

# THE PROFESSIONAL GEOLOGIST MODEL LICENSURE LAW

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## ASBOG®

National Association of State Boards of  
Geology



## Contents

	Page
Title page .....	1
Contents .....	2
Preface .....	3
Notes On Use of This Document .....	5
Section 1 Licensure of Geologists .....	7
Section 2 Comprehensive Provisions .....	7
Section 3 Nature of the Board .....	8
Section 4 Definitions .....	9
Section 5 Creation of the Board of Licensure for Professional Geologists .....	14
Section 6 Composition of the Board; and Appointments .....	15
Section 7 Qualifications of Board Members; and Nominating Committee .....	16
Section 8 Compensation of Board Members .....	17
Section 9 Removal or Suspension of Board Members .....	17
Section 10 Board Vacancies .....	17
Section 11 Board Rules .....	17
Section 12 Meetings of the Board; and Election of Officers .....	18
Section 13 Accountability and Liability .....	18
Section 14 Open Meeting and Administrative Procedures Laws .....	18
Section 15 Licensed Professional Geologist Fund .....	19
Section 16 Maintenance of Records by the Board .....	20
Section 17 Records Open to the Public .....	21
Section 18 Powers, Duties, and Responsibilities of the Board .....	22
Section 19 Legal and Investigative Assistance .....	25
Section 20 Powers, Duties, and Responsibilities of the Executive Director .....	20
Section 21 Qualifications of Licensed Professional Geologists .....	28
Section 22 Qualifications of Geologists-in-Training .....	29
Section 23 Temporary Licenses/Permits .....	29
Section 24 Exceptions Allowable for Licensure .....	29
Section 25 Form of Application .....	30
Section 26 Issuance of Certificates; Denial of Certificates; Lost or Destroyed Certificates . . .	31
Section 27 Fees .....	32
Section 28 Recognition of Out-of-State [Jurisdiction] Registration, Licensure, or Certification; Reciprocal Licensure/Registration Agreements .....	33
Section 29 Use of the Designation "Certified Professional Geologist" .....	34
Section 30 Use of Seal and Signature .....	34
Section 31 Grounds for Disciplinary Actions/Violations of this Act .....	35
Section 32 Disciplinary Proceedings; Sanctions .....	38
Section 33 Report of Disciplinary Actions .....	41
Section 34 Proceedings of Enforcement of this Act by the Board .....	41
Section 35 Appeal to Jurisdictional Court by Aggrieved Persons .....	42
Section 36 Penalties Related to Non-Licensees .....	43
Section 37 Exemptions (see Addendum A) .....	44
Section 38 Invalid Sections .....	44
Section 39 Repeal of Conflicting Legislation .....	45
Section 40 Preference Given to Resident Licensed Professional Geologists .....	45
Section 41 Initial Appropriation .....	46
Section 42 Repealer .....	46
Section 43 Effective Date of Act .....	46
Addendum A: Additional Exemptions .....	47



1       **Preface**

2       Use of this document is encouraged as a reference and guide in preparation of new  
3       licensure or registration legislation and for the amendment of existing laws. One of the  
4       purposes of this *Model Licensure Law* is to provide uniformity related to traditionally  
5       accepted concepts, definitions, qualifications, board operations, fund management, etc.;  
6       and to ensure the professional competency and ethics of geologists engaged in the public  
7       practice of geology. As set forth within this document, there are provisions that have been  
8       devised to assist boards, state legislators, jurisdictional legislators, and ASBOG® Member  
9       Boards in amending existing law or in preparing new legislation regulating the public  
10      practice of geology.

11      Specifically, the *Model Licensure Law* is designed to address a minimum of the following:

- 12      1) Protection of the public’s health, safety, property, and physical and/or financial welfare;
- 13      2) Provide a uniform guide for registration laws to promote and facilitate reciprocity and  
14      temporary licensure;
- 15      3) Define the public practice of geology and other components of licensure;
- 16      4) Provide for a Code of Ethics/Professional Conduct;
- 17      5) Provide an outline for disciplinary investigations and penalties.

18      This document was prepared under the direction and control of the Executive Committee  
19      of the National Association of State Boards of Geology (ASBOG®). As adopted by  
20      ASBOG®, *The Professional Geologist Model Licensure Law* provides for the licensure of  
21      geologists whose practice of geology affects the public’s health, safety, property, and  
22      physical and/or financial welfare. That purpose is consistent with the intent of all other  
23      licensure/registration laws for other professions that have been enacted within the United  
24      States and its territories.



25 This document should be used as a guide in the preparation of a geologic licensure law for  
26 those states or territories of the United States that are contemplating professional  
27 licensure or registration. The term “licensure” has been used in this document instead of  
28 “registration” as it better describes the processes related to the adoption of rules and  
29 statutes that relate to the public practice of the profession of geology. If a jurisdictional  
30 authority desires the term “registrant” or “registration”, this document should be  
31 appropriately modified. Also, the terms “geology” and “geologist” have been used  
32 throughout this document. The professional designation and word usage within this  
33 document may be modified to reflect whether the act being crafted is for geologists alone,  
34 for both geologists and other geoscientists, or for a generalized licensure approach for  
35 which the term “geoscientist” may be used. The exact professional designation(s) is a  
36 determination that should be made by those responsible for creation of the enabling  
37 legislation or the proposed amendments to existing law.

38 Utmost care has been given to the preparation of this document; however, ASBOG®  
39 assumes no responsibility for omissions or potential legal interpretations in its use.  
40 ASBOG® has developed this document in order to present a framework of uniformity for  
41 geologic licensure legislation and appropriate, related laws in the United States. The  
42 primary functions of ASBOG® are to provide valid, legally defensible, geology competency  
43 examinations to its state Member Boards and other jurisdictions; and, to serve as a means  
44 and facilitator for state and other jurisdictional boards of licensure to communicate with  
45 one another, and to promote uniformity in the professional practice of geology. The use, in  
46 total or in part, of the *Model Licensure Law* will assist in the overall protection of the  
47 public’s health, safety, and welfare and the environment. It has been adopted by ASBOG®  
48 to advance those goals.

49 For additional information or questions concerning this document please contact the  
50 following:

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58 **Notes on the Use of This Document**

59 *The Geologist Model Licensure Law* has been written in a generalized manner to serve  
60 boards for licensure of geologists. The reader should substitute the correct and  
61 appropriate terminology and delete the text that does not specifically apply; for example, if  
62 the term “geoscientist” is used in lieu of the term “geologist”. In most cases input is  
63 required when bracketed with the following symbols: [ ].

64 Additionally, there are certain exemptions that may be used by some jurisdictions. These  
65 optional exemptions are provided at the end of the document in Addendum A. Sections of  
66 the *Model Licensure Law* that may be affected by these options are noted by the use of  
67 superscripts (items are referenced in Addendum A). It must be noted that the first model  
68 licensure law compiled, the Suggested Geologist Practice Act (SGPA) of 1993, also  
69 known as the Council of Professional Geological Organizations (CoPGO) bill, did not  
70 exempt the practice of petroleum and other natural resources geologists. Specifically, the  
71 SGPA of 1993 contains language whose scope covers only the public's safety and health  
72 (see excerpt below). It further outlines the provision that the Board, created under that  
73 model act, was responsible through its rules to develop regulations governing the practice  
74 of resource geologists:

75 "...Geological work performed exclusively in the exploration for  
76 and development (proving out) of energy resources and base  
77 metals, precious and non-precious minerals, including sand,  
78 gravel and aggregate, and neither having a substantial impact  
79 upon the public health and safety, as determined pursuant to  
80 regulations issued by the Board..."

81 The ASBOG® *Model Licensure Law* parallels the SGPA of 1993 concerning the public's  
82 health and safety. However, it includes in law and not rule, as suggested in the SGPA of  
83 1993, the practice of geology for those professionals involved in energy and other natural  
84 resources. Underscoring these areas of professional practice that may be subject to  
85 provisions contained in the ASBOG® *Model Licensure Law* are the requirements, by  
86 definition, that the public practice of geology include those geologic activities that may  
87 impact the public's health, safety, property, and its physical and/or financial welfare, and  
88 the environment.

89 It is strongly suggested that proponents of geologic licensure use the services of an  
90 experienced attorney, legislative aide, or legislative bill writer familiar with the accepted  
91 format of documents/legislation to be considered by the legislative body(ies) in the  
92 jurisdiction. This is recommended to maintain consistency and familiarity for those who will  
93 ultimately be asked to consider a bill for passage and enactment.



94 Within the text of the ASBOG® *Model Licensure Law*, reference to the masculine gender  
95 automatically means the feminine gender as well. This guideline is used to avoid  
96 improper, and potentially confusing, ASBOG® designations.

97 If your existing licensure/registration law is undergoing a sunset review, please make sure  
98 that your Board has thoroughly reviewed the existing law and has drafted all needed or  
99 desired legislative changes to be submitted to the jurisdictional authority. This process is  
100 much like that followed when the initial legislation was introduced to your jurisdiction's  
101 legislative authority, generally your state legislature. Remember, it is the sole responsibility  
102 of the existing Board to conduct a thorough review of the current licensure/registration law,  
103 provide revisions and edits of the legislation to be submitted, and secure the necessary  
104 legislative sponsorship prior to the legislative session.



105 **The Professional Geologist Model Licensure Law of [Year]**  
106 **A BILL TO BE ENTITLED,**  
107 **The [Jurisdiction’s Name] Geologist Licensure Act**

108 **SECTION 1. Licensure of Geologists**  
109 **An Act**

110 To regulate the public practice of geology; provide for the licensure of qualified persons as  
111 professional geologists and for the enrollment of degreed geologists-in-training; define the  
112 “Public Practice of Geology”; define terms including “Geologist”, “Professional Geologist”,  
113 and “Geologist-in-Training”; create a Board of Licensure for Professional Geologists;  
114 establish and provide for the appointment, compensation, and length of term of the  
115 Board’s members; define the Board’s duties and powers; establish the minimum  
116 requirements and other qualifications for licensure as a professional geologist and in  
117 specialties thereof, and enrollment as a geologist-in-training; establish fees and other  
118 related requirements concerning license renewals and expirations; establish guidelines for  
119 the enforcement of this Act and provide penalties for any violations thereof; and provide for  
120 repeal of all laws or parts of laws in conflict. Be it enacted by the [jurisdiction’s name] as  
121 follows:

122 **SECTION 2. Comprehensive Provisions**

123 Regulation of geologists is provided to protect and/or promote the public’s health, safety,  
124 and welfare and the environment. Therefore, the public practice of geology within this  
125 [jurisdiction’s name] is subject to regulation in the interest of the public. The public practice  
126 of geology as defined herein, unless otherwise exempted within this Act, shall be  
127 performed by a licensed professional geologist and be subject to regulations within this  
128 [jurisdiction]. It shall be considered unlawful for any person to offer to practice, or to  
129 practice, geology as defined within this Act, or to advertise any description or title  
130 designation, or use his name or otherwise imply that he is a licensed geologist unless that  
131 person is duly licensed, or exempted from licensure under the provisions contained within  
132 this Act. If a person is exempt, he still shall not imply by any means that he is licensed.



