

THE PROFESSIONAL GEOLOGIST MODEL LICENSURE LAW

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ASBOG®
National Association of State Boards of Geology



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Preface

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

Specifically, the *Model Licensure Law* is designed as a template to address the following:

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

It is expected that this *Model Licensure Law* will be applied selectively, with parts excerpted, completed or deleted, in conjunction with existing laws and administrative practices already in effect in the State or Territory in which it is being considered.

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

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

Utmost care has been given to the preparation of this document; however, ASBOG® assumes no responsibility for omissions or potential legal interpretations in its use. ASBOG® has developed this document in order to present a framework of uniformity for geologic licensure legislation and appropriate, related laws in the United States. The primary functions of ASBOG® are to provide valid, legally defensible, geology competency examinations to its state Member Boards and other

jurisdictions; and, to serve as a means and facilitator for state and other jurisdictional boards of licensure to communicate with one another, and to promote uniformity in the professional practice of geology. The use, in total or in part, of the *Model Licensure Law* will assist in the overall protection of the public's health, safety, and welfare and the environment. It has been adopted by ASBOG® to advance those goals.

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Notes on the Use of This Document

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

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

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

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

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

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

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

The Professional Geologist Model Licensure Law of [Year]

A BILL TO BE ENTITLED,

The [Jurisdiction's Name] Geologist Licensure Act

SECTION 1. Licensure of Geologists

An Act:

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

SECTION 2. Comprehensive Provisions

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

SECTION 3. Nature of the Board

1. This Act's intent is that the Board shall act as an independent agency within this [jurisdiction's name] and shall operate from funds generated by its licensees. It retains the capability to request and receive funds from any source including the [jurisdictional authority's name] general fund and to accept grants, bequests, donations, etc. from either private or governmental entities at its sole discretion. However, its principal or main financial support shall be through its fees for licensure, enrollment, renewal, and from examinations.
2. Fines attributable to actions taken by the Board in relation to disciplinary matters shall be deposited in a fund maintained by the Board and utilized to pay for costs associated with the investigative/disciplinary function, and other functions of the Board.
3. All monies/revenues received by the Board shall be deposited in a fund maintained for the operation of the Board and such receipts shall be considered a continuous appropriation for the purpose of carrying out the functions of the Board as set forth herein. Further, the fund in which these monies/revenues are deposited shall be segregated from the jurisdiction's general fund by whatever means appropriate and shall be known as the "Licensed Professional Geologist Fund." All monies in this fund, including interest generated, are hereby specifically appropriated for the use of this Board alone and any balance remaining at the end of the

Board's or [jurisdiction's] fiscal year will be carried forward and retained in the "Licensed Professional Geologist Fund" and shall not be appropriated or taxed by this jurisdiction for any other purpose.

4. The Board shall adopt a budget subject to the guidelines established by the [jurisdictional authority's name] for similar boards of licensure. If the Board is an independent or semi-independent Board it shall submit a full annual report of its activities, financial affairs and condition, financial or property audits, and any other required documents or conditions as required by the jurisdiction to the governor [or appropriate jurisdictional authority] for inclusion in any annual financial or other document filing.
5. The Board shall establish, assess, and collect fees not to exceed the amount necessary for the purpose of carrying out its functions as set forth in this Act. Such fees shall cover geologic licensure, geologist-in-training enrollment, renewals, and competency examinations. The Board may establish and collect fees for the administration of competency examinations or "exit" examinations not offered in conjunction with licensure or enrollment as it may deem appropriate and necessary.
6. In the absence of any other law to the contrary, the Board may enter into contracts and also acquire, own, replace, issue, dispose of, and/or encumber real and personal property pursuant to the jurisdiction's statutes governing these activities.

SECTION 4. Definitions

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

1. "Agent" shall mean any person who is in responsible charge of geologic work or related activities of any trust, firm, joint stock company, public or private corporation (including a government corporation), partnership, association, jurisdiction, state, or any agency or institution thereof, municipality, commission, political subdivision of a state [jurisdiction] or any interstate body, and includes any officer or governing or managing body of any municipality, political subdivision, or the United States or any officer or employee thereof. The agent is responsible for the geologic work in this jurisdiction and/or for geologic projects or those portions of projects involving geology offered by the aforementioned entities. The agent's responsibilities include:
 - a) Overall supervision of the firm's licensed and subordinate personnel providing the geologic work in this jurisdiction.
 - b) Implementation of, and conformance to, policies of the firm consistent with the Rules of the Board and this Act.
2. "Board" means the Board of Licensure for Professional Geologists created under this Act.
3. "Certified Petroleum Geologist," "Certified Coal Geologist", and "Certified Geophysicist" mean geologists which have been certified by the Division of Professional Affairs/American Association of Petroleum Geologists, that has certification requirements recognized by the Board.

4. "Certified Professional Geologist" means a geologist who has been certified by the American Institute of Professional Geologists, that has certification requirements recognized by the Board.
5. "Enrollee" means a geologist who is licensed with the Board as a Geologist-in-Training.
6. "Firm" shall mean any form of business entity, other than an individual licensee operating under his name, that offers professional geologic services to the public by its licensed personnel (see "Person" and "Agent").
7. "Fund" means the Licensed Professional Geologist Fund created under Section 15 of this Act.
8. "Geologist" is an individual who possesses a degree in geology or one of its specialties.
9. "Geologist-in-Training" means an individual who has met the academic qualifications established by the Board, who has successfully passed a written examination demonstrating knowledge of the fundamentals of geology, and who has been enrolled as a Geologist-in-Training by the Board.
10. "Geology" means the science which includes the study of the earth and its origin and history. Geology includes the investigation, research, and interpretation of the earth's constituent rocks, minerals, hydrocarbons, solids, and fluids, including surface and underground waters, gases and other materials and the study of the natural agents, forces, and processes which cause changes in both the subsurface and surface of the earth including any anthropogenic features or activities that may affect, or be affected by, but not limited to, these agents, forces, physical and chemical characteristics and processes.
11. "Inactive licensee" means someone who is not presently engaged in geologic practice requiring licensure in this jurisdiction and who has been granted an inactive status. Inactive licensees shall not practice in this jurisdiction and shall be further exempt from any continuing education requirements if this requirement exists as a mandatory program to maintain one's license.
12. "Jurisdiction" shall mean a state, territory, commonwealth, or possession and the District of Columbia of the United States of America that issues licenses or certificates of registration to practice, and regulate the public practice of geology within its defined, legal boundaries.
13. "Licensee" means any individual who holds a certificate of licensure or certificate of enrollment issued under this Act.
14. "Licensed Professional Geologist " means an individual who, by reason of knowledge of geology and the other geosciences, mathematics and the supporting physical and life sciences acquired by formal education, and who possesses a verified degree in geology or one of its specialties from an accredited academic institution or, from a program accredited by an organization recognized by the Board meeting the standards of the Board, and who by training, successful passage of competency examination(s), and practical experience, as set forth in this Act, is qualified to engage in the public practice of geology, provided that he holds a valid license issued as a Licensed Professional Geologist by the Board.
15. "Person" means any individual, trust, firm, joint stock company, public or private corporation (including a government corporation), partnership, association, state or other jurisdictional authority or any agency or institution thereof, municipality, commission, political subdivision of

a state or other appropriate jurisdictional body or any interstate body, and includes any officer or governing or managing body of any municipality, political subdivision, or the United States or any officer or employee thereof.

16. "Public" shall mean the people of this jurisdiction.

