicing professional engi-
30 neering, GEOLOGY, architecture, landscape architecture or land surveying
31 shall bear the name and seal of one or more professional engineers,
32 PROFESSIONAL GEOLOGISTS, architects, landscape architects, or land
33 surveyors, respectively, who are in responsible charge of such plan or
34 report.

35 S 23. The ninth and fourteenth undesignated paragraphs of section 2 of
36 the partnership law, the ninth undesignated paragraph as amended by
37 chapter 643 of the laws of 1995 and the fourteenth undesignated para-
38 graph as added by chapter 576 of the laws of 1994, are amended to read
39 as follows:

40 "Foreign limited liability partnership" means (i) any partnership
41 without limited partners operating under an agreement governed by the
42 laws of any jurisdiction, other than this state, each of whose partners
43 is a professional authorized by law to render a professional service
44 within this state and who is or has been engaged in the practice of such
45 profession in such partnership or a predecessor entity, or will engage
46 in the practice of such profession in the foreign limited liability
47 partnership within thirty days of the date of the effectiveness of the
48 notice provided for in subdivision (a) of section 121-1502 of this chap-
49 ter or each of whose partners is a professional, at least one of whom is
50 authorized by law to render a professional service within this state and
51 who is or has been engaged in the practice of such profession in such
52 partnership or a predecessor entity, or will engage in the practice of
53 such profession in the foreign limited liability partnership within
54 thirty days of the date of the effectiveness of the notice provided for
55 in subdivision (a) of section 121-1502 of this chapter, (ii) any part-
56 nership without limited partners operating under an agreement governed

1 by the laws of any jurisdiction, other than this state, authorized by,
2 or holding a license, certificate, registration or permit issued by the
3 licensing authority pursuant to, the education law to render a profes-
4 sional service within this state, which renders or intends to render
5 professional services within this state and which is denominated as a
6 registered limited liability partnership or limited liability partner-
7 ship under such laws, regardless of any difference between such laws and
8 the laws of this state, or (iii) a foreign related limited liability
9 partnership; except that all partners of a foreign limited liability
10 partnership that provides health, professional engineering, land survey-
11 ing, GEOLOGIC, architectural and/or landscape architectural services in
12 this state shall be licensed in this state.

13 "Professional partnership" means (1) a partnership without limited
14 partners each of whose partners is a professional authorized by law to
15 render a professional service within this state, (2) a partnership with-
16 out limited partners each of whose partners is a professional, at least
17 one of whom is authorized by law to render a professional service within
18 this state or (3) a partnership without limited partners authorized by,
19 or holding a license, certificate, registration or permit issued by the
20 licensing authority pursuant to the education law to render a profes-
21 sional service within this state; except that all partners of a profes-
22 sional partnership that provides medical services in this state must be
23 licensed pursuant to article 131 of the education law to practice medi-
24 cine in this state and all partners of a professional partnership that
25 provides dental services in this state must be licensed pursuant to
26 article 133 of the education law to practice dentistry in this state;
27 and further except that all partners of a professional partnership that
28 provides professional engineering, land surveying, GEOLOGIC, architec-
29 tural and/or landscape architectural services in this state must be
30 licensed pursuant to article 145, article 147 and/or article 148 of the
31 education law to practice one or more of such professions in this state.

32 S 24. Subdivision (q) of section 121-1500 of the partnership law, as
33 separately amended by chapters 420 and 676 of the laws of 2002, is
34 amended to read as follows:

35 (q) Each partner of a registered limited liability partnership formed
36 to provide medical services in this state must be licensed pursuant to
37 article 131 of the education law to practice medicine in this state and
38 each partner of a registered limited liability partnership formed to
39 provide dental services in this state must be licensed pursuant to arti-
40 cle 133 of the education law to practice dentistry in this state. Each
41 partner of a registered limited liability partnership formed to provide
42 veterinary services in this state must be licensed pursuant to article
43 135 of the education law to practice veterinary medicine in this state.
44 Each partner of a registered limited liability partnership formed to
45 provide professional engineering, GEOLOGICAL SERVICES, land surveying,
46 architectural and/or landscape architectural services in this state must
47 be licensed pursuant to article 145, article 147 and/or article 148 of
48 the education law to practice one or more of such professions in this
49 state. Each partner of a registered limited liability partnership formed
50 to provide licensed clinical social work services in this state must be
51 licensed pursuant to article 154 of the education law to practice clin-
52 ical social work in this state. Each partner of a registered limited
53 liability partnership formed to provide creative arts therapy services
54 in this state must be licensed pursuant to article 163 of the education
55 law to practice creative arts therapy in this state. Each partner of a
56 registered limited liability partnership formed to provide marriage and

1 family therapy services in this state must be licensed pursuant to arti-
2 cle 163 of the education law to practice marriage and family therapy in
3 this state. Each partner of a registered limited liability partnership
4 formed to provide mental health counseling services in this state must
5 be licensed pursuant to article 163 of the education law to practice
6 mental health counseling in this state. Each partner of a registered
7 limited liability partnership formed to provide psychoanalysis services
8 in this state must be licensed pursuant to article 163 of the education
9 law to practice psychoanalysis in this state.

10 S 25. Subdivision (q) of section 121-1502 of the partnership law, as
11 amended by chapter 230 of the laws of 2004, is amended to read as
12 follows:

13 (q) Each partner of a foreign limited liability partnership which
14 provides medical services in this state must be licensed pursuant to
15 article 131 of the education law to practice medicine in the state and
16 each partner of a foreign limited liability partnership which provides
17 dental services in the state must be licensed pursuant to article 133 of
18 the education law to practice dentistry in this state. Each partner of a
19 foreign limited liability partnership which provides veterinary service
20 in the state shall be licensed pursuant to article 135 of the education
21 law to practice veterinary medicine in this state. Each partner of a
22 foreign limited liability partnership which provides professional engi-
23 neering, land surveying, GEOLOGICAL SERVICES, architectural and/or land-
24 scape architectural services in this state must be licensed pursuant to
25 article 145, article 147 and/or article 148 of the education law to
26 practice one or more of such professions. Each partner of a foreign
27 limited liability partnership which provides licensed clinical social
28 work services in this state must be licensed pursuant to article 154 of
29 the education law to practice licensed clinical social work in this
30 state. Each partner of a foreign limited liability partnership which
31 provides creative arts therapy services in this state must be licensed
32 pursuant to article 163 of the education law to practice creative arts
33 therapy in this state. Each partner of a foreign limited liability part-
34 nership which provides marriage and family therapy services in this
35 state must be licensed pursuant to article 163 of the education law to
36 practice marriage and family therapy in this state. Each partner of a
37 foreign limited liability partnership which provides mental health coun-
38 seling services in this state must be licensed pursuant to article 163
39 of the education law to practice mental health counseling in this state.
40 Each partner of a foreign limited liability partnership which provides
41 psychoanalysis services in this state must be licensed pursuant to arti-
42 cle 163 of the education law to practice psychoanalysis in this state.

43 S 26. This act shall take effect two years after the date on which it
44 shall have become a law.