133 **SECTION 3. Nature of the Board**

134 (1) This Act's intent is that the Board shall act as an independent agency within this  
135 [jurisdiction's name] and shall operate from funds generated by its licensees. It retains the  
136 capability to request and receive funds from any source including the [jurisdictional  
137 authority's name] general fund and to accept grants, bequests, donations, etc. from either  
138 private or governmental entities at its sole discretion. However, its principal or main  
139 financial support shall be through its fees for licensure, enrollment, renewal, and from  
140 examinations.

141 (2) Fines attributable to actions taken by the Board in relation to disciplinary matters shall  
142 be deposited in a fund maintained by the Board and utilized to pay for costs associated  
143 with the investigative/disciplinary function, and other functions of the Board.

144 (3) All monies/revenues received by the Board shall be deposited in a fund maintained for  
145 the operation of the Board and such receipts shall be considered a continuous  
146 appropriation for the purpose of carrying out the functions of the Board as set forth herein.  
147 Further, the fund in which these monies/revenues are deposited shall be segregated from  
148 the jurisdiction's general fund by whatever means appropriate and shall be known as the  
149 "Licensed Professional Geologist Fund." All monies in this fund, including interest  
150 generated, are hereby specifically appropriated for the use of this Board alone and any  
151 balance remaining at the end of the Board's or [jurisdiction's] fiscal year will be carried  
152 forward and retained in the "Licensed Professional Geologist Fund" and shall not be  
153 appropriated or taxed by this jurisdiction for any other purpose.

154 (4) The Board shall adopt a budget subject to the guidelines established by the  
155 [jurisdictional authority's name] for similar boards of licensure. If the Board is an  
156 independent or semi-independent Board it shall submit a full annual report of its activities,  
157 financial affairs and condition, financial or property audits, and any other required  
158 documents or conditions as required by the jurisdiction to the governor [or appropriate  
159 jurisdictional authority] for inclusion in any annual financial or other document filing.

160 (5) The Board shall establish, assess, and collect fees not to exceed the amount  
161 necessary for the purpose of carrying out its functions as set forth in this Act. Such fees  
162 shall cover geologic licensure, geologist-in-training enrollment, renewals, and competency  
163 examinations. The Board may establish and collect fees for the administration of  
164 competency examinations or "exit" examinations not offered in conjunction with licensure or  
165 enrollment as it may deem appropriate and necessary.

166 (6) In the absence of any other law to the contrary, the Board may enter into contracts and  
167 also acquire, own, replace, issue, dispose of, and/or encumber real and personal property  
168 pursuant to the jurisdiction's statutes governing these activities.



169 **SECTION 4. Definitions**

170 As used in this Act, the following terms shall have the meanings ascribed to them as set  
171 forth in this section unless the context clearly sets forth otherwise:

172 (1) "Agent" shall mean any person who is in responsible charge of geologic work or  
173 related activities of any trust, firm, joint stock company, public or private corporation  
174 (including a government corporation), partnership, association, jurisdiction, state, or any  
175 agency or institution thereof, municipality, commission, political subdivision of a state  
176 [jurisdiction] or any interstate body, and includes any officer or governing or managing  
177 body of any municipality, political subdivision, or the United States or any officer or  
178 employee thereof. The agent is responsible for the geologic work in this jurisdiction and/or  
179 for geologic projects or those portions of projects involving geology offered by the  
180 aforementioned entities. The agent's responsibilities include:

181 a) Overall supervision of the firm's licensed and subordinate personnel providing  
182 the geologic work in this jurisdiction.

183 b) Implementation of, and conformance to, policies of the firm consistent with the  
184 Rules of the Board and this Act.

185 (2) "Board" means the Board of Licensure for Professional Geologists created under this  
186 Act.

187 (3) "Certified Petroleum Geologist," "Certified Coal Geologist", and "Certified  
188 Geophysicist" mean geologists which have been certified by the Division of Professional  
189 Affairs/American Association of Petroleum Geologists, that has certification requirements  
190 recognized by the Board.

191 (4) "Certified Professional Geologist" means a geologist who has been certified by the  
192 American Institute of Professional Geologists, that has certification requirements  
193 recognized by the Board.

194 (5) "Enrollee" means a geologist who is licensed with the Board as a Geologist-in-  
195 Training.

196 (6) "Firm" shall mean any form of business entity, other than an individual licensee  
197 operating under his name, that offers professional geologic services to the public by its  
198 licensed personnel (see "Person" and "Agent").

199 (7) "Fund" means the Licensed Professional Geologist Fund created under Section 15 of  
200 this Act.



201 (8) "Geologist" is an individual who possesses a degree in geology or one of its  
202 specialities.

203 (9) "Geologist-in-Training" means an individual who has met the academic qualifications  
204 established by the Board, who has successfully passed a written examination  
205 demonstrating a knowledge of the fundamentals of geology, and who has been enrolled as  
206 a Geologist-in-Training by the Board.

207 (10) "Geology" means the science which includes the study of the earth and its origin and  
208 history. Geology includes the investigation, research, and interpretation of the earth's  
209 constituent rocks, minerals, hydrocarbons, solids, and fluids, including surface and  
210 underground waters, gases and other materials and the study of the natural agents, forces,  
211 and processes which cause changes in both the subsurface and surface of the earth  
212 including any anthropogenic features or activities that may affect, or be affected by, but not  
213 limited to, these agents, forces, physical and chemical characteristics and processes.

214 (11) "Inactive licensee" means someone who is not presently engaged in geologic  
215 practice requiring licensure in this jurisdiction and who has been granted an inactive  
216 status. Inactive licensees shall not practice in this jurisdiction and shall be further exempt  
217 from any continuing education requirements if this requirement exists as a mandatory  
218 program to maintain one's license.

219 (12) "Jurisdiction" shall mean a state, territory, commonwealth, or possession and the  
220 District of Columbia of the United States of America that issues licenses or certificates of  
221 registration to practice, and regulate the public practice of geology within its defined, legal  
222 boundaries.

223 (13) "Licensee" means any individual who holds a certificate of licensure or certificate of  
224 enrollment issued under this Act.

225 (14) "Licensed Professional Geologist " means an individual who, by reason of  
226 knowledge of geology and the other geosciences, mathematics and the supporting  
227 physical and life sciences acquired by formal education, and who possesses a verified  
228 degree in geology or one of its specialities from an accredited academic institution or,  
229 from a program accredited by an organization recognized by the Board meeting the  
230 standards of the Board, and who by training, successful passage of competency  
231 examination(s), and practical experience, as set forth in this Act, is qualified to engage in  
232 the public practice of geology, provided that he holds a valid license issued as a Licensed  
233 Professional Geologist by the Board.



234 (15) "Person" means any individual, trust, firm, joint stock company, public or private  
235 corporation (including a government corporation), partnership, association, state or other  
236 jurisdictional authority or any agency or institution thereof, municipality, commission,  
237 political subdivision of a state or other appropriate jurisdictional body or any interstate  
238 body, and includes any officer or governing or managing body of any municipality, political  
239 subdivision, or the United States or any officer or employee thereof.

240 (16) "Public" shall mean the people of this jurisdiction.

241 (17) "Public practice of geology" shall mean, and include within the intent of this Act, any  
242 professional service, work, or activity, including the responsible supervision and  
243 performance thereof, requiring formal geologic education, training, experience, and the  
244 understanding and application of special knowledge of the mathematical, physical,  
245 chemical, biological, earth, and geological sciences as may be related to those services  
246 including, but not limited to, consultation, investigation, evaluation, planning, geologic  
247 mapping, interpretation, remediation, expert technical testimony, planning the use of land  
248 and water and the protection of ground and surface waters and the evaluation of ground-  
249 water resources; prevention and remediation of contamination of the earth, earth materials  
250 and water caused by improper disposal or accidental spills; determination of the suitability  
251 and risks in containment and disposal of wastes and hazardous materials, including, but  
252 not limited to, landfills, storage tanks, and injection wells; the evaluation of mining and  
253 petroleum properties<sup>1</sup>; the professional supervision of exploration for and development of  
254 mineral/natural resources including, but not limited to, metallic and non-metallic minerals<sup>2</sup>,  
255 petroleum<sup>3</sup>, ground-water and surface-water resources (See Addendum A); the geologic  
256 phases of any engineering investigation or survey; siting of boreholes, determining depth  
257 of wells to be drilled, depth-of-casing and grouting requirements for the construction of  
258 monitoring wells or other borings into the earth that may affect one or more aquifers; the  
259 geologic suitability for construction projects, including excavations, building foundations,  
260 dams, highways, and other structures which may be affected by floods, landslides,  
261 earthquakes, sinkholes, erosion, expansive-contractive earth and earth materials, or other  
262 geoscientific phenomena or processes; geologic or geoscientific surveying and mapping,  
263 including making measurements and gathering data related to the physical features of the  
264 earth such as subsurface data and the formulation and depiction of such information into  
265 geologic or geoscientific graphics, data, maps, plans, reports, and descriptions, and  
266 including preparing, creating, and/or modifying computerized, electronic products using  
267 geographic information systems, use of global positioning systems and information  
268 derived therefrom, or other information and data related to the activities contained within  
269 this section; geotechnical work activities, including the practice of various aspects of  
270 related professions incidental to the practice of geology; inspection of, or the responsible  
271 supervision of, the foregoing, and including any other geologic or related work which  
272 includes or embraces any services, activities, or work, public or private, which may be  
273 adversely or otherwise affected or influenced by geological processes, including but not  
274 limited to, utilities, construction projects, communication systems, transportation systems,



275 or any other anthropogenic features or impacts, insofar as it involves protecting and  
276 safeguarding the public's health, safety, and welfare and the environment, and including  
277 such other professional services as may be necessary in the planning, progression and  
278 completion of any such geologic services.

279 Furthermore, these geologic services also include those not specifically defined herein  
280 which include, but are not limited to, the commonly recognized geologic practices of  
281 archeogeology, coastal geology, construction geology, economic geology, engineering  
282 geology, environmental geology, geomorphology, historical geology, hydrogeology,  
283 geochemistry, geophysics, marine geology, medical geology, mineralogy, mining geology,  
284 paleontology, petroleum geology, petrography, petrology, physical geology, physiography,  
285 sedimentology, structural geology, stratigraphic geology, urban geology; vulcanology, etc.,  
286 and to further stimulate the orderly development, and encourage the effective management  
287 and utilization of the [jurisdiction's] rock, mineral, fossil-fuel, and water resources, while  
288 protecting the public and the environment.

