

# STATE REGISTRATION AND LICENSING COMMITTEE REPORT

Rick L. Ericksen, Chair

The following information specifies the status of states with ongoing or the potential for legislative activity related to geologic registration/licensing activity current to mid-May, 2009. Included in this report are updates related to existing legislation subject to sunset provisions as well as legislation related to the modification of existing legislation regarding geologic licensure, registration and similar issues. If you know of any additional registration/licensure activity please contact me at 601/354-6370 or e-mail to [geology.board@msiscalixp01.ms.gov](mailto:geology.board@msiscalixp01.ms.gov)

Currently 29 states and one (1) U.S. territory have true practice regulation laws, two (2) states have title regulation acts, four (4) states have statutory definition, and nine (9) states have some form of certification (these include some states with registration, statutory definition, or title regulation).

As of the date of this report, there were 29 states whose legislatures were in session with California having an anticipated, upcoming special session. It appears that there is only one (1) state that is actively pursuing geologic licensure efforts at this time and that is the state of New York. However, several states that have enacted licensure/registration laws are/were subject to sunset provisions or have proposed revisions to their existing legislation. Several of the proposed bills deal with the inclusion of "Geologist In Training" or "Geologist Intern." These classifications provide an entry point into the licensure/registration process by those individuals who have degrees in geology but lack the requisite geological experience to be licensed or registered as professional geologists.

## **Legislative Updates:**

**Alabama** - HB 111, related to sunset provisions contained in the Alabama enabling legislation. While in the mandated sunset review, additional provisions were added to the Alabama law to require that those who were licensed to practice in that state must be United States citizens or legally present in the United States. This legislation was signed by the Governor on March 10, 2009.

**Florida** - HB 1413, sought through the DBFR to increase renewal period for licenses from biennially to quadrennially; authorized board or DBPR to require completion of certain continuing education requirements by inactive licensees seeking to regain active status; revised fees for approval of continuing education providers and courses to conform to quadrennial license renewal periods required by act, etc. This legislation was indefinitely postponed and withdrawn from consideration and died in the General Government Policy Council on 05/02/09.

Another legislative bill (SB 2598) sought to authorize a board or commission, or the department (of an agency of the state of Florida) if no such board or commission existed for a profession, to require the completion of certain continuing education requirements by inactive licensees seeking to regain active status. SB 2598 also increased the quadrennial fees for renewal of eligibility to provide certain continuing education courses and authorized certain persons to take the examination for licensure as a geologist, etc. This bill interestingly also included the provision that a person age eighteen (18) or older would be able to sit for the state's geologic competency examinations (ASBOG®) without

first having a degree in geology or any other level of higher education in any area whatsoever. This legislation was indefinitely postponed and withdrawn from consideration and subsequently died in Committee on Regulated Industries on 05/02/2009.

**Idaho** - HB 91 sought minor revisions to its existing geologist licensure legislation and significantly added the following provision: "...Administrative fines. The board may, pursuant to an order of discipline, require the payment of an administrative fine not to exceed one thousand dollars (\$1,000) for each violation of the provisions of this section or rules adopted hereunder.." This legislation was signed by the state's Governor and is effective as of 07/01/09.

Another bill (SB 1223) was proposed to require professionals, including licensed geologists, to provide geological site assessments of large swine and poultry feeding operations. The bill had its first reading in the Idaho Senate and was referred to its Agriculture Affairs Committee.

**Illinois** - HB 880 was introduced in the Illinois Legislature that amends the existing geologist licensure law to provide for the introduction of language establishing Geologist Interns. The bill has advanced to its 3rd reading.

**Kansas** - SB 29 dealt with minor housekeeping revisions to the existing multi-discipline licensure board in Kansas (engineers, surveyors, architects, geologists). It also provided for the inclusion of a Geologist Intern classification. The legislation was approved by the Kansas Governor on 04/17/2009.

**New Jersey** - Following last year's unsuccessful attempt to get geologic licensure/registration legislation enacted, Assembly Bills 1555 and 2962 were introduced along with Senate Bill 1897. These legislative bills, however not specifically geologist licensure acts, include provisions related to those who may be involved in certain site remediation work by establishing a professional licensing board within the New Jersey Department of Environmental Protection. It appears that the current, surviving legislation is Assembly Bill 2962. This legislation is still pending action in the Assembly and Senate.