17. "Public practice of geology" shall mean, and include within the intent of this Act, any professional service, work, or activity, including the responsible supervision and performance thereof, requiring formal geologic education, training, experience, and the understanding and application of special knowledge of the mathematical, physical, chemical, biological, earth, and geological sciences as may be related to those services including, but not limited to, consultation, investigation, evaluation, planning, geologic mapping, interpretation, remediation, expert technical testimony, planning the use of land and water and the protection of ground and surface waters and the evaluation of ground-water resources; prevention and remediation of contamination of the earth, earth materials and water caused by improper disposal or accidental spills; determination of the suitability and risks in containment and disposal of wastes and hazardous materials, including, but not limited to, landfills, storage tanks, and injection wells; the evaluation of mining and petroleum properties; the professional supervision of exploration for and development of mineral/natural resources including, but not limited to, metallic and non-metallic minerals, petroleum, ground-water and surface-water resources; the geologic phases of any engineering investigation or survey; siting of boreholes, determining depth of wells to be drilled, depth-of-casing and grouting requirements for the construction of monitoring wells or other borings into the earth that may affect one or more aquifers; the geologic suitability for construction projects, including excavations, building foundations, dams, bridges, highways, pipelines, and other structures which may be affected by floods, landslides, earthquakes, sinkholes, erosion, expansive-contractive earth and earth materials, or other geoscientific phenomena or processes; geologic or geoscientific surveying and mapping, including making measurements and gathering data related to the physical features of the earth such as subsurface data and the formulation and depiction of such information into geologic or geoscientific graphics, data, maps, plans, reports, and descriptions, and including preparing, creating, and/or modifying computerized, electronic products using geographic information systems, use of global positioning systems and information derived therefrom, or other information and data related to the activities contained within this section; geotechnical work activities, including the practice of various aspects of related professions incidental to the practice of geology; inspection of, or the responsible supervision of, the foregoing, and including any other geologic or related work which includes or embraces any services, activities, or work, public or private, which may be adversely or otherwise affected or influenced by geological processes, including but not limited to, utilities, construction projects, communication systems, transportation systems, or any other anthropogenic features or impacts, insofar as it involves protecting and safeguarding the public's health, safety, and welfare and the environment, and including such other professional services as may be necessary in the planning, progression and completion of any such geologic services.

Furthermore, these geologic services also include those not specifically defined herein which include, but are not limited to, the commonly recognized geologic practices of archaeogeology, coastal geology, construction geology, economic geology, engineering geology, environmental geology, geomorphology, historical geology, hydrogeology, geochemistry, geophysics, marine geology, medical geology, mineralogy, mining geology, paleontology, petroleum geology, petrography, petrology, physical geology, physiography, sedimentology, structural geology, stratigraphic geology, urban geology; volcanology, etc., and to further stimulate the orderly

development, and encourage the effective management and utilization of the [jurisdiction's] rock, mineral, fossil-fuel, and water resources, while protecting the public and the environment.

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

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

Furthermore, the public practice of geology shall include:

- a) The preparation of geologic reports, documents, or exhibits by, or for, any commission, board, department, district, or division of the [jurisdiction] or any political subdivision thereof or of any county/parish, city, or other public body, or by the employees or staff members of the commission, board, department, district, or division of the [jurisdiction] or any political subdivision thereof or of any county/parish, city, or other public body when the reports, documents, or exhibits are disseminated or made available to or impact the public; and,
- b) The performance of geologic services by any individual, person, firm, partnership, corporation, or other association or by the employees or staff members thereof, whether or not the principal business of the organization is the practice of geology, in which the geologic reports, documents, or exhibits constituting the practice of geology are disseminated or made available to the public or any individual or organization in such a manner that the public or individual or combination of individuals may reasonably be expected to rely thereon or be affected thereby; and
- c) Any geologic report or geologic portion of a report required by or supporting compliance with municipal, county/parish, state, [jurisdiction], or federal laws, ordinances or regulations, which incorporates, or is based on, a geologic study or on geologic data, shall be prepared by or under the supervision of a licensed professional geologist as evidenced by the geologist's signature and seal as provided in Section 30.

However, geologic reports, documents, or exhibits that are prepared by the employees or staff members of any individual, firm, partnership, corporation, or other association or commission, board, department, district, or division of the [jurisdiction] or any political subdivision thereof or any county/parish, city, or other public body that are for use solely within such organizations

are considered in-house reports, documents, or exhibits and are not the practice of geology for others unless, or until the reports are disseminated, or made available to or impacts the public, as set forth in (1) or (2) of this subsection.

18. "Public contracts" means any public contracts issued within this jurisdiction, its political subdivisions; and all public boards, districts, commissions, or authorities shall contract for geologic services only with persons licensed under this Act or with business entities employing geologists licensed under this Act, who shall be in responsible charge of the geologic work.
19. "Responsible charge" means the independent control and direction, by use of initiative, skill and independent judgment, of geologic or related work or the supervision of that work.
20. "Rules of the Board" shall include a Code of Ethics/Professional Conduct and other rules promulgated by the Board as authorized and required by this Act.
21. "Seal" or "Stamp" shall mean the symbol, image (including embossed, rubber stamp or electronic facsimile) of the information that may be required pursuant to the Rules to be adopted by the Board so created herein.
22. "Signature" shall mean the signature of the licensee and is required in conjunction with his stamp or embosser as specified in accordance with the Rules to be adopted by the Board so created herein.
23. "Specialty" means any branch or discipline of geology that may be recognized under this Act, or regulations promulgated by the Board for certifying specialization in a specific geologic field of study or related scientific field of study, or both.
24. "Subordinate" means any individual who assists in the public practice of geology by a licensed professional geologist without assuming or by any other means implying responsible charge of the work.
25. "Welfare" (public's) shall mean both the physical welfare of the public and its financial welfare including any property owned individually or collectively and any taxpayer, funds used in conjunction with, any or all of the functions, of this jurisdiction or any board, commission, municipality, county/parish, and/or any other political subdivision thereof that include activities contained within the definition of the public practice of geology.

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

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

SECTION 6. Composition of the Board; and Appointments

The Board shall consist of ___ licensed professional geologists, and ___ public member(s) [optional] appointed by the Governor [or appropriate jurisdictional authority] from nominees recommended by the committee created in subsection (3) of this section, but geologists initially appointed to the Board shall be qualified for licensure under this Act and shall be licensed within the first year of their term. The majority of the Board shall be comprised of geologists. The Governor [or appropriate jurisdictional authority] shall require adequate disclosure of potential conflicts of interest by appointees to the Board. The Board shall, to the extent practicable, consist of one (1) member appointed from the governmental sector, one (1) member appointed from academia, one (1) member appointed from the geotechnical-

environmental industrial sector, one (1) member appointed from the mining-mineral extraction industrial sector, one (1) member appointed at large, and ___ public member. The initial term of the members shall be as follows: Two (2) members shall be appointed for terms of ___ years, two (2) members shall be appointed for terms of ___ years, and two (2) members shall be appointed for a term of ___ years. Following appointment of the initial Board, all terms shall be for ___ years. The term of members shall begin and end on the first day of the [jurisdiction's] fiscal year of the appropriate year regardless of the date of appointment. Upon expiration of a member's term, the Governor [or appropriate jurisdictional authority] may appoint a new member or may reappoint the existing member to one (1) additional term. No member of the Board shall serve more than two consecutive terms. Members may be reappointed to succeed themselves. Members shall hold office until their successors have been appointed and qualified. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment in the same manner as the original appointments. Before assuming the duties of office, each member of the Board shall take the oath prescribed [in appropriate jurisdictional authority's law] which shall be filed with the secretary of [jurisdiction] affirming the faithful discharge of his duties. Each member shall receive a certificate of appointment from the Governor [or appropriate jurisdictional authority]. Original appointments to the Board shall be made before [*specify date here*].

SECTION 7. Qualifications of Board Members; and Nominating Committee

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

- (a) be a citizen of the United States, a resident of this state [jurisdiction] for at least five (5) years immediately preceding that person's appointment, and at least thirty (30) years of age;
- (b) have been engaged in the lawful practice of geology for at least ten (10) years;
- (c) be a licensed professional geologist in this [jurisdiction].

2. Public member(s)

A public member of the Board shall:

- (a) be a citizen of the United States and a resident of this [jurisdiction] for at least five (5) years;
- (b) not be a member of the geologic or related professions nor shall any family members or business connections be involved with the foregoing areas of professional practice.