289 Any individual practicing, offering to practice, or attempting to publicly practice geology, or  
290 performing any geologic activities that may be construed to be incidental to another's  
291 licensed or registered professional practice, or claiming any specialty in geology, as a  
292 professional, business or commercial identification, title, name, representation or claim, or  
293 otherwise holding himself out to the public in any manner whatsoever as being qualified to  
294 practice geology or any of its specialties, shall be licensed under this Act. Furthermore,  
295 any person who offers to practice or is practicing geology, within the scope, meaning, and  
296 intent of this Act, who practices within any sector of the profession of geology, or by sign,  
297 card, letterhead, advertisement or verbal claim, or in any other way represents or holds  
298 himself to be a professional geologist, or through the use of a title implies that he is a  
299 professional geologist or that he/she is licensed under this Act, provides and/or performs  
300 any geologic services, activities, work, or any other services designated by the  
301 professional practitioner and is recognized as geology shall be construed to be practicing,  
302 or offering to publicly practice, geology.

303 During the course of providing geologic guidance/work or geologic work activities, the  
304 practitioner may coordinate and review the submissions prepared by others, without  
305 limitation, provided that such submissions lie within, or are incidental to, the public practice  
306 of geology and the practitioner is familiar with the details and progress of these activities.



307 Furthermore, the public practice of geology shall include:

308 (a) The preparation of geologic reports, documents, or exhibits by any commission,  
309 board, department, district, or division of the [jurisdiction] or any political subdivision  
310 thereof or of any county/parish, city, or other public body, or by the employees or  
311 staff members of the commission, board, department, district, or division of the  
312 [jurisdiction] or any political subdivision thereof or of any county/parish, city, or other  
313 public body when the reports, documents, or exhibits are disseminated or made  
314 available to or impact the public;

315 and,

316 (b) The performance of geologic services by any individual, person, firm,  
317 partnership, corporation, or other association or by the employees or staff members  
318 thereof, whether or not the principal business of the organization is the practice of  
319 geology, in which the geologic reports, documents, or exhibits constituting the  
320 practice of geology are disseminated or made available to the public or any  
321 individual or organization in such a manner that the public or individual or  
322 combination of individuals may reasonably be expected to rely thereon or be  
323 affected thereby; and

324 (c) Any geologic report or geologic portion of a report required by or supporting  
325 compliance with municipal, county/parish, state, [jurisdiction], or federal laws,  
326 ordinances or regulations, which incorporates, or is based on, a geologic study or  
327 on geologic data, shall be prepared by or under the supervision of a licensed  
328 professional geologist as evidenced by the geologist's signature and seal as  
329 provided in Section 30.

330 However, geologic reports, documents, or exhibits that are prepared by the employees or  
331 staff members of any individual, firm, partnership, corporation, or other association or  
332 commission, board, department, district, or division of the [jurisdiction] or any political  
333 subdivision thereof or any county/parish, city, or other public body that are for use solely  
334 within such organizations are considered in-house reports, documents, or exhibits and are  
335 not the practice of geology for others unless, or until the reports are disseminated, or made  
336 available to or impacts the public, as set forth in (1) or (2) of this subsection.

337 (18) "Public contracts" means any public contracts issued within this jurisdiction, its  
338 political subdivisions; and all public boards, districts, commissions, or authorities shall  
339 contract for geologic services only with persons licensed under this Act or with business  
340 entities employing geologists licensed under this Act, who shall be in responsible charge  
341 of the geologic work.



342 (19) "Responsible charge" means the independent control and direction, by use of  
343 initiative, skill and independent judgment, of geologic or related work or the supervision of  
344 that work.

345 (20) "Rules of the Board" shall include a Code of Ethics/Professional Conduct and other  
346 rules promulgated by the Board as authorized and required by this Act.

347 (21) "Seal" or "Stamp" shall mean the symbol, image (including embossed, rubber stamp  
348 or electronic facsimile) of the information that may be required pursuant to the Rules to be  
349 adopted by the Board so created herein.

350 (22) "Signature" shall mean the signature of the licensee and is required in conjunction  
351 with his stamp or embosser as specified in accordance with the Rules to be adopted by  
352 the Board so created herein.

353 (23) "Specialty" means any branch or discipline of geology that may be recognized under  
354 this Act, or regulations promulgated by the Board for certifying specialization in a specific  
355 geologic field of study or related scientific field of study, or both.

356 (24) "Subordinate" means any individual who assists in the public practice of geology by a  
357 licensed professional geologist without assuming or by any other means implying  
358 responsible charge of the work.

359 (25) "Welfare" (public's) shall mean both the physical welfare of the public and its financial  
360 welfare including any property owned individually or collectively and any taxpayer, funds  
361 used in conjunction with, any and all of the functions, of this jurisdiction or any board,  
362 commission, municipality, county/parrish, and/or any other political subdivision thereof that  
363 include activities contained within the definition of the public practice of geology.

364 **SECTION 5. Creation of the Board of Licensure for Professional Geologists**

365 There is created the Board of Licensure for Professional Geologists to administer this Act.



366 **SECTION 6. Composition of the Board; and Appointments**

367 The Board shall consist of \_\_\_ licensed professional geologists, and \_\_\_ public  
368 member(s) [optional] appointed by the Governor [or appropriate jurisdictional authority]  
369 from nominees recommended by the committee created in subsection (3) of this section,  
370 but geologists initially appointed to the Board shall be qualified for licensure under this Act  
371 and shall be licensed within the first year of their term. The majority of the Board shall be  
372 comprised of geologists. The Governor [or appropriate jurisdictional authority] shall require  
373 adequate disclosure of potential conflicts of interest by appointees to the Board. The  
374 Board shall, to the extent practicable, consist of one (1) member appointed from the  
375 governmental sector, one (1) member appointed from academia, one (1) member  
376 appointed from the geotechnical-environmental industrial sector, one (1) member  
377 appointed from the mining-mineral extraction industrial sector, one (1) member appointed  
378 at large, and \_\_\_ public member [optional). The initial term of the members shall be as  
379 follows: Two (2) members shall be appointed for terms of \_\_\_ years, two (2) members  
380 shall be appointed for terms of \_\_\_ years, and two (2) members shall be appointed for a  
381 term of \_\_\_ years. Following appointment of the initial Board, all terms shall be for \_\_\_  
382 years. The term of members shall begin and end on the first day of the [jurisdiction's] fiscal  
383 year of the appropriate year regardless of the date of appointment. Upon expiration of a  
384 member's term, the Governor [or appropriate jurisdictional authority] may appoint a new  
385 member or may reappoint the existing member to one (1) additional term. No member of  
386 the Board shall serve more than two consecutive terms. Members may be reappointed to  
387 succeed themselves. Members shall hold office until their successors have been  
388 appointed and qualified. Vacancies in the membership of the Board shall be filled for the  
389 unexpired term by appointment in the same manner as the original appointments. Before  
390 assuming the duties of office, each member of the Board shall take the oath prescribed [in  
391 appropriate jurisdictional authority's law] which shall be filed with the secretary of  
392 [jurisdiction] affirming the faithful discharge of his duties. Each member shall receive a  
393 certificate of appointment from the Governor [or appropriate jurisdictional authority].  
394 Original appointments to the Board shall be made before [*specify date here*].



395 **SECTION 7. Qualifications of Board Members; and Nominating Committee**

396 (1) Each member of the Board, other than the public member(s), shall:

397 (a) be a citizen of the United States, a resident of this state [jurisdiction] for at least  
398 five (5) years immediately preceding that person's appointment, and at least thirty  
399 (30) years of age;

400 (b) have been engaged in the lawful practice of geology for at least ten (10) years;

401 (c) be a licensed professional geologist in this [jurisdiction].

402 (2) Public members [optional]

403 A public member of the Board shall:

404 (a) be a citizen of the United States and a resident of this [jurisdiction] for at least  
405 five (5) years;

406 (b) not be a member of the geologic or related professions nor shall any family  
407 members or business connections be involved with the foregoing areas of  
408 professional practice.  
409

410 (3) Nominating Committee

411 Except as provided in paragraph 4. of this subsection, the Board annually shall appoint a  
412 nominating committee. No Board member shall participate on the nominating committee  
413 during the year in which that member's term expires. The nominating committee shall  
414 compile a list of the nominees consisting of three (3) qualified persons per the sector in  
415 which there will be a vacancy and submit that list to the licensed professional geologists  
416 contained in the current registry. Each licensed professional geologist shall have one (1)  
417 vote per sector and shall submit that vote in writing within fifteen (15) days following the  
418 mailing of the list of nominees. The Board's Executive Director (or Board's President if an  
419 Executive Director is not employed) shall calculate the results and send to the Governor [or  
420 appropriate jurisdictional authority] the three (3) nominees from the sector in which the  
421 vacancy will occur, ranked by the number of votes each received, from most to least. The  
422 Governor [jurisdictional authority] shall then select the person he desires from that ranked  
423 list of nominees.

424 (4) Proponents of geologic licensure in this jurisdiction shall recommend nominees to the  
425 Governor [or appropriate jurisdictional authority] for appointment to the initial Board for all  
426 sectors with the exception of the public member whose appointment shall be solely at the  
427 discretion of the Governor [jurisdictional authority] (this applies only if a public member is  
428 included in the composition of the Board).



429 **SECTION 8. Compensation of Board Members**

430 Each member of the Board, unless otherwise restricted by jurisdictional law, shall receive  
431 per diem in accordance with that jurisdiction when actually attending meetings of the Board  
432 or its committees. Board members shall be reimbursed for travel expenses in accordance  
433 with jurisdictional law. If the President of the Board assumes the powers and duties under  
434 Section 20 of this Act, the President shall receive a per diem for each day spent executing  
435 those powers and duties. The Board, by majority vote, may elect not to receive a per  
436 diem.

437 **SECTION 9. Removal or Suspension of Board Members**

438 The Governor [or appropriate jurisdictional authority] may remove or suspend any member  
439 of the Board for any of the following reasons:

440 (1) A member is no longer qualified for appointment to the Board;

441 (2) Misconduct, incompetence, neglect of official duties, malfeasance or inability to  
442 perform official duties due to incapacitation;

443 (3) Commission of a felony or violation of this Act resulting in disciplinary action;

444 or,

445 (4) Unexcused failure to attend at least one-half ( $\frac{1}{2}$ ) or two (2), whichever is the lesser, of  
446 the regularly scheduled meetings held in a calendar year.

447 **SECTION 10. Board Vacancies**

448 Vacancies occurring in the membership of the Board shall be filled by appointment by the  
449 governor [or appropriate jurisdictional authority] as provided for in Section 6. An  
450 unanticipated vacancy on the Board due to death, resignation, or any other cause resulting  
451 in an unexpired term, if not filled within three months by the governor [or appropriate  
452 jurisdictional authority], may be filled by the Board through appointment of a provisional  
453 member to serve in the interim until the governor [or appropriate jurisdictional authority]  
454 provides an appointment.

455 **SECTION 11. Board Rules**

456 The Board shall adopt appropriate rules, consistent with the laws of this jurisdiction and  
457 this Act, governing the conduct of its business and meetings.



