

## **Preface to the Suggested Geologist Practice Act of 1993**

The Suggested Geologist Practice Act of 1993 has been prepared as a guide to the profession to assist in the development of a Geologist Practice Act specific to any state in which geologists desire to have registration. The objectives of this suggested act are to:

- 1) protect the health, safety, and welfare of the public and the environment,
- 2) establish the strongest type of registration desired by the profession,
- 3) provide a common starting point for a State act,
- 4) incorporate all possible wording for any specific act, and
- 5) provide a guide for uniformity between state registration acts to facilitate reciprocity and temporary registration.

It must be recognized, however, that the needs of the profession in each state and the political characteristics of each state are different and that registration of any profession is a state's right. The Suggested Geologist Practice Act of 1993 is, therefore, not designed for any specific state and will need to be "customized" before it is submitted to the legislature. The wording in the Suggested Geologist Practice Act of 1993 is based on the document prepared and approved by the Members of the Council of Professional Geological Organizations (CoPGO) on November 11, 1989 and May 12, 1990 in Dallas, Texas (see following resolutions). CoPGO member societies included the American Association of Petroleum Geologists, Division of Professional Affairs (AAPG); the American Association of State Geologists (AASG); the American Institute of Professional Geologists (AIPG); the Association of Engineering Geologists (AEG); and the Society of Independent Professional Earth Scientists (SIPES). The Association of Engineering Firms Practicing in the Geosciences (ASFE) became a member of CoPGO and provided critical input representing the engineering profession. The original CoPGO document was reviewed and organized into a more legal form by the Attorney for the Association of Engineering Geologists without changing the intent or principles agreed to during the May 12, 1990 meeting. The AEG published the revised Suggested Geologist Practice Act in Preliminary Form in September 1990.

The principles of a Suggested Geologist Practice Act of 1993, outlined in this document, correspond with those endorsed by representatives of eleven geological societies during a meeting, sponsored by the American Institute of Professional Geologists, held on 27 September 1991 in Denver, Colorado. The participants agreed that a Suggested Practice Act should incorporate the following five (5) critical points:

1. The Act should Register Geologists and Geophysicists.
2. The Act should Register/Certify Specialty Geologists and Geophysicists, whose practice directly affects the health, safety, and welfare of the public or the protection of the environment.
3. The Act should exempt certain professional practices of geology and geophysics.
4. The Act should allow reciprocity and temporary registration between states.
5. The Board should be given flexible enforcement and disciplinary powers.

The Suggested Geologist Practice Act of 1993 does not include registration of Geophysicists, as suggested during the September 27, 1991 meeting, however, modification of the Act into a Suggested Practice Act for Geologists and Geophysicists can be easily accomplished by any state wishing to have a combined registration act. Following review and discussion by the CoPGO member societies the Suggested Geologist Practice Act of 1993 was edited and revised without violating any of the principles established in the original draft of the Act. The Act was endorsed by the Association of American State Geologists (AASG) during the 82nd Annual Meeting, 9-13 June 1990; formally endorsed by The Association of Engineering Firms Practicing in the geosciences (ASFE) by unanimous vote of the Board of Directors on 17 February 1992; by unanimous vote of the Board of Directors of the Association of Engineering Geologists (AEG) at their meeting on April 11, 1992; by unanimous vote of the Division of Professional Affairs of the American Association of Petroleum Geologists (AAPG) on 3 October 1992; by unanimous vote of the Board of Directors of

the Society of Independent Professional Earth Scientists (SIPES) on 4 December 1992 and by the National Association of State Boards of Geology (ASBOG) at its fifth annual meeting in November 1994. It is the hope of the CoPGO member societies that the Suggested Geologist Practice Act of 1993 will provide a solid foundation for the development of legislation for the registration of geologists and geophysicists in any state that wishes to do so.

# A BILL TO BE ENTITLED

## "THE [State Name] GEOLOGISTS PRACTICE ACT"

### AN ACT

relating to the registration of geologists and the practice of geology; defining terms; creating and establishing the powers of the Board of Registration for Geologists; establishing the requirements for registration of geologists and in specialties thereof; providing for the issuance, renewal, suspension and revocation of registration certificates; providing for the regulation of the practice of geology; making provisions for practice without the necessity of registration; prohibiting certain acts and conduct; imposing sanctions and penalties for violations of the Act; and repealing all laws or parts of laws in conflict.

#### **BE IT ENACTED BY THE LEGISLATURE OF THIS STATE:**

1.1 Title. This Chapter shall be known and may be cited as "The Registration of Geologists Act of [year]."

1.2 Purpose. In order to safeguard life, health and property of the citizens of this State and to promote the public welfare, the practice of geology in this State is declared to be subject to regulation in the public interest.

1.3 Requirement for Registration. Only those persons who are registered pursuant to this Chapter, or who are exempted from or otherwise permitted hereby, shall practice, offer or attempt to practice geology or any specialty thereof in this state.

1.4 Use of Terms. Only those persons who are registered pursuant to this Chapter may make use of the term "Registered Geologist" or claim any specialty in geology, as a professional, business or commercial identification, title, name, representation or claim or otherwise hold themselves out to the public, as provided in Section 2.7, as being qualified to practice geology or any of its specialties.

1.5 Public Documents and Reports. Any geologic report or geologic portion of a report required by or supporting compliance with municipal, county, State, or federal laws, ordinances or regulations, which incorporates or is based on a geologic study or on geologic data, shall be prepared by or under the supervision of a registered geologist as evidenced by the geologist's signature and seal as provided in Section 6.8.

1.6 Public Contracts. This State, its political subdivisions, and all public boards, districts, commissions, or authorities shall contract for geological services only with persons registered under this chapter or with business entities employing geologists registered under this chapter, who shall be in responsible charge of the geological work.

#### **As used in this chapter, the following terms shall have the meanings ascribed to them below:**

2.1 Board. the Board of Registration for Geologists.

2.2 Certified Geologist. A geologist who has been certified by a professional geological organization, society or association, including but not limited to the American Association of Petroleum Geologists and the American Institute of Professional Geologists, that has certification requirements that have been recognized by the Board as provided in Section 4.3.

2.3 Commissioner/Administrator. [if applicable, insert title of State official who heads the department or agency, if any, responsible for administering professional registration and licensing]

2.4 Department. [if applicable, insert name of the department or agency, if any, responsible for administering professional registration and licensing]

2.5 Geologist. A person who, by reason of his or her knowledge of geology, mathematics and the supporting physical and life sciences, acquired by education and practical experience, is qualified to engage in the practice of geology as defined in this act.

2.6 Geology. The science which includes treatment of the earth and its origin and history, in general; the investigation of the earth's constituent rocks, minerals, solids, and fluids including surface and underground waters, gases and other materials; and the study of the natural agents, forces, and processes which cause changes in the earth.

