

THE PROFESSIONAL GEOLOGIST MODEL LICENSURE LAW

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ASBOG®
National Association of State Boards of Geology



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

1 **Preface**

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

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

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

17 It is expected that this *Model Licensure Law* will be applied selectively, with parts excerpted, completed
18 or deleted, in conjunction with existing laws and administrative practices already in effect in the State
19 or Territory in which it is being considered. In an ideal model law, as in this Model Law, there are no
20 exemptions and all sectors of the professional, public practice of geology require that the practitioner
21 be licensed/registered. However, political reality may dictate various exemptions be included in the
22 proposed new or revised legislation in order for it to be legislatively approved. With the inclusion of
23 exemption(s), there is the potential introduction of professional practice sectors that may directly or
24 indirectly impact the public and their inclusion may diminish the overall protection of the public and
25 provide less than the preferred ideal protections. Many states/jurisdictions with existing laws regulating
26 the public practice of geology exempt government employees, petroleum geologists, and
27 others. Should the need arise, language regarding existing jurisdictional/state exemptions that have
28 been implemented may be obtained by contacting the ASBOG® Executive Director.

29
30 This document was prepared under the direction and control of the Executive Committee of the
31 National Association of State Boards of Geology (ASBOG®). As adopted by ASBOG®, *The*
32 *Professional Geologist Model Licensure Law* provides for the licensure of geologists whose practice
33 of geology affects the public’s health, safety, property, and physical and/or financial welfare. That
34 purpose is consistent with the intent of all other licensure/registration laws for other professions that
35 have been enacted within the United States and its territories.

36 This document should be used as a guide in the preparation of a geologic licensure law for those
37 states or territories of the United States that are contemplating professional licensure or registration.
38 The term “licensure” has been used in this document instead of “registration” as it better describes the
39 processes related to the adoption of rules and statutes that relate to the public practice of the
40 profession of geology. If a jurisdictional authority desires the term “registrant” or “registration”, this
41 document should be appropriately modified. Also, the terms “geology” and “geologist” have been used
42 throughout this document. The professional designation and word usage within this document may
43 be modified to reflect whether the act being crafted is for geologists alone, for both geologists and

44 other geoscientists, or for a generalized licensure approach for which the term “geoscientist” may be
45 used. The exact professional designation(s) is a determination that should be made by those
46 responsible for creation of the enabling legislation or the proposed amendments to existing law.

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

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

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61 Douglasville, GA 30154
62 Voice: 678-713-1251
63 Fax: 678-839-4071
64 Web Site: www.asbog.org

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

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

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

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

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

85

86 **The Professional Geologist Model Licensure Law of [Year]**

87 **A BILL TO BE ENTITLED,**

88 **The [Jurisdiction's Name] Geologist Licensure Act**

89 **SECTION 1. Licensure of Geologists**

90 An Act:

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

101 **SECTION 2. Comprehensive Provisions**

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

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

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

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

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

137 5. The Board shall establish, assess, and collect fees not to exceed the amount necessary for
138 the purpose of carrying out its functions as set forth in this Act. Such fees shall cover geologic
139 licensure, geologist-in-training enrollment, renewals, and competency examinations. The
140 Board may establish and collect fees for the administration of competency examinations or
141 "exit" examinations not offered in conjunction with licensure or enrollment as it may deem
142 appropriate and necessary.

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

146 **SECTION 4. Definitions**

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

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

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

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

162 2. "Board" means the Board of Licensure for Professional Geologists created under this Act.

163 3. "Certified Petroleum Geologist," "Certified Coal Geologist", and "Certified Geophysicist" mean
164 geologists which have been certified by the Division of Professional Affairs/American
165 Association of Petroleum Geologists, that has certification requirements recognized by the
166 Board.

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

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

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

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

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

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

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

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

274 Furthermore, the public practice of geology shall include:

275 a) The preparation of geologic reports, documents, or exhibits by, or for, any commission,
276 board, department, district, or division of the [jurisdiction] or any political subdivision
277 thereof or of any county/parish, city, or other public body, or by the employees or staff
278 members of the commission, board, department, district, or division of the [jurisdiction]
279 or any political subdivision thereof or of any county/parish, city, or other public body
280 when the reports, documents, or exhibits are disseminated or made available to or
281 impact the public; and,

282 b) The performance of geologic services by any individual, person, firm, partnership,
283 corporation, or other association or by the employees or staff members thereof, whether
284 or not the principal business of the organization is the practice of geology, in which the
285 geologic reports, documents, or exhibits constituting the practice of geology are
286 disseminated or made available to the public or any individual or organization in such
287 a manner that the public or individual or combination of individuals may reasonably be
288 expected to rely thereon or be affected thereby; and

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

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

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

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

305 19. "Responsible charge" means the independent control and direction, by use of initiative, skill
306 and independent judgment, of geologic or related work or the supervision of that work.

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

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

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

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

318 24. "Subordinate" means any individual who assists in the public practice of geology by a licensed
319 professional geologist without assuming or by any other means implying responsible charge of
320 the work.

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

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

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

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

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

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

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

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

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

361 2. Public member(s)

362 A public member of the Board shall:

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

367 3. Nominating Committee

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

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

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

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

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

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

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

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

401 **SECTION 10. Board Vacancies**

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

408 **SECTION 11. Board Rules**

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

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

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

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

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

420 3. A majority of the Board shall constitute a quorum but must consist of no less than
421 ___member(s).