3. Nominating Committee

Except as provided in paragraph 4. of this subsection, the Board annually shall appoint a nominating committee. No Board member shall participate on the nominating committee during the year in which that member's term expires. The nominating committee shall compile a list of the nominees consisting of three (3) qualified persons per the sector in which there will be a vacancy and submit that list to the licensed professional geologists contained in the current registry. Each licensed professional geologist shall have one (1) vote per sector and shall submit that vote in writing within fifteen (15) days following the mailing of the list of nominees. The Board's Executive Director (or Board's President if an Executive Director is not employed) shall calculate the results and send to the Governor [or appropriate jurisdictional authority] the three (3) nominees from the sector in which the vacancy will occur, ranked by

the number of votes each received, from most to least. The Governor [jurisdictional authority] shall then select the person he desires from that ranked list of nominees.

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

SECTION 8. Compensation of Board Members

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

SECTION 9. Removal or Suspension of Board Members

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

1. A member is no longer qualified for appointment to the Board;
2. Misconduct, incompetence, neglect of official duties, malfeasance or inability to perform official duties due to incapacitation;
3. Commission of a felony or violation of this Act resulting in disciplinary action; or,
4. Unexcused failure to attend at least one-half ($\frac{1}{2}$) or two (2), whichever is the lesser, of the regularly scheduled meetings held in a calendar year.

SECTION 10. Board Vacancies

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

SECTION 11. Board Rules

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

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

1. The Board shall meet within sixty (60) days after appointment of its initial members. The Board shall hold at least two (2) regular meetings each year. Special meetings may be held at any time as provided in the rules and regulations of the Board and in accordance with and in

agreement with [jurisdictional] law, rule, or regulation. The Board shall provide proper notice of its meetings pursuant to the [jurisdiction's] laws, rules, and regulations.

2. The Board shall elect or appoint annually from its membership a President and Vice President. The President or Vice President shall not hold that office for more than two (2) consecutive annual terms.
3. A majority of the Board shall constitute a quorum but must consist of no less than ___member(s).
4. The Board shall keep minutes of each meeting of the Board, recording the members present and the business transacted, which shall be signed by the designated Recording Secretary, which may be a Board member or the Executive Director, and the Board President.
5. The Board shall adopt additional guidelines on meeting procedures that are consistent with Robert's Rules of Order, including those concerning the official record of the Board, its minutes.

SECTION 13. Accountability and Liability

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

SECTION 14. Open Meeting and Administrative Procedures Laws

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

SECTION 15. Licensed Professional Geologist Fund

1. There is created in the jurisdiction's treasury a fund to be designated as the "Licensed Professional Geologist Fund," to be administered by the Executive Director (depending on circumstances every instance of Executive Director may be replaced with Board Administrator), or Board President if an Executive Director is not employed.
2. Monies in the fund shall be utilized to pay reasonable direct and indirect costs associated with the administration and enforcement of this Act.
3. Expenditures from the fund may be made upon requisition by the Executive Director [or President if an Executive Director is not employed] of the Board.
4. The fund shall be treated as a special trust fund. Interest earned on the principal shall be credited to the fund by the jurisdiction's treasurer.
5. The fund may receive monies from any available public or private source, including, but not limited to, collection of fees, interest, grants, taxes, public and private donations, judicial actions, appropriated funds, and the [jurisdiction's] general fund.

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

SECTION 16. Maintenance of Records by the Board

1. The Board shall keep the minutes of the Board, including all orders, rules and regulations adopted, in a record book or books maintained for that purpose. The book or books shall be a public record and open to inspection by the public during all reasonable hours. All minutes of Board meetings and hearings, and all rules, regulations and orders made by the Board shall be in writing. The Board shall compile and publish as necessary the rules and regulations promulgated by the Board in a current consolidated version. The Board shall provide the consolidated compilation of the rules and regulations to the public for a cost sufficient to cover printing, postage and administrative expenses, including the cost of any contractual services necessary to compile and publish those rules and regulations; or such foregoing information may be provided electronically in routinely updated fashion on the Board's web site.
2. The Board shall also keep a register of all applications for licensure or enrollment, which shall show:
 - (a) The name, residence and date of birth of the applicant;
 - (b) The date of the application;
 - (c) The name, address and telephone number of the applicant's employer;
 - (d) The applicant's educational and other qualifications;
 - (e) The name of any other state or jurisdiction in which, or any other organization by which, the applicant is registered, licensed or certified, and, date of that action (where available);
 - (f) The date of any action taken by the Board regarding the applicant; and
 - (g) Other information deemed necessary by the Board.
3. The Board shall maintain a registry showing the name and place of business or residence of all licensed professional geologists and geologists-in-training. The Board shall, upon request and if permitted by jurisdiction privacy laws, provide copies of the registry to state [jurisdiction] and local governmental entities, and have these registries available on the Board's web site if one is created. The Board shall provide copies of the registry to any other person upon written request if permitted by jurisdiction privacy laws, for a cost sufficient to cover printing, postage and administrative and other expenses.
4. The Board shall also maintain a list of each state, territory or possession of the United States, or foreign country in which the requirements and qualifications for licensure are comparable to those established in this state and with which a reciprocity agreement or other form of mutual recognition exists.
5. The records kept by the Board shall be *prima facie* evidence of the proceedings of the Board and a transcript, certified by the President and Vice President, shall be admissible in evidence with the same force and effect as if the original were produced.

SECTION 17. Records Open to Public

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

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

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

1. To adopt, modify, repeal and promulgate, after due notice and hearing and in accordance with the jurisdiction's administrative procedures, law or similar statute, rules, regulations, and other related instruments, and where not otherwise prohibited by federal or other jurisdictional law, to make exceptions to and grant exemptions and variances from, and to enforce rules and regulations implementing the powers and duties of, the Board under this Act; including rules governing the conduct of its business and meetings;
2. To adopt an official seal and alter that seal at the pleasure of the Board;
3. To apply for, receive, and expend, any federal or state [jurisdiction] funds or contributions, gifts, devises, bequests, or funds from any other source;
4. To enter into, and to authorize the Executive Director to execute contracts, grants and cooperative agreements with any federal or state agency, any public or private institution, or any other person to carry out this Act. The Board shall not provide any funds or otherwise contribute to special interest groups to lobby or otherwise promote the group's special interests;
5. To employ, at its discretion, an Executive Director and other qualified technical, professional and clerical personnel, including investigators and expert witnesses, as may be required for the operation of the Board;
6. To establish, charge, collect and revise reasonable and necessary fees to be charged to applicants, licensees, and enrollees to support the administration and enforcement of this Act and shall further be subject to Section 27 of this Act;
7. To identify geoscience specialties, if desired, and to establish qualifications, conduct examinations and issue certificates in those specialties to qualified applicants and to recognize and authorize the use of certain geologic designations as the Board sees fit;
8. To purchase and/or prepare, administer and grade oral and/or written examinations authorized under this Act. In connection therewith, the Board shall have the authority to adopt or recognize, in part or in whole, examinations prepared, administered or graded by other

organizations, on a regional or national basis, that the Board determines are appropriate to measure the qualifications and competency of an applicant for licensure as a geologist or in any specialty of geology, provided that the examination(s) questions and correct answers, and any individual applicant's completed examination, are available to the Board;