2.7 Practice of Geology. Performance of geological service or work including but not limited to consultation, investigation, evaluation, planning, surveying, mapping, and inspection of geological work, and the responsible supervision thereof, the performance of which is relevant to public welfare or the safeguarding of life, health, property, and the environment, except as otherwise specifically provided by this chapter. A person shall be construed to practice or offer to practice geology, within the meaning and intent of this chapter, who practices any branch of the profession of geology; or who by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a geologist; or who through the use of some other title implies that he or she is a geologist or that he or she is registered under this chapter; or who holds himself or herself out as able to perform or who does perform any geologic services or work recognized by the Board as the practice of geology.

2.8 Registered Geologist. A geologist who has met the academic and experience qualifications established pursuant to this chapter and has been issued a certificate of registration as a geologist by the Board.

2.9 Responsible Charge. The independent control and direction, by use of initiative, skill and independent judgment, of geological work or the supervision of such work.

2.10 Subordinate. Any person who assists in the practice of geology by a registered geologist or an exempt person without assuming the responsible charge of the work.

2.11 Definitions Relating to Specialties:

(a) Engineering Geology. A specialty of geology relevant to (1) the planning, design, operation and maintenance of civil engineering works, (2) the development, protection and remediation of ground and surface water resources, and (3) other human activities where geologic factors and conditions impact the public welfare and the safeguarding of life, health, property, and the environment.

(b) Engineering Geologist. A geologist who, by reason of his or her knowledge of engineering geology, acquired by education and practical experience, is qualified to engage in the practice of engineering geology.

(c) Practice of Engineering Geology. Performance of geological service or work including but not limited to consultation, investigation, evaluation, planning, surveying, mapping, and inspection of geological work, and the responsible supervision thereof, the performance of which is relevant to public welfare or the safeguarding of life, health, property, and the environment, except as otherwise specifically provided by this chapter; including, but not limited to, the commonly recognized geologic practices of construction geology, hydrogeology, environmental geology, and urban geology.

(d) Specialty. Any branch of geology which has been recognized pursuant to this chapter for the purposes of registration. Engineering geology shall be considered to be a specialty of geology.

(e) Registered Specialty Geologist. A registered geologist who has met the academic and experience qualifications in a speciality of geology established pursuant to this chapter and has been issued a certificate of registration in that specialty by the Board.

3.1 Creation. The Board of Registration for Geologists is hereby created [as an agency of the State] [within the Department of \_\_\_\_\_] to administer the provisions of this chapter.

3.2 Members. The Board shall be composed of seven members, six of whom shall be appointed by the Governor [with the advice and consent of the (appropriate legislative body)], and the State Geologist [or other appropriate title such as Commissioner of Natural Resources] (or his or her designee), who shall be an ex officio member of the Board.

3.3 Composition.

(a) Five of the appointed members of the Board shall be geologists registered pursuant to this chapter, two of whom shall be registered in a specialty of geology recognized pursuant to this chapter. Insofar as possible, the composition of the appointed geologists serving on the Board shall be generally representative of the occupational distribution of geologists registered pursuant to this chapter.

(b) One member of the Board shall be a lay member of the general public with no family or business connection with the practice of geology.

3.4 Qualifications. Each member of the Board shall be a citizen of the United States, shall have been a resident of this State for at least three years immediately preceding his or her appointment, and shall be at least 25 years of age.

3.5 Terms of office of appointed members.

(a) Duration. Members of the Board shall be appointed for terms of four years. Terms shall be staggered such that not more than two appointments are scheduled to be made in any calendar year.

(b) Continuation. Members shall hold office until the expiration of the terms for which they were appointed and until their successors have been appointed and have qualified.

(c) Limitation. No member of the Board shall serve more than two consecutive full terms.

3.6 Oath of Office. Before entering the discharge of their duties, members of the Board shall subscribe to and file the Constitutional oath of office with the [appropriate State office], upon which each member shall receive a certificate of appointment.

3.7 Removal. The Governor may remove or suspend any member of the Board for any of the following causes:

(a) if the member is no longer qualified for appointment to the Board;

(b) misconduct, incompetence, neglect of official duties, malfeasance, or mental or physical disability;

(c) commission of a felony or violation of any of the provisions of this chapter resulting in disciplinary action;

(d) an unexcused failure to attend at least one-half (1/2) of the regularly scheduled meetings held in a calendar year during the member's term in office; or

(e) any other good and sufficient cause.

3.8 Vacancies. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment as provided in this chapter.

3.9 Compensation and Expenses. Each member of the Board shall be entitled to reasonable compensation established by the Board on a per diem or other basis in the performance of his or her official duties as a member of the Board [in accordance with the (State administrative procedures act)], and shall be reimbursed for transportation and other expenses [as set by the (appropriate law or regulations)] incurred in connection with the business of the Board.

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

4.1 State Laws. The Board shall be subject to the [Open Meeting and the Administrative Procedure] Laws of this State except as may otherwise be provided in this Chapter.

4.2 Organization and Meetings of the Board.

(a) Board Rules. The Board shall adopt appropriate rules, not inconsistent with the laws of this State, governing the conduct of its business and meetings.

(b) Meetings. The Board shall meet within 60 days after appointment of its members. The Board shall hold at least two regular meetings each year. Special meetings shall be held at such time as the rules of the Board may provide and in accordance with the notice requirements thereof.

(c) Officers. The Board shall elect annually from its own membership a Chair, Vice Chair, and Secretary-Treasurer, none of whom shall hold that office for more than two consecutive one-year terms, and may appoint an assistant secretary and other assistant officers, not members of the Board, to assist the Board and exercise its authority in carrying out its duties and responsibilities.

(d) Quorum. A majority of the Board shall constitute a quorum.

(e) Minutes. Minutes of each meeting of the Board, recording the members present and the business taken thereat, shall be signed and kept by the Secretary-Treasurer or an assistant secretary appointed by the Board.

4.3 Powers and Duties of the Board. In addition to any other powers and duties granted under the laws of this State or provided in this chapter:

(a) Rules and Regulations. The Board shall promulgate, adopt and issue, and shall have the authority to enforce rules and regulations and bylaws consistent with the purposes of this chapter and in accordance with [State administrative procedure act] for the administration thereof, the performance of its duties, governing its proceedings, and regulating the practice of geology in this State.

(b) Fees and Charges. The Board shall establish reasonable and necessary fees to be charged applicants and registrants in connection with and to support the administration and enforcement of this chapter.

(c) Recognition of Specialties. The Board shall have the authority to recognize and establish specialty branches of geologic practice, and to establish qualifications, conduct examinations, and issue certificates of registration in such specialties to qualified applicants. The specialty of engineering geology is so recognized as provided in this chapter.