422 4. The Board shall keep minutes of each meeting of the Board, recording the members present
423 and the business transacted, which shall be signed by the designated Recording Secretary,
424 which may be a Board member or the Executive Director, and the Board President.

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

427 **SECTION 13. Accountability and Liability**

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

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

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

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

438 1. There is created in the jurisdiction's treasury a fund to be designated as the "Licensed
439 Professional Geologist Fund," to be administered by the Executive Director (depending on
440 circumstances every instance of Executive Director may be replaced with Board
441 Administrator), or Board President if an Executive Director is not employed.

442 2. Monies in the fund shall be utilized to pay reasonable direct and indirect costs associated with
443 the administration and enforcement of this Act.

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

446 4. The fund shall be treated as a special trust fund. Interest earned on the principal shall be
447 credited to the fund by the jurisdiction's treasurer.

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

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

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

454 1. The Board shall keep the minutes of the Board, including all orders, rules and regulations
455 adopted, in a record book or books maintained for that purpose. The book or books shall be a
456 public record and open to inspection by the public during all reasonable hours. All minutes of
457 Board meetings and hearings, and all rules, regulations and orders made by the Board shall
458 be in writing. The Board shall compile and publish as necessary the rules and regulations
459 promulgated by the Board in a current consolidated version. The Board shall provide the
460 consolidated compilation of the rules and regulations to the public for a cost sufficient to cover
461 printing, postage and administrative expenses, including the cost of any contractual services
462 necessary to compile and publish those rules and regulations; or such foregoing information
463 may be provided electronically in routinely updated fashion on the Board's web site.

464 2. The Board shall also keep a register of all applications for licensure or enrollment, which shall
465 show:

- 466 (a) The name, residence and date of birth of the applicant;
- 467 (b) The date of the application;
- 468 (c) The name, address and telephone number of the applicant's employer;
- 469 (d) The applicant's educational and other qualifications;
- 470 (e) The name of any other state or jurisdiction in which, or any other organization by which,
471 the applicant is registered, licensed or certified, and, date of that action (where
472 available);
- 473 (f) The date of any action taken by the Board regarding the applicant; and
- 474 (g) Other information deemed necessary by the Board.

475 3. The Board shall maintain a registry showing the name and place of business or residence of
476 all licensed professional geologists and geologists-in-training. The Board shall, upon request
477 and if permitted by jurisdiction privacy laws, provide copies of the registry to state [jurisdiction]
478 and local governmental entities, and have these registries available on the Board's web site if
479 one is created. The Board shall provide copies of the registry to any other person upon written
480 request if permitted by jurisdiction privacy laws, for a cost sufficient to cover printing, postage
481 and administrative and other expenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 642
- 643 (1) The following shall be considered as minimum evidence satisfactory to the Board that the
644 applicant is qualified for licensure as a licensed professional geologist:
- 645
- 646 (a) Graduation from a course of study in geology satisfactory to the Board from an
647 accredited college or university, or from a program accredited by an organization
648 recognized by the Board, of four (4) or more years and which includes at least thirty
649 (30) semester or forty-five (45) quarter hours of credit in geologic course work suitable
650 to the Board (see required course work at the end of this section), with a major in
651 geology or a geoscience specialty;
- 652
- 653 (b) Demonstration through a specific record of a minimum of four (4) years of qualifying
654 experience, after completion of the academic requirements, in geology or a geoscience
655 specialty indicating that the applicant may be competent to publicly practice geology or

656 a specialty. The Board may require the experience be gained under the supervision of
657 a geologist licensed in this or any other state or jurisdiction with at least as stringent
658 geologic licensure or registration requirements, or under the supervision of others who,
659 in the opinion of the Board, are qualified to have responsible charge of geologic work;

660
661 (c) Successful passage of national examinations on both the fundamentals of
662 geology and the practice of geology, and any other jurisdictional examinations as
663 determined and prescribed by the Board;

664
665 (d) Minimum of three (3) letters of reference from geologists having personal knowledge
666 of the applicant's geologic experience;

667
668 and,

669
670 (e) Other requirements as may be established in rules and regulations by the Board
671 including that said applicant possesses a degree in geology as specified in this
672 section prior to being allowed to sit for any examination.

673
674 (2) The Board may give credit for a master's degree in the geological sciences or in a specialty
675 as one (1) year of professional experience and an earned doctorate degree in the geological
676 sciences or in a specialty as two (2) years of professional experience. The Board shall not give
677 more than two (2) years of professional experience credit for the completion of all graduate
678 degrees.

679
680 (3) The Board may give credit for geological research at an accredited college or university as
681 qualifying experience, if the research, in the opinion of the Board, is comparable to experience
682 obtained in the practice of geology or a specialty.

683
684 (4) The Board may adopt qualifications which, in its judgment, are equivalent to the educational
685 and experience requirements in subsection (1)(a) of this section.

686
687 (5) No person shall be eligible for licensure as a professional geologist who is not of good
688 character and reputation.

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691 **SECTION 22. Qualifications of Geologists-in-Training**

692
693 (1) The following shall be considered as minimum evidence satisfactory to the Board that the
694 applicant is qualified for enrollment as a geologist-in-training:

695
696 (a) Graduation from a course of study in geology satisfactory to the Board from an
697 accredited college or university, or from a program accredited by an organization
698 recognized by the Board, of four (4) or more years and which includes at least thirty
699 (30) semester hours or forty-five (45) quarter hours of credit in geological course work
700 suitable to the Board (see required course work at the end of this section), with a major
701 in geology or a geological specialty;

702
703 (b) Successful passage of a national examination on the fundamentals of geology and
704 any other jurisdictional examinations in geology as determined and prescribed by the
705 Board;

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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 – Note: Some universities/colleges have implemented “units” in lieu of semester or quarter hours. As such, semester/quarter hour equivalencies to units shall be determined by the jurisdictional authority that implements this act.