9. To issue, reissue, renew, suspend, revoke or deny the issuance, reissuance or renewal of certificates of licensure or certificates of enrollment as geologist-in-training. As a condition of reissuance or renewal, the Board shall have the authority to require, in general or in individual cases, evidence of continued competence in the practice of geology through means such as, but not limited to, the review of qualifications and experience, requirements for continuing professional education, or by re-examination on a periodic or other basis;
10. To authorize the preparation and conduct of continuing education programs with (voluntary or mandatory) participation as a condition of licensure, renewal or re-licensure;
11. To promulgate, adopt and issue, amend and authorize the enforcement of all bylaws and rules of procedure consistent with this Act and the laws of this jurisdiction, including but not limited to, additional standards of professional conduct and ethics for professional geologists not specifically contained in this Act which shall be binding upon all licensees, enrollees, and non-licensed persons found to be in violation of the provisions as set forth in this Act. Violation of these aforementioned bylaws, rules of procedure, standards of professional conduct and ethics shall be enforced as required and allowed by the Board under this Act;
12. To investigate all complaints of violations of this Act, any rule, regulation or written order of the Board, any condition of licensure, or standard of professional conduct by licensees or non-licensees, as provided in this Act and to impose sanctions and penalties for violations, including, but not limited to, restrictions on the practice of any licensee or any other person engaged in the public practice of geology. The Board shall also have the authority to cite and fine persons engaged in the unlawful practice of geology by those who are not licensed in the [jurisdiction] as may be provided for by law. Furthermore, the Board shall have the authority and power to subpoena witnesses and require their attendance at or during investigative hearings, require the submission of books, papers, notes, documents, or other pertinent information in any disciplinary matter, or in a case wherever a violation of this Act is alleged. Upon the failure or refusal to comply with any such order or upon failure to honor a Board's subpoena, as provided, the Board may submit to a court of [specify area of jurisdiction - generally the jurisdictional court geographically nearest the physical location of the Board's office] in the established manner as provided for in cases of civil procedure, without bond, to enforce compliance with the provisions of this Act, and to enforce compliance with the Board's authorities, including injunctive relief. In the course of these proceedings it shall not be necessary to substantiate or prove that substantive or irreparable damage would result from continuing violation of this Act or that an adequate remedy exists in law;
13. To administer oaths and affirmations, and to issue subpoenas to compel the attendance of witnesses and the production of evidence;
14. To begin and maintain legal actions to enforce this Act and to seek injunctions;
15. To delegate powers, duties or responsibilities to the Executive Director as deemed necessary to efficiently administer this Act;

16. To discharge other powers, duties and responsibilities provided under this Act or as necessary to implement this Act;
17. The Board shall have the authority to waive specific requirements of this law pertaining to geologic licensure, provided that consideration is given to the protection of the public's health, safety, and welfare and the environment;
18. The Board shall have the authority to enter into agreements with other boards of licensure or registration in other jurisdictions, and with other appropriate governmental agencies, for the purposes of developing uniform standards for licensure or registration of geologists; accrediting educational programs; establishing reciprocity, comity, or mutual recognition of licensure or registration; developing regional or national examinations; evaluating applicants; or for other purposes consistent with this Act;
19. The Board shall have the authority to develop uniform standards of equivalency with other boards of licensure or registration in other jurisdictions, and with other appropriate governmental agencies, for the purposes of temporary licensure within the Board's jurisdiction;
20. The Board shall have the authority to appoint committees; employ personnel; engage contractors and consultants; lease or purchase furnishings, equipment and supplies; lease or purchase office space, and incur other similar expenses in connection with its operations and the administration of this Act, within the funds available to it and the limitations set forth herein and in this jurisdiction's administrative procedures act or other applicable jurisdiction's laws;
21. The Board shall have all other powers and authorities consistent with this Act, not enumerated herein, as are necessary for the administration and enforcement of this Act.

SECTION 19. Legal and Investigative Assistance

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

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

1. If the Board employs an Executive Director, the Executive Director shall have the following powers, duties, and responsibilities:
 - (a) To administer the policies of the Board within the authority granted by the Board;
 - (b) To supervise and direct all administrative, technical and investigative activities of the Board;
 - (c) To organize the administrative units of the Board in accordance with a plan adopted by the Board and to alter that organizational plan and reassign responsibilities with approval of the Board as deemed necessary to carry out the policies of the Board;
 - (d) To recommend to the Board appropriate studies and investigations and to carry out the approved recommendations;

- (e) To issue, modify or revoke any orders under authority granted by the Board;
 - (f) To enter into contracts, grants and cooperative agreements as approved by the Board with any federal or state [jurisdiction] agency, any public or private institution or any other person to carry out this Act;
 - (g) To receive, administer and account for any funds received by the Board;
 - (h) To prepare and deliver to the Legislature and the Governor [or appropriate jurisdictional authority] on or before January 2 of each year, and at any other times as may be required by the Board, Legislature or Governor [or appropriate jurisdictional authority], a full report of the work of the Board, including a detailed statement of revenues and expenditures of the Board and any recommendations the Board may have; and,
 - (i) To discharge other powers, duties and responsibilities as directed or delegated by the Board.
2. The Executive Director shall give a surety bond satisfactory to the Board, conditioned upon the faithful performance of the Executive Director's duties. The premium on the bond shall be regarded as a proper and necessary expense of the Board;
 3. The Executive Director's salary range shall be determined by the jurisdiction's human resources agency if it is so charged with this function. The Board shall be responsible in hiring and setting the Director's initial remuneration, less fringe, and shall annually conduct a review of the salary based on its appropriateness and the job performance of the Director. The Director shall serve at the pleasure of the Board and that position may be terminated by either party provided that proper notice is filed giving a minimum of two (2) weeks' notice. This two (2) week notice shall be superseded pursuant to the guidelines that may be in place and contained in a written employment policy in effect by the following: the jurisdiction; or its appropriate human resources agency; or by an employment policy adopted by the Board;
 4. If the Board does not employ an Executive Director, the President of the Board shall have the powers and duties provided in subsection (1) of this section and shall be subject to a surety bond satisfactory to the Board, conditioned upon the faithful performance of the prescribed duties. The premium on the bond shall be regarded as a proper and necessary expense of the Board; and any remuneration for the President serving in the capacity of Executive Director shall be at the discretion of the Board.

~~SECTION 21. Qualifications of Licensed Professional Geologists~~

- ~~1. The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for licensure as a licensed professional geologist:~~
 - ~~a. Graduation from a course of study in geology satisfactory to the Board from an accredited college or university, or from a program accredited by an organization recognized by the Board, of four (4) or more years and which includes at least thirty (30) semester or forty-five (45) quarter hours of credit in geologic course work suitable to the Board, with a major in geology or a geoscience specialty;~~
 - ~~b. Demonstration through a specific record of a minimum of four (4) years of qualifying experience, after completion of the academic requirements, in geology or a geoscience specialty indicating that the applicant may be competent to publicly practice geology or a specialty. The Board may require the experience be gained under the supervision of a geologist licensed in this or any other state or jurisdiction with at least as stringent~~

- ~~geologic licensure or registration requirements, or under the supervision of others who, in the opinion of the Board, are qualified to have responsible charge of geologic work;~~
- ~~c. Successful passage of both a national examination on the fundamentals of geology and a national examination on the practice of geology, and any other jurisdictional examinations as determined and prescribed by the Board;~~
 - ~~d. Minimum of three (3) letters of reference from geologists having personal knowledge of the applicant's geologic experience; and,~~
 - ~~e. Other requirements as may be established in rules and regulations by the Board including that said applicant possesses a degree in geology as specified in this section prior to being allowed to sit for any examination.~~
- ~~2. The Board may give credit for a master's degree in the geological sciences or in a specialty as one (1) year of professional experience and an earned doctorate degree in the geological sciences or in a specialty as two (2) years of professional experience. The Board shall not give more than two (2) years of professional experience credit for the completion of all graduate degrees.~~
- ~~3. The Board may give credit for geological research at an accredited college or university as qualifying experience, if the research, in the opinion of the Board, is comparable to experience obtained in the practice of geology or a specialty.~~
- ~~4. The Board may adopt qualifications which, in its judgment, are equivalent to the educational and experience requirements in subsection (1)(a) of this section.~~
- ~~5. No person shall be eligible for licensure as a professional geologist who is not of good character and reputation.~~

SECTION 22. Qualifications of Geologists-in-Training

- ~~1. The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for enrollment as a geologist-in-training:~~
- ~~a. Graduation from a course of study in geology satisfactory to the Board from an accredited college or university, or from a program accredited by an organization recognized by the Board, of four (4) or more years and which includes at least thirty (30) semester hours or forty five (45) quarter hours of credit in geological course work suitable to the Board, with a major in geology or a geological specialty;~~
 - ~~b. Successful passage of a national examination on the fundamentals of geology and any other jurisdictional examinations in geology as determined and prescribed by the Board; and,~~
 - ~~c. Other requirements as may be established in rules and regulations by the Board including that said applicant for enrollment possesses a degree in geology as specified in this section prior to being allowed to sit for any examination.~~

SECTION 21. Qualifications of Licensed Professional Geologists

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

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

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

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

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

and,

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

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

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

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

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

SECTION 22. Qualifications of Geologists-in-Training

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

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

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

and,

(c) Other requirements as may be established in rules and regulations by the Board including that said applicant for enrollment possesses a degree in geology as specified in this section prior to being allowed to sit for the fundamentals of geology examination unless the examinee is sitting for said examination as an Assessment exam.

