

CHAPTER 140**(SB 162)**

AN ACT relating to registered geologists.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 322A.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Geology" means the science which treats the earth as a whole; the investigation, analysis, classification, and location of the rocks and other materials which compose the earth's crust; the study of minerals, gases, and liquids composing and contained within the earth's crust; and the study of geologic materials and processes;
- (2) "Geologist" means a person who is qualified by reason of his *or her* knowledge of the principles of geology, acquired by professional education and practical experience, to engage in the public practice of geology;
- (3) "Public practice of geology" means the performance of service to the public in connection with the geological description, location, or evaluation of earth materials, liquids, and gases and the natural processes acting upon them. The "public practice of geology" does not include:
 - (a) The practice of engineering or land surveying as defined in KRS Chapter 322; or
 - (b) Design recommendations, design, or plans related to the practice of engineering or land surveying as defined in KRS Chapter 322;~~{-}~~
- (4) "Registered geologist" means a person who is registered as a geologist under the provisions of this chapter;
- ~~(5) "Qualified geologist" means a person who possesses all the qualifications specified in KRS 322A.040 for registration except that he is not now registered in Kentucky; and~~
- ~~(6) "Board" means the Kentucky Board of Registration for Professional Geologists; and{-}~~
- ~~(6){(7)}~~ "Geologist-in-training" means an individual who has met the academic qualifications established by the board, who has successfully passed a written examination approved by the board demonstrating knowledge of the fundamentals of geology, and who has been enrolled by the board as a geologist-in-training.

➔Section 2. KRS 322A.020 is amended to read as follows:

- (1) There is created and established the Board of Registration for Professional Geologists, which shall administer the provisions of this chapter. All board members shall be residents of Kentucky and be appointed by the Governor. The~~{-initial}~~ board shall consist of *five (5) members, including* four (4) *registered*~~{qualified}~~ geologists, one (1) of whom shall be the state geologist *or his or her designee*, and one (1) member representing the public at large. *Except for the state geologist or his or her designee*~~{With the exception of the member representing the public at large, all subsequent board members shall be registered geologists. The initial terms of appointment, which shall be made within ninety (90) days of July 14, 1992, shall consist of one (1) member being appointed for a term of one (1) year, one (1) member being appointed for a term of two (2) years, one (1) member being appointed for a term of three (3) years, and one (1) member being appointed for a term of four (4) years. The fifth member shall always be the state geologist. Thereafter},~~ the term of the members of the board shall always be for four (4) years and until their successors are appointed and qualified.
- (2) Board members may succeed themselves. The Governor may remove any member from the board for misconduct, incompetence, neglect of duty, or for any good and sufficient cause, in the manner prescribed by law. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the Governor.
- (3) Three (3) members of the board shall constitute a quorum.
- (4) There shall be no liability on the part of and no cause of action of any nature shall arise against the board, or its agents, for any action taken in the performance of the board's powers and duties under this chapter.
- (5) The board shall elect from its members a chair and secretary each year.
- (6) At least thirty (30) days prior to the appointment date each year, the Governor shall receive a list of not more than three (3) nominations for board members from a joint committee of the Geological Society of Kentucky

and the Kentucky Section of the American Institute of Professional Geologists. The appointed members on the board shall be selected from the list submitted to the Governor by the joint committee.

- (7) While discharging duties associated with the board, including meetings of the board and its committees and necessary travel, each member shall receive compensation as established by administrative regulation of the board promulgated in accordance with KRS Chapter 13A. Members of the board shall be reimbursed for costs for actual travel~~er~~ and for incidental, clerical, and all other actual and necessary expenses incurred in the discharge of official duties associated with the board.

➔Section 3. KRS 322A.030 is amended to read as follows:

- (1) The board shall meet at least once each calendar year and at other times deemed necessary by the chair or a quorum of the board upon being given ten (10) days' notice.
- (2) A roster showing the names and places of business of all registered professional geologists shall be published by the secretary of the board each year. Copies of this roster shall be made available to each person registered, placed on file with the secretary of the board, and furnished to the public upon request.
- (3) The board shall pass upon the qualifications of applicants for registration.
- (4) The board shall require from applicants for registration evidence of their qualifications and shall judge each applicant on evidence of the applicant's professional competency and integrity in accordance with administrative regulations promulgated by the board.
- (5) The board may promulgate administrative regulations consistent with the provisions of this chapter appropriate and necessary to the conduct of its responsibilities and duties.
- (6) The board shall promulgate by administrative regulation a code of professional conduct, a copy of which shall be distributed to every registered geologist. Mailing of a copy of this code to persons listed in the roster maintained under subsection (2) of this section shall constitute due notice to all registrants. The board may revise and amend the code of ethics from time to time, subject to the consent of the majority of the registrants, and shall notify each registrant in writing of any revisions or amendments.
- (7) The board may take appropriate disciplinary action as provided for in KRS 322A.100, but only after written notice has been given the person concerned and the person is afforded an opportunity for a hearing to be conducted in accordance with KRS Chapter 13B.
- (8) Any person or organization may prefer charges of fraud, deceit, gross negligence, or misconduct against any registrant. The charges shall be in writing, shall be sworn to by the person or officer of the organization making them, and shall then be filed with the board.
- (9) Any *Kentucky resident*~~person~~ who feels aggrieved by any final order of the board may appeal to the ~~Franklin~~ Circuit Court *of the county where the person resides or where the person has his or her principal office* in accordance with KRS Chapter 13B. *Any out-of-state resident who feels aggrieved by any final order of the board may appeal to the Franklin Circuit Court in accordance with KRS Chapter 13B.*
- (10) The Attorney General or any assistants designated by him *or her* shall act as legal advisers to the board and render legal assistance as the board may from time to time require. The board may employ private counsel at its discretion. The cost of private counsel shall be paid exclusively from funds of the board.
- (11) The board shall establish and maintain necessary offices within this Commonwealth, employ personnel as necessary, and prescribe their duties and compensation.
- (12) *For the purposes of enforcing the provisions of this chapter, investigating complaints or suspected violations of this chapter, and notifying proper law enforcement authorities, the board may:*
 - (a) *Administer oaths;*
 - (b) *Receive evidence;*
 - (c) *Interview persons;*
 - (d) *Issue subpoenas; and*
 - (e) *Require production of books, papers, documents, or other evidence.*