458 **SECTION 12. Meetings of the Board; and Election of Officers**

459 (1) The Board shall meet within sixty (60) days after appointment of its initial members.  
460 The Board shall hold at least two (2) regular meetings each year. Special meetings may  
461 be held at any time as provided in the rules and regulations of the Board and in  
462 accordance with and in agreement with [jurisdictional] law, rule, or regulation. The Board  
463 shall provide proper notice of its meetings pursuant to the [jurisdiction's] laws, rules, and  
464 regulations.

465 (2) The Board shall elect or appoint annually from its membership a President and Vice  
466 President. The President or Vice President shall not hold that office for more than two (2)  
467 consecutive annual terms.

468 (3) A majority of the Board shall constitute a quorum but must consist of no less than  
469 \_\_\_member(s).

470 (4) The Board shall keep minutes of each meeting of the Board, recording the members  
471 present and the business transacted, which shall be signed by the designated Recording  
472 Secretary, which may be a Board member or the Executive Director, and the Board  
473 President.

474 (5) The Board shall adopt additional guidelines on meeting procedures that are consistent  
475 with Robert's Rules of Order, including those concerning the official record of the Board, its  
476 minutes.

477 **SECTION 13. Accountability and Liability**

478 Each present and former member of the Board, its agents, employees, and members of  
479 committees duly appointed by the Board under this Act to assist the Board in carrying out  
480 its duties and responsibilities, shall be exempt from civil liability for any act, error or  
481 omission occurring while acting in an official capacity, and the Attorney General [or  
482 appropriate State office or jurisdictional authority] shall defend any such person in any  
483 action against the Board or such person arising from any such act or omission.

484 **SECTION 14. Open Meeting and Administrative Procedures Laws**

485 The Board shall be subject to the Open Meeting and the Administrative Procedure laws of  
486 this jurisdiction except as may otherwise be provided in this Act.



487 **SECTION 15. Licensed Professional Geologist Fund**

488 (1) There is created in the jurisdiction's treasury a fund to be designated as the "Licensed  
489 Professional Geologist Fund," to be administered by the Executive Director, or Board  
490 President if an Executive Director is not employed.

491 (2) Monies in the fund shall be utilized to pay reasonable direct and indirect costs  
492 associated with the administration and enforcement of this Act.

493 (3) Expenditures from the fund may be made upon requisition by the Executive Director [or  
494 President if an Executive Director is not employed] of the Board.

495 (4) The fund shall be treated as a special trust fund. Interest earned on the principal shall  
496 be credited to the fund by the jurisdiction's treasurer.

497 (5) The fund may receive monies from any available public or private source, including, but  
498 not limited to, collection of fees, interest, grants, taxes, public and private donations,  
499 judicial actions, appropriated funds, and the [jurisdiction's] general fund.

500 (6) Monies in the fund at the end of the fiscal year shall be retained in the fund for use in  
501 succeeding fiscal years.



502 **SECTION 16. Maintenance of Records by the Board**

503 (1) The Board shall keep the minutes of the Board, including all orders, rules and  
504 regulations adopted, in a record book or books maintained for that purpose. The book or  
505 books shall be a public record and open to inspection by the public during all reasonable  
506 hours. All minutes of Board meetings and hearings, and all rules, regulations and orders  
507 made by the Board shall be in writing. The Board shall compile and publish as necessary  
508 the rules and regulations promulgated by the Board in a current consolidated version. The  
509 Board shall provide the consolidated compilation of the rules and regulations to the public  
510 for a cost sufficient to cover printing, postage and administrative expenses, including the  
511 cost of any contractual services necessary to compile and publish those rules and  
512 regulations; or such foregoing information may be provided electronically in routinely  
513 updated fashion on the Board's web site.

514 (2) The Board shall also keep a register of all applications for licensure or enrollment,  
515 which shall show:

516 (a) The name, residence and date of birth of the applicant;

517 (b) The date of the application;

518 (c) The name, address and telephone number of the applicant's employer;

519 (d) The applicant's educational and other qualifications;

520 (e) The name of any other state or jurisdiction in which, or any other organization by  
521 which, the applicant is registered, licensed or certified, and, date of that  
522 action (where available);

523 (f) The date of any action taken by the Board regarding the applicant; and

524 (g) Other information deemed necessary by the Board.

525 (3) The Board shall maintain a registry showing the name and place of business or  
526 residence of all licensed professional geologists and geologists-in-training. The Board  
527 shall, upon request, provide copies of the registry to state [jurisdiction] and local  
528 governmental entities and also have these registries available on the Board's web site if  
529 one is created. The Board shall provide copies of the registry to any other person upon  
530 written request for a cost sufficient to cover printing, postage and administrative and other  
531 expenses.



532 (4) The Board shall also maintain a list of each state, territory or possession of the United  
533 States, or foreign country in which the requirements and qualifications for licensure are  
534 comparable to those established in this state and with which a reciprocity agreement or  
535 other form of mutual recognition exists.

536 (5) The records kept by the Board shall be *prima facie* evidence of the proceedings of the  
537 Board and a transcript, certified by the President and Vice President, shall be admissible  
538 in evidence with the same force and effect as if the original were produced.

539 **SECTION 17. Records Open to Public**

540 Records of the Board shall be available to the public during normal business hours, except  
541 that the Board may establish, by Board rule or action, reasonable limitations on public  
542 access to, or the release of, confidential records of, applications for a certificate of  
543 licensure, and records of disciplinary and legal proceedings [in accordance with the  
544 (applicable state/jurisdiction) freedom of information law, privacy act or similar statute].  
545 Financial information concerning the finances of the Board shall be subject to the open  
546 records act of this state [jurisdiction] and procedures for access to this information may be  
547 established by Board rule or action but in conformity with any and all [applicable  
548 federal/state/jurisdiction freedom of information laws, privacy acts or similar statutes].  
549 Such requests must be writing. The requestor shall bear all costs of compilation of the  
550 requested information, including but not limited to, staff research time, copying fees,  
551 postage, and/or legal fees that may be incurred in complying with the request.



552 **SECTION 18. Powers, Duties, and Responsibilities of the Board**

553 In addition to any other powers, duties, and responsibilities granted under the laws of this  
554 [jurisdiction] or provided for in this Act, the Board shall have the following powers and  
555 duties:

556 (1) To adopt, modify, repeal and promulgate, after due notice and hearing and in  
557 accordance with the jurisdiction's administrative procedures, law or similar statute, rules,  
558 regulations, and other related instruments, and where not otherwise prohibited by federal  
559 or other jurisdictional law, to make exceptions to and grant exemptions and variances  
560 from, and to enforce rules and regulations implementing the powers and duties of, the  
561 Board under this Act; including rules governing the conduct of its business and meetings;

562 (2) To adopt an official seal and alter that seal at the pleasure of the Board;

563 (3) To apply for, receive, and expend, any federal or state [jurisdiction] funds or  
564 contributions, gifts, devises, bequests, or funds from any other source;

565 (4) To enter into, and to authorize the Executive Director to execute contracts, grants and  
566 cooperative agreements with any federal or state agency, any public or private institution,  
567 or any other person to carry out this Act. The Board shall not provide any funds for special  
568 interest groups to lobby or otherwise promote the group's special interests;

569 (5) To employ, at its discretion, an Executive Director and other qualified technical,  
570 professional and clerical personnel, including investigators and expert witnesses, as may  
571 be required for the operation of the Board;

572 (6) To establish, charge, collect and revise reasonable and necessary fees to be charged  
573 to applicants, licensees, and enrollees to support the administration and enforcement of  
574 this Act and shall further be subject to Section 27 of this Act;

575 (7) To identify geoscience specialties, if desired, and to establish qualifications, conduct  
576 examinations and issue certificates in those specialties to qualified applicants and to  
577 recognize and authorize the use of certain geologic designations as the Board sees fit;



578 (8) To purchase and/or prepare, administer and grade oral and/or written examinations  
579 authorized under this Act. In connection therewith, the Board shall have the authority to  
580 adopt or recognize, in part or in whole, examinations prepared, administered or graded by  
581 other organizations, on a regional or national basis, that the Board determines are  
582 appropriate to measure the qualifications and competency of an applicant for licensure as  
583 a geologist or in any specialty of geology, provided that the examination(s) questions and  
584 correct answers, and any individual applicant's completed examination, are available to  
585 the Board;

586 (9) To issue, reissue, renew, suspend, revoke or deny the issuance, reissuance or  
587 renewal of certificates of licensure or certificates of enrollment as geologist-in-training. As  
588 a condition of reissuance or renewal, the Board shall have the authority to require, in  
589 general or in individual cases, evidence of continued competence in the practice of  
590 geology through means such as, but not limited to, the review of qualifications and  
591 experience, requirements for continuing professional education, or by re-examination on a  
592 periodic or other basis;

593 (10) To authorize the preparation and conduct of continuing education programs with  
594 (voluntary or mandatory) participation as a condition of licensure, renewal or re-licensure;

595 (11) To promulgate, adopt and issue, amend and authorize the enforcement of all bylaws  
596 and rules of procedure consistent with this Act and the laws of this jurisdiction, including but  
597 not limited to, additional standards of professional conduct and ethics for professional  
598 geologists not specifically contained in this Act which shall be binding upon all licensees,  
599 enrollees, and non-licensed persons found to be in violation of the provisions as set forth in  
600 this Act. Violation of these aforementioned bylaws, rules of procedure, standards of  
601 professional conduct and ethics shall be enforced as required and allowed by the Board  
602 under this Act;



603 (12) To investigate all complaints of violations of this Act, any rule, regulation or written  
604 order of the Board, any condition of licensure, or standard of professional conduct by  
605 licensees or non-licensees, as provided in this Act and to impose sanctions and penalties  
606 for violations, including, but not limited to, restrictions on the practice of any licensee or any  
607 other person engaged in the public practice of geology. The Board shall also have the  
608 authority to cite and fine persons engaged in the unlawful practice of geology by those who  
609 are not licensed in the [jurisdiction] as may be provided for by law. Furthermore, the Board  
610 shall have the authority and power to subpoena witnesses and require their attendance at  
611 or during investigative hearings, require the submission of books, papers, notes,  
612 documents, or other pertinent information in any disciplinary matter, or in a case wherever  
613 a violation of this Act is alleged. Upon the failure or refusal to comply with any such order  
614 or upon failure to honor a Board's subpoena, as provided, the Board may submit to a  
615 court of [specify area of jurisdiction - generally the jurisdictional court geographically  
616 nearest the physical location of the Board's office] in the established manner as provided  
617 for in cases of civil procedure, without bond, to enforce compliance with the provisions of  
618 this Act, and to enforce compliance with the Board's authorities, including injunctive relief.  
619 In the course of these proceedings it shall not be necessary to substantiate or prove that  
620 substantive or irreparable damage would result from continuing violation of this Act or that  
621 an adequate remedy exists in law;

622 (13) To administer oaths and affirmations, and to issue subpoenas to compel the  
623 attendance of witnesses and the production of evidence;

624 (14) To begin and maintain legal actions to enforce this Act and to seek injunctions;

625 (15) To delegate powers, duties or responsibilities to the Executive Director as deemed  
626 necessary to efficiently administer this Act;

627 (16) To discharge other powers, duties and responsibilities provided under this Act or as  
628 necessary to implement this Act;

629 (17) The Board shall have the authority to waive specific requirements of this law  
630 pertaining to geologic licensure, provided that consideration is given to the protection of  
631 the public's health, safety, and welfare and the environment;

632 (18) The Board shall have the authority to enter into agreements with other boards of  
633 licensure or registration in other jurisdictions, and with other appropriate governmental  
634 agencies, for the purposes of developing uniform standards for licensure or registration of  
635 geologists; accrediting educational programs; establishing reciprocity, comity, or mutual  
636 recognition of licensure or registration; developing regional or national examinations;  
637 evaluating applicants; or for other purposes consistent with this Act;



638 (19) The Board shall have the authority to develop uniform standards of equivalency with  
639 other boards of licensure or registration in other jurisdictions, and with other appropriate  
640 governmental agencies, for the purposes of temporary licensure within the Board's  
641 jurisdiction;

642 (20) The Board shall have the authority to appoint committees; employ personnel; engage  
643 contractors and consultants; lease or purchase furnishings, equipment and supplies; lease  
644 or purchase office space, and incur other similar expenses in connection with its  
645 operations and the administration of this Act, within the funds available to it and the  
646 limitations set forth herein and in this jurisdiction's administrative procedures act or other  
647 applicable jurisdiction's laws;

648 (21) The Board shall have all other powers and authorities consistent with this Act, not  
649 enumerated herein, as are necessary for the administration and enforcement of this Act.