Required Course Work Pursuant to Sections 21 and 22:

Required Course Work –

(A) Basic Geologic Concepts: Of the 30 semester hours or 45 quarter hours required by this section, an applicant must successfully complete geological science courses in each of the following subject areas:

(1) “Earth Materials”, “Rocks and Minerals”, “Mineralogy”, or similarly termed course work must include a minimum of 4 semester hours or 6 quarter hours of instruction in the identification, classification, and chemistry of minerals and rocks; their formation; the interpretation of their origins; as well as their uses and importance.

(2) “Structural Geology” must include a minimum of 4 semester hours or 6 quarter hours of instruction in the description and analysis of structural features of rocks to reconstruct the motions and processes involved in the build up and deformation of the Earth’s crust from small to large scales. It must also include the interpretation of brittle and ductile strain, the fundamentals of plate tectonics, and the analysis of local

and regional geologic structure.

(3) “Stratigraphy and Sedimentation” must include a minimum of 4 semester hours or 6 quarter hours of instruction in the identification and interpretation of sedimentary rocks, sedimentary processes and structures, application of stratigraphic and dating methods, identifying the impact of climate and geologic processes on depositional patterns, and facies analysis.

(4) “Field Camp/Field Geology” must include a minimum of 6 semester hours or 8 quarter hours of field training designed to demonstrate a progression of field investigation skills culminating in a final project or integrative field experience that is based on the knowledge and skills acquired in earlier geological science courses. This must include instruction in the geological techniques or methods needed to measure, map, evaluate and communicate geologic data; and the ability to plan and conduct geological investigations based upon existing sources of geologic information. This shall include preparing and interpreting geologic maps, cross-sections, stratigraphic columns, and written reports. The field training may be obtained in one or more separate upper division (300 or higher) field courses, but must not be introductory in nature or be part of laboratory exercises for other geological science courses. At the discretion of the Board, academic instruction in field methods such as geophysical techniques, logging trenches or borings, designing wells, and other common professional geologic tasks may serve as a component of the upper division field requirement described in this section so long as it is part of an established field techniques course taught within a college or university geology or related geological sciences program.

(B) Additionally, of the 30 semester hours or 45 quarter hours required by this section, an applicant must successfully complete 3 semester units or 4.5 quarter units each from at least 2 of the following subject areas.

(1) “Geomorphology” or “Surficial Processes” must include instruction in the classification, origin, and analysis of landforms and watershed elements as well as the surface and tectonic processes that relate landforms to the underlying geologic materials. This must include methods of geomorphic analysis and interpretation of different types of mapped data, including topographic, geologic, and remotely sensed data.

(2) “Engineering Geology” must include instruction in that branch of geology that deals with the geological factors regarding the location, design, construction, operation and maintenance of engineering works and that those geologic factors are recognized and accounted for. Engineering Geology more specifically includes geological hazard assessments, geotechnical, material properties, landslide and slope stability, erosion, flooding, dewatering, and seismic investigations, etc.

(3) “Hydrogeology” or “Geohydrology” must include instruction in that branch of geology that deals with the distribution and movement of groundwater in the soil and rocks of the Earth's crust, i.e. aquifers).

(4) “Paleontology” must include instruction necessary to recognize common fossils.

and fossil types, the geologic settings that would indicate the potential for paleontological resources, and the evolutionary history of fossil groups of traditional importance to geologists. Other topics may include basic modes of preservation, skeletal anatomy, systematics and taxonomy, biostratigraphy, paleoecology, and paleobiogeography.

(5) "Resources Geology" or subset, similar course work that may be termed "Coal Geology", "Petroleum Geology" or similar resource specialization and should include the instruction needed to identify the origin, occurrence, and distribution of non-renewable resources, including metallic, nonmetallic, and energy-producing materials; problems related to resource extraction; estimations and limitations of reserves; and reclaiming sites after extraction of resources.

(6) "Environmental Geology" must include an introduction to concepts involved in environmental site assessment and remediation, environmental geochemistry, and the mitigation of potentially negative effects of human activities such as exploration for mineral and energy resources, or solid and hazardous waste disposal on geologic systems, as well as the protection of water resources, land and watershed restoration.

(7) "Geophysics" must include instruction in that branch of geology concerned with the physical processes and physical properties of the Earth and its vicinity utilizing the use of quantitative methods for their analysis. Examples of these quantitative Include electromagnetic, gravity, ground penetrating radar (GPR), magnetic, resistivity (and/or induced polarization, seismic refraction and/or seismic reflection, and other related methods.

(8) Applied geoscience topics taught by a college or university department other than a geology or related geological sciences department refers to instruction in subject areas reasonably and rationally applicable to the professional practice of geology. These courses offerings are limited to the topics of geological engineering, geotechnical engineering, mining engineering, petroleum engineering, soil science, engineering soil mechanics, or hydrology. A maximum of 6 semester hours or 9.0 quarter hours taught in a college or university department other than a geology or related geological sciences department would be accepted at the discretion of the Board.

SECTION 23. Temporary Licenses/Permits

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

SECTION 24. Exceptions Allowable for Licensure

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

SECTION 25. Form of Application

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

SECTION 26. Issuance of Certificates; Denial of Certificates; Lost or Destroyed Certificates

1. The Board shall issue a certificate of licensure as a professional geologist, or certificate of enrollment as a geologist-in-training, upon payment of the applicable license fee, to any applicant who, in the opinion of the Board, has satisfactorily met all the requirements of this Act. In the case of a licensed professional geologist, the certificate of licensure shall authorize the "public practice of geology." In the case of a geologist-in-training, the certificate shall state that the applicant has successfully passed the examination(s) required by the Board and has been enrolled as a "geologist-in-training" which shall be valid for a period of ten (10) years, provided the required enrollment fees are maintained during that time frame or until licensure as a professional geologist, whichever comes first.
2. Certificates shall show the full name, have a serial number, and be signed by the President and the Vice President of the Board under seal of the Board.
3. If the Board denies the issuance of a certificate of licensure or a certificate of enrollment, the Board shall notify the applicant in writing within thirty (30) calendar days following the Board's decision and shall state the reasons for the denial. Within thirty (30) calendar days following receipt of the notice, the applicant may make written request for a hearing, which, if granted, shall be conducted as provided in this Act. If no hearing is requested within the thirty (30) calendar days following receipt of the notice, the Board's action shall be final.
4. The issuance of a certificate of licensure by the Board shall be *prima facie* evidence that the person named on the certificate is entitled to all the rights and privileges of a licensed professional geologist and to practice geology as a firm or corporation, while the certificate remains unrevoked or unexpired.