(d) Consideration of Applications. The Board shall consider all applications for registration as a geologist or in any specialty thereof recognized by the Board pursuant to this chapter.

(e) Examinations. The Board shall have the authority to prepare, administer, and grade oral and written examinations required or permitted by this chapter. In connection therewith, the Board shall have the authority to adopt or recognize, in part or in whole, examinations prepared, administered or graded by other organizations, on a regional or national basis, which the Board determines are appropriate to measure the qualifications of an applicant for registration as a geologist or in any specialty of geology, provided (1) that the examination questions and correct answers, and any individual applicant's completed examination, are available to the Board, and (2) that the Board retains the authority to determine a passing grade for purposes of registration in this State.

(f) Issuance of Certificates. The Board shall issue certificates of registration as provided in this chapter.

(g) Renewal and Reissuance of Certificates. The Board shall renew and reissue certificates as provided in this chapter. As a condition of such reissuance or renewal the Board shall have the authority to require, in general or in individual cases, evidence of continued competence in the practice of geology through means such as but not limited to the review of qualifications and experience, requirements for continuing professional education, or by reexamination on a periodic or other basis.

(h) Code of Professional Conduct. The Board shall, by regulation, promulgate, adopt and issue a Code of Professional Conduct which shall be binding upon all registrants permitted to practice geology under the limitations of this chapter, and shall have the authority to enforce such Code through the imposition of sanctions as provided in this chapter.

(i) Investigation of Complaints. The Board shall investigate all complaints of violations of this chapter, by registrants and nonregistrants, as provided in this chapter.

(j) Disciplinary Authority. The Board shall have the authority, as provided herein, to refuse issuance or renewal of or to suspend or revoke any certificate, and to impose sanctions including restrictions on the practice of any registrant or of a person, firm or corporation practicing under the limitations of this chapter, for violations of this chapter or the rules and regulations promulgated hereunder.

(k) Oaths, Affirmations and Evidence. The Board shall have the power to administer oaths and affirmations, and to issue subpoenas to compel the attendance of witnesses and the production of evidence, as provided herein.

(l) Injunctions. The Board shall have the authority to issue cease and desist orders and to seek injunctions against violations of this chapter or the rules and regulations promulgated hereunder, as provided herein.

(m) Recognition of Certain Geologic Designations. The Board shall, by regulation, recognize and authorize the use of the designation "Certified Professional Geologist" or "C.P.G." as used by the American Institute of Professional Geologists, the designation "Certified Petroleum Geologist" or "C.P.G." as used by the American Association of Petroleum Geologists, and the use of the designation "Certified Geologist" or any similar designation established by a professional geological organization, society or association recognized by the Board, subject to the following provisions:

(1) that such organization, society or association's requirements for certification are comparable to the educational and experience requirements of this chapter and are otherwise acceptable to the Board;

(2) that the full name or recognized abbreviation of the organization granting the certification is

stated following or in conjunction with the use of the designation or abbreviation, and (3) that the designation or abbreviation is not used in such a manner that will tend to or be likely to mislead the public or create any impression that the person is licensed to practice geology before the public unless such person is registered under the provisions of this chapter.

(n) Recognition of Certain Engineering Designations. The Board shall, by regulation, recognize the use of the designation "geological engineer", "geological engineering", "geotechnical engineer", "geotechnical engineering", "hydraulic engineer", "hydraulic engineering" or any other "engineering" title by persons appropriately registered or licensed as professional engineers in this state as a legitimate engineering title separate from "geology" or any specialty thereof..

Notwithstanding the recognition of a designation in Sections 4.3(m) and 4.3(n), nothing herein shall permit a person who is neither registered, nor otherwise permitted to practice geology pursuant to the limitations of this chapter, to practice geology or any specialty thereof in this State.

(o) Agreements in Furtherance of Reciprocity. The Board shall have the authority to enter into agreements with boards of registration in other states, and with other appropriate organizations and agencies, for the purposes of developing uniform standards for registration of geologists; accrediting educational programs; establishing reciprocity, comity, temporary registration, or mutual recognition of registration; developing regional or national examinations; evaluating applicants; or other purposes consistent with this chapter.

(p) Committees, Staffing and Support. The Board shall have the authority to appoint committees, employ personnel, engage contractors and consultants, lease or purchase furnishings, equipment and supplies, lease office space, and incur other similar expenses in connection with its operations and the administration of this chapter, within the funds available to it and the limitations set forth herein and in [State administrative procedures act or other applicable State laws].

(q) Other Powers not Enumerated. The Board shall have all other powers and authority consistent with this chapter, not enumerated herein, as are necessary for the administration and enforcement of this chapter.

#### 4.4 Administration.

(a) Executive Director. The Board shall appoint an Executive Director, who shall serve at the pleasure of the Board and be responsible for managing the day-to-day affairs of the Board, including, but not limited to arranging for and supervising the necessary support, secretarial and clerical services; obtaining space for holding examinations, meetings and conferences; printing or purchasing examinations; printing and mailing forms, information, and certificates; sending notices, collecting fees and issuing receipts; conducting the correspondence of the Board including replying to routine requests for information; maintaining minutes and records of the Board; keeping records of receipts and disbursements; and providing necessary investigative services.

(b) Offices. The Board shall maintain an official office and address [within the City of \_\_\_\_\_] for the conduct of its business.

#### 4.5 Receipts and Disbursements.

(a) Receipts. The [Executive Director] [Secretary-Treasurer] shall receive, administer and account for all monies derived under the provisions of this chapter, and shall transfer these funds to the [State treasurer or other appropriate State officer].

(b) Geologists Fund. All funds remitted to the Board pursuant to this chapter shall be deposited in a separate fund, to be known as the "Geologists Fund," which fund is hereby created by this chapter. The Geologists Fund shall be maintained in accordance with the accounting procedures required by, and shall be subject to audit by, the [State treasurer or other appropriate State officer]. Interest earned upon monies deposited in the Geologists Fund shall accrue to the

Geologists Fund.

(c) Expenses. All expenses incurred by the Board in the administration and enforcement of this chapter shall be paid from the "Geologists Fund."

(d) Fund Balances. The Board shall not incur expenses in excess of the funds available, and shall not maintain unnecessary fund balances. Fees shall be set at a level appropriate to provide for the expenses incurred in the administration and enforcement of this chapter.

(e) Annual Report. The [Executive Director] [Secretary-Treasurer] shall prepare, certify and file an annual report of all receipts, expenditures and fund balances with the [State treasurer or other appropriate State officer].

4.6 Records and Reports. The [Executive Director] [Secretary-Treasurer] shall maintain the following records and make the following reports:

(a) Minutes. Minutes of each meeting of the Board and a record of the Board's proceedings.

