CALL TO ORDER – 9:30a

WELCOME & INTRODUCTION OF BOARD MEMBERS & GUESTS

APPROVAL OF PREVIOUS MEETING MINUTES

CHAIRMAN & VICE CHAIRMAN REPORT

EXECUTIVE SECRETARY REPORT

COMMITTEE REPORTS:

A. Access to Professions
B. Legislation
C. Land Surveying
D. Professional Engineering
E. Education, Experience & Examinations
F. Environmental
G. Continuing Education
H. Project Delivery Methods
I. Geology
J. Construction Supervision

CONTINUING BUSINESS

NEW BUSINESS

RESOLUTION FOR EXECUTIVE SESSION

ADJOURNMENT
STATE BOARD FOR ENGINEERING, LAND SURVEYING AND GEOLOGY

New York State Education Department
Office of Professions

Via Webex

Draft

June 9, 2022

OPEN SESSION MINUTES


Board Member Absent:  L. Woods

Extended Members Present:  E. Haas, A. Lopez, & W. Shover

Subject Matter Experts Present:  H. Palmer, J. Berger


Key Guests: John Nadeau – Executive Director for the New York State Council of Professional Geologists (NYSCPG), Campbell Wallace – ACECNY, Emily Whalen – NYSAPLS, Mark Kriss – NYSSPE

Call to Order – Open Session
Chair Noviello called the Open Session to order at 9:30 a.m.

Welcome and Introductions of Guests and Board Members
Board Members and Guests introduced themselves.

Approval of Minutes of the Previous Meeting
On a motion by Member Friedman, Seconded by Extended Member Shover, the minutes of the March 10, 2022 open meeting were reviewed and approved conditional on correction to show Member Mitchell as joining at 1:05p.
**Chair Report** – Chair Noviello reported one (1) land surveyor member is on leave, and only two (2) voting members were at the last Land Surveying committee meeting. He would like to add additional surveyors to the Board.

Chair Noviello indicated he intends to attend the NCEES Annual Meeting in August now that SED has approved the travel.

Chair Noviello discussed NYS Education law outlining that the extended board members’ primary function is to serve on OPD cases (hearings) and simultaneously reminded the group of the knowledge and value they contribute to the board functions.

Chair Noviello noted his virtual participation in the NCEES June State of the Council meeting and discussed key initiatives proposed.

Chair Noviello reminded the board of the lifetime legal liabilities currently inherent to design professionals and specifically discussed the liabilities of the current “Industrial Exemption.”

**Vice Chair Report** - Vice Chair Martin stated he will cover his topics in the Legislation and Professional Engineering portion of the meeting.

**Executive Secretary Report** – Executive Secretary Greppo thanked Architecture Board Executive Secretary Lopez for the acting role he recently held over the Engineering board, including the development of emergency regulations.

Executive Secretary Greppo indicated that travel is occurring more frequently and it is hoped that the board meeting in September will be in person.

Executive Secretary Greppo congratulated Roman Figler on his 2nd term appointment as an Extended Board Member.

Executive Secretary Greppo announced that Nancy Wiley (Associate in Professional Education) has retired as of May 26. Recruitment for replacement is underway and it’s hoped a new hire will start this summer.

**COMMITTEE REPORTS**

**Access to the Professions** – Committee Chair Patota reported that she offered a presentation on licensure and the steps to licensure for students. She noted that STEM has not been represented well since the pandemic and offered to be a mentor to students.

*** Aside to the Committee Reports***

**Sarah Benson** – Entered the meeting and introduced herself stating that she has worked numerous times with this Board office and Executive Secretary Greppo is off to a tremendous
start. She introduced the new positions in the Office of the Professions – David Hamilton – Assistant Commissioner and Owen Donovan – Executive Coordinator of Professional Practice.

***Resumption of Committee Reports***

**Legislation** - Committee Chair Martin stated he had been working on the engineering education regulations for three (3) years. He indicated that there is another bill before the Legislature now regarding Design Professional Corporations.