(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) “Mineralogy”, “Rocks and Minerals”, “Earth Materials”, 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) “Igneous and Metamorphic Petrology” must include a minimum of 4 semester hours or 6 quarter hours of instruction on the origin and properties of magma, magmatic differentiation, geochemistry of igneous rocks, igneous textures and their origins; agents and types of metamorphism, metamorphic textures and their origins; metamorphic facies, and metamorphic reactions. Typically this coursework includes petrographic analyses.

(5) “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.

757 This shall include preparing and interpreting geologic maps, cross-sections,
758 stratigraphic columns, and written reports. The field training may be obtained in one
759 or more separate upper division (300 or higher) field courses, but must not be
760 introductory in nature or be part of laboratory exercises for other geological science
761 courses. At the discretion of the Board, academic instruction in field methods such as
762 geophysical techniques, logging trenches or borings, designing wells, and other
763 common professional geologic tasks may serve as a component of the upper division
764 field requirement described in this section so long as it is part of an established field
765 techniques course taught within a college or university geology or related geological
766 sciences program.

767
768 (B) Additionally, of the 30 semester hours or 45 quarter hours required by this section, an
769 applicant must successfully complete 3 semester units or 4.5 quarter units each from at least
770 2 of the following subject areas.

771
772 (1) "Geomorphology" or "Surficial Processes" must include instruction in the
773 classification, origin, and analysis of landforms and watershed elements as well as
774 the surface and tectonic processes that relate landforms to the underlying geologic
775 materials. This must include methods of geomorphic analysis and interpretation of
776 different types of mapped data, including topographic, geologic, and remotely sensed
777 data.

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

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

787
788 (4) "Paleontology" must include instruction necessary to recognize common fossils
789 and fossil types, the geologic settings that would indicate the potential for
790 paleontological resources, and the evolutionary history of fossil groups of traditional
791 importance to geologists. Other topics may include basic modes of preservation,
792 skeletal anatomy, systematics and taxonomy, biostratigraphy, paleoecology, and
793 paleobiogeography.

794
795 (5) "Resources Geology" or subset, similar course work that may be termed "Coal
796 Geology", "Petroleum Geology" or similar resource specialization and should include
797 the instruction needed to identify the origin, occurrence, and distribution of non-
798 renewable resources, including metallic, nonmetallic, and energy-producing materials;
799 problems related to resource extraction; estimations and limitations of reserves; and
800 reclaiming sites after extraction of resources.

801
802 (6) "Environmental Geology" must include an introduction to concepts involved in
803 environmental site assessment and remediation, environmental geochemistry, and
804 the mitigation of potentially negative effects of human activities such as exploration for
805 mineral and energy resources, or solid and hazardous waste disposal on geologic
806 systems, as well as the protection of water resources, land and watershed restoration.

807
808 (7) "Geophysics" must include instruction in that branch of geology concerned with the
809 physical processes and physical properties of the Earth and its vicinity utilizing the
810 use of quantitative methods for their analysis. Examples of these quantitative
811 Methods include electromagnetic, gravity, ground penetrating radar (GPR), magnetic,
812 resistivity (and/or induced polarization, seismic refraction and/or seismic reflection,
813 and other related methods.

814
815 (8) Applied geoscience topics taught by a college or university department other than
816 a geology or related geological sciences department refers to instruction in subject
817 areas reasonably and rationally applicable to the professional practice of geology.
818 These courses offerings are limited to the topics of geological engineering,
819 geotechnical engineering, mining engineering, petroleum engineering, soil science,
820 engineering soil mechanics, or hydrology. A maximum of 6 semester hours or 9.0
821 quarter hours taught in a college or university department other than a geology or
822 related geological sciences department would be accepted at the discretion of the
823 Board.

824 825 **SECTION 23. Temporary Licenses/Permits**

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

831 **SECTION 24. Exceptions Allowable for Licensure**

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

837 **SECTION 25. Form of Application**

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

848 2. An application for enrollment as a geologist-in-training or for licensure or renewal of licensure
849 as a professional geologist, in general or in any specialty, shall be accompanied by the
850 appropriate application fee.