(b) Record of Applications for Registration. A register of all applications for registration, which shall show:

- (1) the name, residence and date of birth of the applicant;
- (2) the date of the application;
- (3) the address of the applicant's principal place of business, and of the applicant's place of business in this State, and the name of the applicant's employer, if applicable;
- (4) the applicant's educational and other qualifications;
- (5) whether or not an examination was required;
- (6) whether the applicant was rejected;
- (7) whether a certificate of registration was granted;
- (8) the date of the action of the Board; and
- (9) such other information as may be deemed necessary by the Board;

(c) Roster of Registrants. A roster showing the names and places of business of all registered geologists practicing under certificates of registration issued by the Board. Copies of this roster shall be placed on file with the [appropriate State offices], and shall be furnished without charge, on request, to any State agency, county or city clerk or building official, and any registrant or certificate holder. Copies shall also be furnished to any person upon written request, subject to payment of a reasonable charge for reproduction, handling and mailing, if required by the Board, and any applicable State taxes.

(d) List of Specialties and Certifying Organizations. A list of recognized specialties of geology, and professional geological organizations, societies and associations, certification by which is recognized by the Board under this chapter.

(e) Reciprocity. A list of each state, territory or possession of the United States, the District of Columbia, or foreign country in which the requirements and qualifications for registration are comparable to those established in this State and with which a reciprocity agreement or other form of mutual recognition or comity exists.

4.7 Records Open to Public. Records of the Board shall be available to the public during normal business hours, except that the Board may establish reasonable limitations on public access to or the release of confidential records of applications for a certificate of registration, and records of disciplinary and legal proceedings [in accordance with the (applicable State freedom of information law, privacy act or similar statute)]. The records kept by the Secretary-Treasurer shall be prima facie evidence of the proceedings of the Board set forth therein, and a transcript thereof, duly certified by the Chair, Vice Chair, Secretary-Treasurer or Executive Director, shall be admissible in evidence with the same force and effect as if the original were produced.

4.8 Legal and Investigative Assistance. The Board [, with the approval of the {State, proper name} attorney general or other appropriate legal officer, if required], shall have the authority to retain outside counsel and investigators to provide such legal and investigative assistance as may be necessary in enforcing the provisions of this chapter. The Board may request the [State attorney general or other appropriate legal officer] to act as legal adviser to the Board and to render such assistance as the Board may require. It shall be the duty of all respective officers charged with the enforcement of laws and ordinances to prosecute all persons charged with the violation of any of the provisions of this chapter. The Board, its agents and employees shall aid these officers in the enforcement of this chapter.

5.1 Applications. Applications for registration as a geologist or in any recognized specialty of geology, for temporary or reciprocal registration, shall be on forms prescribed and furnished by the Board, signed and sworn to before a Notary Public by the applicant, shall be accompanied by the appropriate application fee, and shall include the following information in addition to the information required to be provided under Section 4.6(b):

- (a) the applicant's education;
- (b) a detailed summary of his or her actual geologic work, including work in any specialty in which the applicant desires registration;
- (c) a signed statement that the applicant has read and shall adhere to the Code of Professional Conduct; and
- (d) not less than five references, of whom three or more shall be geologists having personal knowledge of the applicant's geologic experience.

5.2 Fees. Applicants shall remit fees for application, examination, registration and renewal of certificates of registration, as appropriate, and such other fees as may be required by the Board.

5.3 Requirements for Registration as a Geologist. For registration as a geologist, an applicant must meet the following requirements:

- (a) Character. The applicant shall be of good moral and ethical character as attested to by letters of reference submitted on behalf of the applicant or as otherwise determined by the Board;
- (b) Education. The applicant shall have graduated from a course of study in geology satisfactory to the Board, or from a program accredited by an organization recognized by the Board, of four or more years duration and which includes at least 30 semester or 45 quarter hours of credit, with a major in geology or a geological specialty, or satisfy educational equivalents determined by the Board;
- (c) Experience. The applicant shall have a documented record of a minimum of four years of experience in geology or a specialty of geology, obtained subsequent to completion of the academic requirements specified herein, in geologic work of a character satisfactory to the Board, demonstrating that the applicant is qualified to assume responsible charge of such work upon registration as a geologist. The Board may require that up to two years of such experience be gained under the supervision of a geologist registered in this or any other state, or under the supervision of others who, in the opinion of the Board, are qualified to have responsible charge of geological work.
- (d) Examination. The applicant shall have passed an examination covering the fundamentals and practice of geology prescribed or accepted by the Board.
- (e) Other Requirements. The applicant shall meet such other general or individual requirements

as may be established by the Board pursuant to its authority under this chapter.

5.4 Requirements for Registration in a Geological Specialty. For registration in any geological specialty recognized pursuant to this chapter, an applicant must meet the following requirements, in addition to meeting those specified in Section 5.3 above for registration as a geologist:

(a) Education. In addition to the educational requirements for registration as a geologist defined in Section 5.3b, an applicant for registration in any specialty of geology established by the Board shall have successfully completed 12 semester or 16 quarter hours of advanced study in their specialty at an academic institution acceptable to the Board.

(b) Experience. The applicant's experience shall include a documented record of six years of experience with no less than four years in the applicable specialty, subsequent to completion of the academic requirements specified herein, in geologic work of a character satisfactory to the Board, and demonstrating that the applicant is qualified to assume responsible charge of such specialty work upon registration in that specialty of geology. The Board shall require a minimum of two years of such experience be gained under the supervision of a geologist registered in the specialty in this or any other state, or under the supervision of others who, in the opinion of the Board, are qualified to have responsible charge of geological work in the specialty.

(c) Examination. The applicant shall have passed an examination in the applicable specialty prescribed or accepted by the Board.

5.5 Qualifying Experience. The following standards shall be applicable to experience in the practice of geology or a specialty required under Sections 5.3 and 5.4:

(a) Experience in Geology Gained under Supervision of a Geologist. Each year of professional practice of a character acceptable to the Board, carried out under the direct supervision (1) of a geologist who is registered in this State or under requirements for registration comparable to those under this chapter, or (2) of a geologist who meets the educational and experience requirements for registration but who is not required to be registered under the limitations of this chapter, shall qualify as one (1) year of professional experience in geology.

(b) Experience in Engineering Geology. Each year of professional engineering geology practice of a character acceptable to the Board, carried out under the direct supervision (1) of an engineering geologist who is registered as such under this chapter, or who is registered or certified as an engineering geologist under comparable requirements in any other state, (2) of a civil engineer or geological engineer registered in this or any other state, or (3) of an engineering geologist who meets the educational and experience requirements for registration but who is not required to be registered under the limitations of this chapter, shall qualify as one year of practice in engineering geology.