**Land Surveying** – Committee Chair Holbritter reported the Land Survey committee met on 4/18/22 and 6/3/22 via Webex to strategize and review the April exam and work on the October exam. They are meeting again on 7/21/22 to finalize the October exam.

**Professional Engineering** – Committee Chair Martin stated the Board has been busy with application reviews and reducing the backlog. The new regulations were approved in April 2022. Rob Lopez discussed how the new regulations provide alignment with most states’ practices and reviewed the general composition of the regulatory changes.

**Education, Experience and Examinations** - Committee Chair Mitchell stated there were no new proposals since the last meeting and there are two (2) open proposals. There will be discussion regarding these proposals in the Executive Session.

**Environmental** – Committee Chair Patota commented there was no pending Environmental legislation since the last meeting. She discussed concerns of DEC accepting certain work by non-licensed individuals. It was generally agreed that a future environmental committee meeting could be utilized to review these concerns.

**Continuing Education** – Committee Chair Len Woods was not present. Members discussed ways to notify stakeholders of regulatory changes.

**Project Delivery Methods** – Committee Chair D’Angelo reported no pending legislation. There are some issues on the federal level that he is monitoring. He suggested the possibility of a joint meeting with the Architecture Board to review depending on discipline overlap.

**Geology Committee** – Committee Chair Kelly proposed follow-up discussion on the following:
- Education Review – Modifications to the application forms as some information appears contradictory.
- Licensure Qualifying Programs/Courses
- Guidelines for Practice of Geology – Draft in the style of engineering and land surveying guidelines.

A geology committee meeting is planned to develop these discussions.

**Construction Supervision** – Committee Chair D’Angelo indicated his intention to call for a committee meeting as one hasn’t been held in some time.
CONTINUING BUSINESS

Budget, Staff, Technology Update – Executive Secretary Greppo reported that there is an updated contact list on the Board Members Only website. There is a new Board Members website coming soon that will allow better organization and document sharing. Implementation is planned for the July/August time frame. Any feedback from board members will be appreciated once the new site is established. There is upcoming SED training regarding the discipline process and interested members may participate.

Executive Secretary Greppo reminded all participants that additional board members are needed from all disciplines and to submit nominations through the board office.

Executive Secretary Greppo reminded board membership that travel receipts should be submitted within 30 days of completion. For processing, it is imperative to keep fiscal years separate and use exact dates.

NEW BUSINESS

Member Patota asked how engineering applicants are made aware of the new education requirement. Executive Secretary Greppo and R. Lopez reported that applicants can look at the advisory notice on the OP website, Linked In, Twitter, SED social media and by contacting associations. Additional outreach by the board office will likely be coordinated for awareness of regulatory changes.

It was generally agreed that the next board meeting will be held on September 8, 2022 at 9:30 a.m. in person at the State Education Building in Albany.

RESOLUTION FOR EXECUTIVE SESSION – On a motion by Member Mitchell and seconded by Member Kelly, the Board voted to move into Executive Session. Call to order at 11:49 a.m. by Chair Noviello.

ADJOURNMENT – On a motion by Member Friedman, seconded by Member Kelly, the meeting was adjourned at 1:00 p.m.
TO: The Honorable Members of the Board of Regents
FROM: Sarah S. Benson
SUBJECT: Proposed Repeal of Section 68.1 and Addition of a New Section 68.1 and Amendment of Section 68.3 of the Regulations of the Commissioner of Education Relating to the Licensure Requirements for Professional Engineers
DATE: June 30, 2022

AUTHORIZATION(S): 

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents repeal section 68.1 and add a new section 68.1 and amend 68.3 of the Regulations of the Commissioner of Education relating to the licensure requirements for professional engineers?

Reason for Consideration

Required by State statute (Chapter 465 of the Laws of 2021).

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the July 2022 meeting of the Board of Regents. A copy of the proposed rule is included (Attachment A).