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

- 852 1. The Board shall issue a certificate of licensure as a professional geologist, or certificate of
853 enrollment as a geologist-in-training, upon payment of the applicable license fee, to any
854 applicant who, in the opinion of the Board, has satisfactorily met all the requirements of this
855 Act. In the case of a licensed professional geologist, the certificate of licensure shall authorize
856 the "public practice of geology." In the case of a geologist-in-training, the certificate shall state
857 that the applicant has successfully passed the examination(s) required by the Board and has
858 been enrolled as a "geologist-in-training" which shall be valid for a period of ten (10) years,
859 provided the required enrollment fees are maintained during that time frame or until licensure
860 as a professional geologist, whichever comes first.
- 861 2. Certificates shall show the full name, have a serial number, and be signed by the President
862 and the Vice President of the Board under seal of the Board.
- 863 3. If the Board denies the issuance of a certificate of licensure or a certificate of enrollment, the
864 Board shall notify the applicant in writing within thirty (30) calendar days following the Board's
865 decision and shall state the reasons for the denial. Within thirty (30) calendar days following
866 receipt of the notice, the applicant may make written request for a hearing, which, if granted,
867 shall be conducted as provided in this Act. If no hearing is requested within the thirty (30)
868 calendar days following receipt of the notice, the Board's action shall be final.
- 869 4. The issuance of a certificate of licensure by the Board shall be *prima facie* evidence that the
870 person named on the certificate is entitled to all the rights and privileges of a licensed
871 professional geologist and to practice geology as a firm or corporation, while the certificate
872 remains unrevoked or unexpired.
- 873 5. Each licensed professional geologist shall be provided with a seal of a design established by
874 the Board, bearing the person's name, license number and the caption, "Licensed Professional
875 Geologist." The cost of providing the seal shall be borne by the licensed professional geologist
876 and shall be purchased from the Board. Geologic reports, documents or other public records
877 offered to, or filed for, the public and prepared or issued by a licensed professional geologist,
878 or by a subordinate under the supervision of a licensed professional geologist, shall be
879 stamped or embossed with the seal, signed and dated by the licensed professional geologist.
- 880 6. The Board shall establish requirements and conditions for the reissuance of certificates of
881 licensure and certificates of enrollment which have lapsed, expired, or have been suspended
882 or revoked.
- 883 7. The Board shall issue a new certificate to replace any certificate of licensure or certificate of
884 enrollment which has been lost, destroyed, or mutilated. The holder of the certificate shall bear
885 the cost of issuing a new certificate.

886 **SECTION 27. Fees**

- 887 1. The Board shall establish, by Board action, application fees which shall not exceed _____
888 Dollars (\$XXX.XX) for application for licensure as a Licensed Professional Geologist and
889 _____ Dollars (\$XXX.XX) for application for enrollment as a Geologist-in-Training.
- 890 2. In addition to the application fee required under subsection (1) of this section, an applicant
891 shall pay an examination fee before taking the applicable examination. The Board shall set a

892 reasonable examination fee for each examination administered by the Board to defer the actual
893 cost, maintenance, and administration of the examination.

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

898 4. The Board shall establish, by Board action, fees for the renewal and reissuance of a certificate
899 of licensure or certificate of enrollment. The period of renewal of a license or a certificate of
900 enrollment shall be set by the Board. Other fees will be set administratively.

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

903 1. The Board may sign agreements with governmental boards of licensure, registration, or
904 certification of other states, jurisdictions, and with other appropriate governmental agencies,
905 for the purposes of:

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

908 (b) Accrediting educational programs;

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

910 (d) Developing regional or national examinations;

911 (e) Evaluating applicants; or,

912 (f) Other purposes consistent with this Act.

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

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

919 and,

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

922 and,

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

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

926 The Board shall recognize the use of the designation "Certified Professional Geologist" or "C.P.G." as
927 used by the American Institute of Professional Geologists, the designation "Certified Petroleum
928 Geologist" or "C.P.G." as used by the American Association of Petroleum Geologists, and the use of

929 any similar designation established by a professional geological organization, society or association
930 recognized by the Board, provided and subject to, the following conditions:

931 1. The full name or recognized abbreviation of the organization granting the certification is stated
932 following, or in conjunction with, the use of the designation or abbreviation;

933 and,

934 2. The designation or abbreviation is not used in a manner that may mislead the public or create
935 any impression that a person is licensed to publicly practice geology unless that person is also
936 licensed under this Act.

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

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

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

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

951 1. Practicing, offering to practice, geology; attempting to practice geology, incidental or otherwise,
952 or holding oneself out as being licensed or qualified to publicly practice geology, by an
953 individual who is not licensed under this Act; or by any other person not employing a licensed
954 professional geologist as required by this Act, unless licensed as a professional geologist or
955 otherwise expressly exempted by this Act;

956 2. Using any of the following terms or any variations or abbreviations, combinations thereof as a
957 business, commercial, or professional identification, name, title, claim, or other representation:
958 "professional geologist", "licensed geologist", "licensed professional geologist", "registered
959 geologist", "registered professional geologist"; or use, employ, state, or otherwise imply in any
960 manner or use any abbreviation, letter, representation, motto, placard, symbol, or sign in
961 combinations or variants thereof which portrays or implies to the public that any person is
962 qualified or authorized to publicly practice geology, or claiming any specialty in geology, as a
963 professional, business or commercial identification, title, name, representation, claim or
964 otherwise holding out to the public, as being licensed or qualified by any manner to practice
965 geology or any of its specialties unless licensed under this Act except those activities
966 specifically exempted pursuant to Section 37 of this Act. The term "geologist" or, derivatives
967 thereof, shall not be used in any manner or fashion that portrays or implies to the public that
968 said person is qualified or authorized to publicly practice geology unless that person is licensed
969 under this Act. Furthermore, the use of the term "geologist", either verbal or in written format,
970 shall not be construed by the public to mean that person possesses a valid degree in geology
971 granted by an accredited institution of higher learning;