**New Mexico** - Of related interest, HB 473 was introduced to allow for other qualified professionals, including geohydrologists, hydrologists, geologists, (and attorneys?) to hold the position of "state engineer." This legislation was referred to House Health & Government Affairs Committee on 01/29/2009 and no additional actions have yet to be reported..

**New York** - SB 1116 and SB 2784 were introduced to establish geologist licensure in New York State. The New York proponents of these and similar legislative bills have been trying to get geologist licensure legislation passed for well over the past decade. SB 1116 was referred to the Senate Higher Education Committee on 01/26/2009 and SB 2784 was set to be heard in the same committee on 05/13/2009.

**Oregon** - SB 145 was introduced and that legislation creates new provisions and amends the existing legislation of the State Board of Geologist Examiners whereby it would be able to, among other things, specify board authority to appoint individual registered geologists to perform services for the board. It also confers immunity from civil action, criminal prosecution or administrative agency proceedings to a person acting in good faith as complainant. There was a public hearing held on 02/03/2009. This legislation is still active.

**Pennsylvania** - HB 587 amends the existing Engineer, Land Surveyor and Geologist registration law to provide, in main part, for the definition of "geologist-in-training," and the use of the terms "engineer" and "engineering." This bill is set for 05/12/2009 with the House Professional Licensure Committee.

Also pending is HB 975 that also amends the Engineer, Land Surveyor and Geologist law by adding the requirement of mandatory continuing professional competency and education requirements; and further providing for practice by firms and corporations. This legislation is also to be heard by the House Professional Licensure Committee on 05/12/2009.

**Washington State** - it is of further interest to note that HB 1497 was introduced and has been referred to its State Government & Tribal Affairs Committee on 01/22/2009. This legislation proposes the elimination of all state boards and commissions (including the existing geology board). Passage is unlikely.

**Texas** - SB 940 (HB 2821, identical to SB version) is progressing through the Texas Legislature. These bills seek to modify the existing geoscientist legislation to add the following:

- 1) Allow the TBPG to initiate investigations on its own accord, sets forth procedures for same;
- 2) Establishes a Geologist In Training designation;
- 3) Establishes guidelines for the licensing/registration of geoscience firms doing business in Texas;
- 4) Establishes the procedures related to Board issued declaratory opinions.

### **Continuing Education Requirements - all states and DPA Board Certified**

Seven (7) states and the DPA's Board Certified designation all require continuing education and one (1) state (MS) has a voluntary continuing education program. Note if legislation regarding the implementation of mandatory continuing education is passed in PA the total number of states will then become eight (8).

**States with Registration-Licensure**

	<b><u>Year</u></b>
1) Alabama	1995
2) Arizona	1956
3) Arkansas	1988
4) California	1968
5) Carolina, N.	1983
6) Carolina, S.	1986
7) Delaware	1972
8) Florida	1988
9) Georgia	1975
10) Idaho	1971
11) Illinois	1995
12) Indiana	1998
13) Kansas	1997
14) Kentucky	1992
15) Maine	1973
16) Minnesota	1995
17) Mississippi	1997
18) Missouri	1994
19) Nebraska	1998
20) New Hampshire	2000
21) Oregon	1977
22) Pennsylvania	1993
23) Texas	2001
24) Utah	2002
25) Virginia (Voluntary)	1980
26) Washington	2000
27) Wisconsin	1994
28) Wyoming	1997
29) Puerto Rico (US Territory)	1997
30) Tennessee	2008

**States with Statutory Definition**

	<b><u>Year</u></b>
1) Colorado	1973
2) Michigan	1988
3) Nevada	1997
4) Oklahoma	1993

**States with Title Regulation**

	<b><u>Year</u></b>
1) Alaska	1980
2) Virginia	1981

**States with Certification Requirements**

1) Alaska
2) Connecticut
3) Iowa
4) Massachusetts
5) Missouri
6) Nevada
7) New Jersey
8) Texas
9) Virginia (voluntary registration)

**Note:** Please see refer to a one page summary of requirements/guidelines for each state that has licensure/registration laws in effect via the following URL:

[http://asbog.org/matrix/08%20AnMtgBk%20reg\\_matrix.xls.pdf](http://asbog.org/matrix/08%20AnMtgBk%20reg_matrix.xls.pdf)