Procedural History

The proposed amendment was presented to the Professional Practice Committee for discussion and recommendation to the Full Board for adoption as an emergency rule at the April 2022 meeting of the Board of Regents. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on April 27, 2022 for a 60-day public comment period.
Because the April emergency action was set to expire on July 10, 2022, a second emergency action was necessary at the June 2022 meeting to ensure the emergency rule remained continuously in effect until it can be permanently adopted. A Notice of Emergency Adoption will be published in the State Register on July 27, 2022.

Following publication in the State Register, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed. A Notice of Adoption will be published in the State Register on July 27, 2022. Supporting materials are available upon request to the Secretary of the Board of Regents.

**Background Information**

Chapter 465 of the Laws of 2021 (Chapter 465), effective April 6, 2022, amended provisions of the Education Law regarding engineering. Generally, it updates engineering licensure requirements to reflect modern practice requirements and promote uniformity for the profession.

Chapter 465 phases out the existing “all-experience” pathway, which permitted candidates with 12 years of working experience to obtain licensure without any formal education. To ensure a smooth transition for pipeline candidates, Chapter 465 permits persons currently seeking licensure under this pathway to submit a licensure application with the appropriate fee to the Department by April 6, 2024 (two years after the effective date) to preserve their potential ability to qualify for licensure based on such experience.

Chapter 465 also removes the requirement that students wait until they are within 20 credit hours of graduation to take the fundamentals of engineering examination. At a national level, most students are now permitted to sit for this examination at any point in their college careers. Chapter 465 conforms to this practice and affords the Commissioner the authority to establish an alternative timeframe.

Additionally, Chapter 465:

- permits persons with substantially equivalent educational credentials to sit for the professional engineering examination, provided that all other requirements for licensure are satisfied;
- changes “intern engineer” to “engineer in training”;
- authorizes the Department to waive the education requirement for applicants who have 15 years of lawful practice, typically in another state and possess established and recognized standing in the profession; and
- makes technical changes regarding examination fees.
Proposed Amendments

The proposed amendment repeals the current section 68.1 of the Commissioner’s regulations and adds a new section 68.1 that:

- eliminates the all-experience pathway to licensure after a two-year legacy period;

- requires completion of a bachelor’s degree in engineering from an Engineering Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET) accredited program or the substantial equivalent and four years of engineering experience acceptable to the State Board for Engineering, Land Surveying, and Geology (State Board);

- requires completion of a bachelor’s degree in engineering technology from an Engineering Technology Accreditation Commission/Accreditation Board for Engineering and Technology (ETAC/ABET) accredited program and six years of engineering experience acceptable to the State Board;

- requires completion of a bachelor’s degree in engineering or engineering technology that meets the education standard of an accrediting agency acceptable to the Department and six years of experience acceptable to the State Board; or a bachelor’s degree in science related to engineering, engineering technology, or architecture and a masters or doctoral degree in engineering that contains a minimum of 24 semester hours of engineering acceptable to the Department in consultation with the State Board and six years of experience acceptable to the State Board.

Additionally, the proposed amendment to subdivision (b) of section 68.3 of the Commissioner’s regulations amends a licensure candidate’s entry point to the fundamentals of engineering examination by requiring:

- enrollment in an EAC/ABET accredited program in engineering or the substantial equivalent;

- enrollment in an ETAC/ABET accredited engineering technology program;

- completion of a bachelor’s degree in engineering from a professional program in engineering determined by the Department to be the substantial equivalent of a registered or accredited engineering program; or

- completion of a bachelor’s degree in science related to engineering, engineering technology, or architecture and completion of a masters or doctoral degree in engineering that contains a minimum of 24 semester hours of engineering acceptable to the Department in consultation with the State Board.
Finally, the proposed amendment of subdivision (b) of section 68.3 of the Commissioner’s regulations requires an applicant for admission to the principles and practice of engineering examination to have completed the education and experience requirements as set forth in sections 68.1 and 68.2 of the Commissioner’s regulations.