- 972 3. Altering or revising any document, map or work signed and/or sealed by a licensed professional
973 geologist unless that alteration or revision is also signed and sealed by a licensed professional
974 geologist; changing or altering the name or seal of another licensed professional geologist on
975 any document, map or work; or otherwise impersonating another licensed professional
976 geologist, or presenting or attempting to use the certificate of licensure or the seal of another
977 licensed professional geologist;
- 978 4. Fraud, deceit or misrepresentation in obtaining a certificate of licensure as a licensed
979 professional geologist, or certificate of enrollment as a geologist-in-training, including, but not
980 limited to, knowingly giving any false, misleading, or forged evidence of any kind to the Board
981 or to any Board member in obtaining a certificate of licensure or certificate of enrollment;
- 982 5. Using the seal or signing any document under a certificate of licensure which has expired or
983 has been suspended or revoked;
- 984 6. Managing, or conducting as manager, proprietor, or agent, any place of business from which
985 geologic work, not expressly exempted by this Act, is offered, performed or practiced for others,
986 unless that work is supervised or performed by a licensed professional geologist as required
987 by this Act;
- 988 7. Using geologic work for purposes in violation of this Act;
- 989 8. Violating this Act, or any rule, regulation or written order of the Board, or any condition or
990 limitation of licensure;
- 991 9. Gross negligence, malpractice, incompetency, misconduct, or repeated incidents of simple
992 negligence in, or related to, the public practice of geology;
- 993 10. Using the seal of another licensed professional geologist, or using or allowing use of one's seal
994 on geologic work not performed by or under the supervision of the licensed professional
995 geologist, or otherwise aiding or abetting any person in the violation of this Act;
- 996 11. Addiction to or chronic dependence on alcohol or other habit-forming drugs or being an habitual
997 user of alcohol, narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having
998 similar effect resulting in the impairment of professional/ethical ~~judgement~~judgment;
- 999 12. Soliciting or accepting work outside of the basis of his qualifications;
- 1000 13. Submitting any materially false statements or failing to disclose any material facts requested
1001 in connection with an application for licensure, enrollment, or subpoena;
- 1002 14. Engaging in fraud, deceit, misrepresentation or concealment of material facts in advertising,
1003 soliciting, or providing professional services to members of the public;
- 1004 15. Violating any provision of this Act regulating the public practice of geology or the Rules of the
1005 Board, nor shall he violate any applicable state or federal laws involving dishonesty, fraud,
1006 misrepresentation, embezzlement, theft, forgery, perjury, bribery, or breach of fiduciary duty, if
1007 the violation is reasonably related to the licensee's area of practice;
- 1008 16. Participating, directly or indirectly, in any plan, scheme or arrangement attempting, or having
1009 as its purpose, the evasion of any provision of this Act regulating the public practice of geology;

- 1010 17. Engaging in any illegal conduct involving moral turpitude;
- 1011 18. Engaging in any conduct that discredits or tends to discredit the profession of geology;
- 1012 19. Permitting or allowing himself, his professional identification, seal, firm, or business name, or
1013 his services to be used or made use of, directly or indirectly, or in any manner whatsoever, so
1014 as to make possible or create the opportunity for unauthorized public practice of geology by
1015 any person, firm, corporation, or other legal entity in this jurisdiction;
- 1016 20. Performing any acts, allowing omissions, or making any assertions or representations that are
1017 fraudulent, deceitful, or misleading; or that in any manner whatsoever tending to create a
1018 misleading impression;
- 1019 21. Knowingly associating with, or permitting the use of his name or firm's name in a business
1020 venture by any person or firm that he knows, or has reason to believe, is engaged in business
1021 or professional practices of a fraudulent, deceitful, or dishonest nature;
- 1022 22. Injuring, or attempting to injure or damage, the professional reputation of another by any means
1023 whatsoever; provided and except, however, that this shall not relieve a licensed professional
1024 geologist from the obligation to expose unethical or illegal conduct to the proper authorities or
1025 preclude frank and confidential appraisals of geologists or other persons or firms considered
1026 for employment;
- 1027 23. Aiding and abetting, directly or indirectly, any unlicensed person in connection with the
1028 unauthorized public practice of geology; or any firm or corporation in the public practice of
1029 geology unless carried out under the provisions of this Act;
- 1030 24. Placing his seal and/or signature on a document constituting a certification that the document
1031 was prepared by the licensee, unless that document was prepared by a licensed professional
1032 geologist or under his direct supervision; unless the licensee has reviewed the document in
1033 sufficient depth to fully coordinate and assume responsibility for the work or report prepared or
1034 done by another licensed professional geologist;
- 1035 25. Any disciplinary action resulting from the violation of any law, rule or regulation of any state
1036 agency, board of registration or similar licensing agency for geologists, geoscientists or any
1037 profession or occupation related to the public practice of geology, of any jurisdiction, shall also
1038 be considered a violation of this Act if any section thereof, or rule, or regulation is applicable.
1039 Any resulting sanction imposed by the Board shall not exceed in severity or duration of the
1040 sanction upon which that action is based.

1041 **SECTION 32. Disciplinary Proceedings; Sanctions**

1042 A complaint alleging a violation of this Act as provided under Section 33, or any rule or regulation or
1043 written order of the Board, or any condition of licensure or standards of professional conduct may be
1044 brought by any person or may be initiated by the Board or by its Executive Director as follows:

- 1045 1. Complaints shall be made in writing, sworn to by the person or by the Board's Executive
1046 Director if the Board is filing the complaint, and filed with the Board. The Board shall investigate
1047 all complaints and upon finding a basis for that complaint, shall notify the accused in writing
1048 specifying the provisions of this Act, rule, regulation or order of the Board or the condition or
1049 standard alleged to be violated and the facts alleged to constitute the violation. The notice