(c) Experience in Other Specialties. Each year of professional specialty practice of a character acceptable to the Board, carried out under the direct supervision (1) of a geologist who is registered in a specialty under this chapter, or who is registered or certified as a specialty geologist under comparable requirements in any other state, or (2) of a specialty geologist who meets the educational and experience requirements for registration but who is not required to be registered under the limitations of this chapter, shall qualify as one year of practice in the applicable specialty of geology.

(d) Experience Prior to Effective Date of this Chapter Under Supervision or in Responsible Charge. Experience in professional practice, of a character acceptable to the Board and acquired prior to [date - one year after the effective date of this chapter], shall qualify if such experience (1) was acquired under the direct supervision of a geologist who meets the educational and experience requirements for registration under this chapter, or who is registered under comparable requirements in any other state, or (2) would constitute responsible charge of professional

geological work, as determined by the Board.

#### 5.6 Experience in Graduate Study, Research and Teaching.

(a) Graduate Study. Each year of full-time graduate study in the geological sciences or in a specialty of geology shall qualify as one year of professional experience in geology or the applicable specialty of geology, up to a maximum of two years.

(b) Research and Teaching. The Board may accept geological research or teaching of persons studying geology or a geological specialty at the college or university level as qualifying experience, provided that such research or teaching, in the judgment of the Board, is comparable to experience obtained in the practice of geology or a specialty thereof.

5.7 Examinations--content. Examinations shall be given for the purpose of determining the qualifications of applicants for registration as geologists or in specialties of geology. Examinations shall include, but not be limited to, the following subject matter:

(a) Fundamentals of Geology. The examination for registration as a geologist shall include an examination designed to test the academic preparation of the applicant in geology. At the Board's discretion, such examination may be taken at any time following completion of the applicant's educational requirements, and before completion of the experience required for registration.

(b) Geologic Practice. The examination for registration as a geologist shall also include an examination designed to test the applicant's ability to employ geologic knowledge and to assume responsible charge of geologic work. The geologic practice examination may only be taken after the applicant has acquired the experience required for registration as a geologist and has passed the examination on the fundamentals of geology.

(c) Specialty Practice. Examinations for registration in specialties of geology recognized by the Board shall be designed to test both the academic preparation and the practical experience of the applicant in the applicable specialties recognized by the Board. The examination to test the applicant's ability to employ geologic knowledge in the specialty and to assume responsible charge of geologic work in that specialty shall include an equal distribution of questions from the breadth of the specialty. Specialty practice examinations may only be taken after the applicant has acquired the experience required for registration in the applicable specialty and has passed the examination on the fundamentals of geology and any other examination that may be required to register as a geologist.

#### 5.8 Examinations--procedures.

(a) Time and Place of Examinations. Examinations shall be given at least annually. On payment of the examination fee, oral or written examinations shall be administered at such time(s) and place(s) as the Board shall determine.

(b) Notice of Examination Results. Within 90 days after the day on which an examination is administered under this Act, the [Board] [Executive Director] shall notify each examinee of the results of the examination. However, if an examination is graded or reviewed by a national testing service, the Executive Director shall notify examinees of the results of the examination within two weeks after the day that the Board receives the results from the testing service. If notice of the examination results will be delayed for longer than 90 days after the examination date, the [Board] [Executive Director] shall notify the examinee of the reason for the delay within said 90 day period.

(c) Analysis of Results. If requested in writing by a person who fails an examination, the [Board] [Executive Director] shall furnish the person with an analysis of the person's performance on the examination. Examinations shall not be released to the applicant or to the public.

(d) Reexamination and Partial Reexamination. An applicant who has failed an examination may be examined again upon filing a new application and the payment of the applicable fees. The Board may adopt rules and regulations to permit an applicant who has failed one or more Sections of an examination to be reexamined only in those Sections, subject to a maximum limit of attempts before being required to retake the entire examination.

5.9 Registration without Examination. Any person who holds a valid certificate of registration or license for the practice of geology or a recognized specialty of geology, issued pursuant to the laws of any state or territory or possession of the United States, the District of Columbia or any foreign country, shall be eligible for registration, without meeting the examination requirements of Sections 5.3 or 5.4, as follows:

(a) Reciprocal Registration. The Board may issue a certificate of registration to any such person, as appropriate, who has made application therefor, has provided proof of registration or licensure under requirements which the Board determines to be substantially similar to those established pursuant to this chapter, and has paid any applicable fees.

(b) Temporary Registration. A person not a resident of and having no established place of business in this State who desires to practice geology for a specific project for a period not to exceed 90 days, or an applicant for reciprocal registration who desires to practice geology pending a determination on such application for reciprocal registration by the Board, may be issued a temporary registration certificate authorizing such temporary practice in this State if that person:

- (1) has made application for such temporary registration to the Board, has provided proof of registration and has paid any applicable fee, and
- (2) complies with the signature requirements of Section 6.8 and affixes the person's seal from the jurisdiction in which the person is legally qualified to practice on all work completed while in this State, and
- (3) files required information and reports and complies with other requirements established by the Board concerning such temporary practice.

5.10 Educational and Experience Equivalents. The Board, by regulation, may adopt qualifications which in its judgment are equivalent to the educational and experience requirements set forth herein.

5.11 Waiver of Requirements. In any individual case the Board, by a two-thirds vote of the entire Board, may waive any of the requirements for registration, except payment of the applicable fees, upon written request of the applicant and a showing of good cause, where the Board determines that the applicant is otherwise qualified for registration as a geologist or in a specialty of geology. The requirements waived and the basis for such waiver shall be recorded in the applicant's record and in the proceedings of the Board.

5.12 Denial of Registration.

(a) Grounds for Denial. The Board may deny registration to an applicant who fails to satisfy any of the requirements established pursuant to this chapter, or if the Board determines that there is probable cause to believe that an applicant has violated this chapter or any provisions to which a registrant would be subject hereunder, or comparable provisions in effect in any other state. The Board shall not issue a certificate of registration pending the disposition, in this or another state, of any complaint alleging such violation of which the Board has notice.

(b) Notice to Applicant. An applicant who is denied registration shall be notified in writing within 30 days of the Board's decision, stating the reason therefor. Within 30 days after receipt of such notice, the applicant may make written request for a hearing, which, if granted, shall be conducted as provided in [this chapter] [the applicable State law governing Board hearings or disciplinary

actions]. In the absence of a request for a hearing, the Board's action shall be final and conclusive.

(c) Refund of Application Fee. The Board shall refund the application fee of any applicant whose application has been denied, less the cost of considering the application, as determined by the Board.

5.13 Renewal of Registration. For renewal of registration as a geologist or specialty geologist, an applicant must have met such continuing education requirements for renewal as may be established by the Board.