**Related Regents Item**

June 2022: [Proposed Repeal of Section 68.1 and Addition of a New Section 68.1 and Amendment of Section 68.3 of the Regulations of the Commissioner of Education Relating to the Licensure Requirements for Professional Engineers](https://www.regents.nysed.gov/common/regents/files/622brca10.pdf)

April 2022: [Proposed Repeal of Section 68.1 and Addition of a New Section 68.1 and Amendment of Section 68.3 of the Regulations of the Commissioner of Education Relating to the Licensure Requirements for Professional Engineers](https://www.regents.nysed.gov/common/regents/files/422ppca1.pdf)

**Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That Section 68.1 of the Regulations of the Commissioner of Education be repealed and a new Section 68.1 of the Regulations of the Commissioner of Education be added and Section 68.3 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 27, 2022.

**Timetable for Implementation**

If adopted at the July meeting, the proposed rule will become effective as a permanent rule on July 27, 2022.
AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION


1. Section 68.1 of the Regulations of the Commissioner of Education is REPEALED and a new section 68.1 is added, to read as follows:

   68.1 Professional study and experience requirements for professional engineering.

   (a) Definition. As used in this section, an acceptable accrediting agency shall mean an organization accepted by the department as a reliable authority for the purpose of accrediting at the postsecondary level and which applies its criteria for granting accreditation in a fair, consistent, and nondiscriminatory manner.

   (b) Licensure requirement. To meet the professional education and experience requirements for licensure as a professional engineer in this State, the applicant shall submit evidence of:

      (1) graduation, including receipt of the bachelor's degree in engineering, from a professional program in engineering registered by the department, accredited by an acceptable accrediting agency, or determined by the department to be the substantial equivalent of a registered or accredited program; and

      (2) completion of a minimum of four years of professional engineering work experience that meets the requirements of section 68.2 of this Part; or
(3) graduation, including receipt of the bachelor’s degree in engineering technology, from an engineering technology program registered by the department or accredited by an acceptable accrediting agency; or

(4) graduation, including receipt of the bachelor’s degree in engineering, from a professional program in engineering determined by the department to be the substantial equivalent of a registered or accredited engineering program; or

(5) graduation, including receipt of the bachelor of science degree, in a field related to engineering, engineering technology, or architecture as determined to be acceptable by the department, and graduation, including receipt of a master’s or doctoral degree from a professional program in engineering determined by the department to be the substantial equivalent of a registered or accredited engineering program and that contains 24 graduate-level semester hours of engineering; and

(6) completion of a minimum of six years of professional engineering work experience that meets the requirements of section 68.2.

(7) For applicants that meet the requirements of paragraphs (1), (3), or (4) of this subdivision, the department shall accept graduation, including receipt of a master’s or doctoral degree from a professional program in engineering determined by the department to be the substantial equivalent of a registered or accredited engineering program and that contains 24 graduate-level semester hours of engineering in lieu of not more than one year of work experience set forth in (b)(2) or (b)(6) of this section.

(c) Special provisions. As an alternative to the education/experience credit requirements in subdivision (b) of this section, for applicants who seek licensure and
submit an application, with the required fee, to the department prior to April 6, 2024, the following education/experience credit requirements shall apply:

(1) Prior to licensure the applicant must accrue 12 years of acceptable education/experience credit. One year of education/experience credit may be earned for each year of work experience acceptable to the State Board for Engineering, Land Surveying and Geology pursuant to section 68.2 of this Part. Two years of education/experience credit may be earned for each year of professional engineering education obtained in a program leading to a bachelor’s degree in engineering and accredited by an acceptable accrediting agency, as defined in subdivision (a) of this section, which specializes in the fields of engineering or in a program equivalent to such an accredited professional engineering program.

(2) Education/experience credits may also be proportionally earned for various levels and types of postsecondary education which, while not entirely the study of professional engineering, contain important elements/content of such study. Such postsecondary education should demonstrate the following:

(i) that it contains important elements/content of the study of professional engineering, such as mathematics, physics, chemistry, physical and applied sciences, design, and properties of materials;

(ii) that it is in an appropriate subject relevant to the field of professional engineering, such as mathematics, physics, chemistry, physical and applied sciences, design, and properties of materials;

(iii) that it is at an appropriate level of study that would, at a minimum, be the material equivalent of study at an undergraduate level; and
(iv) that it is part of a program accredited by an acceptable accrediting agency pursuant to subdivision (a) of this section or part of a program equivalent to such an accredited program.