5. Each licensed professional geologist shall be provided with a seal of a design established by the Board, bearing the person's name, license number and the caption, "Licensed Professional Geologist." The cost of providing the seal shall be borne by the licensed professional geologist and shall be purchased from the Board. Geologic reports, documents or other public records offered to, or filed for, the public and prepared or issued by a licensed professional geologist, or by a subordinate under the supervision of a licensed professional geologist, shall be stamped or embossed with the seal, signed and dated by the licensed professional geologist.
6. The Board shall establish requirements and conditions for the reissuance of certificates of licensure and certificates of enrollment which have lapsed, expired, or have been suspended or revoked.
7. The Board shall issue a new certificate to replace any certificate of licensure or certificate of enrollment which has been lost, destroyed, or mutilated. The holder of the certificate shall bear the cost of issuing a new certificate.

SECTION 27. Fees

1. The Board shall establish, by Board action, application fees which shall not exceed _____ Dollars (\$XXX.XX) for application for licensure as a Licensed Professional Geologist and _____ Dollars (\$XXX.XX) for application for enrollment as a Geologist-in-Training.
2. In addition to the application fee required under subsection (1) of this section, an applicant shall pay an examination fee before taking the applicable examination. The Board shall set a reasonable examination fee for each examination administered by the Board to defer the actual cost, maintenance, and administration of the examination.
3. The Board shall establish, by rule or by Board action, both licensure fees and renewal schedules. License fees shall not exceed _____ Dollars (\$XXX.00) on an annualized basis for licensure as a Licensed Professional Geologist and _____ Dollars (\$XXX.00) on an annualized basis for enrollment as a Geologist-in-Training.
4. The Board shall establish, by Board action, fees for the renewal and reissuance of a certificate of licensure or certificate of enrollment. The period of renewal of a license or a certificate of enrollment shall be set by the Board. Other fees will be set administratively.

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

1. The Board may sign agreements with governmental boards of licensure, registration, or certification of other states, jurisdictions, and with other appropriate governmental agencies, for the purposes of:
 - (a) Developing uniform standards for licensure of professional geologists or enrollment of geologists-in-training;
 - (b) Accrediting educational programs;
 - (c) Establishing reciprocity, comity, mutual recognition, or temporary licensure;
 - (d) Developing regional or national examinations;
 - (e) Evaluating applicants; or,

- (f) Other purposes consistent with this Act.
2. Any person holding a valid certificate of registration, licensure or certification for the public practice of geology or a recognized specialty within the geosciences, issued under the laws of any state, jurisdiction, territory, or possession of the United States, or any foreign country or governmental jurisdiction thereof, may be eligible for licensure provided it is consistent with paragraph 1(c) above, without examination as follows:
 - (a) The Board has received a complete application along with the required fees; and,
 - (b) Proof of registration, licensure, or certification under requirements which the Board has determined to be substantially similar to those established under this Act; and,
 - (c) The applicant is in good standing with that jurisdictional authority and has no pending complaints or ongoing investigations related to the public practice of geology.

SECTION 29. Use of the Designation "Certified Professional Geologist"

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

1. The full name or recognized abbreviation of the organization granting the certification is stated following, or in conjunction with, the use of the designation or abbreviation; and,
2. The designation or abbreviation is not used in a manner that may mislead the public or create any impression that a person is licensed to publicly practice geology unless that person is also licensed under this Act.

SECTION 30. Use of Seal and Signature

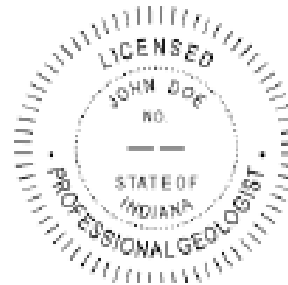
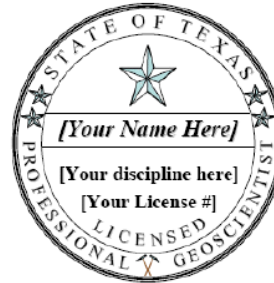
Geologic reports, documents, interpretations, chain-of-custody records, manifests, permits, affidavits, maps, plans, logs, cross sections or other records offered to the public and prepared or issued by or under the supervision of a licensed professional geologist, or by a subordinate under the supervision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

30.1 The Geologist Seal

30.1.1 A registrant shall obtain, at the registrant's own expense, a seal in the design authorized by the Board.

30.1.2 The following is an (/ are) example(s) of a seal(s) that are approved by the Board. Deviations from the approved design(s) are not allowed:

Design C



30.1.3 The seal authorized by the Board shall not be less than one and one-half (1 ½) inches in diameter. The seal may be a rubber stamp, an embossed seal, or an electronic seal. An electronic seal and signature may be used in lieu of a stamped or embossed impression of the seal and original signature only for documents that are transmitted electronically.

30.2 The Use of the Geologist Seal

30.2.1 The purpose of the seal is to assist in identification of the professional geologist responsible for the work performed under the requirements of the Act.

30.2.2 No person shall seal any plans, reports, specifications, plats or similar technical submissions with the seal of a licensed geologist or in any manner use the title “geologist,” unless such person is duly licensed in compliance with this Act.

30.2.3 The seal used by a professional geologist shall be legible, whether an embossing, computer generated, or other type of seal. In the absence of legibility, the seal is invalid.

30.2.4 The responsible professional geologist shall identify all work that they have prepared, as well as all work that has been prepared under their direct supervision, by applying their seal to the cover page of geologic reports or other geologic documents

bound in book form as well as on each and every original sheet of unbound geologic drawings, cross sections, or maps whenever these documents are presented to a client or any public or governmental agency.

30.2.5 After the fact ratification by the sealing of documents, when the underlying work was not performed by or under the direct supervision of a professional geologist is prohibited.

30.2.6 Preliminary documents shall identify the purpose of the document, the professional geologist of record with their license number and the release date by placing the following text or similar wording instead of a seal: "This document is released for the purpose of (purpose of document) under the authority of (professional geologist and license number) on (date)."

30.2.7 When sealing plans or documents on which two or more professional geologists have worked, the seal of each professional geologist shall be placed on the plan or document with a notation describing the work done under each professional geologist's direct supervision.

30.2.8 No seal shall be valid unless signed across the face of the seal with the professional geologist's name and the date on which the material was signed.

30.2.9 Professional geologists are responsible for providing adequate security over their seal and signature wherever it appears, regardless of whether the seal and signature is produced electronically or by other means.

30.3 Use of Seal on Supervised Work

30.3.1 In order to exercise full professional knowledge of and control over work, a professional geologist intending to affix their seal on geologic documents must:

30.3.2 Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through a continuous process of examination, evaluation, communication, and direction throughout the development of the work;

30.3.3 be personally aware of the project's scope, needs, parameters, limitation, and special requirements;

30.3.4 Be capable of answering questions relevant to the geological decisions made as part of the services provided, in sufficient detail to demonstrate reasonable knowledge of and proficiency in the work; and

30.3.5 Be reasonably satisfied with the product of the services rendered and accept full responsibility of the work.

30.3.6 The Board has final authority regarding the determination of whether technical documents were actually prepared under the direct supervision of the professional geologist.

