

STATE OF NEW YORK

10016

IN ASSEMBLY

May 1, 2024

Introduced by M. of A. CLARK -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to permitting certain not-for-profit corporations engaged in engineering for certain conservation efforts to do business or provide professional engineering, land surveying, or professional geology services in the state

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

1 Section 1. Section 7209 of the education law is amended by adding a
2 new subdivision 10 to read as follows:

3 10. Nothing in this article shall prohibit a foreign not-for-profit
4 corporation, as defined in section one hundred two of the not-for-profit
5 corporation law, engaged in engineering for conservation efforts associ-
6 ated with (a) tidal wetland, as defined in subdivision one of section
7 25-0103 of the environmental conservation law, restoration, (b) freshwa-
8 ter wetland, as defined in subdivision one of section 24-0107 of the
9 environmental conservation law, restoration, (c) habitat restoration,
10 (d) groundwater recharge, or (e) natural infrastructure from obtaining a
11 certificate of authority to do business in the state of New York,
12 provided that the business proposed to be done by such not-for-profit
13 corporation within this state relates to the stated conservation
14 resources and shall be conducted by a professional engineer pursuant to
15 this article.

16 § 2. Subdivisions 1, 2, and 3 of section 7210 of the education law,
17 subdivision 1 as amended by chapter 475 of the laws of 2014 and subdivi-
18 sions 2 and 3 as amended by chapter 483 of the laws of 2001, are amended
19 to read as follows:

20 1. Domestic or foreign professional service corporations, design
21 professional service corporations, professional service limited liabil-
22 ity companies, foreign professional service limited liability companies,
23 registered limited liability partnerships, New York registered foreign
24 limited liability partnerships, foreign not-for-profit corporations, as
25 defined in section one hundred two of the not-for-profit corporation
26 law, engaged in engineering for conservation efforts associated with (a)

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

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1 tidal wetland, as defined in subdivision one of section 25-0103 of the
2 environmental conservation law, restoration, (b) freshwater wetland, as
3 defined in subdivision one of section 24-0107 of the environmental
4 conservation law, restoration, (c) habitat restoration, (d) groundwater
5 recharge, or (e) natural infrastructure, partnerships and joint enter-
6 prises specified in subdivision four of section seventy-two hundred nine
7 of this article, provided each of the foregoing entities is authorized
8 to provide professional engineering, land surveying or professional
9 geology services and general business corporations authorized to provide
10 professional engineering or land surveying services pursuant to subdivi-
11 sion six of section seventy-two hundred nine of this article may offer
12 to provide or provide professional engineering, land surveying or
13 professional geology services only after obtaining a certificate of
14 authorization from the department. Except as otherwise authorized by
15 statute, rule or regulation, other business entities are not authorized
16 to offer or provide professional engineering, land surveying or profes-
17 sional geology services and may not obtain certificates of authorization
18 provided that nothing contained herein shall prohibit an individual who
19 is licensed to practice professional engineering, land surveying or
20 professional geology under this article from obtaining a certificate of
21 authorization upon application and payment of the appropriate fees
22 provided for under this section.

23 2. Upon application a certificate of authorization shall be issued by
24 the department to all individuals, corporations, not-for-profit corpo-
25 rations, limited liability companies, limited liability partnerships,
26 partnerships and joint enterprises specified in subdivision one of this
27 section and which are authorized to provide professional engineering or
28 land surveying services and pay the appropriate fee.

29 3. A "certificate of authorization" shall authorize such individual,
30 corporation, not-for-profit corporation, limited liability company,
31 limited liability partnership, partnership or joint enterprise to
32 provide professional engineering or land surveying services for three
33 years from the date of issuance subject to, as otherwise prescribed by
34 law, the supervision of the regents of the university of the state of
35 New York including the power to discipline and impose penalties in the
36 same manner and to the same extent as is provided with respect to indi-
37 viduals and their licenses and registration pursuant to this title.

38 § 3. This act shall take effect immediately.