(3) In accordance with the provisions of subdivision (c) of this section, the department shall accept evidence of completion of a master’s or doctoral degree in engineering in lieu of not more than one year of acceptable education/experience credit.

2. Section 68.3 of the Regulations of the Commissioner of Education is amended, as follows:

68.3 Licensing examinations for engineering.

(a) …

(1) …

(2) …

(b) [Applications for admission to licensing examination, including all required fees, shall be completed and filed not less than 90 days prior to the examination date. An applicant for admission to the fundamentals of engineering examination shall have earned six education/experience credits as defined in section 68.1 of this Part. An applicant for admission to the principles and practice of engineering examination shall have earned 12 education/experience units.] Admission to examinations.

(1) To meet the requirements for admission to the fundamentals of engineering examination, an applicant shall either:

(i) be enrolled in a professional program in engineering registered by the department, or accredited by an acceptable accrediting agency as defined in subdivision (a) of section 68.1 of this Part, or determined by the department to be the
substantial equivalent of a registered or accredited program that leads to a bachelor’s
degree in engineering; or

(ii) be enrolled in a professional program in engineering technology registered by
the department or accredited by an acceptable accrediting agency that leads to a
bachelor’s degree in engineering technology; or

(iii) have met the education requirements of section 68.1(b)(4) or (5).

(2) To meet the professional education and experience requirements for
admission to the principles and practice of engineering examination, an applicant shall
have met the requirements in sections 68.1 and 68.2 of this Part.
A1891-D  Lupardo  Same as S 5261-B  KENNEDY
Business Corporation Law
TITLE....Provides for expanded ownership in design professional corporations by employee stock ownership plans and non-licensed employees
01/11/21  referred to higher education
03/08/21  amend and recommit to higher education
03/08/21  print number 1891a
01/05/22  referred to higher education
01/26/22  amend and recommit to higher education
01/26/22  print number 1891b
04/06/22  amend and recommit to higher education
04/06/22  print number 1891c
04/18/22  amend and recommit to higher education
04/18/22  print number 1891d
04/26/22  reported
04/28/22  advanced to third reading cal.524
05/03/22  substituted by s5261b

S05261  KENNEDY  AMEND=B
03/01/21  REFERRED TO CORPORATIONS, AUTHORITIES AND COMMISSIONS
05/04/21  1ST REPORT CAL.893
05/05/21  2ND REPORT CAL.
05/10/21  ADVANCED TO THIRD READING
06/01/21  PASSED SENATE
06/01/21  DELIVERED TO ASSEMBLY
06/01/21  referred to higher education
01/05/22  died in assembly
01/05/22  returned to senate
01/05/22  REFERRED TO CORPORATIONS, AUTHORITIES AND COMMISSIONS
01/25/22  1ST REPORT CAL.331
01/26/22  AMENDED 5261A
01/26/22  2ND REPORT CAL.
01/31/22  ADVANCED TO THIRD READING
02/14/22  PASSED SENATE
02/14/22  DELIVERED TO ASSEMBLY
02/14/22  referred to higher education
04/25/22  RECALLED FROM ASSEMBLY
04/25/22  returned to senate
04/26/22  VOTE RECONSIDERED - RESTORED TO THIRD READING
04/26/22  AMENDED ON THIRD READING 5261B
05/02/22  REPASSED SENATE
05/02/22  RETURNED TO ASSEMBLY
05/02/22  referred to higher education
05/03/22  substituted for a1891d
05/03/22  ordered to third reading cal.524
05/03/22  passed assembly
05/03/22  returned to senate
07/11/22  DELIVERED TO GOVERNOR
07/21/22  SIGNED CHAP.439
LUPARDO, THIELE, SANTABARBARA, STECK, FAHY, WOERNER; M-S: Lawler, McDonough, B. Miller
Amd §§1503, 1507, 1514 & 1505, BC L
Provides for expanded ownership in design professional corporations by employee stock ownership plans and non-licensed employees.
STATE OF NEW YORK