6.1 Certificates. The Board shall issue an appropriate certificate evidencing registration as a geologist or in any specialty of geology recognized by the Board, upon payment of the applicable registration fee, to any applicant who, in the opinion of the Board, has satisfactorily met all the requirements of this chapter for registration as a geologist or in any specialty of geology. Such certificate shall show the full name of the registrant, shall have a serial number, and shall be signed by an appropriate officer of the Board under seal of the Board.

6.2 Certificate as Evidence of Registration. The issuance by the Board of a certificate of registration to an individual shall be prima facie evidence that the person named therein is entitled to all rights and privileges of a registered geologist or specialty geologist, and to practice geology as a firm or corporation, while such certificate remains unrevoked or unexpired.

6.3 Expiration and Cancellation of Certificates. Certificates of registration shall be valid for a period not to exceed three years, and shall expire in accordance with a schedule established by the Board. The Board shall notify each certificate holder of the date of expiration of his or her certificate and the amount of the fee that shall be required for its renewal not less than 60 days prior to the date of expiration. Upon expiration, a certificate shall be canceled and is invalid, and may not be renewed except as provided in this chapter.

6.4 Renewal of Certificates. The Board shall renew or reissue the certificate of registration of any registrant who, before the expiration date of the certificate, or within a period of time thereafter determined by the Board not to exceed 60 days,  
(a) submits the required renewal application and fee, and any penalty for late renewal, and  
(b) has met the requirements for renewal established by the Board.

6.5 Conditions for Reissuance. The Board, by regulation, may establish conditions and fees for the reissuance of certificates of registration which have lapsed, expired, or have been suspended or revoked.

6.6 Replacement of Certificates. The Board shall reissue a new certificate to replace any certificate of registration which has been lost, destroyed, or mutilated, subject to regulations and fees determined by the Board.

6.7 Seal. Upon registration, each registrant shall [obtain] [be provided with] a seal of a design established by the Board, bearing the registrant's name, registration or certification number, the legend "Registered Geologist," which shall further indicate any specialty in which the individual may be registered.

6.8 Use of Seal and Signature Required. Geologic reports, documents, chain-of-custody records, manifests, permits, affidavits, maps, plans, logs, sections or other public records offered to the public and prepared or issued by or under the supervision of a registered geologist, or by a subordinate under the supervision of a registered geologist, shall include the full name, signature and registration number of the registrant who prepared such document or under whose supervision it was prepared, and an impression of the registrant's seal, in accordance with regulations issued by the Board. Documents which are required to have been prepared or issued

by or under the direction of a geologist registered in a specialty shall be similarly signed and sealed.

7.1 Limitations. The following activities shall not require registration under this chapter:

(a) Work by Employees and Subordinates. Geological work performed by an employee or a subordinate of a registrant under this chapter, provided that the such work does not include responsible charge of geological work as defined herein, and is performed under the direct supervision of a geologist registered hereunder, who shall be and remain responsible for such work.

(b) Work by Government Officers and Employees. Geological work performed by officers and employees of the United States practicing solely as such officers and employees.

(c) Exploration and Development. Geological work performed exclusively in the exploration for and development (proving out) of energy resources and base metals, precious and non-precious minerals, including sand, gravel and aggregate, and neither having a substantial impact upon the public health and safety, as determined pursuant to regulations issued by the Board, nor requiring the submission of reports or documents to public agencies as provided in Sections 1.4 and 6.8.

(d) Geologic Research. Geologic research conducted through academic institutions, agencies of the federal or State governments, nonprofit research institutions, or for-profit organizations, including submission of reports of research to public agencies as provided in Sections 1.4 and 6.8.

(e) Geologic Teaching. Teaching in geology or related physical or natural sciences, except for teaching in any specialty of geology affecting the public health or safety.

(f) Practice of Engineering or other Licensed Professions. (1) The acquisition of engineering data involving soil, rock, groundwater, and other earth materials; evaluation of the physical and chemical properties of soil, rock, groundwater, and other earth materials; and the utilization of these data in analysis, design, and construction by professional engineers appropriately registered or licensed in this State, and (2) similar geological work performed by persons or organizations licensed or registered in any other profession or occupation related to geology, provided that such work is permitted under the applicable licensing or registration law, and is incidental to the practice or the profession or occupation for which licensure or registration is required.

(g) Practice of Other Occupations and Professions. Work customarily performed by such physical or natural scientists as chemists, archaeologists and archaeological geologists, geographers, oceanographers, pedologists and soil scientists, providing such work does not include the design and execution of geologic investigations, being in responsible charge of geologic or specialty geologic work, or the drawing of geologic conclusions and recommendations in a way that significantly affects the public health, safety, or welfare.

(h) Administrative or Judicial Presentations. The giving of testimony, or preparation and presentation of exhibits or documents for the sole purpose of consideration by, or being placed in evidence before, any administrative agency, judicial tribunal, or public hearing, providing such testimony, exhibits, or documents do not imply that the person is registered under the provisions of this chapter.

7.2 Practice of Engineering by Geologists. Nothing herein shall be construed to permit the practice of engineering by a geologist or any specialty geologist, except such practice as is incidental to the practice of geology or engineering geology and does not include any design of an engineered structure.

7.3 Practice by Firms and Corporations. No firm or corporation shall engage in the practice of geology or any specialty thereof, except as follows:

(a) Registrant in Responsible Charge. The geological work is performed by or under the supervision of one or more geologists registered to practice geology or the applicable specialty thereof, except as otherwise specifically provided by this chapter, who shall be in responsible charge thereof and who shall sign and seal all documents as provided in this chapter;

(b) Registrant in Position of Authority. If the principal business of the firm or corporation, as determined by or under regulations issued by the Board, is the practice of geology, a principal of the firm, or an officer or director of the corporation shall be registered as a geologist and in any applicable specialty of geology performed by the firm or corporation, and shall have overall supervision and control of the geological work performed in this State, except as otherwise specifically provided by this chapter;

(c) Personal Liability. Any geologist performing services through the firm or corporation shall not be relieved of personal liability for negligence, misconduct, or wrongful acts committed by that person;

(d) Liability of Firm or Corporation. The firm or corporation employing a registrant hereunder shall be jointly and severally liable for the negligence, misconduct, or wrongful acts committed by its agents, employees, or partners while acting in a professional capacity on behalf of the firm or corporation; and

(e) Rules and Regulations. The firm or corporation shall be subject to the rules and regulations issued by the Board, pertaining to practice by a firm or corporation.

7.4 Effect on Other Requirements for Registration. Nothing herein shall permit any person, firm or corporation to hold himself, herself or itself out to the public as a geologist, or as being registered as a geologist or in any specialty of geology, or as being able to perform geological services, or to prepare any report or other document requiring the signature and seal of a registrant under Sections 1.4 and 6.8, unless such person is registered hereunder.