650 **SECTION 19. Legal and Investigative Assistance**

651 The Board, with the approval of the jurisdiction's attorney general or other appropriate  
652 legal officer, shall have the authority to retain outside counsel to provide such legal  
653 assistance as may be necessary in enforcing the provisions of this Act. The Board may  
654 request the jurisdiction's attorney general or other appropriate legal officer to act as legal  
655 adviser to the Board and to render such assistance as the Board may require. It shall be  
656 the duty of all respective officers charged with the enforcement of laws and ordinances to  
657 prosecute all persons charged with the violation of any of the provisions of this Act. The  
658 Board, its agents and employees shall aid these officers in the enforcement of this Act.



659 **SECTION 20. Powers, Duties, and Responsibilities of the Executive Director**

660 (1) If the Board employs an Executive Director, the Executive Director shall have the  
661 following powers, duties, and responsibilities:

662 (a) To administer the policies of the Board within the authority granted by the  
663 Board;

664 (b) To supervise and direct all administrative, technical and investigative activities  
665 of the Board;

666 (c) To organize the administrative units of the Board in accordance with a plan  
667 adopted by the Board and to alter that organizational plan and reassign  
668 responsibilities with approval of the Board as deemed necessary to carry out the  
669 policies of the Board;

670 (d) To recommend to the Board appropriate studies and investigations and to carry  
671 out the approved recommendations;

672 (e) To issue, modify or revoke any orders under authority granted by the Board;

673 (f) To enter into contracts, grants and cooperative agreements as approved by the  
674 Board with any federal or state [jurisdiction] agency, any public or private institution  
675 or any other person to carry out this Act;

676 (g) To receive, administer and account for any funds received by the Board;

677 (h) To prepare and deliver to the Legislature and the Governor [or appropriate  
678 jurisdictional authority] on or before January 2 of each year, and at any other times  
679 as may be required by the Board, Legislature or Governor [or appropriate  
680 jurisdictional authority], a full report of the work of the Board, including a detailed  
681 statement of revenues and expenditures of the Board and any recommendations  
682 the Board may have;

683 and,

684 (i) To discharge other powers, duties and responsibilities as directed or delegated  
685 by the Board.

686 (2) The Executive Director shall give a surety bond satisfactory to the Board, conditioned  
687 upon the faithful performance of the Executive Director's duties. The premium on the bond  
688 shall be regarded as a proper and necessary expense of the Board;



689 (3) The Executive Director's salary range shall be determined by the jurisdiction's human  
690 resources agency if it is so charged with this function. The Board shall be responsible in  
691 hiring and setting the Director's initial remuneration, less fringe, and shall annually conduct  
692 a review of the salary based on its appropriateness and the job performance of the  
693 Director. The Director shall serve at the pleasure of the Board and that position may be  
694 terminated by either party provided that proper notice is filed giving a minimum of two (2)  
695 weeks' notice. This two (2) week notice shall be superseded pursuant to the guidelines  
696 that may be in place and contained in a written employment policy in effect by the following:  
697 the jurisdiction; or its appropriate human resources agency; or by an employment policy  
698 adopted by the Board;

699 (4) If the Board does not employ an Executive Director, the President of the Board shall  
700 have the powers and duties provided in subsection (1) of this section and shall be subject  
701 to a surety bond satisfactory to the Board, conditioned upon the faithful performance of the  
702 prescribed duties. The premium on the bond shall be regarded as a proper and  
703 necessary expense of the Board; and any remuneration for the President serving in the  
704 capacity of Executive Director shall be at the discretion of the Board.



705 **SECTION 21. Qualifications of Licensed Professional Geologists**

706 (1) The following shall be considered as minimum evidence satisfactory to the Board that  
707 the applicant is qualified for licensure as a licensed professional geologist:

708 (a) Graduation from a course of study in geology satisfactory to the Board from an  
709 accredited college or university, or from a program accredited by an organization  
710 recognized by the Board, of four (4) or more years and which includes at least thirty  
711 (30) semester or forty-five (45) quarter hours of credit in geologic course work  
712 suitable to the Board, with a major in geology or a geoscience specialty;

713 (b) Demonstration through a specific record of a minimum of four (4) years of  
714 qualifying experience, after completion of the academic requirements, in geology or  
715 a geoscience specialty indicating that the applicant may be competent to publicly  
716 practice geology or a specialty. The Board may require the experience be gained  
717 under the supervision of a geologist licensed in this or any other state or jurisdiction  
718 with at least as stringent geologic licensure or registration requirements, or under  
719 the supervision of others who, in the opinion of the Board, are qualified to have  
720 responsible charge of geologic work;

721 (c) Successful passage of both a national examination on the fundamentals of  
722 geology and a national examination on the practice of geology, and any other  
723 jurisdictional examinations as determined and prescribed by the Board;

724 (d) Minimum of three (3) letters of reference from geologists having personal  
725 knowledge of the applicant's geologic experience;

726 and,

727 (e) Other requirements as may be established in rules and regulations by the  
728 Board including that said applicant possesses a degree in geology as specified in  
729 this section prior to being allowed to sit for any examination.

730 (2) The Board may give credit for a master's degree in the geological sciences or in a  
731 specialty as one (1) year of professional experience and an earned doctorate degree in  
732 the geological sciences or in a specialty as two (2) years of professional experience. The  
733 Board shall not give more than two (2) years of professional experience credit for the  
734 completion of all graduate degrees.

735 (3) The Board may give credit for geological research at an accredited college or  
736 university as qualifying experience, if the research, in the opinion of the Board, is  
737 comparable to experience obtained in the practice of geology or a specialty.



738 (4) The Board may adopt qualifications which, in its judgment, are equivalent to the  
739 educational and experience requirements in subsection (1)(a) of this section.

740 (5) No person shall be eligible for licensure as a professional geologist who is not of good  
741 character and reputation.

## 742 **SECTION 22. Qualifications of Geologists-in-Training**

743 (1) The following shall be considered as minimum evidence satisfactory to the Board that  
744 the applicant is qualified for enrollment as a geologist-in-training:

745 (a) Graduation from a course of study in geology satisfactory to the Board from an  
746 accredited college or university, or from a program accredited by an organization  
747 recognized by the Board, of four (4) or more years and which includes at least thirty  
748 (30) semester hours or forty-five (45) quarter hours of credit in geological course  
749 work suitable to the Board, with a major in geology or a geological specialty;

750 (b) Successful passage of a national examination on the fundamentals of geology  
751 and any other jurisdictional examinations in geology as determined and prescribed  
752 by the Board;

753 and,

754 (c) Other requirements as may be established in rules and regulations by the Board  
755 including that said applicant for enrollment possesses a degree in geology as  
756 specified in this section prior to being allowed to sit for any examination.

## 757 **SECTION 23. Temporary Licenses/Permits**

758 The Board may adopt requirements for the issuance of temporary licenses or permits.  
759 Qualifications for temporary licenses or permits shall be consistent with those as required  
760 under this Act and may be issued to those geologists who hold a valid license or  
761 registration in another state provided the requirements in that state are sufficiently similar  
762 to this jurisdiction's and the licensee/registrant is in good standing with that state.

## 763 **SECTION 24. Exceptions Allowable for Licensure**

764 Upon written request of an applicant, the Board may waive, on a case-by-case basis, any  
765 requirement for licensure or enrollment, except payment of the applicable fees. The  
766 request shall state the reasons a waiver should be granted. The requirements waived and  
767 the basis for that waiver shall be recorded in the applicant's record and in the proceedings  
768 of the Board, and any waiver may be subject to repeal or suspension as determined by the  
769 Board.



770 **SECTION 25. Form of Application**

771 (1) Applications for enrollment as a geologist-in-training or for licensure as a professional  
772 geologist, in general or in any specialty, shall be on forms prescribed and furnished by the  
773 Board. The application shall include information necessary for the register maintained  
774 under Section 16 of this Act, the applicant's educational qualifications, and a detailed  
775 summary of the applicant's qualifying experience. The Board may require the applicant to  
776 have provided an original academic transcript or equivalent documentation of the  
777 applicant's educational qualifications. The applicant shall also submit a signed statement  
778 that the applicant has read and shall adhere to any code of professional conduct/ethics  
779 and rules established by the Board and that he has read and understands this Act. The  
780 application shall be signed and sworn to by the applicant before a notary public.

781 (2) An application for enrollment as a geologist-in-training or for licensure or renewal of  
782 licensure as a professional geologist, in general or in any specialty, shall be accompanied  
783 by the appropriate application fee.



784 **SECTION 26. Issuance of Certificates; Denial of Certificates; Lost or Destroyed**  
785 **Certificates**

786 (1) The Board shall issue a certificate of licensure as a professional geologist, or  
787 certificate of enrollment as a geologist-in-training, upon payment of the applicable license  
788 fee, to any applicant who, in the opinion of the Board, has satisfactorily met all the  
789 requirements of this Act. In the case of a licensed professional geologist, the certificate of  
790 licensure shall authorize the "public practice of geology." In the case of a  
791 geologist-in-training, the certificate shall state that the applicant has successfully passed  
792 the examination(s) required by the Board and has been enrolled as a  
793 "geologist-in-training" which shall be valid for a period of ten (10) years, provided the  
794 required enrollment fees are maintained during that time frame or until licensure as a  
795 professional geologist, whichever comes first.

796 (2) Certificates shall show the full name, have a serial number, and be signed by the  
797 President and the Vice President of the Board under seal of the Board.