1050 shall require the accused to appear before the Board at a time and place designated by the
1051 Board to answer the charges. The time of appearance shall be at least thirty (30) days from
1052 the date of service of the notice. Notice shall be made by service on the person or by registered
1053 or certified mail, return receipt requested, to last known business or residence address of the
1054 accused, as shown on the records of the Board. Within fifteen (15) days following receipt of
1055 that notice, the accused shall file a written response, admitting, denying, or taking exception to
1056 the charges. In the absence of a response, or if the charges are admitted to, or if no exception
1057 is taken, the Board may take disciplinary action without holding a hearing. A disciplinary action
1058 may be settled by the Board and the accused, either before or after a hearing has begun;

1059 2. A person who reports or provides information to the Board in good faith is not subject to an
1060 action for civil damages as may be provided for within this jurisdiction;

1061 3. Any hearing under this section may be conducted by the Board itself at a regular or special
1062 meeting of the Board or by a hearing officer designated by the Board. The hearing officer may
1063 conduct the hearings in the name of the Board at any time and place as conditions and
1064 circumstances may warrant. The hearing officer or any member of the Board may administer
1065 oaths or affirmations to witnesses appearing before the hearing officer or the Board.

1066 If any witness fails or refuses to attend upon subpoena issued by the Board, refuses to testify
1067 or refuses to produce books, papers, reports, documents and similar material, the production
1068 of which is called for by a subpoena, the attendance of any witness and the giving of that
1069 person's testimony and the production of books, papers, reports, documents and similar
1070 material shall be enforced by any court of competent jurisdiction in the manner provided for the
1071 enforcement of the attendance and testimony of witnesses in civil cases in the courts of this
1072 jurisdiction.

1073 All hearings before the Board shall be recorded either by a court reporter or by electronic
1074 recorders and subject to transcription upon order of the Board or any interested person. If the
1075 request for transcription originates with an interested person, that person shall pay the cost of
1076 transcription.

1077 The accused shall have the right to be present at the hearing in person, by counsel or other
1078 representative, or both. The Board may continue or recess the hearing as may be necessary;

1079 4. If a hearing officer conducts the hearing on behalf of the Board, the hearing officer shall, upon
1080 completion of the hearing, have the record of that hearing prepared. The record shall be
1081 submitted to the Board along with that hearing officer's findings of fact. Upon receipt and
1082 review of the record of the hearing and the hearing officer's findings of fact, the Board shall
1083 render its final decision as provided in subsection (6) of this section;

1084 5. Any person ordered to appear for an alleged violation may request a hearing before a majority
1085 of the Board. A verbatim record of any previous hearings on that matter shall be filed with the
1086 Board, together with findings of fact and conclusions of law made by the Board based on the
1087 record;

1088 6. At the conclusion of the hearing, the Board may either decide the issue at that time or take the
1089 case under advisement for further deliberation. The Board shall render its decision not more
1090 than ninety (90) days after the close of the hearing, and shall forward to the last known business
1091 or residence address of the accused, by certified or registered mail, return receipt requested,
1092 a written statement of the decision of the Board.

1093 If a majority of the Board finds the accused guilty of the charges filed, the Board may take any
1094 one, or combination of, the following actions:

- 1095 a. Deny the renewal of a certificate of licensure or certificate of enrollment;
- 1096 b. Suspend the certificate of licensure or certificate of enrollment of any registrant for a
1097 specified period of time, not to exceed three (3) years, or revoke the certificate of
1098 licensure or certificate of enrollment of any registrant;
- 1099 c. Censure, reprimand, or issue a public or private admonishment to an applicant, a
1100 registrant or any other person engaged in the public practice of geology under this Act;
- 1101 d. Impose limitations, conditions, or restrictions upon the practice of an applicant, a
1102 registrant or upon any other person engaged in the public practice of geology;
- 1103 e. Require the guilty party to complete a course, approved by the Board, in ethics or an
1104 area of geologic practice;
- 1105 f. Impose probation upon a registrant, requiring regular reporting to the Board;
- 1106 g. Require restitution, in whole or in part, of the compensation or fees earned by a
1107 registrant or by any other person engaging in the public practice of geology; or
- 1108 h. Assess and levy upon the guilty party a monetary penalty not to exceed **X,XXX Dollars**
1109 **(\$X,000.00)** for each violation;

1110 7. Any monetary penalty assessed and levied under this section shall be paid to the Board upon
1111 the expiration of the period allowed for appeal of that penalty, or may be paid sooner if the
1112 guilty party elects. Money collected by the Board under this section shall be deposited to the
1113 credit of the Licensed Professional Geologist Fund.

1114 When payment of a monetary penalty, assessed and levied by the Board in accordance with
1115 this section, is not paid when due, the Board may begin and maintain proceedings in its name
1116 for enforcement of payment in the appropriate court of the county/parish or jurisdictional
1117 subdivision and judicial district in which the Board is physically located;

1118 8. The Board may assess and impose the costs of any disciplinary proceedings conducted under
1119 this section against either the accused, the charging party, or both, as it may elect;

1120 9. The authority of the Board to assess and levy the monetary penalties under this section shall
1121 not be affected or diminished by any other proceeding, civil or criminal, concerning the same
1122 violation or violations, unless provided in this section;

1123 10. If the Board determines there is an imminent danger to the public welfare, the Board may issue
1124 an order for the immediate suspension of a certificate of licensure or a certificate of enrollment.
1125 The registrant may request a hearing on the matter within fifteen (15) days after receipt of the
1126 order of suspension. The Board shall file charges as provided in this section within thirty (30)
1127 days after the issuance of an order, or the suspension shall be of no further force and effect.
1128 If charges are filed, the order of suspension shall remain in effect until disposition of all charges;

1129 11. The Board, for sufficient cause, may reissue a revoked certificate of licensure or certificate of
1130 enrollment, upon written application to the Board by the applicant. The application shall be
1131 made not less than three (3) years after the revocation. The Board may impose reasonable
1132 conditions or limitations in connection with any reissuance.

