



SUPPORT: S.620 (Stavisky)/A.2571 (McDonald)

Geology Clarification

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 identical 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. A significant unintended consequence of the 2014 law is its misinterpretation and use in new public procurement solicitations to expressly include a requirement for a separate certificate of authorization for geology, thereby prohibiting engineering firms from eligibility.

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 staff 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.

This bill clarifies 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, enable them to obtain a certificate of authorization for 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, which reads in part, “Members of other licensed professions have expressed concern that this bill may limit or alter their ability to practice their professions. However, nothing in this act should be construed to alter, diminish or interfere with the existing

scope of practice of any other licensed profession under Title VIII of the Education Law, and the State Education Department has confirmed this analysis.”

For these reasons, ACEC New York strongly supports bill S.620 (Stavisky)/A.2571 (McDonald) and recommends its approval this legislative session.