798 (3) If the Board denies the issuance of a certificate of licensure or a certificate of  
799 enrollment, the Board shall notify the applicant in writing within thirty (30) calendar days  
800 following the Board's decision and shall state the reasons for the denial. Within thirty (30)  
801 calendar days following receipt of the notice, the applicant may make written request for a  
802 hearing, which, if granted, shall be conducted as provided in this Act. If no hearing is  
803 requested within the thirty (30) calendar days following receipt of the notice, the Board's  
804 action shall be final.

805 (4) The issuance of a certificate of licensure by the Board shall be *prima facie* evidence  
806 that the person named on the certificate is entitled to all the rights and privileges of a  
807 licensed professional geologist and to practice geology as a firm or corporation, while the  
808 certificate remains unrevoked or unexpired.

809 (5) Each licensed professional geologist shall be provided with a seal of a design  
810 established by the Board, bearing the person's name, license number and the caption,  
811 "Licensed Professional Geologist." The cost of providing the seal shall be borne by the  
812 licensed professional geologist and shall be purchased from the Board. Geologic reports,  
813 documents or other public records offered to, or filed for, the public and prepared or issued  
814 by a licensed professional geologist, or by a subordinate under the supervision of a  
815 licensed professional geologist, shall be stamped or embossed with the seal, signed and  
816 dated by the licensed professional geologist.

817 (6) The Board shall establish requirements and conditions for the reissuance of  
818 certificates of licensure and certificates of enrollment which have lapsed, expired, or have  
819 been suspended or revoked.



820 (7) The Board shall issue a new certificate to replace any certificate of licensure or  
821 certificate of enrollment which has been lost, destroyed, or mutilated. The holder of the  
822 certificate shall bear the cost of issuing a new certificate.

823 **SECTION 27. Fees**

824 (1) The Board shall establish, by Board action, application fees which shall not exceed  
825 \_\_\_\_\_ Dollars (\$XXX.XX) for application for licensure as a Licensed Professional  
826 Geologist and \_\_\_\_\_ Dollars (\$XXX.XX) for application for enrollment as a Geologist-in-  
827 Training.

828 (2) In addition to the application fee required under subsection (1) of this section, an  
829 applicant shall pay an examination fee before taking the applicable examination. The  
830 Board shall set a reasonable examination fee for each examination administered by the  
831 Board to defer the actual cost, maintenance, and administration of the examination.

832 (3) The Board shall establish, by rule or by Board action, both licensure fees and renewal  
833 schedules. License fees shall not exceed \_\_\_\_\_ Dollars (\$XXX.00) on an annualized  
834 basis for licensure as a Licensed Professional Geologist and \_\_\_\_\_ Dollars (\$XXX.00)  
835 on an annualized basis for enrollment as a Geologist-in-Training.

836 (4) The Board shall establish, by Board action, fees for the renewal and reissuance of a  
837 certificate of licensure or certificate of enrollment. The period of renewal of a license or a  
838 certificate of enrollment shall be set by the Board. Other fees will be set administratively.



839 **SECTION 28. Recognition of Out-of-State [Jurisdiction] Registration, Licensure, or**  
840 **Certification; Reciprocal Licensure/Registration Agreements**

841 (1) The Board may sign agreements with governmental boards of licensure, registration,  
842 or certification of other states, jurisdictions, and with other appropriate governmental  
843 agencies, for the purposes of:

844 (a) Developing uniform standards for licensure of professional geologists or  
845 enrollment of geologists-in-training;

846 (b) Accrediting educational programs;

847 (c) Establishing reciprocity, comity, mutual recognition, or temporary licensure;

848 (d) Developing regional or national examinations;

849 (e) Evaluating applicants;

850 or,

851 (f) Other purposes consistent with this Act.

852 (2) Any person holding a valid certificate of registration, licensure or certification for the  
853 public practice of geology or a recognized specialty within the geosciences, issued under  
854 the laws of any state, jurisdiction, territory, or possession of the United States, or any  
855 foreign country or governmental jurisdiction thereof, may be eligible for licensure provided  
856 it is consistent with paragraph 1(c) above, without examination as follows:

857 (a) The Board has received a complete application along with the required fees;

858 and,

859 (b) Proof of registration, licensure, or certification under requirements which the  
860 Board has determined to be substantially similar to those established under this  
861 Act;

862 and,

863 (c) The applicant is in good standing with that jurisdictional authority and has no  
864 pending complaints or ongoing investigations related to the public practice of  
865 geology.



866 **SECTION 29. Use of the Designation “Certified Professional Geologist”**

867 The Board shall recognize the use of the designation "Certified Professional Geologist" or  
868 "C.P.G." as used by the American Institute of Professional Geologists, the designation  
869 "Certified Petroleum Geologist" or "C.P.G." as used by the American Association of  
870 Petroleum Geologists, and the use of any similar designation established by a  
871 professional geological organization, society or association recognized by the Board,  
872 provided and subject to, the following conditions:

873 (1) The full name or recognized abbreviation of the organization granting the certification  
874 is stated following, or in conjunction with, the use of the designation or abbreviation;

875 and,

876 (2) The designation or abbreviation is not used in a manner that may mislead the public or  
877 create any impression that a person is licensed to publicly practice geology unless that  
878 person is also licensed under this Act.

879 **SECTION 30. Use of Seal and Signature**

880 Geologic reports, documents, interpretations, chain-of-custody records, manifests,  
881 permits, affidavits, maps, plans, logs, cross sections or other records offered to the public  
882 and prepared or issued by or under the supervision of a licensed professional geologist, or  
883 by a subordinate under the supervision of a licensed professional geologist, shall include  
884 the full name, signature and license number of the registrant who prepared such document  
885 or under whose supervision it was prepared, and an impression of the registrant's seal, in  
886 accordance with regulations issued by the Board. Documents which are required to have  
887 been prepared or issued by or under the direction of a professional geologist licensed in a  
888 specialty shall be similarly signed and sealed. Additional guidelines concerning the use of  
889 seals shall be specified by Board Rule.



890 **SECTION 31. Grounds for Disciplinary Actions/Violations of This Act**

891 The Board, upon satisfactory proof and in accordance with this Act and rules and  
892 regulations of the Board, may take the disciplinary actions provided under this Act against  
893 any person and shall include, but not be limited to, the following violations:

894 (1) Practicing, offering to practice, geology; attempting to practice geology, incidental or  
895 otherwise, or holding oneself out as being licensed or qualified to publicly practice  
896 geology, by an individual who is not licensed under this Act; or by any other person not  
897 employing a licensed professional geologist as required by this Act, unless licensed as a  
898 professional geologist or otherwise expressly exempted by this Act;

899 (2) Using any of the following terms or any variations or abbreviations, combinations  
900 thereof as a business, commercial, or professional identification, name, title, claim, or  
901 other representation: "professional geologist", "licensed geologist", "licensed professional  
902 geologist", "registered geologist", "registered professional geologist"; or use, employ,  
903 state, or otherwise imply in any manner or use any abbreviation, letter, representation,  
904 motto, placard, symbol, or sign in combinations or variants thereof which portrays or  
905 implies to the public that any person is qualified or authorized to publicly practice geology,  
906 or claiming any specialty in geology, as a professional, business or commercial  
907 identification, title, name, representation, claim or otherwise holding out to the public, as  
908 being licensed or qualified by any manner to practice geology or any of its specialties  
909 unless licensed under this Act except those activities specifically exempted pursuant to  
910 Section 37 of this Act. The term "geologist" or, derivatives thereof, shall not be used in any  
911 manner or fashion that portrays or implies to the public that said person is qualified or  
912 authorized to publicly practice geology unless that person is licensed under this Act.  
913 Furthermore, the use of the term "geologist", either verbal or in written format, shall not be  
914 construed by the public to mean that person possesses a valid degree in geology granted  
915 by an accredited institution of higher learning;

916 (3) Altering or revising any document, map or work signed and/or sealed by a licensed  
917 professional geologist unless that alteration or revision is also signed and sealed by a  
918 licensed professional geologist; changing or altering the name or seal of another licensed  
919 professional geologist on any document, map or work; or otherwise impersonating another  
920 licensed professional geologist, or presenting or attempting to use the certificate of  
921 licensure or the seal of another licensed professional geologist;

922 (4) Fraud, deceit or misrepresentation in obtaining a certificate of licensure as a licensed  
923 professional geologist, or certificate of enrollment as a geologist-in-training, including, but  
924 not limited to, knowingly giving any false, misleading, or forged evidence of any kind to the  
925 Board or to any Board member in obtaining a certificate of licensure or certificate of  
926 enrollment;



- 927 (5) Using the seal or signing any document under a certificate of licensure which has  
928 expired or has been suspended or revoked;
- 929 (6) Managing, or conducting as manager, proprietor, or agent, any place of business from  
930 which geologic work, not expressly exempted by this Act, is offered, performed or  
931 practiced for others, unless that work is supervised or performed by a licensed  
932 professional geologist as required by this Act;
- 933 (7) Using geologic work for purposes in violation of this Act;
- 934 (8) Violating this Act, or any rule, regulation or written order of the Board, or any condition  
935 or limitation of licensure;
- 936 (9) Gross negligence, malpractice, incompetency, misconduct, or repeated incidents of  
937 simple negligence in, or related to, the public practice of geology;
- 938 (10) Using the seal of another licensed professional geologist, or using or allowing use of  
939 one's seal on geologic work not performed by or under the supervision of the licensed  
940 professional geologist, or otherwise aiding or abetting any person in the violation of this  
941 Act;
- 942 (11) Addiction to or chronic dependence on alcohol or other habit-forming drugs or being  
943 an habitual user of alcohol, narcotics, barbiturates, amphetamines, hallucinogens, or other  
944 drugs having similar effect resulting in the impairment of professional/ethical judgement;
- 945 (12) Soliciting or accepting work outside of the basis of his qualifications;
- 946 (13) Submitting any materially false statements or failing to disclose any material facts  
947 requested in connection with an application for licensure, enrollment, or subpoena;
- 948 (14) Engaging in fraud, deceit, misrepresentation or concealment of material facts in  
949 advertising, soliciting, or providing professional services to members of the public;
- 950 (15) Violating any provision of this Act regulating the public practice of geology or the  
951 Rules of the Board, nor shall he violate any applicable state or federal laws involving  
952 dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery, or  
953 breach of fiduciary duty, if the violation is reasonably related to the licensee's area of  
954 practice;
- 955 (16) Participating, directly or indirectly, in any plan, scheme or arrangement attempting, or  
956 having as its purpose, the evasion of any provision of this Act regulating the public practice  
957 of geology;