➔Section 4. KRS 322A.040 is amended to read as follows:

- (1) In order to qualify for registration, an applicant shall meet all of the following requirements:

- (a) Successful completion of a minimum of thirty (30) semester hours or forty-five (45) quarter hours of course work in geology, culminating in a baccalaureate or advanced degree in geology, geophysics, geochemistry, or geological/geotechnical engineering from an accredited college or university. At the discretion of the board, courses dealing with applied geological science that are given under the auspices of an academic department other than geology may be considered toward the fulfillment of this requirement. ~~[During the twelve (12) month period beginning one hundred and eighty (180) days after July 14, 1992, the board may waive the education requirements for persons who derive their livelihood from the public practice of geology who do not meet the education requirements, but who can demonstrate to the satisfaction of the board their competency and who have at least eight (8) years of experience in geology.]~~
- (b) Five (5) years of experience in professional geologic work. Professional geologic work may include the instruction of geology at the college or university level, the geological research of persons at the college or university level, **and** geological work performed while in the employment of the United States, state, or local governments. In counting years of experience, the board may give one (1) year of credit each for a master's degree or doctoral degree in geology, geophysics, geochemistry, or geological/geotechnical engineering.
- (c) A passing score on an examination required by the board that has been designed to demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the public practice of geology.
- (d) Enrollment by the board as a geologist-in-training.
- (2) *Until July 31, 2015, any individual who serves in a geologic position or performs geologic work for a local or state government in this state may become a registered geologist under this chapter if the individual submits the proper application to the board and meets the requirements of subsection (1)(a), (b), and (c)* ~~[During the twelve (12) month period beginning one hundred and eighty (180) days after July 14, 1992, the board shall waive the examination requirement for applicants qualified by education and experience as provided in subsection (1)]~~ of this section.
- (3) Credit toward the experience and education requirements shall be subject to evaluation and approval by the board.
- (4) Documentation of competency and integrity may be required by the board.
- (5) Upon application, registration may be provided to those registered or certified as geologists in another state having standards at least equal to those provided in this section. ~~[During a twelve (12) month period beginning one hundred and eighty (180) days after July 14, 1992, registration may be provided to those holding a valid certification from the American Institute of Professional Geologists or the Division of Professional Affairs of the American Association of Petroleum Geologists.]~~

➔Section 5. KRS 322A.060 is amended to read as follows:

- (1) All certificates of registration shall expire **biennially** ~~[annually]~~ at a time and date designated by the board. The board shall notify every person registered under this chapter of the date of expiration of his **or her** certificate and the amount of the renewal fee which shall be fixed by the board.
- (2) When the renewal fee is not paid within ninety (90) days after the expiration date, that individual's certificate of registration shall be suspended and the name shall be deleted from the roster of the board until the renewal fee is paid.
- (3) When the renewal fee is not paid for **one (1) biennial period** ~~[two (2) annual periods]~~, that individual's certificate of registration shall be revoked and shall not be renewed. In the event that an individual whose registration has been revoked desires to be again registered, an application shall be submitted to the board and the individual shall be considered as a new applicant.

➔Section 6. KRS 322A.080 is amended to read as follows:

The following persons shall be exempt from the requirements of registration under this chapter:

- (1) (a) Officers and employees of the United States **government** ~~[, state or local governments]~~ while engaged in providing geological services for their **employment** ~~[employers]~~; **and**
- (b) ***Until July 31, 2015, officers and employees of state or local governments while engaged in providing geological services for their employment;***

- (2) Persons engaged solely in geologic research or the instruction of geology;
- (3) Professional engineers registered in this Commonwealth under KRS Chapter 322 who apply geology to the practice of engineering; or
- (4) Persons not engaged in the public practice of geology.

➔Section 7. KRS 322A.100 is amended to read as follows:

The board may suspend any registrant, refuse to renew or revoke the certificate of any registrant, reprimand any registrant,~~or~~ place any registrant on probation, **or impose an administrative fine of up to one thousand dollars (\$1,000) per violation** when the registrant is found guilty by the board of:

- (1) Fraud or deceit in obtaining a license;
- (2) Gross negligence, incompetence, or misconduct in the practice of geology;
- (3) Conviction by a court of law of **any felony**, a felony ~~or a crime~~ involving **sexual misconduct, or a crime where dishonesty is a necessary element**~~moral turpitude~~;
- (4) Violation of the code of ethics promulgated by the board; or
- (5) The commission of any unlawful act as set forth in KRS 322A.990.

Signed by Governor April 11, 2012.