

SB

587

COMMITTEE REPORT

SENATE

FURTHER:

Date: June 3, 1980

Mr. President:

The Committee on COMMERCE has had SB 587

relating to professional geologists

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 587  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Tom Kelly - No Pass

Charles H. ...

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\_\_\_\_\_

Paul Bradley  
CHAIRMAN

No Pass

*Jim McCaslin  
Brown*

February 28, 1980

MEMORANDUM

TO: Richard A. Bradley  
Legislative Counsel  
Legislative Affairs Agency

FROM: Rep. Fred Brown

Thank you for your memo of February 26, regarding this strange requirement of a "professional geologist."

Apparently because of the federal requirements involving certain coal mining and reclamation activities, the states may (is this your conclusion?) be required to have some method of designating "professional geologists."

In this age of Sunset, obviously, I am not interested in creating a brand new board with wide-ranging activities. While you are drafting a bill, please come up with the absolute bare minimum action required by the State in defining a professional geologist that you believe would meet the federal requirement.

Thank you very much for your attention to this matter.

FE:kfw

bcc: Dr. Jim McCaslin Brown

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 26, 1980

SUBJECT: Professional Geologists  
(Work Order Number 7353)

TO: Representative Fred E. Brown

FROM: Richard A. Bradley  
Legislative Counsel 

I have your memorandum of February 12, 1980, which I received February 21st.

On receipt of your memorandum, I read Public Law 95 - 87 again and finally discovered the phrase "professional geologist." It appears at 91 Stat. 476, in sec. 507(b)(14) of the bill. In context, the language requires that applications for "surface coal mining and reclamation permits" meet a number of requirements. Among the requirements, at paragraph (b)(14), the applicant is required to provide

"cross section maps or plans of the land to be affected including actual area to be mined, prepared by or under the direction of and certified by a qualified registered professional engineer, or professional geologist with assistance from experts in related fields such as land surveying and landscape architecture. . . ." (Emphasis added.)

The phrase is not defined in P.L. 95 - 87 and, by implication, the states are free to provide a definition.

Based on the information in the AIPG newsletter, I located the Indiana law that was said to be enacted responsive to P.L. 95 - 87. See Indiana Statutes 25-17.5-1-1 - 25-17.5-1-9, attached. That law gives the certification responsibility to the Department of Natural Resources. While I assume that in Indiana, as in Alaska, that department may more likely have geologists on its staff, there is no need to give DNR professional certification responsibility. I suggest that Commerce receive the responsibility.

Representative Fred E. Brown

Page 2

February 26, 1980

Note also that no testing is involved in the Indiana process. Rather, the department examines credentials and if the standards established in the law are met, the individual is issued a certificate which describes him as a "professional geologist" and permits the individual to describe himself as such.

There appears to be no present law in Alaska regarding the professional certification of geologists. The term is used in a number of areas of the code [AS 27.07.040, AS 31.05.-009, AS 38.05.181, and AS 41.08] but is apparently undefined otherwise.

If I understand your request, you want a bill prepared which is similar to the Indiana law. I will undertake to prepare such a bill with the responsibility given to DCED as suggested above, unless I hear from you to the contrary.

RAB:ljb

Enclosure

ARTICLE 17.5  
GEOLOGISTS

CHAPTER

- 1. CERTIFIED PROFESSIONAL GEOLOGISTS.  
25-17.5-1-1 — 25-17.5-1-9.

CHAPTER 1

CERTIFIED PROFESSIONAL GEOLOGISTS

SECTION.

- 25-17.5-1-1. Definitions.
- 25-17.5-1-2. Certification requirement.
- 25-17.5-1-3. Application — Form — Fee.
- 25-17.5-1-4. Qualifications.
- 25-17.5-1-5. Issuance of certificate.
- 25-17.5-1-6. Denial — Notice — Hearing.

SECTION.

- 25-17.5-1-7. Department to investigate applicants and violations.
- 25-17.5-1-8. Meaning of conviction — Department's authority upon conviction.
- 25-17.5-1-9. Prohibited acts — Penalty.

25-17.5-1-1. Definitions. — As used in this chapter:

"Department" means the department of natural resources.

"Certified professional geologist" means a geologist certified under this chapter.

"Geology" refers to that science which is based on investigation of the earth's crust and the rocks and other materials which compose it and which utilizes knowledge of the earth and its constituent rocks, minerals, liquids, gases, and other materials for the benefit of mankind.

"Qualified geologist" means a person who possesses all the qualifications to be a certified professional geologist under this chapter except that he is not certified.