- 958 (17) Engaging in any illegal conduct involving moral turpitude;
- 959 (18) Engaging in any conduct that discredits or tends to discredit the profession of  
960 geology;
- 961 (19) Permitting or allowing himself, his professional identification, seal, firm, or business  
962 name, or his services to be used or made use of, directly or indirectly, or in any manner  
963 whatsoever, so as to make possible or create the opportunity for unauthorized public  
964 practice of geology by any person, firm, corporation, or other legal entity in this jurisdiction;
- 965 (20) Performing any acts, allowing omissions, or making any assertions or  
966 representations that are fraudulent, deceitful, or misleading; or that in any manner  
967 whatsoever tending to create a misleading impression;
- 968 (21) Knowingly associating with, or permitting the use of his name or firm's name in a  
969 business venture by any person or firm that he knows, or has reason to believe, is engaged  
970 in business or professional practices of a fraudulent, deceitful, or dishonest nature;
- 971 (22) Injuring, or attempting to injure or damage, the professional reputation of another by  
972 any means whatsoever; provided and except, however, that this shall not relieve a licensed  
973 professional geologist from the obligation to expose unethical or illegal conduct to the  
974 proper authorities or preclude frank and confidential appraisals of geologists or other  
975 persons or firms considered for employment;
- 976 (23) Aiding and abetting, directly or indirectly, any unlicensed person in connection with  
977 the unauthorized public practice of geology; or any firm or corporation in the public practice  
978 of geology unless carried out under the provisions of this Act;
- 979 (24) Placing his seal and/or signature on a document constituting a certification that the  
980 document was prepared by the licensee, unless that document was prepared by a  
981 licensed professional geologist or under his direct supervision; unless the licensee has  
982 reviewed the document in sufficient depth to fully coordinate and assume responsibility for  
983 the work or report prepared or done by another licensed professional geologist;
- 984 (25) Any disciplinary action resulting from the violation of any law, rule or regulation of  
985 any state agency, board of registration or similar licensing agency for geologists,  
986 geoscientists or any profession or occupation related to the public practice of geology, of  
987 any jurisdiction, shall also be considered a violation of this Act if any section thereof, or  
988 rule, or regulation is applicable. Any resulting sanction imposed by the Board shall not  
989 exceed in severity or duration of the sanction upon which that action is based.



990 **SECTION 32. Disciplinary Proceedings; Sanctions**

991 A complaint alleging a violation of this Act as provided under Section 33, or any rule or  
992 regulation or written order of the Board, or any condition of licensure or standards of  
993 professional conduct may be brought by any person or may be initiated by the Board or by  
994 its Executive Director as follows:

995 (1) Complaints shall be made in writing, sworn to by the person or by the Board's  
996 Executive Director if the Board is filing the complaint, and filed with the Board. The Board  
997 shall investigate all complaints and upon finding a basis for that complaint, shall notify the  
998 accused in writing specifying the provisions of this Act, rule, regulation or order of the  
999 Board or the condition or standard alleged to be violated and the facts alleged to constitute  
1000 the violation. The notice shall require the accused to appear before the Board at a time  
1001 and place designated by the Board to answer the charges. The time of appearance shall  
1002 be at least thirty (30) days from the date of service of the notice. Notice shall be made by  
1003 service on the person or by registered or certified mail, return receipt requested, to last  
1004 known business or residence address of the accused, as shown on the records of the  
1005 Board. Within fifteen (15) days following receipt of that notice, the accused shall file a  
1006 written response, admitting, denying, or taking exception to the charges. In the absence of  
1007 a response, or if the charges are admitted to, or if no exception is taken, the Board may  
1008 take disciplinary action without holding a hearing. A disciplinary action may be settled by  
1009 the Board and the accused, either before or after a hearing has begun;

1010 (2) A person who reports or provides information to the Board in good faith is not subject  
1011 to an action for civil damages as may be provided for within this jurisdiction;

1012 (3) Any hearing under this section may be conducted by the Board itself at a regular or  
1013 special meeting of the Board or by a hearing officer designated by the Board. The hearing  
1014 officer may conduct the hearings in the name of the Board at any time and place as  
1015 conditions and circumstances may warrant. The hearing officer or any member of the  
1016 Board may administer oaths or affirmations to witnesses appearing before the hearing  
1017 officer or the Board.

1018 If any witness fails or refuses to attend upon subpoena issued by the Board, refuses to  
1019 testify or refuses to produce books, papers, reports, documents and similar material, the  
1020 production of which is called for by a subpoena, the attendance of any witness and the  
1021 giving of that person's testimony and the production of books, papers, reports, documents  
1022 and similar material shall be enforced by any court of competent jurisdiction in the manner  
1023 provided for the enforcement of the attendance and testimony of witnesses in civil cases in  
1024 the courts of this jurisdiction.



1025 All hearings before the Board shall be recorded either by a court reporter or by tape or  
1026 mechanical recorders and subject to transcription upon order of the Board or any  
1027 interested person. If the request for transcription originates with an interested person, that  
1028 person shall pay the cost of transcription.

1029 The accused shall have the right to be present at the hearing in person, by counsel or other  
1030 representative, or both. The Board may continue or recess the hearing as may be  
1031 necessary;

1032 (4) If a hearing officer conducts the hearing on behalf of the Board, the hearing officer  
1033 shall, upon completion of the hearing, have the record of that hearing prepared. The  
1034 record shall be submitted to the Board along with that hearing officer's findings of fact.  
1035 Upon receipt and review of the record of the hearing and the hearing officer's findings of  
1036 fact, the Board shall render its final decision as provided in subsection (6) of this section;

1037 (5) Any person ordered to appear for an alleged violation may request a hearing before a  
1038 majority of the Board. A verbatim record of any previous hearings on that matter shall be  
1039 filed with the Board, together with findings of fact and conclusions of law made by the  
1040 Board based on the record;

1041 (6) At the conclusion of the hearing, the Board may either decide the issue at that time or  
1042 take the case under advisement for further deliberation. The Board shall render its  
1043 decision not more than ninety (90) days after the close of the hearing, and shall forward to  
1044 the last known business or residence address of the accused, by certified or registered  
1045 mail, return receipt requested, a written statement of the decision of the Board.

1046 If a majority of the Board finds the accused guilty of the charges filed, the Board may take  
1047 any one, or combination of, the following actions:

1048 (a) Deny the renewal of a certificate of licensure or certificate of enrollment;

1049 (b) Suspend the certificate of licensure or certificate of enrollment of any registrant  
1050 for a specified period of time, not to exceed three (3) years, or revoke the certificate  
1051 of licensure or certificate of enrollment of any registrant;

1052 (c) Censure, reprimand, or issue a public or private admonishment to an applicant,  
1053 a registrant or any other person engaged in the public practice of geology under this  
1054 Act;



- 1055 (d) Impose limitations, conditions, or restrictions upon the practice of an applicant,  
1056 a registrant or upon any other person engaged in the public practice of geology;
- 1057 (e) Require the guilty party to complete a course, approved by the Board, in ethics  
1058 or an area of geologic practice;
- 1059 (f) Impose probation upon a registrant, requiring regular reporting to the Board;
- 1060 (g) Require restitution, in whole or in part, of the compensation or fees earned by a  
1061 registrant or by any other person engaging in the public practice of geology; or
- 1062 (h) Assess and levy upon the guilty party a monetary penalty not to exceed **X,XXX**  
1063 **Dollars (\$X,000.00)** for each violation;
- 1064 (7) Any monetary penalty assessed and levied under this section shall be paid to the  
1065 Board upon the expiration of the period allowed for appeal of that penalty, or may be paid  
1066 sooner if the guilty party elects. Money collected by the Board under this section shall be  
1067 deposited to the credit of the Licensed Professional Geologist Fund.
- 1068 When payment of a monetary penalty, assessed and levied by the Board in accordance  
1069 with this section, is not paid when due, the Board may begin and maintain proceedings in  
1070 its name for enforcement of payment in the appropriate court of the county/parish or  
1071 jurisdictional subdivision and judicial district in which the Board is physically located;
- 1072 (8) The Board may assess and impose the costs of any disciplinary proceedings  
1073 conducted under this section against either the accused, the charging party, or both, as it  
1074 may elect;
- 1075 (9) The authority of the Board to assess and levy the monetary penalties under this section  
1076 shall not be affected or diminished by any other proceeding, civil or criminal, concerning  
1077 the same violation or violations, unless provided in this section;
- 1078 (10) If the Board determines there is an imminent danger to the public welfare, the Board  
1079 may issue an order for the immediate suspension of a certificate of licensure or a  
1080 certificate of enrollment. The registrant may request a hearing on the matter within fifteen  
1081 (15) days after receipt of the order of suspension. The Board shall file charges as  
1082 provided in this section within thirty (30) days after the issuance of an order, or the  
1083 suspension shall be of no further force and effect. If charges are filed, the order of  
1084 suspension shall remain in effect until disposition of all charges;



1085 (11) The Board, for sufficient cause, may reissue a revoked certificate of licensure or  
1086 certificate of enrollment, upon written application to the Board by the applicant. The  
1087 application shall be made not less than three (3) years after the revocation. The Board  
1088 may impose reasonable conditions or limitations in connection with any reissuance.

1089 **SECTION 33. Report of Disciplinary Actions**

1090 The Board shall report disciplinary actions to appropriate state and federal agencies, any  
1091 other registration, licensing or certification Board or organization in this state or any other  
1092 state or jurisdiction, or any other person deemed necessary or reasonable by the Board.

1093 **SECTION 34. Proceedings of Enforcement of this Act by the Board**

1094 In lieu of, or in addition to, the penalties provided in Section 32 of this Act, the Board may  
1095 begin and maintain in the name of the state [or other jurisdiction] any proceedings  
1096 necessary or appropriate to enforce this Act, rule or regulation or written order of the Board  
1097 or any condition of licensure. The proceedings may be filed and heard in the appropriate  
1098 circuit, chancery, county/parish, jurisdictional or justice court of the county/parish in which  
1099 the venue may lie. The Board may obtain mandatory or prohibitory injunctive relief, either  
1100 temporary or permanent, and in cases of imminent and substantial hazard or  
1101 endangerment, it shall not be necessary that the state plead or prove: (i) that irreparable  
1102 damage would result if the injunction did not issue; (ii) that there is no adequate remedy at  
1103 law; or (iii) that a written complaint or Board order has first been issued for the alleged  
1104 violation.



1105 **SECTION 35. Appeal to Jurisdictional Court by Aggrieved Persons**

1106 Except as otherwise may be provided in this Act, any person aggrieved by an action of the  
1107 Board revoking that person's certificate of licensure or certificate of enrollment as a  
1108 geologist-in-training or denying the renewal of licensure as a professional geologist, or  
1109 who is aggrieved by the action of the Board as a result of disciplinary proceedings  
1110 conducted under Section 32 of this Act may appeal to the appropriate court of the  
1111 county/parish, or other appropriate jurisdictional subdivision in which the appellant resides  
1112 or other appropriate court as may be customary and proper. If the appellant is a  
1113 nonresident of this state, the appeal shall be made to the appropriate court in which the  
1114 Board is physically located. The appeal shall be perfected before the Board by filing with  
1115 the Board a notice of appeal to such court. The notice of appeal shall be filed not later than  
1116 thirty (30) days after the decision of the Board is forwarded to the guilty party.