1133 **SECTION 33. Report of Disciplinary Actions**

1134 The Board shall report disciplinary actions to appropriate state and federal agencies, any other
1135 registration, licensing or certification Board or organization in this state or any other state or jurisdiction,
1136 or any other person deemed necessary or reasonable by the Board.

1137 **SECTION 34. Proceedings of Enforcement of this Act by the Board**

1138 In lieu of, or in addition to, the penalties provided in Section 32 of this Act, the Board may begin and
1139 maintain in the name of the state [or other jurisdiction] any proceedings necessary or appropriate to
1140 enforce this Act, rule or regulation or written order of the Board or any condition of licensure. The
1141 proceedings may be filed and heard in the appropriate circuit, chancery, county/parish, jurisdictional
1142 or justice court of the county/parish in which the venue may lie. The Board may obtain mandatory or
1143 prohibitory injunctive relief, either temporary or permanent, and in cases of imminent and substantial
1144 hazard or endangerment, it shall not be necessary that the state plead or prove: (i) that irreparable
1145 damage would result if the injunction did not issue; (ii) that there is no adequate remedy at law; or (iii)
1146 that a written complaint or Board order has first been issued for the alleged violation.

1147 **SECTION 35. Appeal to Jurisdictional Court by Aggrieved Persons**

1148 Except as otherwise may be provided in this Act, any person aggrieved by an action of the Board
1149 revoking that person's certificate of licensure or certificate of enrollment as a geologist-in-training or
1150 denying the renewal of licensure as a professional geologist, or who is aggrieved by the action of the
1151 Board as a result of disciplinary proceedings conducted under Section 32 of this Act may appeal to
1152 the appropriate court of the county/parish, or other appropriate jurisdictional subdivision in which the
1153 appellant resides or other appropriate court as may be customary and proper. If the appellant is a
1154 nonresident of this state, the appeal shall be made to the appropriate court in which the Board is
1155 physically located. The appeal shall be perfected before the Board by filing with the Board a notice of
1156 appeal to such court. The notice of appeal shall be filed not later than thirty (30) days after the decision
1157 of the Board is forwarded to the guilty party.

1158 All appeals perfected under this section shall Act as a supersedeas, and shall be made to the
1159 appropriate court solely upon the record made before the Board during the disciplinary
1160 hearing. The appellant shall be required to post a bond with sufficient sureties according to
1161 law in an amount to be determined by the judge of the court. When the appeal is properly
1162 perfected, the Board shall cause the record of the proceedings conducted before it to be
1163 compiled, certified and filed with the court. The court shall always be deemed open for hearing
1164 of appeals and the judge of said court may hear the appeal in termtime or in vacation at any
1165 place in the court's district. The appeal shall have precedence over all civil cases, except
1166 election contests. The court shall review all questions of law and of fact. If no prejudicial error
1167 is found, the matter shall be affirmed and remanded to the Board for enforcement. If a
1168 prejudicial error is found, the matter shall be reversed and the court shall remand the matter
1169 to the Board for appropriate action as may be shown or necessary under the circumstances.
1170 Appeals may be taken from this court to the jurisdiction's Supreme Court in the manner as
1171 required by law.

1172

1173 **SECTION 36. Penalties Related to Non-Licensees**

- 1174 1. Pursuant to the accepted practices of this jurisdiction and in addition to any other measures of
1175 law the Board may:
- 1176 a. Enter an order assessing a civil penalty against any firm, corporation, partnership, or
1177 person found guilty by the Board of engaging in the public practice of geology or any of
1178 its specialties within this jurisdiction without being properly licensed pursuant to all of
1179 the terms and conditions of this Act.
- 1180 b. Civil penalties assessed under this section shall not exceed **\$X,XXX.00** per offense and
1181 each day of continued violation may be construed as a separate offense.
- 1182 c. The determination of the amount of the assessed civil penalty herein may be subject to
1183 the following factors:
- 1184 i. The apparent risk, severity, and potential harm to the public as a result of the
1185 infraction;
- 1186 ii. The financial benefits derived by the violator resulting from non-compliance with
1187 this Act; and,
- 1188 iii. The facts or events accompanying or resulting in the violation;
- 1189 2. Prior to issuing an order pursuant to this section the Board will supply written notice to and the
1190 opportunity for the person so named as violating this Act to request a hearing before the Board.
1191 The request for such a hearing must be received by the Board within thirty (30) calendar days
1192 from the issuance date of the Board's order.
- 1193 3. The Board also has the authority to issue subpoenas and to otherwise compel the presence
1194 and testimony of any person who may have knowledge of the violation. Any such person may
1195 be further compelled to attend said hearing upon the advice and office of the jurisdiction's
1196 Attorney General.
- 1197 4. Nothing in this section shall be construed to disallow the violator from filing an appeal with a
1198 superior court for its judicial review of the penalty assessed against the violator.
- 1199 5. Any person failing to pay the civil fine as assessed within 60 days of its issuance or within 30
1200 days of a superior court's final ~~judgement~~judgment approving the action of the Board shall
1201 allow the Board to seek the counsel of the jurisdiction's Attorney General who may initiate legal
1202 action to recover the amount levied by the Board, plus all attorney's and other related Board
1203 expenses associated with these actions.
- 1204 6. An enforcement order under this section may also be combined with an order for injunctive
1205 relief provided there is clear and compelling evidence that there is imminent danger to the
1206 public's health, safety, or welfare, or the environment.