"Responsible position" means a position requiring the exercise of independent control and direction and the use of initiative, skill, and independent judgment when performing geological work or when supervising such work. [IC 25-17.5-1-1, as added by Acts 1979, P.L. 245, § 1.]

25-17.5-1-2. Certification requirement. — After June 30, 1980, no person other than a certified professional geologist may stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a certified professional geologist, or use in any manner the title "professional geologist", "registered geologist" or "certified geologist" unless he is certified under this chapter. [IC 25-17.5-1-2, as added by Acts 1979, P.L. 245, § 1.]

25-17.5-1-3. Application — Form — Fee. — An application for certification as a professional geologist shall be made to the department on a form prescribed by the department and shall be accompanied by the application fee fixed by rules of the department. [IC 25-17.5-1-3, as added by Acts 1979, P.L. 245, § 1.]

25-17.5-1-4. Qualifications. — To be certified as a professional geologist, a person must be certified by the American Institute of Professional Geologists, or have the following qualifications:

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- (1) Be of good moral character.
- (2) Meet one of the following educational requirements fulfilled at a school or university whose geological curricula is accredited and meets the criteria established by rules of the department:
  - (A) Graduation with a major in geology; or
  - (B) Completion of thirty [30] semester hours in geological science courses leading to a major in geology, of which at least twenty-four [24] hours are in the third or fourth year, or graduate courses.
- (3) Meet one of the following work experience requirements:
  - (A) Three [3] years of professional geological work under the supervision of a certified professional geologist, except that prior to July 1, 1979, professional geological work qualifies under this subdivision if it was under the supervision of a qualified geologist; or
  - (B) Five [5] years' experience in a responsible position.
- (4) Have at least seven [7] years of professional geological work. Professional geological work does not include routine sampling, laboratory work, or geological drafting.
  - (A) Each year of undergraduate study in the geological sciences counts as one half [ $1/2$ ] year of professional geology work up to a maximum of two [2] years, and each year of graduate study or research counts as a year of professional geology work.
  - (B) Teaching in the geological sciences at college level counts as one [1] year of professional geology work, provided that the total teaching experience includes six [6] semester hours per semester, or equivalent if under another system, of third or fourth year or graduate courses.
  - (C) Credit for undergraduate study, graduate study, and teaching, separately, or in combination, may be used to exceed a total of four [4] years towards meeting the requirement of at least seven [7] years of professional geological work.
  - (D) The ability of the applicant must be demonstrated by his having performed his professional geological work in a responsible position. The adequacy of the required supervision and experience shall be determined by the department in accordance with standards set forth in rules adopted by it. [IC 25-17.5-1-4, as added by Acts 1979, P.L. 245, § 1.]

25-17.5-1-5. Issuance of certificate. — An applicant who meets the qualifications for certification under this chapter, upon payment of the certification fee, shall be issued a certificate as a professional geologist. [IC 25-17.5-1-5, as added by Acts 1979, P.L. 245, § 1.]

25-17.5-1-6. Denial — Notice — Hearing. — An applicant who is denied certification shall be notified in writing and informed of the reason for the denial. Within thirty [30] days after receipt of notice, the applicant may make written request to the department for a hearing which, if granted, shall be conducted as specified in IC 4-22-1 [4-22-1-1 — 4-22-1-30]. [IC 25-17.5-1-6, as added by Acts 1979, P.L. 245, § 1.]

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Cross Refere  
35-50-1-1 — 35  
35-50-5-2.

CHAPTER  
1. GOING ON  
BUSINESS

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SECTION.  
25-18-1-13. Crir  
25-18-1-19. Pen  
25-18-1-20. [Re]

25-18-1-13  
IC 35-43 13;  
governed by  
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271. § 13. p.

25-17.5-1-7. Department to investigate applicants and violations. — The department shall investigate applicants and violations of this chapter. [IC 25-17.5-1-7, as added by Acts 1979, P.L. 245, § 1.]

25-17.5-1-8. Meaning of conviction — Department's authority upon conviction. — A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or a crime involving moral turpitude is deemed to be a conviction within the meaning of this chapter. The department may order a certificate suspended or revoked or may decline to issue a certificate when the time for an appeal has elapsed, when the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence. [IC 25-17.5-1-8, as added by Acts 1979, P.L. 245, § 1.]

25-17.5-1-9. Prohibited acts — Penalty. — After June 30, 1980, any person who signs, stamps, or seals any plans, specifications, plats, reports, or other documents as a certified professional geologist, "registered geologist" or "certified geologist" without being certified under this chapter, or after his certificate has expired or has been suspended or revoked, commits a Class A infraction. [IC 25-17.5-1-9, as added by Acts 1979, P.L. 245, § 1.]