1891--D

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. LUPARDO, THIELE, SANTABARBARA, STECK, FAHY, WOERNER -- Multi-Sponsored by -- M. of A. LAWLER, MCDONOUGH, B. MILLER -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the business corporation law, in relation to providing for expanded ownership in design professional corporations by employee stock ownership plans and non-licensed employees

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

Section 1. Subparagraphs (i) and (ii) of paragraph (b-1) of section 1583 of the business corporation law, as added by chapter 550 of the laws of 2011, are amended to read as follows:

(i) greater than seventy-five percent of the outstanding shares of stock of the corporation are owned by design professionals and an ESOP (or ESOPs) with greater than seventy-five percent of the plan's voting trustees or greater than seventy-five percent of the plan's committee members being design professionals,

(ii) an ESOP, either in part or in its entirety, shall not constitute part of the greater than seventy-five percent owned by design professionals unless greater than seventy-five percent of the plan's voting trustees or greater than seventy-five percent of the plan's committee members are design professionals,

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

LBD02875-10-2
§ 2. Subparagraphs (i) and (ii) of paragraph (b) of section 1507 of the business corporation law, as added by chapter 550 of the laws of 2011, are amended to read as follows:

(i) greater than seventy-five percent of the outstanding shares of stock of the corporation are owned by design professionals and an ESOP (or ESOPs) with greater than seventy-five percent of the plan’s voting trustees or greater than seventy-five percent of the plan’s committee members being design professionals,

(ii) an ESOP, either in part or in its entirety, shall not constitute part of the greater than seventy-five percent owned by design professionals unless greater than seventy-five percent of the plan’s voting trustees or greater than seventy-five percent of the plan’s committee members are design professionals,

§ 3. Subparagraph (i) of paragraph (b) of section 1514 of the business corporation law, as added by chapter 550 of the laws of 2011, is amended to read as follows:

(i) greater than seventy-five percent of the outstanding shares of stock of the corporation are and were owned by design professionals and an ESOP (or ESOPs) with greater than seventy-five percent of the plan’s voting trustees or greater than seventy-five percent of the plan’s committee members being design professionals,

§ 4. Paragraph (a) of section 1505 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

(a) (i) Each shareholder, employee or agent of a professional service corporation and a design professional service corporation shall be personally and fully liable and accountable for any negligent or wrongful act or misconduct committed by him or by any person under his direct supervision and control while rendering professional services on behalf of such corporation.

(ii) An employee stock ownership plan owning greater than twenty-five percent of the outstanding shares of a design professional service corporation organized under paragraph (b-1) of section fifteen hundred three of this article shall be under the supervision of the regents of the university of the state of New York, shall register with the state education department and shall be issued a certificate granting such employee stock ownership plan the authority to hold shares of such corporation. Such certificate shall be subject to professional misconduct provisions as set forth in article one hundred thirty of the education law. In addition, the failure to maintain an active registration with the state education department shall also subject such certificate to discipline as provided above. The secretary of state shall be the designated agent for service of process in any disciplinary matter involving a registered employee stock ownership plan.

(iii) Any such employee stock ownership plan shall not influence, or attempt to influence, any decisions that fall within a design professional’s scope of practice.

§ 5. This act shall take effect two years after it shall have become a law.
NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A1891D

SPONSOR: Lupardo

TITLE OF BILL:
An act to amend the business corporation law, in relation to providing
for expanded ownership in design professional corporations by employee
stock ownership plans and non-licensed employees

PURPOSE OR GENERAL IDEA OF BILL:
To expand ownership of design professional corporations by employee
stock ownership plans (ESOP) and non-licensed professionals while still
preserving the current 75% control of design professional corporations
by licensed design professionals.