8.1 Sanctions Permitted. The Board may take the following disciplinary actions, singly or in combination:

(a) Denial of certificate. to deny issuance or renewal of a certificate of registration;

(b) Revocation of certificate. to permanently revoke the certificate of registration of any holder thereof;

(c) Suspension of certificate. to suspend the certificate of registration of any holder thereof for a specified period of time, not to exceed three years, which may take effect immediately notwithstanding the appeal of any sanctions provided herein, if the Board determines that there is an imminent danger to the public health, welfare and safety;

(d) Censure, reprimand or admonishment. to censure, reprimand or issue a public or private admonishment to an applicant, the holder of a certificate of registration, or a person, firm or corporation practicing geology under the limitations of this chapter;

(e) Practice restrictions. to impose limitations, conditions or restrictions upon the practice of an applicant, the holder of a certificate of registration, or upon a person, firm or corporation practicing geology under the limitations of this chapter;

(f) Peer review. to require a registrant to participate in a peer review program under regulations issued by the Board;

(g) Remedial requirements. to require a registrant to obtain remedial education and training of a

nature prescribed by the Board;

(h) Probation. to impose probation upon the holder of a certificate of registration, requiring regular reporting to the Board;

(i) Restitution. to require restitution in whole or in part of the compensation or fees earned by the holder of a certificate of registration, or upon a person, firm or corporation practicing geology under the limitations of this chapter; and

(j) Fines. to impose civil fines not to exceed ,000 for each violation.

8.2 Grounds for Discipline. The Board may impose appropriate sanctions for any of the following, whether such violations have occurred in this State or in any other state or country:

(a) the practice of any fraud or deceit in obtaining certification from an organization described in Section 4.3(m) hereof, or in obtaining a certificate of registration as a geologist or in a specialty or geology;

(b) incompetency, misconduct, fraud, gross negligence or repeated incidents of negligence in or related to the practice of geology;

(c) conviction of a felony or crime involving moral turpitude, or the imposition of an administrative, civil or criminal fine, or sentence of imprisonment or probation in lieu thereof, for any misdemeanor relating to or arising out of the practice of geology, or the issuance of a cease and desist order or similar sanction relating to or arising out of the practice of geology;

(d) using the seal of another, or using or allowing use of one's seal on geologic work not performed by or under the supervision of the registrant, or otherwise aiding or abetting any person in the violation of any provision of this chapter;

(e) revocation or suspension of a certificate of registration, or denial of renewal thereof, or other disciplinary action by any state agency, board of registration, or similar licensing agency for geologists or for any profession or occupation related to the practice of geology, provided that the sanction imposed by the Board shall not exceed in severity or duration the sanction upon which such action is based;

(f) any mental or physical disability, including any dependence on or addiction to alcohol or any legal or illegal drugs, which substantially interferes with the individual's ability to assume responsible charge of and responsibility for geological work, to the extent that any sanctions imposed are not in conflict with State or federal laws relating to the rights of disabled persons;

(g) practice of or offering to practice geology, or holding oneself out as being registered or qualified to practice geology, in which the performance thereof significantly affects the safeguarding of life, health, property, and the environment, as defined herein, by an individual geologist who is not registered pursuant to this chapter, or by a firm or corporation not employing a registered geologist as required by this chapter;

(h) practice of or offering to practice a specialty of geology recognized by the Board, or holding oneself out as being registered in or qualified to practice a specialty of geology, in which the performance thereof significantly affects the public welfare or the safeguarding of life, health, property, and the environment, as defined herein, by an individual who is not registered in that specialty pursuant to this chapter, or by a firm or corporation not employing a geologist registered in that specialty to be in responsible charge of such specialty work as required by this chapter; or

(i) violation of any provision of this chapter or of a rule or regulation, including the Code of Professional Conduct, issued hereunder, or of a comparable provision of the laws and regulations of any other state or country.

8.3 Investigation of Complaints. Any person may bring a complaint alleging a violation of this chapter or the rules and regulations promulgated hereunder. The Board shall investigate all complaints brought to its attention, and in connection therewith may employ investigators, expert witnesses and hearing officers, appoint advisory committees and conduct hearings to determine whether disciplinary or other action should be taken.

8.4 Charges. Complaints shall be made in writing, be sworn to by the person filing the complaint, and shall be filed with the secretary of the Board. A person who reports or provides information to the Board in good faith is not subject to an action for civil damages. The Board, on its own motion and upon a finding of probable cause following its investigation, may direct the secretary to file a verified charge against an individual with commission of a violation of this chapter or the rules and regulations promulgated hereunder. The Board shall hear all complaints, except those which the Board determines are unfounded or unsupported by the evidence submitted.

8.5 Notice of Charges; Informal Settlement. The secretary of the Board shall serve upon any person, firm or corporation against which charges are filed, by registered mail at his, her or its last known address, a copy of the complaint together with notice setting forth the charge or charges to be heard and the time and place of the hearing, which shall be not less than thirty days after the date of the notice. Within fifteen days following receipt of such notice, the recipient shall file a written response, admitting, denying, or taking exception to the charges. In the absence of a response or if the charges are admitted or if no exception is taken, the Board may take disciplinary action without the necessity of a hearing. A disciplinary action may be informally settled by the Board and the person, firm or corporation which is the subject of the action, either before or after a hearing is commenced.

8.6 Hearing Procedures. Hearings shall be conducted in accordance with [State administrative procedures act].

8.7 Subpoenas, Oaths and Affirmations. The Board shall have the power to subpoena witnesses and compel their attendance, and to require the production of books, papers, reports, documents, and similar material in connection with any investigation or hearing conducted by the Board. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. If any person refuses to obey any subpoena or refuses to testify or to produce any books, papers, reports, documents, and similar material, or to obey any lawful order of the Board, the Board may petition the \_\_\_\_\_ court to issue such subpoena and compel such attendance and production.

8.8 Cease and Desist and Other Orders. If it appears to the Board that a person, firm or corporation has engaged in or is about to engage in an act or practice in violation of this chapter or the rules and regulations promulgated hereunder, the Board may issue a temporary order directing the recipient to cease and desist such act or practice, or directing the recipient to take specified actions necessary to comply with this chapter or such rules and regulations, and allowing the recipient the opportunity to request a hearing on the matter within 15 days after receipt of the temporary order. A temporary order shall remain in effect until a final order is issued following such hearing, and shall become final after 15 days, if no hearing is requested.