Cross References. Penalties for infractions,  
35-50-1-1 — 35-50-1-4, 35-50-4-1 — 35-50-4-4,  
35-50-5-2.

## ARTICLE 18

### GOING OUT OF BUSINESS, REMOVAL AND FIRE SALES

#### CHAPTER

1. GOING OUT OF BUSINESS, REMOVAL OF  
BUSINESS, FIRE OR OTHER ALTERED

GOODS SALE LICENSES (CLERK OF THE  
CIRCUIT COURT), 25-18-1-13, 25-18-1-19.

#### CHAPTER 1

GOING OUT OF BUSINESS, REMOVAL OF BUSINESS, FIRE OR  
OTHER ALTERED GOODS SALE LICENSES (CLERK OF  
THE CIRCUIT COURT)

#### SECTION.

25-18-1-13. Criminal acts voiding license.  
25-18-1-19. Penalty for violating chapter.  
25-18-1-20. [Repealed.]

25-18-1-13 [42-1522]. Criminal acts voiding license. — Any violation of IC 35-43 [35-43-1-1 — 35-43-5-5] by a seller in connection with a sale governed by this chapter also constitutes a violation of this chapter and automatically voids any license authorizing such a sale. [Acts 1965, ch. 271, § 13, p. 744; 1978, P.L. 2, § 2535, p. 2.]

Geologists

Ken Schowalter  
Soho lobby

~~114 - Barnett →~~

114 - Freeman

JAY S. HAMMOND, GOVERNOR

ALASKA OIL AND GAS CONSERVATION COMMISSION

May 30, 1980

3001 PORCUPINE DRIVE ANCHORAGE, ALASKA 99501

Hon. W.E. Bradley, Chairman, Senate Commerce Committee  
Hon. Bill Sumner, Chairman, Senate Resources Committee  
Hon. John Sackett, Chairman, Senate Finance Committee

Dear Senators:

We believe SB 587 discriminates against those working geologists who are not members of the American Institute of Professional Geologists (A.I.P.G) by requiring three years of experience to be under the supervision of a professional geologist, as narrowly defined in the bill. At the effective date of this bill, only those geologists certified by A.I.P.G. will be recognized as professional geologists under SB 587. This will require someone who is not a member of A.I.P.G. to have worked under the supervision of an A.I.P.G. member for three years to qualify on that date for certification by the Commissioner of Commerce and Economic Development. //

We suggest the following changes which will allow someone who has sufficient experience to qualify for certification.

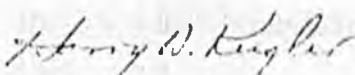
Sec. 08.53.020(a)(2) have seven years of experience in geological work. [, three of which were under the supervision of a professional geologist.]

Sec. 08.53.020(d) (new subsection) Three years after the effective date of this act, three years of the experience required in (a)(2) of this section must be under the supervision of a professional geologist.

Sec. 08.53.020 (e) (old subsection d).

We believe that with these changes geologists with many years of experience will be fully qualified to be certified directly by the Commissioner of Commerce and Economic Development, without having to join the A.I.P.G. Further, these changes will enable some geologists who are supervisors of other geologists to be recognized as professional geologists. This would expand the base of geologists who will eventually qualify for certification by the Commissioner.

Yours very truly,

  
Harry W. Kugler  
Commissioner

Bob Walker - drafted SB-587

add) Incl.  
08.01.010  
(22) geologists

Draft a CS SB-587

↙  
Satisfy Feds

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NO Licenses by State.

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 587

Title An Act relating to licensing of Professional Geologists

Requested by Commerce Committee : Date 6/3/80

II. FISCAL DETAIL

Agency Affected Commerce & Economic Development

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected Licensing and Regulation of Professions

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		-0-				
200 TRAVEL		-0-				
300 CONTRACTUAL		-0-				
400 COMMODITIES		-0-				
500 EQUIPMENT		-0-				
600 LAND & STRUCTURES		-0-				
700 GRANTS, CLAIMS, ETC.		-0-				
TOTAL		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS		-0-				
OTHER (Specify Fund Source)		-0-				

POSITIONS

FULL TIME		-0-				
PART TIME		-0-				
TEMPORARY		-0-				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The Department is able to absorb licensing of professional Geologists under the assumption that there will be no fees collected, no regulations promulgated, no investigations conducted and no board appointed.

IV. DATE 6/3/80

PREPARED BY

*Ann Griggs*  
Ann Griggs, Director

AGENCY Occupational Licensing

PHONE 465-2534

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)