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

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

1. Practicing, offering to practice, geology; attempting to practice geology, incidental or otherwise, or holding oneself out as being licensed or qualified to publicly practice geology, by an individual who is not licensed under this Act; or by any other person not employing a licensed professional geologist as required by this Act, unless licensed as a professional geologist or otherwise expressly exempted by this Act;
2. Using any of the following terms or any variations or abbreviations, combinations thereof as a business, commercial, or professional identification, name, title, claim, or other representation: "professional geologist", "licensed geologist", "licensed professional geologist", "registered geologist", "registered professional geologist"; or use, employ, state, or otherwise imply in any manner or use any abbreviation, letter, representation, motto, placard, symbol, or sign in combinations or variants thereof which portrays or implies to the public that any person is qualified or authorized to publicly practice geology, or claiming any specialty in geology, as a professional, business or commercial identification, title, name, representation, claim or otherwise holding out to the public, as being licensed or qualified by any manner to practice geology or any of its specialties unless licensed under this Act except those activities specifically exempted pursuant to Section 37 of this Act. The term "geologist" or, derivatives thereof, shall not be used in any manner or fashion that portrays or implies to the public that said person is qualified or authorized to publicly practice geology unless that person is licensed under this Act. Furthermore, the use of the term "geologist", either verbal or in written format, shall not be construed by the public to mean that person possesses a valid degree in geology granted by an accredited institution of higher learning;
3. Altering or revising any document, map or work signed and/or sealed by a licensed professional geologist unless that alteration or revision is also signed and sealed by a licensed professional geologist; changing or altering the name or seal of another licensed professional geologist on any document, map or work; or otherwise impersonating another licensed professional geologist, or presenting or attempting to use the certificate of licensure or the seal of another licensed professional geologist;
4. Fraud, deceit or misrepresentation in obtaining a certificate of licensure as a licensed professional geologist, or certificate of enrollment as a geologist-in-training, including, but not limited to, knowingly giving any false, misleading, or forged evidence of any kind to the Board or to any Board member in obtaining a certificate of licensure or certificate of enrollment;
5. Using the seal or signing any document under a certificate of licensure which has expired or has been suspended or revoked;
6. Managing, or conducting as manager, proprietor, or agent, any place of business from which geologic work, not expressly exempted by this Act, is offered, performed or practiced for others, unless that work is supervised or performed by a licensed professional geologist as required by this Act;
7. Using geologic work for purposes in violation of this Act;

8. Violating this Act, or any rule, regulation or written order of the Board, or any condition or limitation of licensure;
9. Gross negligence, malpractice, incompetency, misconduct, or repeated incidents of simple negligence in, or related to, the public practice of geology;
10. Using the seal of another licensed professional geologist, or using or allowing use of one's seal on geologic work not performed by or under the supervision of the licensed professional geologist, or otherwise aiding or abetting any person in the violation of this Act;
11. Addiction to or chronic dependence on alcohol or other habit-forming drugs or being an habitual user of alcohol, narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect resulting in the impairment of professional/ethical judgement;
12. Soliciting or accepting work outside of the basis of his qualifications;
13. Submitting any materially false statements or failing to disclose any material facts requested in connection with an application for licensure, enrollment, or subpoena;
14. Engaging in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting, or providing professional services to members of the public;
15. Violating any provision of this Act regulating the public practice of geology or the Rules of the Board, nor shall he violate any applicable state or federal laws involving dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery, or breach of fiduciary duty, if the violation is reasonably related to the licensee's area of practice;
16. Participating, directly or indirectly, in any plan, scheme or arrangement attempting, or having as its purpose, the evasion of any provision of this Act regulating the public practice of geology;
17. Engaging in any illegal conduct involving moral turpitude;
18. Engaging in any conduct that discredits or tends to discredit the profession of geology;
19. Permitting or allowing himself, his professional identification, seal, firm, or business name, or his services to be used or made use of, directly or indirectly, or in any manner whatsoever, so as to make possible or create the opportunity for unauthorized public practice of geology by any person, firm, corporation, or other legal entity in this jurisdiction;
20. Performing any acts, allowing omissions, or making any assertions or representations that are fraudulent, deceitful, or misleading; or that in any manner whatsoever tending to create a misleading impression;
21. Knowingly associating with, or permitting the use of his name or firm's name in a business venture by any person or firm that he knows, or has reason to believe, is engaged in business or professional practices of a fraudulent, deceitful, or dishonest nature;
22. Injuring, or attempting to injure or damage, the professional reputation of another by any means whatsoever; provided and except, however, that this shall not relieve a licensed professional geologist from the obligation to expose unethical or illegal conduct to the proper authorities or

preclude frank and confidential appraisals of geologists or other persons or firms considered for employment;

23. Aiding and abetting, directly or indirectly, any unlicensed person in connection with the unauthorized public practice of geology; or any firm or corporation in the public practice of geology unless carried out under the provisions of this Act;
24. Placing his seal and/or signature on a document constituting a certification that the document was prepared by the licensee, unless that document was prepared by a licensed professional geologist or under his direct supervision; unless the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for the work or report prepared or done by another licensed professional geologist;
25. Any disciplinary action resulting from the violation of any law, rule or regulation of any state agency, board of registration or similar licensing agency for geologists, geoscientists or any profession or occupation related to the public practice of geology, of any jurisdiction, shall also be considered a violation of this Act if any section thereof, or rule, or regulation is applicable. Any resulting sanction imposed by the Board shall not exceed in severity or duration of the sanction upon which that action is based.

SECTION 32. Disciplinary Proceedings; Sanctions

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

1. Complaints shall be made in writing, sworn to by the person or by the Board's Executive Director if the Board is filing the complaint, and filed with the Board. The Board shall investigate all complaints and upon finding a basis for that complaint, shall notify the accused in writing specifying the provisions of this Act, rule, regulation or order of the Board or the condition or standard alleged to be violated and the facts alleged to constitute the violation. The notice shall require the accused to appear before the Board at a time and place designated by the Board to answer the charges. The time of appearance shall be at least thirty (30) days from the date of service of the notice. Notice shall be made by service on the person or by registered or certified mail, return receipt requested, to last known business or residence address of the accused, as shown on the records of the Board. Within fifteen (15) days following receipt of that notice, the accused shall file a written response, admitting, denying, or taking exception to the charges. In the absence of a response, or if the charges are admitted to, or if no exception is taken, the Board may take disciplinary action without holding a hearing. A disciplinary action may be settled by the Board and the accused, either before or after a hearing has begun;
2. A person who reports or provides information to the Board in good faith is not subject to an action for civil damages as may be provided for within this jurisdiction;
3. Any hearing under this section may be conducted by the Board itself at a regular or special meeting of the Board or by a hearing officer designated by the Board. The hearing officer may conduct the hearings in the name of the Board at any time and place as conditions and circumstances may warrant. The hearing officer or any member of the Board may administer oaths or affirmations to witnesses appearing before the hearing officer or the Board.

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

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

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

4. If a hearing officer conducts the hearing on behalf of the Board, the hearing officer shall, upon completion of the hearing, have the record of that hearing prepared. The record shall be submitted to the Board along with that hearing officer's findings of fact. Upon receipt and review of the record of the hearing and the hearing officer's findings of fact, the Board shall render its final decision as provided in subsection (6) of this section;
5. Any person ordered to appear for an alleged violation may request a hearing before a majority of the Board. A verbatim record of any previous hearings on that matter shall be filed with the Board, together with findings of fact and conclusions of law made by the Board based on the record;
6. At the conclusion of the hearing, the Board may either decide the issue at that time or take the case under advisement for further deliberation. The Board shall render its decision not more than ninety (90) days after the close of the hearing, and shall forward to the last known business or residence address of the accused, by certified or registered mail, return receipt requested, a written statement of the decision of the Board.

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

- a. Deny the renewal of a certificate of licensure or certificate of enrollment;
- b. Suspend the certificate of licensure or certificate of enrollment of any registrant for a specified period of time, not to exceed three (3) years, or revoke the certificate of licensure or certificate of enrollment of any registrant;
- c. Censure, reprimand, or issue a public or private admonishment to an applicant, a registrant or any other person engaged in the public practice of geology under this Act;
- d. Impose limitations, conditions, or restrictions upon the practice of an applicant, a registrant or upon any other person engaged in the public practice of geology;
- e. Require the guilty party to complete a course, approved by the Board, in ethics or an area of geologic practice;
- f. Impose probation upon a registrant, requiring regular reporting to the Board;

- g. Require restitution, in whole or in part, of the compensation or fees earned by a registrant or by any other person engaging in the public practice of geology; or
 - h. Assess and levy upon the guilty party a monetary penalty not to exceed **X,XXX Dollars (\$X,000.00)** for each violation;
7. Any monetary penalty assessed and levied under this section shall be paid to the Board upon the expiration of the period allowed for appeal of that penalty, or may be paid sooner if the guilty party elects. Money collected by the Board under this section shall be deposited to the credit of the Licensed Professional Geologist Fund.