1117 All appeals perfected under this section shall Act as a supersedeas, and shall be made to  
1118 the appropriate court solely upon the record made before the Board during the disciplinary  
1119 hearing. The appellant shall be required to post a bond with sufficient sureties according  
1120 to law in an amount to be determined by the judge of the court. When the appeal is  
1121 properly perfected, the Board shall cause the record of the proceedings conducted before  
1122 it to be compiled, certified and filed with the court. The court shall always be deemed open  
1123 for hearing of appeals and the judge of said court may hear the appeal in termtime or in  
1124 vacation at any place in the court's district. The appeal shall have precedence over all civil  
1125 cases, except election contests. The court shall review all questions of law and of fact. If  
1126 no prejudicial error is found, the matter shall be affirmed and remanded to the Board for  
1127 enforcement. If a prejudicial error is found, the matter shall be reversed and the court shall  
1128 remand the matter to the Board for appropriate action as may be shown or necessary  
1129 under the circumstances. Appeals may be taken from this court to the jurisdiction's  
1130 Supreme Court in the manner as required by law.



1131 **SECTION 36. Penalties Related to Non-Licensees**

1132 (1) Pursuant to the accepted practices of this jurisdiction and in addition to any other  
1133 measures of law the Board may:

1134 (a) Enter an order assessing a civil penalty against any firm, corporation,  
1135 partnership, or person found guilty by the Board of engaging in the public practice  
1136 of geology or any of its specialties within this jurisdiction without being properly  
1137 licensed pursuant to all of the terms and conditions of this Act.

1138 (b) Civil penalties assessed under this section shall not exceed **\$X,XXX.00** per  
1139 offense and each day of continued violation may be construed as a separate  
1140 offense.

1141 (c) The determination of the amount of the assessed civil penalty herein may be  
1142 subject to the following factors:

1143 i) The apparent risk, severity, and potential harm to the public as a result of  
1144 the infraction;

1145 ii) The financial benefits derived by the violator resulting from non-  
1146 compliance with this Act;

1147 and,

1148 iii) The facts or events accompanying or resulting in the violation;

1149 (2) Prior to issuing an order pursuant to this section the Board will supply written notice to  
1150 and the opportunity for the person so named as violating this Act to request a hearing  
1151 before the Board. The request for such a hearing must be received by the Board within  
1152 thirty (30) calendar days from the issuance date of the Board's order.

1153 (3) The Board also has the authority to issue subpoenas and to otherwise compel the  
1154 presence and testimony of any person who may have knowledge of the violation. Any such  
1155 person may be further compelled to attend said hearing upon the advice and office of the  
1156 jurisdiction's Attorney General.

1157 (4) Nothing in this section shall be construed to disallow the violator from filing an appeal  
1158 with a superior court for its judicial review of the penalty assessed against the violator.



1159 (5) Any person failing to pay the civil fine as assessed within 60 days of its issuance or  
1160 within 30 days of a superior court's final judgement approving the action of the Board shall  
1161 allow the Board to seek the counsel of the jurisdiction's Attorney General who may initiate  
1162 legal action to recover the amount levied by the Board, plus all attorney's and other related  
1163 Board expenses associated with these actions.

1164 (6) An enforcement order under this section may also be combined with an order for  
1165 injunctive relief provided there is clear and compelling evidence that there is imminent  
1166 danger to the public's health, safety, or welfare, or the environment.

### 1167 **SECTION 37. Exemptions [see Addendum A]**

1168 The following activities shall not require licensure under this Act:

1169 (1) This Act shall not be construed to affect or prevent the practice of any other legally  
1170 recognized profession provided that practice does not include those activities defined and  
1171 enumerated in Section 4(18) of this Act or those whose practice does not affect the  
1172 public's health, safety, or welfare, or the environment as defined in this Act.

1173 (2) Geologic work performed by an employee or a subordinate of a licensed professional  
1174 geologist, provided that such work does not state, portray, or infer by any manner or  
1175 suggestion whatsoever that the employee or subordinate is in responsible charge of the  
1176 geology or geologic work, and that the work was performed under the direct supervision of  
1177 a licensed professional geologist, who is responsible for that work and whose signature  
1178 and seal must be conspicuously affixed thereto.

1179 (3) Any geologic work that does not affect, influence, or impact in any fashion the public's  
1180 health, safety, or welfare, or the environment, as defined in this Act.

1181 Nothing contained within this section or this Act shall permit any person, organization, firm  
1182 or corporation to hold himself or itself out to the public as qualified to publicly practice  
1183 geology, nor shall any person use the term "geologist" and hold himself as being qualified  
1184 to publicly practice geology unless licensed under this Act or as being licensed as a  
1185 geologist or in any specialty of geology, or as being able to perform geologic services, or  
1186 to prepare any report or other document requiring the signature and seal of a licensee as  
1187 required under this Act unless such person or entity is licensed as required herein.

### 1188 **SECTION 38. Invalid Sections**

1189 If any of the provisions of this Act are found to be invalid or if any regulation, order, and/or  
1190 rule resulting therefrom or with the application of any of these stipulations to any condition  
1191 or occurrence is found to be invalid, then the Act, less the invalid section(s) or regulation,  
1192 order, and/or rule shall remain in full force and effect.



1193 **SECTION 39. Repeal of Conflicting Legislation**

1194 All laws, statutes and regulations, or portions thereof, which are in conflict with this Act are  
1195 hereby repealed, as of the effective date of this Act.

1196 **SECTION 40. Preference Given to Resident Licensed Professional Geologists**

1197 (1) In awarding public contracts for professional geologic services, preference shall be  
1198 given to resident licensed professional geologists over those nonresident professional  
1199 geologists domiciled in a jurisdiction having laws that grant a preference to the  
1200 professional geologists who are residents of that jurisdiction. Nonresident licensed  
1201 professional geologists shall be awarded the jurisdiction's public contracts only on the  
1202 same basis as the nonresident professional's jurisdiction awards contracts to this  
1203 jurisdiction's licensed professional geologists under similar circumstances. When a  
1204 nonresident professional geologist submits a proposal for a public project, that person  
1205 shall attach a copy of the nonresident's jurisdiction's current statute, resolution, policy,  
1206 procedure or executive order pertaining to that state's treatment of nonresident  
1207 professional geologists. Resident licensed professional geologists, actually domiciled in  
1208 this jurisdiction, be they corporate, individuals or partnerships, shall be granted preference  
1209 over nonresidents in the awarding of contracts in the same manner and to the same extent  
1210 as provided by the laws of the jurisdiction of domicile of the nonresident. As used in this  
1211 section, the term "resident licensed professional geologist" includes a nonresident person  
1212 that has been qualified to do business in this state and has maintained a permanent  
1213 full-time office in this jurisdiction for not less than two (2) years prior to submitting a  
1214 proposal for a public project, and the subsidiaries and affiliates of that person;

1215 (2) This section shall not apply to any contract for any project upon which federal funds  
1216 would be withheld because of the preference requirements of this subsection;

1217 (3) Any contract, agreement or arrangement for professional geologic services  
1218 negotiated, made or entered into, directly or indirectly, by the jurisdiction, its  
1219 counties/parishes, municipalities or any political subdivision thereof, or by any special  
1220 districts, which is in any way in violation of this section, is declared to be void as contrary to  
1221 the public policy of this jurisdiction and shall not be given effect or enforced by any court of  
1222 this jurisdiction or by any of its officers or employees;

1223 (4) Nothing in this section shall affect the validity of any contract in existence before  
1224 [month, day, year of date of proposed enactment of this Act];

1225 (5) For purposes of this section, "professional geologic services" means the public  
1226 practice of geology or those services performed by any licensed professional geologist in  
1227 connection with professional employment or practice.



1228 **SECTION 41. Initial Appropriation**  
1229 An appropriation from the General Fund in the amount of \$[\_\_\_\_\_] is hereby made  
1230 to establish the Licensed Professional Geologist Fund. This amount shall be returned to  
1231 the General Fund within a period of [\_\_\_\_\_] under conditions prescribed by the  
1232 [Jurisdiction's Treasurer or other appropriate authority].

1233 **SECTION 42. Repealer** [Inclusion of a repealer is contingent on the jurisdiction's  
1234 practice]  
1235 Sections 1 through 42 of this Act, which creates the Board of Licensure for Professional  
1236 Geologists and prescribes its powers and duties, shall stand repealed on **[month, day,**  
1237 **year]**.

1238 **SECTION 43. Effective Date of Act**  
1239 This Act shall take effect and be in force from and after **[month, day, year]**.



1240 **ADDENDUM A**

1241 Additional options which may be inserted under Section 37:

1242 Additional Exemptions:

1243 A. Geologic work performed exclusively in the academic sector (teaching and/or  
1244 research).

1245 B. Geologic work performed exclusively in the exploration for and development  
1246 (proving out) of energy resources and base metals, precious and non-precious  
1247 minerals, including sand, gravel and aggregate, provided that such work and  
1248 activities are:

1249 1) Restricted to and for the benefit of the private sector;

1250 and,

1251 2) do not constitute the public practice of geology as set forth by definition  
1252 and/or does not include the public's general health, safety, or welfare, or the  
1253 environment as defined within this Act.

1254 3) Title designations for persons that may be exempted under this section  
1255 shall be restricted to include the following titles: petroleum (geologist,  
1256 geophysicist, geochemist, etc.); consulting petroleum (geologist,  
1257 geophysicist, geochemist, etc.); and mining (geologist, geophysicist,  
1258 geochemist, etc.); or consulting mining (geologist, geophysicist, geochemist,  
1259 etc.).

1260 Geologic activities that shall not be exempt, under any conditions, include the evaluation  
1261 and/or sale of petroleum or mining properties/estates/prospects to non-industry entities  
1262 and the public; the determination of potable or industrial ground-water resources;  
1263 injection/disposal wells of any type; and any environmental issues that may be related to  
1264 petroleum or mineral resource evaluation, assessment, exploration, or development.



1265 If the petroleum and/or mining exemption is used, the language used in this Section  
1266 (Section B) should be included in the Act.

1267 Specific sections of this Act that may be affected by the preceding exemption(s) are  
1268 indicated in the text of this document with the superscripts 1, 2, 3, and 4 as contained in  
1269 the following section and also Section 4 - Definitions, of this Act. The specific part affected  
1270 is as follows:

1271 "...the evaluation of mining and **petroleum properties**<sup>1</sup>; the professional  
1272 supervision of exploration for and development of mineral/natural resources  
1273 including, but not limited to, **metallic and non-metallic minerals**<sup>2</sup>, **petroleum**<sup>3</sup>,  
1274 ground-water and surface-water resources;..."

1275 C. Additional exemptions related to administrative/judicial tribunals or hearings are as  
1276 follows: Testifying, preparing, or presenting an exhibit or document for the sole  
1277 purpose of being placed in evidence before an administrative or judicial tribunal or  
1278 hearing if the testimony, exhibit, or document does not imply that the person is  
1279 licensed and that the testimony, exhibit, or document does not impact the public's  
1280 health, safety, or welfare, or environment as defined within this Act.