8.9 Immediate Suspensions. If the Board determines that there is an imminent danger to public health, safety or welfare, the Board may issue an order for the immediate suspension of a certificate of registration, and allowing the recipient the opportunity to request a hearing on the matter within 15 days after receipt of the order of suspension. The Board shall file charges as provided herein within 30 days after the issuance of such order, or such suspension shall be of no further force and effect. If charges are filed, an order of suspension hereunder shall remain in effect until disposition of such charges.

8.10 Reports of Disciplinary Action. The Board shall report disciplinary actions to appropriate

regulatory officials in this State, to any other registration or licensing board or organization acting on behalf of its member boards in other states, or to any appropriate state or federal law enforcement agency where it appears that a violation of laws enforced by such agency may have occurred. The Board shall report any disciplinary action to appropriate law enforcement authorities when the Board believes that the violation prompting such action would constitute an offense punishable by fine or imprisonment as provided in Section 9.1, or any other laws of this State or the United States. Records of such disciplinary actions may be released by the Board to such authorities, including other licensing and registration boards in this or any other state, upon written request. The Board shall issue public notice through an annual report of all suspensions and revocations of certificates of registration, including suspensions, surrender of certificates, or revocations obtained informally or by consent, other than expirations or revocations based solely upon the failure of the certificate holder to renew the certificate or to pay applicable fees, and any other publication selected by the Board.

8.11 Injunctions. The Board may apply in the name of the State for an injunction as provided generally in civil cases to enforce the provisions of or restrain any violation of this chapter. In connection therewith, (1) it shall not be necessary to establish irreparable harm or the absence of an adequate remedy at law, (2) members of the Board, its officers, assistant officers, agents and employees shall not be personally liable for any damages resulting from a wrongful injunction, and (3) the initial order of injunction shall include an order to show cause, and shall be temporary pending the return of such order.

8.12 Final Actions; Reversal upon Appeal. A certified copy of a conviction or sentencing record, cease and desist order, order of suspension or revocation of a certificate of registration, or of the denial of renewal thereof, or similar official record upon which disciplinary action may be based under Section 8.2 shall be prima facie evidence of a violation of this chapter. The Board shall not be constrained from imposing sanctions based upon such conviction, imposition of a penalty or order by another body pending final disposition of the underlying conviction, penalty or order on appeal therefrom; provided that upon notice of dismissal, reversal or modification of the underlying conviction, penalty or order, the Board shall take appropriate action dismissing, modifying or reversing any sanctions imposed by the Board. Present and former Members of the Board, its officers, assistant officers, agents and employees shall not be personally liable for any damages resulting from the imposition of sanctions.

8.13 Appeals from Action of Board. Any person aggrieved by a final decision or action of the Board imposing sanctions hereunder, may appeal such decision or action in any court of competent jurisdiction, as provided in [State administrative procedures act].

8.14 Reissuance of Revoked or Suspended Certificate. The Board may reissue a certificate of registration which has previously been revoked, upon written application to the Board by the applicant made not less than three years after such revocation, showing good cause to justify such reissuance. The Board shall reissue a certificate of registration which has previously been suspended upon the end of the suspension period. The Board may impose reasonable conditions or limitations in connection with such reissuance.

9.1 Violations. Any person, firm or corporation who commits any of the following acts shall be guilty of a violation hereunder:

(a) practices, offers or attempts to practice geology or any specialty thereof not exempted by this chapter;

(b) in any manner makes use of the term "Registered Geologist", "R.G.", "Registered Engineering Geologist", "R.E.G." or claim any specialty in geology, as a professional, business or commercial identification, title, name, representation, claim or otherwise holds out to the public, as being registered to practice geology or any of its specialties;

(c) alters or revises any document, map or work signed or sealed by a registered geologist unless such alteration or revision is signed and sealed by a registered geologist, or changes or alters the name or seal of another registered geologist on any document, map or work; or otherwise impersonates another, or presents or attempts to use as his or her own or on his or her own work the certificate of registration or the seal of another;

(d) gives any false or forged evidence of any kind to the Board or to any member thereof in obtaining a certificate of registration;

(e) uses the seal or signs any document under a certificate of registration which has expired or has been suspended or revoked;

(f) manages, or conducts as manager, proprietor, or agent, any place of business from which geological work or specialty work, not exempted by this chapter, is offered, performed or practiced for others, unless such work is supervised or performed by a registered geologist or a geologist registered in a specialty, as applicable;

(g) uses geologic work for purposes in violation of the provisions of this chapter; or

(h) violates any of the provisions of this chapter or the rules of the Board.

9.2 Penalties. Any person convicted of a violation of this chapter shall be guilty of a [class \_\_\_ ] misdemeanor, punishable by a fine of not more than one thousand dollars (,000) or by imprisonment not to exceed three months, or both, for each offense.

## Miscellaneous and Temporary Provisions.

10.1 Effective Date. This chapter shall become effective on \_\_\_\_\_.

10.2 Repeal of Conflicting Legislation. The following chapters and Sections of the Code of \_\_\_\_\_ are hereby repealed, effective as of the effective date of this chapter. All other laws, statutes and regulations, or portions thereof, which are in conflict with this chapter are hereby repealed, effective as of the effective date of this chapter.

10.3 Special Provisions for Registration. An applicant who applies for registration within one year after this chapter becomes effective, shall be considered to be qualified for registration, without written examination, if the applicant possesses the following qualifications:

- (a) a specific record of graduation from an accredited institution of higher education with a Bachelor of Science or Bachelor of Arts or higher degree, with a major in geology granted by an accredited institution of higher education acceptable to the Board; or
- (b) graduation from an accredited institution of higher education in a four year academic degree program other than geology, but with the required number of course hours to qualify as a geologist or engineering geologist; and
- (c) experience consisting of a minimum of four years of professional practice in geology, of a character acceptable to the Board.

10.4 Special Provisions for Registration in a Specialty. An applicant who applies for registration in a specialty within one year after recognition of such specialty under this chapter becomes effective, shall be considered to be qualified for registration in that specialty, without further written examination, if the applicant:

- (a) is qualified for registration as a geologist in this State; and
- (b) has experience consisting of a minimum six years of professional practice in the applicable specialty of geology, of a character acceptable to the Board.

10.5 Qualifications of Initial Members of the Board. The geologists initially appointed to the Board under Section 3.3(a) shall be qualified for registration under Sections 10.3 and 10.4, as applicable.

10.6 Initial Terms of Office. Of the initial Board, two members shall each be appointed for terms of two years, two members shall each be appointed for terms of three years, and two members shall each be appointed for terms of four years. Thereafter, terms of office shall be as provided in Section 3.5.

10.7 Initial Appropriation. An appropriation from the General Fund in the amount of \_\_\_\_\_ is hereby made to establish the Geologists Fund. This amount shall be returned to the General Fund within a period of \_\_\_\_\_ under conditions prescribed by the [State Treasurer or other appropriate official].