STATE OF NEW YORK

8850

IN SENATE

March 20, 2024

Introduced by Sen. SCARCELLA-SPANTON -- 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 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:

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

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

§ 2. Subdivisions 1, 2, and 3 of section 7210 of the education law, subdivision 1 as amended by chapter 475 of the laws of 2014 and subdivisions 2 and 3 as amended by chapter 483 of the laws of 2001, are amended to read as follows:

1. Domestic or foreign professional service corporations, design professional service corporations, professional service limited liability companies, foreign professional service limited liability companies, registered limited liability partnerships, New York registered foreign limited liability partnerships, **foreign not-for-profit corporations, as defined in section one hundred two of the not-for-profit corporation 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.

LBD14840-01-4

tidal wetland, as defined in subdivision one of section 25-0103 of the environmental conservation law, restoration, (b) freshwater wetland, as defined in subdivision one of section 24-0107 of the environmental conservation law, restoration, (c) habitat restoration, (d) groundwater recharge, or (e) natural infrastructure, partnerships and joint enterprises specified in subdivision four of section seventy-two hundred nine of this article, provided each of the foregoing entities is authorized to provide professional engineering, land surveying or professional geology services and general business corporations authorized to provide professional engineering or land surveying services pursuant to subdivision six of section seventy-two hundred nine of this article may offer to provide or provide professional engineering, land surveying or professional geology services only after obtaining a certificate of authorization from the department. Except as otherwise authorized by statute, rule or regulation, other business entities are not authorized to offer or provide professional engineering, land surveying or professional geology services and may not obtain certificates of authorization provided that nothing contained herein shall prohibit an individual who is licensed to practice professional engineering, land surveying or professional geology under this article from obtaining a certificate of authorization upon application and payment of the appropriate fees provided for under this section.

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

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

§ 3. This act shall take effect immediately.