When payment of a monetary penalty, assessed and levied by the Board in accordance with this section, is not paid when due, the Board may begin and maintain proceedings in its name for enforcement of payment in the appropriate court of the county/parish or jurisdictional subdivision and judicial district in which the Board is physically located;

8. The Board may assess and impose the costs of any disciplinary proceedings conducted under this section against either the accused, the charging party, or both, as it may elect;
9. The authority of the Board to assess and levy the monetary penalties under this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations, unless provided in this section;
10. If the Board determines there is an imminent danger to the public welfare, the Board may issue an order for the immediate suspension of a certificate of licensure or a certificate of enrollment. The registrant may request a hearing on the matter within fifteen (15) days after receipt of the order of suspension. The Board shall file charges as provided in this section within thirty (30) days after the issuance of an order, or the suspension shall be of no further force and effect. If charges are filed, the order of suspension shall remain in effect until disposition of all charges;
11. The Board, for sufficient cause, may reissue a revoked certificate of licensure or certificate of enrollment, upon written application to the Board by the applicant. The application shall be made not less than three (3) years after the revocation. The Board may impose reasonable conditions or limitations in connection with any reissuance.

SECTION 33. Report of Disciplinary Actions

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

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

In lieu of, or in addition to, the penalties provided in Section 32 of this Act, the Board may begin and maintain in the name of the state [or other jurisdiction] any proceedings necessary or appropriate to enforce this Act, rule or regulation or written order of the Board or any condition of licensure. The proceedings may be filed and heard in the appropriate circuit, chancery, county/parish, jurisdictional or justice court of the county/parish in which the venue may lie. The Board may obtain mandatory or prohibitory injunctive relief, either temporary or permanent, and in cases of imminent and substantial hazard or endangerment, it shall not be necessary that the state plead or prove: (i) that irreparable

damage would result if the injunction did not issue; (ii) that there is no adequate remedy at law; or (iii) that a written complaint or Board order has first been issued for the alleged violation.

SECTION 35. Appeal to Jurisdictional Court by Aggrieved Persons

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

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

SECTION 36. Penalties Related to Non-Licensees

1. Pursuant to the accepted practices of this jurisdiction and in addition to any other measures of law the Board may:
 - a. Enter an order assessing a civil penalty against any firm, corporation, partnership, or person found guilty by the Board of engaging in the public practice of geology or any of its specialties within this jurisdiction without being properly licensed pursuant to all of the terms and conditions of this Act.
 - b. Civil penalties assessed under this section shall not exceed **\$X,XXX.00** per offense and each day of continued violation may be construed as a separate offense.
 - c. The determination of the amount of the assessed civil penalty herein may be subject to the following factors:
 - i. The apparent risk, severity, and potential harm to the public as a result of the infraction;
 - ii. The financial benefits derived by the violator resulting from non-compliance with this Act; and,
 - iii. The facts or events accompanying or resulting in the violation;

2. Prior to issuing an order pursuant to this section the Board will supply written notice to and the opportunity for the person so named as violating this Act to request a hearing before the Board. The request for such a hearing must be received by the Board within thirty (30) calendar days from the issuance date of the Board's order.
3. The Board also has the authority to issue subpoenas and to otherwise compel the presence and testimony of any person who may have knowledge of the violation. Any such person may be further compelled to attend said hearing upon the advice and office of the jurisdiction's Attorney General.
4. Nothing in this section shall be construed to disallow the violator from filing an appeal with a superior court for its judicial review of the penalty assessed against the violator.
5. Any person failing to pay the civil fine as assessed within 60 days of its issuance or within 30 days of a superior court's final judgement approving the action of the Board shall allow the Board to seek the counsel of the jurisdiction's Attorney General who may initiate legal action to recover the amount levied by the Board, plus all attorney's and other related Board expenses associated with these actions.
6. An enforcement order under this section may also be combined with an order for injunctive relief provided there is clear and compelling evidence that there is imminent danger to the public's health, safety, or welfare, or the environment.

SECTION 37. Exemptions

The following activities shall not require licensure under this Act:

1. This Act shall not be construed to affect or prevent the practice of any other legally recognized profession provided that practice does not include those activities defined and enumerated in Section 4(18) of this Act or those whose practice does not affect the public's health, safety, or welfare, or the environment as defined in this Act.
2. Geologic work performed by an employee or a subordinate of a licensed professional geologist, provided that such work does not state, portray, or infer by any manner or suggestion whatsoever that the employee or subordinate is in responsible charge of the geology or geologic work, and that the work was performed under the direct supervision of a licensed professional geologist, who is responsible for that work and whose signature and seal must be conspicuously affixed thereto.
3. Any geologic work that does not affect, influence, or impact in any fashion the public's health, safety, or welfare, including the public's financial welfare or the environment, as defined in this Act.

Geologic activities that shall not be exempt, under any conditions, include the academic teaching sector at institutions of higher learning and geoscience research activities, the evaluation and/or sale of petroleum or mining properties/estates/prospects to non-industry entities and the public; the determination of potable or industrial ground-water resources; injection/disposal wells of any type; and any environmental issues that may be related to petroleum or mineral resource evaluation, assessment, exploration, or development.

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

SECTION 38. Invalid Sections

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

SECTION 39. Repeal of Conflicting Legislation

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

SECTION 40. Preference Given to Resident Licensed Professional Geologists

1. In awarding public contracts for professional geologic services, preference shall be given to resident licensed professional geologists over those nonresident professional geologists domiciled in a jurisdiction having laws that grant a preference to the professional geologists who are residents of that jurisdiction. Nonresident licensed professional geologists shall be awarded the jurisdiction's public contracts only on the same basis as the nonresident professional's jurisdiction awards contracts to this jurisdiction's licensed professional geologists under similar circumstances. When a nonresident professional geologist submits a proposal for a public project, that person shall attach a copy of the nonresident's jurisdiction's current statute, resolution, policy, procedure or executive order pertaining to that state's treatment of nonresident professional geologists. Resident licensed professional geologists, actually domiciled in this jurisdiction, be they corporate, individuals or partnerships, shall be granted preference over nonresidents in the awarding of contracts in the same manner and to the same extent as provided by the laws of the jurisdiction of domicile of the nonresident. As used in this section, the term "resident licensed professional geologist" includes a nonresident person that has been qualified to do business in this state and has maintained a permanent full-time office in this jurisdiction for not less than two (2) years prior to submitting a proposal for a public project, and the subsidiaries and affiliates of that person;
2. This section shall not apply to any contract for any project upon which federal funds would be withheld because of the preference requirements of this subsection;
3. Any contract, agreement or arrangement for professional geologic services negotiated, made or entered into, directly or indirectly, by the jurisdiction, its counties/parishes, municipalities or any political subdivision thereof, or by any special districts, which is in any way in violation of this section, is declared to be void as contrary to the public policy of this jurisdiction and shall not be given effect or enforced by any court of this jurisdiction or by any of its officers or employees;

4. Nothing in this section shall affect the validity of any contract in existence before [month, day, year of date of proposed enactment of this Act];
5. For purposes of this section, "professional geologic services" means the public practice of geology or those services performed by any licensed professional geologist in connection with professional employment or practice.

SECTION 41. Initial Appropriation

An appropriation from the General Fund in the amount of \$[_____] is hereby made to establish the Licensed Professional Geologist Fund. This amount shall be returned to the General Fund within a period of [_____] under conditions prescribed by the [Jurisdiction's Treasurer or other appropriate authority].

SECTION 42. Repealer [Inclusion of a repealer is contingent on the jurisdiction's practice]

Sections 1 through 42 of this Act, which creates the Board of Licensure for Professional Geologists and prescribes its powers and duties, shall stand repealed on **[month, day, year]**.

SECTION 43. Effective Date of Act

This Act shall take effect and be in force from and after **[month, day, year]**.