SUMMARY OF PROVISIONS:
Section 1: Amends section 1503 of the business corporation law (which is
related to the organization of design professional corporations) to
permit greater ownership by ESOPs so long as greater than 75% of the
plan remain controlled by design professionals.

Section 2: Subparagraph (i) and (ii) of paragraph (b) of section 1507 of
the business corporation law is amended.

Section 3: Subparagraph (i) of paragraph (b) of section 1514 of the
business corporation law is amended.

Section 4: Paragraph (a) of section 1505 of the business corporation law
is amended.

Section 5: Effective Date.

JUSTIFICATION:
Current law limits non-licensed design professional ownership in a
design firm to less than 25% of the firm's outstanding shares. The vast
majority of other states are less restrictive and allow for higher
percentage of ownership of design firms by ESOPS and individuals.

Since 2012, more than one hundred Design Professional Corporations (DPC)
have been formed as the result of the creation of new entities and the
conversion of previously existing professional corporations in order to
take advantage of the expanded ownership provisions afforded DPCs. Many
key design firms employees in the areas of planning, environmental
science, accounting and finance, human resources and IT became /eligible
to and have become owners in their companies for the first time. Impor-
tantly, the expanded ownership provisions have allowed many middle-class
employees, woman and minorities who were previously ineligible (because
of licensure) or without the financial resources necessary for ownership
Increasing the allowable ownership by ESOPs will bring New York more in line with other states practices. By changing ownership practices, New York design firms will be more competitive in attracting and retaining talented professionals to serve in design firms. Persons who will benefit under this proposal include environmental science, accounting and finance, human resources, marketing and information technology personnel, who although not licensed professionals, still provide essential services. Notwithstanding any provision to the contrary, nothing contained herein, shall allow retail establishments to render, or offer to render, professional services requiring licensure as such services as defined in Article 145, 147 and 148 of the Education law.

**PRIOR LEGISLATIVE HISTORY:**

Formerly A-3514-B of 2020, died in Higher Education.

**FISCAL IMPLICATIONS:**

This legislation will have no fiscal implications.

**EFFECTIVE DATE:**

This act shall take effect two years after it shall have become a law.
Good morning everyone,

In accordance with the NCEES Bylaws, as the MBA of your board, it is important that you request your board to nominate you as an associate member of NCEES. In the event that you are the only person available from your board to attend a zone or the annual meeting, being an associate member will allow you the opportunity to vote on behalf of the board, have the privilege of the floor, and be able to serve on NCEES Standing Committees and Task Forces.

Section 3.021 Associate Members. An Associate Member of NCEES shall be a designee of a Member Board, but not a member of a Member Board, who is appointed by the NCEES Board of Directors as an Associate Member of NCEES.

Recommendations for associate members of NCEES shall be submitted by Member Boards to the Board of Directors and become effective upon appointment by the Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Associate Members of NCEES shall have the privilege of the floor upon approval of the presiding officer and may serve on any committee to which duly appointed under the Bylaws. Associate Members are eligible to hold the elective office of zone Secretary-Treasurer but are not eligible to serve on the NCEES Board of Directors.

I urge you to ask your board to nominate you. I’ve attached the Emeritus/Associate nomination form for your use if they agree. Please complete this form, have your board chair to sign it, and email back to me. As soon as I receive your form, I will add it to the list for ratification at the next NCEES Board meeting. For those of you who are the MBA for both the engineering and surveying boards, I will need a form for each board, since these are two separate nominations for two separate boards.

If you or your board have any questions that I can answer regarding this nomination, please let me know.

Thank you,
Sherrie

Sherrie Dyer
Executive Assistant to the CEO
NCEES

800-250-3196
www.ncees.org
NCEES EMERITUS/ASSOCIATE NOMINATION FORM

For all emeritus and associate nominations, please complete the information below and email completed form to Sherrie Dyer at sdyer@ncees.org. The nomination will be ratified at the next NCEES Board of Directors meeting and a letter will be sent to you after that meeting.

State Board: _____________________________ Date: ____________

Emeritus Member Nominations:

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Associate Member Nominations:

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