1207 **SECTION 37. Exemptions**

1208 The following activities shall not require licensure under this Act:

- 1209 1. This Act shall not be construed to affect or prevent the practice of any other legally recognized
1210 profession provided that practice does not include those activities defined and enumerated in

1211 Section 4(18) of this Act or those whose practice does not affect the public's health, safety, or
1212 welfare, or the environment as defined in this Act.

1213 2. Geologic work performed by an employee or a subordinate of a licensed professional geologist,
1214 provided that such work does not state, portray, or infer by any manner or suggestion
1215 whatsoever that the employee or subordinate is in responsible charge of the geology or
1216 geologic work, and that the work was performed under the direct supervision of a licensed
1217 professional geologist, who is responsible for that work and whose signature and seal must be
1218 conspicuously affixed thereto.

1219 3. Any geologic work that does not affect, influence, or impact in any fashion the public's health,
1220 safety, or welfare, including the public's financial welfare or the environment, as defined in this
1221 Act.

1222 Nothing contained within this section or this Act shall permit any person, organization, firm or
1223 (corporation to hold himself or itself out to the public as qualified to publicly practice geology, nor shall
1224 any person use the term "geologist" and hold himself as being qualified to publicly practice geology
1225 unless licensed under this Act or as being licensed as a geologist or in any specialty of geology, or as
1226 being able to perform geologic services, or to prepare any report or other document requiring the
1227 signature and seal of a licensee as required under this Act unless such person or entity is licensed as
1228 required herein.

1229 **SECTION 38. Invalid Sections**

1230 If any of the provisions of this Act are found to be invalid or if any regulation, order, and/or rule resulting
1231 therefrom or with the application of any of these stipulations to any condition or occurrence is found to
1232 be invalid, then the Act, less the invalid section(s) or regulation, order, and/or rule shall remain in full
1233 force and effect.

1234 **SECTION 39. Repeal of Conflicting Legislation**

1235 All laws, statutes and regulations, or portions thereof, which are in conflict with this Act are hereby
1236 repealed, as of the effective date of this Act.

1237 **SECTION 40. Preference Given to Resident Licensed Professional Geologists**

1238 1. In awarding public contracts for professional geologic services, preference shall be given to
1239 resident licensed professional geologists over those nonresident professional geologists
1240 domiciled in a jurisdiction having laws that grant a preference to the professional geologists
1241 who are residents of that jurisdiction. Nonresident licensed professional geologists shall be
1242 awarded the jurisdiction's public contracts only on the same basis as the nonresident
1243 professional's jurisdiction awards contracts to this jurisdiction's licensed professional
1244 geologists under similar circumstances. When a nonresident professional geologist submits a
1245 proposal for a public project, that person shall attach a copy of the nonresident's jurisdiction's
1246 current statute, resolution, policy, procedure or executive order pertaining to that state's
1247 treatment of nonresident professional geologists. Resident licensed professional geologists,
1248 actually domiciled in this jurisdiction, be they corporate, individuals or partnerships, shall be
1249 granted preference over nonresidents in the awarding of contracts in the same manner and to
1250 the same extent as provided by the laws of the jurisdiction of domicile of the nonresident. As
1251 used in this section, the term "resident licensed professional geologist" includes a nonresident
1252 person that has been qualified to do business in this state and has maintained a permanent

1253 full-time office in this jurisdiction for not less than two (2) years prior to submitting a proposal
1254 for a public project, and the subsidiaries and affiliates of that person;

1255 2. This section shall not apply to any contract for any project upon which federal funds would be
1256 withheld because of the preference requirements of this subsection;

1257 3. Any contract, agreement or arrangement for professional geologic services negotiated, made
1258 or entered into, directly or indirectly, by the jurisdiction, its counties/parishes, municipalities or
1259 any political subdivision thereof, or by any special districts, which is in any way in violation of
1260 this section, is declared to be void as contrary to the public policy of this jurisdiction and shall
1261 not be given effect or enforced by any court of this jurisdiction or by any of its officers or
1262 employees;

1263 4. Nothing in this section shall affect the validity of any contract in existence before [month, day,
1264 year of date of proposed enactment of this Act];

1265 5. For purposes of this section, "professional geologic services" means the public practice of
1266 geology or those services performed by any licensed professional geologist in connection with
1267 professional employment or practice.

1268 **SECTION 41. Initial Appropriation**

1269 An appropriation from the General Fund in the amount of \$[] is hereby made to establish
1270 the Licensed Professional Geologist Fund. This amount shall be returned to the General Fund within
1271 a period of [] under conditions prescribed by the [Jurisdiction's Treasurer or other
1272 appropriate authority].

1273 **SECTION 42. Repealer** [Inclusion of a repealer is contingent on the jurisdiction's practice]

1274 Sections 1 through 42 of this Act, which creates the Board of Licensure for Professional Geologists
1275 and prescribes its powers and duties, shall stand repealed on [month, day, year].

1276 **SECTION 43. Effective Date of Act**

1277 This Act shall take effect and be in force from and after [month, day, year].

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