



## **SUPPORT: GRANDFATHER ENGINEERING FIRM GEOLOGY**

### **S.6084 (Stavisky) /A.7865 (Engelbright)**

Chapter 475 of 2014 allowed for the licensure of Professional Geologists and the creation of the field of Professional Geology. The structure of the law contemplated Geology as a non-exclusive subset of the larger field of Engineering. The law was written to ensure that Professional Engineers would not be prevented from continuing to provide professional services that can be described as either Professional Geology or Professional Engineering.

All of the services that can be provided by Professional Geologists, particularly the “investigation, acquisition, evaluation, and interpretation of the physical and chemical properties of the soil, rock, groundwater, earth materials and data related thereto”, can also be **(and historically have been)** provided by Professional Engineers.

Engineering firms organized as Professional Corporations, Design Professional Corporations, Professional Limited Liability Corporations, and Limited Liability Partnerships have been able to add Professional Geologists to their staffs and amend their Certificates of Authorization to reflect their ability provide both Professional Geology and Professional Engineering. However, the 100+ engineering firms organized under Education Law 7209(6), the so-called Grandfather Firms, are currently unable to do so. Because of the inability to obtain a certificate of authorization for Geology, Engineering firms organized under Education Law 7209(6) are not able to provide these identical professional services as Professional Geology, despite having Geologists on staff and in positions of authority.

S.6084 implements the original intent of Chapter 475 of 2014 to provide that engineering firms organized under Education Law 7209(6) can provide this work as either Professional Engineering *or* Geology and avoids any unintended restriction of the scope of these firms’ powers.

This bill is necessary to correct the unintentional oversight allowing for the different and restrictive treatment of engineering firms organized under Education Law 7209(6). It implements Chapter 475 of 2014’s original intent, as negotiated by all stakeholders, and as reflected in Approval Memo 10 of 2014.

Correcting this mistake is critical, as many State procurements explicitly seek Professional Geology and firms that can provide this professional service, albeit as Professional Engineering cannot respond to the solicitation, because they cannot call the identical and equivalent work Professional Geology. This bill remedies this unintended consequence.